



Sen. Wendell E. Jones

Filed: 2/28/2006

09400SB2960sam001

LRB094 18100 RLC 56701 a

1 AMENDMENT TO SENATE BILL 2960

2 AMENDMENT NO. _____. Amend Senate Bill 2960 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Sections 11-9.3, 11-9.4, 11-19.2, 12-13, and 12-14.1
6 as follows:

7 (720 ILCS 5/11-9.3)

8 Sec. 11-9.3. Presence within school zone by child sex
9 offenders prohibited.

10 (a) It is unlawful for a child sex offender to knowingly be
11 present in any school building, on real property comprising any
12 school, or in any conveyance owned, leased, or contracted by a
13 school to transport students to or from school or a school
14 related activity when persons under the age of 18 are present
15 in the building, on the grounds or in the conveyance, unless
16 the offender is a parent or guardian of a student attending the
17 school and the parent or guardian is: (i) attending a
18 conference at the school with school personnel to discuss the
19 progress of his or her child academically or socially, (ii)
20 participating in child review conferences in which evaluation
21 and placement decisions may be made with respect to his or her
22 child regarding special education services, or (iii) attending
23 conferences to discuss other student issues concerning his or
24 her child such as retention and promotion and notifies the

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

17 Nothing in this Section shall be construed to infringe upon
18 the constitutional right of a child sex offender to be present
19 in a school building that is used as a polling place for the
20 purpose of voting.

21 (1) (Blank; or)

22 (2) (Blank.)

23 (b) Except as otherwise provided in subsection (b-1), it ~~is~~
24 is unlawful for a child sex offender to knowingly loiter within
25 500 feet of a school building or real property comprising any
26 school while persons under the age of 18 are present in the
27 building or on the grounds, unless the offender is a parent or
28 guardian of a student attending the school and the parent or
29 guardian is: (i) attending a conference at the school with
30 school personnel to discuss the progress of his or her child
31 academically or socially, (ii) participating in child review
32 conferences in which evaluation and placement decisions may be
33 made with respect to his or her child regarding special
34 education services, or (iii) attending conferences to discuss

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

18 (b-1) It is unlawful for a child sex offender who committed
19 any of the following offenses under this Code to knowingly
20 loiter within 1,000 feet of a school building or real property
21 comprising any school while persons under the age of 18 are
22 present in the building or on the grounds, unless the offender
23 is a parent or guardian of a student attending the school and
24 the parent or guardian is: (i) attending a conference at the
25 school with school personnel to discuss the progress of his or
26 her child academically or socially, (ii) participating in child
27 review conferences in which evaluation and placement decisions
28 may be made with respect to his or her child regarding special
29 education services, or (iii) attending conferences to discuss
30 other student issues concerning his or her child such as
31 retention and promotion and notifies the principal of the
32 school of his or her presence at the school or has permission
33 to be present from the superintendent or the school board or in
34 the case of a private school from the principal. In the case of

1 a public school, if permission is granted, the superintendent
2 or school board president must inform the principal of the
3 school where the sex offender will be present. Notification
4 includes the nature of the sex offender's visit and the hours
5 in which the sex offender will be present in the school. The
6 sex offender is responsible for notifying the principal's
7 office when he or she arrives on school property and when he or
8 she departs from school property. If the sex offender is to be
9 present in the vicinity of children, the sex offender has the
10 duty to remain under the direct supervision of a school
11 official. A child sex offender who violates this provision is
12 guilty of a Class 4 felony. The offenses for which this
13 subsection (b-1) apply are:

14 (1) Section 11-6 (indecent solicitation of a child);

15 (2) Section 11-6.5 (indecent solicitation of an
16 adult);

17 (3) Section 11-9.1 (sexual exploitation of a child);

18 (4) Section 11-14.1 (predatory criminal sexual assault
19 of a child);

20 (5) Section 11-15.1 (soliciting for a juvenile
21 prostitute);

22 (6) Section 11-19.2 (exploitation of a child); or

23 (7) Section 11-20.1 (child pornography).

24 (1) (Blank; or)

25 (2) (Blank.)

26 (b-5) Except as otherwise provided in subsection (b-6), it
27 ~~It~~ is unlawful for a child sex offender to knowingly reside
28 within 500 feet of a school building or the real property
29 comprising any school that persons under the age of 18 attend.
30 Nothing in this subsection (b-5) prohibits a child sex offender
31 from residing within 500 feet of a school building or the real
32 property comprising any school that persons under 18 attend if
33 the property is owned by the child sex offender and was
34 purchased before the effective date of this amendatory Act of

1 the 91st General Assembly.

2 (b-6) It is unlawful for a child sex offender who committed
3 any of the following offenses under this Code to knowingly
4 reside within 1,000 feet of a school building or the real
5 property comprising any school that persons under the age of 18
6 attend:

7 (1) Section 11-6 (indecent solicitation of a child);

8 (2) Section 11-6.5 (indecent solicitation of an
9 adult);

10 (3) Section 11-9.1 (sexual exploitation of a child);

11 (4) Section 11-14.1 (predatory criminal sexual assault
12 of a child);

13 (5) Section 11-15.1 (soliciting for a juvenile
14 prostitute);

15 (6) Section 11-19.2 (exploitation of a child); or

16 (7) Section 11-20.1 (child pornography).

17 Nothing in this subsection (b-6) prohibits a child sex
18 offender from residing within 500 to 1,000 feet of a school
19 building or the real property comprising any school that
20 persons under 18 attend if the property is owned by the child
21 sex offender and was purchased before the effective date of
22 this amendatory Act of the 94th General Assembly.

23 (c) Definitions. In this Section:

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

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

30 (A) is convicted of such offense or an attempt
31 to commit such offense; or

32 (B) is found not guilty by reason of insanity
33 of such offense or an attempt to commit such
34 offense; or

1 (C) is found not guilty by reason of insanity
2 pursuant to subsection (c) of Section 104-25 of the
3 Code of Criminal Procedure of 1963 of such offense
4 or an attempt to commit such offense; or

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

11 (E) is found not guilty by reason of insanity
12 following a hearing conducted pursuant to a
13 federal law or the law of another state
14 substantially similar to subsection (c) of Section
15 104-25 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
19 in an acquittal at a hearing conducted pursuant to
20 a federal law or the law of another state
21 substantially similar to subsection (a) of Section
22 104-25 of the Code of Criminal Procedure of 1963
23 for the alleged violation or attempted commission
24 of such offense; or

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

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

34 Convictions that result from or are connected with the

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

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

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

30 (ii) A violation of any of the following Sections
31 of the Criminal Code of 1961, when the victim is a
32 person under 18 years of age: 12-13 (criminal sexual
33 assault), 12-14 (aggravated criminal sexual assault),
34 12-15 (criminal sexual abuse), 12-16 (aggravated

1 criminal sexual abuse). An attempt to commit any of
2 these offenses.

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

7 10-1 (kidnapping),

8 10-2 (aggravated kidnapping),

9 10-3 (unlawful restraint),

10 10-3.1 (aggravated unlawful restraint).

11 An attempt to commit any of these offenses.

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

15 (2.5) For the purposes of subsection (b-5) only, a sex
16 offense means:

17 (i) A violation of any of the following Sections of
18 the Criminal Code of 1961:

19 10-5(b)(10) (child luring), 10-7 (aiding and

20 abetting child abduction under Section

21 10-5(b)(10)), 11-6 (indecent solicitation of a

22 child), 11-6.5 (indecent solicitation of an

23 adult), 11-15.1 (soliciting for a juvenile

24 prostitute), 11-17.1 (keeping a place of juvenile

25 prostitution), 11-18.1 (patronizing a juvenile

26 prostitute), 11-19.1 (juvenile pimping), 11-19.2

27 (exploitation of a child), 11-20.1 (child

28 pornography), 12-14.1 (predatory criminal sexual

29 assault of a child), or 12-33 (ritualized abuse of

30 a child). An attempt to commit any of these

31 offenses.

32 (ii) A violation of any of the following Sections
33 of the Criminal Code of 1961, when the victim is a
34 person under 18 years of age: 12-13 (criminal sexual

1 assault), 12-14 (aggravated criminal sexual assault),
2 12-16 (aggravated criminal sexual abuse), and
3 subsection (a) of Section 12-15 (criminal sexual
4 abuse). An attempt to commit any of these offenses.

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

- 9 10-1 (kidnapping),
10 10-2 (aggravated kidnapping),
11 10-3 (unlawful restraint),
12 10-3.1 (aggravated unlawful restraint).

13 An attempt to commit any of these offenses.

14 (iv) A violation of any former law of this State
15 substantially equivalent to any offense listed in this
16 paragraph (2.5) of this subsection.

17 (3) A conviction for an offense of federal law or the
18 law of another state that is substantially equivalent to
19 any offense listed in paragraph (2) of subsection (c) of
20 this Section shall constitute a conviction for the purpose
21 of this Article. A finding or adjudication as a sexually
22 dangerous person under any federal law or law of another
23 state that is substantially equivalent to the Sexually
24 Dangerous Persons Act shall constitute an adjudication for
25 the purposes of this Section.

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

28 (5) "Loiter" means:

29 (i) Standing, sitting idly, whether or not the
30 person is in a vehicle or remaining in or around school
31 property.

32 (ii) Standing, sitting idly, whether or not the
33 person is in a vehicle or remaining in or around school
34 property, for the purpose of committing or attempting

1 to commit a sex offense.

2 (iii) Entering or remaining in a building in or
3 around school property, other than the offender's
4 residence.

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

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

10 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
11 94-170, eff. 7-11-05; revised 8-19-05.)

12 (720 ILCS 5/11-9.4)

13 Sec. 11-9.4. Approaching, contacting, residing, or
14 communicating with a child within certain places by child sex
15 offenders prohibited.

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

23 (b) Except as otherwise provided in subsection (b-1), it ~~is~~
24 is unlawful for a child sex offender to knowingly loiter on a
25 public way within 500 feet of a public park building or real
26 property comprising any public park while persons under the age
27 of 18 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 person
30 under 18 years of age present in the building or on the
31 grounds.

32 (b-1) It is unlawful for a child sex offender who committed
33 the following offenses under this Code to knowingly loiter on a

1 public way within 1,000 feet of a public park building or real
2 property comprising any public park while persons under the age
3 of 18 are present in the building or on the grounds and to
4 approach, contact, or communicate with a child under 18 years
5 of age, unless the offender is a parent or guardian of a person
6 under 18 years of age present in the building or on the
7 grounds:

8 (1) Section 11-6 (indecent solicitation of a child);

9 (2) Section 11-6.5 (indecent solicitation of an
10 adult);

11 (3) Section 11-9.1 (sexual exploitation of a child);

12 (4) Section 11-14.1 (predatory criminal sexual assault
13 of a child);

14 (5) Section 11-15.1 (soliciting for a juvenile
15 prostitute);

16 (6) Section 11-19.2 (exploitation of a child); or

17 (7) Section 11-20.1 (child pornography).

18 (b-5) Except as otherwise provided in subsection (b-7), it
19 ~~It~~ is unlawful for a child sex offender to knowingly reside
20 within 500 feet of a playground or a facility providing
21 programs or services exclusively directed toward persons under
22 18 years of age. Nothing in this subsection (b-5) prohibits a
23 child sex offender from residing within 500 feet of a
24 playground or a facility providing programs or services
25 exclusively directed toward persons under 18 years of age if
26 the property is owned by the child sex offender and was
27 purchased before the effective date of this amendatory Act of
28 the 91st General Assembly.

29 (b-6) Except as otherwise provided in subsection (b-8), it
30 ~~It~~ is unlawful for a child sex offender to knowingly reside
31 within 500 feet of the victim of the sex offense. Nothing in
32 this subsection (b-6) prohibits a child sex offender from
33 residing within 500 feet of the victim if the property in which
34 the child sex offender resides is owned by the child sex

1 offender and was purchased before the effective date of this
2 amendatory Act of the 92nd General Assembly.

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

5 (b-7) It is unlawful for a child sex offender who committed
6 the following offenses to knowingly reside within 1,000 feet of
7 a playground or a facility providing programs or services
8 exclusively directed toward persons under 18 years of age:

9 (1) Section 11-6 (indecent solicitation of a child);

10 (2) Section 11-6.5 (indecent solicitation of an
11 adult);

12 (3) Section 11-9.1 (sexual exploitation of a child);

13 (4) Section 11-14.1 (predatory criminal sexual assault
14 of a child);

15 (5) Section 11-15.1 (soliciting for a juvenile
16 prostitute);

17 (6) Section 11-19.2 (exploitation of a child); or

18 (7) Section 11-20.1 (child pornography).

19 Nothing in this subsection (b-7) prohibits a child sex
20 offender from residing within 500 to 1,000 feet of a playground
21 or a facility providing programs or services exclusively
22 directed toward persons under 18 years of age if the property
23 is owned by the child sex offender and was purchased before the
24 effective date of this amendatory Act of the 94th General
25 Assembly.

26 (b-8) It is unlawful for a child sex offender who committed
27 the following offenses under this Code to knowingly reside
28 within 1,000 feet of the victim of the sex offense:

29 (1) Section 11-6 (indecent solicitation of a child);

30 (2) Section 11-6.5 (indecent solicitation of an
31 adult);

32 (3) Section 11-9.1 (sexual exploitation of a child);

33 (4) Section 11-14.1 (predatory criminal sexual assault
34 of a child);

1 (5) Section 11-15.1 (soliciting for a juvenile
2 prostitute);

3 (6) Section 11-19.2 (exploitation of a child); or

4 (7) Section 11-20.1 (child pornography).

5 Nothing in this subsection (b-8) prohibits a child sex
6 offender from residing within 500 to 1,000 feet of the victim
7 if the property in which the child sex offender resides is
8 owned by the child sex offender and was purchased before the
9 effective date of this amendatory Act of the 94th General
10 Assembly.

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

13 (c) It is unlawful for a child sex offender to knowingly
14 operate, manage, be employed by, volunteer at, be associated
15 with, or knowingly be present at any facility providing
16 programs or services exclusively directed towards persons
17 under the age of 18. This does not prohibit a child sex
18 offender from owning the real property upon which the programs
19 or services are offered, provided the child sex offender
20 refrains from being present on the premises for the hours
21 during which the programs or services are being offered.

22 (d) Definitions. In this Section:

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

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

29 (A) is convicted of such offense or an attempt
30 to commit such offense; or

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

34 (C) is found not guilty by reason of insanity

1 pursuant to subsection (c) of Section 104-25 of the
2 Code of Criminal Procedure of 1963 of such offense
3 or an attempt to commit such offense; or

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

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

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

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

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

33 Convictions that result from or are connected with the
34 same act, or result from offenses committed at the same

1 time, shall be counted for the purpose of this Section as
2 one conviction. Any conviction set aside pursuant to law is
3 not a conviction for purposes of this Section.

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

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

30 (ii) A violation of any of the following Sections
31 of the Criminal Code of 1961, when the victim is a
32 person under 18 years of age: 12-13 (criminal sexual
33 assault), 12-14 (aggravated criminal sexual assault),
34 12-15 (criminal sexual abuse), 12-16 (aggravated

1 criminal sexual abuse). An attempt to commit any of
2 these offenses.

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

7 10-1 (kidnapping),

8 10-2 (aggravated kidnapping),

9 10-3 (unlawful restraint),

10 10-3.1 (aggravated unlawful restraint).

11 An attempt to commit any of these offenses.

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

15 (2.5) For the purposes of subsection (b-5) only, a sex
16 offense means:

17 (i) A violation of any of the following Sections of
18 the Criminal Code of 1961:

19 10-5(b)(10) (child luring), 10-7 (aiding and

20 abetting child abduction under Section

21 10-5(b)(10)), 11-6 (indecent solicitation of a

22 child), 11-6.5 (indecent solicitation of an

23 adult), 11-15.1 (soliciting for a juvenile

24 prostitute), 11-17.1 (keeping a place of juvenile

25 prostitution), 11-18.1 (patronizing a juvenile

26 prostitute), 11-19.1 (juvenile pimping), 11-19.2

27 (exploitation of a child), 11-20.1 (child

28 pornography), 12-14.1 (predatory criminal sexual

29 assault of a child), or 12-33 (ritualized abuse of

30 a child). An attempt to commit any of these

31 offenses.

32 (ii) A violation of any of the following Sections
33 of the Criminal Code of 1961, when the victim is a
34 person under 18 years of age: 12-13 (criminal sexual

1 assault), 12-14 (aggravated criminal sexual assault),
2 12-16 (aggravated criminal sexual abuse), and
3 subsection (a) of Section 12-15 (criminal sexual
4 abuse). An attempt to commit any of these offenses.

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

9 10-1 (kidnapping),
10 10-2 (aggravated kidnapping),
11 10-3 (unlawful restraint),
12 10-3.1 (aggravated unlawful restraint).

13 An attempt to commit any of these offenses.

14 (iv) A violation of any former law of this State
15 substantially equivalent to any offense listed in this
16 paragraph (2.5) of this subsection.

17 (3) A conviction for an offense of federal law or the
18 law of another state that is substantially equivalent to
19 any offense listed in paragraph (2) of this subsection (d)
20 shall constitute a conviction for the purpose of this
21 Section. A finding or adjudication as a sexually dangerous
22 person under any federal law or law of another state that
23 is substantially equivalent to the Sexually Dangerous
24 Persons Act shall constitute an adjudication for the
25 purposes of this Section.

26 (4) "Public park" includes a park, forest preserve, or
27 conservation area under the jurisdiction of the State or a
28 unit of local government.

29 (5) "Facility providing programs or services directed
30 towards persons under the age of 18" means any facility
31 providing programs or services exclusively directed
32 towards persons under the age of 18.

33 (6) "Loiter" means:

34 (i) Standing, sitting idly, whether or not the

1 person is in a vehicle or remaining in or around public
2 park property.

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

7 (7) "Playground" means a piece of land owned or
8 controlled by a unit of local government that is designated
9 by the unit of local government for use solely or primarily
10 for children's recreation.

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

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

15 (720 ILCS 5/11-19.2) (from Ch. 38, par. 11-19.2)

16 Sec. 11-19.2. Exploitation of a child.

17 (A) A person commits exploitation of a child when he or she
18 confines a child under the age of 16 or a severely or
19 profoundly mentally retarded person against his or her will by
20 the infliction or threat of imminent infliction of great bodily
21 harm, permanent disability or disfigurement or by
22 administering to the child or severely or profoundly mentally
23 retarded person without his or her consent or by threat or
24 deception and for other than medical purposes, any alcoholic
25 intoxicant or a drug as defined in the Illinois Controlled
26 Substances Act or the Cannabis Control Act or methamphetamine
27 as defined in the Methamphetamine Control and Community
28 Protection Act and:

29 (1) compels the child or severely or profoundly
30 mentally retarded person to become a prostitute; or

31 (2) arranges a situation in which the child or severely
32 or profoundly mentally retarded person may practice
33 prostitution; or

1 (3) receives any money, property, token, object, or
2 article or anything of value from the child or severely or
3 profoundly mentally retarded person knowing it was
4 obtained in whole or in part from the practice of
5 prostitution.

6 (B) For purposes of this Section, administering drugs, as
7 defined in subsection (A), or an alcoholic intoxicant to a
8 child under the age of 13 or a severely or profoundly mentally
9 retarded person shall be deemed to be without consent if such
10 administering is done without the consent of the parents or
11 legal guardian.

12 (C) Exploitation of a child is a Class X felony for which
13 the person shall be sentenced to a term of imprisonment of not
14 less than 30 years and not more than 60 years.

15 (D) Any person convicted under this Section is subject to
16 the forfeiture provisions of Section 11-20.1A of this Act.

17 (Source: P.A. 94-556, eff. 9-11-05.)

18 (720 ILCS 5/12-13) (from Ch. 38, par. 12-13)
19 Sec. 12-13. Criminal Sexual Assault.

20 (a) The accused commits criminal sexual assault if he or
21 she:

22 (1) commits an act of sexual penetration by the use of
23 force or threat of force; or

24 (2) commits an act of sexual penetration and the
25 accused knew that the victim was unable to understand the
26 nature of the act or was unable to give knowing consent; or

27 (3) commits an act of sexual penetration with a victim
28 who was under 18 years of age when the act was committed
29 and the accused was a family member; or

30 (4) commits an act of sexual penetration with a victim
31 who was at least 13 years of age but under 18 years of age
32 when the act was committed and the accused was 17 years of
33 age or over and held a position of trust, authority or

1 supervision in relation to the victim.

2 (b) Sentence.

3 (1) Criminal sexual assault is a Class 1 felony.

4 (2) Except as otherwise provided in paragraph (3) of
5 this subsection (b), a ~~A~~ person who is convicted of the
6 offense of criminal sexual assault as defined in paragraph
7 (a) (1) or (a) (2) after having previously been convicted of
8 a sex offense as defined in Section 2 of the Sex Offender
9 Registration Act ~~the offense of criminal sexual assault, or~~
10 ~~who is convicted of the offense of criminal sexual assault~~
11 ~~as defined in paragraph (a) (1) or (a) (2) after having~~
12 ~~previously been convicted under the laws of this State or~~
13 ~~any other state of an offense that is substantially~~
14 ~~equivalent to the offense of criminal sexual assault,~~
15 commits a Class X felony for which the person shall be
16 sentenced to a term of imprisonment of not less than 30
17 years and not more than 60 years. The commission of the
18 second or subsequent offense is required to have been after
19 the initial conviction for this paragraph (2) to apply.

20 (3) A person who is convicted of the offense of
21 criminal sexual assault as defined in paragraph (a) (1) or
22 (a) (2) after having previously been convicted of the
23 offense of aggravated criminal sexual assault or the
24 offense of predatory criminal sexual assault of a child, or
25 who is convicted of the offense of criminal sexual assault
26 as defined in paragraph (a) (1) or (a) (2) after having
27 previously been convicted under the laws of this State or
28 any other state of an offense that is substantially
29 equivalent to the offense of aggravated criminal sexual
30 assault or the offense of criminal predatory sexual assault
31 shall be sentenced to a term of natural life imprisonment.
32 The commission of the second or subsequent offense is
33 required to have been after the initial conviction for this
34 paragraph (3) to apply.

1 (4) A second or subsequent conviction for a violation
2 of paragraph (a) (3) or (a) (4) or under any similar statute
3 of this State or any other state for any offense involving
4 criminal sexual assault that is substantially equivalent
5 to or more serious than the sexual assault prohibited under
6 paragraph (a) (3) or (a) (4) is a Class X felony.

7 (5) When a person has any such prior conviction, the
8 information or indictment charging that person shall state
9 such prior conviction so as to give notice of the State's
10 intention to treat the charge as a Class X felony. The fact
11 of such prior conviction is not an element of the offense
12 and may not be disclosed to the jury during trial unless
13 otherwise permitted by issues properly raised during such
14 trial.

15 (Source: P.A. 90-396, eff. 1-1-98.)

16 (720 ILCS 5/12-14.1)

17 Sec. 12-14.1. Predatory criminal sexual assault of a child.

18 (a) The accused commits predatory criminal sexual assault
19 of a child if:

20 (1) the accused was 17 years of age or over and commits
21 an act of sexual penetration with a victim who was under 13
22 years of age when the act was committed; or

23 (1.1) the accused was 17 years of age or over and,
24 while armed with a firearm, commits an act of sexual
25 penetration with a victim who was under 13 years of age
26 when the act was committed; or

27 (1.2) the accused was 17 years of age or over and
28 commits an act of sexual penetration with a victim who was
29 under 13 years of age when the act was committed and,
30 during the commission of the offense, the accused
31 personally discharged a firearm; or

32 (2) the accused was 17 years of age or over and commits
33 an act of sexual penetration with a victim who was under 13

1 years of age when the act was committed and the accused
2 caused great bodily harm to the victim that:

3 (A) resulted in permanent disability; or

4 (B) was life threatening; or

5 (3) the accused was 17 years of age or over and commits
6 an act of sexual penetration with a victim who was under 13
7 years of age when the act was committed and the accused
8 delivered (by injection, inhalation, ingestion, transfer
9 of possession, or any other means) to the victim without
10 his or her consent, or by threat or deception, and for
11 other than medical purposes, any controlled substance.

12 (b) Sentence.

13 (1) A person convicted of a violation of subsection
14 (a)(1) commits a Class X felony for which the person shall
15 be sentenced to a term of imprisonment of not less than 30
16 years and not more than 60 years. A person convicted of a
17 violation of subsection (a)(1.1) commits a Class X felony
18 for which 15 years shall be added to the term of
19 imprisonment imposed by the court. A person convicted of a
20 violation of subsection (a)(1.2) commits a Class X felony
21 for which 20 years shall be added to the term of
22 imprisonment imposed by the court. A person convicted of a
23 violation of subsection (a)(2) commits a Class X felony for
24 which the person shall be sentenced to a term of
25 imprisonment of not less than 50 years or up to a term of
26 natural life imprisonment.

27 (1.1) A person convicted of a violation of subsection
28 (a)(3) commits a Class X felony for which the person shall
29 be sentenced to a term of imprisonment of not less than 50
30 years and not more than 60 years.

31 (1.2) A person convicted of predatory criminal sexual
32 assault of a child committed against 2 or more persons
33 regardless of whether the offenses occurred as the result
34 of the same act or of several related or unrelated acts

1 shall be sentenced to a term of natural life imprisonment.

2 (2) A person who is convicted of a second or subsequent
3 offense of predatory criminal sexual assault of a child, or
4 who is convicted of the offense of predatory criminal
5 sexual assault of a child after having previously been
6 convicted of the offense of criminal sexual assault or the
7 offense of aggravated criminal sexual assault, or who is
8 convicted of the offense of predatory criminal sexual
9 assault of a child after having previously been convicted
10 under the laws of this State or any other state of an
11 offense that is substantially equivalent to the offense of
12 predatory criminal sexual assault of a child, the offense
13 of aggravated criminal sexual assault or the offense of
14 criminal sexual assault, shall be sentenced to a term of
15 natural life imprisonment. The commission of the second or
16 subsequent offense is required to have been after the
17 initial conviction for this paragraph (2) to apply.

18 (Source: P.A. 91-238, eff. 1-1-00; 91-404, eff. 1-1-00; 92-16,
19 eff. 6-28-01.)

20 Section 10. The Unified Code of Corrections is amended by
21 changing Sections 3-3-7, 3-6-3, 5-6-1 and by adding Sections
22 3-19-15 and 5-8A-6 as follows:

23 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

24 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
25 Release.

26 (a) The conditions of parole or mandatory supervised
27 release shall be such as the Prisoner Review Board deems
28 necessary to assist the subject in leading a law-abiding life.
29 The conditions of every parole and mandatory supervised release
30 are that the subject:

31 (1) not violate any criminal statute of any
32 jurisdiction during the parole or release term;

1 (2) refrain from possessing a firearm or other
2 dangerous weapon;

3 (3) report to an agent of the Department of
4 Corrections;

5 (4) permit the agent to visit him or her at his or her
6 home, employment, or elsewhere to the extent necessary for
7 the agent to discharge his or her duties;

8 (5) attend or reside in a facility established for the
9 instruction or residence of persons on parole or mandatory
10 supervised release;

11 (6) secure permission before visiting or writing a
12 committed person in an Illinois Department of Corrections
13 facility;

14 (7) report all arrests to an agent of the Department of
15 Corrections as soon as permitted by the arresting authority
16 but in no event later than 24 hours after release from
17 custody;

18 (7.5) if convicted of a sex offense as defined in the
19 Sex Offender Management Board Act, the individual shall
20 undergo and successfully complete sex offender treatment
21 conducted in conformance with the standards developed by
22 the Sex Offender Management Board Act by a treatment
23 provider approved by the Board;

24 (7.6) if convicted of a sex offense as defined in the
25 Sex Offender Management Board Act, refrain from residing at
26 the same address or in the same condominium unit or
27 apartment unit or in the same condominium complex or
28 apartment complex with another person he or she knows or
29 reasonably should know is a convicted sex offender or has
30 been placed on supervision for a sex offense; the
31 provisions of this paragraph do not apply to a person
32 convicted of a sex offense who is placed in a Department of
33 Corrections licensed transitional housing facility for sex
34 offenders, or is in any facility operated or licensed by

1 the Department of Children and Family Services or by the
2 Department of Human Services, or is in any licensed medical
3 facility;

4 (7.7) if convicted for an offense that would qualify
5 the accused as a sexual predator under the Sex Offender
6 Registration Act on or after the effective date of this
7 amendatory Act of the 94th General Assembly, wear an
8 approved electronic monitoring device as defined in
9 Section 5-8A-2 for the duration of the person's parole,
10 mandatory supervised release term, or extended mandatory
11 supervised release term;

12 (8) obtain permission of an agent of the Department of
13 Corrections before leaving the State of Illinois;

14 (9) obtain permission of an agent of the Department of
15 Corrections before changing his or her residence or
16 employment;

17 (10) consent to a search of his or her person,
18 property, or residence under his or her control;

19 (11) refrain from the use or possession of narcotics or
20 other controlled substances in any form, or both, or any
21 paraphernalia related to those substances and submit to a
22 urinalysis test as instructed by a parole agent of the
23 Department of Corrections;

24 (12) not frequent places where controlled substances
25 are illegally sold, used, distributed, or administered;

26 (13) not knowingly associate with other persons on
27 parole or mandatory supervised release without prior
28 written permission of his or her parole agent and not
29 associate with persons who are members of an organized gang
30 as that term is defined in the Illinois Streetgang
31 Terrorism Omnibus Prevention Act;

32 (14) provide true and accurate information, as it
33 relates to his or her adjustment in the community while on
34 parole or mandatory supervised release or to his or her

1 conduct while incarcerated, in response to inquiries by his
2 or her parole agent or of the Department of Corrections;

3 (15) follow any specific instructions provided by the
4 parole agent that are consistent with furthering
5 conditions set and approved by the Prisoner Review Board or
6 by law, exclusive of placement on electronic detention, to
7 achieve the goals and objectives of his or her parole or
8 mandatory supervised release or to protect the public.
9 These instructions by the parole agent may be modified at
10 any time, as the agent deems appropriate; and

11 (16) if convicted of a sex offense as defined in
12 subsection (a-5) of Section 3-1-2 of this Code, unless the
13 offender is a parent or guardian of the person under 18
14 years of age present in the home and no non-familial minors
15 are present, not participate in a holiday event involving
16 children under 18 years of age, such as distributing candy
17 or other items to children on Halloween, wearing a Santa
18 Claus costume on or preceding Christmas, being employed as
19 a department store Santa Claus, or wearing an Easter Bunny
20 costume on or preceding Easter.

21 (b) The Board may in addition to other conditions require
22 that the subject:

23 (1) work or pursue a course of study or vocational
24 training;

25 (2) undergo medical or psychiatric treatment, or
26 treatment for drug addiction or alcoholism;

27 (3) attend or reside in a facility established for the
28 instruction or residence of persons on probation or parole;

29 (4) support his dependents;

30 (5) (blank);

31 (6) (blank);

32 (7) comply with the terms and conditions of an order of
33 protection issued pursuant to the Illinois Domestic
34 Violence Act of 1986, enacted by the 84th General Assembly,

1 or an order of protection issued by the court of another
2 state, tribe, or United States territory; and

3 (8) in addition, if a minor:

4 (i) reside with his parents or in a foster home;

5 (ii) attend school;

6 (iii) attend a non-residential program for youth;

7 or

8 (iv) contribute to his own support at home or in a
9 foster home.

10 (b-1) In addition to the conditions set forth in
11 subsections (a) and (b), persons required to register as sex
12 offenders pursuant to the Sex Offender Registration Act, upon
13 release from the custody of the Illinois Department of
14 Corrections, may be required by the Board to comply with the
15 following specific conditions of release:

16 (1) reside only at a Department approved location;

17 (2) comply with all requirements of the Sex Offender
18 Registration Act;

19 (3) notify third parties of the risks that may be
20 occasioned by his or her criminal record;

21 (4) obtain the approval of an agent of the Department
22 of Corrections prior to accepting employment or pursuing a
23 course of study or vocational training and notify the
24 Department prior to any change in employment, study, or
25 training;

26 (5) not be employed or participate in any volunteer
27 activity that involves contact with children, except under
28 circumstances approved in advance and in writing by an
29 agent of the Department of Corrections;

30 (6) be electronically monitored for a minimum of 12
31 months from the date of release as determined by the Board;

32 (7) refrain from entering into a designated geographic
33 area except upon terms approved in advance by an agent of
34 the Department of Corrections. The terms may include

1 consideration of the purpose of the entry, the time of day,
2 and others accompanying the person;

3 (8) refrain from having any contact, including written
4 or oral communications, directly or indirectly, personally
5 or by telephone, letter, or through a third party with
6 certain specified persons including, but not limited to,
7 the victim or the victim's family without the prior written
8 approval of an agent of the Department of Corrections;

9 (9) refrain from all contact, directly or indirectly,
10 personally, by telephone, letter, or through a third party,
11 with minor children without prior identification and
12 approval of an agent of the Department of Corrections;

13 (10) neither possess or have under his or her control
14 any material that is sexually oriented, sexually
15 stimulating, or that shows male or female sex organs or any
16 pictures depicting children under 18 years of age nude or
17 any written or audio material describing sexual
18 intercourse or that depicts or alludes to sexual activity,
19 including but not limited to visual, auditory, telephonic,
20 or electronic media, or any matter obtained through access
21 to any computer or material linked to computer access use;

22 (11) not patronize any business providing sexually
23 stimulating or sexually oriented entertainment nor utilize
24 "900" or adult telephone numbers;

25 (12) not reside near, visit, or be in or about parks,
26 schools, day care centers, swimming pools, beaches,
27 theaters, or any other places where minor children
28 congregate without advance approval of an agent of the
29 Department of Corrections and immediately report any
30 incidental contact with minor children to the Department;

31 (13) not possess or have under his or her control
32 certain specified items of contraband related to the
33 incidence of sexually offending as determined by an agent
34 of the Department of Corrections;

1 (14) may be required to provide a written daily log of
2 activities if directed by an agent of the Department of
3 Corrections;

4 (15) comply with all other special conditions that the
5 Department may impose that restrict the person from
6 high-risk situations and limit access to potential
7 victims.

8 (c) The conditions under which the parole or mandatory
9 supervised release is to be served shall be communicated to the
10 person in writing prior to his release, and he shall sign the
11 same before release. A signed copy of these conditions,
12 including a copy of an order of protection where one had been
13 issued by the criminal court, shall be retained by the person
14 and another copy forwarded to the officer in charge of his
15 supervision.

16 (d) After a hearing under Section 3-3-9, the Prisoner
17 Review Board may modify or enlarge the conditions of parole or
18 mandatory supervised release.

19 (e) The Department shall inform all offenders committed to
20 the Department of the optional services available to them upon
21 release and shall assist inmates in availing themselves of such
22 optional services upon their release on a voluntary basis.

23 (Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159,
24 eff. 7-11-05; 94-161, eff. 7-11-05; revised 8-19-05.)

25 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)
26 Sec. 3-6-3. Rules and Regulations for Early Release.

27 (a) (1) The Department of Corrections shall prescribe
28 rules and regulations for the early release on account of
29 good conduct of persons committed to the Department which
30 shall be subject to review by the Prisoner Review Board.

31 (2) The rules and regulations on early release shall
32 provide, with respect to offenses listed in clause (i),
33 (ii), or (iii) of this paragraph (2) committed on or after

1 June 19, 1998 or with respect to the offense listed in
2 clause (iv) of this paragraph (2) committed on or after
3 June 23, 2005 (the effective date of Public Act 94-71) ~~this~~
4 ~~amendatory Act of the 94th General Assembly~~ or with respect
5 to the offense of being an armed habitual criminal
6 committed on or after August 2, 2005 (the effective date of
7 Public Act 94-398) ~~this amendatory Act of the 94th General~~
8 ~~Assembly~~, the following:

9 (i) that a prisoner who is serving a term of
10 imprisonment for first degree murder or for the offense
11 of terrorism shall receive no good conduct credit and
12 shall serve the entire sentence imposed by the court;

13 (ii) that a prisoner serving a sentence for attempt
14 to commit first degree murder, solicitation of murder,
15 solicitation of murder for hire, intentional homicide
16 of an unborn child, predatory criminal sexual assault
17 of a child, aggravated criminal sexual assault,
18 criminal sexual assault, aggravated kidnapping,
19 aggravated battery with a firearm, heinous battery,
20 being an armed habitual criminal, aggravated battery
21 of a senior citizen, or aggravated battery of a child
22 shall receive no more than 4.5 days of good conduct
23 credit for each month of his or her sentence of
24 imprisonment;

25 (iii) that a prisoner serving a sentence for home
26 invasion, armed robbery, aggravated vehicular
27 hijacking, aggravated discharge of a firearm, or armed
28 violence with a category I weapon or category II
29 weapon, when the court has made and entered a finding,
30 pursuant to subsection (c-1) of Section 5-4-1 of this
31 Code, that the conduct leading to conviction for the
32 enumerated offense resulted in great bodily harm to a
33 victim, shall receive no more than 4.5 days of good
34 conduct credit for each month of his or her sentence of

1 imprisonment; and

2 (iv) that a prisoner serving a sentence for
3 aggravated discharge of a firearm, whether or not the
4 conduct leading to conviction for the offense resulted
5 in great bodily harm to the victim, shall receive no
6 more than 4.5 days of good conduct credit for each
7 month of his or her sentence of imprisonment.

8 (2.1) For all offenses, other than those enumerated in
9 subdivision (a)(2)(i), (ii), or (iii) committed on or after
10 June 19, 1998 or subdivision (a)(2)(iv) committed on or
11 after June 23, 2005 (the effective date of Public Act
12 94-71) ~~this amendatory Act of the 94th General Assembly,~~
13 and other than the offense of reckless homicide as defined
14 in subsection (e) of Section 9-3 of the Criminal Code of
15 1961 committed on or after January 1, 1999, or aggravated
16 driving under the influence of alcohol, other drug or
17 drugs, or intoxicating compound or compounds, or any
18 combination thereof as defined in subparagraph (F) of
19 paragraph (1) of subsection (d) of Section 11-501 of the
20 Illinois Vehicle Code, the rules and regulations shall
21 provide that a prisoner who is serving a term of
22 imprisonment shall receive one day of good conduct credit
23 for each day of his or her sentence of imprisonment or
24 recommitment under Section 3-3-9. Each day of good conduct
25 credit shall reduce by one day the prisoner's period of
26 imprisonment or recommitment under Section 3-3-9.

27 (2.2) A prisoner serving a term of natural life
28 imprisonment or a prisoner who has been sentenced to death
29 shall receive no good conduct credit.

30 (2.3) The rules and regulations on early release shall
31 provide that a prisoner who is serving a sentence for
32 reckless homicide as defined in subsection (e) of Section
33 9-3 of the Criminal Code of 1961 committed on or after
34 January 1, 1999, or aggravated driving under the influence

1 of alcohol, other drug or drugs, or intoxicating compound
2 or compounds, or any combination thereof as defined in
3 subparagraph (F) of paragraph (1) of subsection (d) of
4 Section 11-501 of the Illinois Vehicle Code, shall receive
5 no more than 4.5 days of good conduct credit for each month
6 of his or her sentence of imprisonment.

7 (2.4) The rules and regulations on early release shall
8 provide with respect to the offenses of aggravated battery
9 with a machine gun or a firearm equipped with any device or
10 attachment designed or used for silencing the report of a
11 firearm or aggravated discharge of a machine gun or a
12 firearm equipped with any device or attachment designed or
13 used for silencing the report of a firearm, committed on or
14 after July 15, 1999 (the effective date of Public Act
15 91-121), that a prisoner serving a sentence for any of
16 these offenses shall receive no more than 4.5 days of good
17 conduct credit for each month of his or her sentence of
18 imprisonment.

19 (2.5) The rules and regulations on early release shall
20 provide that a prisoner who is serving a sentence for
21 aggravated arson committed on or after July 27, 2001 (the
22 effective date of Public Act 92-176) shall receive no more
23 than 4.5 days of good conduct credit for each month of his
24 or her sentence of imprisonment.

25 (3) The rules and regulations shall also provide that
26 the Director may award up to 180 days additional good
27 conduct credit for meritorious service in specific
28 instances as the Director deems proper; except that no more
29 than 90 days of good conduct credit for meritorious service
30 shall be awarded to any prisoner who is serving a sentence
31 for conviction of first degree murder, reckless homicide
32 while under the influence of alcohol or any other drug, or
33 aggravated driving under the influence of alcohol, other
34 drug or drugs, or intoxicating compound or compounds, or

1 any combination thereof as defined in subparagraph (F) of
2 paragraph (1) of subsection (d) of Section 11-501 of the
3 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
4 predatory criminal sexual assault of a child, aggravated
5 criminal sexual assault, criminal sexual assault, deviate
6 sexual assault, aggravated criminal sexual abuse,
7 aggravated indecent liberties with a child, indecent
8 liberties with a child, child pornography, heinous
9 battery, aggravated battery of a spouse, aggravated
10 battery of a spouse with a firearm, stalking, aggravated
11 stalking, aggravated battery of a child, endangering the
12 life or health of a child, cruelty to a child, or narcotic
13 racketeering. Notwithstanding the foregoing, good conduct
14 credit for meritorious service shall not be awarded on a
15 sentence of imprisonment imposed for conviction of: (i) one
16 of the offenses enumerated in subdivision (a)(2)(i), (ii),
17 or (iii) when the offense is committed on or after June 19,
18 1998 or subdivision (a)(2)(iv) when the offense is
19 committed on or after June 23, 2005 (the effective date of
20 Public Act 94-71) ~~this amendatory Act of the 94th General~~
21 ~~Assembly~~, (ii) reckless homicide as defined in subsection
22 (e) of Section 9-3 of the Criminal Code of 1961 when the
23 offense is committed on or after January 1, 1999, or
24 aggravated driving under the influence of alcohol, other
25 drug or drugs, or intoxicating compound or compounds, or
26 any combination thereof as defined in subparagraph (F) of
27 paragraph (1) of subsection (d) of Section 11-501 of the
28 Illinois Vehicle Code, (iii) one of the offenses enumerated
29 in subdivision (a)(2.4) when the offense is committed on or
30 after July 15, 1999 (the effective date of Public Act
31 91-121), or (iv) aggravated arson when the offense is
32 committed on or after July 27, 2001 (the effective date of
33 Public Act 92-176).

34 (4) The rules and regulations shall also provide that

1 the good conduct credit accumulated and retained under
2 paragraph (2.1) of subsection (a) of this Section by any
3 inmate during specific periods of time in which such inmate
4 is engaged full-time in substance abuse programs,
5 correctional industry assignments, or educational programs
6 provided by the Department under this paragraph (4) and
7 satisfactorily completes the assigned program as
8 determined by the standards of the Department, shall be
9 multiplied by a factor of 1.25 for program participation
10 before August 11, 1993 and 1.50 for program participation
11 on or after that date. However, no inmate shall be eligible
12 for the additional good conduct credit under this paragraph
13 (4) or (4.1) of this subsection (a) while assigned to a
14 boot camp⁷ or electronic detention, or if convicted of an
15 offense enumerated in subdivision (a)(2)(i), (ii), or
16 (iii) of this Section that is committed on or after June
17 19, 1998 or subdivision (a)(2)(iv) of this Section that is
18 committed on or after June 23, 2005 (the effective date of
19 Public Act 94-71) ~~this amendatory Act of the 94th General~~
20 ~~Assembly~~, or if convicted of reckless homicide as defined
21 in subsection (e) of Section 9-3 of the Criminal Code of
22 1961 if the offense is committed on or after January 1,
23 1999, or aggravated driving under the influence of alcohol,
24 other drug or drugs, or intoxicating compound or compounds,
25 or any combination thereof as defined in subparagraph (F)
26 of paragraph (1) of subsection (d) of Section 11-501 of the
27 Illinois Vehicle Code, or if convicted of an offense
28 enumerated in paragraph (a)(2.4) of this Section that is
29 committed on or after July 15, 1999 (the effective date of
30 Public Act 91-121), or first degree murder, a Class X
31 felony, criminal sexual assault, felony criminal sexual
32 abuse, aggravated criminal sexual abuse, aggravated
33 battery with a firearm, or any predecessor or successor
34 offenses with the same or substantially the same elements,

1 or any inchoate offenses relating to the foregoing
2 offenses. No inmate shall be eligible for the additional
3 good conduct credit under this paragraph (4) who (i) has
4 previously received increased good conduct credit under
5 this paragraph (4) and has subsequently been convicted of a
6 felony, or (ii) has previously served more than one prior
7 sentence of imprisonment for a felony in an adult
8 correctional facility.

9 Educational, vocational, substance abuse and
10 correctional industry programs under which good conduct
11 credit may be increased under this paragraph (4) and
12 paragraph (4.1) of this subsection (a) shall be evaluated
13 by the Department on the basis of documented standards. The
14 Department shall report the results of these evaluations to
15 the Governor and the General Assembly by September 30th of
16 each year. The reports shall include data relating to the
17 recidivism rate among program participants.

18 Availability of these programs shall be subject to the
19 limits of fiscal resources appropriated by the General
20 Assembly for these purposes. Eligible inmates who are
21 denied immediate admission shall be placed on a waiting
22 list under criteria established by the Department. The
23 inability of any inmate to become engaged in any such
24 programs by reason of insufficient program resources or for
25 any other reason established under the rules and
26 regulations of the Department shall not be deemed a cause
27 of action under which the Department or any employee or
28 agent of the Department shall be liable for damages to the
29 inmate.

30 (4.1) The rules and regulations shall also provide that
31 an additional 60 days of good conduct credit shall be
32 awarded to any prisoner who passes the high school level
33 Test of General Educational Development (GED) and receives
34 a GED certificate while the prisoner is incarcerated. The

1 good conduct credit awarded under this paragraph (4.1)
2 shall be in addition to, and shall not affect, the award of
3 good conduct under any other paragraph of this Section, but
4 shall also be pursuant to the guidelines and restrictions
5 set forth in paragraph (4) of subsection (a) of this
6 Section.

7 (4.5) The rules and regulations on early release shall
8 also provide that when the court's sentencing order
9 recommends a prisoner for substance abuse treatment and the
10 crime was committed on or after September 1, 2003 (the
11 effective date of Public Act 93-354), the prisoner shall
12 receive no good conduct credit awarded under clause (3) of
13 this subsection (a) unless he or she participates in and
14 completes a substance abuse treatment program. The
15 Director may waive the requirement to participate in or
16 complete a substance abuse treatment program and award the
17 good conduct credit in specific instances if the prisoner
18 is not a good candidate for a substance abuse treatment
19 program for medical, programming, or operational reasons.
20 Availability of substance abuse treatment shall be subject
21 to the limits of fiscal resources appropriated by the
22 General Assembly for these purposes. If treatment is not
23 available and the requirement to participate and complete
24 the treatment has not been waived by the Director, the
25 prisoner shall be placed on a waiting list under criteria
26 established by the Department. The Director may allow a
27 prisoner placed on a waiting list to participate in and
28 complete a substance abuse education class or attend
29 substance abuse self-help meetings in lieu of a substance
30 abuse treatment program. A prisoner on a waiting list who
31 is not placed in a substance abuse program prior to release
32 may be eligible for a waiver and receive good conduct
33 credit under clause (3) of this subsection (a) at the
34 discretion of the Director.

1 (4.6) The rules and regulations on early release shall
2 also provide that a prisoner who has been convicted of a
3 sex offense as defined in Section 2 of the Sex Offender
4 Registration Act shall receive no good conduct credit until
5 he or she has successfully completed sex offender
6 counseling.

7 (5) Whenever the Department is to release any inmate
8 earlier than it otherwise would because of a grant of good
9 conduct credit for meritorious service given at any time
10 during the term, the Department shall give reasonable
11 advance notice of the impending release to the State's
12 Attorney of the county where the prosecution of the inmate
13 took place.

14 (b) Whenever a person is or has been committed under
15 several convictions, with separate sentences, the sentences
16 shall be construed under Section 5-8-4 in granting and
17 forfeiting of good time.

18 (c) The Department shall prescribe rules and regulations
19 for revoking good conduct credit, or suspending or reducing the
20 rate of accumulation of good conduct credit for specific rule
21 violations, during imprisonment. These rules and regulations
22 shall provide that no inmate may be penalized more than one
23 year of good conduct credit for any one infraction.

24 When the Department seeks to revoke, suspend or reduce the
25 rate of accumulation of any good conduct credits for an alleged
26 infraction of its rules, it shall bring charges therefor
27 against the prisoner sought to be so deprived of good conduct
28 credits before the Prisoner Review Board as provided in
29 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
30 amount of credit at issue exceeds 30 days or when during any 12
31 month period, the cumulative amount of credit revoked exceeds
32 30 days except where the infraction is committed or discovered
33 within 60 days of scheduled release. In those cases, the
34 Department of Corrections may revoke up to 30 days of good

1 conduct credit. The Board may subsequently approve the
2 revocation of additional good conduct credit, if the Department
3 seeks to revoke good conduct credit in excess of 30 days.
4 However, the Board shall not be empowered to review the
5 Department's decision with respect to the loss of 30 days of
6 good conduct credit within any calendar year for any prisoner
7 or to increase any penalty beyond the length requested by the
8 Department.

9 The Director of the Department of Corrections, in
10 appropriate cases, may restore up to 30 days good conduct
11 credits which have been revoked, suspended or reduced. Any
12 restoration of good conduct credits in excess of 30 days shall
13 be subject to review by the Prisoner Review Board. However, the
14 Board may not restore good conduct credit in excess of the
15 amount requested by the Director.

16 Nothing contained in this Section shall prohibit the
17 Prisoner Review Board from ordering, pursuant to Section
18 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the
19 sentence imposed by the court that was not served due to the
20 accumulation of good conduct credit.

21 (d) If a lawsuit is filed by a prisoner in an Illinois or
22 federal court against the State, the Department of Corrections,
23 or the Prisoner Review Board, or against any of their officers
24 or employees, and the court makes a specific finding that a
25 pleading, motion, or other paper filed by the prisoner is
26 frivolous, the Department of Corrections shall conduct a
27 hearing to revoke up to 180 days of good conduct credit by
28 bringing charges against the prisoner sought to be deprived of
29 the good conduct credits before the Prisoner Review Board as
30 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.
31 If the prisoner has not accumulated 180 days of good conduct
32 credit at the time of the finding, then the Prisoner Review
33 Board may revoke all good conduct credit accumulated by the
34 prisoner.

1 For purposes of this subsection (d):

2 (1) "Frivolous" means that a pleading, motion, or other
3 filing which purports to be a legal document filed by a
4 prisoner in his or her lawsuit meets any or all of the
5 following criteria:

6 (A) it lacks an arguable basis either in law or in
7 fact;

8 (B) it is being presented for any improper purpose,
9 such as to harass or to cause unnecessary delay or
10 needless increase in the cost of litigation;

11 (C) the claims, defenses, and other legal
12 contentions therein are not warranted by existing law
13 or by a nonfrivolous argument for the extension,
14 modification, or reversal of existing law or the
15 establishment of new law;

16 (D) the allegations and other factual contentions
17 do not have evidentiary support or, if specifically so
18 identified, are not likely to have evidentiary support
19 after a reasonable opportunity for further
20 investigation or discovery; or

21 (E) the denials of factual contentions are not
22 warranted on the evidence, or if specifically so
23 identified, are not reasonably based on a lack of
24 information or belief.

25 (2) "Lawsuit" means a petition for post-conviction
26 relief under Article 122 of the Code of Criminal Procedure
27 of 1963, a motion pursuant to Section 116-3 of the Code of
28 Criminal Procedure of 1963, a habeas corpus action under
29 Article X of the Code of Civil Procedure or under federal
30 law (28 U.S.C. 2254), a petition for claim under the Court
31 of Claims Act or an action under the federal Civil Rights
32 Act (42 U.S.C. 1983).

33 (e) Nothing in Public Act 90-592 or 90-593 affects the
34 validity of Public Act 89-404.

1 (Source: P.A. 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; 94-71,
2 eff. 6-23-05; 94-128, eff. 7-7-05; 94-156, eff. 7-8-05; 94-398,
3 eff. 8-2-05; 94-491, eff. 8-8-05; revised 8-19-05.)

4 (730 ILCS 5/3-19-15 new)

5 Sec. 3-19-15. Task Force on Transitional Housing for Sex
6 Offenders.

7 (a) There is created the Task Force on Transitional Housing
8 Facilities for Sex Offenders. The Task Force shall be composed
9 of the following members:

10 (1) Two members from the Department of Corrections
11 appointed by the Director of Corrections;

12 (2) Two members from the Prisoner Review Board
13 appointed by that Board;

14 (3) Two members of the Senate appointed by the
15 President of the Senate;

16 (4) Two members of the Senate appointed by the Minority
17 Leader of the Senate;

18 (5) Two members of the House of Representatives
19 appointed by the Speaker of the House of Representatives;

20 (6) Two members of the House of Representatives
21 appointed by the Minority Leader of the House of
22 Representatives; and

23 (7) Two members of the Governor's Office appointed by
24 the Governor.

25 (b) The Task Force shall study the implementation, cost,
26 placement, and effectiveness of transitional housing
27 facilities for sex offenders released from facilities of the
28 Department of Corrections.

29 (c) The members of the Task Force shall receive no
30 compensation for their services as members of the Task Force
31 but may be reimbursed for their actual expenses incurred in
32 serving on the Task Force from appropriations made to them for
33 such purpose.

1 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

2 Sec. 5-6-1. Sentences of Probation and of Conditional
3 Discharge and Disposition of Supervision. The General Assembly
4 finds that in order to protect the public, the criminal justice
5 system must compel compliance with the conditions of probation
6 by responding to violations with swift, certain and fair
7 punishments and intermediate sanctions. The Chief Judge of each
8 circuit shall adopt a system of structured, intermediate
9 sanctions for violations of the terms and conditions of a
10 sentence of probation, conditional discharge or disposition of
11 supervision.

12 (a) Except where specifically prohibited by other
13 provisions of this Code, the court shall impose a sentence of
14 probation or conditional discharge upon an offender unless,
15 having regard to the nature and circumstance of the offense,
16 and to the history, character and condition of the offender,
17 the court is of the opinion that:

18 (1) his imprisonment or periodic imprisonment is
19 necessary for the protection of the public; or

20 (2) probation or conditional discharge would deprecate
21 the seriousness of the offender's conduct and would be
22 inconsistent with the ends of justice; or

23 (3) a combination of imprisonment with concurrent or
24 consecutive probation when an offender has been admitted
25 into a drug court program under Section 20 of the Drug
26 Court Treatment Act is necessary for the protection of the
27 public and for the rehabilitation of the offender.

28 The court shall impose as a condition of a sentence of
29 probation, conditional discharge, or supervision, that the
30 probation agency may invoke any sanction from the list of
31 intermediate sanctions adopted by the chief judge of the
32 circuit court for violations of the terms and conditions of the
33 sentence of probation, conditional discharge, or supervision,

1 subject to the provisions of Section 5-6-4 of this Act.

2 (b) The court may impose a sentence of conditional
3 discharge for an offense if the court is of the opinion that
4 neither a sentence of imprisonment nor of periodic imprisonment
5 nor of probation supervision is appropriate.

6 (b-1) Subsections (a) and (b) of this Section do not apply
7 to a defendant charged with a misdemeanor or felony under the
8 Illinois Vehicle Code or reckless homicide under Section 9-3 of
9 the Criminal Code of 1961 if the defendant within the past 12
10 months has been convicted of or pleaded guilty to a misdemeanor
11 or felony under the Illinois Vehicle Code or reckless homicide
12 under Section 9-3 of the Criminal Code of 1961.

13 (c) The court may, upon a plea of guilty or a stipulation
14 by the defendant of the facts supporting the charge or a
15 finding of guilt, defer further proceedings and the imposition
16 of a sentence, and enter an order for supervision of the
17 defendant, if the defendant is not charged with: (i) a Class A
18 misdemeanor, as defined by the following provisions of the
19 Criminal Code of 1961: Sections 11-9.1; 12-3.2; ~~12-15;~~ 26-5;
20 31-1; 31-6; 31-7; subsections (b) and (c) of Section 21-1;
21 paragraph (1) through (5), (8), (10), and (11) of subsection
22 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
23 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
24 Act; or (iii) felony. If the defendant is not barred from
25 receiving an order for supervision as provided in this
26 subsection, the court may enter an order for supervision after
27 considering the circumstances of the offense, and the history,
28 character and condition of the offender, if the court is of the
29 opinion that:

30 (1) the offender is not likely to commit further
31 crimes;

32 (2) the defendant and the public would be best served
33 if the defendant were not to receive a criminal record; and

34 (3) in the best interests of justice an order of

1 supervision is more appropriate than a sentence otherwise
2 permitted under this Code.

3 (d) The provisions of paragraph (c) shall not apply to a
4 defendant charged with violating Section 11-501 of the Illinois
5 Vehicle Code or a similar provision of a local ordinance when
6 the defendant has previously been:

7 (1) convicted for a violation of Section 11-501 of the
8 Illinois Vehicle Code or a similar provision of a local
9 ordinance or any similar law or ordinance of another state;
10 or

11 (2) assigned supervision for a violation of Section
12 11-501 of the Illinois Vehicle Code or a similar provision
13 of a local ordinance or any similar law or ordinance of
14 another state; or

15 (3) pleaded guilty to or stipulated to the facts
16 supporting a charge or a finding of guilty to a violation
17 of Section 11-503 of the Illinois Vehicle Code or a similar
18 provision of a local ordinance or any similar law or
19 ordinance of another state, and the plea or stipulation was
20 the result of a plea agreement.

21 The court shall consider the statement of the prosecuting
22 authority with regard to the standards set forth in this
23 Section.

24 (e) The provisions of paragraph (c) shall not apply to a
25 defendant charged with violating Section 16A-3 of the Criminal
26 Code of 1961 if said defendant has within the last 5 years
27 been:

28 (1) convicted for a violation of Section 16A-3 of the
29 Criminal Code of 1961; or

30 (2) assigned supervision for a violation of Section
31 16A-3 of the Criminal Code of 1961.

32 The court shall consider the statement of the prosecuting
33 authority with regard to the standards set forth in this
34 Section.

1 (f) The provisions of paragraph (c) shall not apply to a
2 defendant charged with violating Sections 15-111, 15-112,
3 15-301, paragraph (b) of Section 6-104, Section 11-605, or
4 Section 11-1414 of the Illinois Vehicle Code or a similar
5 provision of a local ordinance.

6 (g) Except as otherwise provided in paragraph (i) of this
7 Section, the provisions of paragraph (c) shall not apply to a
8 defendant charged with violating Section 3-707, 3-708, 3-710,
9 or 5-401.3 of the Illinois Vehicle Code or a similar provision
10 of a local ordinance if the defendant has within the last 5
11 years been:

12 (1) convicted for a violation of Section 3-707, 3-708,
13 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
14 provision of a local ordinance; or

15 (2) assigned supervision for a violation of Section
16 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
17 Code or a similar provision of a local ordinance.

18 The court shall consider the statement of the prosecuting
19 authority with regard to the standards set forth in this
20 Section.

21 (h) The provisions of paragraph (c) shall not apply to a
22 defendant under the age of 21 years charged with violating a
23 serious traffic offense as defined in Section 1-187.001 of the
24 Illinois Vehicle Code:

25 (1) unless the defendant, upon payment of the fines,
26 penalties, and costs provided by law, agrees to attend and
27 successfully complete a traffic safety program approved by
28 the court under standards set by the Conference of Chief
29 Circuit Judges. The accused shall be responsible for
30 payment of any traffic safety program fees. If the accused
31 fails to file a certificate of successful completion on or
32 before the termination date of the supervision order, the
33 supervision shall be summarily revoked and conviction
34 entered. The provisions of Supreme Court Rule 402 relating

1 to pleas of guilty do not apply in cases when a defendant
2 enters a guilty plea under this provision; or

3 (2) if the defendant has previously been sentenced
4 under the provisions of paragraph (c) on or after January
5 1, 1998 for any serious traffic offense as defined in
6 Section 1-187.001 of the Illinois Vehicle Code.

7 (i) The provisions of paragraph (c) shall not apply to a
8 defendant charged with violating Section 3-707 of the Illinois
9 Vehicle Code or a similar provision of a local ordinance if the
10 defendant has been assigned supervision for a violation of
11 Section 3-707 of the Illinois Vehicle Code or a similar
12 provision of a local ordinance.

13 (j) The provisions of paragraph (c) shall not apply to a
14 defendant charged with violating Section 6-303 of the Illinois
15 Vehicle Code or a similar provision of a local ordinance when
16 the revocation or suspension was for a violation of Section
17 11-501 or a similar provision of a local ordinance, a violation
18 of Section 11-501.1 or paragraph (b) of Section 11-401 of the
19 Illinois Vehicle Code, or a violation of Section 9-3 of the
20 Criminal Code of 1961 if the defendant has within the last 10
21 years been:

22 (1) convicted for a violation of Section 6-303 of the
23 Illinois Vehicle Code or a similar provision of a local
24 ordinance; or

25 (2) assigned supervision for a violation of Section
26 6-303 of the Illinois Vehicle Code or a similar provision
27 of a local ordinance.

28 (k) The provisions of paragraph (c) shall not apply to a
29 defendant charged with violating any provision of the Illinois
30 Vehicle Code or a similar provision of a local ordinance that
31 governs the movement of vehicles if, within the 12 months
32 preceding the date of the defendant's arrest, the defendant has
33 been assigned court supervision on 2 occasions for a violation
34 that governs the movement of vehicles under the Illinois

1 Vehicle Code or a similar provision of a local ordinance.

2 (Source: P.A. 93-388, eff. 7-25-03; 93-1014, eff. 1-1-05;
3 94-169, eff. 1-1-06; 94-330, eff. 1-1-06; 94-375, eff. 1-1-06;
4 revised 8-19-05.)

5 (730 ILCS 5/5-8A-6 new)

6 Sec. 5-8A-6. Electronic monitoring of certain sex
7 offenders. For a sexual predator subject to electronic home
8 monitoring under paragraph (7.7) of subsection (a) of Section
9 3-3-7, the Department of Corrections must use a system that
10 actively monitors and identifies the offender's current
11 location and timely reports or records the offender's presence
12 and that alerts the Department of the offender's presence
13 within a prohibited area described in Sections 11-9.3 and
14 11-9.4 of the Criminal Code of 1961, in a court order, or as a
15 condition of the offender's parole, mandatory supervised
16 release, or extended mandatory supervised release and the
17 offender's departure from specified geographic limitations.
18 The offender must pay for the cost of the electronic home
19 monitoring.

20 Section 99. Effective date. This Act takes effect June 1,
21 2007."