

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 1961 is amended by adding
5 Section 10-5.1 as follows:

6 (720 ILCS 5/10-5.1 new)

7 Sec. 10-5.1. Luring of a minor.

8 (a) A person commits the offense of luring of a minor when
9 the offender is 21 years of age or older and knowingly contacts
10 or communicates electronically to the minor:

11 (1) knowing the minor is under 15 years of age;

12 (2) with the intent to persuade, lure or transport the
13 minor away from his or her home, or other location known by
14 the minor's parent or legal guardian to be the place where
15 the minor is to be located;

16 (3) without the express consent of the person's parent
17 or legal guardian;

18 (4) with the intent to avoid the consent of the
19 person's parent or legal guardian; and

20 (5) is a stranger to the parents or legal guardian of
21 the minor.

22 (b) A person commits the offense of luring of a minor when
23 the offender is at least 18 years of age but under 21 years of

1 age and knowingly contacts or communicates electronically to
2 the minor:

3 (1) knowing the minor is under 15 years of age;

4 (2) with the intent to persuade, lure, or transport the
5 minor away from his or her home or other location known by
6 the minor's parent or legal guardian, to be the place where
7 the minor is to be located;

8 (3) for an unlawful purpose;

9 (4) without the express consent of the person's parent
10 or legal guardian;

11 (5) with the intent to avoid the express consent of the
12 person's parent or legal guardian;

13 (6) after so communicating, commits any act in
14 furtherance of the intent; and

15 (7) is a stranger to the parents or legal guardian of
16 the minor.

17 (c) Definitions. For purposes of this Section:

18 (1) "Emergency situation" means a situation in which
19 the minor is threatened with imminent bodily harm,
20 emotional harm or psychological harm.

21 (2) "Express consent" means oral or written permission
22 that is positive, direct, and unequivocal, requiring no
23 inference or implication to supply its meaning.

24 (3) "Contacts or communicates electronically" includes
25 but is not limited to, any attempt to make contact or
26 communicate telephonically or through the Internet or text

1 messages.

2 (4) "Luring" shall mean any knowing act to solicit,
3 entice, tempt, or attempt to attract the minor.

4 (5) "Minor" shall mean any person under the age of 15.

5 (6) "Stranger" shall have its common and ordinary
6 meaning, including but not limited to, a person over 21
7 years of age that is either not known by the parents of the
8 minor or does not have any association with the parents of
9 the minor.

10 (7) "Unlawful purpose" shall mean any violation of
11 State law or a similar federal or sister state law or local
12 ordinance.

13 (d) This Section may not be interpreted to criminalize an
14 act or person contacting a minor within the scope and course of
15 his employment, or status as a volunteer of a recognized civic,
16 charitable or youth organization.

17 (e) This Section is intended to protect minors and to help
18 parents and legal guardians exercise reasonable care,
19 supervision, protection, and control over minor children.

20 (f) Affirmative defenses.

21 (1) It shall be an affirmative defense to any offense
22 under this Section 10-5.1 that the accused reasonably
23 believed that the minor was over the age of 15.

24 (2) It shall be an affirmative defense to any offense
25 under this Section 10-5.1 that the accused is assisting the
26 minor in an emergency situation.

1 (3) It shall not be a defense to the prosecution of any
2 offense under this Section 10-5.1 if the person who is
3 contacted by the offender is posing as a minor and is in
4 actuality an adult law enforcement officer.

5 (g) Penalties.

6 (1) A first offense of luring of a minor under
7 subsection (a) shall be a Class 4 felony. A person
8 convicted of luring of a minor under subsection (a) shall
9 undergo a sex offender evaluation prior to a sentence being
10 imposed. An offense of luring of a minor under subsection
11 (a) when a person has a prior conviction in Illinois of a
12 sex offense as defined in the Sex Offender Registration
13 Act, or any substantially similar federal, Uniform Code of
14 Military Justice, sister state, or foreign government
15 offense, is guilty of a Class 2 felony.

16 (2) A first offense of luring of a minor under
17 subsection (b) is a Class B misdemeanor.

18 (3) A second or subsequent offense of luring of a minor
19 under subsection (a) is a Class 3 felony. A second or
20 subsequent offense of luring of a minor under subsection
21 (b) is a Class 4 felony. A second or subsequent offense
22 when a person has a prior conviction in Illinois of a sex
23 offense as defined in the Sex Offender Registration Act, or
24 any substantially similar federal, Uniform Code of
25 Military Justice, sister state, or foreign government
26 offense, is a Class 1 felony. A defendant convicted a

1 second time of an offense under subsection (a) or (b) shall
2 register as a sexual predator of children pursuant to the
3 Sex Offender Registration Act.

4 (4) A third or subsequent offense is a Class 1 felony.
5 A third or subsequent offense when a person has a prior
6 conviction in Illinois of a sex offense as defined in the
7 Sex Offender Registration Act, or any substantially
8 similar federal, Uniform Code of Military Justice, sister
9 state, or foreign government offense, is a Class X felony.

10 (h) For violations of subsection (a), jurisdiction shall be
11 established if the transmission that constitutes the offense
12 either originates in this State or is received in this State
13 and does not apply to emergency situations. For violations of
14 subsection (b), jurisdiction shall be established in any county
15 where the act in furtherance of the commission of the offense
16 is committed, in the county where the minor resides, or in the
17 county where the offender resides.

18 Section 10. The Unified Code of Corrections is amended by
19 changing Section 3-6-3 as follows:

20 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

21 Sec. 3-6-3. Rules and Regulations for Early Release.

22 (a) (1) The Department of Corrections shall prescribe
23 rules and regulations for the early release on account of
24 good conduct of persons committed to the Department which

1 shall be subject to review by the Prisoner Review Board.

2 (2) The rules and regulations on early release shall
3 provide, with respect to offenses listed in clause (i),
4 (ii), or (iii) of this paragraph (2) committed on or after
5 June 19, 1998 or with respect to the offense listed in
6 clause (iv) of this paragraph (2) committed on or after
7 June 23, 2005 (the effective date of Public Act 94-71) or
8 with respect to offense listed in clause (v) committed on
9 or after the effective date of this amendatory Act of the
10 95th General Assembly or with respect to the offense of
11 being an armed habitual criminal committed on or after
12 August 2, 2005 (the effective date of Public Act 94-398),
13 the following:

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

18 (ii) that a prisoner serving a sentence for attempt
19 to commit first degree murder, solicitation of murder,
20 solicitation of murder for hire, intentional homicide
21 of an unborn child, predatory criminal sexual assault
22 of a child, aggravated criminal sexual assault,
23 criminal sexual assault, aggravated kidnapping,
24 aggravated battery with a firearm, heinous battery,
25 being an armed habitual criminal, aggravated battery
26 of a senior citizen, or aggravated battery of a child

1 shall receive no more than 4.5 days of good conduct
2 credit for each month of his or her sentence of
3 imprisonment;

4 (iii) that a prisoner serving a sentence for home
5 invasion, armed robbery, aggravated vehicular
6 hijacking, aggravated discharge of a firearm, or armed
7 violence with a category I weapon or category II
8 weapon, when the court has made and entered a finding,
9 pursuant to subsection (c-1) of Section 5-4-1 of this
10 Code, that the conduct leading to conviction for the
11 enumerated offense resulted in great bodily harm to a
12 victim, shall receive no more than 4.5 days of good
13 conduct credit for each month of his or her sentence of
14 imprisonment; ~~and~~

15 (iv) that a prisoner serving a sentence for
16 aggravated discharge of a firearm, whether or not the
17 conduct leading to conviction for the offense resulted
18 in great bodily harm to the victim, shall receive no
19 more than 4.5 days of good conduct credit for each
20 month of his or her sentence of imprisonment; ~~and~~.

21 (v) that a prisoner serving a sentence for a second
22 or subsequent offense of luring a minor shall receive
23 no more than 4.5 days of good conduct credit for each
24 month of his or her sentence of imprisonment.

25 (2.1) For all offenses, other than those enumerated in
26 subdivision (a) (2) (i), (ii), or (iii) committed on or after

1 June 19, 1998 or subdivision (a)(2)(iv) committed on or
2 after June 23, 2005 (the effective date of Public Act
3 94-71) or subdivision (a)(2)(v) committed on or after the
4 effective date of this amendatory Act of the 95th General
5 Assembly, and other than the offense of reckless homicide
6 as defined in subsection (e) of Section 9-3 of the Criminal
7 Code of 1961 committed on or after January 1, 1999, or
8 aggravated driving under the influence of alcohol, other
9 drug or drugs, or intoxicating compound or compounds, or
10 any combination thereof as defined in subparagraph (F) of
11 paragraph (1) of subsection (d) of Section 11-501 of the
12 Illinois Vehicle Code, the rules and regulations shall
13 provide that a prisoner who is serving a term of
14 imprisonment shall receive one day of good conduct credit
15 for each day of his or her sentence of imprisonment or
16 recommitment under Section 3-3-9. Each day of good conduct
17 credit shall reduce by one day the prisoner's period of
18 imprisonment or recommitment under Section 3-3-9.

19 (2.2) A prisoner serving a term of natural life
20 imprisonment or a prisoner who has been sentenced to death
21 shall receive no good conduct credit.

22 (2.3) The rules and regulations on early release shall
23 provide that a prisoner who is serving a sentence for
24 reckless homicide as defined in subsection (e) of Section
25 9-3 of the Criminal Code of 1961 committed on or after
26 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

1 conduct credit for meritorious service in specific
2 instances as the Director deems proper; except that no more
3 than 90 days of good conduct credit for meritorious service
4 shall be awarded to any prisoner who is serving a sentence
5 for conviction of first degree murder, reckless homicide
6 while under the influence of alcohol or any other drug, or
7 aggravated driving under the influence of alcohol, other
8 drug or drugs, or intoxicating compound or compounds, or
9 any combination thereof as defined in subparagraph (F) of
10 paragraph (1) of subsection (d) of Section 11-501 of the
11 Illinois Vehicle Code, aggravated kidnapping, kidnapping,
12 predatory criminal sexual assault of a child, aggravated
13 criminal sexual assault, criminal sexual assault, deviate
14 sexual assault, aggravated criminal sexual abuse,
15 aggravated indecent liberties with a child, indecent
16 liberties with a child, child pornography, heinous
17 battery, aggravated battery of a spouse, aggravated
18 battery of a spouse with a firearm, stalking, aggravated
19 stalking, aggravated battery of a child, endangering the
20 life or health of a child, cruelty to a child, or narcotic
21 racketeering. Notwithstanding the foregoing, good conduct
22 credit for meritorious service shall not be awarded on a
23 sentence of imprisonment imposed for conviction of: (i) one
24 of the offenses enumerated in subdivision (a)(2)(i), (ii),
25 or (iii) when the offense is committed on or after June 19,
26 1998 or subdivision (a)(2)(iv) when the offense is

1 committed on or after June 23, 2005 (the effective date of
2 Public Act 94-71) or subdivision (a)(2)(v) when the offense
3 is committed on or after the effective date of this
4 amendatory Act of the 95th General Assembly, (ii) reckless
5 homicide as defined in subsection (e) of Section 9-3 of the
6 Criminal Code of 1961 when the offense is committed on or
7 after January 1, 1999, or aggravated driving under the
8 influence of alcohol, other drug or drugs, or intoxicating
9 compound or compounds, or any combination thereof as
10 defined in subparagraph (F) of paragraph (1) of subsection
11 (d) of Section 11-501 of the Illinois Vehicle Code, (iii)
12 one of the offenses enumerated in subdivision (a)(2.4) when
13 the offense is committed on or after July 15, 1999 (the
14 effective date of Public Act 91-121), or (iv) aggravated
15 arson when the offense is committed on or after July 27,
16 2001 (the effective date of Public Act 92-176).

17 (4) The rules and regulations shall also provide that
18 the good conduct credit accumulated and retained under
19 paragraph (2.1) of subsection (a) of this Section by any
20 inmate during specific periods of time in which such inmate
21 is engaged full-time in substance abuse programs,
22 correctional industry assignments, or educational programs
23 provided by the Department under this paragraph (4) and
24 satisfactorily completes the assigned program as
25 determined by the standards of the Department, shall be
26 multiplied by a factor of 1.25 for program participation

1 before August 11, 1993 and 1.50 for program participation
2 on or after that date. However, no inmate shall be eligible
3 for the additional good conduct credit under this paragraph
4 (4) or (4.1) of this subsection (a) while assigned to a
5 boot camp or electronic detention, or if convicted of an
6 offense enumerated in subdivision (a)(2)(i), (ii), or
7 (iii) of this Section that is committed on or after June
8 19, 1998 or subdivision (a)(2)(iv) of this Section that is
9 committed on or after June 23, 2005 (the effective date of
10 Public Act 94-71) or subdivision (a)(2)(v) of this Section
11 that is committed on or after the effective date of this
12 amendatory Act of the 95th General Assembly, or if
13 convicted of reckless homicide as defined in subsection (e)
14 of Section 9-3 of the Criminal Code of 1961 if the offense
15 is 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, or if convicted of an offense
21 enumerated in paragraph (a)(2.4) of this Section that is
22 committed on or after July 15, 1999 (the effective date of
23 Public Act 91-121), or first degree murder, a Class X
24 felony, criminal sexual assault, felony criminal sexual
25 abuse, aggravated criminal sexual abuse, aggravated
26 battery with a firearm, or any predecessor or successor

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

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

19 Availability of these programs shall be subject to the
20 limits of fiscal resources appropriated by the General
21 Assembly for these purposes. Eligible inmates who are
22 denied immediate admission shall be placed on a waiting
23 list under criteria established by the Department. The
24 inability of any inmate to become engaged in any such
25 programs by reason of insufficient program resources or for
26 any other reason established under the rules and

1 regulations of the Department shall not be deemed a cause
2 of action under which the Department or any employee or
3 agent of the Department shall be liable for damages to the
4 inmate.

5 (4.1) The rules and regulations shall also provide that
6 an additional 60 days of good conduct credit shall be
7 awarded to any prisoner who passes the high school level
8 Test of General Educational Development (GED) while the
9 prisoner is incarcerated. The good conduct credit awarded
10 under this paragraph (4.1) shall be in addition to, and
11 shall not affect, the award of good conduct under any other
12 paragraph of this Section, but shall also be pursuant to
13 the guidelines and restrictions set forth in paragraph (4)
14 of subsection (a) of this Section. The good conduct credit
15 provided for in this paragraph shall be available only to
16 those prisoners who have not previously earned a high
17 school diploma or a GED. If, after an award of the GED good
18 conduct credit has been made and the Department determines
19 that the prisoner was not eligible, then the award shall be
20 revoked.

21 (4.5) The rules and regulations on early release shall
22 also provide that when the court's sentencing order
23 recommends a prisoner for substance abuse treatment and the
24 crime was committed on or after September 1, 2003 (the
25 effective date of Public Act 93-354), the prisoner shall
26 receive no good conduct credit awarded under clause (3) of

1 this subsection (a) unless he or she participates in and
2 completes a substance abuse treatment program. The
3 Director may waive the requirement to participate in or
4 complete a substance abuse treatment program and award the
5 good conduct credit in specific instances if the prisoner
6 is not a good candidate for a substance abuse treatment
7 program for medical, programming, or operational reasons.
8 Availability of substance abuse treatment shall be subject
9 to the limits of fiscal resources appropriated by the
10 General Assembly for these purposes. If treatment is not
11 available and the requirement to participate and complete
12 the treatment has not been waived by the Director, the
13 prisoner shall be placed on a waiting list under criteria
14 established by the Department. The Director may allow a
15 prisoner placed on a waiting list to participate in and
16 complete a substance abuse education class or attend
17 substance abuse self-help meetings in lieu of a substance
18 abuse treatment program. A prisoner on a waiting list who
19 is not placed in a substance abuse program prior to release
20 may be eligible for a waiver and receive good conduct
21 credit under clause (3) of this subsection (a) at the
22 discretion of the Director.

23 (5) Whenever the Department is to release any inmate
24 earlier than it otherwise would because of a grant of good
25 conduct credit for meritorious service given at any time
26 during the term, the Department shall give reasonable

1 advance notice of the impending release to the State's
2 Attorney of the county where the prosecution of the inmate
3 took place.

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

8 (c) The Department shall prescribe rules and regulations
9 for revoking good conduct credit, or suspending or reducing the
10 rate of accumulation of good conduct credit for specific rule
11 violations, during imprisonment. These rules and regulations
12 shall provide that no inmate may be penalized more than one
13 year of good conduct credit for any one infraction.

14 When the Department seeks to revoke, suspend or reduce the
15 rate of accumulation of any good conduct credits for an alleged
16 infraction of its rules, it shall bring charges therefor
17 against the prisoner sought to be so deprived of good conduct
18 credits before the Prisoner Review Board as provided in
19 subparagraph (a)(4) of Section 3-3-2 of this Code, if the
20 amount of credit at issue exceeds 30 days or when during any 12
21 month period, the cumulative amount of credit revoked exceeds
22 30 days except where the infraction is committed or discovered
23 within 60 days of scheduled release. In those cases, the
24 Department of Corrections may revoke up to 30 days of good
25 conduct credit. The Board may subsequently approve the
26 revocation of additional good conduct credit, if the Department

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

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

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

19 (d) If a lawsuit is filed by a prisoner in an Illinois or
20 federal court against the State, the Department of Corrections,
21 or the Prisoner Review Board, or against any of their officers
22 or employees, and the court makes a specific finding that a
23 pleading, motion, or other paper filed by the prisoner is
24 frivolous, the Department of Corrections shall conduct a
25 hearing to revoke up to 180 days of good conduct credit by
26 bringing charges against the prisoner sought to be deprived of

1 the good conduct credits before the Prisoner Review Board as
2 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.
3 If the prisoner has not accumulated 180 days of good conduct
4 credit at the time of the finding, then the Prisoner Review
5 Board may revoke all good conduct credit accumulated by the
6 prisoner.

7 For purposes of this subsection (d):

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

12 (A) it lacks an arguable basis either in law or in
13 fact;

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

17 (C) the claims, defenses, and other legal
18 contentions therein are not warranted by existing law
19 or by a nonfrivolous argument for the extension,
20 modification, or reversal of existing law or the
21 establishment of new law;

22 (D) the allegations and other factual contentions
23 do not have evidentiary support or, if specifically so
24 identified, are not likely to have evidentiary support
25 after a reasonable opportunity for further
26 investigation or discovery; or

1 (E) the denials of factual contentions are not
2 warranted on the evidence, or if specifically so
3 identified, are not reasonably based on a lack of
4 information or belief.

5 (2) "Lawsuit" means a petition for post-conviction
6 relief under Article 122 of the Code of Criminal Procedure
7 of 1963, a motion pursuant to Section 116-3 of the Code of
8 Criminal Procedure of 1963, a habeas corpus action under
9 Article X of the Code of Civil Procedure or under federal
10 law (28 U.S.C. 2254), a petition for claim under the Court
11 of Claims Act or an action under the federal Civil Rights
12 Act (42 U.S.C. 1983).

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

15 (Source: P.A. 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; 94-71,
16 eff. 6-23-05; 94-128, eff. 7-7-05; 94-156, eff. 7-8-05; 94-398,
17 eff. 8-2-05; 94-491, eff. 8-8-05; 94-744, eff. 5-8-06.)

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

20 (730 ILCS 150/2) (from Ch. 38, par. 222)

21 Sec. 2. Definitions.

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

24 (1) charged pursuant to Illinois law, or any

1 substantially similar federal, Uniform Code of Military
2 Justice, sister state, or foreign country law, with a sex
3 offense set forth in subsection (B) of this Section or the
4 attempt to commit an included sex offense, and:

5 (a) is convicted of such offense or an attempt to
6 commit such offense; or

7 (b) is found not guilty by reason of insanity of
8 such offense or an attempt to commit such offense; or

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

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

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

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

1 Uniform Code of Military Justice, sister state, or
2 foreign country law substantially similar to Section
3 104-25(a) of the Code of Criminal Procedure of 1963 for
4 the alleged violation or attempted commission of such
5 offense; or

6 (2) certified as a sexually dangerous person pursuant
7 to the Illinois Sexually Dangerous Persons Act, or any
8 substantially similar federal, Uniform Code of Military
9 Justice, sister state, or foreign country law; or

10 (3) subject to the provisions of Section 2 of the
11 Interstate Agreements on Sexually Dangerous Persons Act;
12 or

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

17 (5) adjudicated a juvenile delinquent as the result of
18 committing or attempting to commit an act which, if
19 committed by an adult, would constitute any of the offenses
20 specified in item (B), (C), or (C-5) of this Section or a
21 violation of any substantially similar federal, Uniform
22 Code of Military Justice, sister state, or foreign country
23 law, or found guilty under Article V of the Juvenile Court
24 Act of 1987 of committing or attempting to commit an act
25 which, if committed by an adult, would constitute any of
26 the offenses specified in item (B), (C), or (C-5) of this

1 Section or a violation of any substantially similar
2 federal, Uniform Code of Military Justice, sister state, or
3 foreign country law.

4 Convictions that result from or are connected with the same
5 act, or result from offenses committed at the same time, shall
6 be counted for the purpose of this Article as one conviction.
7 Any conviction set aside pursuant to law is not a conviction
8 for purposes of this Article.

9 For purposes of this Section, "convicted" shall have the
10 same meaning as "adjudicated". For the purposes of this
11 Article, a person who is defined as a sex offender as a result
12 of being adjudicated a juvenile delinquent under paragraph (5)
13 of this subsection (A) upon attaining 17 years of age shall be
14 considered as having committed the sex offense on or after the
15 sex offender's 17th birthday. Registration of juveniles upon
16 attaining 17 years of age shall not extend the original
17 registration of 10 years from the date of conviction.

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

19 (1) A violation of any of the following Sections of the
20 Criminal Code of 1961:

21 11-20.1 (child pornography),

22 11-6 (indecent solicitation of a child),

23 11-9.1 (sexual exploitation of a child),

24 11-9.2 (custodial sexual misconduct),

25 11-9.5 (sexual misconduct with a person with a
26 disability),

1 11-15.1 (soliciting for a juvenile prostitute),
2 11-18.1 (patronizing a juvenile prostitute),
3 11-17.1 (keeping a place of juvenile
4 prostitution),
5 11-19.1 (juvenile pimping),
6 11-19.2 (exploitation of a child),
7 12-13 (criminal sexual assault),
8 12-14 (aggravated criminal sexual assault),
9 12-14.1 (predatory criminal sexual assault of a
10 child),
11 12-15 (criminal sexual abuse),
12 12-16 (aggravated criminal sexual abuse),
13 12-33 (ritualized abuse of a child).
14 An attempt to commit any of these offenses.

15 (1.5) A violation of any of the following Sections of
16 the Criminal Code of 1961, when the victim is a person
17 under 18 years of age, the defendant is not a parent of the
18 victim, the offense was sexually motivated as defined in
19 Section 10 of the Sex Offender Management Board Act, and
20 the offense was committed on or after January 1, 1996:

21 10-1 (kidnapping),
22 10-2 (aggravated kidnapping),
23 10-3 (unlawful restraint),
24 10-3.1 (aggravated unlawful restraint).

25 (1.6) First degree murder under Section 9-1 of the
26 Criminal Code of 1961, when the victim was a person under

1 18 years of age and the defendant was at least 17 years of
2 age at the time of the commission of the offense, provided
3 the offense was sexually motivated as defined in Section 10
4 of the Sex Offender Management Board Act.

5 (1.7) (Blank).

6 (1.8) A violation or attempted violation of Section
7 11-11 (sexual relations within families) of the Criminal
8 Code of 1961, and the offense was committed on or after
9 June 1, 1997.

10 (1.9) Child abduction under paragraph (10) of
11 subsection (b) of Section 10-5 of the Criminal Code of 1961
12 committed by luring or attempting to lure a child under the
13 age of 16 into a motor vehicle, building, house trailer, or
14 dwelling place without the consent of the parent or lawful
15 custodian of the child for other than a lawful purpose and
16 the offense was committed on or after January 1, 1998,
17 provided the offense was sexually motivated as defined in
18 Section 10 of the Sex Offender Management Board Act.

19 (1.10) A violation or attempted violation of any of the
20 following Sections of the Criminal Code of 1961 when the
21 offense was committed on or after July 1, 1999:

22 10-4 (forcible detention, if the victim is under 18
23 years of age), provided the offense was sexually
24 motivated as defined in Section 10 of the Sex Offender
25 Management Board Act,

26 11-6.5 (indecent solicitation of an adult),

1 11-15 (soliciting for a prostitute, if the victim
2 is under 18 years of age),

3 11-16 (pandering, if the victim is under 18 years
4 of age),

5 11-18 (patronizing a prostitute, if the victim is
6 under 18 years of age),

7 11-19 (pimping, if the victim is under 18 years of
8 age).

9 (1.11) A violation or attempted violation of any of the
10 following Sections of the Criminal Code of 1961 when the
11 offense was committed on or after August 22, 2002:

12 11-9 (public indecency for a third or subsequent
13 conviction).

14 (1.12) A violation or attempted violation of Section
15 5.1 of the Wrongs to Children Act (permitting sexual abuse)
16 when the offense was committed on or after August 22, 2002.

17 (2) A violation of any former law of this State
18 substantially equivalent to any offense listed in
19 subsection (B) of this Section.

20 (C) A conviction for an offense of federal law, Uniform
21 Code of Military Justice, or the law of another state or a
22 foreign country that is substantially equivalent to any offense
23 listed in subsections (B), (C), and (E) of this Section shall
24 constitute a conviction for the purpose of this Article. A
25 finding or adjudication as a sexually dangerous person or a
26 sexually violent person under any federal law, Uniform Code of

1 Military Justice, or the law of another state or foreign
2 country that is substantially equivalent to the Sexually
3 Dangerous Persons Act or the Sexually Violent Persons
4 Commitment Act shall constitute an adjudication for the
5 purposes of this Article.

6 (C-5) A person at least 17 years of age at the time of the
7 commission of the offense who is convicted of first degree
8 murder under Section 9-1 of the Criminal Code of 1961, against
9 a person under 18 years of age, shall be required to register
10 for natural life. A conviction for an offense of federal,
11 Uniform Code of Military Justice, sister state, or foreign
12 country law that is substantially equivalent to any offense
13 listed in subsection (C-5) of this Section shall constitute a
14 conviction for the purpose of this Article. This subsection
15 (C-5) applies to a person who committed the offense before June
16 1, 1996 only if the person is incarcerated in an Illinois
17 Department of Corrections facility on August 20, 2004 (the
18 effective date of Public Act 93-977).

19 (D) As used in this Article, "law enforcement agency having
20 jurisdiction" means the Chief of Police in each of the
21 municipalities in which the sex offender expects to reside,
22 work, or attend school (1) upon his or her discharge, parole or
23 release or (2) during the service of his or her sentence of
24 probation or conditional discharge, or the Sheriff of the
25 county, in the event no Police Chief exists or if the offender
26 intends to reside, work, or attend school in an unincorporated

1 area. "Law enforcement agency having jurisdiction" includes
2 the location where out-of-state students attend school and
3 where out-of-state employees are employed or are otherwise
4 required to register.

5 (D-1) As used in this Article, "supervising officer" means
6 the assigned Illinois Department of Corrections parole agent or
7 county probation officer.

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

10 (1) Convicted for an offense of federal, Uniform Code
11 of Military Justice, sister state, or foreign country law
12 that is substantially equivalent to any offense listed in
13 subsection (E) of this Section shall constitute a
14 conviction for the purpose of this Article. Convicted of a
15 violation or attempted violation of any of the following
16 Sections of the Criminal Code of 1961, if the conviction
17 occurred after July 1, 1999:

18

19 11-17.1 (keeping a place of juvenile
20 prostitution),

21 11-19.1 (juvenile pimping),

22 11-19.2 (exploitation of a child),

23 11-20.1 (child pornography),

24 12-13 (criminal sexual assault),

25 12-14 (aggravated criminal sexual assault),

26 12-14.1 (predatory criminal sexual assault of a

1 child),
2 12-16 (aggravated criminal sexual abuse),
3 12-33 (ritualized abuse of a child); or
4 (2) (blank); or
5 (3) certified as a sexually dangerous person pursuant
6 to the Sexually Dangerous Persons Act or any substantially
7 similar federal, Uniform Code of Military Justice, sister
8 state, or foreign country law; or
9 (4) found to be a sexually violent person pursuant to
10 the Sexually Violent Persons Commitment Act or any
11 substantially similar federal, Uniform Code of Military
12 Justice, sister state, or foreign country law; ~~or~~
13 (5) convicted of a second or subsequent offense which
14 requires registration pursuant to this Act. The conviction
15 for the second or subsequent offense must have occurred
16 after July 1, 1999. For purposes of this paragraph (5),
17 "convicted" shall include a conviction under any
18 substantially similar Illinois, federal, Uniform Code of
19 Military Justice, sister state, or foreign country law; or
20 ~~or~~
21 (6) convicted of a second or subsequent offense of
22 luring a minor under Section 10-5.1 of the Criminal Code of
23 1961.
24 (F) As used in this Article, "out-of-state student" means
25 any sex offender, as defined in this Section, or sexual
26 predator who is enrolled in Illinois, on a full-time or

1 part-time basis, in any public or private educational
2 institution, including, but not limited to, any secondary
3 school, trade or professional institution, or institution of
4 higher learning.

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

13 (H) As used in this Article, "school" means any public or
14 private educational institution, including, but not limited
15 to, any elementary or secondary school, trade or professional
16 institution, or institution of higher education.

17 (I) As used in this Article, "fixed residence" means any
18 and all places that a sex offender resides for an aggregate
19 period of time of 5 or more days in a calendar year.

20 (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;
21 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945, eff. 6-27-06;
22 94-1053, eff. 7-24-06; revised 8-3-06.)

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Statutes amended in order of appearance

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720 ILCS 5/10-5

from Ch. 38, par. 10-5

4

720 ILCS 5/10-5.1 new

5

730 ILCS 5/3-6-3

from Ch. 38, par. 1003-6-3

6

730 ILCS 150/2

from Ch. 38, par. 222