

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 changing  
5 Section 11-20.1A and by adding Section 11-20.3 as follows:

6 (720 ILCS 5/11-20.1A) (from Ch. 38, par. 11-20.1A)  
7 Sec. 11-20.1A. Forfeitures.

8 (a) A person who commits the offense of keeping a place of  
9 juvenile prostitution, exploitation of a child, or child  
10 pornography under Section 11-17.1, 11-19.2, ~~or~~ 11-20.1, or  
11 11-20.3 of this Code shall forfeit to the State of Illinois:

12 (1) Any profits or proceeds and any interest or  
13 property he or she has acquired or maintained in violation  
14 of Section 11-17.1, 11-19.2, ~~or~~ 11-20.1, or 11-20.3 of this  
15 Code that the sentencing court determines, after a  
16 forfeiture hearing, to have been acquired or maintained as  
17 a result of keeping a place of juvenile prostitution,  
18 exploitation of a child, ~~or~~ child pornography, or  
19 aggravated child pornography.

20 (2) Any interest in, security of, claim against, or  
21 property or contractual right of any kind affording a  
22 source of influence over any enterprise that he or she has  
23 established, operated, controlled, or conducted in

1 violation of Section 11-17.1, 11-19.2, ~~or~~ 11-20.1, or  
2 11-20.3 of this Code that the sentencing court determines,  
3 after a forfeiture hearing, to have been acquired or  
4 maintained as a result of keeping a place of juvenile  
5 prostitution, exploitation of a child, ~~or~~ child  
6 pornography, or aggravated child pornography.

7 (3) Any computer that contains a depiction of child  
8 pornography in any encoded or decoded format in violation  
9 of Section 11-20.1 of this Code. For purposes of this  
10 paragraph (3), "computer" has the meaning ascribed to it in  
11 Section 16D-2 of this Code.

12 (b) (1) The court shall, upon petition by the Attorney  
13 General or State's Attorney at any time following  
14 sentencing, conduct a hearing to determine whether any  
15 property or property interest is subject to forfeiture  
16 under this Section. At the forfeiture hearing the people  
17 shall have the burden of establishing, by a preponderance  
18 of the evidence, that property or property interests are  
19 subject to forfeiture under this Section.

20 (2) In any action brought by the People of the State of  
21 Illinois under this Section, wherein any restraining  
22 order, injunction or prohibition or any other action in  
23 connection with any property or interest subject to  
24 forfeiture under this Section is sought, the circuit court  
25 presiding over the trial of the person or persons charged  
26 with keeping a place of juvenile prostitution,

1 exploitation of a child or child pornography shall first  
2 determine whether there is probable cause to believe that  
3 the person or persons so charged have committed the offense  
4 of keeping a place of juvenile prostitution, exploitation  
5 of a child or child pornography and whether the property or  
6 interest is subject to forfeiture pursuant to this Section.  
7 In order to make such a determination, prior to entering  
8 any such order, the court shall conduct a hearing without a  
9 jury, wherein the People shall establish that there is: (i)  
10 probable cause that the person or persons so charged have  
11 committed the offense of keeping a place of juvenile  
12 prostitution, exploitation of a child or child pornography  
13 and (ii) probable cause that any property or interest may  
14 be subject to forfeiture pursuant to this Section. Such  
15 hearing may be conducted simultaneously with a preliminary  
16 hearing, if the prosecution is commenced by information or  
17 complaint, or by motion of the People, at any stage in the  
18 proceedings. The court may accept a finding of probable  
19 cause at a preliminary hearing following the filing of an  
20 information charging the offense of keeping a place of  
21 juvenile prostitution, exploitation of a child or child  
22 pornography or the return of an indictment by a grand jury  
23 charging the offense of keeping a place of juvenile  
24 prostitution, exploitation of a child or child pornography  
25 as sufficient evidence of probable cause as provided in  
26 item (i) above. Upon such a finding, the circuit court

1 shall enter such restraining order, injunction or  
2 prohibition, or shall take such other action in connection  
3 with any such property or other interest subject to  
4 forfeiture, as is necessary to insure that such property is  
5 not removed from the jurisdiction of the court, concealed,  
6 destroyed or otherwise disposed of by the owner of that  
7 property or interest prior to a forfeiture hearing under  
8 this Section. The Attorney General or State's Attorney  
9 shall file a certified copy of such restraining order,  
10 injunction or other prohibition with the recorder of deeds  
11 or registrar of titles of each county where any such  
12 property of the defendant may be located. No such  
13 injunction, restraining order or other prohibition shall  
14 affect the rights of any bona fide purchaser, mortgagee,  
15 judgment creditor or other lienholder arising prior to the  
16 date of such filing. The court may, at any time, upon  
17 verified petition by the defendant or an innocent owner or  
18 innocent bona fide third party lienholder who neither had  
19 knowledge of, nor consented to, the illegal act or  
20 omission, conduct a hearing to release all or portions of  
21 any such property or interest which the court previously  
22 determined to be subject to forfeiture or subject to any  
23 restraining order, injunction, or prohibition or other  
24 action. The court may release such property to the  
25 defendant or innocent owner or innocent bona fide third  
26 party lienholder who neither had knowledge of, nor

1 consented to, the illegal act or omission for good cause  
2 shown and within the sound discretion of the court.

3 A forfeiture under this Section may be commenced by the  
4 Attorney General or a State's Attorney.

5 (3) Upon conviction of a person of keeping a place of  
6 juvenile prostitution, exploitation of a child or child  
7 pornography, the court shall authorize the Attorney  
8 General to seize all property or other interest declared  
9 forfeited under this Section upon such terms and conditions  
10 as the court shall deem proper.

11 (4) The Attorney General is authorized to sell all  
12 property forfeited and seized pursuant to this Section,  
13 unless such property is required by law to be destroyed or  
14 is harmful to the public, and, after the deduction of all  
15 requisite expenses of administration and sale, shall  
16 distribute the proceeds of such sale, along with any moneys  
17 forfeited or seized, in accordance with subsection (c) of  
18 this Section.

19 (c) All monies forfeited and the sale proceeds of all other  
20 property forfeited and seized under this Section shall be  
21 distributed as follows:

22 (1) One-half shall be divided equally among all State  
23 agencies and units of local government whose officers or  
24 employees conducted the investigation which resulted in  
25 the forfeiture; and

26 (2) One-half shall be deposited in the Violent Crime

1 Victims Assistance Fund.

2 (Source: P.A. 91-229, eff. 1-1-00; 92-175, eff. 1-1-02.)

3 (720 ILCS 5/11-20.3 new)

4 Sec. 11-20.3. Aggravated child pornography.

5 (a) A person commits the offense of aggravated child  
6 pornography who:

7 (1) films, videotapes, photographs, or otherwise  
8 depicts or portrays by means of any similar visual medium  
9 or reproduction or depicts by computer any child whom he or  
10 she knows or reasonably should know to be under the age of  
11 13 years where such child is:

12 (i) actually or by simulation engaged in any act of  
13 sexual penetration or sexual conduct with any person or  
14 animal; or

15 (ii) actually or by simulation engaged in any act  
16 of sexual penetration or sexual conduct involving the  
17 sex organs of the child and the mouth, anus, or sex  
18 organs of another person or animal; or which involves  
19 the mouth, anus or sex organs of the child and the sex  
20 organs of another person or animal; or

21 (iii) actually or by simulation engaged in any act  
22 of masturbation; or

23 (iv) actually or by simulation portrayed as being  
24 the object of, or otherwise engaged in, any act of lewd  
25 fondling, touching, or caressing involving another

1           person or animal; or  
2           (v) actually or by simulation engaged in any act of  
3           excretion or urination within a sexual context; or  
4           (vi) actually or by simulation portrayed or  
5           depicted as bound, fettered, or subject to sadistic,  
6           masochistic, or sadomasochistic abuse in any sexual  
7           context; or  
8           (vii) depicted or portrayed in any pose, posture or  
9           setting involving a lewd exhibition of the unclothed or  
10           transparently clothed genitals, pubic area, buttocks,  
11           or, if such person is female, a fully or partially  
12           developed breast of the child or other person; or  
13           (2) with the knowledge of the nature or content  
14           thereof, reproduces, disseminates, offers to disseminate,  
15           exhibits or possesses with intent to disseminate any film,  
16           videotape, photograph or other similar visual reproduction  
17           or depiction by computer of any child whom the person knows  
18           or reasonably should know to be under the age of 13 engaged  
19           in any activity described in subparagraphs (i) through  
20           (vii) of paragraph (1) of this subsection; or  
21           (3) with knowledge of the subject matter or theme  
22           thereof, produces any stage play, live performance, film,  
23           videotape or other similar visual portrayal or depiction by  
24           computer which includes a child whom the person knows or  
25           reasonably should know to be under the age of 13 engaged in  
26           any activity described in subparagraphs (i) through (vii)

1 of paragraph (1) of this subsection; or

2 (4) solicits, uses, persuades, induces, entices, or  
3 coerces any child whom he or she knows or reasonably should  
4 know to be under the age of 13 to appear in any stage play,  
5 live presentation, film, videotape, photograph or other  
6 similar visual reproduction or depiction by computer in  
7 which the child or severely or profoundly mentally retarded  
8 person is or will be depicted, actually or by simulation,  
9 in any act, pose or setting described in subparagraphs (i)  
10 through (vii) of paragraph (1) of this subsection; or

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

21 (6) with knowledge of the nature or content thereof,  
22 possesses any film, videotape, photograph or other similar  
23 visual reproduction or depiction by computer of any child  
24 whom the person knows or reasonably should know to be under  
25 the age of 13 engaged in any activity described in  
26 subparagraphs (i) through (vii) of paragraph (1) of this



1 subsection; or

2 (7) solicits, or knowingly uses, persuades, induces,  
3 entices, or coerces a person to provide a child under the  
4 age of 13 to appear in any videotape, photograph, film,  
5 stage play, live presentation, or other similar visual  
6 reproduction or depiction by computer in which the child  
7 will be depicted, actually or by simulation, in any act,  
8 pose, or setting described in subparagraphs (i) through  
9 (vii) of paragraph (1) of this subsection.

10 (b)(1) It shall be an affirmative defense to a charge of  
11 aggravated child pornography that the defendant reasonably  
12 believed, under all of the circumstances, that the child was 13  
13 years of age or older, but only where, prior to the act or acts  
14 giving rise to a prosecution under this Section, he or she took  
15 some affirmative action or made a bonafide inquiry designed to  
16 ascertain whether the child was 13 years of age or older and  
17 his or her reliance upon the information so obtained was  
18 clearly reasonable.

19 (2) The charge of aggravated child pornography shall not  
20 apply to the performance of official duties by law enforcement  
21 or prosecuting officers or persons employed by law enforcement  
22 or prosecuting agencies, court personnel or attorneys, nor to  
23 bonafide treatment or professional education programs  
24 conducted by licensed physicians, psychologists or social  
25 workers.

26 (3) If the defendant possessed more than 3 of the same

1 film, videotape or visual reproduction or depiction by computer  
2 in which aggravated child pornography is depicted, then the  
3 trier of fact may infer that the defendant possessed such  
4 materials with the intent to disseminate them.

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

12 (c) Sentence: (1) A person who commits a violation of  
13 paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) is  
14 guilty of a Class X felony with a mandatory minimum fine of  
15 \$2,000 and a maximum fine of \$100,000.

16 (2) A person who commits a violation of paragraph (6) of  
17 subsection (a) is guilty of a Class 2 felony with a mandatory  
18 minimum fine of \$1000 and a maximum fine of \$100,000.

19 (3) A person who commits a violation of paragraph (1), (2),  
20 (3), (4), (5), or (7) of subsection (a) where the defendant has  
21 previously been convicted under the laws of this State or any  
22 other state of the offense of child pornography, aggravated  
23 child pornography, aggravated criminal sexual abuse,  
24 aggravated criminal sexual assault, predatory criminal sexual  
25 assault of a child, or any of the offenses formerly known as  
26 rape, deviate sexual assault, indecent liberties with a child,

1 or aggravated indecent liberties with a child where the victim  
2 was under the age of 18 years or an offense that is  
3 substantially equivalent to those offenses, is guilty of a  
4 Class X felony for which the person shall be sentenced to a  
5 term of imprisonment of not less than 9 years with a mandatory  
6 minimum fine of \$2,000 and a maximum fine of \$100,000.

7 (4) A person who commits a violation of paragraph (6) of  
8 subsection (a) where the defendant has previously been  
9 convicted under the laws of this State or any other state of  
10 the offense of child pornography, aggravated child  
11 pornography, aggravated criminal sexual abuse, aggravated  
12 criminal sexual assault, predatory criminal sexual assault of a  
13 child, or any of the offenses formerly known as rape, deviate  
14 sexual assault, indecent liberties with a child, or aggravated  
15 indecent liberties with a child where the victim was under the  
16 age of 18 years or an offense that is substantially equivalent  
17 to those offenses, is guilty of a Class 1 felony with a  
18 mandatory minimum fine of \$1000 and a maximum fine of \$100,000.

19 (d) If a person is convicted of a second or subsequent  
20 violation of this Section within 10 years of a prior  
21 conviction, the court shall order a presentence psychiatric  
22 examination of the person. The examiner shall report to the  
23 court whether treatment of the person is necessary.

24 (e) Any film, videotape, photograph or other similar visual  
25 reproduction or depiction by computer which includes a child  
26 under the age of 13 engaged in any activity described in

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

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

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

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

1 to a computer.

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

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

5 (4) "Depict by computer" means to generate or create,  
6 or cause to be created or generated, a computer program or  
7 data that, after being processed by a computer either alone  
8 or in conjunction with one or more computer programs,  
9 results in a visual depiction on a computer monitor,  
10 screen, or display.

11 (5) "Depiction by computer" means a computer program or  
12 data that, after being processed by a computer either alone  
13 or in conjunction with one or more computer programs,  
14 results in a visual depiction on a computer monitor,  
15 screen, or display.

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

19 (7) For the purposes of this Section, "child" means a  
20 person, either in part or in total, under the age of 13,  
21 regardless of the method by which the film, videotape,  
22 photograph, or other similar visual medium or reproduction  
23 or depiction by computer is created, adopted, or modified  
24 to appear as such.

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

1       (g) When a charge of aggravated child pornography is  
2 brought, the age of the child is an element of the offense to  
3 be resolved by the trier of fact as either exceeding or not  
4 exceeding the age in question. The trier of fact can rely on  
5 its own everyday observations and common experiences in making  
6 this determination.

7       Section 10. The Unified Code of Corrections is amended by  
8 changing Section 5-5-3 as follows:

9       (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

10       Sec. 5-5-3. Disposition.

11       (a) Except as provided in Section 11-501 of the Illinois  
12 Vehicle Code, every person convicted of an offense shall be  
13 sentenced as provided in this Section.

14       (b) The following options shall be appropriate  
15 dispositions, alone or in combination, for all felonies and  
16 misdemeanors other than those identified in subsection (c) of  
17 this Section:

18             (1) A period of probation.

19             (2) A term of periodic imprisonment.

20             (3) A term of conditional discharge.

21             (4) A term of imprisonment.

22             (5) An order directing the offender to clean up and  
23 repair the damage, if the offender was convicted under  
24 paragraph (h) of Section 21-1 of the Criminal Code of 1961

1 (now repealed).

2 (6) A fine.

3 (7) An order directing the offender to make restitution  
4 to the victim under Section 5-5-6 of this Code.

5 (8) A sentence of participation in a county impact  
6 incarceration program under Section 5-8-1.2 of this Code.

7 (9) A term of imprisonment in combination with a term  
8 of probation when the offender has been admitted into a  
9 drug court program under Section 20 of the Drug Court  
10 Treatment Act.

11 Neither a fine nor restitution shall be the sole  
12 disposition for a felony and either or both may be imposed only  
13 in conjunction with another disposition.

14 (c) (1) When a defendant is found guilty of first degree  
15 murder the State may either seek a sentence of imprisonment  
16 under Section 5-8-1 of this Code, or where appropriate seek  
17 a sentence of death under Section 9-1 of the Criminal Code  
18 of 1961.

19 (2) A period of probation, a term of periodic  
20 imprisonment or conditional discharge shall not be imposed  
21 for the following offenses. The court shall sentence the  
22 offender to not less than the minimum term of imprisonment  
23 set forth in this Code for the following offenses, and may  
24 order a fine or restitution or both in conjunction with  
25 such term of imprisonment:

26 (A) First degree murder where the death penalty is

1 not imposed.

2 (B) Attempted first degree murder.

3 (C) A Class X felony.

4 (D) A violation of Section 401.1 or 407 of the  
5 Illinois Controlled Substances Act, or a violation of  
6 subdivision (c) (1) or (c) (2) of Section 401 of that Act  
7 which relates to more than 5 grams of a substance  
8 containing heroin or cocaine or an analog thereof.

9 (E) A violation of Section 5.1 or 9 of the Cannabis  
10 Control Act.

11 (F) A Class 2 or greater felony if the offender had  
12 been convicted of a Class 2 or greater felony within 10  
13 years of the date on which the offender committed the  
14 offense for which he or she is being sentenced, except  
15 as otherwise provided in Section 40-10 of the  
16 Alcoholism and Other Drug Abuse and Dependency Act.

17 (F-5) A violation of Section 24-1, 24-1.1, or  
18 24-1.6 of the Criminal Code of 1961 for which  
19 imprisonment is prescribed in those Sections.

20 (G) Residential burglary, except as otherwise  
21 provided in Section 40-10 of the Alcoholism and Other  
22 Drug Abuse and Dependency Act.

23 (H) Criminal sexual assault.

24 (I) Aggravated battery of a senior citizen.

25 (J) A forcible felony if the offense was related to  
26 the activities of an organized gang.



1           Before July 1, 1994, for the purposes of this  
2 paragraph, "organized gang" means an association of 5  
3 or more persons, with an established hierarchy, that  
4 encourages members of the association to perpetrate  
5 crimes or provides support to the members of the  
6 association who do commit crimes.

7           Beginning July 1, 1994, for the purposes of this  
8 paragraph, "organized gang" has the meaning ascribed  
9 to it in Section 10 of the Illinois Streetgang  
10 Terrorism Omnibus Prevention Act.

11           (K) Vehicular hijacking.

12           (L) A second or subsequent conviction for the  
13 offense of hate crime when the underlying offense upon  
14 which the hate crime is based is felony aggravated  
15 assault or felony mob action.

16           (M) A second or subsequent conviction for the  
17 offense of institutional vandalism if the damage to the  
18 property exceeds \$300.

19           (N) A Class 3 felony violation of paragraph (1) of  
20 subsection (a) of Section 2 of the Firearm Owners  
21 Identification Card Act.

22           (O) A violation of Section 12-6.1 of the Criminal  
23 Code of 1961.

24           (P) A violation of paragraph (1), (2), (3), (4),  
25 (5), or (7) of subsection (a) of Section 11-20.1 of the  
26 Criminal Code of 1961.

1           (Q) A violation of Section 20-1.2 or 20-1.3 of the  
2 Criminal Code of 1961.

3           (R) A violation of Section 24-3A of the Criminal  
4 Code of 1961.

5           (S) (Blank).

6           (T) A second or subsequent violation of the  
7 Methamphetamine Control and Community Protection Act.

8           (U) A violation of paragraph (4) of subsection (c)  
9 of Section 11-20.3 of the Criminal Code of 1961.

10          (3) (Blank).

11          (4) A minimum term of imprisonment of not less than 10  
12 consecutive days or 30 days of community service shall be  
13 imposed for a violation of paragraph (c) of Section 6-303  
14 of the Illinois Vehicle Code.

15          (4.1) (Blank).

16          (4.2) Except as provided in paragraph (4.3) of this  
17 subsection (c), a minimum of 100 hours of community service  
18 shall be imposed for a second violation of Section 6-303 of  
19 the Illinois Vehicle Code.

20          (4.3) A minimum term of imprisonment of 30 days or 300  
21 hours of community service, as determined by the court,  
22 shall be imposed for a second violation of subsection (c)  
23 of Section 6-303 of the Illinois Vehicle Code.

24          (4.4) Except as provided in paragraph (4.5) and  
25 paragraph (4.6) of this subsection (c), a minimum term of  
26 imprisonment of 30 days or 300 hours of community service,

1 as determined by the court, shall be imposed for a third or  
2 subsequent violation of Section 6-303 of the Illinois  
3 Vehicle Code.

4 (4.5) A minimum term of imprisonment of 30 days shall  
5 be imposed for a third violation of subsection (c) of  
6 Section 6-303 of the Illinois Vehicle Code.

7 (4.6) A minimum term of imprisonment of 180 days shall  
8 be imposed for a fourth or subsequent violation of  
9 subsection (c) of Section 6-303 of the Illinois Vehicle  
10 Code.

11 (5) The court may sentence an offender convicted of a  
12 business offense or a petty offense or a corporation or  
13 unincorporated association convicted of any offense to:

14 (A) a period of conditional discharge;

15 (B) a fine;

16 (C) make restitution to the victim under Section  
17 5-5-6 of this Code.

18 (5.1) In addition to any penalties imposed under  
19 paragraph (5) of this subsection (c), and except as  
20 provided in paragraph (5.2) or (5.3), a person convicted of  
21 violating subsection (c) of Section 11-907 of the Illinois  
22 Vehicle Code shall have his or her driver's license,  
23 permit, or privileges suspended for at least 90 days but  
24 not more than one year, if the violation resulted in damage  
25 to the property of another person.

26 (5.2) In addition to any penalties imposed under

1 paragraph (5) of this subsection (c), and except as  
2 provided in paragraph (5.3), a person convicted of  
3 violating subsection (c) of Section 11-907 of the Illinois  
4 Vehicle Code shall have his or her driver's license,  
5 permit, or privileges suspended for at least 180 days but  
6 not more than 2 years, if the violation resulted in injury  
7 to another person.

8 (5.3) In addition to any penalties imposed under  
9 paragraph (5) of this subsection (c), a person convicted of  
10 violating subsection (c) of Section 11-907 of the Illinois  
11 Vehicle Code shall have his or her driver's license,  
12 permit, or privileges suspended for 2 years, if the  
13 violation resulted in the death of another person.

14 (5.4) In addition to any penalties imposed under  
15 paragraph (5) of this subsection (c), a person convicted of  
16 violating Section 3-707 of the Illinois Vehicle Code shall  
17 have his or her driver's license, permit, or privileges  
18 suspended for 3 months and until he or she has paid a  
19 reinstatement fee of \$100.

20 (5.5) In addition to any penalties imposed under  
21 paragraph (5) of this subsection (c), a person convicted of  
22 violating Section 3-707 of the Illinois Vehicle Code during  
23 a period in which his or her driver's license, permit, or  
24 privileges were suspended for a previous violation of that  
25 Section shall have his or her driver's license, permit, or  
26 privileges suspended for an additional 6 months after the

1 expiration of the original 3-month suspension and until he  
2 or she has paid a reinstatement fee of \$100.

3 (6) In no case shall an offender be eligible for a  
4 disposition of probation or conditional discharge for a  
5 Class 1 felony committed while he was serving a term of  
6 probation or conditional discharge for a felony.

7 (7) When a defendant is adjudged a habitual criminal  
8 under Article 33B of the Criminal Code of 1961, the court  
9 shall sentence the defendant to a term of natural life  
10 imprisonment.

11 (8) When a defendant, over the age of 21 years, is  
12 convicted of a Class 1 or Class 2 felony, after having  
13 twice been convicted in any state or federal court of an  
14 offense that contains the same elements as an offense now  
15 classified in Illinois as a Class 2 or greater Class felony  
16 and such charges are separately brought and tried and arise  
17 out of different series of acts, such defendant shall be  
18 sentenced as a Class X offender. This paragraph shall not  
19 apply unless (1) the first felony was committed after the  
20 effective date of this amendatory Act of 1977; and (2) the  
21 second felony was committed after conviction on the first;  
22 and (3) the third felony was committed after conviction on  
23 the second. A person sentenced as a Class X offender under  
24 this paragraph is not eligible to apply for treatment as a  
25 condition of probation as provided by Section 40-10 of the  
26 Alcoholism and Other Drug Abuse and Dependency Act.

1           (9) A defendant convicted of a second or subsequent  
2 offense of ritualized abuse of a child may be sentenced to  
3 a term of natural life imprisonment.

4           (10) (Blank).

5           (11) The court shall impose a minimum fine of \$1,000  
6 for a first offense and \$2,000 for a second or subsequent  
7 offense upon a person convicted of or placed on supervision  
8 for battery when the individual harmed was a sports  
9 official or coach at any level of competition and the act  
10 causing harm to the sports official or coach occurred  
11 within an athletic facility or within the immediate  
12 vicinity of the athletic facility at which the sports  
13 official or coach was an active participant of the athletic  
14 contest held at the athletic facility. For the purposes of  
15 this paragraph (11), "sports official" means a person at an  
16 athletic contest who enforces the rules of the contest,  
17 such as an umpire or referee; "athletic facility" means an  
18 indoor or outdoor playing field or recreational area where  
19 sports activities are conducted; and "coach" means a person  
20 recognized as a coach by the sanctioning authority that  
21 conducted the sporting event.

22           (12) A person may not receive a disposition of court  
23 supervision for a violation of Section 5-16 of the Boat  
24 Registration and Safety Act if that person has previously  
25 received a disposition of court supervision for a violation  
26 of that Section.

1           (d) In any case in which a sentence originally imposed is  
2 vacated, the case shall be remanded to the trial court. The  
3 trial court shall hold a hearing under Section 5-4-1 of the  
4 Unified Code of Corrections which may include evidence of the  
5 defendant's life, moral character and occupation during the  
6 time since the original sentence was passed. The trial court  
7 shall then impose sentence upon the defendant. The trial court  
8 may impose any sentence which could have been imposed at the  
9 original trial subject to Section 5-5-4 of the Unified Code of  
10 Corrections. If a sentence is vacated on appeal or on  
11 collateral attack due to the failure of the trier of fact at  
12 trial to determine beyond a reasonable doubt the existence of a  
13 fact (other than a prior conviction) necessary to increase the  
14 punishment for the offense beyond the statutory maximum  
15 otherwise applicable, either the defendant may be re-sentenced  
16 to a term within the range otherwise provided or, if the State  
17 files notice of its intention to again seek the extended  
18 sentence, the defendant shall be afforded a new trial.

19           (e) In cases where prosecution for aggravated criminal  
20 sexual abuse under Section 12-16 of the Criminal Code of 1961  
21 results in conviction of a defendant who was a family member of  
22 the victim at the time of the commission of the offense, the  
23 court shall consider the safety and welfare of the victim and  
24 may impose a sentence of probation only where:

25                 (1) the court finds (A) or (B) or both are appropriate:

26                         (A) the defendant is willing to undergo a court

1 approved counseling program for a minimum duration of 2  
2 years; or

3 (B) the defendant is willing to participate in a  
4 court approved plan including but not limited to the  
5 defendant's:

6 (i) removal from the household;

7 (ii) restricted contact with the victim;

8 (iii) continued financial support of the  
9 family;

10 (iv) restitution for harm done to the victim;

11 and

12 (v) compliance with any other measures that  
13 the court may deem appropriate; and

14 (2) the court orders the defendant to pay for the  
15 victim's counseling services, to the extent that the court  
16 finds, after considering the defendant's income and  
17 assets, that the defendant is financially capable of paying  
18 for such services, if the victim was under 18 years of age  
19 at the time the offense was committed and requires  
20 counseling as a result of the offense.

21 Probation may be revoked or modified pursuant to Section  
22 5-6-4; except where the court determines at the hearing that  
23 the defendant violated a condition of his or her probation  
24 restricting contact with the victim or other family members or  
25 commits another offense with the victim or other family  
26 members, the court shall revoke the defendant's probation and



1 impose a term of imprisonment.

2 For the purposes of this Section, "family member" and  
3 "victim" shall have the meanings ascribed to them in Section  
4 12-12 of the Criminal Code of 1961.

5 (f) This Article shall not deprive a court in other  
6 proceedings to order a forfeiture of property, to suspend or  
7 cancel a license, to remove a person from office, or to impose  
8 any other civil penalty.

9 (g) Whenever a defendant is convicted of an offense under  
10 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,  
11 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16  
12 of the Criminal Code of 1961, the defendant shall undergo  
13 medical testing to determine whether the defendant has any  
14 sexually transmissible disease, including a test for infection  
15 with human immunodeficiency virus (HIV) or any other identified  
16 causative agent of acquired immunodeficiency syndrome (AIDS).  
17 Any such medical test shall be performed only by appropriately  
18 licensed medical practitioners and may include an analysis of  
19 any bodily fluids as well as an examination of the defendant's  
20 person. Except as otherwise provided by law, the results of  
21 such test shall be kept strictly confidential by all medical  
22 personnel involved in the testing and must be personally  
23 delivered in a sealed envelope to the judge of the court in  
24 which the conviction was entered for the judge's inspection in  
25 camera. Acting in accordance with the best interests of the  
26 victim and the public, the judge shall have the discretion to

1 determine to whom, if anyone, the results of the testing may be  
2 revealed. The court shall notify the defendant of the test  
3 results. The court shall also notify the victim if requested by  
4 the victim, and if the victim is under the age of 15 and if  
5 requested by the victim's parents or legal guardian, the court  
6 shall notify the victim's parents or legal guardian of the test  
7 results. The court shall provide information on the  
8 availability of HIV testing and counseling at Department of  
9 Public Health facilities to all parties to whom the results of  
10 the testing are revealed and shall direct the State's Attorney  
11 to provide the information to the victim when possible. A  
12 State's Attorney may petition the court to obtain the results  
13 of any HIV test administered under this Section, and the court  
14 shall grant the disclosure if the State's Attorney shows it is  
15 relevant in order to prosecute a charge of criminal  
16 transmission of HIV under Section 12-16.2 of the Criminal Code  
17 of 1961 against the defendant. The court shall order that the  
18 cost of any such test shall be paid by the county and may be  
19 taxed as costs against the convicted defendant.

20 (g-5) When an inmate is tested for an airborne communicable  
21 disease, as determined by the Illinois Department of Public  
22 Health including but not limited to tuberculosis, the results  
23 of the test shall be personally delivered by the warden or his  
24 or her designee in a sealed envelope to the judge of the court  
25 in which the inmate must appear for the judge's inspection in  
26 camera if requested by the judge. Acting in accordance with the

1 best interests of those in the courtroom, the judge shall have  
2 the discretion to determine what if any precautions need to be  
3 taken to prevent transmission of the disease in the courtroom.

4 (h) Whenever a defendant is convicted of an offense under  
5 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
6 defendant shall undergo medical testing to determine whether  
7 the defendant has been exposed to human immunodeficiency virus  
8 (HIV) or any other identified causative agent of acquired  
9 immunodeficiency syndrome (AIDS). Except as otherwise provided  
10 by law, the results of such test shall be kept strictly  
11 confidential by all medical personnel involved in the testing  
12 and must be personally delivered in a sealed envelope to the  
13 judge of the court in which the conviction was entered for the  
14 judge's inspection in camera. Acting in accordance with the  
15 best interests of the public, the judge shall have the  
16 discretion to determine to whom, if anyone, the results of the  
17 testing may be revealed. The court shall notify the defendant  
18 of a positive test showing an infection with the human  
19 immunodeficiency virus (HIV). The court shall provide  
20 information on the availability of HIV testing and counseling  
21 at Department of Public Health facilities to all parties to  
22 whom the results of the testing are revealed and shall direct  
23 the State's Attorney to provide the information to the victim  
24 when possible. A State's Attorney may petition the court to  
25 obtain the results of any HIV test administered under this  
26 Section, and the court shall grant the disclosure if the

1 State's Attorney shows it is relevant in order to prosecute a  
2 charge of criminal transmission of HIV under Section 12-16.2 of  
3 the Criminal Code of 1961 against the defendant. The court  
4 shall order that the cost of any such test shall be paid by the  
5 county and may be taxed as costs against the convicted  
6 defendant.

7 (i) All fines and penalties imposed under this Section for  
8 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
9 Vehicle Code, or a similar provision of a local ordinance, and  
10 any violation of the Child Passenger Protection Act, or a  
11 similar provision of a local ordinance, shall be collected and  
12 disbursed by the circuit clerk as provided under Section 27.5  
13 of the Clerks of Courts Act.

14 (j) In cases when prosecution for any violation of Section  
15 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,  
16 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
17 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
18 Code of 1961, any violation of the Illinois Controlled  
19 Substances Act, any violation of the Cannabis Control Act, or  
20 any violation of the Methamphetamine Control and Community  
21 Protection Act results in conviction, a disposition of court  
22 supervision, or an order of probation granted under Section 10  
23 of the Cannabis Control Act, Section 410 of the Illinois  
24 Controlled Substance Act, or Section 70 of the Methamphetamine  
25 Control and Community Protection Act of a defendant, the court  
26 shall determine whether the defendant is employed by a facility

1 or center as defined under the Child Care Act of 1969, a public  
2 or private elementary or secondary school, or otherwise works  
3 with children under 18 years of age on a daily basis. When a  
4 defendant is so employed, the court shall order the Clerk of  
5 the Court to send a copy of the judgment of conviction or order  
6 of supervision or probation to the defendant's employer by  
7 certified mail. If the employer of the defendant is a school,  
8 the Clerk of the Court shall direct the mailing of a copy of  
9 the judgment of conviction or order of supervision or probation  
10 to the appropriate regional superintendent of schools. The  
11 regional superintendent of schools shall notify the State Board  
12 of Education of any notification under this subsection.

13 (j-5) A defendant at least 17 years of age who is convicted  
14 of a felony and who has not been previously convicted of a  
15 misdemeanor or felony and who is sentenced to a term of  
16 imprisonment in the Illinois Department of Corrections shall as  
17 a condition of his or her sentence be required by the court to  
18 attend educational courses designed to prepare the defendant  
19 for a high school diploma and to work toward a high school  
20 diploma or to work toward passing the high school level Test of  
21 General Educational Development (GED) or to work toward  
22 completing a vocational training program offered by the  
23 Department of Corrections. If a defendant fails to complete the  
24 educational training required by his or her sentence during the  
25 term of incarceration, the Prisoner Review Board shall, as a  
26 condition of mandatory supervised release, require the

1 defendant, at his or her own expense, to pursue a course of  
2 study toward a high school diploma or passage of the GED test.  
3 The Prisoner Review Board shall revoke the mandatory supervised  
4 release of a defendant who wilfully fails to comply with this  
5 subsection (j-5) upon his or her release from confinement in a  
6 penal institution while serving a mandatory supervised release  
7 term; however, the inability of the defendant after making a  
8 good faith effort to obtain financial aid or pay for the  
9 educational training shall not be deemed a wilful failure to  
10 comply. The Prisoner Review Board shall recommit the defendant  
11 whose mandatory supervised release term has been revoked under  
12 this subsection (j-5) as provided in Section 3-3-9. This  
13 subsection (j-5) does not apply to a defendant who has a high  
14 school diploma or has successfully passed the GED test. This  
15 subsection (j-5) does not apply to a defendant who is  
16 determined by the court to be developmentally disabled or  
17 otherwise mentally incapable of completing the educational or  
18 vocational program.

19 (k) A court may not impose a sentence or disposition for a  
20 felony or misdemeanor that requires the defendant to be  
21 implanted or injected with or to use any form of birth control.

22 (l) (A) Except as provided in paragraph (C) of subsection  
23 (l), whenever a defendant, who is an alien as defined by  
24 the Immigration and Nationality Act, is convicted of any  
25 felony or misdemeanor offense, the court after sentencing  
26 the defendant may, upon motion of the State's Attorney,

1 hold sentence in abeyance and remand the defendant to the  
2 custody of the Attorney General of the United States or his  
3 or her designated agent to be deported when:

4 (1) a final order of deportation has been issued  
5 against the defendant pursuant to proceedings under  
6 the Immigration and Nationality Act, and

7 (2) the deportation of the defendant would not  
8 deprecate the seriousness of the defendant's conduct  
9 and would not be inconsistent with the ends of justice.

10 Otherwise, the defendant shall be sentenced as  
11 provided in this Chapter V.

12 (B) If the defendant has already been sentenced for a  
13 felony or misdemeanor offense, or has been placed on  
14 probation under Section 10 of the Cannabis Control Act,  
15 Section 410 of the Illinois Controlled Substances Act, or  
16 Section 70 of the Methamphetamine Control and Community  
17 Protection Act, the court may, upon motion of the State's  
18 Attorney to suspend the sentence imposed, commit the  
19 defendant to the custody of the Attorney General of the  
20 United States or his or her designated agent when:

21 (1) a final order of deportation has been issued  
22 against the defendant pursuant to proceedings under  
23 the Immigration and Nationality Act, and

24 (2) the deportation of the defendant would not  
25 deprecate the seriousness of the defendant's conduct  
26 and would not be inconsistent with the ends of justice.

1           (C) This subsection (1) does not apply to offenders who  
2           are subject to the provisions of paragraph (2) of  
3           subsection (a) of Section 3-6-3.

4           (D) Upon motion of the State's Attorney, if a defendant  
5           sentenced under this Section returns to the jurisdiction of  
6           the United States, the defendant shall be recommitted to  
7           the custody of the county from which he or she was  
8           sentenced. Thereafter, the defendant shall be brought  
9           before the sentencing court, which may impose any sentence  
10          that was available under Section 5-5-3 at the time of  
11          initial sentencing. In addition, the defendant shall not be  
12          eligible for additional good conduct credit for  
13          meritorious service as provided under Section 3-6-6.

14          (m) A person convicted of criminal defacement of property  
15          under Section 21-1.3 of the Criminal Code of 1961, in which the  
16          property damage exceeds \$300 and the property damaged is a  
17          school building, shall be ordered to perform community service  
18          that may include cleanup, removal, or painting over the  
19          defacement.

20          (n) The court may sentence a person convicted of a  
21          violation of Section 12-19, 12-21, or 16-1.3 of the Criminal  
22          Code of 1961 (i) to an impact incarceration program if the  
23          person is otherwise eligible for that program under Section  
24          5-8-1.1, (ii) to community service, or (iii) if the person is  
25          an addict or alcoholic, as defined in the Alcoholism and Other  
26          Drug Abuse and Dependency Act, to a substance or alcohol abuse



1 program licensed under that Act.

2 (o) Whenever a person is convicted of a sex offense as  
3 defined in Section 2 of the Sex Offender Registration Act, the  
4 defendant's driver's license or permit shall be subject to  
5 renewal on an annual basis in accordance with the provisions of  
6 license renewal established by the Secretary of State.

7 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,  
8 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,  
9 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,  
10 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,  
11 eff. 9-11-05; 94-993, eff. 1-1-07; 94-1035, eff. 7-1-07;  
12 revised 8-28-06.)

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

15 (730 ILCS 150/2) (from Ch. 38, par. 222)

16 Sec. 2. Definitions.

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

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

24 (a) is convicted of such offense or an attempt to

1           commit such offense; or

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

4           (c) is found not guilty by reason of insanity  
5           pursuant to Section 104-25(c) of the Code of Criminal  
6           Procedure of 1963 of such offense or an attempt to  
7           commit such offense; or

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

13          (e) is found not guilty by reason of insanity  
14          following a hearing conducted pursuant to a federal,  
15          Uniform Code of Military Justice, sister state, or  
16          foreign country law substantially similar to Section  
17          104-25(c) of the Code of Criminal Procedure of 1963 of  
18          such offense or of the attempted commission of such  
19          offense; or

20          (f) is the subject of a finding not resulting in an  
21          acquittal at a hearing conducted pursuant to a federal,  
22          Uniform Code of Military Justice, sister state, or  
23          foreign country law substantially similar to Section  
24          104-25(a) of the Code of Criminal Procedure of 1963 for  
25          the alleged violation or attempted commission of such  
26          offense; or

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

5           (3) subject to the provisions of Section 2 of the  
6 Interstate Agreements on Sexually Dangerous Persons Act;  
7 or

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

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

25           Convictions that result from or are connected with the same  
26 act, or result from offenses committed at the same time, shall

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

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

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

14 (1) A violation of any of the following Sections of the  
15 Criminal Code of 1961:

16 11-20.1 (child pornography),

17 11-20.3 (aggravated child pornography),

18 11-6 (indecent solicitation of a child),

19 11-9.1 (sexual exploitation of a child),

20 11-9.2 (custodial sexual misconduct),

21 11-9.5 (sexual misconduct with a person with a  
22 disability),

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

24 11-18.1 (patronizing a juvenile prostitute),

25 11-17.1 (keeping a place of juvenile  
26 prostitution),

1           11-19.1 (juvenile pimping),  
2           11-19.2 (exploitation of a child),  
3           12-13 (criminal sexual assault),  
4           12-14 (aggravated criminal sexual assault),  
5           12-14.1 (predatory criminal sexual assault of a  
6 child),  
7           12-15 (criminal sexual abuse),  
8           12-16 (aggravated criminal sexual abuse),  
9           12-33 (ritualized abuse of a child).

10           An attempt to commit any of these offenses.

11           (1.5) A violation of any of the following Sections of  
12 the Criminal Code of 1961, when the victim is a person  
13 under 18 years of age, the defendant is not a parent of the  
14 victim, the offense was sexually motivated as defined in  
15 Section 10 of the Sex Offender Management Board Act, and  
16 the offense was committed on or after January 1, 1996:

17           10-1 (kidnapping),  
18           10-2 (aggravated kidnapping),  
19           10-3 (unlawful restraint),  
20           10-3.1 (aggravated unlawful restraint).

21           (1.6) First degree murder under Section 9-1 of the  
22 Criminal Code of 1961, when the victim was a person under  
23 18 years of age and the defendant was at least 17 years of  
24 age at the time of the commission of the offense, provided  
25 the offense was sexually motivated as defined in Section 10  
26 of the Sex Offender Management Board Act.

1 (1.7) (Blank).

2 (1.8) A violation or attempted violation of Section  
3 11-11 (sexual relations within families) of the Criminal  
4 Code of 1961, and the offense was committed on or after  
5 June 1, 1997.

6 (1.9) Child abduction under paragraph (10) of  
7 subsection (b) of Section 10-5 of the Criminal Code of 1961  
8 committed by luring or attempting to lure a child under the  
9 age of 16 into a motor vehicle, building, house trailer, or  
10 dwelling place without the consent of the parent or lawful  
11 custodian of the child for other than a lawful purpose and  
12 the offense was committed on or after January 1, 1998,  
13 provided the offense was sexually motivated as defined in  
14 Section 10 of the Sex Offender Management Board Act.

15 (1.10) A violation or attempted violation of any of the  
16 following Sections of the Criminal Code of 1961 when the  
17 offense was committed on or after July 1, 1999:

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

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

23 11-15 (soliciting for a prostitute, if the victim  
24 is under 18 years of age),

25 11-16 (pandering, if the victim is under 18 years  
26 of age),

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

3           11-19 (pimping, if the victim is under 18 years of  
4           age).

5           (1.11) A violation or attempted violation of any of the  
6           following Sections of the Criminal Code of 1961 when the  
7           offense was committed on or after August 22, 2002:

8           11-9 (public indecency for a third or subsequent  
9           conviction).

10          (1.12) A violation or attempted violation of Section  
11          5.1 of the Wrongs to Children Act (permitting sexual abuse)  
12          when the offense was committed on or after August 22, 2002.

13          (2) A violation of any former law of this State  
14          substantially equivalent to any offense listed in  
15          subsection (B) of this Section.

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

1 purposes of this Article.

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

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



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

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

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

14 11-17.1 (keeping a place of juvenile  
15 prostitution),

16 11-19.1 (juvenile pimping),

17 11-19.2 (exploitation of a child),

18 11-20.1 (child pornography),

19 12-13 (criminal sexual assault),

20 12-14 (aggravated criminal sexual assault),

21 12-14.1 (predatory criminal sexual assault of a  
22 child),

23 12-16 (aggravated criminal sexual abuse),

24 12-33 (ritualized abuse of a child); or

25 (2) (blank); or

26 (3) certified as a sexually dangerous person pursuant

1 to the Sexually Dangerous Persons Act or any substantially  
2 similar federal, Uniform Code of Military Justice, sister  
3 state, or foreign country law; or

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

8 (5) convicted of a second or subsequent offense which  
9 requires registration pursuant to this Act. The conviction  
10 for the second or subsequent offense must have occurred  
11 after July 1, 1999. For purposes of this paragraph (5),  
12 "convicted" shall include a conviction under any  
13 substantially similar Illinois, federal, Uniform Code of  
14 Military Justice, sister state, or foreign country law.

15 (F) As used in this Article, "out-of-state student" means  
16 any sex offender, as defined in this Section, or sexual  
17 predator who is enrolled in Illinois, on a full-time or  
18 part-time basis, in any public or private educational  
19 institution, including, but not limited to, any secondary  
20 school, trade or professional institution, or institution of  
21 higher learning.

22 (G) As used in this Article, "out-of-state employee" means  
23 any sex offender, as defined in this Section, or sexual  
24 predator who works in Illinois, regardless of whether the  
25 individual receives payment for services performed, for a  
26 period of time of 10 or more days or for an aggregate period of

1 time of 30 or more days during any calendar year. Persons who  
2 operate motor vehicles in the State accrue one day of  
3 employment time for any portion of a day spent in Illinois.

4 (H) As used in this Article, "school" means any public or  
5 private educational institution, including, but not limited  
6 to, any elementary or secondary school, trade or professional  
7 institution, or institution of higher education.

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

11 (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;  
12 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945, eff. 6-27-06;  
13 94-1053, eff. 7-24-06; revised 8-3-06.)