

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 Sections 3-3-7 and 5-5-3 and by adding Section 5-4-3.2
9 as follows:

10 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

11 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
12 Release.

13 (a) The conditions of parole or mandatory supervised
14 release shall be such as the Prisoner Review Board deems
15 necessary to assist the subject in leading a law-abiding life.
16 The conditions of every parole and mandatory supervised release
17 are that the subject:

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

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

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

24 (4) permit the agent to visit him or her at his or her

1 home, employment, or elsewhere to the extent necessary for
2 the agent to discharge his or her duties;

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

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

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

13 (7.5) if convicted of a sex offense as defined in the
14 Sex Offender Management Board Act, the individual shall
15 undergo and successfully complete sex offender treatment
16 conducted in conformance with the standards developed by
17 the Sex Offender Management Board Act by a treatment
18 provider approved by the Board;

19 (7.6) if convicted of a sex offense as defined in the
20 Sex Offender Management Board Act, refrain from residing at
21 the same address or in the same condominium unit or
22 apartment unit or in the same condominium complex or
23 apartment complex with another person he or she knows or
24 reasonably should know is a convicted sex offender or has
25 been placed on supervision for a sex offense; the
26 provisions of this paragraph do not apply to a person

1 convicted of a sex offense who is placed in a Department of
2 Corrections licensed transitional housing facility for sex
3 offenders, or is in any facility operated or licensed by
4 the Department of Children and Family Services or by the
5 Department of Human Services, or is in any licensed medical
6 facility;

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

16 (7.8) if convicted under Section 11-6, 11-20.1,
17 11-20.3, or 11-21 of the Criminal Code of 1961, consent to
18 search of computers, PDAs, cellular phones, and other
19 devices under his or her control that are capable of
20 accessing the Internet or storing electronic files, in
21 order to confirm Internet protocol addresses reported in
22 accordance with the Sex Offender Registration Act and
23 compliance with conditions in this Act;

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

26 (9) obtain permission of an agent of the Department of

1 Corrections before changing his or her residence or
2 employment;

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

5 (11) refrain from the use or possession of narcotics or
6 other controlled substances in any form, or both, or any
7 paraphernalia related to those substances and submit to a
8 urinalysis test as instructed by a parole agent of the
9 Department of Corrections;

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

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

18 (14) provide true and accurate information, as it
19 relates to his or her adjustment in the community while on
20 parole or mandatory supervised release or to his or her
21 conduct while incarcerated, in response to inquiries by his
22 or her parole agent or of the Department of Corrections;

23 (15) follow any specific instructions provided by the
24 parole agent that are consistent with furthering
25 conditions set and approved by the Prisoner Review Board or
26 by law, exclusive of placement on electronic detention, to

1 achieve the goals and objectives of his or her parole or
2 mandatory supervised release or to protect the public.
3 These instructions by the parole agent may be modified at
4 any time, as the agent deems appropriate; and

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

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

17 (1) work or pursue a course of study or vocational
18 training;

19 (2) undergo medical or psychiatric treatment, or
20 treatment for drug addiction or alcoholism;

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

23 (4) support his dependents;

24 (5) (blank);

25 (6) (blank);

26 (7) comply with the terms and conditions of an order of

1 protection issued pursuant to the Illinois Domestic
2 Violence Act of 1986, enacted by the 84th General Assembly,
3 or an order of protection issued by the court of another
4 state, tribe, or United States territory; and

5 (8) in addition, if a minor:

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

7 (ii) attend school;

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

9 or

10 (iv) contribute to his own support at home or in a
11 foster home.

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

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

19 (2) comply with all requirements of the Sex Offender
20 Registration Act;

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

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

1 training;

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

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

8 (7) refrain from entering into a designated geographic
9 area except upon terms approved in advance by an agent of
10 the Department of Corrections. The terms may include
11 consideration of the purpose of the entry, the time of day,
12 and others accompanying the person;

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

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

23 (10) neither possess or have under his or her control
24 any material that is sexually oriented, sexually
25 stimulating, or that shows male or female sex organs or any
26 pictures depicting children under 18 years of age nude or

1 any written or audio material describing sexual
2 intercourse or that depicts or alludes to sexual activity,
3 including but not limited to visual, auditory, telephonic,
4 or electronic media, or any matter obtained through access
5 to any computer or material linked to computer access use;

6 (11) not patronize any business providing sexually
7 stimulating or sexually oriented entertainment nor utilize
8 "900" or adult telephone numbers;

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

15 (13) not possess or have under his or her control
16 certain specified items of contraband related to the
17 incidence of sexually offending as determined by an agent
18 of the Department of Corrections;

19 (14) may be required to provide a written daily log of
20 activities if directed by an agent of the Department of
21 Corrections;

22 (15) comply with all other special conditions that the
23 Department may impose that restrict the person from
24 high-risk situations and limit access to potential
25 victims.

26 (c) The conditions under which the parole or mandatory

1 supervised release is to be served shall be communicated to the
2 person in writing prior to his release, and he shall sign the
3 same before release. A signed copy of these conditions,
4 including a copy of an order of protection where one had been
5 issued by the criminal court, shall be retained by the person
6 and another copy forwarded to the officer in charge of his
7 supervision.

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

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

15 (Source: P.A. 93-616, eff. 1-1-04; 93-865, eff. 1-1-05; 94-159,
16 eff. 7-11-05; 94-161, eff. 7-11-05; 94-988, eff. 1-1-07.)

17 (730 ILCS 5/5-4-3.2 new)

18 Sec. 5-4-3.2. Collection and storage of Internet protocol
19 addresses.

20 (a) Cyber-crimes Location Database. The Attorney General
21 is hereby authorized to establish and maintain the "Illinois
22 Cyber-crimes Location Database" (ICLD) to collect, store, and
23 use Internet protocol (IP) addresses for purposes of
24 investigating and prosecuting child exploitation crimes on the
25 Internet.

1 (b) "Internet protocol address" means the string of numbers
2 by which a location on the Internet is identified by routers or
3 other computers connected to the Internet.

4 (c) Collection of Internet Protocol addresses.

5 (1) Collection upon commitment under the Sexually
6 Dangerous Persons Act. Upon motion for a defendant's
7 confinement under the Sexually Dangerous Persons Act for
8 criminal charges under Section 11-6, 11-20.1, 11-20.3, or
9 11-21 of the Criminal Code of 1961, the State's Attorney or
10 Attorney General shall record all Internet protocol (IP)
11 addresses which the defendant may access from his or her
12 residence or place of employment, registered in his or her
13 name, or otherwise has under his or her control or custody.

14 (2) Collection upon conviction. Upon conviction for
15 crimes under Section 11-6, 11-20.1, 11-20.3, or 11-21 of
16 the Criminal Code of 1961, a State's Attorney shall record
17 from defendants all Internet protocol (IP) addresses which
18 the defendant may access from his or her residence or place
19 of employment, registered in his or her name, or otherwise
20 has under his or her control or custody, regardless of the
21 sentence or disposition imposed.

22 (d) Storage and use of the Database. Internet protocol (IP)
23 addresses recorded pursuant to this Section shall be submitted
24 to the Attorney General for storage and use in the Illinois
25 Cyber-crimes Location Database. The Attorney General and its
26 designated agents may access the database for the purpose of

1 investigation and prosecution of crimes listed in this Section.
2 In addition, the Attorney General is authorized to share
3 information stored in the database with the National Center for
4 Missing and Exploited Children (NCMEC) and any federal, state,
5 or local law enforcement agencies for the investigation or
6 prosecution of child exploitation crimes.

7 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

8 Sec. 5-5-3. Disposition.

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

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

16 (1) A period of probation.

17 (2) A term of periodic imprisonment.

18 (3) A term of conditional discharge.

19 (4) A term of imprisonment.

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

24 (6) A fine.

25 (7) An order directing the offender to make restitution

1 to the victim under Section 5-5-6 of this Code.

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

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

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

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

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

23 (A) First degree murder where the death penalty is
24 not imposed.

25 (B) Attempted first degree murder.

26 (C) A Class X felony.

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

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

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

14 (F-5) A violation of Section 24-1, 24-1.1, or
15 24-1.6 of the Criminal Code of 1961 for which
16 imprisonment is prescribed in those Sections.

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

20 (H) Criminal sexual assault.

21 (I) Aggravated battery of a senior citizen.

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

24 Before July 1, 1994, for the purposes of this
25 paragraph, "organized gang" means an association of 5
26 or more persons, with an established hierarchy, that

1 encourages members of the association to perpetrate
2 crimes or provides support to the members of the
3 association who do commit crimes.

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

8 (K) Vehicular hijacking.

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

13 (M) A second or subsequent conviction for the
14 offense of institutional vandalism if the damage to the
15 property exceeds \$300.

16 (N) A Class 3 felony violation of paragraph (1) of
17 subsection (a) of Section 2 of the Firearm Owners
18 Identification Card Act.

19 (O) A violation of Section 12-6.1 of the Criminal
20 Code of 1961.

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

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

26 (R) A violation of Section 24-3A of the Criminal

1 Code of 1961.

2 (S) (Blank).

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

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

7 (3) (Blank).

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

12 (4.1) (Blank).

13 (4.2) Except as provided in paragraph (4.3) of this
14 subsection (c), a minimum of 100 hours of community service
15 shall be imposed for a second violation of Section 6-303 of
16 the Illinois Vehicle Code.

17 (4.3) A minimum term of imprisonment of 30 days or 300
18 hours of community service, as determined by the court,
19 shall be imposed for a second violation of subsection (c)
20 of Section 6-303 of the Illinois Vehicle Code.

21 (4.4) Except as provided in paragraph (4.5) and
22 paragraph (4.6) of this subsection (c), a minimum term of
23 imprisonment of 30 days or 300 hours of community service,
24 as determined by the court, shall be imposed for a third or
25 subsequent violation of Section 6-303 of the Illinois
26 Vehicle Code.

1 (4.5) A minimum term of imprisonment of 30 days shall
2 be imposed for a third violation of subsection (c) of
3 Section 6-303 of the Illinois Vehicle Code.

4 (4.6) A minimum term of imprisonment of 180 days shall
5 be imposed for a fourth or subsequent violation of
6 subsection (c) of Section 6-303 of the Illinois Vehicle
7 Code.

8 (5) The court may sentence an offender convicted of a
9 business offense or a petty offense or a corporation or
10 unincorporated association convicted of any offense to:

11 (A) a period of conditional discharge;

12 (B) a fine;

13 (C) make restitution to the victim under Section
14 5-5-6 of this Code.

15 (5.1) In addition to any penalties imposed under
16 paragraph (5) of this subsection (c), and except as
17 provided in paragraph (5.2) or (5.3), a person convicted of
18 violating subsection (c) of Section 11-907 of the Illinois
19 Vehicle Code shall have his or her driver's license,
20 permit, or privileges suspended for at least 90 days but
21 not more than one year, if the violation resulted in damage
22 to the property of another person.

23 (5.2) In addition to any penalties imposed under
24 paragraph (5) of this subsection (c), and except as
25 provided in paragraph (5.3), a person convicted of
26 violating subsection (c) of Section 11-907 of the Illinois

1 Vehicle Code shall have his or her driver's license,
2 permit, or privileges suspended for at least 180 days but
3 not more than 2 years, if the violation resulted in injury
4 to another person.

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

11 (5.4) In addition to any penalties imposed under
12 paragraph (5) of this subsection (c), a person convicted of
13 violating Section 3-707 of the Illinois Vehicle Code shall
14 have his or her driver's license, permit, or privileges
15 suspended for 3 months and until he or she has paid a
16 reinstatement fee of \$100.

17 (5.5) In addition to any penalties imposed under
18 paragraph (5) of this subsection (c), a person convicted of
19 violating Section 3-707 of the Illinois Vehicle Code during
20 a period in which his or her driver's license, permit, or
21 privileges were suspended for a previous violation of that
22 Section shall have his or her driver's license, permit, or
23 privileges suspended for an additional 6 months after the
24 expiration of the original 3-month suspension and until he
25 or she has paid a reinstatement fee of \$100.

26 (6) In no case shall an offender be eligible for a

1 disposition of probation or conditional discharge for a
2 Class 1 felony committed while he was serving a term of
3 probation or conditional discharge for a felony.

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

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

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

1 (10) (Blank).

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

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

24 (d) In any case in which a sentence originally imposed is
25 vacated, the case shall be remanded to the trial court. The
26 trial court shall hold a hearing under Section 5-4-1 of the

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

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

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

23 (A) the defendant is willing to undergo a court
24 approved counseling program for a minimum duration of 2
25 years; or

26 (B) the defendant is willing to participate in a

1 court approved plan including but not limited to the
2 defendant's:

3 (i) removal from the household;

4 (ii) restricted contact with the victim;

5 (iii) continued financial support of the
6 family;

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

8 and

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

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

18 Probation may be revoked or modified pursuant to Section
19 5-6-4; except where the court determines at the hearing that
20 the defendant violated a condition of his or her probation
21 restricting contact with the victim or other family members or
22 commits another offense with the victim or other family
23 members, the court shall revoke the defendant's probation and
24 impose a term of imprisonment.

25 For the purposes of this Section, "family member" and
26 "victim" shall have the meanings ascribed to them in Section

1 12-12 of the Criminal Code of 1961.

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

6 (g) Whenever a defendant is convicted of an offense under
7 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
8 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
9 of the Criminal Code of 1961, the defendant shall undergo
10 medical testing to determine whether the defendant has any
11 sexually transmissible disease, including a test for infection
12 with human immunodeficiency virus (HIV) or any other identified
13 causative agent of acquired immunodeficiency syndrome (AIDS).
14 Any such medical test shall be performed only by appropriately
15 licensed medical practitioners and may include an analysis of
16 any bodily fluids as well as an examination of the defendant's
17 person. Except as otherwise provided by law, the results of
18 such test shall be kept strictly confidential by all medical
19 personnel involved in the testing and must be personally
20 delivered in a sealed envelope to the judge of the court in
21 which the conviction was entered for the judge's inspection in
22 camera. Acting in accordance with the best interests of the
23 victim and the public, the judge shall have the discretion to
24 determine to whom, if anyone, the results of the testing may be
25 revealed. The court shall notify the defendant of the test
26 results. The court shall also notify the victim if requested by

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

17 (g-5) When an inmate is tested for an airborne communicable
18 disease, as determined by the Illinois Department of Public
19 Health including but not limited to tuberculosis, the results
20 of the test shall be personally delivered by the warden or his
21 or her designee in a sealed envelope to the judge of the court
22 in which the inmate must appear for the judge's inspection in
23 camera if requested by the judge. Acting in accordance with the
24 best interests of those in the courtroom, the judge shall have
25 the discretion to determine what if any precautions need to be
26 taken to prevent transmission of the disease in the courtroom.

1 (h) Whenever a defendant is convicted of an offense under
2 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
3 defendant shall undergo medical testing to determine whether
4 the defendant has been exposed to human immunodeficiency virus
5 (HIV) or any other identified causative agent of acquired
6 immunodeficiency syndrome (AIDS). Except as otherwise provided
7 by law, the results of such test shall be kept strictly
8 confidential by all medical personnel involved in the testing
9 and must be personally delivered in a sealed envelope to the
10 judge of the court in which the conviction was entered for the
11 judge's inspection in camera. Acting in accordance with the
12 best interests of the public, the judge shall have the
13 discretion to determine to whom, if anyone, the results of the
14 testing may be revealed. The court shall notify the defendant
15 of a positive test showing an infection with the human
16 immunodeficiency virus (HIV). The court shall provide
17 information on the availability of HIV testing and counseling
18 at Department of Public Health facilities to all parties to
19 whom the results of the testing are revealed and shall direct
20 the State's Attorney to provide the information to the victim
21 when possible. A State's Attorney may petition the court to
22 obtain the results of any HIV test administered under this
23 Section, and the court shall grant the disclosure if the
24 State's Attorney shows it is relevant in order to prosecute a
25 charge of criminal transmission of HIV under Section 12-16.2 of
26 the Criminal Code of 1961 against the defendant. The court

1 shall order that the cost of any such test shall be paid by the
2 county and may be taxed as costs against the convicted
3 defendant.

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

11 (j) In cases when prosecution for any violation of Section
12 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
13 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
14 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
15 Code of 1961, any violation of the Illinois Controlled
16 Substances Act, any violation of the Cannabis Control Act, or
17 any violation of the Methamphetamine Control and Community
18 Protection Act results in conviction, a disposition of court
19 supervision, or an order of probation granted under Section 10
20 of the Cannabis Control Act, Section 410 of the Illinois
21 Controlled Substance Act, or Section 70 of the Methamphetamine
22 Control and Community Protection Act of a defendant, the court
23 shall determine whether the defendant is employed by a facility
24 or center as defined under the Child Care Act of 1969, a public
25 or private elementary or secondary school, or otherwise works
26 with children under 18 years of age on a daily basis. When a

1 defendant is so employed, the court shall order the Clerk of
2 the Court to send a copy of the judgment of conviction or order
3 of supervision or probation to the defendant's employer by
4 certified mail. If the employer of the defendant is a school,
5 the Clerk of the Court shall direct the mailing of a copy of
6 the judgment of conviction or order of supervision or probation
7 to the appropriate regional superintendent of schools. The
8 regional superintendent of schools shall notify the State Board
9 of Education of any notification under this subsection.

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

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

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

19 (l) (A) Except as provided in paragraph (C) of subsection
20 (l), whenever a defendant, who is an alien as defined by
21 the Immigration and Nationality Act, is convicted of any
22 felony or misdemeanor offense, the court after sentencing
23 the defendant may, upon motion of the State's Attorney,
24 hold sentence in abeyance and remand the defendant to the
25 custody of the Attorney General of the United States or his
26 or her designated agent to be deported when:

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

4 (2) the deportation of the defendant would not
5 deprecate the seriousness of the defendant's conduct
6 and would not be inconsistent with the ends of justice.

7 Otherwise, the defendant shall be sentenced as
8 provided in this Chapter V.

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

18 (1) a final order of deportation has been issued
19 against the defendant pursuant to proceedings under
20 the Immigration and Nationality Act, and

21 (2) the deportation of the defendant would not
22 deprecate the seriousness of the defendant's conduct
23 and would not be inconsistent with the ends of justice.

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

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

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

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

25 (o) Whenever a person is convicted of a sex offense as
26 defined in Section 2 of the Sex Offender Registration Act, the

1 defendant's driver's license or permit shall be subject to
2 renewal on an annual basis in accordance with the provisions of
3 license renewal established by the Secretary of State.

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

10 Section 15. The Sex Offender Registration Act is amended by
11 changing Section 2, 3, 8-5, and 10 as follows:

12 (730 ILCS 150/2) (from Ch. 38, par. 222)

13 Sec. 2. Definitions.

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

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

21 (a) is convicted of such offense or an attempt to
22 commit such offense; or

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

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

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

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

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

24 (2) certified as a sexually dangerous person pursuant
25 to the Illinois Sexually Dangerous Persons Act, or any
26 substantially similar federal, Uniform Code of Military

1 Justice, sister state, or foreign country law; or

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

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

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

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

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

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

11 (1) A violation of any of the following Sections of the
12 Criminal Code of 1961:

13 11-20.1 (child pornography),

14 11-20.3 (aggravated child pornography),

15 11-6 (indecent solicitation of a child),

16 11-9.1 (sexual exploitation of a child),

17 11-9.2 (custodial sexual misconduct),

18 11-9.5 (sexual misconduct with a person with a
19 disability),

20 11-15.1 (soliciting for a juvenile prostitute),

21 11-18.1 (patronizing a juvenile prostitute),

22 11-17.1 (keeping a place of juvenile
23 prostitution),

24 11-19.1 (juvenile pimping),

25 11-19.2 (exploitation of a child),

26 12-13 (criminal sexual assault),

1 12-14 (aggravated criminal sexual assault),
2 12-14.1 (predatory criminal sexual assault of a
3 child),
4 12-15 (criminal sexual abuse),
5 12-16 (aggravated criminal sexual abuse),
6 12-33 (ritualized abuse of a child).

7 An attempt to commit any of these offenses.

8 (1.5) A violation of any of the following Sections of
9 the Criminal Code of 1961, when the victim is a person
10 under 18 years of age, the defendant is not a parent of the
11 victim, the offense was sexually motivated as defined in
12 Section 10 of the Sex Offender Management Board Act, and
13 the offense was committed on or after January 1, 1996:

14 10-1 (kidnapping),
15 10-2 (aggravated kidnapping),
16 10-3 (unlawful restraint),
17 10-3.1 (aggravated unlawful restraint).

18 (1.6) First degree murder under Section 9-1 of the
19 Criminal Code of 1961, when the victim was a person under
20 18 years of age and the defendant was at least 17 years of
21 age at the time of the commission of the offense, provided
22 the offense was sexually motivated as defined in Section 10
23 of the Sex Offender Management Board Act.

24 (1.7) (Blank).

25 (1.8) A violation or attempted violation of Section
26 11-11 (sexual relations within families) of the Criminal

1 Code of 1961, and the offense was committed on or after
2 June 1, 1997.

3 (1.9) Child abduction under paragraph (10) of
4 subsection (b) of Section 10-5 of the Criminal Code of 1961
5 committed by luring or attempting to lure a child under the
6 age of 16 into a motor vehicle, building, house trailer, or
7 dwelling place without the consent of the parent or lawful
8 custodian of the child for other than a lawful purpose and
9 the offense was committed on or after January 1, 1998,
10 provided the offense was sexually motivated as defined in
11 Section 10 of the Sex Offender Management Board Act.

12 (1.10) A violation or attempted violation of any of the
13 following Sections of the Criminal Code of 1961 when the
14 offense was committed on or after July 1, 1999:

15 10-4 (forcible detention, if the victim is under 18
16 years of age), provided the offense was sexually
17 motivated as defined in Section 10 of the Sex Offender
18 Management Board Act,

19 11-6.5 (indecent solicitation of an adult),

20 11-15 (soliciting for a prostitute, if the victim
21 is under 18 years of age),

22 11-16 (pandering, if the victim is under 18 years
23 of age),

24 11-18 (patronizing a prostitute, if the victim is
25 under 18 years of age),

26 11-19 (pimping, if the victim is under 18 years of

1 age).

2 (1.11) A violation or attempted violation of any of the
3 following Sections of the Criminal Code of 1961 when the
4 offense was committed on or after August 22, 2002:

5 11-9 (public indecency for a third or subsequent
6 conviction).

7 (1.12) A violation or attempted violation of Section
8 5.1 of the Wrongs to Children Act (permitting sexual abuse)
9 when the offense was committed on or after August 22, 2002.

10 (2) A violation of any former law of this State
11 substantially equivalent to any offense listed in
12 subsection (B) of this Section.

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

25 (C-5) A person at least 17 years of age at the time of the
26 commission of the offense who is convicted of first degree

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

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

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

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

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

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

13 11-19.1 (juvenile pimping),

14 11-19.2 (exploitation of a child),

15 11-20.1 (child pornography),

16 11-20.3 (aggravated child pornography),

17 12-13 (criminal sexual assault),

18 12-14 (aggravated criminal sexual assault),

19 12-14.1 (predatory criminal sexual assault of a
20 child),

21 12-16 (aggravated criminal sexual abuse),

22 12-33 (ritualized abuse of a child); or

23 (2) (blank); or

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

1 state, or foreign country law; or

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

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

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

20 (G) As used in this Article, "out-of-state employee" means
21 any sex offender, as defined in this Section, or sexual
22 predator who works in Illinois, regardless of whether the
23 individual receives payment for services performed, for a
24 period of time of 10 or more days or for an aggregate period of
25 time of 30 or more days during any calendar year. Persons who
26 operate motor vehicles in the State accrue one day of

1 employment time for any portion of a day spent in Illinois.

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

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

9 (J) As used in this Article, "Internet protocol address"
10 means the string of numbers by which a location on the Internet
11 is identified by routers or other computers connected to the
12 Internet.

13 (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;
14 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945, eff. 6-27-06;
15 94-1053, eff. 7-24-06; revised 8-3-06.)

16 (730 ILCS 150/3) (from Ch. 38, par. 223)

17 Sec. 3. Duty to register.

18 (a) A sex offender, as defined in Section 2 of this Act, or
19 sexual predator shall, within the time period prescribed in
20 subsections (b) and (c), register in person and provide
21 accurate information as required by the Department of State
22 Police. Such information shall include a current photograph,
23 current address, current place of employment, the employer's
24 telephone number, school attended, extensions of the time
25 period for registering as provided in this Article and, if an

1 extension was granted, the reason why the extension was granted
2 and the date the sex offender was notified of the extension.
3 The information shall also include the county of conviction,
4 license plate numbers for every vehicle registered in the name
5 of the sex offender, the age of the sex offender at the time of
6 the commission of the offense, the age of the victim at the
7 time of the commission of the offense, and any distinguishing
8 marks located on the body of the sex offender. A sex offender
9 convicted under Section 11-6, 11-20.1, 11-20.3, or 11-21 of the
10 Criminal Code of 1961 shall provide all Internet protocol (IP)
11 addresses in his or her residence, registered in his or her
12 name, accessible at his or her place of employment, or
13 otherwise under his or her control or custody. A person who has
14 been adjudicated a juvenile delinquent for an act which, if
15 committed by an adult, would be a sex offense shall register as
16 an adult sex offender within 10 days after attaining 17 years
17 of age. The sex offender or sexual predator shall register:

18 (1) with the chief of police in the municipality in
19 which he or she resides or is temporarily domiciled for a
20 period of time of 5 or more days, unless the municipality
21 is the City of Chicago, in which case he or she shall
22 register at the Chicago Police Department Headquarters; or

23 (2) with the sheriff in the county in which he or she
24 resides or is temporarily domiciled for a period of time of
25 5 or more days in an unincorporated area or, if
26 incorporated, no police chief exists.

1 If the sex offender or sexual predator is employed at or
2 attends an institution of higher education, he or she shall
3 register:

4 (i) with the chief of police in the municipality in
5 which he or she is employed at or attends an institution of
6 higher education, unless the municipality is the City of
7 Chicago, in which case he or she shall register at the
8 Chicago Police Department Headquarters; or

9 (ii) with the sheriff in the county in which he or she
10 is employed or attends an institution of higher education
11 located in an unincorporated area, or if incorporated, no
12 police chief exists.

13 For purposes of this Article, the place of residence or
14 temporary domicile is defined as any and all places where the
15 sex offender resides for an aggregate period of time of 5 or
16 more days during any calendar year. Any person required to
17 register under this Article who lacks a fixed address or
18 temporary domicile must notify, in person, the agency of
19 jurisdiction of his or her last known address within 5 days
20 after ceasing to have a fixed residence.

21 Any person who lacks a fixed residence must report weekly,
22 in person, with the sheriff's office of the county in which he
23 or she is located in an unincorporated area, or with the chief
24 of police in the municipality in which he or she is located.
25 The agency of jurisdiction will document each weekly
26 registration to include all the locations where the person has

1 stayed during the past 7 days.

2 The sex offender or sexual predator shall provide accurate
3 information as required by the Department of State Police. That
4 information shall include the sex offender's or sexual
5 predator's current place of employment.

6 (a-5) An out-of-state student or out-of-state employee
7 shall, within 5 days after beginning school or employment in
8 this State, register in person and provide accurate information
9 as required by the Department of State Police. Such information
10 will include current place of employment, school attended, and
11 address in state of residence. A sex offender convicted under
12 Section 11-6, 11-20.1, 11-20.3, or 11-21 of the Criminal Code
13 of 1961 shall provide all Internet protocol (IP) addresses in
14 his or her residence, registered in his or her name, accessible
15 at his or her place of employment, or otherwise under his or
16 her control or custody. The out-of-state student or
17 out-of-state employee shall register:

18 (1) with the chief of police in the municipality in
19 which he or she attends school or is employed for a period
20 of time of 5 or more days or for an aggregate period of
21 time of more than 30 days during any calendar year, unless
22 the municipality is the City of Chicago, in which case he
23 or she shall register at the Chicago Police Department
24 Headquarters; or

25 (2) with the sheriff in the county in which he or she
26 attends school or is employed for a period of time of 5 or

1 more days or for an aggregate period of time of more than
2 30 days during any calendar year in an unincorporated area
3 or, if incorporated, no police chief exists.

4 The out-of-state student or out-of-state employee shall
5 provide accurate information as required by the Department of
6 State Police. That information shall include the out-of-state
7 student's current place of school attendance or the
8 out-of-state employee's current place of employment.

9 (a-10) Any law enforcement agency registering sex
10 offenders or sexual predators in accordance with subsections
11 (a) or (a-5) of this Section shall forward to the Attorney
12 General a copy of sex offender registration forms from persons
13 convicted under Section 11-6, 11-20.1, 11-20.3, or 11-21 of the
14 Criminal Code of 1961, including periodic and annual
15 registrations under Section 6 of this Act.

16 (b) Any sex offender, as defined in Section 2 of this Act,
17 or sexual predator, regardless of any initial, prior, or other
18 registration, shall, within 5 days of beginning school, or
19 establishing a residence, place of employment, or temporary
20 domicile in any county, register in person as set forth in
21 subsection (a) or (a-5).

22 (c) The registration for any person required to register
23 under this Article shall be as follows:

24 (1) Any person registered under the Habitual Child Sex
25 Offender Registration Act or the Child Sex Offender
26 Registration Act prior to January 1, 1996, shall be deemed

1 initially registered as of January 1, 1996; however, this
2 shall not be construed to extend the duration of
3 registration set forth in Section 7.

4 (2) Except as provided in subsection (c)(4), any person
5 convicted or adjudicated prior to January 1, 1996, whose
6 liability for registration under Section 7 has not expired,
7 shall register in person prior to January 31, 1996.

8 (2.5) Except as provided in subsection (c)(4), any
9 person who has not been notified of his or her
10 responsibility to register shall be notified by a criminal
11 justice entity of his or her responsibility to register.
12 Upon notification the person must then register within 5
13 days of notification of his or her requirement to register.
14 If notification is not made within the offender's 10 year
15 registration requirement, and the Department of State
16 Police determines no evidence exists or indicates the
17 offender attempted to avoid registration, the offender
18 will no longer be required to register under this Act.

19 (3) Except as provided in subsection (c)(4), any person
20 convicted on or after January 1, 1996, shall register in
21 person within 5 days after the entry of the sentencing
22 order based upon his or her conviction.

23 (4) Any person unable to comply with the registration
24 requirements of this Article because he or she is confined,
25 institutionalized, or imprisoned in Illinois on or after
26 January 1, 1996, shall register in person within 5 days of

1 discharge, parole or release.

2 (5) The person shall provide positive identification
3 and documentation that substantiates proof of residence at
4 the registering address.

5 (6) The person shall pay a \$20 initial registration fee
6 and a \$10 annual renewal fee. The fees shall be used by the
7 registering agency for official purposes. The agency shall
8 establish procedures to document receipt and use of the
9 funds. The law enforcement agency having jurisdiction may
10 waive the registration fee if it determines that the person
11 is indigent and unable to pay the registration fee. Ten
12 dollars for the initial registration fee and \$5 of the
13 annual renewal fee shall be used by the registering agency
14 for official purposes. Ten dollars of the initial
15 registration fee and \$5 of the annual fee shall be
16 deposited into the Sex Offender Management Board Fund under
17 Section 19 of the Sex Offender Management Board Act. Money
18 deposited into the Sex Offender Management Board Fund shall
19 be administered by the Sex Offender Management Board and
20 shall be used to fund practices endorsed or required by the
21 Sex Offender Management Board Act including but not limited
22 to sex offenders evaluation, treatment, or monitoring
23 programs that are or may be developed, as well as for
24 administrative costs, including staff, incurred by the
25 Board.

26 (d) Within 5 days after obtaining or changing employment

1 and, if employed on January 1, 2000, within 5 days after that
2 date, a person required to register under this Section must
3 report, in person to the law enforcement agency having
4 jurisdiction, the business name and address where he or she is
5 employed. If the person has multiple businesses or work
6 locations, every business and work location must be reported to
7 the law enforcement agency having jurisdiction.

8 (Source: P.A. 93-616, eff. 1-1-04; 93-979, eff. 8-20-04;
9 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994, eff. 1-1-07.)

10 (730 ILCS 150/8-5)

11 Sec. 8-5. Verification requirements.

12 (a) Address verification. The agency having jurisdiction
13 shall verify the address of sex offenders, as defined in
14 Section 2 of this Act, or sexual predators required to register
15 with their agency at least once per year. The verification must
16 be documented in LEADS in the form and manner required by the
17 Department of State Police.

18 (a-5) Internet Protocol address verification. The agency
19 having jurisdiction may verify the Internet protocol (IP)
20 address of sex offenders, as defined in Section 2 of this Act,
21 who are required to register with their agency under Section 3
22 of this Act. A copy of any such verification must be sent to
23 the Attorney General for entrance in the Illinois Cyber-crimes
24 Location Database pursuant to Section 5-4-3.2 of the Unified
25 Code of Corrections.

1 (b) Registration verification. The supervising officer
2 shall, within 15 days of sentencing to probation or release
3 from an Illinois Department of Corrections facility, contact
4 the law enforcement agency in the jurisdiction in which the sex
5 offender or sexual predator designated as his or her intended
6 residence and verify compliance with the requirements of this
7 Act. Revocation proceedings shall be immediately commenced
8 against a sex offender or sexual predator on probation, parole,
9 or mandatory supervised release who fails to comply with the
10 requirements of this Act.

11 (c) In an effort to ensure that sexual predators and sex
12 offenders who fail to respond to address-verification attempts
13 or who otherwise abscond from registration are located in a
14 timely manner, the Department of State Police shall share
15 information with local law enforcement agencies. The
16 Department shall use analytical resources to assist local law
17 enforcement agencies to determine the potential whereabouts of
18 any sexual predator or sex offender who fails to respond to
19 address-verification attempts or who otherwise absconds from
20 registration. The Department shall review and analyze all
21 available information concerning any such predator or offender
22 who fails to respond to address-verification attempts or who
23 otherwise absconds from registration and provide the
24 information to local law enforcement agencies in order to
25 assist the agencies in locating and apprehending the sexual
26 predator or sex offender.

1 (Source: P.A. 93-979, eff. 8-20-04; 94-988, eff. 1-1-07.)

2 (730 ILCS 150/10) (from Ch. 38, par. 230)

3 Sec. 10. Penalty.

4 (a) Any person who is required to register under this
5 Article who violates any of the provisions of this Article and
6 any person who is required to register under this Article who
7 seeks to change his or her name under Article 21 of the Code of
8 Civil Procedure is guilty of a Class 3 felony. Any person who
9 is convicted for a violation of this Act for a second or
10 subsequent time is guilty of a Class 2 felony. Any person who
11 is required to register under this Article who knowingly or
12 wilfully gives material information required by this Article
13 that is false is guilty of a Class 3 felony. Any person
14 convicted of a violation of any provision of this Article
15 shall, in addition to any other penalty required by law, be
16 required to serve a minimum period of 7 days confinement in the
17 local county jail. The court shall impose a mandatory minimum
18 fine of \$500 for failure to comply with any provision of this
19 Article. These fines shall be deposited in the Sex Offender
20 Registration Fund. Any sex offender, as defined in Section 2 of
21 this Act, or sexual predator who violates any provision of this
22 Article may be arrested and tried in any Illinois county where
23 the sex offender can be located. The local police department or
24 sheriff's office is not required to determine whether the
25 person is living within its jurisdiction.

1 (b) Any person, not covered by privilege under Part 8 of
2 Article VIII of the Code of Civil Procedure or the Illinois
3 Supreme Court's Rules of Professional Conduct, who has reason
4 to believe that a sexual predator is not complying, or has not
5 complied, with the requirements of this Article and who, with
6 the intent to assist the sexual predator in eluding a law
7 enforcement agency that is seeking to find the sexual predator
8 to question the sexual predator about, or to arrest the sexual
9 predator for, his or her noncompliance with the requirements of
10 this Article is guilty of a Class 3 felony if he or she:

11 (1) provides false information to the law enforcement
12 agency having jurisdiction about the sexual predator's
13 noncompliance with the requirements of this Article, and,
14 if known, the whereabouts of the sexual predator;

15 (2) harbors, or attempts to harbor, or assists another
16 person in harboring or attempting to harbor, the sexual
17 predator; or

18 (3) conceals or attempts to conceal, or assists another
19 person in concealing or attempting to conceal, the sexual
20 predator.

21 (c) Subsection (b) does not apply if the sexual predator is
22 incarcerated in or is in the custody of a State correctional
23 facility, a private correctional facility, a county or
24 municipal jail, a State mental health facility or a State
25 treatment and detention facility, or a federal correctional
26 facility.

1 (d) Subsections (a) and (b) do not apply if the sex
2 offender accurately registered his or her Internet protocol
3 address under this Act, and the address subsequently changed
4 without his or her knowledge or intent.

5 (Source: P.A. 93-979, eff. 8-20-04; 94-168, eff. 1-1-06;
6 94-988, eff. 1-1-07.)

7 Section 99. Effective date. This Section and Section
8 5-4-3.2 of the Unified Code of Corrections take effect upon
9 becoming law.