



Sen. John J. Cullerton

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1 AMENDMENT TO HOUSE BILL 5640

2 AMENDMENT NO. \_\_\_\_\_. Amend House Bill 5640, AS AMENDED, by  
3 inserting the following immediately before Article 95:

4 "Article 2.

5 Section 5. The Criminal Code of 1961 is amended by adding  
6 the headings of Subdivisions 1, 5, 10, 15, 20, and 25 of  
7 Article 11, by adding Sections 11-0.1, 11-9.1A, 11-14.3, and  
8 11-14.4, by changing Sections 11-6, 11-6.5, 11-9.1, 11-9.2,  
9 11-9.3, 11-9.5, 11-11, 11-14, 11-14.1, 11-18, 11-18.1, 11-20,  
10 11-20.1, 11-20.2, 11-21, 11-23, and 11-24, and by renumbering  
11 and changing Sections 11-7, 11-8, 11-9, 11-12, 11-20.3, 12-13,  
12 12-14, 12-14.1, 12-15, 12-16, 12-17, 12-18, and 12-18.1 as  
13 follows:

14 (720 ILCS 5/Art. 11 Subdiv. 1 heading new)

15 SUBDIVISION 1. GENERAL DEFINITIONS

1 (720 ILCS 5/11-0.1 new)

2 Sec. 11-0.1. Definitions. In this Article, unless the  
3 context clearly requires otherwise, the following terms are  
4 defined as indicated:

5 "Accused" means a person accused of an offense prohibited  
6 by Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of  
7 this Code or a person for whose conduct the accused is legally  
8 responsible under Article 5 of this Code.

9 "Adult obscenity or child pornography Internet site". See  
10 Section 11-23.

11 "Advance prostitution" means:

12 (1) Soliciting for a prostitute by performing any of  
13 the following acts when acting other than as a prostitute  
14 or a patron of a prostitute:

15 (A) Soliciting another for the purpose of  
16 prostitution.

17 (B) Arranging or offering to arrange a meeting of  
18 persons for the purpose of prostitution.

19 (C) Directing another to a place knowing the  
20 direction is for the purpose of prostitution.

21 (2) Keeping a place of prostitution by controlling or  
22 exercising control over the use of any place that could  
23 offer seclusion or shelter for the practice of prostitution  
24 and performing any of the following acts when acting other  
25 than as a prostitute or a patron of a prostitute:

1           (A) Knowingly granting or permitting the use of the  
2           place for the purpose of prostitution.

3           (B) Granting or permitting the use of the place  
4           under circumstances from which he or she could  
5           reasonably know that the place is used or is to be used  
6           for purposes of prostitution.

7           (C) Permitting the continued use of the place after  
8           becoming aware of facts or circumstances from which he  
9           or she should reasonably know that the place is being  
10          used for purposes of prostitution.

11          "Agency". See Section 11-9.5.

12          "Arranges". See Section 11-6.5.

13          "Bodily harm" means physical harm, and includes, but is not  
14          limited to, sexually transmitted disease, pregnancy, and  
15          impotence.

16          "Care and custody". See Section 11-9.5.

17          "Child care institution". See Section 11-9.3.

18          "Child pornography". See Section 11-20.1.

19          "Child sex offender". See Section 11-9.3.

20          "Community agency". See Section 11-9.5.

21          "Conditional release". See Section 11-9.2.

22          "Consent". See Section 11-1.70.

23          "Custody". See Section 11-9.2.

24          "Day care center". See Section 11-9.3.

25          "Depict by computer". See Section 11-20.1.

26          "Depiction by computer". See Section 11-20.1.

1 "Disseminate". See Section 11-20.1.

2 "Distribute". See Section 11-21.

3 "Family member" means a parent, grandparent, child, aunt,  
4 uncle, great-aunt, or great-uncle, whether by whole blood,  
5 half-blood, or adoption, and includes a step-grandparent,  
6 step-parent, or step-child. "Family member" also means, if the  
7 victim is a child under 18 years of age, an accused who has  
8 resided in the household with the child continuously for at  
9 least 6 months.

10 "Force or threat of force" means the use of force or  
11 violence or the threat of force or violence, including, but not  
12 limited to, the following situations:

13 (1) when the accused threatens to use force or violence  
14 on the victim or on any other person, and the victim under  
15 the circumstances reasonably believes that the accused has  
16 the ability to execute that threat; or

17 (2) when the accused overcomes the victim by use of  
18 superior strength or size, physical restraint, or physical  
19 confinement.

20 "Harmful to minors". See Section 11-21.

21 "Loiter". See Section 9.3.

22 "Material". See Section 11-21.

23 "Minor". See Section 11-21.

24 "Nudity". See Section 11-21.

25 "Obscene". See Section 11-20.

26 "Part day child care facility". See Section 11-9.3.

1       "Penal system". See Section 11-9.2.

2       "Person responsible for the child's welfare". See Section  
3 11-9.1A.

4       "Person with a disability". See Section 11-9.5.

5       "Playground". See Section 11-9.3.

6       "Probation officer". See Section 11-9.2.

7       "Produce". See Section 11-20.1.

8       "Profit from prostitution" means, when acting other than as  
9 a prostitute, to receive anything of value for personally  
10 rendered prostitution services or to receive anything of value  
11 from a prostitute, if the thing received is not for lawful  
12 consideration and the person knows it was earned in whole or in  
13 part from the practice of prostitution.

14       "Public park". See Section 11-9.3.

15       "Public place". See Section 11-30.

16       "Reproduce". See Section 11-20.1.

17       "Sado-masochistic abuse". See Section 11-21.

18       "School". See Section 11-9.3.

19       "School official". See Section 11-9.3.

20       "Sexual abuse". See Section 11-9.1A.

21       "Sexual act". See Section 11-9.1.

22       "Sexual conduct" means any knowing touching or fondling by  
23 the victim or the accused, either directly or through clothing,  
24 of the sex organs, anus, or breast of the victim or the  
25 accused, or any part of the body of a child under 13 years of  
26 age, or any transfer or transmission of semen by the accused

1 upon any part of the clothed or unclothed body of the victim,  
2 for the purpose of sexual gratification or arousal of the  
3 victim or the accused.

4 "Sexual excitement". See Section 11-21.

5 "Sexual penetration" means any contact, however slight,  
6 between the sex organ or anus of one person and an object or  
7 the sex organ, mouth, or anus of another person, or any  
8 intrusion, however slight, of any part of the body of one  
9 person or of any animal or object into the sex organ or anus of  
10 another person, including, but not limited to, cunnilingus,  
11 fellatio, or anal penetration. Evidence of emission of semen is  
12 not required to prove sexual penetration.

13 "Solicit". See Section 11-6.

14 "State-operated facility". See Section 11-9.5.

15 "Supervising officer". See Section 11-9.2.

16 "Surveillance agent". See Section 11-9.2.

17 "Treatment and detention facility". See Section 11-9.2.

18 "Victim" means a person alleging to have been subjected to  
19 an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40,  
20 11-1.50, or 11-1.60 of this Code.

21 (720 ILCS 5/Art. 11 Subdiv. 5 heading new)

22 SUBDIVISION 5. SEXUAL MISCONDUCT OFFENSES

23 (720 ILCS 5/11-1.10) (was 720 ILCS 5/12-18)

24 Sec. 11-1.10. ~~12-18.~~ General provisions concerning

1 offenses described in Sections 11-1.20 through 11-1.60.  
2 Provisions.

3 (a) No person accused of violating Section 11-1.20,  
4 11-1.30, 11-1.40, 11-1.50, or 11-1.60 ~~Sections 12-13, 12-14,~~  
5 ~~12-15 or 12-16~~ of this Code shall be presumed to be incapable  
6 of committing an offense prohibited by Section 11-1.20,  
7 11-1.30, 11-1.40, 11-1.50, or 11-1.60 ~~Sections 12-13, 12-14,~~  
8 ~~12-14.1, 12-15 or 12-16~~ of this Code because of age, physical  
9 condition or relationship to the victim, ~~except as otherwise~~  
10 ~~provided in subsection (c) of this Section.~~ Nothing in this  
11 Section shall be construed to modify or abrogate the  
12 affirmative defense of infancy under Section 6-1 of this Code  
13 or the provisions of Section 5-805 of the Juvenile Court Act of  
14 1987.

15 (b) Any medical examination or procedure which is conducted  
16 by a physician, nurse, medical or hospital personnel, parent,  
17 or caretaker for purposes and in a manner consistent with  
18 reasonable medical standards is not an offense under Section  
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 ~~Sections 12-13,~~  
20 ~~12-14, 12-14.1, 12-15 and 12-16~~ of this Code.

21 (c) (Blank).

22 (d) (Blank).

23 (e) After a finding at a preliminary hearing that there is  
24 probable cause to believe that an accused has committed a  
25 violation of Section 11-1.20, 11-1.30, or 11-1.40 ~~12-13, 12-14,~~  
26 ~~or 12-14.1~~ of this Code, or after an indictment is returned

1 charging an accused with a violation of Section 11-1.20,  
2 11-1.30, or 11-1.40 ~~12-13, 12-14, or 12-14.1~~ of this Code, or  
3 after a finding that a defendant charged with a violation of  
4 Section 11-1.20, 11-1.30, or 11-1.40 ~~12-13, 12-14, or 12-14.1~~  
5 of this Code is unfit to stand trial pursuant to Section 104-16  
6 of the Code of Criminal Procedure of 1963 where the finding is  
7 made prior to preliminary hearing, at the request of the person  
8 who was the victim of the violation of Section 11-1.20,  
9 11-1.30, or 11-1.40 ~~12-13, 12-14, or 12-14.1~~, the prosecuting  
10 State's attorney shall seek an order from the court to compel  
11 the accused to be tested within 48 hours for any sexually  
12 transmissible disease, including a test for infection with  
13 human immunodeficiency virus (HIV). The medical tests shall be  
14 performed only by appropriately licensed medical  
15 practitioners. The test for infection with human  
16 immunodeficiency virus (HIV) shall consist of an enzyme-linked  
17 immunosorbent assay (ELISA) test, or such other test as may be  
18 approved by the Illinois Department of Public Health; in the  
19 event of a positive result, the Western Blot Assay or a more  
20 reliable confirmatory test shall be administered. The results  
21 of the tests and any follow-up tests shall be kept strictly  
22 confidential by all medical personnel involved in the testing  
23 and must be personally delivered in a sealed envelope to the  
24 victim, to the defendant, to the State's Attorney, and to the  
25 judge who entered the order, for the judge's inspection in  
26 camera. The judge shall provide to the victim a referral to the



1 Illinois Department of Public Health HIV/AIDS toll-free  
2 hotline for counseling and information in connection with the  
3 test result. Acting in accordance with the best interests of  
4 the victim and the public, the judge shall have the discretion  
5 to determine to whom, if anyone, the result of the testing may  
6 be revealed; however, in no case shall the identity of the  
7 victim be disclosed. The court shall order that the cost of the  
8 tests shall be paid by the county, and shall be taxed as costs  
9 against the accused if convicted.

10 (f) Whenever any law enforcement officer has reasonable  
11 cause to believe that a person has been delivered a controlled  
12 substance without his or her consent, the law enforcement  
13 officer shall advise the victim about seeking medical treatment  
14 and preserving evidence.

15 (g) Every hospital providing emergency hospital services  
16 to an alleged sexual assault survivor, when there is reasonable  
17 cause to believe that a person has been delivered a controlled  
18 substance without his or her consent, shall designate personnel  
19 to provide:

20 (1) An explanation to the victim about the nature and  
21 effects of commonly used controlled substances and how such  
22 controlled substances are administered.

23 (2) An offer to the victim of testing for the presence  
24 of such controlled substances.

25 (3) A disclosure to the victim that all controlled  
26 substances or alcohol ingested by the victim will be

1 disclosed by the test.

2 (4) A statement that the test is completely voluntary.

3 (5) A form for written authorization for sample  
4 analysis of all controlled substances and alcohol ingested  
5 by the victim.

6 A physician licensed to practice medicine in all its  
7 branches may agree to be a designated person under this  
8 subsection.

9 No sample analysis may be performed unless the victim  
10 returns a signed written authorization within 30 days after the  
11 sample was collected.

12 Any medical treatment or care under this subsection shall  
13 be only in accordance with the order of a physician licensed to  
14 practice medicine in all of its branches. Any testing under  
15 this subsection shall be only in accordance with the order of a  
16 licensed individual authorized to order the testing.

17 (Source: P.A. 94-397, eff. 1-1-06; 95-926, eff. 8-26-08.)

18 (720 ILCS 5/11-1.20) (was 720 ILCS 5/12-13)

19 Sec. 11-1.20. ~~12-13~~. Criminal Sexual Assault.

20 (a) A person commits criminal sexual assault if that person  
21 commits an act of sexual penetration and:

22 (1) uses force or threat of force;

23 (2) knows that the victim is unable to understand the  
24 nature of the act or is unable to give knowing consent;

25 (3) is a family member of the victim, and the victim is

1       under 18 years of age; or

2           (4) is 17 years of age or over and holds a position of  
3       trust, authority, or supervision in relation to the victim,  
4       and the victim is at least 13 years of age but under 18  
5       years of age. The accused commits criminal sexual assault  
6       if he or she:

7           ~~(1) commits an act of sexual penetration by the use of~~  
8       ~~force or threat of force; or~~

9           ~~(2) commits an act of sexual penetration and the~~  
10       ~~accused knew that the victim was unable to understand the~~  
11       ~~nature of the act or was unable to give knowing consent; or~~

12           ~~(3) commits an act of sexual penetration with a victim~~  
13       ~~who was under 18 years of age when the act was committed~~  
14       ~~and the accused was a family member; or~~

15           ~~(4) commits an act of sexual penetration with a victim~~  
16       ~~who was at least 13 years of age but under 18 years of age~~  
17       ~~when the act was committed and the accused was 17 years of~~  
18       ~~age or over and held a position of trust, authority or~~  
19       ~~supervision in relation to the victim.~~

20       (b) Sentence.

21           (1) Criminal sexual assault is a Class 1 felony, except  
22       that:-

23           (A) (2) A person who is convicted of the offense of  
24       criminal sexual assault as defined in paragraph (a) (1)  
25       or (a) (2) after having previously been convicted of the  
26       offense of criminal sexual assault or the offense of

1 exploitation of a child, or who is convicted of the  
2 offense of criminal sexual assault as defined in  
3 paragraph (a)(1) or (a)(2) after having previously  
4 been convicted under the laws of this State or any  
5 other state of an offense that is substantially  
6 equivalent to the offense of criminal sexual assault or  
7 to the offense of exploitation of a child, commits a  
8 Class X felony for which the person shall be sentenced  
9 to a term of imprisonment of not less than 30 years and  
10 not more than 60 years. The commission of the second or  
11 subsequent offense is required to have been after the  
12 initial conviction for this paragraph (A) ~~(2)~~ to apply.

13 (B) ~~(3)~~ A person who is convicted of the offense of  
14 criminal sexual assault as defined in paragraph (a)(1)  
15 or (a)(2) after having previously been convicted of the  
16 offense of aggravated criminal sexual assault or the  
17 offense of predatory criminal sexual assault of a  
18 child, or who is convicted of the offense of criminal  
19 sexual assault as defined in paragraph (a)(1) or (a)(2)  
20 after having previously been convicted under the laws  
21 of this State or any other state of an offense that is  
22 substantially equivalent to the offense of aggravated  
23 criminal sexual assault or the offense of ~~criminal~~  
24 predatory criminal sexual assault of a child shall be  
25 sentenced to a term of natural life imprisonment. The  
26 commission of the second or subsequent offense is

1 required to have been after the initial conviction for  
2 this paragraph (B) ~~(3)~~ to apply.

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

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

18 (Source: P.A. 95-640, eff. 6-1-08.)

19 (720 ILCS 5/11-1.30) (was 720 ILCS 5/12-14)

20 Sec. 11-1.30 ~~12-14~~. Aggravated Criminal Sexual Assault.

21 (a) A person commits aggravated criminal sexual assault if  
22 that person commits criminal sexual assault and any of the  
23 following aggravating circumstances exist during the  
24 commission of the offense or, for purposes of paragraph (7),  
25 occur as part of the same course of conduct as the commission

1 of the offense:

2 (1) the person displays, threatens to use, or uses a  
3 dangerous weapon, other than a firearm, or any other object  
4 fashioned or used in a manner that leads the victim, under  
5 the circumstances, reasonably to believe that the object is  
6 a dangerous weapon;

7 (2) the person causes bodily harm to the victim, except  
8 as provided in paragraph (10);

9 (3) the person acts in a manner that threatens or  
10 endangers the life of the victim or any other person;

11 (4) the person commits the criminal sexual assault  
12 during the course of committing or attempting to commit any  
13 other felony;

14 (5) the victim is 60 years of age or older;

15 (6) the victim is a physically handicapped person;

16 (7) the person delivers (by injection, inhalation,  
17 ingestion, transfer of possession, or any other means) any  
18 controlled substance to the victim without the victim's  
19 consent or by threat or deception for other than medical  
20 purposes;

21 (8) the person is armed with a firearm;

22 (9) the person personally discharges a firearm during  
23 the commission of the offense; or

24 (10) the person personally discharges a firearm during  
25 the commission of the offense, and that discharge  
26 proximately causes great bodily harm, permanent

1        disability, permanent disfigurement, or death to another  
2        person. ~~The accused commits aggravated criminal sexual~~  
3        ~~assault if he or she commits criminal sexual assault and~~  
4        ~~any of the following aggravating circumstances existed~~  
5        ~~during, or for the purposes of paragraph (7) of this~~  
6        ~~subsection (a) as part of the same course of conduct as,~~  
7        ~~the commission of the offense:~~

8            ~~(1) the accused displayed, threatened to use, or used a~~  
9            ~~dangerous weapon, other than a firearm, or any object~~  
10          ~~fashioned or utilized in such a manner as to lead the~~  
11          ~~victim under the circumstances reasonably to believe it to~~  
12          ~~be a dangerous weapon; or~~

13            ~~(2) the accused caused bodily harm, except as provided~~  
14          ~~in subsection (a)(10), to the victim; or~~

15            ~~(3) the accused acted in such a manner as to threaten~~  
16          ~~or endanger the life of the victim or any other person; or~~

17            ~~(4) the criminal sexual assault was perpetrated during~~  
18          ~~the course of the commission or attempted commission of any~~  
19          ~~other felony by the accused; or~~

20            ~~(5) the victim was 60 years of age or over when the~~  
21          ~~offense was committed; or~~

22            ~~(6) the victim was a physically handicapped person; or~~

23            ~~(7) the accused delivered (by injection, inhalation,~~  
24          ~~ingestion, transfer of possession, or any other means) to~~  
25          ~~the victim without his or her consent, or by threat or~~  
26          ~~deception, and for other than medical purposes, any~~

1 ~~controlled substance; or~~

2 ~~(8) the accused was armed with a firearm; or~~

3 ~~(9) the accused personally discharged a firearm during~~  
4 ~~the commission of the offense; or~~

5 ~~(10) the accused, during the commission of the offense,~~  
6 ~~personally discharged a firearm that proximately caused~~  
7 ~~great bodily harm, permanent disability, permanent~~  
8 ~~disfigurement, or death to another person.~~

9 (b) A person ~~The accused~~ commits aggravated criminal sexual  
10 assault if that person is ~~the accused was~~ under 17 years of age  
11 and: (i) commits an act of sexual penetration with a victim who  
12 is ~~was~~ under 9 years of age ~~when the act was committed~~; or (ii)  
13 commits an act of sexual penetration with a victim who is ~~was~~  
14 at least 9 years of age but under 13 years of age ~~when the act~~  
15 ~~was committed~~ and the person uses ~~accused used~~ force or threat  
16 of force to commit the act.

17 (c) A person ~~The accused~~ commits aggravated criminal sexual  
18 assault if that person ~~he or she~~ commits an act of sexual  
19 penetration with a victim who is ~~was~~ a severely or profoundly  
20 mentally retarded person ~~at the time the act was committed~~.

21 (d) Sentence.

22 (1) Aggravated criminal sexual assault in violation of  
23 paragraph (2), (3), (4), (5), (6), or (7) of subsection (a)  
24 or in violation of subsection (b) or (c) is a Class X  
25 felony. A violation of subsection (a)(1) is a Class X  
26 felony for which 10 years shall be added to the term of



1 imprisonment imposed by the court. A violation of  
2 subsection (a)(8) is a Class X felony for which 15 years  
3 shall be added to the term of imprisonment imposed by the  
4 court. A violation of subsection (a)(9) is a Class X felony  
5 for which 20 years shall be added to the term of  
6 imprisonment imposed by the court. A violation of  
7 subsection (a)(10) is a Class X felony for which 25 years  
8 or up to a term of natural life imprisonment shall be added  
9 to the term of imprisonment imposed by the court.

10 (2) A person who is convicted of a second or subsequent  
11 offense of aggravated criminal sexual assault, or who is  
12 convicted of the offense of aggravated criminal sexual  
13 assault after having previously been convicted of the  
14 offense of criminal sexual assault or the offense of  
15 predatory criminal sexual assault of a child, or who is  
16 convicted of the offense of aggravated criminal sexual  
17 assault after having previously been convicted under the  
18 laws of this or any other state of an offense that is  
19 substantially equivalent to the offense of criminal sexual  
20 assault, the offense of aggravated criminal sexual assault  
21 or the offense of predatory criminal sexual assault of a  
22 child, shall be sentenced to a term of natural life  
23 imprisonment. The commission of the second or subsequent  
24 offense is required to have been after the initial  
25 conviction for this paragraph (2) to apply.

26 (Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02; 92-502,

1 eff. 12-19-01; 92-721, eff. 1-1-03.)

2 (720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)

3 Sec. 11-1.40 ~~12-14.1~~. Predatory criminal sexual assault of  
4 a child.

5 (a) A person commits predatory criminal sexual assault of a  
6 child if that person commits an act of sexual penetration, is  
7 17 years of age or older, and:

8 (1) the victim is under 13 years of age; or

9 (2) the victim is under 13 years of age and that  
10 person:

11 (A) is armed with a firearm;

12 (B) personally discharges a firearm during the  
13 commission of the offense;

14 (C) causes great bodily harm to the victim that:

15 (i) results in permanent disability; or

16 (ii) is life threatening; or

17 (D) delivers (by injection, inhalation, ingestion,  
18 transfer of possession, or any other means) any  
19 controlled substance to the victim without the  
20 victim's consent or by threat or deception, for other  
21 than medical purposes. ~~The accused commits predatory~~  
22 ~~criminal sexual assault of a child if:~~

23 ~~(1) the accused was 17 years of age or over and commits~~  
24 ~~an act of sexual penetration with a victim who was under 13~~  
25 ~~years of age when the act was committed; or~~

1           ~~(1.1) the accused was 17 years of age or over and,~~  
2           ~~while armed with a firearm, commits an act of sexual~~  
3           ~~penetration with a victim who was under 13 years of age~~  
4           ~~when the act was committed; or~~

5           ~~(1.2) the accused was 17 years of age or over and~~  
6           ~~commits an act of sexual penetration with a victim who was~~  
7           ~~under 13 years of age when the act was committed and,~~  
8           ~~during the commission of the offense, the accused~~  
9           ~~personally discharged a firearm; or~~

10           ~~(2) the accused was 17 years of age or over and commits~~  
11           ~~an act of sexual penetration with a victim who was under 13~~  
12           ~~years of age when the act was committed and the accused~~  
13           ~~caused great bodily harm to the victim that:~~

14                   ~~(A) resulted in permanent disability; or~~

15                   ~~(B) was life threatening; or~~

16           ~~(3) the accused was 17 years of age or over and commits~~  
17           ~~an act of sexual penetration with a victim who was under 13~~  
18           ~~years of age when the act was committed and the accused~~  
19           ~~delivered (by injection, inhalation, ingestion, transfer~~  
20           ~~of possession, or any other means) to the victim without~~  
21           ~~his or her consent, or by threat or deception, and for~~  
22           ~~other than medical purposes, any controlled substance.~~

23           (b) Sentence.

24           (1) A person convicted of a violation of subsection  
25           (a) (1) commits a Class X felony, for which the person shall  
26           be sentenced to a term of imprisonment of not less than 6

1 years and not more than 60 years. A person convicted of a  
2 violation of subsection (a) (2) (A) ~~(a) (1.1)~~ commits a Class  
3 X felony for which 15 years shall be added to the term of  
4 imprisonment imposed by the court. A person convicted of a  
5 violation of subsection (a) (2) (B) ~~(a) (1.2)~~ commits a Class  
6 X felony for which 20 years shall be added to the term of  
7 imprisonment imposed by the court. A person convicted of a  
8 violation of subsection (a) (2) (C) ~~(a) (2)~~ commits a Class X  
9 felony for which the person shall be sentenced to a term of  
10 imprisonment of not less than 50 years or up to a term of  
11 natural life imprisonment.

12 (1.1) A person convicted of a violation of subsection  
13 (a) (2) (D) ~~(a) (3)~~ commits a Class X felony for which the  
14 person shall be sentenced to a term of imprisonment of not  
15 less than 50 years and not more than 60 years.

16 (1.2) A person convicted of predatory criminal sexual  
17 assault of a child committed against 2 or more persons  
18 regardless of whether the offenses occurred as the result  
19 of the same act or of several related or unrelated acts  
20 shall be sentenced to a term of natural life imprisonment.

21 (2) A person who is convicted of a second or subsequent  
22 offense of predatory criminal sexual assault of a child, or  
23 who is convicted of the offense of predatory criminal  
24 sexual assault of a child after having previously been  
25 convicted of the offense of criminal sexual assault or the  
26 offense of aggravated criminal sexual assault, or who is

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

11 (Source: P.A. 95-640, eff. 6-1-08.)

12 (720 ILCS 5/11-1.50) (was 720 ILCS 5/12-15)

13 Sec. 11-1.50 ~~12-15~~. Criminal sexual abuse.

14 (a) A person ~~The accused~~ commits criminal sexual abuse if  
15 that person ~~he or she~~:

16 (1) commits an act of sexual conduct by the use of  
17 force or threat of force; or

18 (2) commits an act of sexual conduct and knows ~~the~~  
19 ~~accused knew~~ that the victim is ~~was~~ unable to understand  
20 the nature of the act or is ~~was~~ unable to give knowing  
21 consent.

22 (b) A person ~~The accused~~ commits criminal sexual abuse if  
23 that person is ~~the accused was~~ under 17 years of age and  
24 commits an act of sexual penetration or sexual conduct with a  
25 victim who is ~~was~~ at least 9 years of age but under 17 years of

1 age ~~when the act was committed~~.

2 (c) A person ~~The accused~~ commits criminal sexual abuse if  
3 that person ~~he or she~~ commits an act of sexual penetration or  
4 sexual conduct with a victim who is ~~was~~ at least 13 years of  
5 age but under 17 years of age and the person is ~~accused was~~  
6 less than 5 years older than the victim.

7 (d) Sentence. Criminal sexual abuse for a violation of  
8 subsection (b) or (c) of this Section is a Class A misdemeanor.  
9 Criminal sexual abuse for a violation of paragraph (1) or (2)  
10 of subsection (a) of this Section is a Class 4 felony. A second  
11 or subsequent conviction for a violation of subsection (a) of  
12 this Section is a Class 2 felony. For purposes of this Section  
13 it is a second or subsequent conviction if the accused has at  
14 any time been convicted under this Section or under any similar  
15 statute of this State or any other state for any offense  
16 involving sexual abuse or sexual assault that is substantially  
17 equivalent to or more serious than the sexual abuse prohibited  
18 under this Section.

19 (Source: P.A. 91-389, eff. 1-1-00.)

20 (720 ILCS 5/11-1.60) (was 720 ILCS 5/12-16)

21 Sec. 11-1.60 ~~12-16~~. Aggravated Criminal Sexual Abuse.

22 (a) A person commits aggravated criminal sexual abuse if  
23 that person commits criminal sexual abuse and any of the  
24 following aggravating circumstances exist (i) during the  
25 commission of the offense or (ii) for purposes of paragraph

1 (7), as part of the same course of conduct as the commission of  
2 the offense:

3 (1) the person displays, threatens to use, or uses a  
4 dangerous weapon or any other object fashioned or used in a  
5 manner that leads the victim, under the circumstances,  
6 reasonably to believe that the object is a dangerous  
7 weapon;

8 (2) the person causes bodily harm to the victim;

9 (3) the victim is 60 years of age or older;

10 (4) the victim is a physically handicapped person;

11 (5) the person acts in a manner that threatens or  
12 endangers the life of the victim or any other person;

13 (6) the person commits the criminal sexual abuse during  
14 the course of committing or attempting to commit any other  
15 felony; or

16 (7) the person delivers (by injection, inhalation,  
17 ingestion, transfer of possession, or any other means) any  
18 controlled substance to the victim for other than medical  
19 purposes without the victim's consent or by threat or  
20 deception. ~~The accused commits aggravated criminal sexual~~  
21 ~~abuse if he or she commits criminal sexual abuse as defined~~  
22 ~~in subsection (a) of Section 12-15 of this Code and any of~~  
23 ~~the following aggravating circumstances existed during, or~~  
24 ~~for the purposes of paragraph (7) of this subsection (a) as~~  
25 ~~part of the same course of conduct as, the commission of~~  
26 ~~the offense.~~

1           ~~(1) the accused displayed, threatened to use or used a~~  
2           ~~dangerous weapon or any object fashioned or utilized in~~  
3           ~~such a manner as to lead the victim under the circumstances~~  
4           ~~reasonably to believe it to be a dangerous weapon; or~~

5           ~~(2) the accused caused bodily harm to the victim; or~~

6           ~~(3) the victim was 60 years of age or over when the~~  
7           ~~offense was committed; or~~

8           ~~(4) the victim was a physically handicapped person; or~~

9           ~~(5) the accused acted in such a manner as to threaten~~  
10           ~~or endanger the life of the victim or any other person; or~~

11           ~~(6) the criminal sexual abuse was perpetrated during~~  
12           ~~the course of the commission or attempted commission of any~~  
13           ~~other felony by the accused; or~~

14           ~~(7) the accused delivered (by injection, inhalation,~~  
15           ~~ingestion, transfer of possession, or any other means) to~~  
16           ~~the victim without his or her consent, or by threat or~~  
17           ~~deception, and for other than medical purposes, any~~  
18           ~~controlled substance.~~

19           (b) A person ~~The accused~~ commits aggravated criminal sexual  
20           abuse if that person ~~he or she~~ commits an act of sexual conduct  
21           with a victim who is ~~was~~ under 18 years of age ~~when the act was~~  
22           ~~committed~~ and the person is ~~accused was~~ a family member.

23           (c) A person ~~The accused~~ commits aggravated criminal sexual  
24           abuse if:

25           (1) that person is ~~the accused was~~ 17 years of age or  
26           over and: (i) commits an act of sexual conduct with a



1 victim who is ~~was~~ under 13 years of age ~~when the act was~~  
2 ~~committed~~; or (ii) commits an act of sexual conduct with a  
3 victim who is ~~was~~ at least 13 years of age but under 17  
4 years of age ~~when the act was committed~~ and the person uses  
5 ~~accused used~~ force or threat of force to commit the act; or

6 (2) that person is ~~the accused was~~ under 17 years of  
7 age and: (i) commits an act of sexual conduct with a victim  
8 who is ~~was~~ under 9 years of age ~~when the act was committed~~;  
9 or (ii) commits an act of sexual conduct with a victim who  
10 is ~~was~~ at least 9 years of age but under 17 years of age  
11 ~~when the act was committed~~ and the person uses ~~accused used~~  
12 force or threat of force to commit the act.

13 (d) A person ~~The accused~~ commits aggravated criminal sexual  
14 abuse if that person ~~he or she~~ commits an act of sexual  
15 penetration or sexual conduct with a victim who is ~~was~~ at least  
16 13 years of age but under 17 years of age and the person is  
17 ~~accused was~~ at least 5 years older than the victim.

18 (e) A person ~~The accused~~ commits aggravated criminal sexual  
19 abuse if that person ~~he or she~~ commits an act of sexual conduct  
20 with a victim who is ~~was~~ a severely or profoundly mentally  
21 retarded person ~~at the time the act was committed~~.

22 (f) A person ~~The accused~~ commits aggravated criminal sexual  
23 abuse if that person ~~he or she~~ commits an act of sexual conduct  
24 with a victim who is ~~was~~ at least 13 years of age but under 18  
25 years of age ~~when the act was committed~~ and the person is  
26 ~~accused was~~ 17 years of age or over and holds ~~held~~ a position

1 of trust, authority, or supervision in relation to the victim.

2 (g) Sentence. Aggravated criminal sexual abuse is a Class 2  
3 felony.

4 (Source: P.A. 92-434, eff. 1-1-02.)

5 (720 ILCS 5/11-1.70) (was 720 ILCS 5/12-17)

6 Sec. 11-1.70 ~~12-17~~. Defenses with respect to offenses  
7 described in Sections 11-1.20 through 11-1.60.

8 (a) It shall be a defense to any offense under Section  
9 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 ~~12-13 through~~  
10 ~~12-16~~ of this Code where force or threat of force is an element  
11 of the offense that the victim consented. "Consent" means a  
12 freely given agreement to the act of sexual penetration or  
13 sexual conduct in question. Lack of verbal or physical  
14 resistance or submission by the victim resulting from the use  
15 of force or threat of force by the accused shall not constitute  
16 consent. The manner of dress of the victim at the time of the  
17 offense shall not constitute consent.

18 (b) It shall be a defense under subsection (b) and  
19 subsection (c) of Section 11-1.50 ~~12-15~~ and subsection (d) of  
20 Section 11-1.60 ~~12-16~~ of this Code that the accused reasonably  
21 believed the person to be 17 years of age or over.

22 (c) A person who initially consents to sexual penetration  
23 or sexual conduct is not deemed to have consented to any sexual  
24 penetration or sexual conduct that occurs after he or she  
25 withdraws consent during the course of that sexual penetration

1 or sexual conduct.

2 (Source: P.A. 93-389, eff. 7-25-03.)

3 (720 ILCS 5/11-1.80) (was 720 ILCS 5/12-18.1)

4 Sec. 11-1.80 ~~12-18.1~~. Civil Liability.

5 (a) If any person has been convicted of any offense defined  
6 in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,  
7 12-14, 12-14.1, 12-15, or 12-16 of this Act, a victim of such  
8 offense has a cause of action for damages against any person or  
9 entity who, by the manufacture, production, or wholesale  
10 distribution of any obscene material which was possessed or  
11 viewed by the person convicted of the offense, proximately  
12 caused such person, through his or her reading or viewing of  
13 the obscene material, to commit the violation of Section  
14 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
15 12-14.1, 12-15, or 12-16. No victim may recover in any such  
16 action unless he or she proves by a preponderance of the  
17 evidence that: (1) the reading or viewing of the specific  
18 obscene material manufactured, produced, or distributed  
19 wholesale by the defendant proximately caused the person  
20 convicted of the violation of Section 11-1.20, 11-1.30,  
21 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
22 12-16 to commit such violation and (2) the defendant knew or  
23 had reason to know that the manufacture, production, or  
24 wholesale distribution of such material was likely to cause a  
25 violation of an offense substantially of the type enumerated.

1           (b) The manufacturer, producer or wholesale distributor  
2 shall be liable to the victim for:

3           (1) actual damages incurred by the victim, including  
4 medical costs;

5           (2) court costs and reasonable attorneys fees;

6           (3) infliction of emotional distress;

7           (4) pain and suffering; and

8           (5) loss of consortium.

9           (c) Every action under this Section shall be commenced  
10 within 3 years after the conviction of the defendant for a  
11 violation of Section 11-1.20, 11-1.30, 11-1.50, 11-1.60,  
12 12-13, 12-14, 12-15 or 12-16 of this Code. However, if the  
13 victim was under the age of 18 years at the time of the  
14 conviction of the defendant for a violation of Section 11-1.20,  
15 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1,  
16 12-15 or 12-16 of this Code, an action under this Section shall  
17 be commenced within 3 years after the victim attains the age of  
18 18 years.

19           (d) For the purposes of this Section:

20           (1) "obscene" has the meaning ascribed to it in subsection  
21 (b) of Section 11-20 of this Code;

22           (2) "wholesale distributor" means any individual,  
23 partnership, corporation, association, or other legal entity  
24 which stands between the manufacturer and the retail seller in  
25 purchases, consignments, contracts for sale or rental of the  
26 obscene material;

1           (3) "producer" means any individual, partnership,  
2 corporation, association, or other legal entity which finances  
3 or supervises, to any extent, the production or making of  
4 obscene material;

5           (4) "manufacturer" means any individual, partnership,  
6 corporation, association, or other legal entity which  
7 manufacturers, assembles or produces obscene material.

8           (Source: P.A. 86-857.)

9           (720 ILCS 5/11-6) (from Ch. 38, par. 11-6)

10          Sec. 11-6. Indecent solicitation of a child.

11          (a) A person of the age of 17 years and upwards commits ~~the~~  
12 ~~offense of~~ indecent solicitation of a child if the person, with  
13 the intent that the offense of aggravated criminal sexual  
14 assault, criminal sexual assault, predatory criminal sexual  
15 assault of a child, or aggravated criminal sexual abuse be  
16 committed, knowingly solicits a child or one whom he or she  
17 believes to be a child to perform an act of sexual penetration  
18 or sexual conduct as defined in Section 11-0.1 ~~12-12~~ of this  
19 Code.

20          (a-5) A person of the age of 17 years and upwards commits  
21 ~~the offense of~~ indecent solicitation of a child if the person  
22 knowingly discusses an act of sexual conduct or sexual  
23 penetration with a child or with one whom he or she believes to  
24 be a child by means of the Internet with the intent that the  
25 offense of aggravated criminal sexual assault, predatory

1 criminal sexual assault of a child, or aggravated criminal  
2 sexual abuse be committed.

3 (a-6) It is not a defense to subsection (a-5) that the  
4 person did not solicit the child to perform sexual conduct or  
5 sexual penetration with the person.

6 (b) Definitions. As used in this Section:

7 "Solicit" means to command, authorize, urge, incite,  
8 request, or advise another to perform an act by any means  
9 including, but not limited to, in person, over the phone,  
10 in writing, by computer, or by advertisement of any kind.

11 "Child" means a person under 17 years of age.

12 "Internet" has the meaning set forth in Section 16J-5  
13 of this Code ~~means an interactive computer service or~~  
14 ~~system or an information service, system, or access~~  
15 ~~software provider that provides or enables computer access~~  
16 ~~by multiple users to a computer server, and includes, but~~  
17 ~~is not limited to, an information service, system, or~~  
18 ~~access software provider that provides access to a network~~  
19 ~~system commonly known as the Internet, or any comparable~~  
20 ~~system or service and also includes, but is not limited to,~~  
21 ~~a World Wide Web page, newsgroup, message board, mailing~~  
22 ~~list, or chat area on any interactive computer service or~~  
23 ~~system or other online service.~~

24 "Sexual penetration" or "sexual conduct" are defined  
25 in Section 11-0.1 ~~12-12~~ of this Code.

26 (c) Sentence. Indecent solicitation of a child under

1 subsection (a) is:

2 (1) a Class 1 felony when the act, if done, would be  
3 predatory criminal sexual assault of a child or aggravated  
4 criminal sexual assault;

5 (2) a Class 2 felony when the act, if done, would be  
6 criminal sexual assault;

7 (3) a Class 3 felony when the act, if done, would be  
8 aggravated criminal sexual abuse.

9 Indecent solicitation of a child under subsection (a-5) is  
10 a Class 4 felony.

11 (Source: P.A. 95-143, eff. 1-1-08.)

12 (720 ILCS 5/11-6.5)

13 Sec. 11-6.5. Indecent solicitation of an adult.

14 (a) A person commits indecent solicitation of an adult if  
15 the person knowingly:

16 (1) Arranges for a person 17 years of age or over to  
17 commit an act of sexual penetration as defined in Section  
18 11-0.1 ~~12-12~~ with a person:

19 (i) Under the age of 13 years; or

20 (ii) Thirteen years of age or over but under the  
21 age of 17 years; or

22 (2) Arranges for a person 17 years of age or over to  
23 commit an act of sexual conduct as defined in Section  
24 11-0.1 ~~12-12~~ with a person:

25 (i) Under the age of 13 years; or

1           (ii) Thirteen years of age or older but under the  
2           age of 17 years.

3           (b) Sentence.

4           (1) Violation of paragraph (a)(1)(i) is a Class X  
5           felony.

6           (2) Violation of paragraph (a)(1)(ii) is a Class 1  
7           felony.

8           (3) Violation of paragraph (a)(2)(i) is a Class 2  
9           felony.

10          (4) Violation of paragraph (a)(2)(ii) is a Class A  
11          misdemeanor.

12          (c) For the purposes of this Section, "arranges" includes  
13          but is not limited to oral or written communication and  
14          communication by telephone, computer, or other electronic  
15          means. "Computer" has the meaning ascribed to it in Section  
16          16D-2 of this Code.

17          (Source: P.A. 88-165; 89-203, eff. 7-21-95.)

18           (720 ILCS 5/Art. 11 Subdiv. 10 heading new)

19           SUBDIVISION 10. VULNERABLE VICTIM OFFENSES

20           (720 ILCS 5/11-9.1) (from Ch. 38, par. 11-9.1)

21           Sec. 11-9.1. Sexual exploitation of a child.

22           (a) ~~A Any~~ person commits sexual exploitation of a child if  
23           in the presence of a child and with ~~intent or~~ knowledge that a  
24           child would view his or her acts, that person:



1 (1) engages in a sexual act; or

2 (2) exposes his or her sex organs, anus or breast for  
3 the purpose of sexual arousal or gratification of such  
4 person or the child.

5 (a-5) A person commits sexual exploitation of a child who  
6 knowingly entices, coerces, or persuades a child to remove the  
7 child's clothing for the purpose of sexual arousal or  
8 gratification of the person or the child, or both.

9 (b) Definitions. As used in this Section:

10 "Sexual act" means masturbation, sexual conduct or sexual  
11 penetration as defined in Section 11-0.1 ~~12-12~~ of this Code.

12 "Sex offense" means any violation of Article 11 of this  
13 Code or ~~a violation of Section 12-13, 12-14, 12-14.1, 12-15,~~  
14 ~~12-16, or 12-16.2~~ of this Code.

15 "Child" means a person under 17 years of age.

16 (c) Sentence.

17 (1) Sexual exploitation of a child is a Class A  
18 misdemeanor. A second or subsequent violation of this  
19 Section or a substantially similar law of another state is  
20 a Class 4 felony.

21 (2) Sexual exploitation of a child is a Class 4 felony  
22 if the person has been previously convicted of a sex  
23 offense.

24 (3) Sexual exploitation of a child is a Class 4 felony  
25 if the victim was under 13 years of age at the time of the  
26 commission of the offense.

1 (Source: P.A. 94-140, eff. 7-7-05.)

2 (720 ILCS 5/11-9.1A new)

3 Sec. 11-9.1A. Permitting sexual abuse of a child.

4 (a) A person responsible for a child's welfare commits  
5 permitting sexual abuse of a child if the person has actual  
6 knowledge of and permits an act of sexual abuse upon the child,  
7 or permits the child to engage in prostitution as defined in  
8 Section 11-14 of the Criminal Code of 1961.

9 (b) In this Section:

10 "Actual knowledge" includes credible allegations made by  
11 the child.

12 "Child" means a minor under the age of 17 years.

13 "Person responsible for the child's welfare" means the  
14 child's parent, step-parent, legal guardian, or other person  
15 having custody of a child, who is responsible for the child's  
16 care at the time of the alleged sexual abuse.

17 "Prostitution" means prostitution as defined in Section  
18 11-14 of the Criminal Code of 1961.

19 "Sexual abuse" includes criminal sexual abuse or criminal  
20 sexual assault as defined in Section 11-1.20, 11-1.30, 11-1.40,  
21 11-1.50, or 11-1.60 of the Criminal Code of 1961.

22 (c) This Section does not apply to a person responsible for  
23 the child's welfare who, having reason to believe that sexual  
24 abuse has occurred, makes timely and reasonable efforts to stop  
25 the sexual abuse by reporting the sexual abuse in conformance

1 with the Abused and Neglected Child Reporting Act or by  
2 reporting the sexual abuse, or causing a report to be made, to  
3 medical or law enforcement authorities or anyone who is a  
4 mandated reporter under Section 4 of the Abused and Neglected  
5 Child Reporting Act.

6 (d) Whenever a law enforcement officer has reason to  
7 believe that the child or the person responsible for the  
8 child's welfare has been abused by a family or household member  
9 as defined by the Illinois Domestic Violence Act of 1986, the  
10 officer shall immediately use all reasonable means to prevent  
11 further abuse under Section 112A-30 of the Code of Criminal  
12 Procedure of 1963.

13 (e) An order of protection under Section 111-8 of the Code  
14 of Criminal Procedure of 1963 shall be sought in all cases  
15 where there is reason to believe that a child has been sexually  
16 abused by a family or household member. In considering  
17 appropriate available remedies, it shall be presumed that  
18 awarding physical care or custody to the abuser is not in the  
19 child's best interest.

20 (f) A person may not be charged with the offense of  
21 permitting sexual abuse of a child under this Section until the  
22 person who committed the offense is charged with criminal  
23 sexual assault, aggravated criminal sexual assault, predatory  
24 criminal sexual assault of a child, criminal sexual abuse,  
25 aggravated criminal sexual abuse, or prostitution.

26 (g) A person convicted of permitting the sexual abuse of a

1 child is guilty of a Class 1 felony. As a condition of any  
2 sentence of supervision, probation, conditional discharge, or  
3 mandatory supervised release, any person convicted under this  
4 Section shall be ordered to undergo child sexual abuse,  
5 domestic violence, or other appropriate counseling for a  
6 specified duration with a qualified social or mental health  
7 worker.

8 (h) It is an affirmative defense to a charge of permitting  
9 sexual abuse of a child under this Section that the person  
10 responsible for the child's welfare had a reasonable  
11 apprehension that timely action to stop the abuse or  
12 prostitution would result in the imminent infliction of death,  
13 great bodily harm, permanent disfigurement, or permanent  
14 disability to that person or another in retaliation for  
15 reporting.

16 (720 ILCS 5/11-9.2)

17 Sec. 11-9.2. Custodial sexual misconduct.

18 (a) A person commits ~~the offense of~~ custodial sexual  
19 misconduct when: (1) he or she is an employee of a penal system  
20 and engages in sexual conduct or sexual penetration with a  
21 person who is in the custody of that penal system or (2) he or  
22 she is an employee of a treatment and detention facility and  
23 engages in sexual conduct or sexual penetration with a person  
24 who is in the custody of that treatment and detention facility.

25 (b) A probation or supervising officer or surveillance

1 agent commits ~~the offense of~~ custodial sexual misconduct when  
2 the probation or supervising officer or surveillance agent  
3 engages in sexual conduct or sexual penetration with a  
4 probationer, parolee, or releasee or person serving a term of  
5 conditional release who is under the supervisory,  
6 disciplinary, or custodial authority of the officer or agent so  
7 engaging in the sexual conduct or sexual penetration.

8 (c) Custodial sexual misconduct is a Class 3 felony.

9 (d) Any person convicted of violating this Section  
10 immediately shall forfeit his or her employment with a penal  
11 system, treatment and detention facility, or conditional  
12 release program.

13 (e) For purposes of this Section, the consent of the  
14 probationer, parolee, releasee, or inmate in custody of the  
15 penal system or person detained or civilly committed under the  
16 Sexually Violent Persons Commitment Act shall not be a defense  
17 to a prosecution under this Section. A person is deemed  
18 incapable of consent, for purposes of this Section, when he or  
19 she is a probationer, parolee, releasee, or inmate in custody  
20 of a penal system or person detained or civilly committed under  
21 the Sexually Violent Persons Commitment Act.

22 (f) This Section does not apply to:

23 (1) Any employee, probation or supervising officer, or  
24 surveillance agent who is lawfully married to a person in  
25 custody if the marriage occurred before the date of  
26 custody.

1           (2) Any employee, probation or supervising officer, or  
2 surveillance agent who has no knowledge, and would have no  
3 reason to believe, that the person with whom he or she  
4 engaged in custodial sexual misconduct was a person in  
5 custody.

6           (g) In this Section:

7           (1) "Custody" means:

8           (i) pretrial incarceration or detention;

9           (ii) incarceration or detention under a sentence  
10 or commitment to a State or local penal institution;

11           (iii) parole or mandatory supervised release;

12           (iv) electronic home detention;

13           (v) probation;

14           (vi) detention or civil commitment either in  
15 secure care or in the community under the Sexually  
16 Violent Persons Commitment Act.

17           (2) "Penal system" means any system which includes  
18 institutions as defined in Section 2-14 of this Code or a  
19 county shelter care or detention home established under  
20 Section 1 of the County Shelter Care and Detention Home  
21 Act.

22           (2.1) "Treatment and detention facility" means any  
23 Department of Human Services facility established for the  
24 detention or civil commitment of persons under the Sexually  
25 Violent Persons Commitment Act.

26           (2.2) "Conditional release" means a program of

1 treatment and services, vocational services, and alcohol  
2 or other drug abuse treatment provided to any person  
3 civilly committed and conditionally released to the  
4 community under the Sexually Violent Persons Commitment  
5 Act;

6 (3) "Employee" means:

7 (i) an employee of any governmental agency of this  
8 State or any county or municipal corporation that has  
9 by statute, ordinance, or court order the  
10 responsibility for the care, control, or supervision  
11 of pretrial or sentenced persons in a penal system or  
12 persons detained or civilly committed under the  
13 Sexually Violent Persons Commitment Act;

14 (ii) a contractual employee of a penal system as  
15 defined in paragraph (g) (2) of this Section who works  
16 in a penal institution as defined in Section 2-14 of  
17 this Code;

18 (iii) a contractual employee of a "treatment and  
19 detention facility" as defined in paragraph (g) (2.1)  
20 of this Code or a contractual employee of the  
21 Department of Human Services who provides supervision  
22 of persons serving a term of conditional release as  
23 defined in paragraph (g) (2.2) of this Code.

24 (4) "Sexual conduct" or "sexual penetration" means any  
25 act of sexual conduct or sexual penetration as defined in  
26 Section 11-0.1 ~~12-12~~ of this Code.

1           (5) "Probation officer" means any person employed in a  
2 probation or court services department as defined in  
3 Section 9b of the Probation and Probation Officers Act.

4           (6) "Supervising officer" means any person employed to  
5 supervise persons placed on parole or mandatory supervised  
6 release with the duties described in Section 3-14-2 of the  
7 Unified Code of Corrections.

8           (7) "Surveillance agent" means any person employed or  
9 contracted to supervise persons placed on conditional  
10 release in the community under the Sexually Violent Persons  
11 Commitment Act.

12 (Source: P.A. 92-415, eff. 8-17-01.)

13 (720 ILCS 5/11-9.3)

14 Sec. 11-9.3. Presence within school zone by child sex  
15 offenders prohibited; approaching, contacting, residing with,  
16 or communicating with a child within certain places by child  
17 sex offenders prohibited.

18 (a) It is unlawful for a child sex offender to knowingly be  
19 present in any school building, on real property comprising any  
20 school, or in any conveyance owned, leased, or contracted by a  
21 school to transport students to or from school or a school  
22 related activity when persons under the age of 18 are present  
23 in the building, on the grounds or in the conveyance, unless  
24 the offender is a parent or guardian of a student attending the  
25 school and the parent or guardian is: (i) attending a



1 conference at the school with school personnel to discuss the  
2 progress of his or her child academically or socially, (ii)  
3 participating in child review conferences in which evaluation  
4 and placement decisions may be made with respect to his or her  
5 child regarding special education services, or (iii) attending  
6 conferences to discuss other student issues concerning his or  
7 her child such as retention and promotion and notifies the  
8 principal of the school of his or her presence at the school or  
9 unless the offender has permission to be present from the  
10 superintendent or the school board or in the case of a private  
11 school from the principal. In the case of a public school, if  
12 permission is granted, the superintendent or school board  
13 president must inform the principal of the school where the sex  
14 offender will be present. Notification includes the nature of  
15 the sex offender's visit and the hours in which the sex  
16 offender will be present in the school. The sex offender is  
17 responsible for notifying the principal's office when he or she  
18 arrives on school property and when he or she departs from  
19 school property. If the sex offender is to be present in the  
20 vicinity of children, the sex offender has the duty to remain  
21 under the direct supervision of a school official. ~~A child sex~~  
22 ~~offender who violates this provision is guilty of a Class 4~~  
23 ~~felony.~~

24 (a-5) It is unlawful for a child sex offender to knowingly  
25 be present within 100 feet of a site posted as a pick-up or  
26 discharge stop for a conveyance owned, leased, or contracted by

1 a school to transport students to or from school or a school  
2 related activity when one or more persons under the age of 18  
3 are present at the site.

4 (a-10) It is unlawful for a child sex offender to knowingly  
5 be present in any public park building or on real property  
6 comprising any public park when persons under the age of 18 are  
7 present in the building or on the grounds and to approach,  
8 contact, or communicate with a child under 18 years of age,  
9 unless the offender is a parent or guardian of a person under  
10 18 years of age present in the building or on the grounds.

11 (b) It is unlawful for a child sex offender to knowingly  
12 loiter within 500 feet of a school building or real property  
13 comprising any school while persons under the age of 18 are  
14 present in the building or on the grounds, unless the offender  
15 is a parent or guardian of a student attending the school and  
16 the parent or guardian is: (i) attending a conference at the  
17 school with school personnel to discuss the progress of his or  
18 her child academically or socially, (ii) participating in child  
19 review conferences in which evaluation and placement decisions  
20 may be made with respect to his or her child regarding special  
21 education services, or (iii) attending conferences to discuss  
22 other student issues concerning his or her child such as  
23 retention and promotion and notifies the principal of the  
24 school of his or her presence at the school or has permission  
25 to be present from the superintendent or the school board or in  
26 the case of a private school from the principal. In the case of

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

13 (b-2) It is unlawful for a child sex offender to knowingly  
14 loiter on a public way within 500 feet of a public park  
15 building or real property comprising any public park while  
16 persons under the age of 18 are present in the building or on  
17 the grounds and to approach, contact, or communicate with a  
18 child under 18 years of age, unless the offender is a parent or  
19 guardian of a person under 18 years of age present in the  
20 building or on the grounds.

21 (b-5) It is unlawful for a child sex offender to knowingly  
22 reside within 500 feet of a school building or the real  
23 property comprising any school that persons under the age of 18  
24 attend. Nothing in this subsection (b-5) prohibits a child sex  
25 offender from residing within 500 feet of a school building or  
26 the real property comprising any school that persons under 18

1 attend if the property is owned by the child sex offender and  
2 was purchased before the effective date of this amendatory Act  
3 of the 91st General Assembly.

4 (b-10) It is unlawful for a child sex offender to knowingly  
5 reside within 500 feet of a playground, child care institution,  
6 day care center, part day child care facility, or a facility  
7 providing programs or services exclusively directed toward  
8 persons under 18 years of age. Nothing in this subsection  
9 (b-10) prohibits a child sex offender from residing within 500  
10 feet of a playground or a facility providing programs or  
11 services exclusively directed toward persons under 18 years of  
12 age if the property is owned by the child sex offender and was  
13 purchased before July 7, 2000. Nothing in this subsection  
14 (b-10) prohibits a child sex offender from residing within 500  
15 feet of a child care institution, day care center, or part day  
16 child care facility if the property is owned by the child sex  
17 offender and was purchased before June 26, 2006.

18 (b-15) It is unlawful for a child sex offender to knowingly  
19 reside within 500 feet of the victim of the sex offense.  
20 Nothing in this subsection (b-15) prohibits a child sex  
21 offender from residing within 500 feet of the victim if the  
22 property in which the child sex offender resides is owned by  
23 the child sex offender and was purchased before August 22,  
24 2002.

25 This subsection (b-15) does not apply if the victim of the  
26 sex offense is 21 years of age or older.

1       (b-20) It is unlawful for a child sex offender to knowingly  
2 communicate, other than for a lawful purpose under Illinois  
3 law, using the Internet or any other digital media, with a  
4 person under 18 years of age or with a person whom he or she  
5 believes to be a person under 18 years of age, unless the  
6 offender is a parent or guardian of the person under 18 years  
7 of age.

8       (c) It is unlawful for a child sex offender to knowingly  
9 operate, manage, be employed by, volunteer at, be associated  
10 with, or knowingly be present at any: (i) facility providing  
11 programs or services exclusively directed toward persons under  
12 the age of 18; (ii) day care center; (iii) part day child care  
13 facility; (iv) child care institution; or (v) school providing  
14 before and after school programs for children under 18 years of  
15 age. This does not prohibit a child sex offender from owning  
16 the real property upon which the programs or services are  
17 offered or upon which the day care center, part day child care  
18 facility, child care institution, or school providing before  
19 and after school programs for children under 18 years of age is  
20 located, provided the child sex offender refrains from being  
21 present on the premises for the hours during which: (1) the  
22 programs or services are being offered or (2) the day care  
23 center, part day child care facility, child care institution,  
24 or school providing before and after school programs for  
25 children under 18 years of age is operated.

26       (c-5) It is unlawful for a child sex offender to knowingly

1 operate, manage, be employed by, or be associated with any  
2 county fair when persons under the age of 18 are present.

3 (d) ~~(e)~~ Definitions. In this Section:

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

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

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

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

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

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

25 (E) is found not guilty by reason of insanity  
26 following a hearing conducted pursuant to a

1 federal law or the law of another state  
2 substantially similar to subsection (c) of Section  
3 104-25 of the Code of Criminal Procedure of 1963 of  
4 such offense or of the attempted commission of such  
5 offense; or

6 (F) is the subject of a finding not resulting  
7 in an acquittal at a hearing conducted pursuant to  
8 a federal law or the law of another state  
9 substantially similar to subsection (a) of Section  
10 104-25 of the Code of Criminal Procedure of 1963  
11 for the alleged violation or attempted commission  
12 of such offense; or

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

19 (iii) is subject to the provisions of Section 2 of  
20 the Interstate Agreements on Sexually Dangerous  
21 Persons Act.

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

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

3 (i) A violation of any of the following Sections of  
4 the Criminal Code of 1961: 10-7 (aiding or abetting  
5 child abduction under Section 10-5(b)(10)),  
6 10-5(b)(10) (child luring), 11-1.40 (predatory  
7 criminal sexual assault of a child), 11-6 (indecent  
8 solicitation of a child), 11-6.5 (indecent  
9 solicitation of an adult), ~~11-9 (public indecency when~~  
10 ~~committed in a school, on the real property comprising~~  
11 ~~a school, or on a conveyance, owned, leased, or~~  
12 ~~contracted by a school to transport students to or from~~  
13 ~~school or a school related activity)~~, 11-9.1 (sexual  
14 exploitation of a child), 11-14.4 (promoting juvenile  
15 prostitution), ~~11-15.1 (soliciting for a juvenile~~  
16 ~~prostitute)~~, ~~11-17.1 (keeping a place of juvenile~~  
17 ~~prostitution)~~, 11-18.1 (patronizing a juvenile  
18 prostitute), ~~11-19.1 (juvenile pimping)~~, ~~11-19.2~~  
19 ~~(exploitation of a child)~~, 11-20.1 (child  
20 pornography), 11-20.1B ~~11-20.3~~ (aggravated child  
21 pornography), 11-21 (harmful material), ~~12-14.1~~  
22 ~~(predatory criminal sexual assault of a child)~~, 12-33  
23 (ritualized abuse of a child), 11-20 (obscenity) (when  
24 that offense was committed in any school, on real  
25 property comprising any school, in any conveyance  
26 owned, leased, or contracted by a school to transport



1 students to or from school or a school related  
2 activity, or in a public park), 11-30 (public  
3 indecenty) (when committed in a school, on real  
4 property comprising a school, in any conveyance owned,  
5 leased, or contracted by a school to transport students  
6 to or from school or a school related activity, or in a  
7 public park). An attempt to commit any of these  
8 offenses.

9 (ii) A violation of any of the following Sections  
10 of the Criminal Code of 1961, when the victim is a  
11 person under 18 years of age: 11-1.20 ~~12-13~~ (criminal  
12 sexual assault), 11-1.30 ~~12-14~~ (aggravated criminal  
13 sexual assault), 11-1.50 ~~12-15~~ (criminal sexual  
14 abuse), 11-1.60 ~~12-16~~ (aggravated criminal sexual  
15 abuse). An attempt to commit any of these offenses.

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

20 10-1 (kidnapping),

21 10-2 (aggravated kidnapping),

22 10-3 (unlawful restraint),

23 10-3.1 (aggravated unlawful restraint).

24 An attempt to commit any of these offenses.

25 (iv) A violation of any former law of this State  
26 substantially equivalent to any offense listed in

1 clause (2) (i) of subsection (d) ~~(e)~~ of this Section.

2 (2.5) For the purposes of subsections ~~subsection~~ (b-5)  
3 and (b-10) only, a sex offense means:

4 (i) A violation of any of the following Sections of  
5 the Criminal Code of 1961:

6 10-5(b)(10) (child luring), 10-7 (aiding or  
7 abetting child abduction under Section 10-5(b)(10)),  
8 11-1.40 (predatory criminal sexual assault of a  
9 child), 11-6 (indecent solicitation of a child),  
10 11-6.5 (indecent solicitation of an adult), 11-14.4  
11 (promoting juvenile prostitution), ~~11-15.1 (soliciting~~  
12 ~~for a juvenile prostitute)~~, ~~11-17.1 (keeping a place of~~  
13 ~~juvenile prostitution)~~, 11-18.1 (patronizing a  
14 juvenile prostitute), ~~11-19.1 (juvenile pimping)~~,  
15 ~~11-19.2 (exploitation of a child)~~, 11-20.1 (child  
16 pornography), 11-20.1B ~~11-20.3~~ (aggravated child  
17 pornography), ~~12-14.1 (predatory criminal sexual~~  
18 ~~assault of a child)~~, or 12-33 (ritualized abuse of a  
19 child). An attempt to commit any of these offenses.

20 (ii) A violation of any of the following Sections  
21 of the Criminal Code of 1961, when the victim is a  
22 person under 18 years of age: 11-1.20 ~~12-13~~ (criminal  
23 sexual assault), 11-1.30 ~~12-14~~ (aggravated criminal  
24 sexual assault), 11-1.60 ~~12-16~~ (aggravated criminal  
25 sexual abuse), and subsection (a) of Section 11-1.50  
26 ~~12-15~~ (criminal sexual abuse). An attempt to commit any

1 of these offenses.

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

6 10-1 (kidnapping),

7 10-2 (aggravated kidnapping),

8 10-3 (unlawful restraint),

9 10-3.1 (aggravated unlawful restraint).

10 An attempt to commit any of these offenses.

11 (iv) A violation of any former law of this State  
12 substantially equivalent to any offense listed in this  
13 paragraph (2.5) of this subsection.

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

23 (4) "Child care institution" has the meaning ascribed  
24 to it in Section 2.06 of the Child Care Act of 1969.

25 (5) "Day care center" has the meaning ascribed to it in  
26 Section 2.09 of the Child Care Act of 1969.

1           (6) "Internet" has the meaning set forth in Section  
2           16J-5 of this Code.

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

5           (7) ~~(5)~~ "Loiter" means:

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

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

13           (iii) Entering or remaining in a building in or  
14           around school property, other than the offender's  
15           residence.

16           (8) "Part day child care facility" has the meaning  
17           ascribed to it in Section 2.10 of the Child Care Act of  
18           1969.

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

23           (10) "Public park" includes a park, forest preserve, or  
24           conservation area under the jurisdiction of the State or a  
25           unit of local government.

26           (11) "School" means a public or private preschool or

1           elementary or secondary school.

2           (12) ~~(6)~~ "School official" means the principal, a  
3           teacher, or any other certified employee of the school, the  
4           superintendent of schools or a member of the school board.

5           (c-5) For the purposes of this Section, the 500 feet  
6           distance shall be measured from the edge of the property of the  
7           school building or the real property comprising the school that  
8           is closest to the edge of the property of the child sex  
9           offender's residence or where he or she is loitering.

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

12          (Source: P.A. 95-331, eff. 8-21-07; 95-440, eff. 8-27-07;  
13          95-640, eff. 6-1-08; 95-819, eff. 1-1-09; 95-876, eff. 8-21-08;  
14          96-328, eff. 8-11-09; 96-710, eff. 1-1-10.)

15          (720 ILCS 5/11-9.5)

16          Sec. 11-9.5. Sexual misconduct with a person with a  
17          disability.

18          (a) Definitions. As used in this Section:

19                 (1) "Person with a disability" means:

20                         (i) a person diagnosed with a developmental  
21                         disability as defined in Section 1-106 of the Mental  
22                         Health and Developmental Disabilities Code; or

23                         (ii) a person diagnosed with a mental illness as  
24                         defined in Section 1-129 of the Mental Health and  
25                         Developmental Disabilities Code.

1 (2) "State-operated facility" means:

2 (i) a developmental disability facility as defined  
3 in the Mental Health and Developmental Disabilities  
4 Code; or

5 (ii) a mental health facility as defined in the  
6 Mental Health and Developmental Disabilities Code.

7 (3) "Community agency" or "agency" means any community  
8 entity or program providing residential mental health or  
9 developmental disabilities services that is licensed,  
10 certified, or funded by the Department of Human Services  
11 and not licensed or certified by any other human service  
12 agency of the State such as the Departments of Public  
13 Health, Healthcare and Family Services, and Children and  
14 Family Services.

15 (4) "Care and custody" means admission to a  
16 State-operated facility.

17 (5) "Employee" means:

18 (i) any person employed by the Illinois Department  
19 of Human Services;

20 (ii) any person employed by a community agency  
21 providing services at the direction of the owner or  
22 operator of the agency on or off site; or

23 (iii) any person who is a contractual employee or  
24 contractual agent of the Department of Human Services  
25 or the community agency. This includes but is not  
26 limited to payroll personnel, contractors,

1 subcontractors, and volunteers.

2 (6) "Sexual conduct" or "sexual penetration" means any  
3 act of sexual conduct or sexual penetration as defined in  
4 Section 11-0.1 ~~12-12~~ of this Code.

5 (b) A person commits ~~the offense of~~ sexual misconduct with  
6 a person with a disability when:

7 (1) he or she is an employee and knowingly engages in  
8 sexual conduct or sexual penetration with a person with a  
9 disability who is under the care and custody of the  
10 Department of Human Services at a State-operated facility;  
11 or

12 (2) he or she is an employee of a community agency  
13 funded by the Department of Human Services and knowingly  
14 engages in sexual conduct or sexual penetration with a  
15 person with a disability who is in a residential program  
16 operated or supervised by a community agency.

17 (c) For purposes of this Section, the consent of a person  
18 with a disability in custody of the Department of Human  
19 Services residing at a State-operated facility or receiving  
20 services from a community agency shall not be a defense to a  
21 prosecution under this Section. A person is deemed incapable of  
22 consent, for purposes of this Section, when he or she is a  
23 person with a disability and is receiving services at a  
24 State-operated facility or is a person with a disability who is  
25 in a residential program operated or supervised by a community  
26 agency.

1 (d) This Section does not apply to:

2 (1) any State employee or any community agency employee  
3 who is lawfully married to a person with a disability in  
4 custody of the Department of Human Services or receiving  
5 services from a community agency if the marriage occurred  
6 before the date of custody or the initiation of services at  
7 a community agency; or

8 (2) any State employee or community agency employee who  
9 has no knowledge, and would have no reason to believe, that  
10 the person with whom he or she engaged in sexual misconduct  
11 was a person with a disability in custody of the Department  
12 of Human Services or was receiving services from a  
13 community agency.

14 (e) Sentence. Sexual misconduct with a person with a  
15 disability is a Class 3 felony.

16 (f) Any person convicted of violating this Section shall  
17 immediately forfeit his or her employment with the State or the  
18 community agency.

19 (Source: P.A. 94-1053, eff. 7-24-06.)

20 (720 ILCS 5/11-11) (from Ch. 38, par. 11-11)

21 Sec. 11-11. Sexual Relations Within Families.

22 (a) A person commits sexual relations within families if he  
23 or she:

24 (1) Commits an act of sexual penetration as defined in  
25 Section 11-0.1 ~~12-12~~ of this Code; and



1           (2) The person knows that he or she is related to the  
2 other person as follows: (i) Brother or sister, either of  
3 the whole blood or the half blood; or (ii) Father or  
4 mother, when the child, regardless of legitimacy and  
5 regardless of whether the child was of the whole blood or  
6 half-blood or was adopted, was 18 years of age or over when  
7 the act was committed; or (iii) Stepfather or stepmother,  
8 when the stepchild was 18 years of age or over when the act  
9 was committed; or (iv) Aunt or uncle, when the niece or  
10 nephew was 18 years of age or over when the act was  
11 committed; or (v) Great-aunt or great-uncle, when the  
12 grand-niece or grand-nephew was 18 years of age or over  
13 when the act was committed; or (vi) Grandparent or  
14 step-grandparent, when the grandchild or step-grandchild  
15 was 18 years of age or over when the act was committed.

16           (b) Sentence. Sexual relations within families is a Class 3  
17 felony.

18           (Source: P.A. 96-233, eff. 1-1-10.)

19           (720 ILCS 5/Art. 11 Subdiv. 15 heading new)

20                           SUBDIVISION 15. PROSTITUTION OFFENSES

21           (720 ILCS 5/11-14) (from Ch. 38, par. 11-14)

22           Sec. 11-14. Prostitution.

23           (a) Any person who knowingly performs, offers or agrees to  
24 perform any act of sexual penetration as defined in Section

1 11-0.1 ~~12-12~~ of this Code for ~~any money, property, token,~~  
2 ~~object, or article~~ or anything of value, or any touching or  
3 fondling of the sex organs of one person by another person, for  
4 ~~any money, property, token, object, or article~~ or anything of  
5 value, for the purpose of sexual arousal or gratification  
6 commits an act of prostitution.

7 (b) Sentence.

8 A violation of this Section is a Class A misdemeanor,  
9 unless committed within 1,000 feet of real property comprising  
10 a school, in which case it is a Class 4 felony. A second or  
11 subsequent violation of this Section, or any combination of  
12 convictions under this Section and Section 11-14.3 (promoting  
13 prostitution), 11-18 (patronizing a prostitute), or 11-18.1  
14 (patronizing a juvenile prostitute), is a Class 4 felony.

15 ~~Prostitution is a Class A misdemeanor. A person convicted of a~~  
16 ~~second or subsequent violation of this Section, or of any~~  
17 ~~combination of such number of convictions under this Section~~  
18 ~~and Sections 11-15, 11-17, 11-18, 11-18.1 and 11-19 of this~~  
19 ~~Code is guilty of a Class 4 felony. When a person has one or~~  
20 ~~more prior convictions, the information or indictment charging~~  
21 ~~that person shall state such prior conviction so as to give~~  
22 ~~notice of the State's intention to treat the charge as a~~  
23 ~~felony. The fact of such prior conviction is not an element of~~  
24 ~~the offense and may not be disclosed to the jury during trial~~  
25 ~~unless otherwise permitted by issues properly raised during~~  
26 ~~such trial.~~

1           (c) First offender; felony prostitution.

2           (1) Whenever any person who has not previously been  
3 convicted of or placed on probation for felony prostitution  
4 or any law of the United States or of any other state  
5 relating to felony prostitution pleads guilty to or is  
6 found guilty of felony prostitution, the court, without  
7 entering a judgment and with the consent of such person,  
8 may sentence the person to probation.

9           (2) When a person is placed on probation, the court  
10 shall enter an order specifying a period of probation of 24  
11 months and shall defer further proceedings in the case  
12 until the conclusion of the period or until the filing of a  
13 petition alleging violation of a term or condition of  
14 probation.

15           (3) The conditions of probation shall be that the  
16 person: (i) not violate any criminal statute of any  
17 jurisdiction; (ii) refrain from possessing a firearm or  
18 other dangerous weapon; (iii) submit to periodic drug  
19 testing at a time and in a manner as ordered by the court,  
20 but no less than 3 times during the period of the  
21 probation, with the cost of the testing to be paid by the  
22 probationer; and (iv) perform no less than 30 hours of  
23 community service, provided community service is available  
24 in the jurisdiction and is funded and approved by the  
25 county board.

26           (4) The court may, in addition to other conditions,

1       require that the person:

2               (A) make a report to and appear in person before or  
3       participate with the court or such courts, person, or  
4       social service agency as directed by the court in the  
5       order of probation;

6               (B) pay a fine and costs;

7               (C) work or pursue a course of study or vocational  
8       training;

9               (D) undergo medical or psychiatric treatment; or  
10       treatment or rehabilitation by a provider approved by  
11       the Illinois Department of Human Services;

12               (E) attend or reside in a facility established for  
13       the instruction or residence of defendants on  
14       probation;

15               (F) support his or her dependents;

16               (G) refrain from having in his or her body the  
17       presence of any illicit drug prohibited by the Cannabis  
18       Control Act or the Illinois Controlled Substances Act,  
19       unless prescribed by a physician, and submit samples of  
20       his or her blood or urine or both for tests to  
21       determine the presence of any illicit drug;

22               (H) and in addition, if a minor:

23                       (i) reside with his or her parents or in a  
24       foster home;

25                       (ii) attend school;

26                       (iii) attend a non-residential program for

1           youth;

2                   (iv) contribute to his or her own support at  
3                   home or in a foster home.

4           (5) Upon violation of a term or condition of probation,  
5           the court may enter a judgment on its original finding of  
6           guilt and proceed as otherwise provided.

7           (6) Upon fulfillment of the terms and conditions of  
8           probation, the court shall discharge the person and dismiss  
9           the proceedings against him or her.

10           (7) A disposition of probation is considered to be a  
11           conviction for the purposes of imposing the conditions of  
12           probation and for appeal, however, discharge and dismissal  
13           under this subsection is not a conviction for purposes of  
14           this Code or for purposes of disqualifications or  
15           disabilities imposed by law upon conviction of a crime.

16           (8) There may be only one discharge and dismissal under  
17           this Section.

18           (9) If a person is convicted of prostitution within 5  
19           years subsequent to a discharge and dismissal under this  
20           subsection, the discharge and dismissal under this  
21           subsection shall be admissible in the sentencing  
22           proceeding for that conviction as evidence in aggravation.

23           ~~A person who violates this Section within 1,000 feet of~~  
24           ~~real property comprising a school commits a Class 4 felony.~~

25           (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 91-696,  
26           eff. 4-13-00.)

1 (720 ILCS 5/11-14.1)

2 Sec. 11-14.1. Solicitation of a sexual act.

3 (a) Any person who offers a person not his or her spouse  
4 any money, property, token, object, or article or anything of  
5 value to perform any act of sexual penetration as defined in  
6 Section 11-0.1 ~~12-12~~ of this Code, or any touching or fondling  
7 of the sex organs of one person by another person for the  
8 purpose of sexual arousal or gratification, commits ~~the offense~~  
9 ~~of~~ solicitation of a sexual act.

10 (b) Sentence. Solicitation of a sexual act is a Class B  
11 misdemeanor.

12 (Source: P.A. 91-696, eff. 4-13-00.)

13 (720 ILCS 5/11-14.3 new)

14 Sec. 11-14.3. Promoting prostitution.

15 (a) Any person who knowingly performs any of the following  
16 acts commits promoting prostitution:

17 (1) advances prostitution as defined in Section  
18 11-0.1;

19 (2) profits from prostitution by:

20 (A) compelling a person to become a prostitute;

21 (B) arranging or offering to arrange a situation in  
22 which a person may practice prostitution; or

23 (C) any means other than those described in  
24 subparagraph (A) or (B).

1       (b) Sentence.

2           (1) A violation of subdivision (a)(1) is a Class A  
3       misdemeanor, unless committed within 1,000 feet of real  
4       property comprising a school, in which case it is a Class 4  
5       felony. A second or subsequent violation of subdivision  
6       (a)(1), or any combination of convictions under  
7       subdivision (a)(1) and Section 11-14 (prostitution), 11-18  
8       (patronizing a prostitute) or 11-18.1 (patronizing a  
9       juvenile prostitute), is a Class 4 felony.

10          (2) A violation of subdivision (a)(2)(A) or (a)(2)(B)  
11       is a Class 4 felony, unless committed within 1,000 feet of  
12       real property comprising a school, in which case it is a  
13       Class 3 felony.

14          (3) A violation of subdivision (a)(2)(C) is a Class A  
15       misdemeanor, unless committed within 1,000 feet of real  
16       property comprising a school, in which case it is a Class 4  
17       felony. A second or subsequent violation of subdivision  
18       (a)(2)(C), or any combination of convictions under  
19       subdivision (a)(2)(C) and subdivision (a)(1) of this  
20       Section (promoting prostitution), 11-14 (prostitution),  
21       11-18 (patronizing a prostitute) or 11-18.1 (patronizing a  
22       juvenile prostitute), is a Class 4 felony.

23          (c) Impounding vehicle. A peace officer may impound any  
24       vehicle used by a person in the commission of promoting  
25       prostitution, if the officer arrested the person for a  
26       violation involving:

1           (1) soliciting another for the purpose of  
2           prostitution;

3           (2) arranging or offering to arrange a meeting of  
4           persons for the purpose of prostitution; or

5           (3) directing another to a place knowing the direction  
6           is for the purpose of prostitution.

7           The person may recover the vehicle from the impound after a  
8           minimum of 2 hours after arrest upon payment of a fee of \$200.  
9           The fee shall be distributed to the unit of government whose  
10           peace officer made the arrest for a violation of this Section.  
11           This \$200 fee includes the costs incurred by the unit of  
12           government to tow the vehicle to the impound. Upon the  
13           presentation of a signed court order by the defendant whose  
14           vehicle was impounded showing that the defendant has been  
15           acquitted of the offense or that the charges have been  
16           dismissed against the defendant for the offense, the  
17           municipality shall refund the \$200 fee to the defendant.

18           (720 ILCS 5/11-14.4 new)

19           Sec. 11-14.4. Promoting juvenile prostitution.

20           (a) Any person who knowingly performs any of the following  
21           acts commits promoting juvenile prostitution:

22           (1) advances prostitution as defined in Section  
23           11-0.1, where the prostitute, or a prostitute in the place,  
24           is under 17 years of age or is severely or profoundly  
25           mentally retarded at the time of the offense;



1           (2) profits from prostitution by any means where the  
2           prostitute is under 17 years of age or is severely or  
3           profoundly mentally retarded at the time of the offense;

4           (3) profits from prostitution by any means where the  
5           prostitute is under 13 years of age at the time of the  
6           offense;

7           (4) confines a child under the age of 16 or a severely  
8           or profoundly mentally retarded person against his or her  
9           will by the infliction or threat of imminent infliction of  
10           great bodily harm or permanent disability or disfigurement  
11           or by administering to the child or severely or profoundly  
12           mentally retarded person, without his or her consent or by  
13           threat or deception and for other than medical purposes,  
14           any alcoholic intoxicant or a drug as defined in the  
15           Illinois Controlled Substances Act or the Cannabis Control  
16           Act or methamphetamine as defined in the Methamphetamine  
17           Control and Community Protection Act and:

18           (A) compels the child or severely or profoundly  
19           mentally retarded person to become a prostitute;

20           (B) arranges a situation in which the child or  
21           severely or profoundly mentally retarded person may  
22           practice prostitution; or

23           (C) profits from prostitution by the child or  
24           severely or profoundly mentally retarded person.

25           (b) For purposes of this Section, administering drugs, as  
26           defined in subdivision (a)(4), or an alcoholic intoxicant to a

1 child under the age of 13 or a severely or profoundly mentally  
2 retarded person shall be deemed to be without consent if the  
3 administering is done without the consent of the parents or  
4 legal guardian.

5 (c) It is an affirmative defense to a charge of promoting  
6 juvenile prostitution, except for a charge under subdivision  
7 (a) (4), that the accused reasonably believed the person was of  
8 the age of 17 years or over or was not a severely or profoundly  
9 mentally retarded person at the time of the act giving rise to  
10 the charge.

11 (d) Sentence. A violation of subdivision (a) (1) or (a) (2)  
12 is a Class 1 felony. A violation of subdivision (a) (3) is a  
13 Class X felony. A violation of subdivision (a) (4) is a Class X  
14 felony, for which the person shall be sentenced to a term of  
15 imprisonment of not less than 6 years and not more than 60  
16 years. A second or subsequent violation of this Section that  
17 involves promoting juvenile prostitution by keeping a place of  
18 juvenile prostitution is a Class X felony.

19 (e) Forfeiture. Any person convicted of a violation of this  
20 Section that involves promoting juvenile prostitution by  
21 keeping a place of juvenile prostitution or convicted of a  
22 violation of subdivision (a) (4) is subject to the property  
23 forfeiture provisions set forth in Article 124B of the Code of  
24 Criminal Procedure of 1963.

1           Sec. 11-18. Patronizing a prostitute.

2           (a) Any person who knowingly performs any of the following  
3 acts with a person not his or her spouse commits ~~the offense of~~  
4 patronizing a prostitute:

5           (1) Engages in an act of sexual penetration as defined  
6 in Section 11-0.1 ~~12-12~~ of this Code with a prostitute; or

7           (2) Enters or remains in a place of prostitution with  
8 intent to engage in an act of sexual penetration as defined  
9 in Section 11-0.1 ~~12-12~~ of this Code; or ~~or~~.

10           (3) Engages in any touching or fondling with a  
11 prostitute of the sex organs of one person by the other  
12 person, with the intent to achieve sexual arousal or  
13 gratification.

14           (b) Sentence.

15           Patronizing a prostitute is a Class A misdemeanor, unless  
16 committed within 1,000 feet of real property comprising a  
17 school, in which case it is a Class 4 felony. A person  
18 convicted of a second or subsequent violation of this Section,  
19 or of any combination of such number of convictions under this  
20 Section and Sections 11-14 (prostitution), 11-14.3 (promoting  
21 prostitution), and 11-14.4 (promoting juvenile prostitution),  
22 ~~11-15, 11-17, 11-18.1 and 11-19~~ of this Code, is guilty of a  
23 Class 4 felony. ~~When a person has one or more prior~~  
24 ~~convictions, the information or indictment charging that~~  
25 ~~person shall state such prior convictions so as to give notice~~  
26 ~~of the State's intention to treat the charge as a felony. The~~

1 ~~fact of such conviction is not an element of the offense and~~  
2 ~~may not be disclosed to the jury during trial unless otherwise~~  
3 ~~permitted by issues properly raised during such trial.~~

4 (c) (Blank). ~~A person who violates this Section within~~  
5 ~~1,000 feet of real property comprising a school commits a Class~~  
6 ~~4 felony.~~

7 (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 92-16,  
8 eff. 6-28-01.)

9 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

10 Sec. 11-18.1. Patronizing a juvenile prostitute.

11 (a) Any person who engages in an act of sexual penetration  
12 as defined in Section 11-0.1 ~~12-12~~ of this Code with a  
13 prostitute under 17 years of age commits ~~the offense of~~  
14 patronizing a juvenile prostitute.

15 (a-5) Any person who engages in any touching or fondling  
16 with a prostitute, under 17 years of age, of the sex organs of  
17 one person by the other person, with the intent to achieve  
18 sexual arousal or gratification, commits patronizing a  
19 juvenile prostitute.

20 (b) It is an affirmative defense to the charge of  
21 patronizing a juvenile prostitute that the accused reasonably  
22 believed that the person was of the age of 17 years or over at  
23 the time of the act giving rise to the charge.

24 (c) Sentence. A person who commits patronizing a juvenile  
25 prostitute is guilty of a Class 4 felony.

1 (Source: P.A. 85-1447.)

2 (720 ILCS 5/Art. 11 Subdiv. 20 heading new)

3 SUBDIVISION 20. PORNOGRAPHY OFFENSES

4 (720 ILCS 5/11-20) (from Ch. 38, par. 11-20)

5 Sec. 11-20. Obscenity.

6 (a) Elements of the Offense. A person commits obscenity  
7 when, with knowledge of the nature or content thereof, or  
8 recklessly failing to exercise reasonable inspection which  
9 would have disclosed the nature or content thereof, he or she:

10 (1) Sells, delivers or provides, or offers or agrees to  
11 sell, deliver or provide any obscene writing, picture,  
12 record or other representation or embodiment of the  
13 obscene; or

14 (2) Presents or directs an obscene play, dance or other  
15 performance or participates directly in that portion  
16 thereof which makes it obscene; or

17 (3) Publishes, exhibits or otherwise makes available  
18 anything obscene; or

19 (4) Performs an obscene act or otherwise presents an  
20 obscene exhibition of his or her body for gain; or

21 (5) Creates, buys, procures or possesses obscene  
22 matter or material with intent to disseminate it in  
23 violation of this Section, or of the penal laws or  
24 regulations of any other jurisdiction; or

1           (6) Advertises or otherwise promotes the sale of  
2 material represented or held out by him or her to be  
3 obscene, whether or not it is obscene.

4           (b) Obscene Defined.

5           Any material or performance is obscene if: (1) the average  
6 person, applying contemporary adult community standards, would  
7 find that, taken as a whole, it appeals to the prurient  
8 interest; and (2) the average person, applying contemporary  
9 adult community standards, would find that it depicts or  
10 describes, in a patently offensive way, ultimate sexual acts or  
11 sadomasochistic sexual acts, whether normal or perverted,  
12 actual or simulated, or masturbation, excretory functions or  
13 lewd exhibition of the genitals; and (3) taken as a whole, it  
14 lacks serious literary, artistic, political or scientific  
15 value.

16           (c) Interpretation of Evidence.

17           Obscenity shall be judged with reference to ordinary  
18 adults, except that it shall be judged with reference to  
19 children or other specially susceptible audiences if it appears  
20 from the character of the material or the circumstances of its  
21 dissemination to be specially designed for or directed to such  
22 an audience.

23           Where circumstances of production, presentation, sale,  
24 dissemination, distribution, or publicity indicate that  
25 material is being commercially exploited for the sake of its  
26 prurient appeal, such evidence is probative with respect to the

1 nature of the matter and can justify the conclusion that the  
2 matter is lacking in serious literary, artistic, political or  
3 scientific value.

4 In any prosecution for an offense under this Section  
5 evidence shall be admissible to show:

6 (1) The character of the audience for which the  
7 material was designed or to which it was directed;

8 (2) What the predominant appeal of the material would  
9 be for ordinary adults or a special audience, and what  
10 effect, if any, it would probably have on the behavior of  
11 such people;

12 (3) The artistic, literary, scientific, educational or  
13 other merits of the material, or absence thereof;

14 (4) The degree, if any, of public acceptance of the  
15 material in this State;

16 (5) Appeal to prurient interest, or absence thereof, in  
17 advertising or other promotion of the material;

18 (6) Purpose of the author, creator, publisher or  
19 disseminator.

20 (d) Sentence.

21 Obscenity is a Class A misdemeanor. A second or subsequent  
22 offense is a Class 4 felony.

23 (e) Permissive Inference ~~Prima Facie Evidence~~.

24 The trier of fact may infer an intent to disseminate from  
25 the creation, purchase, procurement or possession of a mold,  
26 engraved plate or other embodiment of obscenity specially

1 adapted for reproducing multiple copies, or the possession of  
2 more than 3 copies of obscene material ~~shall be prima facie~~  
3 ~~evidence of an intent to disseminate.~~

4 (f) Affirmative Defenses.

5 It shall be an affirmative defense to obscenity that the  
6 dissemination:

7 (1) Was not for gain and was made to personal  
8 associates other than children under 18 years of age;

9 (2) Was to institutions or individuals having  
10 scientific or other special justification for possession  
11 of such material.

12 (g) Forfeiture of property. A person who has been convicted  
13 previously of the offense of obscenity and who is convicted of  
14 a second or subsequent offense of obscenity is subject to the  
15 property forfeiture provisions set forth in Article 124B of the  
16 Code of Criminal Procedure of 1963.

17 (Source: P.A. 96-712, eff. 1-1-10.)

18 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

19 Sec. 11-20.1. Child pornography.

20 (a) A person commits ~~the offense of~~ child pornography who:

21 (1) films, videotapes, photographs, or otherwise  
22 depicts or portrays by means of any similar visual medium  
23 or reproduction or depicts by computer any child whom he or  
24 she knows or reasonably should know to be under the age of  
25 18 and at least 13 years of age or any severely or



1 profoundly mentally retarded person where such child or  
2 severely or profoundly mentally retarded person is:

3 (i) actually or by simulation engaged in any act of  
4 sexual penetration or sexual conduct with any person or  
5 animal; or

6 (ii) actually or by simulation engaged in any act  
7 of sexual penetration or sexual conduct involving the  
8 sex organs of the child or severely or profoundly  
9 mentally retarded person and the mouth, anus, or sex  
10 organs of another person or animal; or which involves  
11 the mouth, anus or sex organs of the child or severely  
12 or profoundly mentally retarded person and the sex  
13 organs of another person or animal; or

14 (iii) actually or by simulation engaged in any act  
15 of masturbation; or

16 (iv) actually or by simulation portrayed as being  
17 the object of, or otherwise engaged in, any act of lewd  
18 fondling, touching, or caressing involving another  
19 person or animal; or

20 (v) actually or by simulation engaged in any act of  
21 excretion or urination within a sexual context; or

22 (vi) actually or by simulation portrayed or  
23 depicted as bound, fettered, or subject to sadistic,  
24 masochistic, or sadomasochistic abuse in any sexual  
25 context; or

26 (vii) depicted or portrayed in any pose, posture or

1           setting involving a lewd exhibition of the unclothed or  
2           transparently clothed genitals, pubic area, buttocks,  
3           or, if such person is female, a fully or partially  
4           developed breast of the child or other person; or

5           (2) with the knowledge of the nature or content  
6           thereof, reproduces, disseminates, offers to disseminate,  
7           exhibits or possesses with intent to disseminate any film,  
8           videotape, photograph or other similar visual reproduction  
9           or depiction by computer of any child or severely or  
10          profoundly mentally retarded person whom the person knows  
11          or reasonably should know to be under the age of 18 and at  
12          least 13 years of age or to be a severely or profoundly  
13          mentally retarded person, engaged in any activity  
14          described in subparagraphs (i) through (vii) of paragraph  
15          (1) of this subsection; or

16          (3) with knowledge of the subject matter or theme  
17          thereof, produces any stage play, live performance, film,  
18          videotape or other similar visual portrayal or depiction by  
19          computer which includes a child whom the person knows or  
20          reasonably should know to be under the age of 18 and at  
21          least 13 years of age or a severely or profoundly mentally  
22          retarded person engaged in any activity described in  
23          subparagraphs (i) through (vii) of paragraph (1) of this  
24          subsection; or

25          (4) solicits, uses, persuades, induces, entices, or  
26          coerces any child whom he or she knows or reasonably should

1 know to be under the age of 18 and at least 13 years of age  
2 or a severely or profoundly mentally retarded person to  
3 appear in any stage play, live presentation, film,  
4 videotape, photograph or other similar visual reproduction  
5 or depiction by computer in which the child or severely or  
6 profoundly mentally retarded person is or will be depicted,  
7 actually or by simulation, in any act, pose or setting  
8 described in subparagraphs (i) through (vii) of paragraph  
9 (1) of this subsection; or

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

22 (6) with knowledge of the nature or content thereof,  
23 possesses any film, videotape, photograph or other similar  
24 visual reproduction or depiction by computer of any child  
25 or severely or profoundly mentally retarded person whom the  
26 person knows or reasonably should know to be under the age

1 of 18 and at least 13 years of age or to be a severely or  
2 profoundly mentally retarded person, engaged in any  
3 activity described in subparagraphs (i) through (vii) of  
4 paragraph (1) of this subsection; or

5 (7) solicits, or knowingly uses, persuades, induces,  
6 entices, or coerces, a person to provide a child under the  
7 age of 18 and at least 13 years of age or a severely or  
8 profoundly mentally retarded person to appear in any  
9 videotape, photograph, film, stage play, live  
10 presentation, or other similar visual reproduction or  
11 depiction by computer in which the child or severely or  
12 profoundly mentally retarded person will be depicted,  
13 actually or by simulation, in any act, pose, or setting  
14 described in subparagraphs (i) through (vii) of paragraph  
15 (1) of this subsection.

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

1 reasonable.

2 (2) (Blank).

3 (3) The charge of child pornography shall not apply to  
4 the performance of official duties by law enforcement or  
5 prosecuting officers or persons employed by law  
6 enforcement or prosecuting agencies, court personnel or  
7 attorneys, nor to bonafide treatment or professional  
8 education programs conducted by licensed physicians,  
9 psychologists or social workers.

10 (4) If Possession by the defendant possessed of more  
11 than one of the same film, videotape or visual reproduction  
12 or depiction by computer in which child pornography is  
13 depicted, then the trier of fact may infer ~~shall raise a~~  
14 ~~rebuttable presumption~~ that the defendant possessed such  
15 materials with the intent to disseminate them.

16 (5) The charge of child pornography does not apply to a  
17 person who does not voluntarily possess a film, videotape,  
18 or visual reproduction or depiction by computer in which  
19 child pornography is depicted. Possession is voluntary if  
20 the defendant knowingly procures or receives a film,  
21 videotape, or visual reproduction or depiction for a  
22 sufficient time to be able to terminate his or her  
23 possession.

24 (6) Any violation of paragraph (1), (2), (3), (4), (5),  
25 or (7) of subsection (a) that includes a child engaged in,  
26 solicited for, depicted in, or posed in any act of sexual

1 penetration or bound, fettered, or subject to sadistic,  
2 masochistic, or sadomasochistic abuse in a sexual context  
3 shall be deemed a crime of violence.

4 (c) Violation of paragraph (1), (4), (5), or (7) of  
5 subsection (a) is a Class 1 felony with a mandatory minimum  
6 fine of \$2,000 and a maximum fine of \$100,000. Violation of  
7 paragraph (3) of subsection (a) is a Class 1 felony with a  
8 mandatory minimum fine of \$1500 and a maximum fine of \$100,000.  
9 Violation of paragraph (2) of subsection (a) is a Class 1  
10 felony with a mandatory minimum fine of \$1000 and a maximum  
11 fine of \$100,000. Violation of paragraph (6) of subsection (a)  
12 is a Class 3 felony with a mandatory minimum fine of \$1000 and  
13 a maximum fine of \$100,000.

14 (d) If a person is convicted of a second or subsequent  
15 violation of this Section within 10 years of a prior  
16 conviction, the court shall order a presentence psychiatric  
17 examination of the person. The examiner shall report to the  
18 court whether treatment of the person is necessary.

19 (e) Any film, videotape, photograph or other similar visual  
20 reproduction or depiction by computer which includes a child  
21 under the age of 18 and at least 13 years of age or a severely  
22 or profoundly mentally retarded person engaged in any activity  
23 described in subparagraphs (i) through (vii) or paragraph 1 of  
24 subsection (a), and any material or equipment used or intended  
25 for use in photographing, filming, printing, producing,  
26 reproducing, manufacturing, projecting, exhibiting, depiction

1 by computer, or disseminating such material shall be seized and  
2 forfeited in the manner, method and procedure provided by  
3 Section 36-1 of this Code for the seizure and forfeiture of  
4 vessels, vehicles and aircraft.

5 In addition, any person convicted under this Section is  
6 subject to the property forfeiture provisions set forth in  
7 Article 124B of the Code of Criminal Procedure of 1963.

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

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

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

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

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

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

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

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

18          (7) For the purposes of this Section, "child  
19          pornography Child" includes a film, videotape, photograph,  
20          or other similar visual medium or reproduction or depiction  
21          by computer that is, or appears to be, that of a person,  
22          either in part, or in total, under the age of 18 and at  
23          least 13 years of age or a severely or profoundly mentally  
24          retarded person, regardless of the method by which the  
25          film, videotape, photograph, or other similar visual  
26          medium or reproduction or depiction by computer is created,



1 adopted, or modified to appear as such. "Child pornography"  
2 also includes a film, videotape, photograph, or other  
3 similar visual medium or reproduction or depiction by  
4 computer that is advertised, promoted, presented,  
5 described, or distributed in such a manner that conveys the  
6 impression that the film, videotape, photograph, or other  
7 similar visual medium or reproduction or depiction by  
8 computer is of a person under the age of 18 and at least 13  
9 years of age or a severely or profoundly mentally retarded  
10 person.

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

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

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

15 (i) Section 50-5 of Public Act 88-680, effective  
16 January 1, 1995, contained provisions amending the  
17 child pornography statute, Section 11-20.1 of the  
18 Criminal Code of 1961. Section 50-5 also contained  
19 other provisions.

20 (ii) In addition, Public Act 88-680 was entitled  
21 "AN ACT to create a Safe Neighborhoods Law". (A)  
22 Article 5 was entitled JUVENILE JUSTICE and amended the  
23 Juvenile Court Act of 1987. (B) Article 15 was entitled  
24 GANGS and amended various provisions of the Criminal  
25 Code of 1961 and the Unified Code of Corrections. (C)  
26 Article 20 was entitled ALCOHOL ABUSE and amended

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

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

1           was prepared, People v. Dainty was still subject to  
2           appeal.

3           (iv) Child pornography is a vital concern to the  
4           people of this State and the validity of future  
5           prosecutions under the child pornography statute of  
6           the Criminal Code of 1961 is in grave doubt.

7           (2) It is the purpose of this amendatory Act of 1999 to  
8           prevent or minimize any problems relating to prosecutions  
9           for child pornography that may result from challenges to  
10          the constitutional validity of Public Act 88-680 by  
11          re-enacting the Section relating to child pornography that  
12          was included in Public Act 88-680.

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

23          (4) The re-enactment by this amendatory Act of 1999 of  
24          Section 11-20.1 of the Criminal Code of 1961 relating to  
25          child pornography that was amended by Public Act 88-680 is  
26          not intended, and shall not be construed, to imply that

1 Public Act 88-680 is invalid or to limit or impair any  
2 legal argument concerning whether those provisions were  
3 substantially re-enacted by other Public Acts.

4 (Source: P.A. 96-292, eff. 1-1-10; 96-712, eff. 1-1-10; revised  
5 10-1-09.)

6 (720 ILCS 5/11-20.1B) (was 720 ILCS 5/11-20.3)

7 Sec. 11-20.1B ~~11-20.3~~. Aggravated child pornography.

8 (a) A person commits ~~the offense of~~ aggravated child  
9 pornography who:

10 (1) films, videotapes, photographs, or otherwise  
11 depicts or portrays by means of any similar visual medium  
12 or reproduction or depicts by computer any child whom he or  
13 she knows or reasonably should know to be under the age of  
14 13 years where such child is:

15 (i) actually or by simulation engaged in any act of  
16 sexual penetration or sexual conduct with any person or  
17 animal; or

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

24 (iii) actually or by simulation engaged in any act  
25 of masturbation; or

1 (iv) actually or by simulation portrayed as being  
2 the object of, or otherwise engaged in, any act of lewd  
3 fondling, touching, or caressing involving another  
4 person or animal; or

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

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

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

16 (2) with the knowledge of the nature or content  
17 thereof, reproduces, disseminates, offers to disseminate,  
18 exhibits or possesses with intent to disseminate any film,  
19 videotape, photograph or other similar visual reproduction  
20 or depiction by computer of any child whom the person knows  
21 or reasonably should know to be under the age of 13 engaged  
22 in any activity described in subparagraphs (i) through  
23 (vii) of paragraph (1) of this subsection; or

24 (3) with knowledge of the subject matter or theme  
25 thereof, produces any stage play, live performance, film,  
26 videotape or other similar visual portrayal or depiction by

1 computer which includes a child whom the person knows or  
2 reasonably should know to be under the age of 13 engaged in  
3 any activity described in subparagraphs (i) through (vii)  
4 of paragraph (1) of this subsection; or

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

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

24 (6) with knowledge of the nature or content thereof,  
25 possesses any film, videotape, photograph or other similar  
26 visual reproduction or depiction by computer of any child

1           whom the person knows or reasonably should know to be under  
2           the age of 13 engaged in any activity described in  
3           subparagraphs (i) through (vii) of paragraph (1) of this  
4           subsection; or

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

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

22          (2) The charge of aggravated child pornography shall not  
23          apply to the performance of official duties by law enforcement  
24          or prosecuting officers or persons employed by law enforcement  
25          or prosecuting agencies, court personnel or attorneys, nor to  
26          bonafide treatment or professional education programs

1 conducted by licensed physicians, psychologists or social  
2 workers.

3 (3) If the defendant possessed more than one ~~3~~ of the same  
4 film, videotape or visual reproduction or depiction by computer  
5 in which aggravated child pornography is depicted, then the  
6 trier of fact may infer that the defendant possessed such  
7 materials with the intent to disseminate them.

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

15 (5) Any violation of paragraph (1), (2), (3), (4), (5), or  
16 (7) of subsection (a) that includes a child engaged in,  
17 solicited for, depicted in, or posed in any act of sexual  
18 penetration or bound, fettered, or subject to sadistic,  
19 masochistic, or sadomasochistic abuse in a sexual context shall  
20 be deemed a crime of violence.

21 (c) Sentence: (1) A person who commits a violation of  
22 paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) is  
23 guilty of a Class X felony with a mandatory minimum fine of  
24 \$2,000 and a maximum fine of \$100,000.

25 (2) A person who commits a violation of paragraph (6) of  
26 subsection (a) is guilty of a Class 2 felony with a mandatory



1 minimum fine of \$1000 and a maximum fine of \$100,000.

2 (3) A person who commits a violation of paragraph (1), (2),  
3 (3), (4), (5), or (7) of subsection (a) where the defendant has  
4 previously been convicted under the laws of this State or any  
5 other state of the offense of child pornography, aggravated  
6 child pornography, aggravated criminal sexual abuse,  
7 aggravated criminal sexual assault, predatory criminal sexual  
8 assault of a child, or any of the offenses formerly known as  
9 rape, deviate sexual assault, indecent liberties with a child,  
10 or aggravated indecent liberties with a child where the victim  
11 was under the age of 18 years or an offense that is  
12 substantially equivalent to those offenses, is guilty of a  
13 Class X felony for which the person shall be sentenced to a  
14 term of imprisonment of not less than 9 years with a mandatory  
15 minimum fine of \$2,000 and a maximum fine of \$100,000.

16 (4) A person who commits a violation of paragraph (6) of  
17 subsection (a) where the defendant has previously been  
18 convicted under the laws of this State or any other state of  
19 the offense of child pornography, aggravated child  
20 pornography, aggravated criminal sexual abuse, aggravated  
21 criminal sexual assault, predatory criminal sexual assault of a  
22 child, or any of the offenses formerly known as rape, deviate  
23 sexual assault, indecent liberties with a child, or aggravated  
24 indecent liberties with a child where the victim was under the  
25 age of 18 years or an offense that is substantially equivalent  
26 to those offenses, is guilty of a Class 1 felony with a

1 mandatory minimum fine of \$1000 and a maximum fine of \$100,000.

2 (d) If a person is convicted of a second or subsequent  
3 violation of this Section within 10 years of a prior  
4 conviction, the court shall order a presentence psychiatric  
5 examination of the person. The examiner shall report to the  
6 court whether treatment of the person is necessary.

7 (e) Any film, videotape, photograph or other similar visual  
8 reproduction or depiction by computer which includes a child  
9 under the age of 13 engaged in any activity described in  
10 subparagraphs (i) through (vii) of paragraph (1) of subsection  
11 (a), and any material or equipment used or intended for use in  
12 photographing, filming, printing, producing, reproducing,  
13 manufacturing, projecting, exhibiting, depiction by computer,  
14 or disseminating such material shall be seized and forfeited in  
15 the manner, method and procedure provided by Section 36-1 of  
16 this Code for the seizure and forfeiture of vessels, vehicles  
17 and aircraft.

18 In addition, any person convicted under this Section is  
19 subject to the property forfeiture provisions set forth in  
20 Article 124B of the Code of Criminal Procedure of 1963.

21 (e-5) Upon the conclusion of a case brought under this  
22 Section, the court shall seal all evidence depicting a victim  
23 or witness that is sexually explicit. The evidence may be  
24 unsealed and viewed, on a motion of the party seeking to unseal  
25 and view the evidence, only for good cause shown and in the  
26 discretion of the court. The motion must expressly set forth

1 the purpose for viewing the material. The State's attorney and  
2 the victim, if possible, shall be provided reasonable notice of  
3 the hearing on the motion to unseal the evidence. Any person  
4 entitled to notice of a hearing under this subsection (e-5) may  
5 object to the motion.

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

7 (1) "Disseminate" means (i) to sell, distribute,  
8 exchange or transfer possession, whether with or without  
9 consideration or (ii) to make a depiction by computer  
10 available for distribution or downloading through the  
11 facilities of any telecommunications network or through  
12 any other means of transferring computer programs or data  
13 to a computer.

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

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

17 (4) "Depict by computer" means to generate or create,  
18 or cause to be created or generated, a computer program or  
19 data that, after being processed by a computer either alone  
20 or in conjunction with one or more computer programs,  
21 results in a visual depiction on a computer monitor,  
22 screen, or display.

23 (5) "Depiction by computer" means a computer program or  
24 data that, after being processed by a computer either alone  
25 or in conjunction with one or more computer programs,  
26 results in a visual depiction on a computer monitor,

1 screen, or display.

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

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

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

13 (g) When a charge of aggravated child pornography is  
14 brought, the age of the child is an element of the offense to  
15 be resolved by the trier of fact as either exceeding or not  
16 exceeding the age in question. The trier of fact can rely on  
17 its own everyday observations and common experiences in making  
18 this determination.

19 (Source: P.A. 95-579, eff. 6-1-08; 96-292, eff. 1-1-10; 96-712,  
20 eff. 1-1-10; revised 10-1-09.)

21 (720 ILCS 5/11-20.2) (from Ch. 38, par. 11-20.2)

22 Sec. 11-20.2. Duty of commercial film and photographic  
23 print processors to report sexual depiction of children. ~~Duty~~  
24 ~~to report child pornography.~~

25 (a) Any commercial film and photographic print processor or

1 computer technician who has knowledge of or observes, within  
2 the scope of his professional capacity or employment, any film,  
3 photograph, videotape, negative, slide, computer hard drive or  
4 any other magnetic or optical media which depicts a child whom  
5 the processor or computer technician knows or reasonably should  
6 know to be under the age of 18 where such child is:

7 (i) actually or by simulation engaged in any act of  
8 sexual penetration or sexual conduct with any person or  
9 animal; or

10 (ii) actually or by simulation engaged in any act of  
11 sexual penetration or sexual conduct involving the sex  
12 organs of the child and the mouth, anus, or sex organs of  
13 another person or animal; or which involves the mouth, anus  
14 or sex organs of the child and the sex organs of another  
15 person or animal; or

16 (iii) actually or by simulation engaged in any act of  
17 masturbation; or

18 (iv) actually or by simulation portrayed as being the  
19 object of, or otherwise engaged in, any act of lewd  
20 fondling, touching, or caressing involving another person  
21 or animal; or

22 (v) actually or by simulation engaged in any act of  
23 excretion or urination within a sexual context; or

24 (vi) actually or by simulation portrayed or depicted as  
25 bound, fettered, or subject to sadistic, masochistic, or  
26 sadomasochistic abuse in any sexual context; or

1           (vii) depicted or portrayed in any pose, posture or  
2           setting involving a lewd exhibition of the unclothed or  
3           transparently clothed genitals, pubic area, buttocks, or,  
4           if such person is female, a fully or partially developed  
5           breast of the child or other person;  
6           shall report or cause a report to be made pursuant to  
7           subsections (b) and (c) as soon as reasonably possible. Failure  
8           to make such report shall be a business offense with a fine of  
9           \$1,000.

10          (b) Commercial film and photographic film processors shall  
11          report or cause a report to be made to the local law  
12          enforcement agency of the jurisdiction in which the image or  
13          images described in subsection (a) are discovered.

14          (c) Computer technicians shall report or cause the report  
15          to be made to the local law enforcement agency of the  
16          jurisdiction in which the image or images described in  
17          subsection (a) are discovered or to the Illinois Child  
18          Exploitation e-Tipline at [reportchildporn@atg.state.il.us](mailto:reportchildporn@atg.state.il.us).

19          (d) Reports required by this Act shall include the  
20          following information: (i) name, address, and telephone number  
21          of the person filing the report; (ii) the employer of the  
22          person filing the report, if any; (iii) the name, address and  
23          telephone number of the person whose property is the subject of  
24          the report, if known; (iv) the circumstances which led to the  
25          filing of the report, including a description of the reported  
26          content.

1 (e) If a report is filed with the Cyber Tipline at the  
2 National Center for Missing and Exploited Children or in  
3 accordance with the requirements of 42 U.S.C. 13032, the  
4 requirements of this Act will be deemed to have been met.

5 (f) A computer technician or an employer caused to report  
6 child pornography under this Section is immune from any  
7 criminal, civil, or administrative liability in connection  
8 with making the report, except for willful or wanton  
9 misconduct.

10 (g) For the purposes of this Section, a "computer  
11 technician" is a person who installs, maintains,  
12 troubleshoots, repairs or upgrades computer hardware,  
13 software, computer networks, peripheral equipment, electronic  
14 mail systems, or provides user assistance for any of the  
15 aforementioned tasks.

16 (Source: P.A. 95-983, eff. 6-1-09.)

17 (720 ILCS 5/11-21) (from Ch. 38, par. 11-21)

18 Sec. 11-21. Harmful material.

19 (a) As used in this Section:

20 "Distribute" means to transfer possession of, whether  
21 with or without consideration.

22 "Harmful to minors" means that quality of any  
23 description or representation, in whatever form, of  
24 nudity, sexual conduct, sexual excitement, or  
25 sado-masochistic abuse, when, taken as a whole, it (i)

1 predominately appeals to the prurient interest in sex of  
2 minors, (ii) is patently offensive to prevailing standards  
3 in the adult community in the State as a whole with respect  
4 to what is suitable material for minors, and (iii) lacks  
5 serious literary, artistic, political, or scientific value  
6 for minors.

7 "Knowingly" means having knowledge of the contents of  
8 the subject matter, or recklessly failing to exercise  
9 reasonable inspection which would have disclosed the  
10 contents.

11 "Material" means (i) any picture, photograph, drawing,  
12 sculpture, film, video game, computer game, video or  
13 similar visual depiction, including any such  
14 representation or image which is stored electronically, or  
15 (ii) any book, magazine, printed matter however  
16 reproduced, or recorded audio of any sort.

17 "Minor" means any person under the age of 18.

18 "Nudity" means the showing of the human male or female  
19 genitals, pubic area or buttocks with less than a fully  
20 ~~full~~ opaque covering, or the showing of the female breast  
21 with less than a fully opaque covering of any portion below  
22 the top of the nipple, or the depiction of covered male  
23 genitals in a discernably turgid state.

24 "Sado-masochistic abuse" means flagellation or torture  
25 by or upon a person clad in undergarments, a mask or  
26 bizarre costume, or the condition of being fettered, bound



1 or otherwise physically restrained on the part of one  
2 clothed for sexual gratification or stimulation.

3 "Sexual conduct" means acts of masturbation, sexual  
4 intercourse, or physical contact with a person's clothed or  
5 unclothed genitals, pubic area, buttocks or, if such person  
6 be a female, breast.

7 "Sexual excitement" means the condition of human male  
8 or female genitals when in a state of sexual stimulation or  
9 arousal.

10 (b) A person is guilty of distributing harmful material to  
11 a minor when he or she:

12 (1) knowingly sells, lends, distributes, exhibits to,  
13 depicts to, or gives away to a minor, knowing that the  
14 minor is under the age of 18 or failing to exercise  
15 reasonable care in ascertaining the person's true age:

16 (A) any material which depicts nudity, sexual  
17 conduct or sado-masochistic abuse, or which contains  
18 explicit and detailed verbal descriptions or narrative  
19 accounts of sexual excitement, sexual conduct or  
20 sado-masochistic abuse, and which taken as a whole is  
21 harmful to minors;

22 (B) a motion picture, show, or other presentation  
23 which depicts nudity, sexual conduct or  
24 sado-masochistic abuse and is harmful to minors; or

25 (C) an admission ticket or pass to premises where  
26 there is exhibited or to be exhibited such a motion

1 picture, show, or other presentation; or

2 (2) admits a minor to premises where there is exhibited  
3 or to be exhibited such a motion picture, show, or other  
4 presentation, knowing that the minor is a person under the  
5 age of 18 or failing to exercise reasonable care in  
6 ascertaining the person's true age.

7 (c) In any prosecution arising under this Section, it is an  
8 affirmative defense:

9 (1) that the minor as to whom the offense is alleged to  
10 have been committed exhibited to the accused a draft card,  
11 driver's license, birth certificate or other official or  
12 apparently official document purporting to establish that  
13 the minor was 18 years of age or older, which was relied  
14 upon by the accused;

15 (2) that the defendant was in a parental or  
16 guardianship relationship with the minor or that the minor  
17 was accompanied by a parent or legal guardian;

18 (3) that the defendant was a bona fide school, museum,  
19 or public library, or was a person acting in the course of  
20 his or her employment as an employee or official of such  
21 organization or retail outlet affiliated with and serving  
22 the educational purpose of such organization;

23 (4) that the act charged was committed in aid of  
24 legitimate scientific or educational purposes; or

25 (5) that an advertisement of harmful material as  
26 defined in this Section culminated in the sale or

1 distribution of such harmful material to a child under  
2 circumstances where there was no personal confrontation of  
3 the child by the defendant, his or her employees, or  
4 agents, as where the order or request for such harmful  
5 material was transmitted by mail, telephone, Internet or  
6 similar means of communication, and delivery of such  
7 harmful material to the child was by mail, freight,  
8 Internet or similar means of transport, which  
9 advertisement contained the following statement, or a  
10 substantially similar statement, and that the defendant  
11 required the purchaser to certify that he or she was not  
12 under the age of 18 and that the purchaser falsely stated  
13 that he or she was not under the age of 18: "NOTICE: It is  
14 unlawful for any person under the age of 18 to purchase the  
15 matter advertised. Any person under the age of 18 that  
16 falsely states that he or she is not under the age of 18  
17 for the purpose of obtaining the material advertised is  
18 guilty of a Class B misdemeanor under the laws of the  
19 State."

20 (d) The predominant appeal to prurient interest of the  
21 material shall be judged with reference to average children of  
22 the same general age of the child to whom such material was  
23 sold, lent, distributed or given, unless it appears from the  
24 nature of the matter or the circumstances of its dissemination  
25 or distribution that it is designed for specially susceptible  
26 groups, in which case the predominant appeal of the material

1 shall be judged with reference to its intended or probable  
2 recipient group.

3 (e) Distribution of harmful material in violation of this  
4 Section is a Class A misdemeanor. A second or subsequent  
5 offense is a Class 4 felony.

6 (f) Any person under the age of 18 who ~~that~~ falsely states,  
7 either orally or in writing, that he or she is not under the  
8 age of 18, or who ~~that~~ presents or offers to any person any  
9 evidence of age and identity that is false or not actually his  
10 or her own with the intent ~~for the purpose~~ of ordering,  
11 obtaining, viewing, or otherwise procuring or attempting to  
12 procure or view any harmful material is guilty of a Class B  
13 misdemeanor.

14 (g) A person over the age of 18 who fails to exercise  
15 reasonable care in ascertaining the true age of a minor,  
16 knowingly distributes to, or sends, or causes to be sent, or  
17 exhibits to, or offers to distribute, or exhibits any harmful  
18 material to a person that he or she believes is a minor is  
19 guilty of a Class A misdemeanor. If that person utilized a  
20 computer web camera, cellular telephone, or any other type of  
21 device to manufacture the harmful material, then each offense  
22 is a Class 4 felony.

23 (h) Telecommunications carriers, commercial mobile service  
24 providers, and providers of information services, including,  
25 but not limited to, Internet service providers and hosting  
26 service providers, are not liable under this Section, except

1 for willful and wanton misconduct, by virtue of the  
2 transmission, storage, or caching of electronic communications  
3 or messages of others or by virtue of the provision of other  
4 related telecommunications, commercial mobile services, or  
5 information services used by others in violation of this  
6 Section.

7 (Source: P.A. 95-983, eff. 6-1-09; 96-280, eff. 1-1-10.)

8 (720 ILCS 5/11-23)

9 Sec. 11-23. Posting of identifying or graphic information  
10 on a pornographic Internet site or possessing graphic  
11 information with pornographic material.

12 (a) A person at least 17 years of age who knowingly  
13 discloses on an adult obscenity or child pornography Internet  
14 site the name, address, telephone number, or e-mail address of  
15 a person under 17 years of age at the time of the commission of  
16 the offense or of a person at least 17 years of age without the  
17 consent of the person at least 17 years of age is guilty of ~~the~~  
18 ~~offense of~~ posting of identifying information on a pornographic  
19 Internet site.

20 (a-5) Any person who knowingly places, posts, reproduces,  
21 or maintains on an adult obscenity or child pornography  
22 Internet site a photograph, video, or digital image of a person  
23 under 18 years of age that is not child pornography under  
24 Section 11-20.1, without the knowledge and consent of the  
25 person under 18 years of age, is guilty of ~~the offense of~~

1 posting of graphic information on a pornographic Internet site.  
2 This provision applies even if the person under 18 years of age  
3 is fully or properly clothed in the photograph, video, or  
4 digital image.

5 (a-10) Any person who knowingly places, posts, reproduces,  
6 or maintains on an adult obscenity or child pornography  
7 Internet site, or possesses with obscene or child pornographic  
8 material a photograph, video, or digital image of a person  
9 under 18 years of age in which the child is posed in a  
10 suggestive manner with the focus or concentration of the image  
11 on the child's clothed genitals, clothed pubic area, clothed  
12 buttocks area, or if the child is female, the breast exposed  
13 through transparent clothing, and the photograph, video, or  
14 digital image is not child pornography under Section 11-20.1,  
15 is guilty of posting of graphic information on a pornographic  
16 Internet site or possessing graphic information with  
17 pornographic material.

18 (b) Sentence. A person who violates subsection (a) of this  
19 Section is guilty of a Class 4 felony if the victim is at least  
20 17 years of age at the time of the offense and a Class 3 felony  
21 if the victim is under 17 years of age at the time of the  
22 offense. A person who violates subsection (a-5) of this Section  
23 is guilty of a Class 4 felony. A person who violates subsection  
24 (a-10) of this Section is guilty of a Class 3 felony.

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

26 (1) "Adult obscenity or child pornography Internet

1 site" means a site on the Internet that contains material  
2 that is obscene as defined in Section 11-20 of this Code or  
3 that is child pornography as defined in Section 11-20.1 of  
4 this Code.

5 (2) "Internet" has the meaning set forth in Section  
6 16J-5 of this Code ~~includes the World Wide Web, electronic~~  
7 ~~mail, a news group posting, or Internet file transfer.~~

8 (Source: P.A. 95-983, eff. 6-1-09.)

9 (720 ILCS 5/11-24)

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

11 (a) In this Section:

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

13 "Child sex offender" has the meaning ascribed to it in  
14 Section 11-0.1 ~~11-9.3~~ of this Code.

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

16 (1) conduct or operate any type of business in which he  
17 or she photographs, videotapes, or takes a digital image of  
18 a child; or

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

22 (3) photograph, videotape, or take a digital image of a  
23 child, or instruct or direct another person to photograph,  
24 videotape, or take a digital image of a child without the  
25 consent of the parent or guardian.

1 (c) Sentence. A violation of this Section is a Class 2  
2 felony. A person who violates this Section at a playground,  
3 park facility, school, forest preserve, day care facility, or  
4 at a facility providing programs or services directed to  
5 persons under 17 years of age is guilty of a Class 1 felony.

6 (Source: P.A. 95-983, eff. 6-1-09.)

7 (720 ILCS 5/Art. 11 Subdiv. 25 heading new)

8 SUBDIVISION 25. OTHER OFFENSES

9 (720 ILCS 5/11-30) (was 720 ILCS 5/11-9)

10 Sec. 11-30 ~~11-9~~. Public indecency.

11 (a) Any person of the age of 17 years and upwards who  
12 performs any of the following acts in a public place commits a  
13 public indecency:

14 (1) An act of sexual penetration or sexual conduct ~~as~~  
15 ~~defined in Section 12-12 of this Code;~~ or

16 (2) A lewd exposure of the body done with intent to  
17 arouse or to satisfy the sexual desire of the person.

18 Breast-feeding of infants is not an act of public  
19 indecency.

20 (b) "Public place" for purposes of this Section means any  
21 place where the conduct may reasonably be expected to be viewed  
22 by others.

23 (c) Sentence.

24 Public indecency is a Class A misdemeanor. A person



1 convicted of a third or subsequent violation for public  
2 indecency is guilty of a Class 4 felony.

3 (Source: P.A. 91-115, eff. 1-1-00.)

4 (720 ILCS 5/11-35) (was 720 ILCS 5/11-7)

5 Sec. 11-35 ~~11-7~~. Adultery.

6 ~~Adultery.~~ (a) A Any person commits adultery when he or she  
7 ~~who~~ has sexual intercourse with another not his or her spouse  
8 ~~commits adultery~~, if the behavior is open and notorious, and

9 (1) The person is married and knows the other person  
10 involved in such intercourse is not his spouse; or

11 (2) The person is not married and knows that the other  
12 person involved in such intercourse is married.

13 A person shall be exempt from prosecution under this  
14 Section if his liability is based solely on evidence he has  
15 given in order to comply with the requirements of Section 4-1.7  
16 of "The Illinois Public Aid Code", approved April 11, 1967, as  
17 amended.

18 (b) Sentence.

19 Adultery is a Class A misdemeanor.

20 (Source: P.A. 86-490.)

21 (720 ILCS 5/11-40) (was 720 ILCS 5/11-8)

22 Sec. 11-40 ~~11-8~~. Fornication.

23 ~~Fornication.~~ (a) A Any person commits fornication when he  
24 or she knowingly ~~who~~ has sexual intercourse with another not

1 his or her spouse ~~commits fornication~~ if the behavior is open  
2 and notorious.

3 A person shall be exempt from prosecution under this  
4 Section if his liability is based solely on evidence he has  
5 given in order to comply with the requirements of Section 4-1.7  
6 of "The Illinois Public Aid Code", approved April 11, 1967, as  
7 amended.

8 (b) Sentence.

9 Fornication is a Class B misdemeanor.

10 (Source: P.A. 86-490.)

11 (720 ILCS 5/11-45) (was 720 ILCS 5/11-12)

12 Sec. 11-45 ~~11-12~~. Bigamy and Marrying a bigamist.

13 (a) Bigamy. A person commits bigamy when that person has  
14 ~~Any person having~~ a husband or wife and ~~who~~ subsequently  
15 knowingly marries another ~~or cohabits in this State after such~~  
16 ~~marriage commits bigamy~~.

17 (a-5) Marrying a bigamist. An unmarried person commits  
18 marrying a bigamist when that person knowingly marries another  
19 under circumstances known to him or her which would render the  
20 other person guilty of bigamy under the laws of this State.

21 (b) It shall be an affirmative defense to bigamy and  
22 marrying a bigamist that:

23 (1) The prior marriage was dissolved or declared  
24 invalid; or

25 (2) The accused reasonably believed the prior spouse to

1 be dead; or

2 (3) The prior spouse had been continually absent for a  
3 period of 5 years during which time the accused did not  
4 know the prior spouse to be alive; or

5 (4) The accused reasonably believed that he or she or  
6 the person he or she marries was legally eligible to be  
7 married ~~remarry~~.

8 (c) Sentence.

9 Bigamy is a Class 4 felony. Marrying a bigamist is a Class  
10 A misdemeanor.

11 (Source: P.A. 81-230.)

12 (720 ILCS 5/11-9.4 rep.)

13 (720 ILCS 5/11-13 rep.)

14 (720 ILCS 5/11-14.2 rep.)

15 (720 ILCS 5/11-15 rep.)

16 (720 ILCS 5/11-15.1 rep.)

17 (720 ILCS 5/11-16 rep.)

18 (720 ILCS 5/11-17 rep.)

19 (720 ILCS 5/11-17.1 rep.)

20 (720 ILCS 5/11-19 rep.)

21 (720 ILCS 5/11-19.1 rep.)

22 (720 ILCS 5/11-19.2 rep.)

23 (720 ILCS 5/12-12 rep.)

24 Section 6. The Criminal Code of 1961 is amended by  
25 repealing Sections 11-9.4, 11-13, 11-14.2, 11-15, 11-15.1,

1 11-16, 11-17, 11-17.1, 11-19, 11-19.1, 11-19.2, and 12-12.

2 (720 ILCS 150/5.1 rep.)

3 Section 10. The Wrongs to Children Act is amended by  
4 repealing Section 5.1.

5 Section 905. The Secretary of State Merit Employment Code  
6 is amended by changing Section 10b.1 as follows:

7 (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

8 Sec. 10b.1. Competitive examinations.

9 (a) For open competitive examinations to test the relative  
10 fitness of applicants for the respective positions. Tests shall  
11 be designed to eliminate those who are not qualified for  
12 entrance into the Office of the Secretary of State and to  
13 discover the relative fitness of those who are qualified. The  
14 Director may use any one of or any combination of the following  
15 examination methods which in his judgment best serves this end:  
16 investigation of education and experience; test of cultural  
17 knowledge; test of capacity; test of knowledge; test of manual  
18 skill; test of linguistic ability; test of character; test of  
19 physical skill; test of psychological fitness. No person with a  
20 record of misdemeanor convictions except those under Sections  
21 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19,  
22 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1,  
23 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3,

1 32-4, and 32-8, subdivisions (a)(1) and (a)(2)(C) of Section  
2 11-14.3, and sub-sections 1, 6 and 8 of Section 24-1 of the  
3 Criminal Code of 1961, or arrested for any cause but not  
4 convicted thereon shall be disqualified from taking such  
5 examinations or subsequent appointment unless the person is  
6 attempting to qualify for a position which would give him the  
7 powers of a peace officer, in which case the person's  
8 conviction or arrest record may be considered as a factor in  
9 determining the person's fitness for the position. All  
10 examinations shall be announced publicly at least 2 weeks in  
11 advance of the date of examinations and may be advertised  
12 through the press, radio or other media.

13 The Director may, at his discretion, accept the results of  
14 competitive examinations conducted by any merit system  
15 established by Federal law or by the law of any State, and may  
16 compile eligible lists therefrom or may add the names of  
17 successful candidates in examinations conducted by those merit  
18 systems to existing eligible lists in accordance with their  
19 respective ratings. No person who is a non-resident of the  
20 State of Illinois may be appointed from those eligible lists,  
21 however, unless the requirement that applicants be residents of  
22 the State of Illinois is waived by the Director of Personnel  
23 and unless there are less than 3 Illinois residents available  
24 for appointment from the appropriate eligible list. The results  
25 of the examinations conducted by other merit systems may not be  
26 used unless they are comparable in difficulty and

1       comprehensiveness to examinations conducted by the Department  
2       of Personnel for similar positions. Special linguistic options  
3       may also be established where deemed appropriate.

4       (b) The Director of Personnel may require that each person  
5       seeking employment with the Secretary of State, as part of the  
6       application process, authorize an investigation to determine  
7       if the applicant has ever been convicted of a crime and if so,  
8       the disposition of those convictions; this authorization shall  
9       indicate the scope of the inquiry and the agencies which may be  
10      contacted. Upon this authorization, the Director of Personnel  
11      may request and receive information and assistance from any  
12      federal, state or local governmental agency as part of the  
13      authorized investigation. The investigation shall be  
14      undertaken after the fingerprinting of an applicant in the form  
15      and manner prescribed by the Department of State Police. The  
16      investigation shall consist of a criminal history records check  
17      performed by the Department of State Police and the Federal  
18      Bureau of Investigation, or some other entity that has the  
19      ability to check the applicant's fingerprints against the  
20      fingerprint records now and hereafter filed in the Department  
21      of State Police and Federal Bureau of Investigation criminal  
22      history records databases. If the Department of State Police  
23      and the Federal Bureau of Investigation conduct an  
24      investigation directly for the Secretary of State's Office,  
25      then the Department of State Police shall charge a fee for  
26      conducting the criminal history records check, which shall be

1 deposited in the State Police Services Fund and shall not  
2 exceed the actual cost of the records check. The Department of  
3 State Police shall provide information concerning any criminal  
4 convictions, and their disposition, brought against the  
5 applicant or prospective employee of the Secretary of State  
6 upon request of the Department of Personnel when the request is  
7 made in the form and manner required by the Department of State  
8 Police. The information derived from this investigation,  
9 including the source of this information, and any conclusions  
10 or recommendations derived from this information by the  
11 Director of Personnel shall be provided to the applicant or  
12 prospective employee, or his designee, upon request to the  
13 Director of Personnel prior to any final action by the Director  
14 of Personnel on the application. No information obtained from  
15 such investigation may be placed in any automated information  
16 system. Any criminal convictions and their disposition  
17 information obtained by the Director of Personnel shall be  
18 confidential and may not be transmitted outside the Office of  
19 the Secretary of State, except as required herein, and may not  
20 be transmitted to anyone within the Office of the Secretary of  
21 State except as needed for the purpose of evaluating the  
22 application. The only physical identity materials which the  
23 applicant or prospective employee can be required to provide  
24 the Director of Personnel are photographs or fingerprints;  
25 these shall be returned to the applicant or prospective  
26 employee upon request to the Director of Personnel, after the

1 investigation has been completed and no copy of these materials  
2 may be kept by the Director of Personnel or any agency to which  
3 such identity materials were transmitted. Only information and  
4 standards which bear a reasonable and rational relation to the  
5 performance of an employee shall be used by the Director of  
6 Personnel. The Secretary of State shall adopt rules and  
7 regulations for the administration of this Section. Any  
8 employee of the Secretary of State who gives or causes to be  
9 given away any confidential information concerning any  
10 criminal convictions and their disposition of an applicant or  
11 prospective employee shall be guilty of a Class A misdemeanor  
12 unless release of such information is authorized by this  
13 Section.

14 (Source: P.A. 95-331, eff. 8-21-07.)

15 Section 910. The Comptroller Merit Employment Code is  
16 amended by changing Section 10b.1 as follows:

17 (15 ILCS 410/10b.1) (from Ch. 15, par. 426)

18 Sec. 10b.1. Competitive examinations. For open competitive  
19 examinations to test the relative fitness of applicants for the  
20 respective positions. Tests shall be designed to eliminate  
21 those who are not qualified for entrance into the Office of the  
22 Comptroller and to discover the relative fitness of those who  
23 are qualified. The Director may use any one of or any  
24 combination of the following examination methods which in his



1 judgment best serves this end: investigation of education and  
2 experience; test of cultural knowledge; test of capacity; test  
3 of knowledge; test of manual skill; test of linguistic ability;  
4 test of character; test of physical skill; test of  
5 psychological fitness. No person with a record of misdemeanor  
6 convictions except those under Sections 11-1.50, 11-6, 11-7,  
7 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,  
8 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,  
9 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
10 subdivisions (a) (1) and (a) (2) (C) of Section 11-14.3, and  
11 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of  
12 1961, or arrested for any cause but not convicted thereon shall  
13 be disqualified from taking such examinations or subsequent  
14 appointment unless the person is attempting to qualify for a  
15 position which entails financial responsibilities, in which  
16 case the person's conviction or arrest record may be considered  
17 as a factor in determining the person's fitness for the  
18 position. All examinations shall be announced publicly at least  
19 2 weeks in advance of the date of examinations and may be  
20 advertised through the press, radio or other media.

21 The Director may, at his or her discretion, accept the  
22 results of competitive examinations conducted by any merit  
23 system established by Federal law or by the law of any State,  
24 and may compile eligible lists therefrom or may add the names  
25 of successful candidates in examinations conducted by those  
26 merit systems to existing eligible lists in accordance with

1 their respective ratings. No person who is a non-resident of  
2 the State of Illinois may be appointed from those eligible  
3 lists, however, unless the requirement that applicants be  
4 residents of the State of Illinois is waived by the Director of  
5 Human Resources and unless there are less than 3 Illinois  
6 residents available for appointment from the appropriate  
7 eligible list. The results of the examinations conducted by  
8 other merit systems may not be used unless they are comparable  
9 in difficulty and comprehensiveness to examinations conducted  
10 by the Department of Human Resources for similar positions.  
11 Special linguistic options may also be established where deemed  
12 appropriate.

13 (Source: P.A. 90-24, eff. 6-20-97.)

14 Section 915. The Personnel Code is amended by changing  
15 Section 8b.1 as follows:

16 (20 ILCS 415/8b.1) (from Ch. 127, par. 63b108b.1)

17 Sec. 8b.1. For open competitive examinations to test the  
18 relative fitness of applicants for the respective positions.

19 Tests shall be designed to eliminate those who are not  
20 qualified for entrance into or promotion within the service,  
21 and to discover the relative fitness of those who are  
22 qualified. The Director may use any one of or any combination  
23 of the following examination methods which in his judgment best  
24 serves this end: investigation of education; investigation of

1 experience; test of cultural knowledge; test of capacity; test  
2 of knowledge; test of manual skill; test of linguistic ability;  
3 test of character; test of physical fitness; test of  
4 psychological fitness. No person with a record of misdemeanor  
5 convictions except those under Sections 11-1.50, 11-6, 11-7,  
6 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,  
7 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,  
8 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
9 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
10 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of  
11 1961 or arrested for any cause but not convicted thereon shall  
12 be disqualified from taking such examinations or subsequent  
13 appointment, unless the person is attempting to qualify for a  
14 position which would give him the powers of a peace officer, in  
15 which case the person's conviction or arrest record may be  
16 considered as a factor in determining the person's fitness for  
17 the position. The eligibility conditions specified for the  
18 position of Assistant Director of Healthcare and Family  
19 Services in the Department of Healthcare and Family Services in  
20 Section 5-230 of the Departments of State Government Law (20  
21 ILCS 5/5-230) shall be applied to that position in addition to  
22 other standards, tests or criteria established by the Director.  
23 All examinations shall be announced publicly at least 2 weeks  
24 in advance of the date of the examinations and may be  
25 advertised through the press, radio and other media. The  
26 Director may, however, in his discretion, continue to receive

1 applications and examine candidates long enough to assure a  
2 sufficient number of eligibles to meet the needs of the service  
3 and may add the names of successful candidates to existing  
4 eligible lists in accordance with their respective ratings.

5 The Director may, in his discretion, accept the results of  
6 competitive examinations conducted by any merit system  
7 established by federal law or by the law of any State, and may  
8 compile eligible lists therefrom or may add the names of  
9 successful candidates in examinations conducted by those merit  
10 systems to existing eligible lists in accordance with their  
11 respective ratings. No person who is a non-resident of the  
12 State of Illinois may be appointed from those eligible lists,  
13 however, unless the requirement that applicants be residents of  
14 the State of Illinois is waived by the Director of Central  
15 Management Services and unless there are less than 3 Illinois  
16 residents available for appointment from the appropriate  
17 eligible list. The results of the examinations conducted by  
18 other merit systems may not be used unless they are comparable  
19 in difficulty and comprehensiveness to examinations conducted  
20 by the Department of Central Management Services for similar  
21 positions. Special linguistic options may also be established  
22 where deemed appropriate.

23 (Source: P.A. 95-331, eff. 8-21-07.)

24 Section 920. The Children and Family Services Act is  
25 amended by changing Section 7 as follows:

1 (20 ILCS 505/7) (from Ch. 23, par. 5007)

2 Sec. 7. Placement of children; considerations.

3 (a) In placing any child under this Act, the Department  
4 shall place such child, as far as possible, in the care and  
5 custody of some individual holding the same religious belief as  
6 the parents of the child, or with some child care facility  
7 which is operated by persons of like religious faith as the  
8 parents of such child.

9 (b) In placing a child under this Act, the Department may  
10 place a child with a relative if the Department determines that  
11 the relative will be able to adequately provide for the child's  
12 safety and welfare based on the factors set forth in the  
13 Department's rules governing relative placements, and that the  
14 placement is consistent with the child's best interests, taking  
15 into consideration the factors set out in subsection (4.05) of  
16 Section 1-3 of the Juvenile Court Act of 1987.

17 When the Department first assumes custody of a child, in  
18 placing that child under this Act, the Department shall make  
19 reasonable efforts to identify and locate a relative who is  
20 ready, willing, and able to care for the child. At a minimum,  
21 these efforts shall be renewed each time the child requires a  
22 placement change and it is appropriate for the child to be  
23 cared for in a home environment. The Department must document  
24 its efforts to identify and locate such a relative placement  
25 and maintain the documentation in the child's case file.

1           If the Department determines that a placement with any  
2 identified relative is not in the child's best interests or  
3 that the relative does not meet the requirements to be a  
4 relative caregiver, as set forth in Department rules or by  
5 statute, the Department must document the basis for that  
6 decision and maintain the documentation in the child's case  
7 file.

8           If, pursuant to the Department's rules, any person files an  
9 administrative appeal of the Department's decision not to place  
10 a child with a relative, it is the Department's burden to prove  
11 that the decision is consistent with the child's best  
12 interests.

13          When the Department determines that the child requires  
14 placement in an environment, other than a home environment, the  
15 Department shall continue to make reasonable efforts to  
16 identify and locate relatives to serve as visitation resources  
17 for the child and potential future placement resources, except  
18 when the Department determines that those efforts would be  
19 futile or inconsistent with the child's best interests.

20          If the Department determines that efforts to identify and  
21 locate relatives would be futile or inconsistent with the  
22 child's best interests, the Department shall document the basis  
23 of its determination and maintain the documentation in the  
24 child's case file.

25          If the Department determines that an individual or a group  
26 of relatives are inappropriate to serve as visitation resources

1 or possible placement resources, the Department shall document  
2 the basis of its determination and maintain the documentation  
3 in the child's case file.

4 When the Department determines that an individual or a  
5 group of relatives are appropriate to serve as visitation  
6 resources or possible future placement resources, the  
7 Department shall document the basis of its determination,  
8 maintain the documentation in the child's case file, create a  
9 visitation or transition plan, or both, and incorporate the  
10 visitation or transition plan, or both, into the child's case  
11 plan. For the purpose of this subsection, any determination as  
12 to the child's best interests shall include consideration of  
13 the factors set out in subsection (4.05) of Section 1-3 of the  
14 Juvenile Court Act of 1987.

15 The Department may not place a child with a relative, with  
16 the exception of certain circumstances which may be waived as  
17 defined by the Department in rules, if the results of a check  
18 of the Law Enforcement Agencies Data System (LEADS) identifies  
19 a prior criminal conviction of the relative or any adult member  
20 of the relative's household for any of the following offenses  
21 under the Criminal Code of 1961:

22 (1) murder;

23 (1.1) solicitation of murder;

24 (1.2) solicitation of murder for hire;

25 (1.3) intentional homicide of an unborn child;

26 (1.4) voluntary manslaughter of an unborn child;

- 1 (1.5) involuntary manslaughter;
- 2 (1.6) reckless homicide;
- 3 (1.7) concealment of a homicidal death;
- 4 (1.8) involuntary manslaughter of an unborn child;
- 5 (1.9) reckless homicide of an unborn child;
- 6 (1.10) drug-induced homicide;
- 7 (2) a sex offense under Article 11, except offenses
- 8 described in Sections 11-7, 11-8, 11-12, ~~and~~ 11-13, 11-35,
- 9 11-40, and 11-45;
- 10 (3) kidnapping;
- 11 (3.1) aggravated unlawful restraint;
- 12 (3.2) forcible detention;
- 13 (3.3) aiding and abetting child abduction;
- 14 (4) aggravated kidnapping;
- 15 (5) child abduction;
- 16 (6) aggravated battery of a child;
- 17 (7) criminal sexual assault;
- 18 (8) aggravated criminal sexual assault;
- 19 (8.1) predatory criminal sexual assault of a child;
- 20 (9) criminal sexual abuse;
- 21 (10) aggravated sexual abuse;
- 22 (11) heinous battery;
- 23 (12) aggravated battery with a firearm;
- 24 (13) tampering with food, drugs, or cosmetics;
- 25 (14) drug-induced infliction of great bodily harm;
- 26 (15) aggravated stalking;



- 1 (16) home invasion;
- 2 (17) vehicular invasion;
- 3 (18) criminal transmission of HIV;
- 4 (19) criminal abuse or neglect of an elderly or
- 5 disabled person;
- 6 (20) child abandonment;
- 7 (21) endangering the life or health of a child;
- 8 (22) ritual mutilation;
- 9 (23) ritualized abuse of a child;
- 10 (24) an offense in any other state the elements of
- 11 which are similar and bear a substantial relationship to
- 12 any of the foregoing offenses.

13 For the purpose of this subsection, "relative" shall include  
14 any person, 21 years of age or over, other than the parent, who  
15 (i) is currently related to the child in any of the following  
16 ways by blood or adoption: grandparent, sibling,  
17 great-grandparent, uncle, aunt, nephew, niece, first cousin,  
18 second cousin, godparent, great-uncle, or great-aunt; or (ii)  
19 is the spouse of such a relative; or (iii) is the child's  
20 step-father, step-mother, or adult step-brother or  
21 step-sister; "relative" also includes a person related in any  
22 of the foregoing ways to a sibling of a child, even though the  
23 person is not related to the child, when the child and its  
24 sibling are placed together with that person. For children who  
25 have been in the guardianship of the Department, have been  
26 adopted, and are subsequently returned to the temporary custody

1 or guardianship of the Department, a "relative" may also  
2 include any person who would have qualified as a relative under  
3 this paragraph prior to the adoption, but only if the  
4 Department determines, and documents, that it would be in the  
5 child's best interests to consider this person a relative,  
6 based upon the factors for determining best interests set forth  
7 in subsection (4.05) of Section 1-3 of the Juvenile Court Act  
8 of 1987. A relative with whom a child is placed pursuant to  
9 this subsection may, but is not required to, apply for  
10 licensure as a foster family home pursuant to the Child Care  
11 Act of 1969; provided, however, that as of July 1, 1995, foster  
12 care payments shall be made only to licensed foster family  
13 homes pursuant to the terms of Section 5 of this Act.

14 (c) In placing a child under this Act, the Department shall  
15 ensure that the child's health, safety, and best interests are  
16 met. In rejecting placement of a child with an identified  
17 relative, the Department shall ensure that the child's health,  
18 safety, and best interests are met. In evaluating the best  
19 interests of the child, the Department shall take into  
20 consideration the factors set forth in subsection (4.05) of  
21 Section 1-3 of the Juvenile Court Act of 1987.

22 The Department shall consider the individual needs of the  
23 child and the capacity of the prospective foster or adoptive  
24 parents to meet the needs of the child. When a child must be  
25 placed outside his or her home and cannot be immediately  
26 returned to his or her parents or guardian, a comprehensive,

1 individualized assessment shall be performed of that child at  
2 which time the needs of the child shall be determined. Only if  
3 race, color, or national origin is identified as a legitimate  
4 factor in advancing the child's best interests shall it be  
5 considered. Race, color, or national origin shall not be  
6 routinely considered in making a placement decision. The  
7 Department shall make special efforts for the diligent  
8 recruitment of potential foster and adoptive families that  
9 reflect the ethnic and racial diversity of the children for  
10 whom foster and adoptive homes are needed. "Special efforts"  
11 shall include contacting and working with community  
12 organizations and religious organizations and may include  
13 contracting with those organizations, utilizing local media  
14 and other local resources, and conducting outreach activities.

15 (c-1) At the time of placement, the Department shall  
16 consider concurrent planning, as described in subsection (l-1)  
17 of Section 5, so that permanency may occur at the earliest  
18 opportunity. Consideration should be given so that if  
19 reunification fails or is delayed, the placement made is the  
20 best available placement to provide permanency for the child.

21 (d) The Department may accept gifts, grants, offers of  
22 services, and other contributions to use in making special  
23 recruitment efforts.

24 (e) The Department in placing children in adoptive or  
25 foster care homes may not, in any policy or practice relating  
26 to the placement of children for adoption or foster care,

1 discriminate against any child or prospective adoptive or  
2 foster parent on the basis of race.

3 (Source: P.A. 94-880, eff. 8-1-06.)

4 Section 925. The Criminal Identification Act is amended by  
5 changing Section 5.2 as follows:

6 (20 ILCS 2630/5.2)

7 Sec. 5.2. Expungement and sealing.

8 (a) General Provisions.

9 (1) Definitions. In this Act, words and phrases have  
10 the meanings set forth in this subsection, except when a  
11 particular context clearly requires a different meaning.

12 (A) The following terms shall have the meanings  
13 ascribed to them in the Unified Code of Corrections,  
14 730 ILCS 5/5-1-2 through 5/5-1-22:

15 (i) Business Offense (730 ILCS 5/5-1-2),

16 (ii) Charge (730 ILCS 5/5-1-3),

17 (iii) Court (730 ILCS 5/5-1-6),

18 (iv) Defendant (730 ILCS 5/5-1-7),

19 (v) Felony (730 ILCS 5/5-1-9),

20 (vi) Imprisonment (730 ILCS 5/5-1-10),

21 (vii) Judgment (730 ILCS 5/5-1-12),

22 (viii) Misdemeanor (730 ILCS 5/5-1-14),

23 (ix) Offense (730 ILCS 5/5-1-15),

24 (x) Parole (730 ILCS 5/5-1-16),

- 1 (xi) Petty Offense (730 ILCS 5/5-1-17),  
2 (xii) Probation (730 ILCS 5/5-1-18),  
3 (xiii) Sentence (730 ILCS 5/5-1-19),  
4 (xiv) Supervision (730 ILCS 5/5-1-21), and  
5 (xv) Victim (730 ILCS 5/5-1-22).

6 (B) As used in this Section, "charge not initiated  
7 by arrest" means a charge (as defined by 730 ILCS  
8 5/5-1-3) brought against a defendant where the  
9 defendant is not arrested prior to or as a direct  
10 result of the charge.

11 (C) "Conviction" means a judgment of conviction or  
12 sentence entered upon a plea of guilty or upon a  
13 verdict or finding of guilty of an offense, rendered by  
14 a legally constituted jury or by a court of competent  
15 jurisdiction authorized to try the case without a jury.  
16 An order of supervision successfully completed by the  
17 petitioner is not a conviction. An order of qualified  
18 probation (as defined in subsection (a)(1)(J))  
19 successfully completed by the petitioner is not a  
20 conviction. An order of supervision or an order of  
21 qualified probation that is terminated  
22 unsatisfactorily is a conviction, unless the  
23 unsatisfactory termination is reversed, vacated, or  
24 modified and the judgment of conviction, if any, is  
25 reversed or vacated.

26 (D) "Criminal offense" means a petty offense,

1 business offense, misdemeanor, felony, or municipal  
2 ordinance violation (as defined in subsection  
3 (a)(1)(H)). As used in this Section, a minor traffic  
4 offense (as defined in subsection (a)(1)(G)) shall not  
5 be considered a criminal offense.

6 (E) "Expunge" means to physically destroy the  
7 records or return them to the petitioner and to  
8 obliterate the petitioner's name from any official  
9 index or public record, or both. Nothing in this Act  
10 shall require the physical destruction of the circuit  
11 court file, but such records relating to arrests or  
12 charges, or both, ordered expunged shall be impounded  
13 as required by subsections (d)(9)(A)(ii) and  
14 (d)(9)(B)(ii).

15 (F) As used in this Section, "last sentence" means  
16 the sentence, order of supervision, or order of  
17 qualified probation (as defined by subsection  
18 (a)(1)(J)), for a criminal offense (as defined by  
19 subsection (a)(1)(D)) that terminates last in time in  
20 any jurisdiction, regardless of whether the petitioner  
21 has included the criminal offense for which the  
22 sentence or order of supervision or qualified  
23 probation was imposed in his or her petition. If  
24 multiple sentences, orders of supervision, or orders  
25 of qualified probation terminate on the same day and  
26 are last in time, they shall be collectively considered

1           the "last sentence" regardless of whether they were  
2           ordered to run concurrently.

3           (G) "Minor traffic offense" means a petty offense,  
4           business offense, or Class C misdemeanor under the  
5           Illinois Vehicle Code or a similar provision of a  
6           municipal or local ordinance.

7           (H) "Municipal ordinance violation" means an  
8           offense defined by a municipal or local ordinance that  
9           is criminal in nature and with which the petitioner was  
10          charged or for which the petitioner was arrested and  
11          released without charging.

12          (I) "Petitioner" means an adult or a minor  
13          prosecuted as an adult who has applied for relief under  
14          this Section.

15          (J) "Qualified probation" means an order of  
16          probation under Section 10 of the Cannabis Control Act,  
17          Section 410 of the Illinois Controlled Substances Act,  
18          Section 70 of the Methamphetamine Control and  
19          Community Protection Act, Section 12-4.3(b)(1) and (2)  
20          of the Criminal Code of 1961 (as those provisions  
21          existed before their deletion by Public Act 89-313),  
22          Section 10-102 of the Illinois Alcoholism and Other  
23          Drug Dependency Act, Section 40-10 of the Alcoholism  
24          and Other Drug Abuse and Dependency Act, or Section 10  
25          of the Steroid Control Act. For the purpose of this  
26          Section, "successful completion" of an order of

1 qualified probation under Section 10-102 of the  
2 Illinois Alcoholism and Other Drug Dependency Act and  
3 Section 40-10 of the Alcoholism and Other Drug Abuse  
4 and Dependency Act means that the probation was  
5 terminated satisfactorily and the judgment of  
6 conviction was vacated.

7 (K) "Seal" means to physically and electronically  
8 maintain the records, unless the records would  
9 otherwise be destroyed due to age, but to make the  
10 records unavailable without a court order, subject to  
11 the exceptions in Sections 12 and 13 of this Act. The  
12 petitioner's name shall also be obliterated from the  
13 official index required to be kept by the circuit court  
14 clerk under Section 16 of the Clerks of Courts Act, but  
15 any index issued by the circuit court clerk before the  
16 entry of the order to seal shall not be affected.

17 (L) "Sexual offense committed against a minor"  
18 includes but is not limited to the offenses of indecent  
19 solicitation of a child or criminal sexual abuse when  
20 the victim of such offense is under 18 years of age.

21 (M) "Terminate" as it relates to a sentence or  
22 order of supervision or qualified probation includes  
23 either satisfactory or unsatisfactory termination of  
24 the sentence, unless otherwise specified in this  
25 Section.

26 (2) Minor Traffic Offenses. Orders of supervision or



1 convictions for minor traffic offenses shall not affect a  
2 petitioner's eligibility to expunge or seal records  
3 pursuant to this Section.

4 (3) Exclusions. Except as otherwise provided in  
5 subsections (b)(5), (b)(6), and (e) of this Section, the  
6 court shall not order:

7 (A) the sealing or expungement of the records of  
8 arrests or charges not initiated by arrest that result  
9 in an order of supervision for or conviction of: (i)  
10 any sexual offense committed against a minor; (ii)  
11 Section 11-501 of the Illinois Vehicle Code or a  
12 similar provision of a local ordinance; or (iii)  
13 Section 11-503 of the Illinois Vehicle Code or a  
14 similar provision of a local ordinance.

15 (B) the sealing or expungement of records of minor  
16 traffic offenses (as defined in subsection (a)(1)(G)),  
17 unless the petitioner was arrested and released  
18 without charging.

19 (C) the sealing of the records of arrests or  
20 charges not initiated by arrest which result in an  
21 order of supervision, an order of qualified probation  
22 (as defined in subsection (a)(1)(J)), or a conviction  
23 for the following offenses:

24 (i) offenses included in Article 11 of the  
25 Criminal Code of 1961 or a similar provision of a  
26 local ordinance, except Section 11-14 of the

1 Criminal Code of 1961 or a similar provision of a  
2 local ordinance;

3 (ii) Section 11-1.50, 12-15, 12-30, or 26-5 of  
4 the Criminal Code of 1961 or a similar provision of  
5 a local ordinance;

6 (iii) offenses defined as "crimes of violence"  
7 in Section 2 of the Crime Victims Compensation Act  
8 or a similar provision of a local ordinance;

9 (iv) offenses which are Class A misdemeanors  
10 under the Humane Care for Animals Act; or

11 (v) any offense or attempted offense that  
12 would subject a person to registration under the  
13 Sex Offender Registration Act.

14 (D) the sealing of the records of an arrest which  
15 results in the petitioner being charged with a felony  
16 offense or records of a charge not initiated by arrest  
17 for a felony offense, regardless of the disposition,  
18 unless:

19 (i) the charge is amended to a misdemeanor and  
20 is otherwise eligible to be sealed pursuant to  
21 subsection (c);

22 (ii) the charge results in first offender  
23 probation as set forth in subsection (c)(2)(E); or

24 (iii) the charge is for a Class 4 felony  
25 offense listed in subsection (c)(2)(F) or the  
26 charge is amended to a Class 4 felony offense

1 listed in subsection (c) (2) (F). Records of arrests  
2 which result in the petitioner being charged with a  
3 Class 4 felony offense listed in subsection  
4 (c) (2) (F), records of charges not initiated by  
5 arrest for Class 4 felony offenses listed in  
6 subsection (c) (2) (F), and records of charges  
7 amended to a Class 4 felony offense listed in  
8 (c) (2) (F) may be sealed, regardless of the  
9 disposition, subject to any waiting periods set  
10 forth in subsection (c) (3).

11 (b) Expungement.

12 (1) A petitioner may petition the circuit court to  
13 expunge the records of his or her arrests and charges not  
14 initiated by arrest when:

15 (A) He or she has never been convicted of a  
16 criminal offense; and

17 (B) Each arrest or charge not initiated by arrest  
18 sought to be expunged resulted in: (i) acquittal,  
19 dismissal, or the petitioner's release without  
20 charging, unless excluded by subsection (a) (3) (B);  
21 (ii) a conviction which was vacated or reversed, unless  
22 excluded by subsection (a) (3) (B); (iii) an order of  
23 supervision and such supervision was successfully  
24 completed by the petitioner, unless excluded by  
25 subsection (a) (3) (A) or (a) (3) (B); or (iv) an order of  
26 qualified probation (as defined in subsection

1 (a) (1) (J)) and such probation was successfully  
2 completed by the petitioner.

3 (2) Time frame for filing a petition to expunge.

4 (A) When the arrest or charge not initiated by  
5 arrest sought to be expunged resulted in an acquittal,  
6 dismissal, the petitioner's release without charging,  
7 or the reversal or vacation of a conviction, there is  
8 no waiting period to petition for the expungement of  
9 such records.

10 (B) When the arrest or charge not initiated by  
11 arrest sought to be expunged resulted in an order of  
12 supervision, successfully completed by the petitioner,  
13 the following time frames will apply:

14 (i) Those arrests or charges that resulted in  
15 orders of supervision under Section 3-707, 3-708,  
16 3-710, or 5-401.3 of the Illinois Vehicle Code or a  
17 similar provision of a local ordinance, or under  
18 Section 11-1.50, 12-3.2, 12-15 or 16A-3 of the  
19 Criminal Code of 1961, shall not be eligible for  
20 expungement until 5 years have passed following  
21 the satisfactory termination of the supervision.

22 (ii) Those arrests or charges that resulted in  
23 orders of supervision for any other offenses shall  
24 not be eligible for expungement until 2 years have  
25 passed following the satisfactory termination of  
26 the supervision.

1           (C) When the arrest or charge not initiated by  
2           arrest sought to be expunged resulted in an order of  
3           qualified probation, successfully completed by the  
4           petitioner, such records shall not be eligible for  
5           expungement until 5 years have passed following the  
6           satisfactory termination of the probation.

7           (3) Those records maintained by the Department for  
8           persons arrested prior to their 17th birthday shall be  
9           expunged as provided in Section 5-915 of the Juvenile Court  
10          Act of 1987.

11          (4) Whenever a person has been arrested for or  
12          convicted of any offense, in the name of a person whose  
13          identity he or she has stolen or otherwise come into  
14          possession of, the aggrieved person from whom the identity  
15          was stolen or otherwise obtained without authorization,  
16          upon learning of the person having been arrested using his  
17          or her identity, may, upon verified petition to the chief  
18          judge of the circuit wherein the arrest was made, have a  
19          court order entered nunc pro tunc by the Chief Judge to  
20          correct the arrest record, conviction record, if any, and  
21          all official records of the arresting authority, the  
22          Department, other criminal justice agencies, the  
23          prosecutor, and the trial court concerning such arrest, if  
24          any, by removing his or her name from all such records in  
25          connection with the arrest and conviction, if any, and by  
26          inserting in the records the name of the offender, if known

1 or ascertainable, in lieu of the aggrieved's name. The  
2 records of the circuit court clerk shall be sealed until  
3 further order of the court upon good cause shown and the  
4 name of the aggrieved person obliterated on the official  
5 index required to be kept by the circuit court clerk under  
6 Section 16 of the Clerks of Courts Act, but the order shall  
7 not affect any index issued by the circuit court clerk  
8 before the entry of the order. Nothing in this Section  
9 shall limit the Department of State Police or other  
10 criminal justice agencies or prosecutors from listing  
11 under an offender's name the false names he or she has  
12 used.

13 (5) Whenever a person has been convicted of criminal  
14 sexual assault, aggravated criminal sexual assault,  
15 predatory criminal sexual assault of a child, criminal  
16 sexual abuse, or aggravated criminal sexual abuse, the  
17 victim of that offense may request that the State's  
18 Attorney of the county in which the conviction occurred  
19 file a verified petition with the presiding trial judge at  
20 the petitioner's trial to have a court order entered to  
21 seal the records of the circuit court clerk in connection  
22 with the proceedings of the trial court concerning that  
23 offense. However, the records of the arresting authority  
24 and the Department of State Police concerning the offense  
25 shall not be sealed. The court, upon good cause shown,  
26 shall make the records of the circuit court clerk in

1 connection with the proceedings of the trial court  
2 concerning the offense available for public inspection.

3 (6) If a conviction has been set aside on direct review  
4 or on collateral attack and the court determines by clear  
5 and convincing evidence that the petitioner was factually  
6 innocent of the charge, the court shall enter an  
7 expungement order as provided in subsection (b) of Section  
8 5-5-4 of the Unified Code of Corrections.

9 (7) Nothing in this Section shall prevent the  
10 Department of State Police from maintaining all records of  
11 any person who is admitted to probation upon terms and  
12 conditions and who fulfills those terms and conditions  
13 pursuant to Section 10 of the Cannabis Control Act, Section  
14 410 of the Illinois Controlled Substances Act, Section 70  
15 of the Methamphetamine Control and Community Protection  
16 Act, Section 12-4.3 of the Criminal Code of 1961, Section  
17 10-102 of the Illinois Alcoholism and Other Drug Dependency  
18 Act, Section 40-10 of the Alcoholism and Other Drug Abuse  
19 and Dependency Act, or Section 10 of the Steroid Control  
20 Act.

21 (c) Sealing.

22 (1) Applicability. Notwithstanding any other provision  
23 of this Act to the contrary, and cumulative with any rights  
24 to expungement of criminal records, this subsection  
25 authorizes the sealing of criminal records of adults and of  
26 minors prosecuted as adults.

1           (2) Eligible Records. The following records may be  
2 sealed:

3           (A) All arrests resulting in release without  
4 charging;

5           (B) Arrests or charges not initiated by arrest  
6 resulting in acquittal, dismissal, or conviction when  
7 the conviction was reversed or vacated, except as  
8 excluded by subsection (a) (3) (B) or (a) (3) (D);

9           (C) Arrests or charges not initiated by arrest  
10 resulting in orders of supervision successfully  
11 completed by the petitioner, unless excluded by  
12 subsection (a) (3);

13           (D) Arrests or charges not initiated by arrest  
14 resulting in convictions unless excluded by subsection  
15 (a) (3);

16           (E) Arrests or charges not initiated by arrest  
17 resulting in orders of first offender probation under  
18 Section 10 of the Cannabis Control Act, Section 410 of  
19 the Illinois Controlled Substances Act, or Section 70  
20 of the Methamphetamine Control and Community  
21 Protection Act; and

22           (F) Arrests or charges not initiated by arrest  
23 resulting in Class 4 felony convictions for the  
24 following offenses:

25                   (i) Section 11-14 of the Criminal Code of 1961;

26                   (ii) Section 4 of the Cannabis Control Act;



1                   (iii) Section 402 of the Illinois Controlled  
2                   Substances Act;

3                   (iv) the Methamphetamine Precursor Control  
4                   Act; and

5                   (v) the Steroid Control Act.

6                   (3) When Records Are Eligible to Be Sealed. Records  
7                   identified as eligible under subsection (c)(2) may be  
8                   sealed as follows:

9                   (A) Records identified as eligible under  
10                   subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
11                   time.

12                   (B) Records identified as eligible under  
13                   subsection (c)(2)(C) may be sealed (i) 3 years after  
14                   the termination of petitioner's last sentence (as  
15                   defined in subsection (a)(1)(F)) if the petitioner has  
16                   never been convicted of a criminal offense (as defined  
17                   in subsection (a)(1)(D)); or (ii) 4 years after the  
18                   termination of the petitioner's last sentence (as  
19                   defined in subsection (a)(1)(F)) if the petitioner has  
20                   ever been convicted of a criminal offense (as defined  
21                   in subsection (a)(1)(D)).

22                   (C) Records identified as eligible under  
23                   subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be  
24                   sealed 4 years after the termination of the  
25                   petitioner's last sentence (as defined in subsection  
26                   (a)(1)(F)).

1           (4) Subsequent felony convictions. A person may not  
2           have subsequent felony conviction records sealed as  
3           provided in this subsection (c) if he or she is convicted  
4           of any felony offense after the date of the sealing of  
5           prior felony convictions as provided in this subsection  
6           (c). The court may, upon conviction for a subsequent felony  
7           offense, order the unsealing of prior felony conviction  
8           records previously ordered sealed by the court.

9           (5) Notice of eligibility for sealing. Upon entry of a  
10          disposition for an eligible record under this subsection  
11          (c), the petitioner shall be informed by the court of the  
12          right to have the records sealed and the procedures for the  
13          sealing of the records.

14          (d) Procedure. The following procedures apply to  
15          expungement under subsections (b) and (e), and sealing under  
16          subsection (c):

17               (1) Filing the petition. Upon becoming eligible to  
18               petition for the expungement or sealing of records under  
19               this Section, the petitioner shall file a petition  
20               requesting the expungement or sealing of records with the  
21               clerk of the court where the arrests occurred or the  
22               charges were brought, or both. If arrests occurred or  
23               charges were brought in multiple jurisdictions, a petition  
24               must be filed in each such jurisdiction. The petitioner  
25               shall pay the applicable fee, if not waived.

26               (2) Contents of petition. The petition shall be

1 verified and shall contain the petitioner's name, date of  
2 birth, current address and, for each arrest or charge not  
3 initiated by arrest sought to be sealed or expunged, the  
4 case number, the date of arrest (if any), the identity of  
5 the arresting authority, and such other information as the  
6 court may require. During the pendency of the proceeding,  
7 the petitioner shall promptly notify the circuit court  
8 clerk of any change of his or her address.

9 (3) Drug test. The petitioner must attach to the  
10 petition proof that the petitioner has passed a test taken  
11 within 30 days before the filing of the petition showing  
12 the absence within his or her body of all illegal  
13 substances as defined by the Illinois Controlled  
14 Substances Act, the Methamphetamine Control and Community  
15 Protection Act, and the Cannabis Control Act if he or she  
16 is petitioning to seal felony records pursuant to clause  
17 (c) (2) (E) or (c) (2) (F) (ii)-(v) or if he or she is  
18 petitioning to expunge felony records of a qualified  
19 probation pursuant to clause (b) (1) (B) (iv).

20 (4) Service of petition. The circuit court clerk shall  
21 promptly serve a copy of the petition on the State's  
22 Attorney or prosecutor charged with the duty of prosecuting  
23 the offense, the Department of State Police, the arresting  
24 agency and the chief legal officer of the unit of local  
25 government effecting the arrest.

26 (5) Objections.

1           (A) Any party entitled to notice of the petition  
2 may file an objection to the petition. All objections  
3 shall be in writing, shall be filed with the circuit  
4 court clerk, and shall state with specificity the basis  
5 of the objection.

6           (B) Objections to a petition to expunge or seal  
7 must be filed within 60 days of the date of service of  
8 the petition.

9           (6) Entry of order.

10           (A) The Chief Judge of the circuit wherein the  
11 charge was brought, any judge of that circuit  
12 designated by the Chief Judge, or in counties of less  
13 than 3,000,000 inhabitants, the presiding trial judge  
14 at the petitioner's trial, if any, shall rule on the  
15 petition to expunge or seal as set forth in this  
16 subsection (d) (6).

17           (B) Unless the State's Attorney or prosecutor, the  
18 Department of State Police, the arresting agency, or  
19 the chief legal officer files an objection to the  
20 petition to expunge or seal within 60 days from the  
21 date of service of the petition, the court shall enter  
22 an order granting or denying the petition.

23           (7) Hearings. If an objection is filed, the court shall  
24 set a date for a hearing and notify the petitioner and all  
25 parties entitled to notice of the petition of the hearing  
26 date at least 30 days prior to the hearing, and shall hear

1 evidence on whether the petition should or should not be  
2 granted, and shall grant or deny the petition to expunge or  
3 seal the records based on the evidence presented at the  
4 hearing.

5 (8) Service of order. After entering an order to  
6 expunge or seal records, the court must provide copies of  
7 the order to the Department, in a form and manner  
8 prescribed by the Department, to the petitioner, to the  
9 State's Attorney or prosecutor charged with the duty of  
10 prosecuting the offense, to the arresting agency, to the  
11 chief legal officer of the unit of local government  
12 effecting the arrest, and to such other criminal justice  
13 agencies as may be ordered by the court.

14 (9) Effect of order.

15 (A) Upon entry of an order to expunge records  
16 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

17 (i) the records shall be expunged (as defined  
18 in subsection (a) (1) (E)) by the arresting agency,  
19 the Department, and any other agency as ordered by  
20 the court, within 60 days of the date of service of  
21 the order, unless a motion to vacate, modify, or  
22 reconsider the order is filed pursuant to  
23 paragraph (12) of subsection (d) of this Section;

24 (ii) the records of the circuit court clerk  
25 shall be impounded until further order of the court  
26 upon good cause shown and the name of the

1           petitioner obliterated on the official index  
2           required to be kept by the circuit court clerk  
3           under Section 16 of the Clerks of Courts Act, but  
4           the order shall not affect any index issued by the  
5           circuit court clerk before the entry of the order;  
6           and

7           (iii) in response to an inquiry for expunged  
8           records, the court, the Department, or the agency  
9           receiving such inquiry, shall reply as it does in  
10          response to inquiries when no records ever  
11          existed.

12          (B) Upon entry of an order to expunge records  
13          pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

14           (i) the records shall be expunged (as defined  
15           in subsection (a) (1) (E)) by the arresting agency  
16           and any other agency as ordered by the court,  
17           within 60 days of the date of service of the order,  
18           unless a motion to vacate, modify, or reconsider  
19           the order is filed pursuant to paragraph (12) of  
20           subsection (d) of this Section;

21           (ii) the records of the circuit court clerk  
22           shall be impounded until further order of the court  
23           upon good cause shown and the name of the  
24           petitioner obliterated on the official index  
25           required to be kept by the circuit court clerk  
26           under Section 16 of the Clerks of Courts Act, but

1           the order shall not affect any index issued by the  
2           circuit court clerk before the entry of the order;

3           (iii) the records shall be impounded by the  
4           Department within 60 days of the date of service of  
5           the order as ordered by the court, unless a motion  
6           to vacate, modify, or reconsider the order is filed  
7           pursuant to paragraph (12) of subsection (d) of  
8           this Section;

9           (iv) records impounded by the Department may  
10          be disseminated by the Department only to the  
11          arresting authority, the State's Attorney, and the  
12          court upon a later arrest for the same or a similar  
13          offense or for the purpose of sentencing for any  
14          subsequent felony, and to the Department of  
15          Corrections upon conviction for any offense; and

16          (v) in response to an inquiry for such records  
17          from anyone not authorized by law to access such  
18          records the court, the Department, or the agency  
19          receiving such inquiry shall reply as it does in  
20          response to inquiries when no records ever  
21          existed.

22          (C) Upon entry of an order to seal records under  
23          subsection (c), the arresting agency, any other agency  
24          as ordered by the court, the Department, and the court  
25          shall seal the records (as defined in subsection  
26          (a) (1) (K)). In response to an inquiry for such records

1 from anyone not authorized by law to access such  
2 records the court, the Department, or the agency  
3 receiving such inquiry shall reply as it does in  
4 response to inquiries when no records ever existed.

5 (10) Fees. The Department may charge the petitioner a  
6 fee equivalent to the cost of processing any order to  
7 expunge or seal records. Notwithstanding any provision of  
8 the Clerks of Courts Act to the contrary, the circuit court  
9 clerk may charge a fee equivalent to the cost associated  
10 with the sealing or expungement of records by the circuit  
11 court clerk. From the total filing fee collected for the  
12 petition to seal or expunge, the circuit court clerk shall  
13 deposit \$10 into the Circuit Court Clerk Operation and  
14 Administrative Fund, to be used to offset the costs  
15 incurred by the circuit court clerk in performing the  
16 additional duties required to serve the petition to seal or  
17 expunge on all parties. The circuit court clerk shall  
18 collect and forward the Department of State Police portion  
19 of the fee to the Department and it shall be deposited in  
20 the State Police Services Fund.

21 (11) Final Order. No court order issued under the  
22 expungement or sealing provisions of this Section shall  
23 become final for purposes of appeal until 30 days after  
24 service of the order on the petitioner and all parties  
25 entitled to notice of the petition.

26 (12) Motion to Vacate, Modify, or Reconsider. The



1 petitioner or any party entitled to notice may file a  
2 motion to vacate, modify, or reconsider the order granting  
3 or denying the petition to expunge or seal within 60 days  
4 of service of the order.

5 (e) Whenever a person who has been convicted of an offense  
6 is granted a pardon by the Governor which specifically  
7 authorizes expungement, he or she may, upon verified petition  
8 to the Chief Judge of the circuit where the person had been  
9 convicted, any judge of the circuit designated by the Chief  
10 Judge, or in counties of less than 3,000,000 inhabitants, the  
11 presiding trial judge at the defendant's trial, have a court  
12 order entered expunging the record of arrest from the official  
13 records of the arresting authority and order that the records  
14 of the circuit court clerk and the Department be sealed until  
15 further order of the court upon good cause shown or as  
16 otherwise provided herein, and the name of the defendant  
17 obliterated from the official index requested to be kept by the  
18 circuit court clerk under Section 16 of the Clerks of Courts  
19 Act in connection with the arrest and conviction for the  
20 offense for which he or she had been pardoned but the order  
21 shall not affect any index issued by the circuit court clerk  
22 before the entry of the order. All records sealed by the  
23 Department may be disseminated by the Department only as  
24 required by law or to the arresting authority, the State's  
25 Attorney, and the court upon a later arrest for the same or  
26 similar offense or for the purpose of sentencing for any

1 subsequent felony. Upon conviction for any subsequent offense,  
2 the Department of Corrections shall have access to all sealed  
3 records of the Department pertaining to that individual. Upon  
4 entry of the order of expungement, the circuit court clerk  
5 shall promptly mail a copy of the order to the person who was  
6 pardoned.

7 (f) Subject to available funding, the Illinois Department  
8 of Corrections shall conduct a study of the impact of sealing,  
9 especially on employment and recidivism rates, utilizing a  
10 random sample of those who apply for the sealing of their  
11 criminal records under Public Act 93-211. At the request of the  
12 Illinois Department of Corrections, records of the Illinois  
13 Department of Employment Security shall be utilized as  
14 appropriate to assist in the study. The study shall not  
15 disclose any data in a manner that would allow the  
16 identification of any particular individual or employing unit.  
17 The study shall be made available to the General Assembly no  
18 later than September 1, 2010.

19 (Source: P.A. 96-409, eff. 1-1-10.)

20 Section 930. The Sex Offender Management Board Act is  
21 amended by changing Section 10 as follows:

22 (20 ILCS 4026/10)

23 Sec. 10. Definitions. In this Act, unless the context  
24 otherwise requires:

1 (a) "Board" means the Sex Offender Management Board created  
2 in Section 15.

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

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

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

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

19 (3) Public indecency, in violation of Section 11-9 or  
20 11-30 of the Criminal Code of 1961;

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

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

25 (6) Promoting juvenile prostitution or soliciting  
26 ~~Soliciting~~ for a juvenile prostitute, in violation of

1 Section 11-14.4 or 11-15.1 of the Criminal Code of 1961;

2 (7) Promoting juvenile prostitution or keeping ~~Keeping~~  
3 a place of juvenile prostitution, in violation of Section  
4 11-14.4 or 11-17.1 of the Criminal Code of 1961;

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

7 (9) Promoting juvenile prostitution or juvenile  
8 ~~Juvenile~~ pimping, in violation of Section 11-14.4 or  
9 11-19.1 of the Criminal Code of 1961;

10 (10) promoting juvenile prostitution or exploitation  
11 ~~Exploitation~~ of a child, in violation of Section 11-14.4 or  
12 11-19.2 of the Criminal Code of 1961;

13 (11) Child pornography, in violation of Section  
14 11-20.1 of the Criminal Code of 1961;

15 (11.5) Aggravated child pornography, in violation of  
16 Section 11-20.1B or 11-20.3 of the Criminal Code of 1961;

17 (12) Harmful material, in violation of Section 11-21 of  
18 the Criminal Code of 1961;

19 (13) Criminal sexual assault, in violation of Section  
20 11-1.20 or 12-13 of the Criminal Code of 1961;

21 (14) Aggravated criminal sexual assault, in violation  
22 of Section 11-1.30 or 12-14 of the Criminal Code of 1961;

23 (15) Predatory criminal sexual assault of a child, in  
24 violation of Section 11-1.40 or 12-14.1 of the Criminal  
25 Code of 1961;

26 (16) Criminal sexual abuse, in violation of Section

1           11-1.50 or 12-15 of the Criminal Code of 1961;

2           (17) Aggravated criminal sexual abuse, in violation of  
3           Section 11-1.60 or 12-16 of the Criminal Code of 1961;

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

6           (19) An attempt to commit any of the offenses  
7           enumerated in this subsection (c); or

8           (20) Any felony offense under Illinois law that is  
9           sexually motivated.

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

13          (e) "Sexually motivated" means one or more of the facts of  
14          the underlying offense indicates conduct that is of a sexual  
15          nature or that shows an intent to engage in behavior of a  
16          sexual nature.

17          (Source: P.A. 93-616, eff. 1-1-04.)

18          Section 935. The Illinois Police Training Act is amended by  
19          changing Sections 6 and 6.1 as follows:

20                 (50 ILCS 705/6) (from Ch. 85, par. 506)

21          Sec. 6. Selection and certification of schools. The Board  
22          shall select and certify schools within the State of Illinois  
23          for the purpose of providing basic training for probationary  
24          police officers, probationary county corrections officers, and

1 court security officers and of providing advanced or in-service  
2 training for permanent police officers or permanent county  
3 corrections officers, which schools may be either publicly or  
4 privately owned and operated. In addition, the Board has the  
5 following power and duties:

6 a. To require local governmental units to furnish such  
7 reports and information as the Board deems necessary to  
8 fully implement this Act.

9 b. To establish appropriate mandatory minimum  
10 standards relating to the training of probationary local  
11 law enforcement officers or probationary county  
12 corrections officers.

13 c. To provide appropriate certification to those  
14 probationary officers who successfully complete the  
15 prescribed minimum standard basic training course.

16 d. To review and approve annual training curriculum for  
17 county sheriffs.

18 e. To review and approve applicants to ensure no  
19 applicant is admitted to a certified academy unless the  
20 applicant is a person of good character and has not been  
21 convicted of a felony offense, any of the misdemeanors in  
22 Sections 11-1.50, 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2,  
23 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7,  
24 32-4a, or 32-7 of the Criminal Code of 1961, subdivision  
25 (a) (1) or (a) (2) (C) of Section 11-14.3 of the Criminal Code  
26 of 1961, or Section 5 or 5.2 of the Cannabis Control Act,

1 or a crime involving moral turpitude under the laws of this  
2 State or any other state which if committed in this State  
3 would be punishable as a felony or a crime of moral  
4 turpitude. The Board may appoint investigators who shall  
5 enforce the duties conferred upon the Board by this Act.

6 (Source: P.A. 91-495, eff. 1-1-00.)

7 (50 ILCS 705/6.1)

8 Sec. 6.1. Decertification of full-time and part-time  
9 police officers.

10 (a) The Board must review police officer conduct and  
11 records to ensure that no police officer is certified or  
12 provided a valid waiver if that police officer has been  
13 convicted of a felony offense under the laws of this State or  
14 any other state which if committed in this State would be  
15 punishable as a felony. The Board must also ensure that no  
16 police officer is certified or provided a valid waiver if that  
17 police officer has been convicted on or after the effective  
18 date of this amendatory Act of 1999 of any misdemeanor  
19 specified in this Section or if committed in any other state  
20 would be an offense similar to Section 11-1.50, 11-6, 11-9.1,  
21 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1,  
22 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961,  
23 to subdivision (a)(1) or (a)(2)(C) of Section 11-14.3 of the  
24 Criminal Code of 1961, or to Section 5 or 5.2 of the Cannabis  
25 Control Act. The Board must appoint investigators to enforce

1 the duties conferred upon the Board by this Act.

2 (b) It is the responsibility of the sheriff or the chief  
3 executive officer of every local law enforcement agency or  
4 department within this State to report to the Board any arrest  
5 or conviction of any officer for an offense identified in this  
6 Section.

7 (c) It is the duty and responsibility of every full-time  
8 and part-time police officer in this State to report to the  
9 Board within 30 days, and the officer's sheriff or chief  
10 executive officer, of his or her arrest or conviction for an  
11 offense identified in this Section. Any full-time or part-time  
12 police officer who knowingly makes, submits, causes to be  
13 submitted, or files a false or untruthful report to the Board  
14 must have his or her certificate or waiver immediately  
15 decertified or revoked.

16 (d) Any person, or a local or State agency, or the Board is  
17 immune from liability for submitting, disclosing, or releasing  
18 information of arrests or convictions in this Section as long  
19 as the information is submitted, disclosed, or released in good  
20 faith and without malice. The Board has qualified immunity for  
21 the release of the information.

22 (e) Any full-time or part-time police officer with a  
23 certificate or waiver issued by the Board who is convicted of  
24 any offense described in this Section immediately becomes  
25 decertified or no longer has a valid waiver. The  
26 decertification and invalidity of waivers occurs as a matter of



1 law. Failure of a convicted person to report to the Board his  
2 or her conviction as described in this Section or any continued  
3 law enforcement practice after receiving a conviction is a  
4 Class 4 felony.

5 (f) The Board's investigators are peace officers and have  
6 all the powers possessed by policemen in cities and by  
7 sheriff's, provided that the investigators may exercise those  
8 powers anywhere in the State, only after contact and  
9 cooperation with the appropriate local law enforcement  
10 authorities.

11 (g) The Board must request and receive information and  
12 assistance from any federal, state, or local governmental  
13 agency as part of the authorized criminal background  
14 investigation. The Department of State Police must process,  
15 retain, and additionally provide and disseminate information  
16 to the Board concerning criminal charges, arrests,  
17 convictions, and their disposition, that have been filed  
18 before, on, or after the effective date of this amendatory Act  
19 of the 91st General Assembly against a basic academy applicant,  
20 law enforcement applicant, or law enforcement officer whose  
21 fingerprint identification cards are on file or maintained by  
22 the Department of State Police. The Federal Bureau of  
23 Investigation must provide the Board any criminal history  
24 record information contained in its files pertaining to law  
25 enforcement officers or any applicant to a Board certified  
26 basic law enforcement academy as described in this Act based on

1 fingerprint identification. The Board must make payment of fees  
2 to the Department of State Police for each fingerprint card  
3 submission in conformance with the requirements of paragraph 22  
4 of Section 55a of the Civil Administrative Code of Illinois.

5 (h) A police officer who has been certified or granted a  
6 valid waiver shall also be decertified or have his or her  
7 waiver revoked upon a determination by the Illinois Labor  
8 Relations Board State Panel that he or she, while under oath,  
9 has knowingly and willfully made false statements as to a  
10 material fact going to an element of the offense of murder. If  
11 an appeal is filed, the determination shall be stayed.

12 (1) In the case of an acquittal on a charge of murder,  
13 a verified complaint may be filed:

14 (A) by the defendant; or

15 (B) by a police officer with personal knowledge of  
16 perjured testimony.

17 The complaint must allege that a police officer, while  
18 under oath, knowingly and willfully made false statements  
19 as to a material fact going to an element of the offense of  
20 murder. The verified complaint must be filed with the  
21 Executive Director of the Illinois Law Enforcement  
22 Training Standards Board within 2 years of the judgment of  
23 acquittal.

24 (2) Within 30 days, the Executive Director of the  
25 Illinois Law Enforcement Training Standards Board shall  
26 review the verified complaint and determine whether the

1 verified complaint is frivolous and without merit, or  
2 whether further investigation is warranted. The Illinois  
3 Law Enforcement Training Standards Board shall notify the  
4 officer and the Executive Director of the Illinois Labor  
5 Relations Board State Panel of the filing of the complaint  
6 and any action taken thereon. If the Executive Director of  
7 the Illinois Law Enforcement Training Standards Board  
8 determines that the verified complaint is frivolous and  
9 without merit, it shall be dismissed. The Executive  
10 Director of the Illinois Law Enforcement Training  
11 Standards Board has sole discretion to make this  
12 determination and this decision is not subject to appeal.

13 (i) If the Executive Director of the Illinois Law  
14 Enforcement Training Standards Board determines that the  
15 verified complaint warrants further investigation, he or she  
16 shall refer the matter to a task force of investigators created  
17 for this purpose. This task force shall consist of 8 sworn  
18 police officers: 2 from the Illinois State Police, 2 from the  
19 City of Chicago Police Department, 2 from county police  
20 departments, and 2 from municipal police departments. These  
21 investigators shall have a minimum of 5 years of experience in  
22 conducting criminal investigations. The investigators shall be  
23 appointed by the Executive Director of the Illinois Law  
24 Enforcement Training Standards Board. Any officer or officers  
25 acting in this capacity pursuant to this statutory provision  
26 will have statewide police authority while acting in this

1 investigative capacity. Their salaries and expenses for the  
2 time spent conducting investigations under this paragraph  
3 shall be reimbursed by the Illinois Law Enforcement Training  
4 Standards Board.

5 (j) Once the Executive Director of the Illinois Law  
6 Enforcement Training Standards Board has determined that an  
7 investigation is warranted, the verified complaint shall be  
8 assigned to an investigator or investigators. The investigator  
9 or investigators shall conduct an investigation of the verified  
10 complaint and shall write a report of his or her findings. This  
11 report shall be submitted to the Executive Director of the  
12 Illinois Labor Relations Board State Panel.

13 Within 30 days, the Executive Director of the Illinois  
14 Labor Relations Board State Panel shall review the  
15 investigative report and determine whether sufficient evidence  
16 exists to conduct an evidentiary hearing on the verified  
17 complaint. If the Executive Director of the Illinois Labor  
18 Relations Board State Panel determines upon his or her review  
19 of the investigatory report that a hearing should not be  
20 conducted, the complaint shall be dismissed. This decision is  
21 in the Executive Director's sole discretion, and this dismissal  
22 may not be appealed.

23 If the Executive Director of the Illinois Labor Relations  
24 Board State Panel determines that there is sufficient evidence  
25 to warrant a hearing, a hearing shall be ordered on the  
26 verified complaint, to be conducted by an administrative law

1 judge employed by the Illinois Labor Relations Board State  
2 Panel. The Executive Director of the Illinois Labor Relations  
3 Board State Panel shall inform the Executive Director of the  
4 Illinois Law Enforcement Training Standards Board and the  
5 person who filed the complaint of either the dismissal of the  
6 complaint or the issuance of the complaint for hearing. The  
7 Executive Director shall assign the complaint to the  
8 administrative law judge within 30 days of the decision  
9 granting a hearing.

10 (k) In the case of a finding of guilt on the offense of  
11 murder, if a new trial is granted on direct appeal, or a state  
12 post-conviction evidentiary hearing is ordered, based on a  
13 claim that a police officer, under oath, knowingly and  
14 willfully made false statements as to a material fact going to  
15 an element of the offense of murder, the Illinois Labor  
16 Relations Board State Panel shall hold a hearing to determine  
17 whether the officer should be decertified if an interested  
18 party requests such a hearing within 2 years of the court's  
19 decision. The complaint shall be assigned to an administrative  
20 law judge within 30 days so that a hearing can be scheduled.

21 At the hearing, the accused officer shall be afforded the  
22 opportunity to:

23 (1) Be represented by counsel of his or her own  
24 choosing;

25 (2) Be heard in his or her own defense;

26 (3) Produce evidence in his or her defense;

1           (4) Request that the Illinois Labor Relations Board  
2           State Panel compel the attendance of witnesses and  
3           production of related documents including but not limited  
4           to court documents and records.

5           Once a case has been set for hearing, the verified  
6           complaint shall be referred to the Department of Professional  
7           Regulation. That office shall prosecute the verified complaint  
8           at the hearing before the administrative law judge. The  
9           Department of Professional Regulation shall have the  
10          opportunity to produce evidence to support the verified  
11          complaint and to request the Illinois Labor Relations Board  
12          State Panel to compel the attendance of witnesses and the  
13          production of related documents, including, but not limited to,  
14          court documents and records. The Illinois Labor Relations Board  
15          State Panel shall have the power to issue subpoenas requiring  
16          the attendance of and testimony of witnesses and the production  
17          of related documents including, but not limited to, court  
18          documents and records and shall have the power to administer  
19          oaths.

20          The administrative law judge shall have the responsibility  
21          of receiving into evidence relevant testimony and documents,  
22          including court records, to support or disprove the allegations  
23          made by the person filing the verified complaint and, at the  
24          close of the case, hear arguments. If the administrative law  
25          judge finds that there is not clear and convincing evidence to  
26          support the verified complaint that the police officer has,

1 while under oath, knowingly and willfully made false statements  
2 as to a material fact going to an element of the offense of  
3 murder, the administrative law judge shall make a written  
4 recommendation of dismissal to the Illinois Labor Relations  
5 Board State Panel. If the administrative law judge finds that  
6 there is clear and convincing evidence that the police officer  
7 has, while under oath, knowingly and willfully made false  
8 statements as to a material fact that goes to an element of the  
9 offense of murder, the administrative law judge shall make a  
10 written recommendation so concluding to the Illinois Labor  
11 Relations Board State Panel. The hearings shall be transcribed.  
12 The Executive Director of the Illinois Law Enforcement Training  
13 Standards Board shall be informed of the administrative law  
14 judge's recommended findings and decision and the Illinois  
15 Labor Relations Board State Panel's subsequent review of the  
16 recommendation.

17 (l) An officer named in any complaint filed pursuant to  
18 this Act shall be indemnified for his or her reasonable  
19 attorney's fees and costs by his or her employer. These fees  
20 shall be paid in a regular and timely manner. The State, upon  
21 application by the public employer, shall reimburse the public  
22 employer for the accused officer's reasonable attorney's fees  
23 and costs. At no time and under no circumstances will the  
24 accused officer be required to pay his or her own reasonable  
25 attorney's fees or costs.

26 (m) The accused officer shall not be placed on unpaid

1 status because of the filing or processing of the verified  
2 complaint until there is a final non-appealable order  
3 sustaining his or her guilt and his or her certification is  
4 revoked. Nothing in this Act, however, restricts the public  
5 employer from pursuing discipline against the officer in the  
6 normal course and under procedures then in place.

7 (n) The Illinois Labor Relations Board State Panel shall  
8 review the administrative law judge's recommended decision and  
9 order and determine by a majority vote whether or not there was  
10 clear and convincing evidence that the accused officer, while  
11 under oath, knowingly and willfully made false statements as to  
12 a material fact going to the offense of murder. Within 30 days  
13 of service of the administrative law judge's recommended  
14 decision and order, the parties may file exceptions to the  
15 recommended decision and order and briefs in support of their  
16 exceptions with the Illinois Labor Relations Board State Panel.  
17 The parties may file responses to the exceptions and briefs in  
18 support of the responses no later than 15 days after the  
19 service of the exceptions. If exceptions are filed by any of  
20 the parties, the Illinois Labor Relations Board State Panel  
21 shall review the matter and make a finding to uphold, vacate,  
22 or modify the recommended decision and order. If the Illinois  
23 Labor Relations Board State Panel concludes that there is clear  
24 and convincing evidence that the accused officer, while under  
25 oath, knowingly and willfully made false statements as to a  
26 material fact going to an element of the offense murder, the



1 Illinois Labor Relations Board State Panel shall inform the  
2 Illinois Law Enforcement Training Standards Board and the  
3 Illinois Law Enforcement Training Standards Board shall revoke  
4 the accused officer's certification. If the accused officer  
5 appeals that determination to the Appellate Court, as provided  
6 by this Act, he or she may petition the Appellate Court to stay  
7 the revocation of his or her certification pending the court's  
8 review of the matter.

9 (o) None of the Illinois Labor Relations Board State  
10 Panel's findings or determinations shall set any precedent in  
11 any of its decisions decided pursuant to the Illinois Public  
12 Labor Relations Act by the Illinois Labor Relations Board State  
13 Panel or the courts.

14 (p) A party aggrieved by the final order of the Illinois  
15 Labor Relations Board State Panel may apply for and obtain  
16 judicial review of an order of the Illinois Labor Relations  
17 Board State Panel, in accordance with the provisions of the  
18 Administrative Review Law, except that such judicial review  
19 shall be afforded directly in the Appellate Court for the  
20 district in which the accused officer resides. Any direct  
21 appeal to the Appellate Court shall be filed within 35 days  
22 from the date that a copy of the decision sought to be reviewed  
23 was served upon the party affected by the decision.

24 (q) Interested parties. Only interested parties to the  
25 criminal prosecution in which the police officer allegedly,  
26 while under oath, knowingly and willfully made false statements

1 as to a material fact going to an element of the offense of  
2 murder may file a verified complaint pursuant to this Section.  
3 For purposes of this Section, "interested parties" shall be  
4 limited to the defendant and any police officer who has  
5 personal knowledge that the police officer who is the subject  
6 of the complaint has, while under oath, knowingly and willfully  
7 made false statements as to a material fact going to an element  
8 of the offense of murder.

9 (r) Semi-annual reports. The Executive Director of the  
10 Illinois Labor Relations Board shall submit semi-annual  
11 reports to the Governor, President, and Minority Leader of the  
12 Senate, and to the Speaker and Minority Leader of the House of  
13 Representatives beginning on June 30, 2004, indicating:

14 (1) the number of verified complaints received since  
15 the date of the last report;

16 (2) the number of investigations initiated since the  
17 date of the last report;

18 (3) the number of investigations concluded since the  
19 date of the last report;

20 (4) the number of investigations pending as of the  
21 reporting date;

22 (5) the number of hearings held since the date of the  
23 last report; and

24 (6) the number of officers decertified since the date  
25 of the last report.

26 (Source: P.A. 93-605, eff. 11-19-03; 93-655, eff. 1-20-04.)

1 Section 940. The Illinois Municipal Code is amended by  
2 changing Sections 10-1-7 and 10-2.1-6 as follows:

3 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

4 Sec. 10-1-7. Examination of applicants; disqualifications.

5 (a) All applicants for offices or places in the classified  
6 service, except those mentioned in Section 10-1-17, are subject  
7 to examination. The examination shall be public, competitive,  
8 and open to all citizens of the United States, with specified  
9 limitations as to residence, age, health, habits and moral  
10 character.

11 (b) Residency requirements in effect at the time an  
12 individual enters the fire or police service of a municipality  
13 (other than a municipality that has more than 1,000,000  
14 inhabitants) cannot be made more restrictive for that  
15 individual during his or her period of service for that  
16 municipality, or be made a condition of promotion, except for  
17 the rank or position of Fire or Police Chief.

18 (c) No person with a record of misdemeanor convictions  
19 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,  
20 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,  
21 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,  
22 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a)(1) and  
23 (a)(2)(C) of Section 11-14.3, and subsections (1), (6) and (8)  
24 of Section 24-1 of the Criminal Code of 1961 or arrested for

1 any cause but not convicted on that cause shall be disqualified  
2 from taking the examination on grounds of habits or moral  
3 character, unless the person is attempting to qualify for a  
4 position on the police department, in which case the conviction  
5 or arrest may be considered as a factor in determining the  
6 person's habits or moral character.

7 (d) Persons entitled to military preference under Section  
8 10-1-16 shall not be subject to limitations specifying age  
9 unless they are applicants for a position as a fireman or a  
10 policeman having no previous employment status as a fireman or  
11 policeman in the regularly constituted fire or police  
12 department of the municipality, in which case they must not  
13 have attained their 35th birthday, except any person who has  
14 served as an auxiliary police officer under Section 3.1-30-20  
15 for at least 5 years and is under 40 years of age.

16 (e) All employees of a municipality of less than 500,000  
17 population (except those who would be excluded from the  
18 classified service as provided in this Division 1) who are  
19 holding that employment as of the date a municipality adopts  
20 this Division 1, or as of July 17, 1959, whichever date is the  
21 later, and who have held that employment for at least 2 years  
22 immediately before that later date, and all firemen and  
23 policemen regardless of length of service who were either  
24 appointed to their respective positions by the board of fire  
25 and police commissioners under the provisions of Division 2 of  
26 this Article or who are serving in a position (except as a

1 temporary employee) in the fire or police department in the  
2 municipality on the date a municipality adopts this Division 1,  
3 or as of July 17, 1959, whichever date is the later, shall  
4 become members of the classified civil service of the  
5 municipality without examination.

6 (f) The examinations shall be practical in their character,  
7 and shall relate to those matters that will fairly test the  
8 relative capacity of the persons examined to discharge the  
9 duties of the positions to which they seek to be appointed. The  
10 examinations shall include tests of physical qualifications,  
11 health, and (when appropriate) manual skill. If an applicant is  
12 unable to pass the physical examination solely as the result of  
13 an injury received by the applicant as the result of the  
14 performance of an act of duty while working as a temporary  
15 employee in the position for which he or she is being examined,  
16 however, the physical examination shall be waived and the  
17 applicant shall be considered to have passed the examination.  
18 No questions in any examination shall relate to political or  
19 religious opinions or affiliations. Results of examinations  
20 and the eligible registers prepared from the results shall be  
21 published by the commission within 60 days after any  
22 examinations are held.

23 (g) The commission shall control all examinations, and may,  
24 whenever an examination is to take place, designate a suitable  
25 number of persons, either in or not in the official service of  
26 the municipality, to be examiners. The examiners shall conduct

1 the examinations as directed by the commission and shall make a  
2 return or report of the examinations to the commission. If the  
3 appointed examiners are in the official service of the  
4 municipality, the examiners shall not receive extra  
5 compensation for conducting the examinations. The commission  
6 may at any time substitute any other person, whether or not in  
7 the service of the municipality, in the place of any one  
8 selected as an examiner. The commission members may themselves  
9 at any time act as examiners without appointing examiners. The  
10 examiners at any examination shall not all be members of the  
11 same political party.

12 (h) In municipalities of 500,000 or more population, no  
13 person who has attained his or her 35th birthday shall be  
14 eligible to take an examination for a position as a fireman or  
15 a policeman unless the person has had previous employment  
16 status as a policeman or fireman in the regularly constituted  
17 police or fire department of the municipality, except as  
18 provided in this Section.

19 (i) In municipalities of more than 5,000 but not more than  
20 200,000 inhabitants, no person who has attained his or her 35th  
21 birthday shall be eligible to take an examination for a  
22 position as a fireman or a policeman unless the person has had  
23 previous employment status as a policeman or fireman in the  
24 regularly constituted police or fire department of the  
25 municipality, except as provided in this Section.

26 (j) In all municipalities, applicants who are 20 years of

1 age and who have successfully completed 2 years of law  
2 enforcement studies at an accredited college or university may  
3 be considered for appointment to active duty with the police  
4 department. An applicant described in this subsection (j) who  
5 is appointed to active duty shall not have power of arrest, nor  
6 shall the applicant be permitted to carry firearms, until he or  
7 she reaches 21 years of age.

8 (k) In municipalities of more than 500,000 population,  
9 applications for examination for and appointment to positions  
10 as firefighters or police shall be made available at various  
11 branches of the public library of the municipality.

12 (l) No municipality having a population less than 1,000,000  
13 shall require that any fireman appointed to the lowest rank  
14 serve a probationary employment period of longer than one year.  
15 The limitation on periods of probationary employment provided  
16 in this amendatory Act of 1989 is an exclusive power and  
17 function of the State. Pursuant to subsection (h) of Section 6  
18 of Article VII of the Illinois Constitution, a home rule  
19 municipality having a population less than 1,000,000 must  
20 comply with this limitation on periods of probationary  
21 employment, which is a denial and limitation of home rule  
22 powers. Notwithstanding anything to the contrary in this  
23 Section, the probationary employment period limitation may be  
24 extended for a firefighter who is required, as a condition of  
25 employment, to be a certified paramedic, during which time the  
26 sole reason that a firefighter may be discharged without a

1 hearing is for failing to meet the requirements for paramedic  
2 certification.

3 (Source: P.A. 94-135, eff. 7-7-05; 94-984, eff. 6-30-06.)

4 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

5 Sec. 10-2.1-6. Examination of applicants;  
6 disqualifications.

7 (a) All applicants for a position in either the fire or  
8 police department of the municipality shall be under 35 years  
9 of age, shall be subject to an examination that shall be  
10 public, competitive, and open to all applicants (unless the  
11 council or board of trustees by ordinance limit applicants to  
12 electors of the municipality, county, state or nation) and  
13 shall be subject to reasonable limitations as to residence,  
14 health, habits, and moral character. The municipality may not  
15 charge or collect any fee from an applicant who has met all  
16 prequalification standards established by the municipality for  
17 any such position. With respect to a police department, a  
18 veteran shall be allowed to exceed the maximum age provision of  
19 this Section by the number of years served on active military  
20 duty, but by no more than 10 years of active military duty.

21 (b) Residency requirements in effect at the time an  
22 individual enters the fire or police service of a municipality  
23 (other than a municipality that has more than 1,000,000  
24 inhabitants) cannot be made more restrictive for that  
25 individual during his period of service for that municipality,



1 or be made a condition of promotion, except for the rank or  
2 position of Fire or Police Chief.

3 (c) No person with a record of misdemeanor convictions  
4 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,  
5 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,  
6 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,  
7 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a)(1) and  
8 (a)(2)(C) of Section 11-14.3, and subsections (1), (6) and (8)  
9 of Section 24-1 of the Criminal Code of 1961 or arrested for  
10 any cause but not convicted on that cause shall be disqualified  
11 from taking the examination to qualify for a position in the  
12 fire department on grounds of habits or moral character.

13 (d) The age limitation in subsection (a) does not apply (i)  
14 to any person previously employed as a policeman or fireman in  
15 a regularly constituted police or fire department of (I) any  
16 municipality, regardless of whether the municipality is  
17 located in Illinois or in another state, or (II) a fire  
18 protection district whose obligations were assumed by a  
19 municipality under Section 21 of the Fire Protection District  
20 Act, (ii) to any person who has served a municipality as a  
21 regularly enrolled volunteer fireman for 5 years immediately  
22 preceding the time that municipality begins to use full time  
23 firemen to provide all or part of its fire protection service,  
24 or (iii) to any person who has served as an auxiliary police  
25 officer under Section 3.1-30-20 for at least 5 years and is  
26 under 40 years of age, (iv) to any person who has served as a

1 deputy under Section 3-6008 of the Counties Code and otherwise  
2 meets necessary training requirements, or (v) to any person who  
3 has served as a sworn officer as a member of the Illinois  
4 Department of State Police.

5 (e) Applicants who are 20 years of age and who have  
6 successfully completed 2 years of law enforcement studies at an  
7 accredited college or university may be considered for  
8 appointment to active duty with the police department. An  
9 applicant described in this subsection (e) who is appointed to  
10 active duty shall not have power of arrest, nor shall the  
11 applicant be permitted to carry firearms, until he or she  
12 reaches 21 years of age.

13 (f) Applicants who are 18 years of age and who have  
14 successfully completed 2 years of study in fire techniques,  
15 amounting to a total of 4 high school credits, within the cadet  
16 program of a municipality may be considered for appointment to  
17 active duty with the fire department of any municipality.

18 (g) The council or board of trustees may by ordinance  
19 provide that persons residing outside the municipality are  
20 eligible to take the examination.

21 (h) The examinations shall be practical in character and  
22 relate to those matters that will fairly test the capacity of  
23 the persons examined to discharge the duties of the positions  
24 to which they seek appointment. No person shall be appointed to  
25 the police or fire department if he or she does not possess a  
26 high school diploma or an equivalent high school education. A

1 board of fire and police commissioners may, by its rules,  
2 require police applicants to have obtained an associate's  
3 degree or a bachelor's degree as a prerequisite for employment.  
4 The examinations shall include tests of physical  
5 qualifications and health. A board of fire and police  
6 commissioners may, by its rules, waive portions of the required  
7 examination for police applicants who have previously been  
8 full-time sworn officers of a regular police department in any  
9 municipal, county, university, or State law enforcement  
10 agency, provided they are certified by the Illinois Law  
11 Enforcement Training Standards Board and have been with their  
12 respective law enforcement agency within the State for at least  
13 2 years. No person shall be appointed to the police or fire  
14 department if he or she has suffered the amputation of any limb  
15 unless the applicant's duties will be only clerical or as a  
16 radio operator. No applicant shall be examined concerning his  
17 or her political or religious opinions or affiliations. The  
18 examinations shall be conducted by the board of fire and police  
19 commissioners of the municipality as provided in this Division  
20 2.1.

21 (i) No person who is classified by his local selective  
22 service draft board as a conscientious objector, or who has  
23 ever been so classified, may be appointed to the police  
24 department.

25 (j) No person shall be appointed to the police or fire  
26 department unless he or she is a person of good character and

1 not an habitual drunkard, gambler, or a person who has been  
2 convicted of a felony or a crime involving moral turpitude. No  
3 person, however, shall be disqualified from appointment to the  
4 fire department because of his or her record of misdemeanor  
5 convictions except those under Sections 11-1.50, 11-6, 11-7,  
6 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,  
7 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,  
8 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
9 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
10 subsections (1), (6) and (8) of Section 24-1 of the Criminal  
11 Code of 1961 or arrest for any cause without conviction on that  
12 cause. Any such person who is in the department may be removed  
13 on charges brought and after a trial as provided in this  
14 Division 2.1.

15 (Source: P.A. 95-165, eff. 1-1-08; 95-931, eff. 1-1-09; 96-472,  
16 eff. 8-14-09.)

17 Section 945. The Fire Protection District Act is amended by  
18 changing Section 16.06 as follows:

19 (70 ILCS 705/16.06) (from Ch. 127 1/2, par. 37.06)

20 Sec. 16.06. Eligibility for positions in fire department;  
21 disqualifications.

22 (a) All applicants for a position in the fire department of  
23 the fire protection district shall be under 35 years of age and  
24 shall be subjected to examination, which shall be public,

1 competitive, and free to all applicants, subject to reasonable  
2 limitations as to health, habits, and moral character; provided  
3 that the foregoing age limitation shall not apply in the case  
4 of any person having previous employment status as a fireman in  
5 a regularly constituted fire department of any fire protection  
6 district, and further provided that each fireman or fire chief  
7 who is a member in good standing in a regularly constituted  
8 fire department of any municipality which shall be or shall  
9 have subsequently been included within the boundaries of any  
10 fire protection district now or hereafter organized shall be  
11 given a preference for original appointment in the same class,  
12 grade or employment over all other applicants. The examinations  
13 shall be practical in their character and shall relate to those  
14 matters which will fairly test the persons examined as to their  
15 relative capacity to discharge the duties of the positions to  
16 which they seek appointment. The examinations shall include  
17 tests of physical qualifications and health. No applicant,  
18 however, shall be examined concerning his political or  
19 religious opinions or affiliations. The examinations shall be  
20 conducted by the board of fire commissioners.

21 In any fire protection district that employs full-time  
22 firefighters and is subject to a collective bargaining  
23 agreement, a person who has not qualified for regular  
24 appointment under the provisions of this Section shall not be  
25 used as a temporary or permanent substitute for certificated  
26 members of a fire district's fire department or for regular

1 appointment as a certificated member of a fire district's fire  
2 department unless mutually agreed to by the employee's  
3 certified bargaining agent. Such agreement shall be considered  
4 a permissive subject of bargaining. Fire protection districts  
5 covered by the changes made by this amendatory Act of the 95th  
6 General Assembly that are using non-certificated employees as  
7 substitutes immediately prior to the effective date of this  
8 amendatory Act of the 95th General Assembly may, by mutual  
9 agreement with the certified bargaining agent, continue the  
10 existing practice or a modified practice and that agreement  
11 shall be considered a permissive subject of bargaining.

12 (b) No person shall be appointed to the fire department  
13 unless he or she is a person of good character and not a person  
14 who has been convicted of a felony in Illinois or convicted in  
15 another jurisdiction for conduct that would be a felony under  
16 Illinois law, or convicted of a crime involving moral  
17 turpitude. No person, however, shall be disqualified from  
18 appointment to the fire department because of his or her record  
19 of misdemeanor convictions, except those under Sections  
20 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19,  
21 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1,  
22 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3,  
23 32-4, and 32-8, subdivisions (a)(1) and (a)(2)(C) of Section  
24 11-14.3, and subsections (1), (6), and (8) of Section 24-1 of  
25 the Criminal Code of 1961.

26 (Source: P.A. 95-490, eff. 6-1-08.)

1           Section 950. The Park District Code is amended by changing  
2 Section 8-23 as follows:

3           (70 ILCS 1205/8-23)

4           Sec. 8-23. Criminal background investigations.

5           (a) An applicant for employment with a park district is  
6 required as a condition of employment to authorize an  
7 investigation to determine if the applicant has been convicted  
8 of any of the enumerated criminal or drug offenses in  
9 subsection (c) of this Section or has been convicted, within 7  
10 years of the application for employment with the park district,  
11 of any other felony under the laws of this State or of any  
12 offense committed or attempted in any other state or against  
13 the laws of the United States that, if committed or attempted  
14 in this State, would have been punishable as a felony under the  
15 laws of this State. Authorization for the investigation shall  
16 be furnished by the applicant to the park district. Upon  
17 receipt of this authorization, the park district shall submit  
18 the applicant's name, sex, race, date of birth, and social  
19 security number to the Department of State Police on forms  
20 prescribed by the Department of State Police. The Department of  
21 State Police shall conduct a search of the Illinois criminal  
22 history records database to ascertain if the applicant being  
23 considered for employment has been convicted of committing or  
24 attempting to commit any of the enumerated criminal or drug

1 offenses in subsection (c) of this Section or has been  
2 convicted of committing or attempting to commit, within 7 years  
3 of the application for employment with the park district, any  
4 other felony under the laws of this State. The Department of  
5 State Police shall charge the park district a fee for  
6 conducting the investigation, which fee shall be deposited in  
7 the State Police Services Fund and shall not exceed the cost of  
8 the inquiry. The applicant shall not be charged a fee by the  
9 park district for the investigation.

10 (b) If the search of the Illinois criminal history record  
11 database indicates that the applicant has been convicted of  
12 committing or attempting to commit any of the enumerated  
13 criminal or drug offenses in subsection (c) or has been  
14 convicted of committing or attempting to commit, within 7 years  
15 of the application for employment with the park district, any  
16 other felony under the laws of this State, the Department of  
17 State Police and the Federal Bureau of Investigation shall  
18 furnish, pursuant to a fingerprint based background check,  
19 records of convictions, until expunged, to the president of the  
20 park district. Any information concerning the record of  
21 convictions obtained by the president shall be confidential and  
22 may only be transmitted to those persons who are necessary to  
23 the decision on whether to hire the applicant for employment. A  
24 copy of the record of convictions obtained from the Department  
25 of State Police shall be provided to the applicant for  
26 employment. Any person who releases any confidential



1 information concerning any criminal convictions of an  
2 applicant for employment shall be guilty of a Class A  
3 misdemeanor, unless the release of such information is  
4 authorized by this Section.

5 (c) No park district shall knowingly employ a person who  
6 has been convicted for committing attempted first degree murder  
7 or for committing or attempting to commit first degree murder,  
8 a Class X felony, or any one or more of the following offenses:

9 (i) those defined in Sections 11-1.20, 11-1.30, 11-1.40,  
10 11-1.50, 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15,  
11 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,  
12 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-30, 12-13, 12-14,  
13 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii)  
14 those defined in the Cannabis Control Act, except those defined  
15 in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those  
16 defined in the Illinois Controlled Substances Act; (iv) those  
17 defined in the Methamphetamine Control and Community  
18 Protection Act; and (v) any offense committed or attempted in  
19 any other state or against the laws of the United States,  
20 which, if committed or attempted in this State, would have been  
21 punishable as one or more of the foregoing offenses. Further,  
22 no park district shall knowingly employ a person who has been  
23 found to be the perpetrator of sexual or physical abuse of any  
24 minor under 18 years of age pursuant to proceedings under  
25 Article II of the Juvenile Court Act of 1987. No park district  
26 shall knowingly employ a person for whom a criminal background

1 investigation has not been initiated.

2 (Source: P.A. 93-418, eff. 1-1-04; 94-556, eff. 9-11-05.)

3 Section 955. The Chicago Park District Act is amended by  
4 changing Section 16a-5 as follows:

5 (70 ILCS 1505/16a-5)

6 Sec. 16a-5. Criminal background investigations.

7 (a) An applicant for employment with the Chicago Park  
8 District is required as a condition of employment to authorize  
9 an investigation to determine if the applicant has been  
10 convicted of any of the enumerated criminal or drug offenses in  
11 subsection (c) of this Section or has been convicted, within 7  
12 years of the application for employment with the Chicago Park  
13 District, of any other felony under the laws of this State or  
14 of any offense committed or attempted in any other state or  
15 against the laws of the United States that, if committed or  
16 attempted in this State, would have been punishable as a felony  
17 under the laws of this State. Authorization for the  
18 investigation shall be furnished by the applicant to the  
19 Chicago Park District. Upon receipt of this authorization, the  
20 Chicago Park District shall submit the applicant's name, sex,  
21 race, date of birth, and social security number to the  
22 Department of State Police on forms prescribed by the  
23 Department of State Police. The Department of State Police  
24 shall conduct a search of the Illinois criminal history record

1 information database to ascertain if the applicant being  
2 considered for employment has been convicted of committing or  
3 attempting to commit any of the enumerated criminal or drug  
4 offenses in subsection (c) of this Section or has been  
5 convicted, of committing or attempting to commit within 7 years  
6 of the application for employment with the Chicago Park  
7 District, any other felony under the laws of this State. The  
8 Department of State Police shall charge the Chicago Park  
9 District a fee for conducting the investigation, which fee  
10 shall be deposited in the State Police Services Fund and shall  
11 not exceed the cost of the inquiry. The applicant shall not be  
12 charged a fee by the Chicago Park District for the  
13 investigation.

14 (b) If the search of the Illinois criminal history record  
15 database indicates that the applicant has been convicted of  
16 committing or attempting to commit any of the enumerated  
17 criminal or drug offenses in subsection (c) or has been  
18 convicted of committing or attempting to commit, within 7 years  
19 of the application for employment with the Chicago Park  
20 District, any other felony under the laws of this State, the  
21 Department of State Police and the Federal Bureau of  
22 Investigation shall furnish, pursuant to a fingerprint based  
23 background check, records of convictions, until expunged, to  
24 the General Superintendent and Chief Executive Officer of the  
25 Chicago Park District. Any information concerning the record of  
26 convictions obtained by the General Superintendent and Chief

1 Executive Officer shall be confidential and may only be  
2 transmitted to those persons who are necessary to the decision  
3 on whether to hire the applicant for employment. A copy of the  
4 record of convictions obtained from the Department of State  
5 Police shall be provided to the applicant for employment. Any  
6 person who releases any confidential information concerning  
7 any criminal convictions of an applicant for employment shall  
8 be guilty of a Class A misdemeanor, unless the release of such  
9 information is authorized by this Section.

10 (c) The Chicago Park District may not knowingly employ a  
11 person who has been convicted for committing attempted first  
12 degree murder or for committing or attempting to commit first  
13 degree murder, a Class X felony, or any one or more of the  
14 following offenses: (i) those defined in Sections 11-1.20,  
15 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9, 11-14,  
16 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,  
17 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21,  
18 11-30, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal  
19 Code of 1961; (ii) those defined in the Cannabis Control Act,  
20 except those defined in Sections 4(a), 4(b), and 5(a) of that  
21 Act; (iii) those defined in the Illinois Controlled Substances  
22 Act; (iv) those defined in the Methamphetamine Control and  
23 Community Protection Act; and (v) any offense committed or  
24 attempted in any other state or against the laws of the United  
25 States, which, if committed or attempted in this State, would  
26 have been punishable as one or more of the foregoing offenses.

1 Further, the Chicago Park District may not knowingly employ a  
2 person who has been found to be the perpetrator of sexual or  
3 physical abuse of any minor under 18 years of age pursuant to  
4 proceedings under Article II of the Juvenile Court Act of 1987.  
5 The Chicago Park District may not knowingly employ a person for  
6 whom a criminal background investigation has not been  
7 initiated.

8 (Source: P.A. 93-418, eff. 1-1-04; 94-556, eff. 9-11-05.)

9 Section 960. The Metropolitan Transit Authority Act is  
10 amended by changing Section 28b as follows:

11 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

12 Sec. 28b. Any person applying for a position as a driver of  
13 a vehicle owned by a private carrier company which provides  
14 public transportation pursuant to an agreement with the  
15 Authority shall be required to authorize an investigation by  
16 the private carrier company to determine if the applicant has  
17 been convicted of any of the following offenses: (i) those  
18 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,  
19 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
20 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,  
21 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
22 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-4.3, 12-4.4,  
23 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15,  
24 12-16, 12-16.1, 18-1, 18-2, 20-1, 20-1.1, 31A-1, 31A-1.1, and

1 33A-2, and in subsection (a) and subsection (b), clause (1), of  
2 Section 12-4 of the Criminal Code of 1961; (ii) those offenses  
3 defined in the Cannabis Control Act except those offenses  
4 defined in subsections (a) and (b) of Section 4, and subsection  
5 (a) of Section 5 of the Cannabis Control Act (iii) those  
6 offenses defined in the Illinois Controlled Substances Act;  
7 (iv) those offenses defined in the Methamphetamine Control and  
8 Community Protection Act; and (v) any offense committed or  
9 attempted in any other state or against the laws of the United  
10 States, which if committed or attempted in this State would be  
11 punishable as one or more of the foregoing offenses. Upon  
12 receipt of this authorization, the private carrier company  
13 shall submit the applicant's name, sex, race, date of birth,  
14 fingerprints and social security number to the Department of  
15 State Police on forms prescribed by the Department. The  
16 Department of State Police shall conduct an investigation to  
17 ascertain if the applicant has been convicted of any of the  
18 above enumerated offenses. The Department shall charge the  
19 private carrier company a fee for conducting the investigation,  
20 which fee shall be deposited in the State Police Services Fund  
21 and shall not exceed the cost of the inquiry; and the applicant  
22 shall not be charged a fee for such investigation by the  
23 private carrier company. The Department of State Police shall  
24 furnish, pursuant to positive identification, records of  
25 convictions, until expunged, to the private carrier company  
26 which requested the investigation. A copy of the record of

1 convictions obtained from the Department shall be provided to  
2 the applicant. Any record of conviction received by the private  
3 carrier company shall be confidential. Any person who releases  
4 any confidential information concerning any criminal  
5 convictions of an applicant shall be guilty of a Class A  
6 misdemeanor, unless authorized by this Section.

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

8 Section 965. The School Code is amended by changing  
9 Sections 2-3.147, 10-22.39, 21-23a, 34-2.1, and 34-84b as  
10 follows:

11 (105 ILCS 5/2-3.147)

12 Sec. 2-3.147. The Ensuring Success in School Task Force.

13 (a) In this Section:

14 "Domestic violence" means abuse by a family or household  
15 member, as "abuse" and "family or household members" are  
16 defined in Section 103 of the Illinois Domestic Violence Act of  
17 1986.

18 "Sexual violence" means sexual assault, abuse, or stalking  
19 of an adult or minor child proscribed in the Criminal Code of  
20 1961 in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
21 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14, 12-14.1, 12-15,  
22 and 12-16, including sexual violence committed by perpetrators  
23 who are strangers to the victim and sexual violence committed  
24 by perpetrators who are known or related by blood or marriage

1 to the victim.

2 (b) The State Board of Education shall convene an Ensuring  
3 Success in School Task Force to develop policies, procedures,  
4 and protocols to be adopted by school districts for addressing  
5 the educational and related needs of children and youth who are  
6 parents, expectant parents, or victims of domestic or sexual  
7 violence to ensure their ability to stay in school, stay safe  
8 while in school, and successfully complete their education. The  
9 State Board of Education shall be the agency responsible for  
10 providing staff and administrative support to the task force.

11 (c) The Ensuring Success in School Task Force shall do all  
12 of the following:

13 (1) Conduct a thorough examination of the barriers to  
14 school attendance, safety, and completion for children and  
15 youth who are parents, expectant parents, or victims of  
16 domestic or sexual violence.

17 (2) Conduct a discovery process that includes relevant  
18 research and the identification of effective policies,  
19 protocols, and programs within this State and elsewhere.

20 (3) Conduct meetings and public hearings in  
21 geographically diverse locations throughout the State to  
22 ensure the maximum input from area advocates and service  
23 providers, from local education agencies, and from  
24 children and youth who are parents, expectant parents, or  
25 victims of domestic or sexual violence and their parents or  
26 guardians.



1           (4) Establish and adhere to procedures and protocols to  
2 allow children and youth who are parents, expectant  
3 parents, or victims of domestic or sexual violence, their  
4 parents or guardians, and advocates who work on behalf of  
5 such children and youth to participate in the task force  
6 anonymously and confidentially.

7           (5) Invite the testimony of and confer with experts on  
8 relevant topics.

9           (6) Produce a report of the task force's findings on  
10 best practices and policies, which shall include a plan  
11 with a phased and prioritized implementation timetable  
12 with focus on ensuring the successful and safe completion  
13 of school for children and youth who are parents, expectant  
14 parents, or victims of domestic or sexual violence. The  
15 task force shall submit a report to the General Assembly on  
16 or before December 1, 2009 on its findings,  
17 recommendations, and implementation plan. Any task force  
18 reports shall be published on the State Board of  
19 Education's Internet website on the date the report is  
20 delivered to the General Assembly.

21           (7) Recommend new legislation or proposed rules  
22 developed by the task force.

23           (d) The President of the Senate and the Speaker of the  
24 House of Representatives shall each appoint one co-chairperson  
25 of the Ensuring Success in School Task Force. In addition to  
26 the 2 co-chairpersons, the task force shall be comprised of

1 each of the following members, appointed by the State Board of  
2 Education, and shall be representative of the geographic,  
3 racial, ethnic, and cultural diversity of this State:

4 (1) A representative of a statewide nonprofit,  
5 nongovernmental domestic violence organization.

6 (2) A domestic violence victims' advocate or service  
7 provider from a different nonprofit, nongovernmental  
8 domestic violence organization.

9 (3) A representative of a statewide nonprofit,  
10 nongovernmental sexual assault organization.

11 (4) A sexual assault victims' advocate or service  
12 provider from a different nonprofit, nongovernmental  
13 sexual assault organization.

14 (5) A teen parent advocate or service provider from a  
15 nonprofit, nongovernmental organization.

16 (6) A school social worker.

17 (7) A school psychologist.

18 (8) A school counselor.

19 (9) A representative of a statewide professional  
20 teachers' organization.

21 (10) A representative of a different statewide  
22 professional teachers' organization.

23 (11) A representative of a statewide organization that  
24 represents school boards.

25 (12) A representative of a statewide organization  
26 representing principals.

1           (13) A representative of City of Chicago School  
2 District 299.

3           (14) A representative of a nonprofit, nongovernmental  
4 youth services provider.

5           (15) A representative of a statewide nonprofit,  
6 nongovernmental multi-issue advocacy organization with  
7 expertise in a cross-section of relevant issues.

8           (16) An alternative education service provider.

9           (17) A representative from a regional office of  
10 education.

11          (18) A truancy intervention services provider.

12          (19) A youth who is a parent or expectant parent  
13 directly affected by the issues, problems, and concerns of  
14 staying in school and successfully completing his or her  
15 education through high school.

16          (20) A youth who is a victim of domestic or sexual  
17 violence directly affected by the issues, problems, and  
18 concerns of staying in school and successfully completing  
19 his or her education.

20          (21) A parent or guardian of a child or youth who is a  
21 parent or expectant parent directly affected by the issues,  
22 problems, and concerns of staying in school and  
23 successfully completing his or her education.

24          (22) A parent or guardian of a child or youth who is a  
25 victim of domestic or sexual violence directly affected by  
26 the issues, problems, and concerns of staying in school and

1           successfully completing his or her education.

2           The task force shall also consist of one member appointed by  
3           the Minority Leader of the Senate, one member appointed by the  
4           Minority Leader of the House of Representatives, the State  
5           Superintendent of Education, the Secretary of Human Services,  
6           the Director of Healthcare and Family Services, the Director of  
7           Children and Family Services, and the Director of Public Health  
8           or their designees.

9           (e) Members of the Ensuring Success in School Task Force  
10          shall receive no compensation for their participation, but may  
11          be reimbursed by the State Board of Education for expenses in  
12          connection with their participation, including travel, if  
13          funds are available. However, members of the task force who are  
14          youth who are parents, expectant parents, or victims of  
15          domestic or sexual violence and the parents or guardians of  
16          such youth shall be reimbursed for their travel expenses  
17          connected to their participation in the task force.

18          (Source: P.A. 95-558, eff. 8-30-07; 95-876, eff. 8-21-08;  
19          96-364, eff. 8-13-09.)

20                 (105 ILCS 5/10-22.39)

21                 Sec. 10-22.39. In-service training programs.

22                 (a) To conduct in-service training programs for teachers.

23                 (b) In addition to other topics at in-service training  
24                 programs, school guidance counselors, teachers and other  
25                 school personnel who work with pupils in grades 7 through 12

1 shall be trained to identify the warning signs of suicidal  
2 behavior in adolescents and teens and shall be taught  
3 appropriate intervention and referral techniques.

4 (c) School guidance counselors, nurses, teachers and other  
5 school personnel who work with pupils may be trained to have a  
6 basic knowledge of matters relating to acquired  
7 immunodeficiency syndrome (AIDS), including the nature of the  
8 disease, its causes and effects, the means of detecting it and  
9 preventing its transmission, and the availability of  
10 appropriate sources of counseling and referral, and any other  
11 information that may be appropriate considering the age and  
12 grade level of such pupils. The School Board shall supervise  
13 such training. The State Board of Education and the Department  
14 of Public Health shall jointly develop standards for such  
15 training.

16 (d) In this subsection (d):

17 "Domestic violence" means abuse by a family or household  
18 member, as "abuse" and "family or household members" are  
19 defined in Section 103 of the Illinois Domestic Violence Act of  
20 1986.

21 "Sexual violence" means sexual assault, abuse, or stalking  
22 of an adult or minor child proscribed in the Criminal Code of  
23 1961 in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
24 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14, 12-14.1, 12-15,  
25 and 12-16, including sexual violence committed by perpetrators  
26 who are strangers to the victim and sexual violence committed

1 by perpetrators who are known or related by blood or marriage  
2 to the victim.

3 At least once every 2 years, an in-service training program  
4 for school personnel who work with pupils, including, but not  
5 limited to, school and school district administrators,  
6 teachers, school guidance counselors, school social workers,  
7 school counselors, school psychologists, and school nurses,  
8 must be conducted by persons with expertise in domestic and  
9 sexual violence and the needs of expectant and parenting youth  
10 and shall include training concerning (i) communicating with  
11 and listening to youth victims of domestic or sexual violence  
12 and expectant and parenting youth, (ii) connecting youth  
13 victims of domestic or sexual violence and expectant and  
14 parenting youth to appropriate in-school services and other  
15 agencies, programs, and services as needed, and (iii)  
16 implementing the school district's policies, procedures, and  
17 protocols with regard to such youth, including  
18 confidentiality. At a minimum, school personnel must be trained  
19 to understand, provide information and referrals, and address  
20 issues pertaining to youth who are parents, expectant parents,  
21 or victims of domestic or sexual violence.

22 (e) At least every 2 years, an in-service training program  
23 for school personnel who work with pupils must be conducted by  
24 persons with expertise in anaphylactic reactions and  
25 management.

26 (f) ~~(e)~~ At least once every 2 years, a school board shall

1 conduct in-service training on educator ethics,  
2 teacher-student conduct, and school employee-student conduct  
3 for all personnel.

4 (Source: P.A. 95-558, eff. 8-30-07; 96-349, eff. 8-13-09;  
5 96-431, eff. 8-13-09; revised 9-4-09.)

6 (105 ILCS 5/21-23a) (from Ch. 122, par. 21-23a)

7 Sec. 21-23a. Conviction of certain offenses as grounds for  
8 revocation of certificate.

9 (a) Whenever the holder of any certificate issued pursuant  
10 to this Article has been convicted of any sex offense or  
11 narcotics offense as defined in this Section, the State  
12 Superintendent of Education shall forthwith suspend the  
13 certificate. If the conviction is reversed and the holder is  
14 acquitted of the offense in a new trial or the charges against  
15 him are dismissed, the suspending authority shall forthwith  
16 terminate the suspension of the certificate. When the  
17 conviction becomes final, the State Superintendent of  
18 Education shall forthwith revoke the certificate. "Sex  
19 offense" as used in this Section means any one or more of the  
20 following offenses: (1) any offense defined in Sections 11-6,  
21 ~~and~~ 11-9 through 11-9.5, inclusive, and 11-30, Sections 11-14  
22 through 11-21, inclusive, Sections 11-23 (if punished as a  
23 Class 3 felony), 11-24, 11-25, and 11-26, and Sections 11-1.20,  
24 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14,  
25 12-14.1, 12-15, 12-16, 12-32, and 12-33 of the Criminal Code of

1 1961; (2) any attempt to commit any of the foregoing offenses,  
2 and (3) any offense committed or attempted in any other state  
3 which, if committed or attempted in this State, would have been  
4 punishable as one or more of the foregoing offenses. "Narcotics  
5 offense" as used in this Section means any one or more of the  
6 following offenses: (1) any offense defined in the Cannabis  
7 Control Act, except those defined in Sections 4(a), 4(b) and  
8 5(a) of that Act and any offense for which the holder of any  
9 certificate is placed on probation under the provisions of  
10 Section 10 of that Act, provided that if the terms and  
11 conditions of probation required by the court are not  
12 fulfilled, the offense is not eligible for this exception; (2)  
13 any offense defined in the Illinois Controlled Substances Act,  
14 except any offense for which the holder of any certificate is  
15 placed on probation under the provisions of Section 410 of that  
16 Act, provided that if the terms and conditions of probation  
17 required by the court are not fulfilled, the offense is not  
18 eligible for this exception; (3) any offense defined in the  
19 Methamphetamine Control and Community Protection Act, except  
20 any offense for which the holder of any certificate is placed  
21 on probation under the provision of Section 70 of that Act,  
22 provided that if the terms and conditions of probation required  
23 by the court are not fulfilled, the offense is not eligible for  
24 this exception; (4) any attempt to commit any of the foregoing  
25 offenses; and (5) any offense committed or attempted in any  
26 other state or against the laws of the United States which, if



1 committed or attempted in this State, would have been  
2 punishable as one or more of the foregoing offenses. The  
3 changes made by this amendatory Act of the 96th General  
4 Assembly to the definition of "narcotics offense" in this  
5 subsection (a) are declaratory of existing law.

6 (b) Whenever the holder of a certificate issued pursuant to  
7 this Article has been convicted of first degree murder,  
8 attempted first degree murder, conspiracy to commit first  
9 degree murder, attempted conspiracy to commit first degree  
10 murder, or a Class X felony or any offense committed or  
11 attempted in any other state or against the laws of the United  
12 States that, if committed or attempted in this State, would  
13 have been punishable as one or more of the foregoing offenses,  
14 the State Superintendent of Education shall forthwith suspend  
15 the certificate. If the conviction is reversed and the holder  
16 is acquitted of that offense in a new trial or the charges that  
17 he or she committed that offense are dismissed, the State  
18 Superintendent of Education shall forthwith terminate the  
19 suspension of the certificate. When the conviction becomes  
20 final, the State Superintendent of Education shall forthwith  
21 revoke the certificate.

22 (Source: P.A. 96-431, eff. 8-13-09.)

23 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

24 Sec. 34-2.1. Local School Councils - Composition -  
25 Voter-Eligibility - Elections - Terms.

1           (a) A local school council shall be established for each  
2 attendance center within the school district. Each local school  
3 council shall consist of the following 11 voting members: the  
4 principal of the attendance center, 2 teachers employed and  
5 assigned to perform the majority of their employment duties at  
6 the attendance center, 6 parents of students currently enrolled  
7 at the attendance center and 2 community residents. Neither the  
8 parents nor the community residents who serve as members of the  
9 local school council shall be employees of the Board of  
10 Education. In each secondary attendance center, the local  
11 school council shall consist of 12 voting members -- the 11  
12 voting members described above and one full-time student  
13 member, appointed as provided in subsection (m) below. In the  
14 event that the chief executive officer of the Chicago School  
15 Reform Board of Trustees determines that a local school council  
16 is not carrying out its financial duties effectively, the chief  
17 executive officer is authorized to appoint a representative of  
18 the business community with experience in finance and  
19 management to serve as an advisor to the local school council  
20 for the purpose of providing advice and assistance to the local  
21 school council on fiscal matters. The advisor shall have access  
22 to relevant financial records of the local school council. The  
23 advisor may attend executive sessions. The chief executive  
24 officer shall issue a written policy defining the circumstances  
25 under which a local school council is not carrying out its  
26 financial duties effectively.

1           (b) Within 7 days of January 11, 1991, the Mayor shall  
2           appoint the members and officers (a Chairperson who shall be a  
3           parent member and a Secretary) of each local school council who  
4           shall hold their offices until their successors shall be  
5           elected and qualified. Members so appointed shall have all the  
6           powers and duties of local school councils as set forth in this  
7           amendatory Act of 1991. The Mayor's appointments shall not  
8           require approval by the City Council.

9           The membership of each local school council shall be  
10          encouraged to be reflective of the racial and ethnic  
11          composition of the student population of the attendance center  
12          served by the local school council.

13          (c) Beginning with the 1995-1996 school year and in every  
14          even-numbered year thereafter, the Board shall set second  
15          semester Parent Report Card Pick-up Day for Local School  
16          Council elections and may schedule elections at year-round  
17          schools for the same dates as the remainder of the school  
18          system. Elections shall be conducted as provided herein by the  
19          Board of Education in consultation with the local school  
20          council at each attendance center.

21          (d) Beginning with the 1995-96 school year, the following  
22          procedures shall apply to the election of local school council  
23          members at each attendance center:

24                 (i) The elected members of each local school council  
25                 shall consist of the 6 parent members and the 2 community  
26                 resident members.

1           (ii) Each elected member shall be elected by the  
2 eligible voters of that attendance center to serve for a  
3 two-year term commencing on July 1 immediately following  
4 the election described in subsection (c). Eligible voters  
5 for each attendance center shall consist of the parents and  
6 community residents for that attendance center.

7           (iii) Each eligible voter shall be entitled to cast one  
8 vote for up to a total of 5 candidates, irrespective of  
9 whether such candidates are parent or community resident  
10 candidates.

11           (iv) Each parent voter shall be entitled to vote in the  
12 local school council election at each attendance center in  
13 which he or she has a child currently enrolled. Each  
14 community resident voter shall be entitled to vote in the  
15 local school council election at each attendance center for  
16 which he or she resides in the applicable attendance area  
17 or voting district, as the case may be.

18           (v) Each eligible voter shall be entitled to vote once,  
19 but not more than once, in the local school council  
20 election at each attendance center at which the voter is  
21 eligible to vote.

22           (vi) The 2 teacher members of each local school council  
23 shall be appointed as provided in subsection (1) below each  
24 to serve for a two-year term coinciding with that of the  
25 elected parent and community resident members.

26           (vii) At secondary attendance centers, the voting

1 student member shall be appointed as provided in subsection  
2 (m) below to serve for a one-year term coinciding with the  
3 beginning of the terms of the elected parent and community  
4 members of the local school council.

5 (e) The Council shall publicize the date and place of the  
6 election by posting notices at the attendance center, in public  
7 places within the attendance boundaries of the attendance  
8 center and by distributing notices to the pupils at the  
9 attendance center, and shall utilize such other means as it  
10 deems necessary to maximize the involvement of all eligible  
11 voters.

12 (f) Nomination. The Council shall publicize the opening of  
13 nominations by posting notices at the attendance center, in  
14 public places within the attendance boundaries of the  
15 attendance center and by distributing notices to the pupils at  
16 the attendance center, and shall utilize such other means as it  
17 deems necessary to maximize the involvement of all eligible  
18 voters. Not less than 2 weeks before the election date, persons  
19 eligible to run for the Council shall submit their name, date  
20 of birth, social security number, if available, and some  
21 evidence of eligibility to the Council. The Council shall  
22 encourage nomination of candidates reflecting the  
23 racial/ethnic population of the students at the attendance  
24 center. Each person nominated who runs as a candidate shall  
25 disclose, in a manner determined by the Board, any economic  
26 interest held by such person, by such person's spouse or

1 children, or by each business entity in which such person has  
2 an ownership interest, in any contract with the Board, any  
3 local school council or any public school in the school  
4 district. Each person nominated who runs as a candidate shall  
5 also disclose, in a manner determined by the Board, if he or  
6 she ever has been convicted of any of the offenses specified in  
7 subsection (c) of Section 34-18.5; provided that neither this  
8 provision nor any other provision of this Section shall be  
9 deemed to require the disclosure of any information that is  
10 contained in any law enforcement record or juvenile court  
11 record that is confidential or whose accessibility or  
12 disclosure is restricted or prohibited under Section 5-901 or  
13 5-905 of the Juvenile Court Act of 1987. Failure to make such  
14 disclosure shall render a person ineligible for election or to  
15 serve on the local school council. The same disclosure shall be  
16 required of persons under consideration for appointment to the  
17 Council pursuant to subsections (l) and (m) of this Section.

18 (f-5) Notwithstanding disclosure, a person who has been  
19 convicted of any of the following offenses at any time shall be  
20 ineligible for election or appointment to a local school  
21 council and ineligible for appointment to a local school  
22 council pursuant to subsections (l) and (m) of this Section:  
23 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,  
24 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,  
25 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,  
26 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of

1 Section 11-14.3, of the Criminal Code of 1961 or (ii) any  
2 offense committed or attempted in any other state or against  
3 the laws of the United States, which, if committed or attempted  
4 in this State, would have been punishable as one or more of the  
5 foregoing offenses. Notwithstanding disclosure, a person who  
6 has been convicted of any of the following offenses within the  
7 10 years previous to the date of nomination or appointment  
8 shall be ineligible for election or appointment to a local  
9 school council: (i) those defined in Section 401.1, 405.1, or  
10 405.2 of the Illinois Controlled Substances Act or (ii) any  
11 offense committed or attempted in any other state or against  
12 the laws of the United States, which, if committed or attempted  
13 in this State, would have been punishable as one or more of the  
14 foregoing offenses.

15 Immediately upon election or appointment, incoming local  
16 school council members shall be required to undergo a criminal  
17 background investigation, to be completed prior to the member  
18 taking office, in order to identify any criminal convictions  
19 under the offenses enumerated in Section 34-18.5. The  
20 investigation shall be conducted by the Department of State  
21 Police in the same manner as provided for in Section 34-18.5.  
22 However, notwithstanding Section 34-18.5, the social security  
23 number shall be provided only if available. If it is determined  
24 at any time that a local school council member or member-elect  
25 has been convicted of any of the offenses enumerated in this  
26 Section or failed to disclose a conviction of any of the

1 offenses enumerated in Section 34-18.5, the general  
2 superintendent shall notify the local school council member or  
3 member-elect of such determination and the local school council  
4 member or member-elect shall be removed from the local school  
5 council by the Board, subject to a hearing, convened pursuant  
6 to Board rule, prior to removal.

7 (g) At least one week before the election date, the Council  
8 shall publicize, in the manner provided in subsection (e), the  
9 names of persons nominated for election.

10 (h) Voting shall be in person by secret ballot at the  
11 attendance center between the hours of 6:00 a.m. and 7:00 p.m.

12 (i) Candidates receiving the highest number of votes shall  
13 be declared elected by the Council. In cases of a tie, the  
14 Council shall determine the winner by lot.

15 (j) The Council shall certify the results of the election  
16 and shall publish the results in the minutes of the Council.

17 (k) The general superintendent shall resolve any disputes  
18 concerning election procedure or results and shall ensure that,  
19 except as provided in subsections (e) and (g), no resources of  
20 any attendance center shall be used to endorse or promote any  
21 candidate.

22 (l) Beginning with the 1995-1996 school year and in every  
23 even numbered year thereafter, the Board shall appoint 2  
24 teacher members to each local school council. These  
25 appointments shall be made in the following manner:

26 (i) The Board shall appoint 2 teachers who are employed



1 and assigned to perform the majority of their employment  
2 duties at the attendance center to serve on the local  
3 school council of the attendance center for a two-year term  
4 coinciding with the terms of the elected parent and  
5 community members of that local school council. These  
6 appointments shall be made from among those teachers who  
7 are nominated in accordance with subsection (f).

8 (ii) A non-binding, advisory poll to ascertain the  
9 preferences of the school staff regarding appointments of  
10 teachers to the local school council for that attendance  
11 center shall be conducted in accordance with the procedures  
12 used to elect parent and community Council  
13 representatives. At such poll, each member of the school  
14 staff shall be entitled to indicate his or her preference  
15 for up to 2 candidates from among those who submitted  
16 statements of candidacy as described above. These  
17 preferences shall be advisory only and the Board shall  
18 maintain absolute discretion to appoint teacher members to  
19 local school councils, irrespective of the preferences  
20 expressed in any such poll.

21 (iii) In the event that a teacher representative is  
22 unable to perform his or her employment duties at the  
23 school due to illness, disability, leave of absence,  
24 disciplinary action, or any other reason, the Board shall  
25 declare a temporary vacancy and appoint a replacement  
26 teacher representative to serve on the local school council

1           until such time as the teacher member originally appointed  
2           pursuant to this subsection (l) resumes service at the  
3           attendance center or for the remainder of the term. The  
4           replacement teacher representative shall be appointed in  
5           the same manner and by the same procedures as teacher  
6           representatives are appointed in subdivisions (i) and (ii)  
7           of this subsection (l).

8           (m) Beginning with the 1995-1996 school year, and in every  
9           year thereafter, the Board shall appoint one student member to  
10          each secondary attendance center. These appointments shall be  
11          made in the following manner:

12           (i) Appointments shall be made from among those  
13           students who submit statements of candidacy to the  
14           principal of the attendance center, such statements to be  
15           submitted commencing on the first day of the twentieth week  
16           of school and continuing for 2 weeks thereafter. The form  
17           and manner of such candidacy statements shall be determined  
18           by the Board.

19           (ii) During the twenty-second week of school in every  
20           year, the principal of each attendance center shall conduct  
21           a non-binding, advisory poll to ascertain the preferences  
22           of the school students regarding the appointment of a  
23           student to the local school council for that attendance  
24           center. At such poll, each student shall be entitled to  
25           indicate his or her preference for up to one candidate from  
26           among those who submitted statements of candidacy as

1 described above. The Board shall promulgate rules to ensure  
2 that these non-binding, advisory polls are conducted in a  
3 fair and equitable manner and maximize the involvement of  
4 all school students. The preferences expressed in these  
5 non-binding, advisory polls shall be transmitted by the  
6 principal to the Board. However, these preferences shall be  
7 advisory only and the Board shall maintain absolute  
8 discretion to appoint student members to local school  
9 councils, irrespective of the preferences expressed in any  
10 such poll.

11 (iii) For the 1995-96 school year only, appointments  
12 shall be made from among those students who submitted  
13 statements of candidacy to the principal of the attendance  
14 center during the first 2 weeks of the school year. The  
15 principal shall communicate the results of any nonbinding,  
16 advisory poll to the Board. These results shall be advisory  
17 only, and the Board shall maintain absolute discretion to  
18 appoint student members to local school councils,  
19 irrespective of the preferences expressed in any such poll.

20 (n) The Board may promulgate such other rules and  
21 regulations for election procedures as may be deemed necessary  
22 to ensure fair elections.

23 (o) In the event that a vacancy occurs during a member's  
24 term, the Council shall appoint a person eligible to serve on  
25 the Council, to fill the unexpired term created by the vacancy,  
26 except that any teacher vacancy shall be filled by the Board

1 after considering the preferences of the school staff as  
2 ascertained through a non-binding advisory poll of school  
3 staff.

4 (p) If less than the specified number of persons is elected  
5 within each candidate category, the newly elected local school  
6 council shall appoint eligible persons to serve as members of  
7 the Council for two-year terms.

8 (q) The Board shall promulgate rules regarding conflicts of  
9 interest and disclosure of economic interests which shall apply  
10 to local school council members and which shall require reports  
11 or statements to be filed by Council members at regular  
12 intervals with the Secretary of the Board. Failure to comply  
13 with such rules or intentionally falsifying such reports shall  
14 be grounds for disqualification from local school council  
15 membership. A vacancy on the Council for disqualification may  
16 be so declared by the Secretary of the Board. Rules regarding  
17 conflicts of interest and disclosure of economic interests  
18 promulgated by the Board shall apply to local school council  
19 members. No less than 45 days prior to the deadline, the  
20 general superintendent shall provide notice, by mail, to each  
21 local school council member of all requirements and forms for  
22 compliance with economic interest statements.

23 (r) (1) If a parent member of a local school council ceases  
24 to have any child enrolled in the attendance center governed by  
25 the Local School Council due to the graduation or voluntary  
26 transfer of a child or children from the attendance center, the

1 parent's membership on the Local School Council and all voting  
2 rights are terminated immediately as of the date of the child's  
3 graduation or voluntary transfer. If the child of a parent  
4 member of a local school council dies during the member's term  
5 in office, the member may continue to serve on the local school  
6 council for the balance of his or her term. Further, a local  
7 school council member may be removed from the Council by a  
8 majority vote of the Council as provided in subsection (c) of  
9 Section 34-2.2 if the Council member has missed 3 consecutive  
10 regular meetings, not including committee meetings, or 5  
11 regular meetings in a 12 month period, not including committee  
12 meetings. If a parent member of a local school council ceases  
13 to be eligible to serve on the Council for any other reason, he  
14 or she shall be removed by the Board subject to a hearing,  
15 convened pursuant to Board rule, prior to removal. A vote to  
16 remove a Council member by the local school council shall only  
17 be valid if the Council member has been notified personally or  
18 by certified mail, mailed to the person's last known address,  
19 of the Council's intent to vote on the Council member's removal  
20 at least 7 days prior to the vote. The Council member in  
21 question shall have the right to explain his or her actions and  
22 shall be eligible to vote on the question of his or her removal  
23 from the Council. The provisions of this subsection shall be  
24 contained within the petitions used to nominate Council  
25 candidates.

26 (2) A person may continue to serve as a community resident

1 member of a local school council as long as he or she resides  
2 in the attendance area served by the school and is not employed  
3 by the Board nor is a parent of a student enrolled at the  
4 school. If a community resident member ceases to be eligible to  
5 serve on the Council, he or she shall be removed by the Board  
6 subject to a hearing, convened pursuant to Board rule, prior to  
7 removal.

8 (3) A person may continue to serve as a teacher member of a  
9 local school council as long as he or she is employed and  
10 assigned to perform a majority of his or her duties at the  
11 school, provided that if the teacher representative resigns  
12 from employment with the Board or voluntarily transfers to  
13 another school, the teacher's membership on the local school  
14 council and all voting rights are terminated immediately as of  
15 the date of the teacher's resignation or upon the date of the  
16 teacher's voluntary transfer to another school. If a teacher  
17 member of a local school council ceases to be eligible to serve  
18 on a local school council for any other reason, that member  
19 shall be removed by the Board subject to a hearing, convened  
20 pursuant to Board rule, prior to removal.

21 (Source: P.A. 95-1015, eff. 12-15-08.)

22 (105 ILCS 5/34-84b) (from Ch. 122, par. 34-84b)

23 Sec. 34-84b. Conviction of sex or narcotics offense, first  
24 degree murder, attempted first degree murder, or Class X felony  
25 as grounds for revocation of certificate.

1           (a) Whenever the holder of any certificate issued by the  
2 board of education has been convicted of any sex offense or  
3 narcotics offense as defined in this Section, the board of  
4 education shall forthwith suspend the certificate. If the  
5 conviction is reversed and the holder is acquitted of the  
6 offense in a new trial or the charges against him are  
7 dismissed, the board shall forthwith terminate the suspension  
8 of the certificate. When the conviction becomes final, the  
9 board shall forthwith revoke the certificate. "Sex offense" as  
10 used in this Section means any one or more of the following  
11 offenses: (1) any offense defined in Sections 11-6, ~~and~~ 11-9,  
12 and 11-30, ~~and~~ Sections 11-14 through 11-21, inclusive, and  
13 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,  
14 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961;  
15 (2) any attempt to commit any of the foregoing offenses, and  
16 (3) any offense committed or attempted in any other state  
17 which, if committed or attempted in this State, would have been  
18 punishable as one or more of the foregoing offenses. "Narcotics  
19 offense" as used in this Section means any one or more of the  
20 following offenses: (1) any offense defined in the Cannabis  
21 Control Act except those defined in Sections 4(a), 4(b) and  
22 5(a) of that Act and any offense for which the holder of any  
23 certificate is placed on probation under the provisions of  
24 Section 10 of that Act and fulfills the terms and conditions of  
25 probation as may be required by the court; (2) any offense  
26 defined in the Illinois Controlled Substances Act except any

1 offense for which the holder of any certificate is placed on  
2 probation under the provisions of Section 410 of that Act and  
3 fulfills the terms and conditions of probation as may be  
4 required by the court; (3) any offense defined in the  
5 Methamphetamine Control and Community Protection Act except  
6 any offense for which the holder of any certificate is placed  
7 on probation under the provision of Section 70 of that Act and  
8 fulfills the terms and conditions of probation as may be  
9 required by the court; (4) any attempt to commit any of the  
10 foregoing offenses; and (5) any offense committed or attempted  
11 in any other state or against the laws of the United States  
12 which, if committed or attempted in this State, would have been  
13 punishable as one or more of the foregoing offenses.

14 (b) Whenever the holder of any certificate issued by the  
15 board of education or pursuant to Article 21 or any other  
16 provisions of the School Code has been convicted of first  
17 degree murder, attempted first degree murder, or a Class X  
18 felony, the board of education or the State Superintendent of  
19 Education shall forthwith suspend the certificate. If the  
20 conviction is reversed and the holder is acquitted of that  
21 offense in a new trial or the charges that he or she committed  
22 that offense are dismissed, the suspending authority shall  
23 forthwith terminate the suspension of the certificate. When the  
24 conviction becomes final, the State Superintendent of  
25 Education shall forthwith revoke the certificate. The stated  
26 offenses of "first degree murder", "attempted first degree



1 murder", and "Class X felony" referred to in this Section  
2 include any offense committed in another state that, if  
3 committed in this State, would have been punishable as any one  
4 of the stated offenses.

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

6 Section 970. The Medical School Matriculant Criminal  
7 History Records Check Act is amended by changing Section 5 as  
8 follows:

9 (110 ILCS 57/5)

10 Sec. 5. Definitions.

11 "Matriculant" means an individual who is conditionally  
12 admitted as a student to a medical school located in Illinois,  
13 pending the medical school's consideration of his or her  
14 criminal history records check under this Act.

15 "Sex offender" means any person who is convicted pursuant  
16 to Illinois law or any substantially similar federal, Uniform  
17 Code of Military Justice, sister state, or foreign country law  
18 with any of the following sex offenses set forth in the  
19 Criminal Code of 1961:

20 (1) Indecent solicitation of a child.

21 (2) Sexual exploitation of a child.

22 (3) Custodial sexual misconduct.

23 (4) Exploitation of a child.

24 (5) Child pornography.

1           (6) Aggravated child pornography.

2           "Violent felony" means any of the following offenses, as  
3 defined by the Criminal Code of 1961:

4           (1) First degree murder.

5           (2) Second degree murder.

6           (3) Predatory criminal sexual assault of a child.

7           (4) Aggravated criminal sexual assault.

8           (5) Criminal sexual assault.

9           (6) Aggravated arson.

10          (7) Aggravated kidnapping.

11          (8) Kidnapping.

12          (9) Aggravated battery resulting in great bodily harm  
13 or permanent disability or disfigurement.

14          (Source: P.A. 94-709, eff. 12-5-05.)

15          Section 975. The Illinois Insurance Code is amended by  
16 changing Sections 356e and 367 as follows:

17           (215 ILCS 5/356e) (from Ch. 73, par. 968e)

18           Sec. 356e. Victims of certain offenses.

19           (1) No policy of accident and health insurance, which  
20 provides benefits for hospital or medical expenses based upon  
21 the actual expenses incurred, delivered or issued for delivery  
22 to any person in this State shall contain any specific  
23 exception to coverage which would preclude the payment under  
24 that policy of actual expenses incurred in the examination and

1 testing of a victim of an offense defined in Sections 11-1.20  
2 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of  
3 1961, as now or hereafter amended, or an attempt to commit such  
4 offense to establish that sexual contact did occur or did not  
5 occur, and to establish the presence or absence of sexually  
6 transmitted disease or infection, and examination and  
7 treatment of injuries and trauma sustained by a victim of such  
8 offense arising out of the offense. Every policy of accident  
9 and health insurance which specifically provides benefits for  
10 routine physical examinations shall provide full coverage for  
11 expenses incurred in the examination and testing of a victim of  
12 an offense defined in Sections 11-1.20 through 11-1.60 or 12-13  
13 through 12-16 of the Criminal Code of 1961, as now or hereafter  
14 amended, or an attempt to commit such offense as set forth in  
15 this Section. This Section shall not apply to a policy which  
16 covers hospital and medical expenses for specified illnesses or  
17 injuries only.

18 (2) For purposes of enabling the recovery of State funds,  
19 any insurance carrier subject to this Section shall upon  
20 reasonable demand by the Department of Public Health disclose  
21 the names and identities of its insureds entitled to benefits  
22 under this provision to the Department of Public Health  
23 whenever the Department of Public Health has determined that it  
24 has paid, or is about to pay, hospital or medical expenses for  
25 which an insurance carrier is liable under this Section. All  
26 information received by the Department of Public Health under

1 this provision shall be held on a confidential basis and shall  
2 not be subject to subpoena and shall not be made public by the  
3 Department of Public Health or used for any purpose other than  
4 that authorized by this Section.

5 (3) Whenever the Department of Public Health finds that it  
6 has paid all or part of any hospital or medical expenses which  
7 an insurance carrier is obligated to pay under this Section,  
8 the Department of Public Health shall be entitled to receive  
9 reimbursement for its payments from such insurance carrier  
10 provided that the Department of Public Health has notified the  
11 insurance carrier of its claims before the carrier has paid  
12 such benefits to its insureds or in behalf of its insureds.

13 (Source: P.A. 89-187, eff. 7-19-95.)

14 (215 ILCS 5/367) (from Ch. 73, par. 979)

15 Sec. 367. Group accident and health insurance.

16 (1) Group accident and health insurance is hereby declared  
17 to be that form of accident and health insurance covering not  
18 less than 2 employees, members, or employees of members,  
19 written under a master policy issued to any governmental  
20 corporation, unit, agency or department thereof, or to any  
21 corporation, copartnership, individual employer, or to any  
22 association upon application of an executive officer or trustee  
23 of such association having a constitution or bylaws and formed  
24 in good faith for purposes other than that of obtaining  
25 insurance, where officers, members, employees, employees of

1 members or classes or department thereof, may be insured for  
2 their individual benefit. In addition a group accident and  
3 health policy may be written to insure any group which may be  
4 insured under a group life insurance policy. The term  
5 "employees" shall include the officers, managers and employees  
6 of subsidiary or affiliated corporations, and the individual  
7 proprietors, partners and employees of affiliated individuals  
8 and firms, when the business of such subsidiary or affiliated  
9 corporations, firms or individuals, is controlled by a common  
10 employer through stock ownership, contract or otherwise.

11 (2) Any insurance company authorized to write accident and  
12 health insurance in this State shall have power to issue group  
13 accident and health policies. No policy of group accident and  
14 health insurance may be issued or delivered in this State  
15 unless a copy of the form thereof shall have been filed with  
16 the department and approved by it in accordance with Section  
17 355, and it contains in substance those provisions contained in  
18 Sections 357.1 through 357.30 as may be applicable to group  
19 accident and health insurance and the following provisions:

20 (a) A provision that the policy, the application of the  
21 employer, or executive officer or trustee of any  
22 association, and the individual applications, if any, of  
23 the employees, members or employees of members insured  
24 shall constitute the entire contract between the parties,  
25 and that all statements made by the employer, or the  
26 executive officer or trustee, or by the individual

1 employees, members or employees of members shall (in the  
2 absence of fraud) be deemed representations and not  
3 warranties, and that no such statement shall be used in  
4 defense to a claim under the policy, unless it is contained  
5 in a written application.

6 (b) A provision that the insurer will issue to the  
7 employer, or to the executive officer or trustee of the  
8 association, for delivery to the employee, member or  
9 employee of a member, who is insured under such policy, an  
10 individual certificate setting forth a statement as to the  
11 insurance protection to which he is entitled and to whom  
12 payable.

13 (c) A provision that to the group or class thereof  
14 originally insured shall be added from time to time all new  
15 employees of the employer, members of the association or  
16 employees of members eligible to and applying for insurance  
17 in such group or class.

18 (3) Anything in this code to the contrary notwithstanding,  
19 any group accident and health policy may provide that all or  
20 any portion of any indemnities provided by any such policy on  
21 account of hospital, nursing, medical or surgical services,  
22 may, at the insurer's option, be paid directly to the hospital  
23 or person rendering such services; but the policy may not  
24 require that the service be rendered by a particular hospital  
25 or person. Payment so made shall discharge the insurer's  
26 obligation with respect to the amount of insurance so paid.

1 Nothing in this subsection (3) shall prohibit an insurer from  
2 providing incentives for insureds to utilize the services of a  
3 particular hospital or person.

4 (4) Special group policies may be issued to school  
5 districts providing medical or hospital service, or both, for  
6 pupils of the district injured while participating in any  
7 athletic activity under the jurisdiction of or sponsored or  
8 controlled by the district or the authorities of any school  
9 thereof. The provisions of this Section governing the issuance  
10 of group accident and health insurance shall, insofar as  
11 applicable, control the issuance of such policies issued to  
12 schools.

13 (5) No policy of group accident and health insurance may be  
14 issued or delivered in this State unless it provides that upon  
15 the death of the insured employee or group member the  
16 dependents' coverage, if any, continues for a period of at  
17 least 90 days subject to any other policy provisions relating  
18 to termination of dependents' coverage.

19 (6) No group hospital policy covering miscellaneous  
20 hospital expenses issued or delivered in this State shall  
21 contain any exception or exclusion from coverage which would  
22 preclude the payment of expenses incurred for the processing  
23 and administration of blood and its components.

24 (7) No policy of group accident and health insurance,  
25 delivered in this State more than 120 days after the effective  
26 day of the Section, which provides inpatient hospital coverage

1 for sicknesses shall exclude from such coverage the treatment  
2 of alcoholism. This subsection shall not apply to a policy  
3 which covers only specified sicknesses.

4 (8) No policy of group accident and health insurance, which  
5 provides benefits for hospital or medical expenses based upon  
6 the actual expenses incurred, issued or delivered in this State  
7 shall contain any specific exception to coverage which would  
8 preclude the payment of actual expenses incurred in the  
9 examination and testing of a victim of an offense defined in  
10 Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the  
11 Criminal Code of 1961, or an attempt to commit such offense, to  
12 establish that sexual contact did occur or did not occur, and  
13 to establish the presence or absence of sexually transmitted  
14 disease or infection, and examination and treatment of injuries  
15 and trauma sustained by the victim of such offense, arising out  
16 of the offense. Every group policy of accident and health  
17 insurance which specifically provides benefits for routine  
18 physical examinations shall provide full coverage for expenses  
19 incurred in the examination and testing of a victim of an  
20 offense defined in Sections 11-1.20 through 11-1.60 or 12-13  
21 through 12-16 of the Criminal Code of 1961, or an attempt to  
22 commit such offense, as set forth in this Section. This  
23 subsection shall not apply to a policy which covers hospital  
24 and medical expenses for specified illnesses and injuries only.

25 (9) For purposes of enabling the recovery of State funds,  
26 any insurance carrier subject to this Section shall upon



1 reasonable demand by the Department of Public Health disclose  
2 the names and identities of its insureds entitled to benefits  
3 under this provision to the Department of Public Health  
4 whenever the Department of Public Health has determined that it  
5 has paid, or is about to pay, hospital or medical expenses for  
6 which an insurance carrier is liable under this Section. All  
7 information received by the Department of Public Health under  
8 this provision shall be held on a confidential basis and shall  
9 not be subject to subpoena and shall not be made public by the  
10 Department of Public Health or used for any purpose other than  
11 that authorized by this Section.

12 (10) Whenever the Department of Public Health finds that it  
13 has paid all or part of any hospital or medical expenses which  
14 an insurance carrier is obligated to pay under this Section,  
15 the Department of Public Health shall be entitled to receive  
16 reimbursement for its payments from such insurance carrier  
17 provided that the Department of Public Health has notified the  
18 insurance carrier of its claim before the carrier has paid the  
19 benefits to its insureds or the insureds' assignees.

20 (11) (a) No group hospital, medical or surgical expense  
21 policy shall contain any provision whereby benefits  
22 otherwise payable thereunder are subject to reduction  
23 solely on account of the existence of similar benefits  
24 provided under other group or group-type accident and  
25 sickness insurance policies where such reduction would  
26 operate to reduce total benefits payable under these

1 policies below an amount equal to 100% of total allowable  
2 expenses provided under these policies.

3 (b) When dependents of insureds are covered under 2  
4 policies, both of which contain coordination of benefits  
5 provisions, benefits of the policy of the insured whose  
6 birthday falls earlier in the year are determined before  
7 those of the policy of the insured whose birthday falls  
8 later in the year. Birthday, as used herein, refers only to  
9 the month and day in a calendar year, not the year in which  
10 the person was born. The Department of Insurance shall  
11 promulgate rules defining the order of benefit  
12 determination pursuant to this paragraph (b).

13 (12) Every group policy under this Section shall be subject  
14 to the provisions of Sections 356g and 356n of this Code.

15 (13) No accident and health insurer providing coverage for  
16 hospital or medical expenses on an expense incurred basis shall  
17 deny reimbursement for an otherwise covered expense incurred  
18 for any organ transplantation procedure solely on the basis  
19 that such procedure is deemed experimental or investigational  
20 unless supported by the determination of the Office of Health  
21 Care Technology Assessment within the Agency for Health Care  
22 Policy and Research within the federal Department of Health and  
23 Human Services that such procedure is either experimental or  
24 investigational or that there is insufficient data or  
25 experience to determine whether an organ transplantation  
26 procedure is clinically acceptable. If an accident and health

1 insurer has made written request, or had one made on its behalf  
2 by a national organization, for determination by the Office of  
3 Health Care Technology Assessment within the Agency for Health  
4 Care Policy and Research within the federal Department of  
5 Health and Human Services as to whether a specific organ  
6 transplantation procedure is clinically acceptable and said  
7 organization fails to respond to such a request within a period  
8 of 90 days, the failure to act may be deemed a determination  
9 that the procedure is deemed to be experimental or  
10 investigational.

11 (14) Whenever a claim for benefits by an insured under a  
12 dental prepayment program is denied or reduced, based on the  
13 review of x-ray films, such review must be performed by a  
14 dentist.

15 (Source: P.A. 91-549, eff. 8-14-99.)

16 Section 980. The Health Maintenance Organization Act is  
17 amended by changing Section 4-4 as follows:

18 (215 ILCS 125/4-4) (from Ch. 111 1/2, par. 1408.4)

19 Sec. 4-4. Sexual assault or abuse victims; coverage of  
20 expenses; recovery of State funds; reimbursement of Department  
21 of Public Health.

22 (1) Contracts or evidences of coverage issued by a health  
23 maintenance organization, which provide benefits for health  
24 care services, shall to the full extent of coverage provided

1 for any other emergency or accident care, provide for the  
2 payment of actual expenses incurred, without offset or  
3 reduction for benefit deductibles or co-insurance amounts, in  
4 the examination and testing of a victim of an offense defined  
5 in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of  
6 the Criminal Code of 1961, as now or hereafter amended, or an  
7 attempt to commit such offense, to establish that sexual  
8 contact did occur or did not occur, and to establish the  
9 presence or absence of sexually transmitted disease or  
10 infection, and examination and treatment of injuries and trauma  
11 sustained by a victim of such offense.

12 (2) For purposes of enabling the recovery of State funds,  
13 any health maintenance organization subject to this Section  
14 shall upon reasonable demand by the Department of Public Health  
15 disclose the names and identities of its enrollees entitled to  
16 benefits under this provision to the Department of Public  
17 Health whenever the Department of Public Health has determined  
18 that it has paid, or is about to pay for, health care services  
19 for which a health maintenance organization is liable under  
20 this Section. All information received by the Department of  
21 Public Health under this provision shall be held on a  
22 confidential basis and shall not be subject to subpoena and  
23 shall not be made public by the Department of Public Health or  
24 used for any purpose other than that authorized by this  
25 Section.

26 (3) Whenever the Department of Public Health finds that it

1 has paid for all or part of any health care services for which  
2 a health maintenance organization is obligated to pay under  
3 this Section, the Department of Public Health shall be entitled  
4 to receive reimbursement for its payments from such  
5 organization provided that the Department of Public Health has  
6 notified the organization of its claims before the organization  
7 has paid such benefits to its enrollees or in behalf of its  
8 enrollees.

9 (Source: P.A. 91-357, eff. 7-29-99.)

10 Section 985. The Voluntary Health Services Plans Act is  
11 amended by changing Section 15.8 as follows:

12 (215 ILCS 165/15.8) (from Ch. 32, par. 609.8)

13 Sec. 15.8. Sexual assault or abuse victims.

14 (1) Policies, contracts or subscription certificates  
15 issued by a health services plan corporation, which provide  
16 benefits for hospital or medical expenses based upon the actual  
17 expenses incurred, shall to the full extent of coverage  
18 provided for any other emergency or accident care, provide for  
19 the payment of actual expenses incurred, without offset or  
20 reduction for benefit deductibles or co-insurance amounts, in  
21 the examination and testing of a victim of an offense defined  
22 in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of  
23 the Criminal Code of 1961, as now or hereafter amended, or  
24 attempt to commit such offense, to establish that sexual

1 contact did occur or did not occur, and to establish the  
2 presence or absence of sexually transmitted disease or  
3 infection, and examination and treatment of injuries and trauma  
4 sustained by a victim of such offense.

5 (2) For purposes of enabling the recovery of State Funds,  
6 any health services plan corporation subject to this Section  
7 shall upon reasonable demand by the Department of Public Health  
8 disclose the names and identities of its insureds or  
9 subscribers entitled to benefits under this provision to the  
10 Department of Public Health whenever the Department of Public  
11 Health has determined that it has paid, or is about to pay,  
12 hospital or medical expenses for which a health care service  
13 corporation is liable under this Section. All information  
14 received by the Department of Public Health under this  
15 provision shall be held on a confidential basis and shall not  
16 be subject to subpoena and shall not be made public by the  
17 Department of Public Health or used for any purpose other than  
18 that authorized by this Section.

19 (3) Whenever the Department of Public Health finds that it  
20 has paid all or part of any hospital or medical expenses which  
21 a health services plan corporation is obligated to pay under  
22 this Section, the Department of Public Health shall be entitled  
23 to receive reimbursement for its payments from such corporation  
24 provided that the Department of Public Health has notified the  
25 corporation of its claims before the corporation has paid such  
26 benefits to its subscribers or in behalf of its subscribers.

1 (Source: P.A. 89-187, eff. 7-19-95.)

2 Section 990. The Child Care Act of 1969 is amended by  
3 changing Section 4.2 as follows:

4 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

5 Sec. 4.2. (a) No applicant may receive a license from the  
6 Department and no person may be employed by a licensed child  
7 care facility who refuses to authorize an investigation as  
8 required by Section 4.1.

9 (b) In addition to the other provisions of this Section, no  
10 applicant may receive a license from the Department and no  
11 person may be employed by a child care facility licensed by the  
12 Department who has been declared a sexually dangerous person  
13 under "An Act in relation to sexually dangerous persons, and  
14 providing for their commitment, detention and supervision",  
15 approved July 6, 1938, as amended, or convicted of committing  
16 or attempting to commit any of the following offenses  
17 stipulated under the Criminal Code of 1961:

18 (1) murder;

19 (1.1) solicitation of murder;

20 (1.2) solicitation of murder for hire;

21 (1.3) intentional homicide of an unborn child;

22 (1.4) voluntary manslaughter of an unborn child;

23 (1.5) involuntary manslaughter;

24 (1.6) reckless homicide;

- 1 (1.7) concealment of a homicidal death;
- 2 (1.8) involuntary manslaughter of an unborn child;
- 3 (1.9) reckless homicide of an unborn child;
- 4 (1.10) drug-induced homicide;
- 5 (2) a sex offense under Article 11, except offenses
- 6 described in Sections 11-7, 11-8, 11-12, ~~and 11-13~~, 11-35,
- 7 11-40, and 11-45;
- 8 (3) kidnapping;
- 9 (3.1) aggravated unlawful restraint;
- 10 (3.2) forcible detention;
- 11 (3.3) harboring a runaway;
- 12 (3.4) aiding and abetting child abduction;
- 13 (4) aggravated kidnapping;
- 14 (5) child abduction;
- 15 (6) aggravated battery of a child;
- 16 (7) criminal sexual assault;
- 17 (8) aggravated criminal sexual assault;
- 18 (8.1) predatory criminal sexual assault of a child;
- 19 (9) criminal sexual abuse;
- 20 (10) aggravated sexual abuse;
- 21 (11) heinous battery;
- 22 (12) aggravated battery with a firearm;
- 23 (13) tampering with food, drugs, or cosmetics;
- 24 (14) drug induced infliction of great bodily harm;
- 25 (15) hate crime;
- 26 (16) stalking;



- 1           (17) aggravated stalking;
- 2           (18) threatening public officials;
- 3           (19) home invasion;
- 4           (20) vehicular invasion;
- 5           (21) criminal transmission of HIV;
- 6           (22) criminal abuse or neglect of an elderly or  
7 disabled person;
- 8           (23) child abandonment;
- 9           (24) endangering the life or health of a child;
- 10          (25) ritual mutilation;
- 11          (26) ritualized abuse of a child;
- 12          (27) an offense in any other jurisdiction the elements  
13 of which are similar and bear a substantial relationship to  
14 any of the foregoing offenses.

15          (b-1) In addition to the other provisions of this Section,  
16 beginning January 1, 2004, no new applicant and, on the date of  
17 licensure renewal, no current licensee may operate or receive a  
18 license from the Department to operate, no person may be  
19 employed by, and no adult person may reside in a child care  
20 facility licensed by the Department who has been convicted of  
21 committing or attempting to commit any of the following  
22 offenses or an offense in any other jurisdiction the elements  
23 of which are similar and bear a substantial relationship to any  
24 of the following offenses:

25

(I) BODILY HARM

- 1 (1) Felony aggravated assault.
- 2 (2) Vehicular endangerment.
- 3 (3) Felony domestic battery.
- 4 (4) Aggravated battery.
- 5 (5) Heinous battery.
- 6 (6) Aggravated battery with a firearm.
- 7 (7) Aggravated battery of an unborn child.
- 8 (8) Aggravated battery of a senior citizen.
- 9 (9) Intimidation.
- 10 (10) Compelling organization membership of persons.
- 11 (11) Abuse and gross neglect of a long term care
- 12 facility resident.
- 13 (12) Felony violation of an order of protection.

14 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 15 (1) Felony unlawful use of weapons.
- 16 (2) Aggravated discharge of a firearm.
- 17 (3) Reckless discharge of a firearm.
- 18 (4) Unlawful use of metal piercing bullets.
- 19 (5) Unlawful sale or delivery of firearms on the
- 20 premises of any school.
- 21 (6) Disarming a police officer.
- 22 (7) Obstructing justice.
- 23 (8) Concealing or aiding a fugitive.

1 (9) Armed violence.

2 (10) Felony contributing to the criminal delinquency  
3 of a juvenile.

4 (III) DRUG OFFENSES

5 (1) Possession of more than 30 grams of cannabis.

6 (2) Manufacture of more than 10 grams of cannabis.

7 (3) Cannabis trafficking.

8 (4) Delivery of cannabis on school grounds.

9 (5) Unauthorized production of more than 5 cannabis  
10 sativa plants.

11 (6) Calculated criminal cannabis conspiracy.

12 (7) Unauthorized manufacture or delivery of controlled  
13 substances.

14 (8) Controlled substance trafficking.

15 (9) Manufacture, distribution, or advertisement of  
16 look-alike substances.

17 (10) Calculated criminal drug conspiracy.

18 (11) Street gang criminal drug conspiracy.

19 (12) Permitting unlawful use of a building.

20 (13) Delivery of controlled, counterfeit, or  
21 look-alike substances to persons under age 18, or at truck  
22 stops, rest stops, or safety rest areas, or on school  
23 property.

24 (14) Using, engaging, or employing persons under 18 to

1 deliver controlled, counterfeit, or look-alike substances.

2 (15) Delivery of controlled substances.

3 (16) Sale or delivery of drug paraphernalia.

4 (17) Felony possession, sale, or exchange of  
5 instruments adapted for use of a controlled substance,  
6 methamphetamine, or cannabis by subcutaneous injection.

7 (18) Felony possession of a controlled substance.

8 (19) Any violation of the Methamphetamine Control and  
9 Community Protection Act.

10 (b-2) For child care facilities other than foster family  
11 homes, the Department may issue a new child care facility  
12 license to or renew the existing child care facility license of  
13 an applicant, a person employed by a child care facility, or an  
14 applicant who has an adult residing in a home child care  
15 facility who was convicted of an offense described in  
16 subsection (b-1), provided that all of the following  
17 requirements are met:

18 (1) The relevant criminal offense occurred more than 5  
19 years prior to the date of application or renewal, except  
20 for drug offenses. The relevant drug offense must have  
21 occurred more than 10 years prior to the date of  
22 application or renewal, unless the applicant passed a drug  
23 test, arranged and paid for by the child care facility, no  
24 less than 5 years after the offense.

25 (2) The Department must conduct a background check and  
26 assess all convictions and recommendations of the child

1 care facility to determine if waiver shall apply in  
2 accordance with Department administrative rules and  
3 procedures.

4 (3) The applicant meets all other requirements and  
5 qualifications to be licensed as the pertinent type of  
6 child care facility under this Act and the Department's  
7 administrative rules.

8 (c) In addition to the other provisions of this Section, no  
9 applicant may receive a license from the Department to operate  
10 a foster family home, and no adult person may reside in a  
11 foster family home licensed by the Department, who has been  
12 convicted of committing or attempting to commit any of the  
13 following offenses stipulated under the Criminal Code of 1961,  
14 the Cannabis Control Act, the Methamphetamine Control and  
15 Community Protection Act, and the Illinois Controlled  
16 Substances Act:

17 (I) OFFENSES DIRECTED AGAINST THE PERSON

18 (A) KIDNAPPING AND RELATED OFFENSES

19 (1) Unlawful restraint.

20 (B) BODILY HARM

21 (2) Felony aggravated assault.

22 (3) Vehicular endangerment.

23 (4) Felony domestic battery.

- 1 (5) Aggravated battery.
- 2 (6) Heinous battery.
- 3 (7) Aggravated battery with a firearm.
- 4 (8) Aggravated battery of an unborn child.
- 5 (9) Aggravated battery of a senior citizen.
- 6 (10) Intimidation.
- 7 (11) Compelling organization membership of persons.
- 8 (12) Abuse and gross neglect of a long term care
- 9 facility resident.
- 10 (13) Felony violation of an order of protection.

11 (II) OFFENSES DIRECTED AGAINST PROPERTY

- 12 (14) Felony theft.
- 13 (15) Robbery.
- 14 (16) Armed robbery.
- 15 (17) Aggravated robbery.
- 16 (18) Vehicular hijacking.
- 17 (19) Aggravated vehicular hijacking.
- 18 (20) Burglary.
- 19 (21) Possession of burglary tools.
- 20 (22) Residential burglary.
- 21 (23) Criminal fortification of a residence or
- 22 building.
- 23 (24) Arson.
- 24 (25) Aggravated arson.



1 (42) Calculated criminal cannabis conspiracy.

2 (43) Unauthorized manufacture or delivery of  
3 controlled substances.

4 (44) Controlled substance trafficking.

5 (45) Manufacture, distribution, or advertisement of  
6 look-alike substances.

7 (46) Calculated criminal drug conspiracy.

8 (46.5) Streetgang criminal drug conspiracy.

9 (47) Permitting unlawful use of a building.

10 (48) Delivery of controlled, counterfeit, or  
11 look-alike substances to persons under age 18, or at truck  
12 stops, rest stops, or safety rest areas, or on school  
13 property.

14 (49) Using, engaging, or employing persons under 18 to  
15 deliver controlled, counterfeit, or look-alike substances.

16 (50) Delivery of controlled substances.

17 (51) Sale or delivery of drug paraphernalia.

18 (52) Felony possession, sale, or exchange of  
19 instruments adapted for use of a controlled substance,  
20 methamphetamine, or cannabis by subcutaneous injection.

21 (53) Any violation of the Methamphetamine Control and  
22 Community Protection Act.

23 (d) Notwithstanding subsection (c), the Department may  
24 issue a new foster family home license or may renew an existing  
25 foster family home license of an applicant who was convicted of  
26 an offense described in subsection (c), provided all of the



1 following requirements are met:

2 (1) The relevant criminal offense or offenses occurred  
3 more than 10 years prior to the date of application or  
4 renewal.

5 (2) The applicant had previously disclosed the  
6 conviction or convictions to the Department for purposes of  
7 a background check.

8 (3) After the disclosure, the Department either placed  
9 a child in the home or the foster family home license was  
10 issued.

11 (4) During the background check, the Department had  
12 assessed and waived the conviction in compliance with the  
13 existing statutes and rules in effect at the time of the  
14 waiver.

15 (5) The applicant meets all other requirements and  
16 qualifications to be licensed as a foster family home under  
17 this Act and the Department's administrative rules.

18 (6) The applicant has a history of providing a safe,  
19 stable home environment and appears able to continue to  
20 provide a safe, stable home environment.

21 (Source: P.A. 93-151, eff. 7-10-03; 94-556, eff. 9-11-05.)

22 Section 995. The Health Care Worker Background Check Act is  
23 amended by changing Section 25 as follows:

24 (225 ILCS 46/25)

1           Sec. 25. Persons ineligible to be hired by health care  
2 employers and long-term care facilities.

3           (a) In the discretion of the Director of Public Health, as  
4 soon after January 1, 1996, January 1, 1997, January 1, 2006,  
5 or October 1, 2007, as applicable, and as is reasonably  
6 practical, no health care employer shall knowingly hire,  
7 employ, or retain any individual in a position with duties  
8 involving direct care for clients, patients, or residents, and  
9 no long-term care facility shall knowingly hire, employ, or  
10 retain any individual in a position with duties that involve or  
11 may involve contact with residents or access to the living  
12 quarters or the financial, medical, or personal records of  
13 residents, who has been convicted of committing or attempting  
14 to commit one or more of the following offenses: those defined  
15 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,  
16 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,  
17 10-5, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,  
18 11-9.1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,  
19 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
20 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13, 12-14,  
21 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32, 12-33,  
22 16-1, 16-1.3, 16A-3, 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1,  
23 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2, or  
24 subdivision (a)(4) of Section 11-14.4, of the Criminal Code of  
25 1961; those provided in Section 4 of the Wrongs to Children  
26 Act; those provided in Section 53 of the Criminal Jurisprudence

1 Act; those defined in Section 5, 5.1, 5.2, 7, or 9 of the  
2 Cannabis Control Act; those defined in the Methamphetamine  
3 Control and Community Protection Act; or those defined in  
4 Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the  
5 Illinois Controlled Substances Act, unless the applicant or  
6 employee obtains a waiver pursuant to Section 40.

7 (a-1) In the discretion of the Director of Public Health,  
8 as soon after January 1, 2004 or October 1, 2007, as  
9 applicable, and as is reasonably practical, no health care  
10 employer shall knowingly hire any individual in a position with  
11 duties involving direct care for clients, patients, or  
12 residents, and no long-term care facility shall knowingly hire  
13 any individual in a position with duties that involve or may  
14 involve contact with residents or access to the living quarters  
15 or the financial, medical, or personal records of residents,  
16 who has (i) been convicted of committing or attempting to  
17 commit one or more of the offenses defined in Section 12-3.3,  
18 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1,  
19 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of  
20 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card  
21 and Debit Card Act; or Section 11-9.1A of the Criminal Code of  
22 1961 or Section 5.1 of the Wrongs to Children Act; or (ii)  
23 violated Section 50-50 of the Nurse Practice Act, unless the  
24 applicant or employee obtains a waiver pursuant to Section 40  
25 of this Act.

26 A health care employer is not required to retain an

1 individual in a position with duties involving direct care for  
2 clients, patients, or residents, and no long-term care facility  
3 is required to retain an individual in a position with duties  
4 that involve or may involve contact with residents or access to  
5 the living quarters or the financial, medical, or personal  
6 records of residents, who has been convicted of committing or  
7 attempting to commit one or more of the offenses enumerated in  
8 this subsection.

9 (b) A health care employer shall not hire, employ, or  
10 retain any individual in a position with duties involving  
11 direct care of clients, patients, or residents, and no  
12 long-term care facility shall knowingly hire, employ, or retain  
13 any individual in a position with duties that involve or may  
14 involve contact with residents or access to the living quarters  
15 or the financial, medical, or personal records of residents, if  
16 the health care employer becomes aware that the individual has  
17 been convicted in another state of committing or attempting to  
18 commit an offense that has the same or similar elements as an  
19 offense listed in subsection (a) or (a-1), as verified by court  
20 records, records from a state agency, or an FBI criminal  
21 history record check, unless the applicant or employee obtains  
22 a waiver pursuant to Section 40 of this Act. This shall not be  
23 construed to mean that a health care employer has an obligation  
24 to conduct a criminal history records check in other states in  
25 which an employee has resided.

26 (Source: P.A. 95-120, eff. 8-13-07; 95-639, eff. 10-5-07;

1 95-876, eff. 8-21-08; 96-710, eff. 1-1-10.)

2 Section 1000. The Liquor Control Act of 1934 is amended by  
3 changing Section 6-2 as follows:

4 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

5 Sec. 6-2. Issuance of licenses to certain persons  
6 prohibited.

7 (a) Except as otherwise provided in subsection (b) of this  
8 Section and in paragraph (1) of subsection (a) of Section 3-12,  
9 no license of any kind issued by the State Commission or any  
10 local commission shall be issued to:

11 (1) A person who is not a resident of any city, village  
12 or county in which the premises covered by the license are  
13 located; except in case of railroad or boat licenses.

14 (2) A person who is not of good character and  
15 reputation in the community in which he resides.

16 (3) A person who is not a citizen of the United States.

17 (4) A person who has been convicted of a felony under  
18 any Federal or State law, unless the Commission determines  
19 that such person has been sufficiently rehabilitated to  
20 warrant the public trust after considering matters set  
21 forth in such person's application and the Commission's  
22 investigation. The burden of proof of sufficient  
23 rehabilitation shall be on the applicant.

24 (5) A person who has been convicted of keeping a place

1       of prostitution or keeping a place of juvenile  
2       prostitution, promoting prostitution that involves keeping  
3       a place of prostitution, or promoting juvenile  
4       prostitution that involves keeping a place of juvenile  
5       prostitution ~~being the keeper or is keeping a house of ill~~  
6       ~~fame.~~

7           (6) A person who has been convicted of pandering or  
8       other crime or misdemeanor opposed to decency and morality.

9           (7) A person whose license issued under this Act has  
10       been revoked for cause.

11          (8) A person who at the time of application for renewal  
12       of any license issued hereunder would not be eligible for  
13       such license upon a first application.

14          (9) A copartnership, if any general partnership  
15       thereof, or any limited partnership thereof, owning more  
16       than 5% of the aggregate limited partner interest in such  
17       copartnership would not be eligible to receive a license  
18       hereunder for any reason other than residence within the  
19       political subdivision, unless residency is required by  
20       local ordinance.

21          (10) A corporation or limited liability company, if any  
22       member, officer, manager or director thereof, or any  
23       stockholder or stockholders owning in the aggregate more  
24       than 5% of the stock of such corporation, would not be  
25       eligible to receive a license hereunder for any reason  
26       other than citizenship and residence within the political

1 subdivision.

2 (10a) A corporation or limited liability company  
3 unless it is incorporated or organized in Illinois, or  
4 unless it is a foreign corporation or foreign limited  
5 liability company which is qualified under the Business  
6 Corporation Act of 1983 or the Limited Liability Company  
7 Act to transact business in Illinois. The Commission shall  
8 permit and accept from an applicant for a license under  
9 this Act proof prepared from the Secretary of State's  
10 website that the corporation or limited liability company  
11 is in good standing and is qualified under the Business  
12 Corporation Act of 1983 or the Limited Liability Company  
13 Act to transact business in Illinois.

14 (11) A person whose place of business is conducted by a  
15 manager or agent unless the manager or agent possesses the  
16 same qualifications required by the licensee.

17 (12) A person who has been convicted of a violation of  
18 any Federal or State law concerning the manufacture,  
19 possession or sale of alcoholic liquor, subsequent to the  
20 passage of this Act or has forfeited his bond to appear in  
21 court to answer charges for any such violation.

22 (13) A person who does not beneficially own the  
23 premises for which a license is sought, or does not have a  
24 lease thereon for the full period for which the license is  
25 to be issued.

26 (14) Any law enforcing public official, including

1 members of local liquor control commissions, any mayor,  
2 alderman, or member of the city council or commission, any  
3 president of the village board of trustees, any member of a  
4 village board of trustees, or any president or member of a  
5 county board; and no such official shall have a direct  
6 interest in the manufacture, sale, or distribution of  
7 alcoholic liquor, except that a license may be granted to  
8 such official in relation to premises that are not located  
9 within the territory subject to the jurisdiction of that  
10 official if the issuance of such license is approved by the  
11 State Liquor Control Commission and except that a license  
12 may be granted, in a city or village with a population of  
13 50,000 or less, to any alderman, member of a city council,  
14 or member of a village board of trustees in relation to  
15 premises that are located within the territory subject to  
16 the jurisdiction of that official if (i) the sale of  
17 alcoholic liquor pursuant to the license is incidental to  
18 the selling of food, (ii) the issuance of the license is  
19 approved by the State Commission, (iii) the issuance of the  
20 license is in accordance with all applicable local  
21 ordinances in effect where the premises are located, and  
22 (iv) the official granted a license does not vote on  
23 alcoholic liquor issues pending before the board or council  
24 to which the license holder is elected. Notwithstanding any  
25 provision of this paragraph (14) to the contrary, an  
26 alderman or member of a city council or commission, a



1 member of a village board of trustees other than the  
2 president of the village board of trustees, or a member of  
3 a county board other than the president of a county board  
4 may have a direct interest in the manufacture, sale, or  
5 distribution of alcoholic liquor as long as he or she is  
6 not a law enforcing public official, a mayor, a village  
7 board president, or president of a county board. To prevent  
8 any conflict of interest, the elected official with the  
9 direct interest in the manufacture, sale, or distribution  
10 of alcoholic liquor cannot participate in any meetings,  
11 hearings, or decisions on matters impacting the  
12 manufacture, sale, or distribution of alcoholic liquor.

13 (15) A person who is not a beneficial owner of the  
14 business to be operated by the licensee.

15 (16) A person who has been convicted of a gambling  
16 offense as proscribed by any of subsections (a) (3) through  
17 (a) (11) of Section 28-1 of, or as proscribed by Section  
18 28-1.1 or 28-3 of, the Criminal Code of 1961, or as  
19 proscribed by a statute replaced by any of the aforesaid  
20 statutory provisions.

21 (17) A person or entity to whom a federal wagering  
22 stamp has been issued by the federal government, unless the  
23 person or entity is eligible to be issued a license under  
24 the Raffles Act or the Illinois Pull Tabs and Jar Games  
25 Act.

26 (18) A person who intends to sell alcoholic liquors for

1 use or consumption on his or her licensed retail premises  
2 who does not have liquor liability insurance coverage for  
3 that premises in an amount that is at least equal to the  
4 maximum liability amounts set out in subsection (a) of  
5 Section 6-21.

6 (b) A criminal conviction of a corporation is not grounds  
7 for the denial, suspension, or revocation of a license applied  
8 for or held by the corporation if the criminal conviction was  
9 not the result of a violation of any federal or State law  
10 concerning the manufacture, possession or sale of alcoholic  
11 liquor, the offense that led to the conviction did not result  
12 in any financial gain to the corporation and the corporation  
13 has terminated its relationship with each director, officer,  
14 employee, or controlling shareholder whose actions directly  
15 contributed to the conviction of the corporation. The  
16 Commission shall determine if all provisions of this subsection  
17 (b) have been met before any action on the corporation's  
18 license is initiated.

19 (Source: P.A. 94-5, eff. 6-3-05; 94-289, eff. 1-1-06; 94-381,  
20 eff. 7-29-05; 95-331, eff. 8-21-07.)

21 Section 1005. The Illinois Public Aid Code is amended by  
22 changing Section 4-1.7 as follows:

23 (305 ILCS 5/4-1.7) (from Ch. 23, par. 4-1.7)

24 Sec. 4-1.7. Enforcement of Parental Child Support

1 Obligation. If the parent or parents of the child are failing  
2 to meet or are delinquent in their legal obligation to support  
3 the child, the parent or other person having custody of the  
4 child or the Department of Healthcare and Family Services may  
5 request the law enforcement officer authorized or directed by  
6 law to so act to file action for the enforcement of such  
7 remedies as the law provides for the fulfillment of the child  
8 support obligation.

9 If a parent has a judicial remedy against the other parent  
10 to compel child support, or if, as the result of an action  
11 initiated by or in behalf of one parent against the other, a  
12 child support order has been entered in respect to which there  
13 is noncompliance or delinquency, or where the order so entered  
14 may be changed upon petition to the court to provide additional  
15 support, the parent or other person having custody of the child  
16 or the Department of Healthcare and Family Services may request  
17 the appropriate law enforcement officer to seek enforcement of  
18 the remedy, or of the support order, or a change therein to  
19 provide additional support. If the law enforcement officer is  
20 not authorized by law to so act in these instances, the parent,  
21 or if so authorized by law the other person having custody of  
22 the child, or the Department of Healthcare and Family Services  
23 may initiate an action to enforce these remedies.

24 A parent or other person having custody of the child must  
25 comply with the requirements of Title IV of the federal Social  
26 Security Act, and the regulations duly promulgated thereunder,

1 and any rules promulgated by the Illinois Department regarding  
2 enforcement of the child support obligation. The Department of  
3 Healthcare and Family Services and the Department of Human  
4 Services may provide by rule for the grant or continuation of  
5 aid to the person for a temporary period if he or she accepts  
6 counseling or other services designed to increase his or her  
7 motivation to seek enforcement of the child support obligation.

8 In addition to any other definition of failure or refusal  
9 to comply with the requirements of Title IV of the federal  
10 Social Security Act, or Illinois Department rule, in the case  
11 of failure to attend court hearings, the parent or other person  
12 can show cooperation by attending a court hearing or, if a  
13 court hearing cannot be scheduled within 14 days following the  
14 court hearing that was missed, by signing a statement that the  
15 parent or other person is now willing to cooperate in the child  
16 support enforcement process and will appear at any later  
17 scheduled court date. The parent or other person can show  
18 cooperation by signing such a statement only once. If failure  
19 to attend the court hearing or other failure to cooperate  
20 results in the case being dismissed, such a statement may be  
21 signed after 2 months.

22 No denial or termination of medical assistance pursuant to  
23 this Section shall commence during pregnancy of the parent or  
24 other person having custody of the child or for 30 days after  
25 the termination of such pregnancy. The termination of medical  
26 assistance may commence thereafter if the Department of

1 Healthcare and Family Services determines that the failure or  
2 refusal to comply with this Section persists. Postponement of  
3 denial or termination of medical assistance during pregnancy  
4 under this paragraph shall be effective only to the extent it  
5 does not conflict with federal law or regulation.

6 Any evidence a parent or other person having custody of the  
7 child gives in order to comply with the requirements of this  
8 Section shall not render him or her liable to prosecution under  
9 Section 11-35 or 11-40 ~~Sections 11-7 or 11-8~~ of the "Criminal  
10 Code of 1961", approved July 28, 1961, as amended.

11 When so requested, the Department of Healthcare and Family  
12 Services and the Department of Human Services shall provide  
13 such services and assistance as the law enforcement officer may  
14 require in connection with the filing of any action hereunder.

15 The Department of Healthcare and Family Services and the  
16 Department of Human Services, as an expense of administration,  
17 may also provide applicants for and recipients of aid with such  
18 services and assistance, including assumption of the  
19 reasonable costs of prosecuting any action or proceeding, as  
20 may be necessary to enable them to enforce the child support  
21 liability required hereunder.

22 Nothing in this Section shall be construed as a requirement  
23 that an applicant or recipient file an action for dissolution  
24 of marriage against his or her spouse.

25 (Source: P.A. 95-331, eff. 8-21-07.)

1 Section 1008. The Abused and Neglected Child Reporting Act  
2 is amended by changing Section 4.5 as follows:

3 (325 ILCS 5/4.5)

4 Sec. 4.5. Electronic and information technology workers;  
5 reporting child pornography.

6 (a) In this Section:

7 "Child pornography" means child pornography as described  
8 in Section 11-20.1 of the Criminal Code of 1961 or aggravated  
9 child pornography as described in Section 11-20.1B ~~11-20.3~~ of  
10 the Criminal Code of 1961.

11 "Electronic and information technology equipment" means  
12 equipment used in the creation, manipulation, storage,  
13 display, or transmission of data, including internet and  
14 intranet systems, software applications, operating systems,  
15 video and multimedia, telecommunications products, kiosks,  
16 information transaction machines, copiers, printers, and  
17 desktop and portable computers.

18 "Electronic and information technology equipment worker"  
19 means a person who in the scope and course of his or her  
20 employment or business installs, repairs, or otherwise  
21 services electronic and information technology equipment for a  
22 fee but does not include (i) an employee, independent  
23 contractor, or other agent of a telecommunications carrier or  
24 telephone or telecommunications cooperative, as those terms  
25 are defined in the Public Utilities Act, or (ii) an employee,

1 independent contractor, or other agent of a provider of  
2 commercial mobile radio service, as defined in 47 C.F.R. 20.3.

3 (b) If an electronic and information technology equipment  
4 worker discovers any depiction of child pornography while  
5 installing, repairing, or otherwise servicing an item of  
6 electronic and information technology equipment, that worker  
7 or the worker's employer shall immediately report the discovery  
8 to the local law enforcement agency or to the Cyber Tipline at  
9 the National Center for Missing & Exploited Children.

10 (c) If a report is filed in accordance with the  
11 requirements of 42 U.S.C. 13032, the requirements of this  
12 Section 4.5 will be deemed to have been met.

13 (d) An electronic and information technology equipment  
14 worker or electronic and information technology equipment  
15 worker's employer who reports a discovery of child pornography  
16 as required under this Section is immune from any criminal,  
17 civil, or administrative liability in connection with making  
18 the report, except for willful or wanton misconduct.

19 (e) Failure to report a discovery of child pornography as  
20 required under this Section is a business offense subject to a  
21 fine of \$1,001.

22 (Source: P.A. 95-944, eff. 8-29-08.)

23 Section 1010. The Intergovernmental Missing Child Recovery  
24 Act of 1984 is amended by changing Section 2 as follows:

1 (325 ILCS 40/2) (from Ch. 23, par. 2252)

2 Sec. 2. As used in this Act: (a) "Department" means the  
3 Department of State Police.

4 (b) "Director" means the Director of the Department of  
5 State Police.

6 (c) "Unit of Local Government" is defined as in Article  
7 VII, Section 1 of the Illinois Constitution and includes both  
8 home rule units and units which are not home rule units. The  
9 term is also defined to include all public school districts  
10 subject to the provisions of The School Code.

11 (d) "Child" means a person under 21 years of age.

12 (e) A "LEADS terminal" is an interactive computerized  
13 communication and processing unit which permits a direct  
14 on-line communication with the Department of State Police's  
15 central data repository, the Law Enforcement Agencies Data  
16 System (LEADS).

17 (f) A "Primary contact agency" means a law enforcement  
18 agency which maintains a LEADS terminal, or has immediate  
19 access to one on a 24-hour-per-day, 7-day-per-week basis by  
20 written agreement with another law enforcement agency, and is  
21 designated by the I SEARCH policy board to be the agency  
22 responsible for coordinating the joint efforts between the  
23 Department of State Police and the I SEARCH program  
24 participants.

25 (g) "Illinois State Enforcement Agencies to Recover  
26 Children Unit" or "I SEARCH Unit" means a combination of units



1 of local government within a contiguous geographical area  
2 served by one or more LEADS terminals and established to  
3 collectively address the missing and exploited children  
4 problem in their respective geographical areas.

5 (h) "Missing child" means any person under 21 years of age  
6 whose whereabouts are unknown to his or her parents or legal  
7 guardian.

8 (i) "Exploitation" means activities and actions which  
9 include, but are not limited to, child pornography, aggravated  
10 child pornography, child prostitution, child sexual abuse,  
11 drug and substance abuse by children, and child suicide.

12 (j) "Participating agency" means a law enforcement agency  
13 that does not receive State funding, but signs an agreement of  
14 intergovernmental cooperation with the Department to perform  
15 the duties of an I SEARCH Unit.

16 (Source: P.A. 85-1209.)

17 Section 1015. The Sexual Assault Survivors Emergency  
18 Treatment Act is amended by changing Section 1a as follows:

19 (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

20 Sec. 1a. Definitions. In this Act:

21 "Ambulance provider" means an individual or entity that  
22 owns and operates a business or service using ambulances or  
23 emergency medical services vehicles to transport emergency  
24 patients.

1 "Areawide sexual assault treatment plan" means a plan,  
2 developed by the hospitals in the community or area to be  
3 served, which provides for hospital emergency services to  
4 sexual assault survivors that shall be made available by each  
5 of the participating hospitals.

6 "Department" means the Department of Public Health.

7 "Emergency contraception" means medication as approved by  
8 the federal Food and Drug Administration (FDA) that can  
9 significantly reduce the risk of pregnancy if taken within 72  
10 hours after sexual assault.

11 "Follow-up healthcare" means healthcare services related  
12 to a sexual assault, including laboratory services and pharmacy  
13 services, rendered within 90 days of the initial visit for  
14 hospital emergency services.

15 "Forensic services" means the collection of evidence  
16 pursuant to a statewide sexual assault evidence collection  
17 program administered by the Department of State Police, using  
18 the Illinois State Police Sexual Assault Evidence Collection  
19 Kit.

20 "Health care professional" means a physician, a physician  
21 assistant, or an advanced practice nurse.

22 "Hospital" has the meaning given to that term in the  
23 Hospital Licensing Act.

24 "Hospital emergency services" means healthcare delivered  
25 to outpatients within or under the care and supervision of  
26 personnel working in a designated emergency department of a

1 hospital, including, but not limited to, care ordered by such  
2 personnel for a sexual assault survivor in the emergency  
3 department.

4 "Illinois State Police Sexual Assault Evidence Collection  
5 Kit" means a prepackaged set of materials and forms to be used  
6 for the collection of evidence relating to sexual assault. The  
7 standardized evidence collection kit for the State of Illinois  
8 shall be the Illinois State Police Sexual Assault Evidence  
9 Collection Kit.

10 "Nurse" means a nurse licensed under the Nurse Practice  
11 Act.

12 "Physician" means a person licensed to practice medicine in  
13 all its branches.

14 "Sexual assault" means an act of nonconsensual sexual  
15 conduct or sexual penetration, as defined in Section 11-0.1  
16 ~~12-12~~ of the Criminal Code of 1961, including, without  
17 limitation, acts prohibited under Sections 11-1.20 through  
18 11-1.60 ~~12-13 through 12-16~~ of the Criminal Code of 1961.

19 "Sexual assault survivor" means a person who presents for  
20 hospital emergency services in relation to injuries or trauma  
21 resulting from a sexual assault.

22 "Sexual assault transfer plan" means a written plan  
23 developed by a hospital and approved by the Department, which  
24 describes the hospital's procedures for transferring sexual  
25 assault survivors to another hospital in order to receive  
26 emergency treatment.

1 "Sexual assault treatment plan" means a written plan  
2 developed by a hospital that describes the hospital's  
3 procedures and protocols for providing hospital emergency  
4 services and forensic services to sexual assault survivors who  
5 present themselves for such services, either directly or  
6 through transfer from another hospital.

7 "Transfer services" means the appropriate medical  
8 screening examination and necessary stabilizing treatment  
9 prior to the transfer of a sexual assault survivor to a  
10 hospital that provides hospital emergency services and  
11 forensic services to sexual assault survivors pursuant to a  
12 sexual assault treatment plan or areawide sexual assault  
13 treatment plan.

14 (Source: P.A. 95-432, eff. 1-1-08; 96-328, eff. 8-11-09.)

15 Section 1020. The Consent by Minors to Medical Procedures  
16 Act is amended by changing Section 3 as follows:

17 (410 ILCS 210/3) (from Ch. 111, par. 4503)

18 Sec. 3. (a) Where a hospital, a physician licensed to  
19 practice medicine or surgery, an advanced practice nurse who  
20 has a written collaborative agreement with a collaborating  
21 physician that authorizes provision of services for minors, or  
22 a physician assistant who has been delegated authority to  
23 provide services for minors renders emergency treatment or  
24 first aid or a licensed dentist renders emergency dental

1 treatment to a minor, consent of the minor's parent or legal  
2 guardian need not be obtained if, in the sole opinion of the  
3 physician, advanced practice nurse, physician assistant,  
4 dentist, or hospital, the obtaining of consent is not  
5 reasonably feasible under the circumstances without adversely  
6 affecting the condition of such minor's health.

7 (b) Where a minor is the victim of a predatory criminal  
8 sexual assault of a child, aggravated criminal sexual assault,  
9 criminal sexual assault, aggravated criminal sexual abuse or  
10 criminal sexual abuse, as provided in Sections 11-1.20 through  
11 11-1.60 ~~12-13 through 12-16~~ of the Criminal Code of 1961, as  
12 now or hereafter amended, the consent of the minor's parent or  
13 legal guardian need not be obtained to authorize a hospital,  
14 physician, advanced practice nurse, physician assistant, or  
15 other medical personnel to furnish medical care or counseling  
16 related to the diagnosis or treatment of any disease or injury  
17 arising from such offense. The minor may consent to such  
18 counseling, diagnosis or treatment as if the minor had reached  
19 his or her age of majority. Such consent shall not be voidable,  
20 nor subject to later disaffirmance, because of minority.

21 (Source: P.A. 93-962, eff. 8-20-04.)

22 Section 1025. The Illinois Vehicle Code is amended by  
23 changing Sections 6-106.1, 6-206, and 6-508 as follows:

24 (625 ILCS 5/6-106.1) (from Ch. 95 1/2, par. 6-106.1)

1           Sec. 6-106.1. School bus driver permit.

2           (a) The Secretary of State shall issue a school bus driver  
3 permit to those applicants who have met all the requirements of  
4 the application and screening process under this Section to  
5 insure the welfare and safety of children who are transported  
6 on school buses throughout the State of Illinois. Applicants  
7 shall obtain the proper application required by the Secretary  
8 of State from their prospective or current employer and submit  
9 the completed application to the prospective or current  
10 employer along with the necessary fingerprint submission as  
11 required by the Department of State Police to conduct  
12 fingerprint based criminal background checks on current and  
13 future information available in the state system and current  
14 information available through the Federal Bureau of  
15 Investigation's system. Applicants who have completed the  
16 fingerprinting requirements shall not be subjected to the  
17 fingerprinting process when applying for subsequent permits or  
18 submitting proof of successful completion of the annual  
19 refresher course. Individuals who on the effective date of this  
20 Act possess a valid school bus driver permit that has been  
21 previously issued by the appropriate Regional School  
22 Superintendent are not subject to the fingerprinting  
23 provisions of this Section as long as the permit remains valid  
24 and does not lapse. The applicant shall be required to pay all  
25 related application and fingerprinting fees as established by  
26 rule including, but not limited to, the amounts established by

1 the Department of State Police and the Federal Bureau of  
2 Investigation to process fingerprint based criminal background  
3 investigations. All fees paid for fingerprint processing  
4 services under this Section shall be deposited into the State  
5 Police Services Fund for the cost incurred in processing the  
6 fingerprint based criminal background investigations. All  
7 other fees paid under this Section shall be deposited into the  
8 Road Fund for the purpose of defraying the costs of the  
9 Secretary of State in administering this Section. All  
10 applicants must:

11 1. be 21 years of age or older;

12 2. possess a valid and properly classified driver's  
13 license issued by the Secretary of State;

14 3. possess a valid driver's license, which has not been  
15 revoked, suspended, or canceled for 3 years immediately  
16 prior to the date of application, or have not had his or  
17 her commercial motor vehicle driving privileges  
18 disqualified within the 3 years immediately prior to the  
19 date of application;

20 4. successfully pass a written test, administered by  
21 the Secretary of State, on school bus operation, school bus  
22 safety, and special traffic laws relating to school buses  
23 and submit to a review of the applicant's driving habits by  
24 the Secretary of State at the time the written test is  
25 given;

26 5. demonstrate ability to exercise reasonable care in

1 the operation of school buses in accordance with rules  
2 promulgated by the Secretary of State;

3 6. demonstrate physical fitness to operate school  
4 buses by submitting the results of a medical examination,  
5 including tests for drug use for each applicant not subject  
6 to such testing pursuant to federal law, conducted by a  
7 licensed physician, an advanced practice nurse who has a  
8 written collaborative agreement with a collaborating  
9 physician which authorizes him or her to perform medical  
10 examinations, or a physician assistant who has been  
11 delegated the performance of medical examinations by his or  
12 her supervising physician within 90 days of the date of  
13 application according to standards promulgated by the  
14 Secretary of State;

15 7. affirm under penalties of perjury that he or she has  
16 not made a false statement or knowingly concealed a  
17 material fact in any application for permit;

18 8. have completed an initial classroom course,  
19 including first aid procedures, in school bus driver safety  
20 as promulgated by the Secretary of State; and after  
21 satisfactory completion of said initial course an annual  
22 refresher course; such courses and the agency or  
23 organization conducting such courses shall be approved by  
24 the Secretary of State; failure to complete the annual  
25 refresher course, shall result in cancellation of the  
26 permit until such course is completed;



1           9. not have been convicted of 2 or more serious traffic  
2 offenses, as defined by rule, within one year prior to the  
3 date of application that may endanger the life or safety of  
4 any of the driver's passengers within the duration of the  
5 permit period;

6           10. not have been convicted of reckless driving,  
7 driving while intoxicated, or reckless homicide resulting  
8 from the operation of a motor vehicle within 3 years of the  
9 date of application;

10           11. not have been convicted of committing or attempting  
11 to commit any one or more of the following offenses: (i)  
12 those offenses defined in Sections 9-1, 9-1.2, 9-2, 9-2.1,  
13 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5, 10-6,  
14 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,  
15 11-9, 11-9.1, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,  
16 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,  
17 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-3.1,  
18 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2,  
19 12-7.1, 12-7.3, 12-7.4, 12-11, 12-13, 12-14, 12-14.1,  
20 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1,  
21 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1,  
22 24-1.2, 24-3.3, 31A-1, 31A-1.1, and 33A-2, and in  
23 subsection (a) and subsection (b), clause (1), of Section  
24 12-4 of the Criminal Code of 1961; (ii) those offenses  
25 defined in the Cannabis Control Act except those offenses  
26 defined in subsections (a) and (b) of Section 4, and

1 subsection (a) of Section 5 of the Cannabis Control Act;  
2 (iii) those offenses defined in the Illinois Controlled  
3 Substances Act; (iv) those offenses defined in the  
4 Methamphetamine Control and Community Protection Act; (v)  
5 any offense committed or attempted in any other state or  
6 against the laws of the United States, which if committed  
7 or attempted in this State would be punishable as one or  
8 more of the foregoing offenses; (vi) the offenses defined  
9 in Section 4.1 and 5.1 of the Wrongs to Children Act or  
10 Section 11-9.1A of the Criminal Code of 1961; and (vii)  
11 those offenses defined in Section 6-16 of the Liquor  
12 Control Act of 1934;

13 12. not have been repeatedly involved as a driver in  
14 motor vehicle collisions or been repeatedly convicted of  
15 offenses against laws and ordinances regulating the  
16 movement of traffic, to a degree which indicates lack of  
17 ability to exercise ordinary and reasonable care in the  
18 safe operation of a motor vehicle or disrespect for the  
19 traffic laws and the safety of other persons upon the  
20 highway;

21 13. not have, through the unlawful operation of a motor  
22 vehicle, caused an accident resulting in the death of any  
23 person; and

24 14. not have, within the last 5 years, been adjudged to  
25 be afflicted with or suffering from any mental disability  
26 or disease.

1           (b) A school bus driver permit shall be valid for a period  
2 specified by the Secretary of State as set forth by rule. It  
3 shall be renewable upon compliance with subsection (a) of this  
4 Section.

5           (c) A school bus driver permit shall contain the holder's  
6 driver's license number, legal name, residence address, zip  
7 code, social security number and date of birth, a brief  
8 description of the holder and a space for signature. The  
9 Secretary of State may require a suitable photograph of the  
10 holder.

11           (d) The employer shall be responsible for conducting a  
12 pre-employment interview with prospective school bus driver  
13 candidates, distributing school bus driver applications and  
14 medical forms to be completed by the applicant, and submitting  
15 the applicant's fingerprint cards to the Department of State  
16 Police that are required for the criminal background  
17 investigations. The employer shall certify in writing to the  
18 Secretary of State that all pre-employment conditions have been  
19 successfully completed including the successful completion of  
20 an Illinois specific criminal background investigation through  
21 the Department of State Police and the submission of necessary  
22 fingerprints to the Federal Bureau of Investigation for  
23 criminal history information available through the Federal  
24 Bureau of Investigation system. The applicant shall present the  
25 certification to the Secretary of State at the time of  
26 submitting the school bus driver permit application.

1 (e) Permits shall initially be provisional upon receiving  
2 certification from the employer that all pre-employment  
3 conditions have been successfully completed, and upon  
4 successful completion of all training and examination  
5 requirements for the classification of the vehicle to be  
6 operated, the Secretary of State shall provisionally issue a  
7 School Bus Driver Permit. The permit shall remain in a  
8 provisional status pending the completion of the Federal Bureau  
9 of Investigation's criminal background investigation based  
10 upon fingerprinting specimens submitted to the Federal Bureau  
11 of Investigation by the Department of State Police. The Federal  
12 Bureau of Investigation shall report the findings directly to  
13 the Secretary of State. The Secretary of State shall remove the  
14 bus driver permit from provisional status upon the applicant's  
15 successful completion of the Federal Bureau of Investigation's  
16 criminal background investigation.

17 (f) A school bus driver permit holder shall notify the  
18 employer and the Secretary of State if he or she is convicted  
19 in another state of an offense that would make him or her  
20 ineligible for a permit under subsection (a) of this Section.  
21 The written notification shall be made within 5 days of the  
22 entry of the conviction. Failure of the permit holder to  
23 provide the notification is punishable as a petty offense for a  
24 first violation and a Class B misdemeanor for a second or  
25 subsequent violation.

26 (g) Cancellation; suspension; notice and procedure.

1           (1) The Secretary of State shall cancel a school bus  
2 driver permit of an applicant whose criminal background  
3 investigation discloses that he or she is not in compliance  
4 with the provisions of subsection (a) of this Section.

5           (2) The Secretary of State shall cancel a school bus  
6 driver permit when he or she receives notice that the  
7 permit holder fails to comply with any provision of this  
8 Section or any rule promulgated for the administration of  
9 this Section.

10          (3) The Secretary of State shall cancel a school bus  
11 driver permit if the permit holder's restricted commercial  
12 or commercial driving privileges are withdrawn or  
13 otherwise invalidated.

14          (4) The Secretary of State may not issue a school bus  
15 driver permit for a period of 3 years to an applicant who  
16 fails to obtain a negative result on a drug test as  
17 required in item 6 of subsection (a) of this Section or  
18 under federal law.

19          (5) The Secretary of State shall forthwith suspend a  
20 school bus driver permit for a period of 3 years upon  
21 receiving notice that the holder has failed to obtain a  
22 negative result on a drug test as required in item 6 of  
23 subsection (a) of this Section or under federal law.

24          (6) The Secretary of State shall suspend a school bus  
25 driver permit for a period of 3 years upon receiving notice  
26 from the employer that the holder failed to perform the

1 inspection procedure set forth in subsection (a) or (b) of  
2 Section 12-816 of this Code.

3 The Secretary of State shall notify the State  
4 Superintendent of Education and the permit holder's  
5 prospective or current employer that the applicant has (1) has  
6 failed a criminal background investigation or (2) is no longer  
7 eligible for a school bus driver permit; and of the related  
8 cancellation of the applicant's provisional school bus driver  
9 permit. The cancellation shall remain in effect pending the  
10 outcome of a hearing pursuant to Section 2-118 of this Code.  
11 The scope of the hearing shall be limited to the issuance  
12 criteria contained in subsection (a) of this Section. A  
13 petition requesting a hearing shall be submitted to the  
14 Secretary of State and shall contain the reason the individual  
15 feels he or she is entitled to a school bus driver permit. The  
16 permit holder's employer shall notify in writing to the  
17 Secretary of State that the employer has certified the removal  
18 of the offending school bus driver from service prior to the  
19 start of that school bus driver's next workshift. An employing  
20 school board that fails to remove the offending school bus  
21 driver from service is subject to the penalties defined in  
22 Section 3-14.23 of the School Code. A school bus contractor who  
23 violates a provision of this Section is subject to the  
24 penalties defined in Section 6-106.11.

25 All valid school bus driver permits issued under this  
26 Section prior to January 1, 1995, shall remain effective until

1 their expiration date unless otherwise invalidated.

2 (h) When a school bus driver permit holder who is a service  
3 member is called to active duty, the employer of the permit  
4 holder shall notify the Secretary of State, within 30 days of  
5 notification from the permit holder, that the permit holder has  
6 been called to active duty. Upon notification pursuant to this  
7 subsection, (i) the Secretary of State shall characterize the  
8 permit as inactive until a permit holder renews the permit as  
9 provided in subsection (i) of this Section, and (ii) if a  
10 permit holder fails to comply with the requirements of this  
11 Section while called to active duty, the Secretary of State  
12 shall not characterize the permit as invalid.

13 (i) A school bus driver permit holder who is a service  
14 member returning from active duty must, within 90 days, renew a  
15 permit characterized as inactive pursuant to subsection (h) of  
16 this Section by complying with the renewal requirements of  
17 subsection (b) of this Section.

18 (j) For purposes of subsections (h) and (i) of this  
19 Section:

20 "Active duty" means active duty pursuant to an executive  
21 order of the President of the United States, an act of the  
22 Congress of the United States, or an order of the Governor.

23 "Service member" means a member of the Armed Services or  
24 reserve forces of the United States or a member of the Illinois  
25 National Guard.

26 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;

1 revised 12-1-09.)

2 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

3 Sec. 6-206. Discretionary authority to suspend or revoke  
4 license or permit; Right to a hearing.

5 (a) The Secretary of State is authorized to suspend or  
6 revoke the driving privileges of any person without preliminary  
7 hearing upon a showing of the person's records or other  
8 sufficient evidence that the person:

9 1. Has committed an offense for which mandatory  
10 revocation of a driver's license or permit is required upon  
11 conviction;

12 2. Has been convicted of not less than 3 offenses  
13 against traffic regulations governing the movement of  
14 vehicles committed within any 12 month period. No  
15 revocation or suspension shall be entered more than 6  
16 months after the date of last conviction;

17 3. Has been repeatedly involved as a driver in motor  
18 vehicle collisions or has been repeatedly convicted of  
19 offenses against laws and ordinances regulating the  
20 movement of traffic, to a degree that indicates lack of  
21 ability to exercise ordinary and reasonable care in the  
22 safe operation of a motor vehicle or disrespect for the  
23 traffic laws and the safety of other persons upon the  
24 highway;

25 4. Has by the unlawful operation of a motor vehicle



1           caused or contributed to an accident resulting in death or  
2           injury requiring immediate professional treatment in a  
3           medical facility or doctor's office to any person, except  
4           that any suspension or revocation imposed by the Secretary  
5           of State under the provisions of this subsection shall  
6           start no later than 6 months after being convicted of  
7           violating a law or ordinance regulating the movement of  
8           traffic, which violation is related to the accident, or  
9           shall start not more than one year after the date of the  
10          accident, whichever date occurs later;

11           5. Has permitted an unlawful or fraudulent use of a  
12          driver's license, identification card, or permit;

13           6. Has been lawfully convicted of an offense or  
14          offenses in another state, including the authorization  
15          contained in Section 6-203.1, which if committed within  
16          this State would be grounds for suspension or revocation;

17           7. Has refused or failed to submit to an examination  
18          provided for by Section 6-207 or has failed to pass the  
19          examination;

20           8. Is ineligible for a driver's license or permit under  
21          the provisions of Section 6-103;

22           9. Has made a false statement or knowingly concealed a  
23          material fact or has used false information or  
24          identification in any application for a license,  
25          identification card, or permit;

26           10. Has possessed, displayed, or attempted to

1 fraudulently use any license, identification card, or  
2 permit not issued to the person;

3 11. Has operated a motor vehicle upon a highway of this  
4 State when the person's driving privilege or privilege to  
5 obtain a driver's license or permit was revoked or  
6 suspended unless the operation was authorized by a  
7 monitoring device driving permit, judicial driving permit  
8 issued prior to January 1, 2009, probationary license to  
9 drive, or a restricted driving permit issued under this  
10 Code;

11 12. Has submitted to any portion of the application  
12 process for another person or has obtained the services of  
13 another person to submit to any portion of the application  
14 process for the purpose of obtaining a license,  
15 identification card, or permit for some other person;

16 13. Has operated a motor vehicle upon a highway of this  
17 State when the person's driver's license or permit was  
18 invalid under the provisions of Sections 6-107.1 and 6-110;

19 14. Has committed a violation of Section 6-301,  
20 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
21 of the Illinois Identification Card Act;

22 15. Has been convicted of violating Section 21-2 of the  
23 Criminal Code of 1961 relating to criminal trespass to  
24 vehicles in which case, the suspension shall be for one  
25 year;

26 16. Has been convicted of violating Section 11-204 of

1 this Code relating to fleeing from a peace officer;

2 17. Has refused to submit to a test, or tests, as  
3 required under Section 11-501.1 of this Code and the person  
4 has not sought a hearing as provided for in Section  
5 11-501.1;

6 18. Has, since issuance of a driver's license or  
7 permit, been adjudged to be afflicted with or suffering  
8 from any mental disability or disease;

9 19. Has committed a violation of paragraph (a) or (b)  
10 of Section 6-101 relating to driving without a driver's  
11 license;

12 20. Has been convicted of violating Section 6-104  
13 relating to classification of driver's license;

14 21. Has been convicted of violating Section 11-402 of  
15 this Code relating to leaving the scene of an accident  
16 resulting in damage to a vehicle in excess of \$1,000, in  
17 which case the suspension shall be for one year;

18 22. Has used a motor vehicle in violating paragraph  
19 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
20 the Criminal Code of 1961 relating to unlawful use of  
21 weapons, in which case the suspension shall be for one  
22 year;

23 23. Has, as a driver, been convicted of committing a  
24 violation of paragraph (a) of Section 11-502 of this Code  
25 for a second or subsequent time within one year of a  
26 similar violation;

1           24. Has been convicted by a court-martial or punished  
2 by non-judicial punishment by military authorities of the  
3 United States at a military installation in Illinois of or  
4 for a traffic related offense that is the same as or  
5 similar to an offense specified under Section 6-205 or  
6 6-206 of this Code;

7           25. Has permitted any form of identification to be used  
8 by another in the application process in order to obtain or  
9 attempt to obtain a license, identification card, or  
10 permit;

11           26. Has altered or attempted to alter a license or has  
12 possessed an altered license, identification card, or  
13 permit;

14           27. Has violated Section 6-16 of the Liquor Control Act  
15 of 1934;

16           28. Has been convicted of the illegal possession, while  
17 operating or in actual physical control, as a driver, of a  
18 motor vehicle, of any controlled substance prohibited  
19 under the Illinois Controlled Substances Act, any cannabis  
20 prohibited under the Cannabis Control Act, or any  
21 methamphetamine prohibited under the Methamphetamine  
22 Control and Community Protection Act, in which case the  
23 person's driving privileges shall be suspended for one  
24 year, and any driver who is convicted of a second or  
25 subsequent offense, within 5 years of a previous  
26 conviction, for the illegal possession, while operating or

1 in actual physical control, as a driver, of a motor  
2 vehicle, of any controlled substance prohibited under the  
3 Illinois Controlled Substances Act, any cannabis  
4 prohibited under the Cannabis Control Act, or any  
5 methamphetamine prohibited under the Methamphetamine  
6 Control and Community Protection Act shall be suspended for  
7 5 years. Any defendant found guilty of this offense while  
8 operating a motor vehicle, shall have an entry made in the  
9 court record by the presiding judge that this offense did  
10 occur while the defendant was operating a motor vehicle and  
11 order the clerk of the court to report the violation to the  
12 Secretary of State;

13 29. Has been convicted of the following offenses that  
14 were committed while the person was operating or in actual  
15 physical control, as a driver, of a motor vehicle: criminal  
16 sexual assault, predatory criminal sexual assault of a  
17 child, aggravated criminal sexual assault, criminal sexual  
18 abuse, aggravated criminal sexual abuse, juvenile pimping,  
19 soliciting for a juvenile prostitute, promoting juvenile  
20 prostitution as described in subdivision (a)(1), (a)(2),  
21 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961,  
22 and the manufacture, sale or delivery of controlled  
23 substances or instruments used for illegal drug use or  
24 abuse in which case the driver's driving privileges shall  
25 be suspended for one year;

26 30. Has been convicted a second or subsequent time for

1 any combination of the offenses named in paragraph 29 of  
2 this subsection, in which case the person's driving  
3 privileges shall be suspended for 5 years;

4 31. Has refused to submit to a test as required by  
5 Section 11-501.6 or has submitted to a test resulting in an  
6 alcohol concentration of 0.08 or more or any amount of a  
7 drug, substance, or compound resulting from the unlawful  
8 use or consumption of cannabis as listed in the Cannabis  
9 Control Act, a controlled substance as listed in the  
10 Illinois Controlled Substances Act, an intoxicating  
11 compound as listed in the Use of Intoxicating Compounds  
12 Act, or methamphetamine as listed in the Methamphetamine  
13 Control and Community Protection Act, in which case the  
14 penalty shall be as prescribed in Section 6-208.1;

15 32. Has been convicted of Section 24-1.2 of the  
16 Criminal Code of 1961 relating to the aggravated discharge  
17 of a firearm if the offender was located in a motor vehicle  
18 at the time the firearm was discharged, in which case the  
19 suspension shall be for 3 years;

20 33. Has as a driver, who was less than 21 years of age  
21 on the date of the offense, been convicted a first time of  
22 a violation of paragraph (a) of Section 11-502 of this Code  
23 or a similar provision of a local ordinance;

24 34. Has committed a violation of Section 11-1301.5 of  
25 this Code;

26 35. Has committed a violation of Section 11-1301.6 of

1 this Code;

2 36. Is under the age of 21 years at the time of arrest  
3 and has been convicted of not less than 2 offenses against  
4 traffic regulations governing the movement of vehicles  
5 committed within any 24 month period. No revocation or  
6 suspension shall be entered more than 6 months after the  
7 date of last conviction;

8 37. Has committed a violation of subsection (c) of  
9 Section 11-907 of this Code that resulted in damage to the  
10 property of another or the death or injury of another;

11 38. Has been convicted of a violation of Section 6-20  
12 of the Liquor Control Act of 1934 or a similar provision of  
13 a local ordinance;

14 39. Has committed a second or subsequent violation of  
15 Section 11-1201 of this Code;

16 40. Has committed a violation of subsection (a-1) of  
17 Section 11-908 of this Code;

18 41. Has committed a second or subsequent violation of  
19 Section 11-605.1 of this Code within 2 years of the date of  
20 the previous violation, in which case the suspension shall  
21 be for 90 days;

22 42. Has committed a violation of subsection (a-1) of  
23 Section 11-1301.3 of this Code;

24 43. Has received a disposition of court supervision for  
25 a violation of subsection (a), (d), or (e) of Section 6-20  
26 of the Liquor Control Act of 1934 or a similar provision of

1 a local ordinance, in which case the suspension shall be  
2 for a period of 3 months;

3 44. Is under the age of 21 years at the time of arrest  
4 and has been convicted of an offense against traffic  
5 regulations governing the movement of vehicles after  
6 having previously had his or her driving privileges  
7 suspended or revoked pursuant to subparagraph 36 of this  
8 Section; or

9 45. Has, in connection with or during the course of a  
10 formal hearing conducted under Section 2-118 of this Code:  
11 (i) committed perjury; (ii) submitted fraudulent or  
12 falsified documents; (iii) submitted documents that have  
13 been materially altered; or (iv) submitted, as his or her  
14 own, documents that were in fact prepared or composed for  
15 another person.

16 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
17 and 27 of this subsection, license means any driver's license,  
18 any traffic ticket issued when the person's driver's license is  
19 deposited in lieu of bail, a suspension notice issued by the  
20 Secretary of State, a duplicate or corrected driver's license,  
21 a probationary driver's license or a temporary driver's  
22 license.

23 (b) If any conviction forming the basis of a suspension or  
24 revocation authorized under this Section is appealed, the  
25 Secretary of State may rescind or withhold the entry of the  
26 order of suspension or revocation, as the case may be, provided



1 that a certified copy of a stay order of a court is filed with  
2 the Secretary of State. If the conviction is affirmed on  
3 appeal, the date of the conviction shall relate back to the  
4 time the original judgment of conviction was entered and the 6  
5 month limitation prescribed shall not apply.

6 (c) 1. Upon suspending or revoking the driver's license or  
7 permit of any person as authorized in this Section, the  
8 Secretary of State shall immediately notify the person in  
9 writing of the revocation or suspension. The notice to be  
10 deposited in the United States mail, postage prepaid, to the  
11 last known address of the person.

12 2. If the Secretary of State suspends the driver's  
13 license of a person under subsection 2 of paragraph (a) of  
14 this Section, a person's privilege to operate a vehicle as  
15 an occupation shall not be suspended, provided an affidavit  
16 is properly completed, the appropriate fee received, and a  
17 permit issued prior to the effective date of the  
18 suspension, unless 5 offenses were committed, at least 2 of  
19 which occurred while operating a commercial vehicle in  
20 connection with the driver's regular occupation. All other  
21 driving privileges shall be suspended by the Secretary of  
22 State. Any driver prior to operating a vehicle for  
23 occupational purposes only must submit the affidavit on  
24 forms to be provided by the Secretary of State setting  
25 forth the facts of the person's occupation. The affidavit  
26 shall also state the number of offenses committed while

1 operating a vehicle in connection with the driver's regular  
2 occupation. The affidavit shall be accompanied by the  
3 driver's license. Upon receipt of a properly completed  
4 affidavit, the Secretary of State shall issue the driver a  
5 permit to operate a vehicle in connection with the driver's  
6 regular occupation only. Unless the permit is issued by the  
7 Secretary of State prior to the date of suspension, the  
8 privilege to drive any motor vehicle shall be suspended as  
9 set forth in the notice that was mailed under this Section.  
10 If an affidavit is received subsequent to the effective  
11 date of this suspension, a permit may be issued for the  
12 remainder of the suspension period.

13 The provisions of this subparagraph shall not apply to  
14 any driver required to possess a CDL for the purpose of  
15 operating a commercial motor vehicle.

16 Any person who falsely states any fact in the affidavit  
17 required herein shall be guilty of perjury under Section  
18 6-302 and upon conviction thereof shall have all driving  
19 privileges revoked without further rights.

20 3. At the conclusion of a hearing under Section 2-118  
21 of this Code, the Secretary of State shall either rescind  
22 or continue an order of revocation or shall substitute an  
23 order of suspension; or, good cause appearing therefor,  
24 rescind, continue, change, or extend the order of  
25 suspension. If the Secretary of State does not rescind the  
26 order, the Secretary may upon application, to relieve undue

1 hardship (as defined by the rules of the Secretary of  
2 State), issue a restricted driving permit granting the  
3 privilege of driving a motor vehicle between the  
4 petitioner's residence and petitioner's place of  
5 employment or within the scope of the petitioner's  
6 employment related duties, or to allow the petitioner to  
7 transport himself or herself, or a family member of the  
8 petitioner's household to a medical facility, to receive  
9 necessary medical care, to allow the petitioner to  
10 transport himself or herself to and from alcohol or drug  
11 remedial or rehabilitative activity recommended by a  
12 licensed service provider, or to allow the petitioner to  
13 transport himself or herself or a family member of the  
14 petitioner's household to classes, as a student, at an  
15 accredited educational institution, or to allow the  
16 petitioner to transport children living in the  
17 petitioner's household to and from daycare. The petitioner  
18 must demonstrate that no alternative means of  
19 transportation is reasonably available and that the  
20 petitioner will not endanger the public safety or welfare.  
21 Those multiple offenders identified in subdivision (b)4 of  
22 Section 6-208 of this Code, however, shall not be eligible  
23 for the issuance of a restricted driving permit.

24 (A) If a person's license or permit is revoked or  
25 suspended due to 2 or more convictions of violating  
26 Section 11-501 of this Code or a similar provision of a

1 local ordinance or a similar out-of-state offense, or  
2 Section 9-3 of the Criminal Code of 1961, where the use  
3 of alcohol or other drugs is recited as an element of  
4 the offense, or a similar out-of-state offense, or a  
5 combination of these offenses, arising out of separate  
6 occurrences, that person, if issued a restricted  
7 driving permit, may not operate a vehicle unless it has  
8 been equipped with an ignition interlock device as  
9 defined in Section 1-129.1.

10 (B) If a person's license or permit is revoked or  
11 suspended 2 or more times within a 10 year period due  
12 to any combination of:

13 (i) a single conviction of violating Section  
14 11-501 of this Code or a similar provision of a  
15 local ordinance or a similar out-of-state offense  
16 or Section 9-3 of the Criminal Code of 1961, where  
17 the use of alcohol or other drugs is recited as an  
18 element of the offense, or a similar out-of-state  
19 offense; or

20 (ii) a statutory summary suspension under  
21 Section 11-501.1; or

22 (iii) a suspension under Section 6-203.1;  
23 arising out of separate occurrences; that person, if  
24 issued a restricted driving permit, may not operate a  
25 vehicle unless it has been equipped with an ignition  
26 interlock device as defined in Section 1-129.1.

1           (C) The person issued a permit conditioned upon the  
2 use of an ignition interlock device must pay to the  
3 Secretary of State DUI Administration Fund an amount  
4 not to exceed \$30 per month. The Secretary shall  
5 establish by rule the amount and the procedures, terms,  
6 and conditions relating to these fees.

7           (D) If the restricted driving permit is issued for  
8 employment purposes, then the prohibition against  
9 operating a motor vehicle that is not equipped with an  
10 ignition interlock device does not apply to the  
11 operation of an occupational vehicle owned or leased by  
12 that person's employer when used solely for employment  
13 purposes.

14           (E) In each case the Secretary may issue a  
15 restricted driving permit for a period deemed  
16 appropriate, except that all permits shall expire  
17 within one year from the date of issuance. The  
18 Secretary may not, however, issue a restricted driving  
19 permit to any person whose current revocation is the  
20 result of a second or subsequent conviction for a  
21 violation of Section 11-501 of this Code or a similar  
22 provision of a local ordinance or any similar  
23 out-of-state offense, or Section 9-3 of the Criminal  
24 Code of 1961, where the use of alcohol or other drugs  
25 is recited as an element of the offense, or any similar  
26 out-of-state offense, or any combination of those

1 offenses, until the expiration of at least one year  
2 from the date of the revocation. A restricted driving  
3 permit issued under this Section shall be subject to  
4 cancellation, revocation, and suspension by the  
5 Secretary of State in like manner and for like cause as  
6 a driver's license issued under this Code may be  
7 cancelled, revoked, or suspended; except that a  
8 conviction upon one or more offenses against laws or  
9 ordinances regulating the movement of traffic shall be  
10 deemed sufficient cause for the revocation,  
11 suspension, or cancellation of a restricted driving  
12 permit. The Secretary of State may, as a condition to  
13 the issuance of a restricted driving permit, require  
14 the applicant to participate in a designated driver  
15 remedial or rehabilitative program. The Secretary of  
16 State is authorized to cancel a restricted driving  
17 permit if the permit holder does not successfully  
18 complete the program.

19 (c-3) In the case of a suspension under paragraph 43 of  
20 subsection (a), reports received by the Secretary of State  
21 under this Section shall, except during the actual time the  
22 suspension is in effect, be privileged information and for use  
23 only by the courts, police officers, prosecuting authorities,  
24 the driver licensing administrator of any other state, the  
25 Secretary of State, or the parent or legal guardian of a driver  
26 under the age of 18. However, beginning January 1, 2008, if the

1 person is a CDL holder, the suspension shall also be made  
2 available to the driver licensing administrator of any other  
3 state, the U.S. Department of Transportation, and the affected  
4 driver or motor carrier or prospective motor carrier upon  
5 request.

6 (c-4) In the case of a suspension under paragraph 43 of  
7 subsection (a), the Secretary of State shall notify the person  
8 by mail that his or her driving privileges and driver's license  
9 will be suspended one month after the date of the mailing of  
10 the notice.

11 (c-5) The Secretary of State may, as a condition of the  
12 reissuance of a driver's license or permit to an applicant  
13 whose driver's license or permit has been suspended before he  
14 or she reached the age of 21 years pursuant to any of the  
15 provisions of this Section, require the applicant to  
16 participate in a driver remedial education course and be  
17 retested under Section 6-109 of this Code.

18 (d) This Section is subject to the provisions of the  
19 Drivers License Compact.

20 (e) The Secretary of State shall not issue a restricted  
21 driving permit to a person under the age of 16 years whose  
22 driving privileges have been suspended or revoked under any  
23 provisions of this Code.

24 (f) In accordance with 49 C.F.R. 384, the Secretary of  
25 State may not issue a restricted driving permit for the  
26 operation of a commercial motor vehicle to a person holding a

1 CDL whose driving privileges have been suspended, revoked,  
2 cancelled, or disqualified under any provisions of this Code.

3 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,  
4 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,  
5 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,  
6 eff. 8-11-09; 96-607, eff. 8-24-09.)

7 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

8 Sec. 6-508. Commercial Driver's License (CDL) -  
9 qualification standards.

10 (a) Testing.

11 (1) General. No person shall be issued an original or  
12 renewal CDL unless that person is domiciled in this State.  
13 The Secretary shall cause to be administered such tests as  
14 the Secretary deems necessary to meet the requirements of  
15 49 C.F.R. Part 383, subparts F, G, H, and J.

16 (2) Third party testing. The Secretary of state may  
17 authorize a "third party tester", pursuant to 49 C.F.R.  
18 Part 383.75, to administer the skills test or tests  
19 specified by Federal Motor Carrier Safety Administration  
20 pursuant to the Commercial Motor Vehicle Safety Act of 1986  
21 and any appropriate federal rule.

22 (b) Waiver of Skills Test. The Secretary of State may waive  
23 the skills test specified in this Section for a driver  
24 applicant for a commercial driver license who meets the  
25 requirements of 49 C.F.R. Part 383.77 and Part 383.123.



1           (c) Limitations on issuance of a CDL. A CDL, or a  
2 commercial driver instruction permit, shall not be issued to a  
3 person while the person is subject to a disqualification from  
4 driving a commercial motor vehicle, or unless otherwise  
5 permitted by this Code, while the person's driver's license is  
6 suspended, revoked or cancelled in any state, or any territory  
7 or province of Canada; nor may a CDL be issued to a person who  
8 has a CDL issued by any other state, or foreign jurisdiction,  
9 unless the person first surrenders all such licenses. No CDL  
10 shall be issued to or renewed for a person who does not meet  
11 the requirement of 49 CFR 391.41(b)(11). The requirement may be  
12 met with the aid of a hearing aid.

13           (c-1) The Secretary may issue a CDL with a school bus  
14 driver endorsement to allow a person to drive the type of bus  
15 described in subsection (d-5) of Section 6-104 of this Code.  
16 The CDL with a school bus driver endorsement may be issued only  
17 to a person meeting the following requirements:

18           (1) the person has submitted his or her fingerprints to  
19 the Department of State Police in the form and manner  
20 prescribed by the Department of State Police. These  
21 fingerprints shall be checked against the fingerprint  
22 records now and hereafter filed in the Department of State  
23 Police and Federal Bureau of Investigation criminal  
24 history records databases;

25           (2) the person has passed a written test, administered  
26 by the Secretary of State, on charter bus operation,

1 charter bus safety, and certain special traffic laws  
2 relating to school buses determined by the Secretary of  
3 State to be relevant to charter buses, and submitted to a  
4 review of the driver applicant's driving habits by the  
5 Secretary of State at the time the written test is given;

6 (3) the person has demonstrated physical fitness to  
7 operate school buses by submitting the results of a medical  
8 examination, including tests for drug use; and

9 (4) the person has not been convicted of committing or  
10 attempting to commit any one or more of the following  
11 offenses: (i) those offenses defined in Sections 9-1,  
12 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,  
13 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40,  
14 11-1.50, 11-1.60, 11-6, 11-9, 11-9.1, 11-14, 11-14.3,  
15 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,  
16 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,  
17 11-21, 11-22, 11-30, 12-3.1, 12-4.1, 12-4.2, 12-4.3,  
18 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4,  
19 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,  
20 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4, 18-5,  
21 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3, 31A-1,  
22 31A-1.1, and 33A-2, and in subsection (a) and subsection  
23 (b), clause (1), of Section 12-4 of the Criminal Code of  
24 1961; (ii) those offenses defined in the Cannabis Control  
25 Act except those offenses defined in subsections (a) and  
26 (b) of Section 4, and subsection (a) of Section 5 of the

1 Cannabis Control Act; (iii) those offenses defined in the  
2 Illinois Controlled Substances Act; (iv) those offenses  
3 defined in the Methamphetamine Control and Community  
4 Protection Act; (v) any offense committed or attempted in  
5 any other state or against the laws of the United States,  
6 which if committed or attempted in this State would be  
7 punishable as one or more of the foregoing offenses; (vi)  
8 the offenses defined in Sections 4.1 and 5.1 of the Wrongs  
9 to Children Act or Section 11-9.1A of the Criminal Code of  
10 1961; and (vii) those offenses defined in Section 6-16 of  
11 the Liquor Control Act of 1934.

12 The Department of State Police shall charge a fee for  
13 conducting the criminal history records check, which shall be  
14 deposited into the State Police Services Fund and may not  
15 exceed the actual cost of the records check.

16 (c-2) The Secretary shall issue a CDL with a school bus  
17 endorsement to allow a person to drive a school bus as defined  
18 in this Section. The CDL shall be issued according to the  
19 requirements outlined in 49 C.F.R. 383. A person may not  
20 operate a school bus as defined in this Section without a  
21 school bus endorsement. The Secretary of State may adopt rules  
22 consistent with Federal guidelines to implement this  
23 subsection (c-2).

24 (d) Commercial driver instruction permit. A commercial  
25 driver instruction permit may be issued to any person holding a  
26 valid Illinois driver's license if such person successfully

1 passes such tests as the Secretary determines to be necessary.  
2 A commercial driver instruction permit shall not be issued to a  
3 person who does not meet the requirements of 49 CFR 391.41  
4 (b)(11), except for the renewal of a commercial driver  
5 instruction permit for a person who possesses a commercial  
6 instruction permit prior to the effective date of this  
7 amendatory Act of 1999.

8 (Source: P.A. 94-307, eff. 9-30-05; 94-556, eff. 9-11-05;  
9 95-331, eff. 8-21-07; 95-382, eff. 8-23-07.)

10 Section 1030. The Juvenile Court Act of 1987 is amended by  
11 changing Sections 1-8, 2-17, 2-25, 3-19, 3-26, 4-16, 4-23,  
12 5-170, and 5-730 as follows:

13 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

14 Sec. 1-8. Confidentiality and accessibility of juvenile  
15 court records.

16 (A) Inspection and copying of juvenile court records  
17 relating to a minor who is the subject of a proceeding under  
18 this Act shall be restricted to the following:

19 (1) The minor who is the subject of record, his  
20 parents, guardian and counsel.

21 (2) Law enforcement officers and law enforcement  
22 agencies when such information is essential to executing an  
23 arrest or search warrant or other compulsory process, or to  
24 conducting an ongoing investigation or relating to a minor

1 who has been adjudicated delinquent and there has been a  
2 previous finding that the act which constitutes the  
3 previous offense was committed in furtherance of criminal  
4 activities by a criminal street gang.

5 Before July 1, 1994, for the purposes of this Section,  
6 "criminal street gang" means any ongoing organization,  
7 association, or group of 3 or more persons, whether formal  
8 or informal, having as one of its primary activities the  
9 commission of one or more criminal acts and that has a  
10 common name or common identifying sign, symbol or specific  
11 color apparel displayed, and whose members individually or  
12 collectively engage in or have engaged in a pattern of  
13 criminal activity.

14 Beginning July 1, 1994, for purposes of this Section,  
15 "criminal street gang" has the meaning ascribed to it in  
16 Section 10 of the Illinois Streetgang Terrorism Omnibus  
17 Prevention Act.

18 (3) Judges, hearing officers, prosecutors, probation  
19 officers, social workers or other individuals assigned by  
20 the court to conduct a pre-adjudication or predisposition  
21 investigation, and individuals responsible for supervising  
22 or providing temporary or permanent care and custody for  
23 minors pursuant to the order of the juvenile court when  
24 essential to performing their responsibilities.

25 (4) Judges, prosecutors and probation officers:

26 (a) in the course of a trial when institution of

1 criminal proceedings has been permitted or required  
2 under Section 5-805; or

3 (b) when criminal proceedings have been permitted  
4 or required under Section 5-805 and a minor is the  
5 subject of a proceeding to determine the amount of  
6 bail; or

7 (c) when criminal proceedings have been permitted  
8 or required under Section 5-805 and a minor is the  
9 subject of a pre-trial investigation, pre-sentence  
10 investigation or fitness hearing, or proceedings on an  
11 application for probation; or

12 (d) when a minor becomes 17 years of age or older,  
13 and is the subject of criminal proceedings, including a  
14 hearing to determine the amount of bail, a pre-trial  
15 investigation, a pre-sentence investigation, a fitness  
16 hearing, or proceedings on an application for  
17 probation.

18 (5) Adult and Juvenile Prisoner Review Boards.

19 (6) Authorized military personnel.

20 (7) Victims, their subrogees and legal  
21 representatives; however, such persons shall have access  
22 only to the name and address of the minor and information  
23 pertaining to the disposition or alternative adjustment  
24 plan of the juvenile court.

25 (8) Persons engaged in bona fide research, with the  
26 permission of the presiding judge of the juvenile court and

1 the chief executive of the agency that prepared the  
2 particular records; provided that publication of such  
3 research results in no disclosure of a minor's identity and  
4 protects the confidentiality of the record.

5 (9) The Secretary of State to whom the Clerk of the  
6 Court shall report the disposition of all cases, as  
7 required in Section 6-204 of the Illinois Vehicle Code.  
8 However, information reported relative to these offenses  
9 shall be privileged and available only to the Secretary of  
10 State, courts, and police officers.

11 (10) The administrator of a bonafide substance abuse  
12 student assistance program with the permission of the  
13 presiding judge of the juvenile court.

14 (11) Mental health professionals on behalf of the  
15 Illinois Department of Corrections or the Department of  
16 Human Services or prosecutors who are evaluating,  
17 prosecuting, or investigating a potential or actual  
18 petition brought under the Sexually Persons Commitment Act  
19 relating to a person who is the subject of juvenile court  
20 records or the respondent to a petition brought under the  
21 Sexually Violent Persons Commitment Act, who is the subject  
22 of juvenile court records sought. Any records and any  
23 information obtained from those records under this  
24 paragraph (11) may be used only in sexually violent persons  
25 commitment proceedings.

26 (A-1) Findings and exclusions of paternity entered in

1 proceedings occurring under Article II of this Act shall be  
2 disclosed, in a manner and form approved by the Presiding Judge  
3 of the Juvenile Court, to the Department of Healthcare and  
4 Family Services when necessary to discharge the duties of the  
5 Department of Healthcare and Family Services under Article X of  
6 the Illinois Public Aid Code.

7 (B) A minor who is the victim in a juvenile proceeding  
8 shall be provided the same confidentiality regarding  
9 disclosure of identity as the minor who is the subject of  
10 record.

11 (C) Except as otherwise provided in this subsection (C),  
12 juvenile court records shall not be made available to the  
13 general public but may be inspected by representatives of  
14 agencies, associations and news media or other properly  
15 interested persons by general or special order of the court  
16 presiding over matters pursuant to this Act.

17 (0.1) In cases where the records concern a pending  
18 juvenile court case, the party seeking to inspect the  
19 juvenile court records shall provide actual notice to the  
20 attorney or guardian ad litem of the minor whose records  
21 are sought.

22 (0.2) In cases where the records concern a juvenile  
23 court case that is no longer pending, the party seeking to  
24 inspect the juvenile court records shall provide actual  
25 notice to the minor or the minor's parent or legal  
26 guardian, and the matter shall be referred to the chief



1 judge presiding over matters pursuant to this Act.

2 (0.3) In determining whether the records should be  
3 available for inspection, the court shall consider the  
4 minor's interest in confidentiality and rehabilitation  
5 over the moving party's interest in obtaining the  
6 information. The State's Attorney, the minor, and the  
7 minor's parents, guardian, and counsel shall at all times  
8 have the right to examine court files and records. For  
9 purposes of obtaining documents pursuant to this Section, a  
10 civil subpoena is not an order of the court.

11 (0.4) Any records obtained in violation of this  
12 subsection (C) shall not be admissible in any criminal or  
13 civil proceeding, or operate to disqualify a minor from  
14 subsequently holding public office, or operate as a  
15 forfeiture of any public benefit, right, privilege, or  
16 right to receive any license granted by public authority.

17 (1) The court shall allow the general public to have  
18 access to the name, address, and offense of a minor who is  
19 adjudicated a delinquent minor under this Act under either  
20 of the following circumstances:

21 (A) The adjudication of delinquency was based upon  
22 the minor's commission of first degree murder, attempt  
23 to commit first degree murder, aggravated criminal  
24 sexual assault, or criminal sexual assault; or

25 (B) The court has made a finding that the minor was  
26 at least 13 years of age at the time the act was

1 committed and the adjudication of delinquency was  
2 based upon the minor's commission of: (i) an act in  
3 furtherance of the commission of a felony as a member  
4 of or on behalf of a criminal street gang, (ii) an act  
5 involving the use of a firearm in the commission of a  
6 felony, (iii) an act that would be a Class X felony  
7 offense under or the minor's second or subsequent Class  
8 2 or greater felony offense under the Cannabis Control  
9 Act if committed by an adult, (iv) an act that would be  
10 a second or subsequent offense under Section 402 of the  
11 Illinois Controlled Substances Act if committed by an  
12 adult, (v) an act that would be an offense under  
13 Section 401 of the Illinois Controlled Substances Act  
14 if committed by an adult, (vi) an act that would be a  
15 second or subsequent offense under Section 60 of the  
16 Methamphetamine Control and Community Protection Act,  
17 or (vii) an act that would be an offense under another  
18 Section of the Methamphetamine Control and Community  
19 Protection Act.

20 (2) The court shall allow the general public to have  
21 access to the name, address, and offense of a minor who is  
22 at least 13 years of age at the time the offense is  
23 committed and who is convicted, in criminal proceedings  
24 permitted or required under Section 5-4, under either of  
25 the following circumstances:

26 (A) The minor has been convicted of first degree

1 murder, attempt to commit first degree murder,  
2 aggravated criminal sexual assault, or criminal sexual  
3 assault,

4 (B) The court has made a finding that the minor was  
5 at least 13 years of age at the time the offense was  
6 committed and the conviction was based upon the minor's  
7 commission of: (i) an offense in furtherance of the  
8 commission of a felony as a member of or on behalf of a  
9 criminal street gang, (ii) an offense involving the use  
10 of a firearm in the commission of a felony, (iii) a  
11 Class X felony offense under or a second or subsequent  
12 Class 2 or greater felony offense under the Cannabis  
13 Control Act, (iv) a second or subsequent offense under  
14 Section 402 of the Illinois Controlled Substances Act,  
15 (v) an offense under Section 401 of the Illinois  
16 Controlled Substances Act, (vi) an act that would be a  
17 second or subsequent offense under Section 60 of the  
18 Methamphetamine Control and Community Protection Act,  
19 or (vii) an act that would be an offense under another  
20 Section of the Methamphetamine Control and Community  
21 Protection Act.

22 (D) Pending or following any adjudication of delinquency  
23 for any offense defined in Sections 11-1.20 through 11-1.60 or  
24 12-13 through 12-16 of the Criminal Code of 1961, the victim of  
25 any such offense shall receive the rights set out in Sections 4  
26 and 6 of the Bill of Rights for Victims and Witnesses of

1 Violent Crime Act; and the juvenile who is the subject of the  
2 adjudication, notwithstanding any other provision of this Act,  
3 shall be treated as an adult for the purpose of affording such  
4 rights to the victim.

5 (E) Nothing in this Section shall affect the right of a  
6 Civil Service Commission or appointing authority of any state,  
7 county or municipality examining the character and fitness of  
8 an applicant for employment with a law enforcement agency,  
9 correctional institution, or fire department to ascertain  
10 whether that applicant was ever adjudicated to be a delinquent  
11 minor and, if so, to examine the records of disposition or  
12 evidence which were made in proceedings under this Act.

13 (F) Following any adjudication of delinquency for a crime  
14 which would be a felony if committed by an adult, or following  
15 any adjudication of delinquency for a violation of Section  
16 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the  
17 State's Attorney shall ascertain whether the minor respondent  
18 is enrolled in school and, if so, shall provide a copy of the  
19 dispositional order to the principal or chief administrative  
20 officer of the school. Access to such juvenile records shall be  
21 limited to the principal or chief administrative officer of the  
22 school and any guidance counselor designated by him.

23 (G) Nothing contained in this Act prevents the sharing or  
24 disclosure of information or records relating or pertaining to  
25 juveniles subject to the provisions of the Serious Habitual  
26 Offender Comprehensive Action Program when that information is

1 used to assist in the early identification and treatment of  
2 habitual juvenile offenders.

3 (H) When a Court hearing a proceeding under Article II of  
4 this Act becomes aware that an earlier proceeding under Article  
5 II had been heard in a different county, that Court shall  
6 request, and the Court in which the earlier proceedings were  
7 initiated shall transmit, an authenticated copy of the Court  
8 record, including all documents, petitions, and orders filed  
9 therein and the minute orders, transcript of proceedings, and  
10 docket entries of the Court.

11 (I) The Clerk of the Circuit Court shall report to the  
12 Department of State Police, in the form and manner required by  
13 the Department of State Police, the final disposition of each  
14 minor who has been arrested or taken into custody before his or  
15 her 17th birthday for those offenses required to be reported  
16 under Section 5 of the Criminal Identification Act. Information  
17 reported to the Department under this Section may be maintained  
18 with records that the Department files under Section 2.1 of the  
19 Criminal Identification Act.

20 (Source: P.A. 95-123, eff. 8-13-07; 96-212, eff. 8-10-09.)

21 (705 ILCS 405/2-17) (from Ch. 37, par. 802-17)  
22 Sec. 2-17. Guardian ad litem.

23 (1) Immediately upon the filing of a petition alleging that  
24 the minor is a person described in Sections 2-3 or 2-4 of this  
25 Article, the court shall appoint a guardian ad litem for the

1 minor if:

2 (a) such petition alleges that the minor is an abused  
3 or neglected child; or

4 (b) such petition alleges that charges alleging the  
5 commission of any of the sex offenses defined in Article 11  
6 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
7 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the  
8 Criminal Code of 1961, as amended, have been filed against  
9 a defendant in any court and that such minor is the alleged  
10 victim of the acts of defendant in the commission of such  
11 offense.

12 Unless the guardian ad litem appointed pursuant to this  
13 paragraph (1) is an attorney at law he shall be represented in  
14 the performance of his duties by counsel. The guardian ad litem  
15 shall represent the best interests of the minor and shall  
16 present recommendations to the court consistent with that duty.

17 (2) Before proceeding with the hearing, the court shall  
18 appoint a guardian ad litem for the minor if

19 (a) no parent, guardian, custodian or relative of the  
20 minor appears at the first or any subsequent hearing of the  
21 case;

22 (b) the petition prays for the appointment of a  
23 guardian with power to consent to adoption; or

24 (c) the petition for which the minor is before the  
25 court resulted from a report made pursuant to the Abused  
26 and Neglected Child Reporting Act.

1           (3) The court may appoint a guardian ad litem for the minor  
2 whenever it finds that there may be a conflict of interest  
3 between the minor and his parents or other custodian or that it  
4 is otherwise in the minor's best interest to do so.

5           (4) Unless the guardian ad litem is an attorney, he shall  
6 be represented by counsel.

7           (5) The reasonable fees of a guardian ad litem appointed  
8 under this Section shall be fixed by the court and charged to  
9 the parents of the minor, to the extent they are able to pay.  
10 If the parents are unable to pay those fees, they shall be paid  
11 from the general fund of the county.

12           (6) A guardian ad litem appointed under this Section, shall  
13 receive copies of any and all classified reports of child abuse  
14 and neglect made under the Abused and Neglected Child Reporting  
15 Act in which the minor who is the subject of a report under the  
16 Abused and Neglected Child Reporting Act, is also the minor for  
17 whom the guardian ad litem is appointed under this Section.

18           (7) The appointed guardian ad litem shall remain the  
19 child's guardian ad litem throughout the entire juvenile trial  
20 court proceedings, including permanency hearings and  
21 termination of parental rights proceedings, unless there is a  
22 substitution entered by order of the court.

23           (8) The guardian ad litem or an agent of the guardian ad  
24 litem shall have a minimum of one in-person contact with the  
25 minor and one contact with one of the current foster parents or  
26 caregivers prior to the adjudicatory hearing, and at least one

1 additional in-person contact with the child and one contact  
2 with one of the current foster parents or caregivers after the  
3 adjudicatory hearing but prior to the first permanency hearing  
4 and one additional in-person contact with the child and one  
5 contact with one of the current foster parents or caregivers  
6 each subsequent year. For good cause shown, the judge may  
7 excuse face-to-face interviews required in this subsection.

8 (9) In counties with a population of 100,000 or more but  
9 less than 3,000,000, each guardian ad litem must successfully  
10 complete a training program approved by the Department of  
11 Children and Family Services. The Department of Children and  
12 Family Services shall provide training materials and documents  
13 to guardians ad litem who are not mandated to attend the  
14 training program. The Department of Children and Family  
15 Services shall develop and distribute to all guardians ad litem  
16 a bibliography containing information including but not  
17 limited to the juvenile court process, termination of parental  
18 rights, child development, medical aspects of child abuse, and  
19 the child's need for safety and permanence.

20 (Source: P.A. 89-462, eff. 5-29-96; 90-27, eff. 1-1-98; 90-28,  
21 eff. 1-1-98.)

22 (705 ILCS 405/2-25) (from Ch. 37, par. 802-25)

23 Sec. 2-25. Order of protection.

24 (1) The court may make an order of protection in assistance  
25 of or as a condition of any other order authorized by this Act.



1 The order of protection shall be based on the health, safety  
2 and best interests of the minor and may set forth reasonable  
3 conditions of behavior to be observed for a specified period.  
4 Such an order may require a person:

5 (a) to stay away from the home or the minor;

6 (b) to permit a parent to visit the minor at stated  
7 periods;

8 (c) to abstain from offensive conduct against the  
9 minor, his parent or any person to whom custody of the  
10 minor is awarded;

11 (d) to give proper attention to the care of the home;

12 (e) to cooperate in good faith with an agency to which  
13 custody of a minor is entrusted by the court or with an  
14 agency or association to which the minor is referred by the  
15 court;

16 (f) to prohibit and prevent any contact whatsoever with  
17 the respondent minor by a specified individual or  
18 individuals who are alleged in either a criminal or  
19 juvenile proceeding to have caused injury to a respondent  
20 minor or a sibling of a respondent minor;

21 (g) to refrain from acts of commission or omission that  
22 tend to make the home not a proper place for the minor;

23 (h) to refrain from contacting the minor and the foster  
24 parents in any manner that is not specified in writing in  
25 the case plan.

26 (2) The court shall enter an order of protection to

1 prohibit and prevent any contact between a respondent minor or  
2 a sibling of a respondent minor and any person named in a  
3 petition seeking an order of protection who has been convicted  
4 of heinous battery ~~under Section 12-4.1~~, aggravated battery of  
5 a child ~~under Section 12-4.3~~, criminal sexual assault ~~under~~  
6 ~~Section 12-13~~, aggravated criminal sexual assault ~~under~~  
7 ~~Section 12-14~~, predatory criminal sexual assault of a child  
8 ~~under Section 12-14.1~~, criminal sexual abuse ~~under Section~~  
9 ~~12-15~~, or aggravated criminal sexual abuse as described in  
10 ~~under Section 12-16~~ of the Criminal Code of 1961, or has been  
11 convicted of an offense that resulted in the death of a child,  
12 or has violated a previous order of protection under this  
13 Section.

14 (3) When the court issues an order of protection against  
15 any person as provided by this Section, the court shall direct  
16 a copy of such order to the Sheriff of that county. The Sheriff  
17 shall furnish a copy of the order of protection to the  
18 Department of State Police within 24 hours of receipt, in the  
19 form and manner required by the Department. The Department of  
20 State Police shall maintain a complete record and index of such  
21 orders of protection and make this data available to all local  
22 law enforcement agencies.

23 (4) After notice and opportunity for hearing afforded to a  
24 person subject to an order of protection, the order may be  
25 modified or extended for a further specified period or both or  
26 may be terminated if the court finds that the health, safety,

1 and best interests of the minor and the public will be served  
2 thereby.

3 (5) An order of protection may be sought at any time during  
4 the course of any proceeding conducted pursuant to this Act if  
5 such an order is consistent with the health, safety, and best  
6 interests of the minor. Any person against whom an order of  
7 protection is sought may retain counsel to represent him at a  
8 hearing, and has rights to be present at the hearing, to be  
9 informed prior to the hearing in writing of the contents of the  
10 petition seeking a protective order and of the date, place and  
11 time of such hearing, and to cross examine witnesses called by  
12 the petitioner and to present witnesses and argument in  
13 opposition to the relief sought in the petition.

14 (6) Diligent efforts shall be made by the petitioner to  
15 serve any person or persons against whom any order of  
16 protection is sought with written notice of the contents of the  
17 petition seeking a protective order and of the date, place and  
18 time at which the hearing on the petition is to be held. When a  
19 protective order is being sought in conjunction with a  
20 temporary custody hearing, if the court finds that the person  
21 against whom the protective order is being sought has been  
22 notified of the hearing or that diligent efforts have been made  
23 to notify such person, the court may conduct a hearing. If a  
24 protective order is sought at any time other than in  
25 conjunction with a temporary custody hearing, the court may not  
26 conduct a hearing on the petition in the absence of the person

1 against whom the order is sought unless the petitioner has  
2 notified such person by personal service at least 3 days before  
3 the hearing or has sent written notice by first class mail to  
4 such person's last known address at least 5 days before the  
5 hearing.

6 (7) A person against whom an order of protection is being  
7 sought who is neither a parent, guardian, legal custodian or  
8 responsible relative as described in Section 1-5 is not a party  
9 or respondent as defined in that Section and shall not be  
10 entitled to the rights provided therein. Such person does not  
11 have a right to appointed counsel or to be present at any  
12 hearing other than the hearing in which the order of protection  
13 is being sought or a hearing directly pertaining to that order.  
14 Unless the court orders otherwise, such person does not have a  
15 right to inspect the court file.

16 (8) All protective orders entered under this Section shall  
17 be in writing. Unless the person against whom the order was  
18 obtained was present in court when the order was issued, the  
19 sheriff, other law enforcement official or special process  
20 server shall promptly serve that order upon that person and  
21 file proof of such service, in the manner provided for service  
22 of process in civil proceedings. The person against whom the  
23 protective order was obtained may seek a modification of the  
24 order by filing a written motion to modify the order within 7  
25 days after actual receipt by the person of a copy of the order.  
26 Any modification of the order granted by the court must be

1 determined to be consistent with the best interests of the  
2 minor.

3 (9) If a petition is filed charging a violation of a  
4 condition contained in the protective order and if the court  
5 determines that this violation is of a critical service  
6 necessary to the safety and welfare of the minor, the court may  
7 proceed to findings and an order for temporary custody.

8 (Source: P.A. 95-405, eff. 6-1-08.)

9 (705 ILCS 405/3-19) (from Ch. 37, par. 803-19)

10 Sec. 3-19. Guardian ad litem.

11 (1) Immediately upon the filing of a petition alleging that  
12 the minor requires authoritative intervention, the court may  
13 appoint a guardian ad litem for the minor if

14 (a) such petition alleges that the minor is the victim  
15 of sexual abuse or misconduct; or

16 (b) such petition alleges that charges alleging the  
17 commission of any of the sex offenses defined in Article 11  
18 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
19 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the  
20 Criminal Code of 1961, as amended, have been filed against  
21 a defendant in any court and that such minor is the alleged  
22 victim of the acts of the defendant in the commission of  
23 such offense.

24 (2) Unless the guardian ad litem appointed pursuant to  
25 paragraph (1) is an attorney at law he shall be represented in

1 the performance of his duties by counsel.

2 (3) Before proceeding with the hearing, the court shall  
3 appoint a guardian ad litem for the minor if

4 (a) no parent, guardian, custodian or relative of the  
5 minor appears at the first or any subsequent hearing of the  
6 case;

7 (b) the petition prays for the appointment of a  
8 guardian with power to consent to adoption; or

9 (c) the petition for which the minor is before the  
10 court resulted from a report made pursuant to the Abused  
11 and Neglected Child Reporting Act.

12 (4) The court may appoint a guardian ad litem for the minor  
13 whenever it finds that there may be a conflict of interest  
14 between the minor and his parents or other custodian or that it  
15 is otherwise in the minor's interest to do so.

16 (5) The reasonable fees of a guardian ad litem appointed  
17 under this Section shall be fixed by the court and charged to  
18 the parents of the minor, to the extent they are able to pay.  
19 If the parents are unable to pay those fees, they shall be paid  
20 from the general fund of the county.

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

22 (705 ILCS 405/3-26) (from Ch. 37, par. 803-26)

23 Sec. 3-26. Order of protection.

24 (1) The court may make an order of protection in assistance  
25 of or as a condition of any other order authorized by this Act.

1 The order of protection may set forth reasonable conditions of  
2 behavior to be observed for a specified period. Such an order  
3 may require a person:

4 (a) To stay away from the home or the minor;

5 (b) To permit a parent to visit the minor at stated  
6 periods;

7 (c) To abstain from offensive conduct against the  
8 minor, his parent or any person to whom custody of the  
9 minor is awarded;

10 (d) To give proper attention to the care of the home;

11 (e) To cooperate in good faith with an agency to which  
12 custody of a minor is entrusted by the court or with an  
13 agency or association to which the minor is referred by the  
14 court;

15 (f) To prohibit and prevent any contact whatsoever with  
16 the respondent minor by a specified individual or  
17 individuals who are alleged in either a criminal or  
18 juvenile proceeding to have caused injury to a respondent  
19 minor or a sibling of a respondent minor;

20 (g) To refrain from acts of commission or omission that  
21 tend to make the home not a proper place for the minor.

22 (2) The court shall enter an order of protection to  
23 prohibit and prevent any contact between a respondent minor or  
24 a sibling of a respondent minor and any person named in a  
25 petition seeking an order of protection who has been convicted  
26 of heinous battery ~~under Section 12-4.1~~, aggravated battery of

1 a child ~~under Section 12-4.3~~, criminal sexual assault ~~under~~  
2 ~~Section 12-13~~, aggravated criminal sexual assault ~~under~~  
3 ~~Section 12-14~~, predatory criminal sexual assault of a child  
4 ~~under Section 12-14.1~~, criminal sexual abuse ~~under Section~~  
5 ~~12-15~~, or aggravated criminal sexual abuse as described in  
6 ~~under Section 12-16~~ of the Criminal Code of 1961, or has been  
7 convicted of an offense that resulted in the death of a child,  
8 or has violated a previous order of protection under this  
9 Section.

10 (3) When the court issues an order of protection against  
11 any person as provided by this Section, the court shall direct  
12 a copy of such order to the Sheriff of that county. The Sheriff  
13 shall furnish a copy of the order of protection to the  
14 Department of State Police within 24 hours of receipt, in the  
15 form and manner required by the Department. The Department of  
16 State Police shall maintain a complete record and index of such  
17 orders of protection and make this data available to all local  
18 law enforcement agencies.

19 (4) After notice and opportunity for hearing afforded to a  
20 person subject to an order of protection, the order may be  
21 modified or extended for a further specified period or both or  
22 may be terminated if the court finds that the best interests of  
23 the minor and the public will be served thereby.

24 (5) An order of protection may be sought at any time during  
25 the course of any proceeding conducted pursuant to this Act.  
26 Any person against whom an order of protection is sought may



1 retain counsel to represent him at a hearing, and has rights to  
2 be present at the hearing, to be informed prior to the hearing  
3 in writing of the contents of the petition seeking a protective  
4 order and of the date, place and time of such hearing, and to  
5 cross examine witnesses called by the petitioner and to present  
6 witnesses and argument in opposition to the relief sought in  
7 the petition.

8 (6) Diligent efforts shall be made by the petitioner to  
9 serve any person or persons against whom any order of  
10 protection is sought with written notice of the contents of the  
11 petition seeking a protective order and of the date, place and  
12 time at which the hearing on the petition is to be held. When a  
13 protective order is being sought in conjunction with a shelter  
14 care hearing, if the court finds that the person against whom  
15 the protective order is being sought has been notified of the  
16 hearing or that diligent efforts have been made to notify such  
17 person, the court may conduct a hearing. If a protective order  
18 is sought at any time other than in conjunction with a shelter  
19 care hearing, the court may not conduct a hearing on the  
20 petition in the absence of the person against whom the order is  
21 sought unless the petitioner has notified such person by  
22 personal service at least 3 days before the hearing or has sent  
23 written notice by first class mail to such person's last known  
24 address at least 5 days before the hearing.

25 (7) A person against whom an order of protection is being  
26 sought who is neither a parent, guardian, legal custodian or

1 responsible relative as described in Section 1-5 is not a party  
2 or respondent as defined in that Section and shall not be  
3 entitled to the rights provided therein. Such person does not  
4 have a right to appointed counsel or to be present at any  
5 hearing other than the hearing in which the order of protection  
6 is being sought or a hearing directly pertaining to that order.  
7 Unless the court orders otherwise, such person does not have a  
8 right to inspect the court file.

9 (8) All protective orders entered under this Section shall  
10 be in writing. Unless the person against whom the order was  
11 obtained was present in court when the order was issued, the  
12 sheriff, other law enforcement official or special process  
13 server shall promptly serve that order upon that person and  
14 file proof of such service, in the manner provided for service  
15 of process in civil proceedings. The person against whom the  
16 protective order was obtained may seek a modification of the  
17 order by filing a written motion to modify the order within 7  
18 days after actual receipt by the person of a copy of the order.

19 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;  
20 90-655, eff. 7-30-98.)

21 (705 ILCS 405/4-16) (from Ch. 37, par. 804-16)

22 Sec. 4-16. Guardian ad litem.

23 (1) Immediately upon the filing of a petition alleging that  
24 the minor is a person described in Section 4-3 of this Act, the  
25 court may appoint a guardian ad litem for the minor if:

1 (a) such petition alleges that the minor is the victim  
2 of sexual abuse or misconduct; or

3 (b) such petition alleges that charges alleging the  
4 commission of any of the sex offenses defined in Article 11  
5 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
6 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the  
7 Criminal Code of 1961, as amended, have been filed against  
8 a defendant in any court and that such minor is the alleged  
9 victim of the acts of the defendant in the commission of  
10 such offense.

11 Unless the guardian ad litem appointed pursuant to this  
12 paragraph (1) is an attorney at law he shall be represented in  
13 the performance of his duties by counsel.

14 (2) Before proceeding with the hearing, the court shall  
15 appoint a guardian ad litem for the minor if

16 (a) no parent, guardian, custodian or relative of the  
17 minor appears at the first or any subsequent hearing of the  
18 case;

19 (b) the petition prays for the appointment of a  
20 guardian with power to consent to adoption; or

21 (c) the petition for which the minor is before the  
22 court resulted from a report made pursuant to the Abused  
23 and Neglected Child Reporting Act.

24 (3) The court may appoint a guardian ad litem for the minor  
25 whenever it finds that there may be a conflict of interest  
26 between the minor and his parents or other custodian or that it

1 is otherwise in the minor's interest to do so.

2 (4) Unless the guardian ad litem is an attorney, he shall  
3 be represented by counsel.

4 (5) The reasonable fees of a guardian ad litem appointed  
5 under this Section shall be fixed by the court and charged to  
6 the parents of the minor, to the extent they are able to pay.  
7 If the parents are unable to pay those fees, they shall be paid  
8 from the general fund of the county.

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

10 (705 ILCS 405/4-23) (from Ch. 37, par. 804-23)

11 Sec. 4-23. Order of protection.

12 (1) The court may make an order of protection in assistance  
13 of or as a condition of any other order authorized by this Act.  
14 The order of protection may set forth reasonable conditions of  
15 behavior to be observed for a specified period. Such an order  
16 may require a person:

17 (a) To stay away from the home or the minor;

18 (b) To permit a parent to visit the minor at stated  
19 periods;

20 (c) To abstain from offensive conduct against the  
21 minor, his parent or any person to whom custody of the  
22 minor is awarded;

23 (d) To give proper attention to the care of the home;

24 (e) To cooperate in good faith with an agency to which  
25 custody of a minor is entrusted by the court or with an

1 agency or association to which the minor is referred by the  
2 court;

3 (f) To prohibit and prevent any contact whatsoever with  
4 the respondent minor by a specified individual or  
5 individuals who are alleged in either a criminal or  
6 juvenile proceeding to have caused injury to a respondent  
7 minor or a sibling of a respondent minor;

8 (g) To refrain from acts of commission or omission that  
9 tend to make the home not a proper place for the minor.

10 (2) The court shall enter an order of protection to  
11 prohibit and prevent any contact between a respondent minor or  
12 a sibling of a respondent minor and any person named in a  
13 petition seeking an order of protection who has been convicted  
14 of heinous battery ~~under Section 12-4.1~~, aggravated battery of  
15 a child ~~under Section 12-4.3~~, criminal sexual assault ~~under~~  
16 ~~Section 12-13~~, aggravated criminal sexual assault ~~under~~  
17 ~~Section 12-14~~, predatory criminal sexual assault of a child  
18 ~~under Section 12-14.1~~, criminal sexual abuse ~~under Section~~  
19 ~~12-15~~, or aggravated criminal sexual abuse as described in  
20 ~~under Section 12-16~~ of the Criminal Code of 1961, or has been  
21 convicted of an offense that resulted in the death of a child,  
22 or has violated a previous order of protection under this  
23 Section.

24 (3) When the court issues an order of protection against  
25 any person as provided by this Section, the court shall direct  
26 a copy of such order to the Sheriff of that county. The Sheriff

1 shall furnish a copy of the order of protection to the  
2 Department of State Police within 24 hours of receipt, in the  
3 form and manner required by the Department. The Department of  
4 State Police shall maintain a complete record and index of such  
5 orders of protection and make this data available to all local  
6 law enforcement agencies.

7 (4) After notice and opportunity for hearing afforded to a  
8 person subject to an order of protection, the order may be  
9 modified or extended for a further specified period or both or  
10 may be terminated if the court finds that the best interests of  
11 the minor and the public will be served thereby.

12 (5) An order of protection may be sought at any time during  
13 the course of any proceeding conducted pursuant to this Act.  
14 Any person against whom an order of protection is sought may  
15 retain counsel to represent him at a hearing, and has rights to  
16 be present at the hearing, to be informed prior to the hearing  
17 in writing of the contents of the petition seeking a protective  
18 order and of the date, place and time of such hearing, and to  
19 cross examine witnesses called by the petitioner and to present  
20 witnesses and argument in opposition to the relief sought in  
21 the petition.

22 (6) Diligent efforts shall be made by the petitioner to  
23 serve any person or persons against whom any order of  
24 protection is sought with written notice of the contents of the  
25 petition seeking a protective order and of the date, place and  
26 time at which the hearing on the petition is to be held. When a

1 protective order is being sought in conjunction with a shelter  
2 care hearing, if the court finds that the person against whom  
3 the protective order is being sought has been notified of the  
4 hearing or that diligent efforts have been made to notify such  
5 person, the court may conduct a hearing. If a protective order  
6 is sought at any time other than in conjunction with a shelter  
7 care hearing, the court may not conduct a hearing on the  
8 petition in the absence of the person against whom the order is  
9 sought unless the petitioner has notified such person by  
10 personal service at least 3 days before the hearing or has sent  
11 written notice by first class mail to such person's last known  
12 address at least 5 days before the hearing.

13 (7) A person against whom an order of protection is being  
14 sought who is neither a parent, guardian, legal custodian or  
15 responsible relative as described in Section 1-5 is not a party  
16 or respondent as defined in that Section and shall not be  
17 entitled to the rights provided therein. Such person does not  
18 have a right to appointed counsel or to be present at any  
19 hearing other than the hearing in which the order of protection  
20 is being sought or a hearing directly pertaining to that order.  
21 Unless the court orders otherwise, such person does not have a  
22 right to inspect the court file.

23 (8) All protective orders entered under this Section shall  
24 be in writing. Unless the person against whom the order was  
25 obtained was present in court when the order was issued, the  
26 sheriff, other law enforcement official or special process

1 server shall promptly serve that order upon that person and  
2 file proof of such service, in the manner provided for service  
3 of process in civil proceedings. The person against whom the  
4 protective order was obtained may seek a modification of the  
5 order by filing a written motion to modify the order within 7  
6 days after actual receipt by the person of a copy of the order.  
7 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;  
8 90-655, eff. 7-30-98.)

9 (705 ILCS 405/5-170)

10 Sec. 5-170. Representation by counsel.

11 (a) In a proceeding under this Article, a minor who was  
12 under 13 years of age at the time of the commission of an act  
13 that if committed by an adult would be a violation of Section  
14 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 11-1.20, 11-1.30,  
15 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
16 12-16 of the Criminal Code of 1961 must be represented by  
17 counsel during the entire custodial interrogation of the minor.

18 (b) In a judicial proceeding under this Article, a minor  
19 may not waive the right to the assistance of counsel in his or  
20 her defense.

21 (Source: P.A. 94-345, eff. 7-26-05.)

22 (705 ILCS 405/5-730)

23 Sec. 5-730. Order of protection.

24 (1) The court may make an order of protection in assistance



1 of or as a condition of any other order authorized by this Act.  
2 The order of protection may set forth reasonable conditions of  
3 behavior to be observed for a specified period. The order may  
4 require a person:

5 (a) to stay away from the home or the minor;

6 (b) to permit a parent to visit the minor at stated  
7 periods;

8 (c) to abstain from offensive conduct against the  
9 minor, his or her parent or any person to whom custody of  
10 the minor is awarded;

11 (d) to give proper attention to the care of the home;

12 (e) to cooperate in good faith with an agency to which  
13 custody of a minor is entrusted by the court or with an  
14 agency or association to which the minor is referred by the  
15 court;

16 (f) to prohibit and prevent any contact whatsoever with  
17 the respondent minor by a specified individual or  
18 individuals who are alleged in either a criminal or  
19 juvenile proceeding to have caused injury to a respondent  
20 minor or a sibling of a respondent minor;

21 (g) to refrain from acts of commission or omission that  
22 tend to make the home not a proper place for the minor.

23 (2) The court shall enter an order of protection to  
24 prohibit and prevent any contact between a respondent minor or  
25 a sibling of a respondent minor and any person named in a  
26 petition seeking an order of protection who has been convicted

1 of heinous battery ~~under Section 12-4.1~~, aggravated battery of  
2 a child ~~under Section 12-4.3~~, criminal sexual assault ~~under~~  
3 ~~Section 12-13~~, aggravated criminal sexual assault ~~under~~  
4 ~~Section 12-14~~, predatory criminal sexual assault of a child  
5 ~~under Section 12-14.1~~, criminal sexual abuse ~~under Section~~  
6 ~~12-15~~, or aggravated criminal sexual abuse as described in  
7 ~~under Section 12-16~~ of the Criminal Code of 1961, or has been  
8 convicted of an offense that resulted in the death of a child,  
9 or has violated a previous order of protection under this  
10 Section.

11 (3) When the court issues an order of protection against  
12 any person as provided by this Section, the court shall direct  
13 a copy of such order to the sheriff of that county. The sheriff  
14 shall furnish a copy of the order of protection to the  
15 Department of State Police within 24 hours of receipt, in the  
16 form and manner required by the Department. The Department of  
17 State Police shall maintain a complete record and index of the  
18 orders of protection and make this data available to all local  
19 law enforcement agencies.

20 (4) After notice and opportunity for hearing afforded to a  
21 person subject to an order of protection, the order may be  
22 modified or extended for a further specified period or both or  
23 may be terminated if the court finds that the best interests of  
24 the minor and the public will be served by the modification,  
25 extension, or termination.

26 (5) An order of protection may be sought at any time during

1 the course of any proceeding conducted under this Act. Any  
2 person against whom an order of protection is sought may retain  
3 counsel to represent him or her at a hearing, and has rights to  
4 be present at the hearing, to be informed prior to the hearing  
5 in writing of the contents of the petition seeking a protective  
6 order and of the date, place, and time of the hearing, and to  
7 cross-examine witnesses called by the petitioner and to present  
8 witnesses and argument in opposition to the relief sought in  
9 the petition.

10 (6) Diligent efforts shall be made by the petitioner to  
11 serve any person or persons against whom any order of  
12 protection is sought with written notice of the contents of the  
13 petition seeking a protective order and of the date, place and  
14 time at which the hearing on the petition is to be held. When a  
15 protective order is being sought in conjunction with a shelter  
16 care or detention hearing, if the court finds that the person  
17 against whom the protective order is being sought has been  
18 notified of the hearing or that diligent efforts have been made  
19 to notify the person, the court may conduct a hearing. If a  
20 protective order is sought at any time other than in  
21 conjunction with a shelter care or detention hearing, the court  
22 may not conduct a hearing on the petition in the absence of the  
23 person against whom the order is sought unless the petitioner  
24 has notified the person by personal service at least 3 days  
25 before the hearing or has sent written notice by first class  
26 mail to the person's last known address at least 5 days before

1 the hearing.

2 (7) A person against whom an order of protection is being  
3 sought who is neither a parent, guardian, or legal custodian or  
4 responsible relative as described in Section 1-5 of this Act or  
5 is not a party or respondent as defined in that Section shall  
6 not be entitled to the rights provided in that Section. The  
7 person does not have a right to appointed counsel or to be  
8 present at any hearing other than the hearing in which the  
9 order of protection is being sought or a hearing directly  
10 pertaining to that order. Unless the court orders otherwise,  
11 the person does not have a right to inspect the court file.

12 (8) All protective orders entered under this Section shall  
13 be in writing. Unless the person against whom the order was  
14 obtained was present in court when the order was issued, the  
15 sheriff, other law enforcement official, or special process  
16 server shall promptly serve that order upon that person and  
17 file proof of that service, in the manner provided for service  
18 of process in civil proceedings. The person against whom the  
19 protective order was obtained may seek a modification of the  
20 order by filing a written motion to modify the order within 7  
21 days after actual receipt by the person of a copy of the order.

22 (Source: P.A. 90-590, eff. 1-1-99.)

23 Section 1035. The Criminal Code of 1961 is amended by  
24 changing Sections 1-6, 2-10.1, 3-5, 3-6, 8-2, 12-3.2, 12-11,  
25 12-18.1, 12-30, 36-1, and 37-1 as follows:

1 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

2 Sec. 1-6. Place of trial.

3 (a) Generally.

4 Criminal actions shall be tried in the county where the  
5 offense was committed, except as otherwise provided by law. The  
6 State is not required to prove during trial that the alleged  
7 offense occurred in any particular county in this State. When a  
8 defendant contests the place of trial under this Section, all  
9 proceedings regarding this issue shall be conducted under  
10 Section 114-1 of the Code of Criminal Procedure of 1963. All  
11 objections of improper place of trial are waived by a defendant  
12 unless made before trial.

13 (b) Assailant and Victim in Different Counties.

14 If a person committing an offense upon the person of  
15 another is located in one county and his victim is located in  
16 another county at the time of the commission of the offense,  
17 trial may be had in either of said counties.

18 (c) Death and Cause of Death in Different Places or  
19 Undetermined.

20 If cause of death is inflicted in one county and death  
21 ensues in another county, the offender may be tried in either  
22 county. If neither the county in which the cause of death was  
23 inflicted nor the county in which death ensued are known before  
24 trial, the offender may be tried in the county where the body  
25 was found.

1 (d) Offense Commenced Outside the State.

2 If the commission of an offense commenced outside the State  
3 is consummated within this State, the offender shall be tried  
4 in the county where the offense is consummated.

5 (e) Offenses Committed in Bordering Navigable Waters.

6 If an offense is committed on any of the navigable waters  
7 bordering on this State, the offender may be tried in any  
8 county adjacent to such navigable water.

9 (f) Offenses Committed while in Transit.

10 If an offense is committed upon any railroad car, vehicle,  
11 watercraft or aircraft passing within this State, and it cannot  
12 readily be determined in which county the offense was  
13 committed, the offender may be tried in any county through  
14 which such railroad car, vehicle, watercraft or aircraft has  
15 passed.

16 (g) Theft.

17 A person who commits theft of property may be tried in any  
18 county in which he exerted control over such property.

19 (h) Bigamy.

20 A person who commits the offense of bigamy may be tried in  
21 any county where the bigamous marriage or bigamous cohabitation  
22 has occurred.

23 (i) Kidnaping.

24 A person who commits the offense of kidnaping may be tried  
25 in any county in which his victim has traveled or has been  
26 confined during the course of the offense.

1 (j) Pandering.

2 A person who commits the offense of pandering as set forth  
3 in Section 11-14.3 may be tried in any county in which the  
4 prostitution was practiced or in any county in which any act in  
5 furtherance of the offense shall have been committed.

6 (k) Treason.

7 A person who commits the offense of treason may be tried in  
8 any county.

9 (l) Criminal Defamation.

10 If criminal defamation is spoken, printed or written in one  
11 county and is received or circulated in another or other  
12 counties, the offender shall be tried in the county where the  
13 defamation is spoken, printed or written. If the defamation is  
14 spoken, printed or written outside this state, or the offender  
15 resides outside this state, the offender may be tried in any  
16 county in this state in which the defamation was circulated or  
17 received.

18 (m) Inchoate Offenses.

19 A person who commits an inchoate offense may be tried in  
20 any county in which any act which is an element of the offense,  
21 including the agreement in conspiracy, is committed.

22 (n) Accountability for Conduct of Another.

23 Where a person in one county solicits, aids, abets, agrees,  
24 or attempts to aid another in the planning or commission of an  
25 offense in another county, he may be tried for the offense in  
26 either county.

1 (o) Child Abduction.

2 A person who commits the offense of child abduction may be  
3 tried in any county in which his victim has traveled, been  
4 detained, concealed or removed to during the course of the  
5 offense. Notwithstanding the foregoing, unless for good cause  
6 shown, the preferred place of trial shall be the county of the  
7 residence of the lawful custodian.

8 (p) A person who commits the offense of narcotics  
9 racketeering may be tried in any county where cannabis or a  
10 controlled substance which is the basis for the charge of  
11 narcotics racketeering was used; acquired; transferred or  
12 distributed to, from or through; or any county where any act  
13 was performed to further the use; acquisition, transfer or  
14 distribution of said cannabis or controlled substance; any  
15 money, property, property interest, or any other asset  
16 generated by narcotics activities was acquired, used, sold,  
17 transferred or distributed to, from or through; or, any  
18 enterprise interest obtained as a result of narcotics  
19 racketeering was acquired, used, transferred or distributed  
20 to, from or through, or where any activity was conducted by the  
21 enterprise or any conduct to further the interests of such an  
22 enterprise.

23 (q) A person who commits the offense of money laundering  
24 may be tried in any county where any part of a financial  
25 transaction in criminally derived property took place or in any  
26 county where any money or monetary instrument which is the



1 basis for the offense was acquired, used, sold, transferred or  
2 distributed to, from or through.

3 (r) A person who commits the offense of cannabis  
4 trafficking or controlled substance trafficking may be tried in  
5 any county.

6 (s) A person who commits the offense of online sale of  
7 stolen property, online theft by deception, or electronic  
8 fencing may be tried in any county where any one or more  
9 elements of the offense took place, regardless of whether the  
10 element of the offense was the result of acts by the accused,  
11 the victim or by another person, and regardless of whether the  
12 defendant was ever physically present within the boundaries of  
13 the county.

14 (t) A person who commits the offense of identity theft or  
15 aggravated identity theft may be tried in any one of the  
16 following counties in which: (1) the offense occurred; (2) the  
17 information used to commit the offense was illegally used; or  
18 (3) the victim resides.

19 If a person is charged with more than one violation of  
20 identity theft or aggravated identity theft and those  
21 violations may be tried in more than one county, any of those  
22 counties is a proper venue for all of the violations.

23 (Source: P.A. 94-51, eff. 1-1-06; 94-179, eff. 7-12-05; 95-331,  
24 eff. 8-21-07.)

25 (720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

1           Sec. 2-10.1. "Severely or profoundly mentally retarded  
2 person" means a person (i) whose intelligence quotient does not  
3 exceed 40 or (ii) whose intelligence quotient does not exceed  
4 55 and who suffers from significant mental illness to the  
5 extent that the person's ability to exercise rational judgment  
6 is impaired. In any proceeding in which the defendant is  
7 charged with committing a violation of Section 10-2, 10-5,  
8 11-1.30, 11-1.60, 11-14.4, 11-15.1, 11-19.1, 11-19.2, 11-20.1,  
9 11-20.1B, 11-20.3, 12-4.3, 12-14, or 12-16 of this Code against  
10 a victim who is alleged to be a severely or profoundly mentally  
11 retarded person, any findings concerning the victim's status as  
12 a severely or profoundly mentally retarded person, made by a  
13 court after a judicial admission hearing concerning the victim  
14 under Articles V and VI of Chapter 4 of the Mental Health and  
15 Developmental Disabilities Code shall be admissible.

16           (Source: P.A. 92-434, eff. 1-1-02.)

17           (720 ILCS 5/3-5) (from Ch. 38, par. 3-5)

18           Sec. 3-5. General Limitations.

19           (a) A prosecution for: (1) first degree murder, attempt to  
20 commit first degree murder, second degree murder, involuntary  
21 manslaughter, reckless homicide, leaving the scene of a motor  
22 vehicle accident involving death or personal injuries under  
23 Section 11-401 of the Illinois Vehicle Code, failing to give  
24 information and render aid under Section 11-403 of the Illinois  
25 Vehicle Code, concealment of homicidal death, treason, arson,

1 aggravated arson, forgery, child pornography under paragraph  
2 (1) of subsection (a) of Section 11-20.1, aggravated child  
3 pornography under paragraph (1) of subsection (a) of Section  
4 11-20.1B ~~11-20.3~~, or (2) any offense involving sexual conduct  
5 or sexual penetration, as defined by Section 11-0.1 ~~12-12~~ of  
6 this Code in which the DNA profile of the offender is obtained  
7 and entered into a DNA database within 10 years after the  
8 commission of the offense, may be commenced at any time. Clause  
9 (2) of this subsection (a) applies if either: (i) the victim  
10 reported the offense to law enforcement authorities within 3  
11 years after the commission of the offense unless a longer  
12 period for reporting the offense to law enforcement authorities  
13 is provided in Section 3-6 or (ii) the victim is murdered  
14 during the course of the offense or within 2 years after the  
15 commission of the offense.

16 (b) Unless the statute describing the offense provides  
17 otherwise, or the period of limitation is extended by Section  
18 3-6, a prosecution for any offense not designated in Subsection  
19 (a) must be commenced within 3 years after the commission of  
20 the offense if it is a felony, or within one year and 6 months  
21 after its commission if it is a misdemeanor.

22 (Source: P.A. 95-899, eff. 1-1-09; 96-292, eff. 1-1-10.)

23 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

24 Sec. 3-6. Extended limitations. The period within which a  
25 prosecution must be commenced under the provisions of Section

1 3-5 or other applicable statute is extended under the following  
2 conditions:

3 (a) A prosecution for theft involving a breach of a  
4 fiduciary obligation to the aggrieved person may be commenced  
5 as follows:

6 (1) If the aggrieved person is a minor or a person  
7 under legal disability, then during the minority or legal  
8 disability or within one year after the termination  
9 thereof.

10 (2) In any other instance, within one year after the  
11 discovery of the offense by an aggrieved person, or by a  
12 person who has legal capacity to represent an aggrieved  
13 person or has a legal duty to report the offense, and is  
14 not himself or herself a party to the offense; or in the  
15 absence of such discovery, within one year after the proper  
16 prosecuting officer becomes aware of the offense. However,  
17 in no such case is the period of limitation so extended  
18 more than 3 years beyond the expiration of the period  
19 otherwise applicable.

20 (b) A prosecution for any offense based upon misconduct in  
21 office by a public officer or employee may be commenced within  
22 one year after discovery of the offense by a person having a  
23 legal duty to report such offense, or in the absence of such  
24 discovery, within one year after the proper prosecuting officer  
25 becomes aware of the offense. However, in no such case is the  
26 period of limitation so extended more than 3 years beyond the

1 expiration of the period otherwise applicable.

2 (c) (Blank).

3 (d) A prosecution for child pornography, aggravated child  
4 pornography, indecent solicitation of a child, soliciting for a  
5 juvenile prostitute, juvenile pimping, ~~or~~ exploitation of a  
6 child, or promoting juvenile prostitution except for keeping a  
7 place of juvenile prostitution may be commenced within one year  
8 of the victim attaining the age of 18 years. However, in no  
9 such case shall the time period for prosecution expire sooner  
10 than 3 years after the commission of the offense. When the  
11 victim is under 18 years of age, a prosecution for criminal  
12 sexual abuse may be commenced within one year of the victim  
13 attaining the age of 18 years. However, in no such case shall  
14 the time period for prosecution expire sooner than 3 years  
15 after the commission of the offense.

16 (e) Except as otherwise provided in subdivision (j), a  
17 prosecution for any offense involving sexual conduct or sexual  
18 penetration, as defined in Section 11-0.1 ~~12-12~~ of this Code,  
19 where the defendant was within a professional or fiduciary  
20 relationship or a purported professional or fiduciary  
21 relationship with the victim at the time of the commission of  
22 the offense may be commenced within one year after the  
23 discovery of the offense by the victim.

24 (f) A prosecution for any offense set forth in Section 44  
25 of the "Environmental Protection Act", approved June 29, 1970,  
26 as amended, may be commenced within 5 years after the discovery

1 of such an offense by a person or agency having the legal duty  
2 to report the offense or in the absence of such discovery,  
3 within 5 years after the proper prosecuting officer becomes  
4 aware of the offense.

5 (f-5) A prosecution for any offense set forth in Section  
6 16G-15 or 16G-20 of this Code may be commenced within 5 years  
7 after the discovery of the offense by the victim of that  
8 offense.

9 (g) (Blank).

10 (h) (Blank).

11 (i) Except as otherwise provided in subdivision (j), a  
12 prosecution for criminal sexual assault, aggravated criminal  
13 sexual assault, or aggravated criminal sexual abuse may be  
14 commenced within 10 years of the commission of the offense if  
15 the victim reported the offense to law enforcement authorities  
16 within 3 years after the commission of the offense.

17 Nothing in this subdivision (i) shall be construed to  
18 shorten a period within which a prosecution must be commenced  
19 under any other provision of this Section.

20 (j) When the victim is under 18 years of age at the time of  
21 the offense, a prosecution for criminal sexual assault,  
22 aggravated criminal sexual assault, predatory criminal sexual  
23 assault of a child, aggravated criminal sexual abuse, or felony  
24 criminal sexual abuse, or a prosecution for failure of a person  
25 who is required to report an alleged or suspected commission of  
26 any of these offenses under the Abused and Neglected Child

1 Reporting Act may be commenced within 20 years after the child  
2 victim attains 18 years of age. When the victim is under 18  
3 years of age at the time of the offense, a prosecution for  
4 misdemeanor criminal sexual abuse may be commenced within 10  
5 years after the child victim attains 18 years of age.

6 Nothing in this subdivision (j) shall be construed to  
7 shorten a period within which a prosecution must be commenced  
8 under any other provision of this Section.

9 (k) A prosecution for theft involving real property  
10 exceeding \$100,000 in value under Section 16-1, identity theft  
11 under Section 16G-15, aggravated identity theft under Section  
12 16G-20, or any offense set forth in Article 16H may be  
13 commenced within 7 years of the last act committed in  
14 furtherance of the crime.

15 (Source: P.A. 95-548, eff. 8-30-07; 96-233, eff. 1-1-10.)

16 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

17 Sec. 8-2. Conspiracy.

18 (a) Elements of the offense. A person commits the offense  
19 of conspiracy when, with intent that an offense be committed,  
20 he or she agrees with another to the commission of that  
21 offense. No person may be convicted of conspiracy to commit an  
22 offense unless an act in furtherance of that agreement is  
23 alleged and proved to have been committed by him or her or by a  
24 co-conspirator.

25 (b) Co-conspirators. It is not a defense to conspiracy that

1 the person or persons with whom the accused is alleged to have  
2 conspired:

- 3 (1) have not been prosecuted or convicted,
- 4 (2) have been convicted of a different offense,
- 5 (3) are not amenable to justice,
- 6 (4) have been acquitted, or
- 7 (5) lacked the capacity to commit an offense.

8 (c) Sentence.

9 (1) Except as otherwise provided in this subsection or  
10 Code, a person convicted of conspiracy to commit:

11 (A) a Class X felony shall be sentenced for a Class  
12 1 felony;

13 (B) a Class 1 felony shall be sentenced for a Class  
14 2 felony;

15 (C) a Class 2 felony shall be sentenced for a Class  
16 3 felony;

17 (D) a Class 3 felony shall be sentenced for a Class  
18 4 felony;

19 (E) a Class 4 felony shall be sentenced for a Class  
20 4 felony; and

21 (F) a misdemeanor may be fined or imprisoned or  
22 both not to exceed the maximum provided for the offense  
23 that is the object of the conspiracy.

24 (2) A person convicted of conspiracy to commit any of  
25 the following offenses shall be sentenced for a Class X  
26 felony:



1 (A) aggravated insurance fraud conspiracy when the  
2 person is an organizer of the conspiracy (720 ILCS  
3 5/46-4); or

4 (B) aggravated governmental entity insurance fraud  
5 conspiracy when the person is an organizer of the  
6 conspiracy (720 ILCS 5/46-4).

7 (3) A person convicted of conspiracy to commit any of  
8 the following offenses shall be sentenced for a Class 1  
9 felony:

10 (A) first degree murder (720 ILCS 5/9-1); or

11 (B) aggravated insurance fraud (720 ILCS 5/46-3)  
12 or aggravated governmental insurance fraud (720 ILCS  
13 5/46-3).

14 (4) A person convicted of conspiracy to commit  
15 insurance fraud (720 ILCS 5/46-3) or governmental entity  
16 insurance fraud (720 ILCS 5/46-3) shall be sentenced for a  
17 Class 2 felony.

18 (5) A person convicted of conspiracy to commit any of  
19 the following offenses shall be sentenced for a Class 3  
20 felony:

21 (A) soliciting for a prostitute (720 ILCS  
22 5/11-14.3(a)(1) ~~5/11-15~~);

23 (B) pandering (720 ILCS 5/11-14.3(a)(2)(A) or  
24 5/11-14.3(a)(2)(B) ~~5/11-16~~);

25 (C) keeping a place of prostitution (720 ILCS  
26 5/11-14.3(a)(1) ~~5/11-17~~);

- 1 (D) pimping (720 ILCS 5/11-14.3(a)(2)(C) ~~5/11-19~~);
- 2 (E) unlawful use of weapons under Section
- 3 24-1(a)(1) (720 ILCS 5/24-1(a)(1));
- 4 (F) unlawful use of weapons under Section
- 5 24-1(a)(7) (720 ILCS 5/24-1(a)(7));
- 6 (G) gambling (720 ILCS 5/28-1);
- 7 (H) keeping a gambling place (720 ILCS 5/28-3);
- 8 (I) registration of federal gambling stamps
- 9 violation (720 ILCS 5/28-4);
- 10 (J) look-alike substances violation (720 ILCS
- 11 570/404);
- 12 (K) miscellaneous controlled substance violation
- 13 under Section 406(b) (720 ILCS 570/406(b)); or
- 14 (L) an inchoate offense related to any of the
- 15 principal offenses set forth in this item (5).

16 (Source: P.A. 96-710, eff. 1-1-10.)

17 (720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)

18 Sec. 12-3.2. Domestic Battery.

19 (a) A person commits domestic battery if he intentionally

20 or knowingly without legal justification by any means:

21 (1) Causes bodily harm to any family or household

22 member as defined in subsection (3) of Section 112A-3 of

23 the Code of Criminal Procedure of 1963, as amended;

24 (2) Makes physical contact of an insulting or provoking

25 nature with any family or household member as defined in

1 subsection (3) of Section 112A-3 of the Code of Criminal  
2 Procedure of 1963, as amended.

3 (b) Sentence. Domestic battery is a Class A misdemeanor.  
4 Domestic battery is a Class 4 felony if the defendant has any  
5 prior conviction under this Code for domestic battery (Section  
6 12-3.2) or violation of an order of protection (Section 12-30),  
7 or any prior conviction under the law of another jurisdiction  
8 for an offense which is substantially similar. Domestic battery  
9 is a Class 4 felony if the defendant has any prior conviction  
10 under this Code for first degree murder (Section 9-1), attempt  
11 to commit first degree murder (Section 8-4), aggravated  
12 domestic battery (Section 12-3.3), aggravated battery (Section  
13 12-4), heinous battery (Section 12-4.1), aggravated battery  
14 with a firearm (Section 12-4.2), aggravated battery of a child  
15 (Section 12-4.3), aggravated battery of an unborn child  
16 (Section 12-4.4), aggravated battery of a senior citizen  
17 (Section 12-4.6), stalking (Section 12-7.3), aggravated  
18 stalking (Section 12-7.4), criminal sexual assault (Section  
19 11-1.20 or 12-13), aggravated criminal sexual assault (Section  
20 11-1.30 or 12-14), kidnapping (Section 10-1), aggravated  
21 kidnapping (Section 10-2), predatory criminal sexual assault  
22 of a child (Section 11-1.40 or 12-14.1), aggravated criminal  
23 sexual abuse (Section 11-1.60 or 12-16), unlawful restraint  
24 (Section 10-3), aggravated unlawful restraint (Section  
25 10-3.1), aggravated arson (Section 20-1.1), or aggravated  
26 discharge of a firearm (Section 24-1.2), or any prior

1 conviction under the law of another jurisdiction for any  
2 offense that is substantially similar to the offenses listed in  
3 this Section, when any of these offenses have been committed  
4 against a family or household member as defined in Section  
5 112A-3 of the Code of Criminal Procedure of 1963. In addition  
6 to any other sentencing alternatives, for any second or  
7 subsequent conviction of violating this Section, the offender  
8 shall be mandatorily sentenced to a minimum of 72 consecutive  
9 hours of imprisonment. The imprisonment shall not be subject to  
10 suspension, nor shall the person be eligible for probation in  
11 order to reduce the sentence.

12 (c) Domestic battery committed in the presence of a child.  
13 In addition to any other sentencing alternatives, a defendant  
14 who commits, in the presence of a child, a felony domestic  
15 battery (enhanced under subsection (b)), aggravated domestic  
16 battery (Section 12-3.3), aggravated battery (Section 12-4),  
17 unlawful restraint (Section 10-3), or aggravated unlawful  
18 restraint (Section 10-3.1) against a family or household  
19 member, as defined in Section 112A-3 of the Code of Criminal  
20 Procedure of 1963, shall be required to serve a mandatory  
21 minimum imprisonment of 10 days or perform 300 hours of  
22 community service, or both. The defendant shall further be  
23 liable for the cost of any counseling required for the child at  
24 the discretion of the court in accordance with subsection (b)  
25 of Section 5-5-6 of the Unified Code of Corrections. For  
26 purposes of this Section, "child" means a person under 18 years

1 of age who is the defendant's or victim's child or step-child  
2 or who is a minor child residing within or visiting the  
3 household of the defendant or victim. For purposes of this  
4 Section, "in the presence of a child" means in the physical  
5 presence of a child or knowing or having reason to know that a  
6 child is present and may see or hear an act constituting one of  
7 the offenses listed in this subsection.

8 (d) Upon conviction of domestic battery, the court shall  
9 advise the defendant orally or in writing, substantially as  
10 follows: "An individual convicted of domestic battery may be  
11 subject to federal criminal penalties for possessing,  
12 transporting, shipping, or receiving any firearm or ammunition  
13 in violation of the federal Gun Control Act of 1968 (18 U.S.C.  
14 922(g) (8) and (9))." A notation shall be made in the court file  
15 that the admonition was given.

16 (Source: P.A. 96-287, eff. 8-11-09.)

17 (720 ILCS 5/12-11) (from Ch. 38, par. 12-11)

18 Sec. 12-11. Home Invasion.

19 (a) A person who is not a peace officer acting in the line  
20 of duty commits home invasion when without authority he or she  
21 knowingly enters the dwelling place of another when he or she  
22 knows or has reason to know that one or more persons is present  
23 or he or she knowingly enters the dwelling place of another and  
24 remains in such dwelling place until he or she knows or has  
25 reason to know that one or more persons is present and

1           (1) While armed with a dangerous weapon, other than a  
2           firearm, uses force or threatens the imminent use of force  
3           upon any person or persons within such dwelling place  
4           whether or not injury occurs, or

5           (2) Intentionally causes any injury, except as  
6           provided in subsection (a)(5), to any person or persons  
7           within such dwelling place, or

8           (3) While armed with a firearm uses force or threatens  
9           the imminent use of force upon any person or persons within  
10          such dwelling place whether or not injury occurs, or

11          (4) Uses force or threatens the imminent use of force  
12          upon any person or persons within such dwelling place  
13          whether or not injury occurs and during the commission of  
14          the offense personally discharges a firearm, or

15          (5) Personally discharges a firearm that proximately  
16          causes great bodily harm, permanent disability, permanent  
17          disfigurement, or death to another person within such  
18          dwelling place, or

19          (6) Commits, against any person or persons within that  
20          dwelling place, a violation of Section 11-1.20, 11-1.30,  
21          11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15,  
22          or 12-16 of the Criminal Code of 1961.

23          (b) It is an affirmative defense to a charge of home  
24          invasion that the accused who knowingly enters the dwelling  
25          place of another and remains in such dwelling place until he or  
26          she knows or has reason to know that one or more persons is

1 present either immediately leaves such premises or surrenders  
2 to the person or persons lawfully present therein without  
3 either attempting to cause or causing serious bodily injury to  
4 any person present therein.

5 (c) Sentence. Home invasion in violation of subsection  
6 (a)(1), (a)(2) or (a)(6) is a Class X felony. A violation of  
7 subsection (a)(3) is a Class X felony for which 15 years shall  
8 be added to the term of imprisonment imposed by the court. A  
9 violation of subsection (a)(4) is a Class X felony for which 20  
10 years shall be added to the term of imprisonment imposed by the  
11 court. A violation of subsection (a)(5) is a Class X felony for  
12 which 25 years or up to a term of natural life shall be added to  
13 the term of imprisonment imposed by the court.

14 (d) For purposes of this Section, "dwelling place of  
15 another" includes a dwelling place where the defendant  
16 maintains a tenancy interest but from which the defendant has  
17 been barred by a divorce decree, judgment of dissolution of  
18 marriage, order of protection, or other court order.

19 (Source: P.A. 90-787, eff. 8-14-98; 91-404, eff. 1-1-00;  
20 91-928, eff. 6-1-01.)

21 (720 ILCS 5/12-18.1) (from Ch. 38, par. 12-18.1)

22 Sec. 12-18.1. Civil Liability. (a) If any person has been  
23 convicted of any offense defined in Section 11-1.20, 11-1.30,  
24 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-15, or 12-16 of  
25 this Act, a victim of such offense has a cause of action for

1 damages against any person or entity who, by the manufacture,  
2 production, or wholesale distribution of any obscene material  
3 which was possessed or viewed by the person convicted of the  
4 offense, proximately caused such person, through his or her  
5 reading or viewing of the obscene material, to commit the  
6 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
7 11-1.60, 12-13, 12-14, 12-15, or 12-16. No victim may recover  
8 in any such action unless he or she proves by a preponderance  
9 of the evidence that: (1) the reading or viewing of the  
10 specific obscene material manufactured, produced, or  
11 distributed wholesale by the defendant proximately caused the  
12 person convicted of the violation of Section 11-1.20, 11-1.30,  
13 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-15, or 12-16 to  
14 commit such violation and (2) the defendant knew or had reason  
15 to know that the manufacture, production, or wholesale  
16 distribution of such material was likely to cause a violation  
17 of an offense substantially of the type enumerated.

18 (b) The manufacturer, producer or wholesale distributor  
19 shall be liable to the victim for:

20 (1) actual damages incurred by the victim, including  
21 medical costs;

22 (2) court costs and reasonable attorneys fees;

23 (3) infliction of emotional distress;

24 (4) pain and suffering; and

25 (5) loss of consortium.

26 (c) Every action under this Section shall be commenced



1 within 3 years after the conviction of the defendant for a  
2 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
3 11-1.60, 12-13, 12-14, 12-15 or 12-16 of this Code. However, if  
4 the victim was under the age of 18 years at the time of the  
5 conviction of the defendant for a violation of Section 11-1.20,  
6 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-15 or  
7 12-16 of this Code, an action under this Section shall be  
8 commenced within 3 years after the victim attains the age of 18  
9 years.

10 (d) For the purposes of this Section:

11 (1) "obscene" has the meaning ascribed to it in subsection  
12 (b) of Section 11-20 of this Code;

13 (2) "wholesale distributor" means any individual,  
14 partnership, corporation, association, or other legal entity  
15 which stands between the manufacturer and the retail seller in  
16 purchases, consignments, contracts for sale or rental of the  
17 obscene material;

18 (3) "producer" means any individual, partnership,  
19 corporation, association, or other legal entity which finances  
20 or supervises, to any extent, the production or making of  
21 obscene material;

22 (4) "manufacturer" means any individual, partnership,  
23 corporation, association, or other legal entity which  
24 manufacturers, assembles or produces obscene material.

25 (Source: P.A. 86-857.)

1 (720 ILCS 5/12-30) (from Ch. 38, par. 12-30)

2 Sec. 12-30. Violation of an order of protection.

3 (a) A person commits violation of an order of protection  
4 if:

5 (1) He or she commits an act which was prohibited by a  
6 court or fails to commit an act which was ordered by a  
7 court in violation of:

8 (i) a remedy in a valid order of protection  
9 authorized under paragraphs (1), (2), (3), (14), or  
10 (14.5) of subsection (b) of Section 214 of the Illinois  
11 Domestic Violence Act of 1986,

12 (ii) a remedy, which is substantially similar to  
13 the remedies authorized under paragraphs (1), (2),  
14 (3), (14) or (14.5) of subsection (b) of Section 214 of  
15 the Illinois Domestic Violence Act of 1986, in a valid  
16 order of protection, which is authorized under the laws  
17 of another state, tribe or United States territory,

18 (iii) any other remedy when the act constitutes a  
19 crime against the protected parties as the term  
20 protected parties is defined in Section 112A-4 of the  
21 Code of Criminal Procedure of 1963; and

22 (2) Such violation occurs after the offender has been  
23 served notice of the contents of the order, pursuant to the  
24 Illinois Domestic Violence Act of 1986 or any substantially  
25 similar statute of another state, tribe or United States  
26 territory, or otherwise has acquired actual knowledge of

1 the contents of the order.

2 An order of protection issued by a state, tribal or  
3 territorial court related to domestic or family violence shall  
4 be deemed valid if the issuing court had jurisdiction over the  
5 parties and matter under the law of the state, tribe or  
6 territory. There shall be a presumption of validity where an  
7 order is certified and appears authentic on its face.

8 (a-5) Failure to provide reasonable notice and opportunity  
9 to be heard shall be an affirmative defense to any charge or  
10 process filed seeking enforcement of a foreign order of  
11 protection.

12 (b) For purposes of this Section, an "order of protection"  
13 may have been issued in a criminal or civil proceeding.

14 (c) Nothing in this Section shall be construed to diminish  
15 the inherent authority of the courts to enforce their lawful  
16 orders through civil or criminal contempt proceedings.

17 (d) Violation of an order of protection under subsection  
18 (a) of this Section is a Class A misdemeanor. Violation of an  
19 order of protection under subsection (a) of this Section is a  
20 Class 4 felony if the defendant has any prior conviction under  
21 this Code for domestic battery (Section 12-3.2) or violation of  
22 an order of protection (Section 12-30). Violation of an order  
23 of protection is a Class 4 felony if the defendant has any  
24 prior conviction under this Code for first degree murder  
25 (Section 9-1), attempt to commit first degree murder (Section  
26 8-4), aggravated domestic battery (Section 12-3.3), aggravated

1 battery (Section 12-4), heinous battery (Section 12-4.1),  
2 aggravated battery with a firearm (Section 12-4.2), aggravated  
3 battery of a child (Section 12-4.3), aggravated battery of an  
4 unborn child (Section 12-4.4), aggravated battery of a senior  
5 citizen (Section 12-4.6), stalking (Section 12-7.3),  
6 aggravated stalking (Section 12-7.4), criminal sexual assault  
7 (Section 11-1.20 or 12-13), aggravated criminal sexual assault  
8 (Section 11-1.30 or 12-14), kidnapping (Section 10-1),  
9 aggravated kidnapping (Section 10-2), predatory criminal  
10 sexual assault of a child (Section 11-1.40 or 12-14.1),  
11 aggravated criminal sexual abuse (Section 11-1.60 or 12-16),  
12 unlawful restraint (Section 10-3), aggravated unlawful  
13 restraint (Section 10-3.1), aggravated arson (Section 20-1.1),  
14 or aggravated discharge of a firearm (Section 24-1.2), when any  
15 of these offenses have been committed against a family or  
16 household member as defined in Section 112A-3 of the Code of  
17 Criminal Procedure of 1963. The court shall impose a minimum  
18 penalty of 24 hours imprisonment for defendant's second or  
19 subsequent violation of any order of protection; unless the  
20 court explicitly finds that an increased penalty or such period  
21 of imprisonment would be manifestly unjust. In addition to any  
22 other penalties, the court may order the defendant to pay a  
23 fine as authorized under Section 5-9-1 of the Unified Code of  
24 Corrections or to make restitution to the victim under Section  
25 5-5-6 of the Unified Code of Corrections. In addition to any  
26 other penalties, including those imposed by Section 5-9-1.5 of

1 the Unified Code of Corrections, the court shall impose an  
2 additional fine of \$20 as authorized by Section 5-9-1.11 of the  
3 Unified Code of Corrections upon any person convicted of or  
4 placed on supervision for a violation of this Section. The  
5 additional fine shall be imposed for each violation of this  
6 Section.

7 (e) The limitations placed on law enforcement liability by  
8 Section 305 of the Illinois Domestic Violence Act of 1986 apply  
9 to actions taken under this Section.

10 (Source: P.A. 91-112, eff. 10-1-99; 91-357, eff. 7-29-99;  
11 92-827, eff. 8-22-02.)

12 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

13 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used  
14 with the knowledge and consent of the owner in the commission  
15 of, or in the attempt to commit as defined in Section 8-4 of  
16 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,  
17 11-1.20, 11-1.30, 11-1.40, 11-6, 11-14.4 except for keeping a  
18 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
19 11-20.1, 11-20.1B, 11-20.3, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3,  
20 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 16-1 if the theft is of  
21 precious metal or of scrap metal, 18-2, 19-1, 19-2, 19-3, 20-1,  
22 20-2, ~~29D-15.2,~~ 24-1.2, 24-1.2-5, 24-1.5, ~~or~~ 28-1, or 29D-15.2  
23 of this Code, paragraph (a) of Section 12-4 of this Code,  
24 paragraph (a) of Section 11-1.50, paragraph (a) of Section  
25 12-15, paragraph (a), (c), or (d) of Section 11-1.60, or

1 paragraphs (a), (c) or (d) of Section 12-16 of this Code, or  
2 paragraph (a)(6) or (a)(7) of Section 24-1 of this Code; (b)  
3 Section 21, 22, 23, 24 or 26 of the Cigarette Tax Act if the  
4 vessel, vehicle or aircraft contains more than 10 cartons of  
5 such cigarettes; (c) Section 28, 29 or 30 of the Cigarette Use  
6 Tax Act if the vessel, vehicle or aircraft contains more than  
7 10 cartons of such cigarettes; (d) Section 44 of the  
8 Environmental Protection Act; (e) 11-204.1 of the Illinois  
9 Vehicle Code; (f) the offenses described in the following  
10 provisions of the Illinois Vehicle Code: Section 11-501  
11 subdivisions (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A),  
12 (d)(1)(D), (d)(1)(G), or (d)(1)(H); (g) an offense described in  
13 subsection (g) of Section 6-303 of the Illinois Vehicle Code;  
14 or (h) an offense described in subsection (e) of Section 6-101  
15 of the Illinois Vehicle Code; may be seized and delivered  
16 forthwith to the sheriff of the county of seizure.

17 Within 15 days after such delivery the sheriff shall give  
18 notice of seizure to each person according to the following  
19 method: Upon each such person whose right, title or interest is  
20 of record in the office of the Secretary of State, the  
21 Secretary of Transportation, the Administrator of the Federal  
22 Aviation Agency, or any other Department of this State, or any  
23 other state of the United States if such vessel, vehicle or  
24 aircraft is required to be so registered, as the case may be,  
25 by mailing a copy of the notice by certified mail to the  
26 address as given upon the records of the Secretary of State,

1 the Department of Aeronautics, Department of Public Works and  
2 Buildings or any other Department of this State or the United  
3 States if such vessel, vehicle or aircraft is required to be so  
4 registered. Within that 15 day period the sheriff shall also  
5 notify the State's Attorney of the county of seizure about the  
6 seizure.

7 In addition, any mobile or portable equipment used in the  
8 commission of an act which is in violation of Section 7g of the  
9 Metropolitan Water Reclamation District Act shall be subject to  
10 seizure and forfeiture under the same procedures provided in  
11 this Article for the seizure and forfeiture of vessels,  
12 vehicles and aircraft, and any such equipment shall be deemed a  
13 vessel, vehicle or aircraft for purposes of this Article.

14 When a person discharges a firearm at another individual  
15 from a vehicle with the knowledge and consent of the owner of  
16 the vehicle and with the intent to cause death or great bodily  
17 harm to that individual and as a result causes death or great  
18 bodily harm to that individual, the vehicle shall be subject to  
19 seizure and forfeiture under the same procedures provided in  
20 this Article for the seizure and forfeiture of vehicles used in  
21 violations of clauses (a), (b), (c), or (d) of this Section.

22 If the spouse of the owner of a vehicle seized for an  
23 offense described in subsection (g) of Section 6-303 of the  
24 Illinois Vehicle Code, a violation of subdivision (c-1)(1),  
25 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501  
26 of the Illinois Vehicle Code, or Section 9-3 of this Code makes

1 a showing that the seized vehicle is the only source of  
2 transportation and it is determined that the financial hardship  
3 to the family as a result of the seizure outweighs the benefit  
4 to the State from the seizure, the vehicle may be forfeited to  
5 the spouse or family member and the title to the vehicle shall  
6 be transferred to the spouse or family member who is properly  
7 licensed and who requires the use of the vehicle for employment  
8 or family transportation purposes. A written declaration of  
9 forfeiture of a vehicle under this Section shall be sufficient  
10 cause for the title to be transferred to the spouse or family  
11 member. The provisions of this paragraph shall apply only to  
12 one forfeiture per vehicle. If the vehicle is the subject of a  
13 subsequent forfeiture proceeding by virtue of a subsequent  
14 conviction of either spouse or the family member, the spouse or  
15 family member to whom the vehicle was forfeited under the first  
16 forfeiture proceeding may not utilize the provisions of this  
17 paragraph in another forfeiture proceeding. If the owner of the  
18 vehicle seized owns more than one vehicle, the procedure set  
19 out in this paragraph may be used for only one vehicle.

20 Property declared contraband under Section 40 of the  
21 Illinois Streetgang Terrorism Omnibus Prevention Act may be  
22 seized and forfeited under this Article.

23 (Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10; revised  
24 10-9-09.)



1           Sec. 37-1. Maintaining Public Nuisance. Any building used  
2 in the commission of offenses prohibited by Sections 9-1, 10-1,  
3 10-2, 11-14, 11-15, 11-16, 11-17, 11-20, 11-20.1, 11-20.1B,  
4 11-20.3, 11-21, 11-22, 12-5.1, 16-1, 20-2, 23-1, 23-1(a)(1),  
5 24-1(a)(7), 24-3, 28-1, 28-3, 31-5 or 39A-1, or subdivision  
6 (a)(1), (a)(2)(A), or (a)(2)(B) of Section 11-14.3, of the  
7 Criminal Code of 1961, or prohibited by the Illinois Controlled  
8 Substances Act, the Methamphetamine Control and Community  
9 Protection Act, or the Cannabis Control Act, or used in the  
10 commission of an inchoate offense relative to any of the  
11 aforesaid principal offenses, or any real property erected,  
12 established, maintained, owned, leased, or used by a streetgang  
13 for the purpose of conducting streetgang related activity as  
14 defined in Section 10 of the Illinois Streetgang Terrorism  
15 Omnibus Prevention Act is a public nuisance.

16           (b) Sentence. A person convicted of knowingly maintaining  
17 such a public nuisance commits a Class A misdemeanor. Each  
18 subsequent offense under this Section is a Class 4 felony.

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

20           Section 1040. The Code of Criminal Procedure of 1963 is  
21 amended by changing Sections 110-6.3, 110-10, 111-8, 114-4,  
22 115-7, 115-7.2, 115-7.3, 115-10, 115-10.3, 115-11, 115-11.1,  
23 115-13, 115-16, 116-4, 124B-10, 124B-100, 124B-420, and  
24 124B-500 as follows:

1 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

2 Sec. 110-6.3. Denial of bail in stalking and aggravated  
3 stalking offenses.

4 (a) Upon verified petition by the State, the court shall  
5 hold a hearing to determine whether bail should be denied to a  
6 defendant who is charged with stalking or aggravated stalking,  
7 when it is alleged that the defendant's admission to bail poses  
8 a real and present threat to the physical safety of the alleged  
9 victim of the offense, and denial of release on bail or  
10 personal recognizance is necessary to prevent fulfillment of  
11 the threat upon which the charge is based.

12 (1) A petition may be filed without prior notice to the  
13 defendant at the first appearance before a judge, or within  
14 21 calendar days, except as provided in Section 110-6,  
15 after arrest and release of the defendant upon reasonable  
16 notice to defendant; provided that while the petition is  
17 pending before the court, the defendant if previously  
18 released shall not be detained.

19 (2) The hearing shall be held immediately upon the  
20 defendant's appearance before the court, unless for good  
21 cause shown the defendant or the State seeks a continuance.  
22 A continuance on motion of the defendant may not exceed 5  
23 calendar days, and the defendant may be held in custody  
24 during the continuance. A continuance on the motion of the  
25 State may not exceed 3 calendar days; however, the  
26 defendant may be held in custody during the continuance

1 under this provision if the defendant has been previously  
2 found to have violated an order of protection or has been  
3 previously convicted of, or granted court supervision for,  
4 any of the offenses set forth in Sections 11-1.20, 11-1.30,  
5 11-1.40, 11-1.50, 11-1.60, 12-2, 12-3.2, 12-3.3, 12-4,  
6 12-4.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15 or  
7 12-16 of the Criminal Code of 1961, against the same person  
8 as the alleged victim of the stalking or aggravated  
9 stalking offense.

10 (b) The court may deny bail to the defendant when, after  
11 the hearing, it is determined that:

12 (1) the proof is evident or the presumption great that  
13 the defendant has committed the offense of stalking or  
14 aggravated stalking; and

15 (2) the defendant poses a real and present threat to  
16 the physical safety of the alleged victim of the offense;  
17 and

18 (3) the denial of release on bail or personal  
19 recognizance is necessary to prevent fulfillment of the  
20 threat upon which the charge is based; and

21 (4) the court finds that no condition or combination of  
22 conditions set forth in subsection (b) of Section 110-10 of  
23 this Code, including mental health treatment at a community  
24 mental health center, hospital, or facility of the  
25 Department of Human Services, can reasonably assure the  
26 physical safety of the alleged victim of the offense.

1 (c) Conduct of the hearings.

2 (1) The hearing on the defendant's culpability and  
3 threat to the alleged victim of the offense shall be  
4 conducted in accordance with the following provisions:

5 (A) Information used by the court in its findings  
6 or stated in or offered at the hearing may be by way of  
7 proffer based upon reliable information offered by the  
8 State or by defendant. Defendant has the right to be  
9 represented by counsel, and if he is indigent, to have  
10 counsel appointed for him. Defendant shall have the  
11 opportunity to testify, to present witnesses in his own  
12 behalf, and to cross-examine witnesses if any are  
13 called by the State. The defendant has the right to  
14 present witnesses in his favor. When the ends of  
15 justice so require, the court may exercise its  
16 discretion and compel the appearance of a complaining  
17 witness. The court shall state on the record reasons  
18 for granting a defense request to compel the presence  
19 of a complaining witness. Cross-examination of a  
20 complaining witness at the pretrial detention hearing  
21 for the purpose of impeaching the witness' credibility  
22 is insufficient reason to compel the presence of the  
23 witness. In deciding whether to compel the appearance  
24 of a complaining witness, the court shall be  
25 considerate of the emotional and physical well-being  
26 of the witness. The pretrial detention hearing is not

1 to be used for the purposes of discovery, and the post  
2 arraignment rules of discovery do not apply. The State  
3 shall tender to the defendant, prior to the hearing,  
4 copies of defendant's criminal history, if any, if  
5 available, and any written or recorded statements and  
6 the substance of any oral statements made by any  
7 person, if relied upon by the State. The rules  
8 concerning the admissibility of evidence in criminal  
9 trials do not apply to the presentation and  
10 consideration of information at the hearing. At the  
11 trial concerning the offense for which the hearing was  
12 conducted neither the finding of the court nor any  
13 transcript or other record of the hearing shall be  
14 admissible in the State's case in chief, but shall be  
15 admissible for impeachment, or as provided in Section  
16 115-10.1 of this Code, or in a perjury proceeding.

17 (B) A motion by the defendant to suppress evidence  
18 or to suppress a confession shall not be entertained.  
19 Evidence that proof may have been obtained as the  
20 result of an unlawful search and seizure or through  
21 improper interrogation is not relevant to this state of  
22 the prosecution.

23 (2) The facts relied upon by the court to support a  
24 finding that:

25 (A) the defendant poses a real and present threat  
26 to the physical safety of the alleged victim of the

1 offense; and

2 (B) the denial of release on bail or personal  
3 recognizance is necessary to prevent fulfillment of  
4 the threat upon which the charge is based;

5 shall be supported by clear and convincing evidence  
6 presented by the State.

7 (d) Factors to be considered in making a determination of  
8 the threat to the alleged victim of the offense. The court may,  
9 in determining whether the defendant poses, at the time of the  
10 hearing, a real and present threat to the physical safety of  
11 the alleged victim of the offense, consider but shall not be  
12 limited to evidence or testimony concerning:

13 (1) The nature and circumstances of the offense  
14 charged;

15 (2) The history and characteristics of the defendant  
16 including:

17 (A) Any evidence of the defendant's prior criminal  
18 history indicative of violent, abusive or assaultive  
19 behavior, or lack of that behavior. The evidence may  
20 include testimony or documents received in juvenile  
21 proceedings, criminal, quasi-criminal, civil  
22 commitment, domestic relations or other proceedings;

23 (B) Any evidence of the defendant's psychological,  
24 psychiatric or other similar social history that tends  
25 to indicate a violent, abusive, or assaultive nature,  
26 or lack of any such history.

1           (3) The nature of the threat which is the basis of the  
2 charge against the defendant;

3           (4) Any statements made by, or attributed to the  
4 defendant, together with the circumstances surrounding  
5 them;

6           (5) The age and physical condition of any person  
7 assaulted by the defendant;

8           (6) Whether the defendant is known to possess or have  
9 access to any weapon or weapons;

10           (7) Whether, at the time of the current offense or any  
11 other offense or arrest, the defendant was on probation,  
12 parole, mandatory supervised release or other release from  
13 custody pending trial, sentencing, appeal or completion of  
14 sentence for an offense under federal or state law;

15           (8) Any other factors, including those listed in  
16 Section 110-5 of this Code, deemed by the court to have a  
17 reasonable bearing upon the defendant's propensity or  
18 reputation for violent, abusive or assaultive behavior, or  
19 lack of that behavior.

20           (e) The court shall, in any order denying bail to a person  
21 charged with stalking or aggravated stalking:

22           (1) briefly summarize the evidence of the defendant's  
23 culpability and its reasons for concluding that the  
24 defendant should be held without bail;

25           (2) direct that the defendant be committed to the  
26 custody of the sheriff for confinement in the county jail

1 pending trial;

2 (3) direct that the defendant be given a reasonable  
3 opportunity for private consultation with counsel, and for  
4 communication with others of his choice by visitation, mail  
5 and telephone; and

6 (4) direct that the sheriff deliver the defendant as  
7 required for appearances in connection with court  
8 proceedings.

9 (f) If the court enters an order for the detention of the  
10 defendant under subsection (e) of this Section, the defendant  
11 shall be brought to trial on the offense for which he is  
12 detained within 90 days after the date on which the order for  
13 detention was entered. If the defendant is not brought to trial  
14 within the 90 day period required by this subsection (f), he  
15 shall not be held longer without bail. In computing the 90 day  
16 period, the court shall omit any period of delay resulting from  
17 a continuance granted at the request of the defendant. The  
18 court shall immediately notify the alleged victim of the  
19 offense that the defendant has been admitted to bail under this  
20 subsection.

21 (g) Any person shall be entitled to appeal any order  
22 entered under this Section denying bail to the defendant.

23 (h) The State may appeal any order entered under this  
24 Section denying any motion for denial of bail.

25 (i) Nothing in this Section shall be construed as modifying  
26 or limiting in any way the defendant's presumption of innocence



1 in further criminal proceedings.

2 (Source: P.A. 90-14, eff. 7-1-97; 91-445, eff. 1-1-00.)

3 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

4 Sec. 110-10. Conditions of bail bond.

5 (a) If a person is released prior to conviction, either  
6 upon payment of bail security or on his or her own  
7 recognizance, the conditions of the bail bond shall be that he  
8 or she will:

9 (1) Appear to answer the charge in the court having  
10 jurisdiction on a day certain and thereafter as ordered by  
11 the court until discharged or final order of the court;

12 (2) Submit himself or herself to the orders and process  
13 of the court;

14 (3) Not depart this State without leave of the court;

15 (4) Not violate any criminal statute of any  
16 jurisdiction;

17 (5) At a time and place designated by the court,  
18 surrender all firearms in his or her possession to a law  
19 enforcement officer designated by the court to take custody  
20 of and impound the firearms and physically surrender his or  
21 her Firearm Owner's Identification Card to the clerk of the  
22 circuit court when the offense the person has been charged  
23 with is a forcible felony, stalking, aggravated stalking,  
24 domestic battery, any violation of the Illinois Controlled  
25 Substances Act, the Methamphetamine Control and Community

1 Protection Act, or the Cannabis Control Act that is  
2 classified as a Class 2 or greater felony, or any felony  
3 violation of Article 24 of the Criminal Code of 1961; the  
4 court may, however, forgo the imposition of this condition  
5 when the circumstances of the case clearly do not warrant  
6 it or when its imposition would be impractical; all legally  
7 possessed firearms shall be returned to the person upon the  
8 charges being dismissed, or if the person is found not  
9 guilty, unless the finding of not guilty is by reason of  
10 insanity; and

11 (6) At a time and place designated by the court, submit  
12 to a psychological evaluation when the person has been  
13 charged with a violation of item (4) of subsection (a) of  
14 Section 24-1 of the Criminal Code of 1961 and that  
15 violation occurred in a school or in any conveyance owned,  
16 leased, or contracted by a school to transport students to  
17 or from school or a school-related activity, or on any  
18 public way within 1,000 feet of real property comprising  
19 any school.

20 Psychological evaluations ordered pursuant to this Section  
21 shall be completed promptly and made available to the State,  
22 the defendant, and the court. As a further condition of bail  
23 under these circumstances, the court shall order the defendant  
24 to refrain from entering upon the property of the school,  
25 including any conveyance owned, leased, or contracted by a  
26 school to transport students to or from school or a

1 school-related activity, or on any public way within 1,000 feet  
2 of real property comprising any school. Upon receipt of the  
3 psychological evaluation, either the State or the defendant may  
4 request a change in the conditions of bail, pursuant to Section  
5 110-6 of this Code. The court may change the conditions of bail  
6 to include a requirement that the defendant follow the  
7 recommendations of the psychological evaluation, including  
8 undergoing psychiatric treatment. The conclusions of the  
9 psychological evaluation and any statements elicited from the  
10 defendant during its administration are not admissible as  
11 evidence of guilt during the course of any trial on the charged  
12 offense, unless the defendant places his or her mental  
13 competency in issue.

14 (b) The court may impose other conditions, such as the  
15 following, if the court finds that such conditions are  
16 reasonably necessary to assure the defendant's appearance in  
17 court, protect the public from the defendant, or prevent the  
18 defendant's unlawful interference with the orderly  
19 administration of justice:

20 (1) Report to or appear in person before such person or  
21 agency as the court may direct;

22 (2) Refrain from possessing a firearm or other  
23 dangerous weapon;

24 (3) Refrain from approaching or communicating with  
25 particular persons or classes of persons;

26 (4) Refrain from going to certain described

1 geographical areas or premises;

2 (5) Refrain from engaging in certain activities or  
3 indulging in intoxicating liquors or in certain drugs;

4 (6) Undergo treatment for drug addiction or  
5 alcoholism;

6 (7) Undergo medical or psychiatric treatment;

7 (8) Work or pursue a course of study or vocational  
8 training;

9 (9) Attend or reside in a facility designated by the  
10 court;

11 (10) Support his or her dependents;

12 (11) If a minor resides with his or her parents or in a  
13 foster home, attend school, attend a non-residential  
14 program for youths, and contribute to his or her own  
15 support at home or in a foster home;

16 (12) Observe any curfew ordered by the court;

17 (13) Remain in the custody of such designated person or  
18 organization agreeing to supervise his release. Such third  
19 party custodian shall be responsible for notifying the  
20 court if the defendant fails to observe the conditions of  
21 release which the custodian has agreed to monitor, and  
22 shall be subject to contempt of court for failure so to  
23 notify the court;

24 (14) Be placed under direct supervision of the Pretrial  
25 Services Agency, Probation Department or Court Services  
26 Department in a pretrial bond home supervision capacity

1 with or without the use of an approved electronic  
2 monitoring device subject to Article 8A of Chapter V of the  
3 Unified Code of Corrections;

4 (14.1) The court shall impose upon a defendant who is  
5 charged with any alcohol, cannabis, methamphetamine, or  
6 controlled substance violation and is placed under direct  
7 supervision of the Pretrial Services Agency, Probation  
8 Department or Court Services Department in a pretrial bond  
9 home supervision capacity with the use of an approved  
10 monitoring device, as a condition of such bail bond, a fee  
11 that represents costs incidental to the electronic  
12 monitoring for each day of such bail supervision ordered by  
13 the court, unless after determining the inability of the  
14 defendant to pay the fee, the court assesses a lesser fee  
15 or no fee as the case may be. The fee shall be collected by  
16 the clerk of the circuit court. The clerk of the circuit  
17 court shall pay all monies collected from this fee to the  
18 county treasurer for deposit in the substance abuse  
19 services fund under Section 5-1086.1 of the Counties Code;

20 (14.2) The court shall impose upon all defendants,  
21 including those defendants subject to paragraph (14.1)  
22 above, placed under direct supervision of the Pretrial  
23 Services Agency, Probation Department or Court Services  
24 Department in a pretrial bond home supervision capacity  
25 with the use of an approved monitoring device, as a  
26 condition of such bail bond, a fee which shall represent

1 costs incidental to such electronic monitoring for each day  
2 of such bail supervision ordered by the court, unless after  
3 determining the inability of the defendant to pay the fee,  
4 the court assesses a lesser fee or no fee as the case may  
5 be. The fee shall be collected by the clerk of the circuit  
6 court. The clerk of the circuit court shall pay all monies  
7 collected from this fee to the county treasurer who shall  
8 use the monies collected to defray the costs of  
9 corrections. The county treasurer shall deposit the fee  
10 collected in the county working cash fund under Section  
11 6-27001 or Section 6-29002 of the Counties Code, as the  
12 case may be;

13 (14.3) The Chief Judge of the Judicial Circuit may  
14 establish reasonable fees to be paid by a person receiving  
15 pretrial services while under supervision of a pretrial  
16 services agency, probation department, or court services  
17 department. Reasonable fees may be charged for pretrial  
18 services including, but not limited to, pretrial  
19 supervision, diversion programs, electronic monitoring,  
20 victim impact services, drug and alcohol testing, DNA  
21 testing, GPS electronic monitoring, assessments and  
22 evaluations related to domestic violence and other  
23 victims, and victim mediation services. The person  
24 receiving pretrial services may be ordered to pay all costs  
25 incidental to pretrial services in accordance with his or  
26 her ability to pay those costs;

1           (14.4) For persons charged with violating Section  
2           11-501 of the Illinois Vehicle Code, refrain from operating  
3           a motor vehicle not equipped with an ignition interlock  
4           device, as defined in Section 1-129.1 of the Illinois  
5           Vehicle Code, pursuant to the rules promulgated by the  
6           Secretary of State for the installation of ignition  
7           interlock devices. Under this condition the court may allow  
8           a defendant who is not self-employed to operate a vehicle  
9           owned by the defendant's employer that is not equipped with  
10          an ignition interlock device in the course and scope of the  
11          defendant's employment;

12          (15) Comply with the terms and conditions of an order  
13          of protection issued by the court under the Illinois  
14          Domestic Violence Act of 1986 or an order of protection  
15          issued by the court of another state, tribe, or United  
16          States territory;

17          (16) Under Section 110-6.5 comply with the conditions  
18          of the drug testing program; and

19          (17) Such other reasonable conditions as the court may  
20          impose.

21          (c) When a person is charged with an offense under Section  
22          11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
23          12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961",  
24          involving a victim who is a minor under 18 years of age living  
25          in the same household with the defendant at the time of the  
26          offense, in granting bail or releasing the defendant on his own

1 recognizance, the judge shall impose conditions to restrict the  
2 defendant's access to the victim which may include, but are not  
3 limited to conditions that he will:

4 1. Vacate the Household.

5 2. Make payment of temporary support to his dependents.

6 3. Refrain from contact or communication with the child  
7 victim, except as ordered by the court.

8 (d) When a person is charged with a criminal offense and  
9 the victim is a family or household member as defined in  
10 Article 112A, conditions shall be imposed at the time of the  
11 defendant's release on bond that restrict the defendant's  
12 access to the victim. Unless provided otherwise by the court,  
13 the restrictions shall include requirements that the defendant  
14 do the following:

15 (1) refrain from contact or communication with the  
16 victim for a minimum period of 72 hours following the  
17 defendant's release; and

18 (2) refrain from entering or remaining at the victim's  
19 residence for a minimum period of 72 hours following the  
20 defendant's release.

21 (e) Local law enforcement agencies shall develop  
22 standardized bond forms for use in cases involving family or  
23 household members as defined in Article 112A, including  
24 specific conditions of bond as provided in subsection (d).  
25 Failure of any law enforcement department to develop or use  
26 those forms shall in no way limit the applicability and



1 enforcement of subsections (d) and (f).

2 (f) If the defendant is admitted to bail after conviction  
3 the conditions of the bail bond shall be that he will, in  
4 addition to the conditions set forth in subsections (a) and (b)  
5 hereof:

6 (1) Duly prosecute his appeal;

7 (2) Appear at such time and place as the court may  
8 direct;

9 (3) Not depart this State without leave of the court;

10 (4) Comply with such other reasonable conditions as the  
11 court may impose; and

12 (5) If the judgment is affirmed or the cause reversed  
13 and remanded for a new trial, forthwith surrender to the  
14 officer from whose custody he was bailed.

15 (g) Upon a finding of guilty for any felony offense, the  
16 defendant shall physically surrender, at a time and place  
17 designated by the court, any and all firearms in his or her  
18 possession and his or her Firearm Owner's Identification Card  
19 as a condition of remaining on bond pending sentencing.

20 (Source: P.A. 95-331, eff. 8-21-07; 96-340, eff. 8-11-09.)

21 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

22 Sec. 111-8. Orders of protection to prohibit domestic  
23 violence.

24 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,  
25 10-3.1, 10-4, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50,

1 11-1.60, 11-14.3 that involves soliciting for a prostitute,  
2 11-14.4 that involves soliciting for a juvenile prostitute,  
3 11-15, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, 11-20a, 12-1,  
4 12-2, 12-3, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.3, 12-4.6, 12-5,  
5 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,  
6 12-14.1, 12-15, 12-16, 19-4, 21-1, 21-2, or 21-3 of the  
7 Criminal Code of 1961 or Section 1-1 of the Harassing and  
8 Obscene Communications Act is alleged in an information,  
9 complaint or indictment on file, and the alleged offender and  
10 victim are family or household members, as defined in the  
11 Illinois Domestic Violence Act, as now or hereafter amended,  
12 the People through the respective State's Attorneys may by  
13 separate petition and upon notice to the defendant, except as  
14 provided in subsection (c) herein, request the court to issue  
15 an order of protection.

16 (b) In addition to any other remedies specified in Section  
17 208 of the Illinois Domestic Violence Act, as now or hereafter  
18 amended, the order may direct the defendant to initiate no  
19 contact with the alleged victim or victims who are family or  
20 household members and to refrain from entering the residence,  
21 school or place of business of the alleged victim or victims.

22 (c) The court may grant emergency relief without notice  
23 upon a showing of immediate and present danger of abuse to the  
24 victim or minor children of the victim and may enter a  
25 temporary order pending notice and full hearing on the matter.

26 (Source: P.A. 94-325, eff. 1-1-06.)

1 (725 ILCS 5/114-4) (from Ch. 38, par. 114-4)

2 Sec. 114-4. Motion for continuance.

3 (a) The defendant or the State may move for a continuance.  
4 If the motion is made more than 30 days after arraignment the  
5 court shall require that it be in writing and supported by  
6 affidavit.

7 (b) A written motion for continuance made by defendant more  
8 than 30 days after arraignment may be granted when:

9 (1) Counsel for the defendant is ill, has died, or is  
10 held to trial in another cause; or

11 (2) Counsel for the defendant has been unable to  
12 prepare for trial because of illness or because he has been  
13 held to trial in another cause; or

14 (3) A material witness is unavailable and the defense  
15 will be prejudiced by the absence of his testimony;  
16 however, this shall not be a ground for continuance if the  
17 State will stipulate that the testimony of the witness  
18 would be as alleged; or

19 (4) The defendant cannot stand trial because of  
20 physical or mental incompetency; or

21 (5) Pre-trial publicity concerning the case has caused  
22 a prejudice against defendant on the part of the community;  
23 or

24 (6) The amendment of a charge or a bill of particulars  
25 has taken the defendant by surprise and he cannot fairly

1 defend against such an amendment without a continuance.

2 (c) A written motion for continuance made by the State more  
3 than 30 days after arraignment may be granted when:

4 (1) The prosecutor assigned to the case is ill, has  
5 died, or is held to trial in another cause; or

6 (2) A material witness is unavailable and the  
7 prosecution will be prejudiced by the absence of his  
8 testimony; however this shall not be a ground for  
9 continuance if the defendant will stipulate that the  
10 testimony of the witness would be as alleged; or

11 (3) Pre-trial publicity concerning the case has caused  
12 a prejudice against the prosecution on the part of the  
13 community.

14 (d) The court may upon the written motion of either party  
15 or upon the court's own motion order a continuance for grounds  
16 not stated in subsections (b) and (c) of this Section if he  
17 finds that the interests of justice so require.

18 (e) All motions for continuance are addressed to the  
19 discretion of the trial court and shall be considered in the  
20 light of the diligence shown on the part of the movant. Where 1  
21 year has expired since the filing of an information or  
22 indictments, filed after January 1, 1980, if the court finds  
23 that the State has failed to use due diligence in bringing the  
24 case to trial, the court may, after a hearing had on the cause,  
25 on its own motion, dismiss the information or indictment. Any  
26 demand that the defendant had made for a speedy trial under

1 Section 103-5 of this code shall not abate if the State files a  
2 new information or the grand jury reindicts in the cause.

3 After a hearing has been held upon the issue of the State's  
4 diligence and the court has found that the State has failed to  
5 use due diligence in pursuing the prosecution, the court may  
6 not dismiss the indictment or information without granting the  
7 State one more court date upon which to proceed. Such date  
8 shall be not less than 14 nor more than 30 days from the date of  
9 the court's finding. If the State is not prepared to proceed  
10 upon that date, the court shall dismiss the indictment or  
11 information, as provided in this Section.

12 (f) After trial has begun a reasonably brief continuance  
13 may be granted to either side in the interests of justice.

14 (g) During the time the General Assembly is in session, the  
15 court shall, on motion of either party or on its own motion,  
16 grant a continuance where the party or his attorney is a member  
17 of either house of the General Assembly whose presence is  
18 necessary for the full, fair trial of the cause and, in the  
19 case of an attorney, where the attorney was retained by the  
20 party before the cause was set for trial.

21 (h) This Section shall be construed to the end that  
22 criminal cases are tried with due diligence consonant with the  
23 rights of the defendant and the State to a speedy, fair and  
24 impartial trial.

25 (i) Physical incapacity of a defendant may be grounds for a  
26 continuance at any time. If, upon written motion of the

1 defendant or the State or upon the court's own motion, and  
2 after presentation of affidavits or evidence, the court  
3 determines that the defendant is physically unable to appear in  
4 court or to assist in his defense, or that such appearance  
5 would endanger his health or result in substantial prejudice, a  
6 continuance shall be granted. If such continuance precedes the  
7 appearance of counsel for such defendant the court shall  
8 simultaneously appoint counsel in the manner prescribed by  
9 Section 113-3 of this Act. Such continuance shall suspend the  
10 provisions of Section 103-5 of this Act, which periods of time  
11 limitation shall commence anew when the court, after  
12 presentation of additional affidavits or evidence, has  
13 determined that such physical incapacity has been  
14 substantially removed.

15 (j) In actions arising out of building code violations or  
16 violations of municipal ordinances caused by the failure of a  
17 building or structure to conform to the minimum standards of  
18 health and safety, the court shall grant a continuance only  
19 upon a written motion by the party seeking the continuance  
20 specifying the reason why such continuance should be granted.

21 (k) In prosecutions for violations of Section 10-1, 10-2,  
22 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
23 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961"  
24 involving a victim or witness who is a minor under 18 years of  
25 age, the court shall, in ruling on any motion or other request  
26 for a delay or continuance of proceedings, consider and give

1 weight to the adverse impact the delay or continuance may have  
2 on the well-being of a child or witness.

3 (1) The court shall consider the age of the victim and the  
4 condition of the victim's health when ruling on a motion for a  
5 continuance.

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

7 (725 ILCS 5/115-7) (from Ch. 38, par. 115-7)

8 Sec. 115-7. a. In prosecutions for predatory criminal  
9 sexual assault of a child, aggravated criminal sexual assault,  
10 criminal sexual assault, aggravated criminal sexual abuse,  
11 criminal sexual abuse, or criminal transmission of HIV; and in  
12 prosecutions for battery and aggravated battery, when the  
13 commission of the offense involves sexual penetration or sexual  
14 conduct as defined in Section 11-0.1 ~~12-12~~ of the Criminal Code  
15 of 1961; and with the trial or retrial of the offenses formerly  
16 known as rape, deviate sexual assault, indecent liberties with  
17 a child, and aggravated indecent liberties with a child, the  
18 prior sexual activity or the reputation of the alleged victim  
19 or corroborating witness under Section 115-7.3 of this Code is  
20 inadmissible except (1) as evidence concerning the past sexual  
21 conduct of the alleged victim or corroborating witness under  
22 Section 115-7.3 of this Code with the accused when this  
23 evidence is offered by the accused upon the issue of whether  
24 the alleged victim or corroborating witness under Section  
25 115-7.3 of this Code consented to the sexual conduct with

1 respect to which the offense is alleged; or (2) when  
2 constitutionally required to be admitted.

3 b. No evidence admissible under this Section shall be  
4 introduced unless ruled admissible by the trial judge after an  
5 offer of proof has been made at a hearing to be held in camera  
6 in order to determine whether the defense has evidence to  
7 impeach the witness in the event that prior sexual activity  
8 with the defendant is denied. Such offer of proof shall include  
9 reasonably specific information as to the date, time and place  
10 of the past sexual conduct between the alleged victim or  
11 corroborating witness under Section 115-7.3 of this Code and  
12 the defendant. Unless the court finds that reasonably specific  
13 information as to date, time or place, or some combination  
14 thereof, has been offered as to prior sexual activity with the  
15 defendant, counsel for the defendant shall be ordered to  
16 refrain from inquiring into prior sexual activity between the  
17 alleged victim or corroborating witness under Section 115-7.3  
18 of this Code and the defendant. The court shall not admit  
19 evidence under this Section unless it determines at the hearing  
20 that the evidence is relevant and the probative value of the  
21 evidence outweighs the danger of unfair prejudice. The evidence  
22 shall be admissible at trial to the extent an order made by the  
23 court specifies the evidence that may be admitted and areas  
24 with respect to which the alleged victim or corroborating  
25 witness under Section 115-7.3 of this Code may be examined or  
26 cross examined.



1 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;  
2 90-132, eff. 1-1-98.)

3 (725 ILCS 5/115-7.2) (from Ch. 38, par. 115-7.2)

4 Sec. 115-7.2. In a prosecution for an illegal sexual act  
5 perpetrated upon a victim, including but not limited to  
6 prosecutions for violations of Sections 11-1.20 through  
7 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961, or  
8 ritualized abuse of a child under Section 12-33 of the Criminal  
9 Code of 1961, testimony by an expert, qualified by the court  
10 relating to any recognized and accepted form of post-traumatic  
11 stress syndrome shall be admissible as evidence.

12 (Source: P.A. 87-1167.)

13 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

14 Sec. 115-10. Certain hearsay exceptions.

15 (a) In a prosecution for a physical or sexual act  
16 perpetrated upon or against a child under the age of 13, or a  
17 person who was a moderately, severely, or profoundly mentally  
18 retarded person as defined in this Code and in Section 2-10.1  
19 of the Criminal Code of 1961 at the time the act was committed,  
20 including but not limited to prosecutions for violations of  
21 Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the  
22 Criminal Code of 1961 and prosecutions for violations of  
23 Sections 10-1 (kidnapping), 10-2 (aggravated kidnapping), 10-3  
24 (unlawful restraint), 10-3.1 (aggravated unlawful restraint),

1 10-4 (forcible detention), 10-5 (child abduction), 10-6  
2 (harboring a runaway), 10-7 (aiding or abetting child  
3 abduction), 11-9 (public indecency), 11-11 (sexual relations  
4 within families), 11-21 (harmful material), 12-1 (assault),  
5 12-2 (aggravated assault), 12-3 (battery), 12-3.2 (domestic  
6 battery), 12-4 (aggravated battery), 12-4.1 (heinous battery),  
7 12-4.2 (aggravated battery with a firearm), 12-4.3 (aggravated  
8 battery of a child), 12-4.7 (drug induced infliction of great  
9 bodily harm), 12-5 (reckless conduct), 12-6 (intimidation),  
10 12-6.1 (compelling organization membership of persons), 12-7.1  
11 (hate crime), 12-7.3 (stalking), 12-7.4 (aggravated stalking),  
12 12-10 (tattooing body of minor), 12-11 (home invasion), 12-21.5  
13 (child abandonment), 12-21.6 (endangering the life or health of  
14 a child) or 12-32 (ritual mutilation) of the Criminal Code of  
15 1961 or any sex offense as defined in subsection (B) of Section  
16 2 of the Sex Offender Registration Act, the following evidence  
17 shall be admitted as an exception to the hearsay rule:

18 (1) testimony by the victim of an out of court  
19 statement made by the victim that he or she complained of  
20 such act to another; and

21 (2) testimony of an out of court statement made by the  
22 victim describing any complaint of such act or matter or  
23 detail pertaining to any act which is an element of an  
24 offense which is the subject of a prosecution for a sexual  
25 or physical act against that victim.

26 (b) Such testimony shall only be admitted if:

1           (1) The court finds in a hearing conducted outside the  
2 presence of the jury that the time, content, and  
3 circumstances of the statement provide sufficient  
4 safeguards of reliability; and

5           (2) The child or moderately, severely, or profoundly  
6 mentally retarded person either:

7                 (A) testifies at the proceeding; or

8                 (B) is unavailable as a witness and there is  
9 corroborative evidence of the act which is the subject  
10 of the statement; and

11           (3) In a case involving an offense perpetrated against  
12 a child under the age of 13, the out of court statement was  
13 made before the victim attained 13 years of age or within 3  
14 months after the commission of the offense, whichever  
15 occurs later, but the statement may be admitted regardless  
16 of the age of the victim at the time of the proceeding.

17           (c) If a statement is admitted pursuant to this Section,  
18 the court shall instruct the jury that it is for the jury to  
19 determine the weight and credibility to be given the statement  
20 and that, in making the determination, it shall consider the  
21 age and maturity of the child, or the intellectual capabilities  
22 of the moderately, severely, or profoundly mentally retarded  
23 person, the nature of the statement, the circumstances under  
24 which the statement was made, and any other relevant factor.

25           (d) The proponent of the statement shall give the adverse  
26 party reasonable notice of his intention to offer the statement

1 and the particulars of the statement.

2 (e) Statements described in paragraphs (1) and (2) of  
3 subsection (a) shall not be excluded on the basis that they  
4 were obtained as a result of interviews conducted pursuant to a  
5 protocol adopted by a Child Advocacy Advisory Board as set  
6 forth in subsections (c), (d), and (e) of Section 3 of the  
7 Children's Advocacy Center Act or that an interviewer or  
8 witness to the interview was or is an employee, agent, or  
9 investigator of a State's Attorney's office.

10 (Source: P.A. 95-892, eff. 1-1-09; 96-710, eff. 1-1-10.)

11 (725 ILCS 5/115-10.3)

12 Sec. 115-10.3. Hearsay exception regarding elder adults.

13 (a) In a prosecution for a physical act, abuse, neglect, or  
14 financial exploitation perpetrated upon or against an eligible  
15 adult, as defined in the Elder Abuse and Neglect Act, who has  
16 been diagnosed by a physician to suffer from (i) any form of  
17 dementia, developmental disability, or other form of mental  
18 incapacity or (ii) any physical infirmity, including but not  
19 limited to prosecutions for violations of Sections 10-1, 10-2,  
20 10-3, 10-3.1, 10-4, 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
21 11-1.60, 11-11, 12-1, 12-2, 12-3, 12-3.2, 12-4, 12-4.1, 12-4.2,  
22 12-4.5, 12-4.6, 12-4.7, 12-5, 12-6, 12-7.3, 12-7.4, 12-11,  
23 12-11.1, 12-13, 12-14, 12-15, 12-16, 12-21, 16-1, 16-1.3, 17-1,  
24 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1.1, 24-1.2, and 33A-2  
25 of the Criminal Code of 1961, the following evidence shall be

1 admitted as an exception to the hearsay rule:

2 (1) testimony by an eligible adult, of an out of court  
3 statement made by the eligible adult, that he or she  
4 complained of such act to another; and

5 (2) testimony of an out of court statement made by the  
6 eligible adult, describing any complaint of such act or  
7 matter or detail pertaining to any act which is an element  
8 of an offense which is the subject of a prosecution for a  
9 physical act, abuse, neglect, or financial exploitation  
10 perpetrated upon or against the eligible adult.

11 (b) Such testimony shall only be admitted if:

12 (1) The court finds in a hearing conducted outside the  
13 presence of the jury that the time, content, and  
14 circumstances of the statement provide sufficient  
15 safeguards of reliability; and

16 (2) The eligible adult either:

17 (A) testifies at the proceeding; or

18 (B) is unavailable as a witness and there is  
19 corroborative evidence of the act which is the subject  
20 of the statement.

21 (c) If a statement is admitted pursuant to this Section,  
22 the court shall instruct the jury that it is for the jury to  
23 determine the weight and credibility to be given the statement  
24 and that, in making the determination, it shall consider the  
25 condition of the eligible adult, the nature of the statement,  
26 the circumstances under which the statement was made, and any

1 other relevant factor.

2 (d) The proponent of the statement shall give the adverse  
3 party reasonable notice of his or her intention to offer the  
4 statement and the particulars of the statement.

5 (Source: P.A. 92-91, eff. 7-18-01; 93-301, eff. 1-1-04.)

6 (725 ILCS 5/115-11) (from Ch. 38, par. 115-11)

7 Sec. 115-11. In a prosecution for a criminal offense  
8 defined in Article 11 or in Section 11-1.20, 11-1.30, 11-1.40,  
9 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the  
10 "Criminal Code of 1961", where the alleged victim of the  
11 offense is a minor under 18 years of age, the court may exclude  
12 from the proceedings while the victim is testifying, all  
13 persons, who, in the opinion of the court, do not have a direct  
14 interest in the case, except the media.

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

16 (725 ILCS 5/115-11.1) (from Ch. 38, par. 115-11.1)

17 Sec. 115-11.1. Use of "Rape". The use of the word "rape",  
18 "rapist", or any derivative of "rape" by any victim, witness,  
19 State's Attorney, defense attorney, judge or other court  
20 personnel in any prosecutions of offenses in Sections 11-1.20  
21 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of  
22 1961, as amended, is not inadmissible.

23 (Source: P.A. 83-1117.)

1 (725 ILCS 5/115-13) (from Ch. 38, par. 115-13)

2 Sec. 115-13. In a prosecution for violation of Section  
3 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
4 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961",  
5 statements made by the victim to medical personnel for purposes  
6 of medical diagnosis or treatment including descriptions of the  
7 cause of symptom, pain or sensations, or the inception or  
8 general character of the cause or external source thereof  
9 insofar as reasonably pertinent to diagnosis or treatment shall  
10 be admitted as an exception to the hearsay rule.

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

12 (725 ILCS 5/115-16)

13 Sec. 115-16. Witness disqualification. No person shall be  
14 disqualified as a witness in a criminal case or proceeding by  
15 reason of his or her interest in the event of the case or  
16 proceeding, as a party or otherwise, or by reason of his or her  
17 having been convicted of a crime; but the interest or  
18 conviction may be shown for the purpose of affecting the  
19 credibility of the witness. A defendant in a criminal case or  
20 proceeding shall only at his or her own request be deemed a  
21 competent witness, and the person's neglect to testify shall  
22 not create a presumption against the person, nor shall the  
23 court permit a reference or comment to be made to or upon that  
24 neglect.

25 In criminal cases, husband and wife may testify for or

1 against each other. Neither, however, may testify as to any  
2 communication or admission made by either of them to the other  
3 or as to any conversation between them during marriage, except  
4 in cases in which either is charged with an offense against the  
5 person or property of the other, in case of spouse abandonment,  
6 when the interests of their child or children or of any child  
7 or children in either spouse's care, custody, or control are  
8 directly involved, when either is charged under Section  
9 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
10 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 and the  
11 victim is a minor under 18 years of age in either spouse's  
12 care, custody, or control at the time of the offense, or as to  
13 matters in which either has acted as agent of the other.

14 (Source: P.A. 89-234, eff. 1-1-96; 89-428, eff. 12-13-95;  
15 89-462, eff. 5-29-96.)

16 (725 ILCS 5/116-4)

17 Sec. 116-4. Preservation of evidence for forensic testing.

18 (a) Before or after the trial in a prosecution for a  
19 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
20 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
21 Code of 1961 or in a prosecution for an offense defined in  
22 Article 9 of that Code, or in a prosecution for an attempt in  
23 violation of Section 8-4 of that Code of any of the  
24 above-enumerated offenses, unless otherwise provided herein  
25 under subsection (b) or (c), a law enforcement agency or an



1 agent acting on behalf of the law enforcement agency shall  
2 preserve, subject to a continuous chain of custody, any  
3 physical evidence in their possession or control that is  
4 reasonably likely to contain forensic evidence, including, but  
5 not limited to, fingerprints or biological material secured in  
6 relation to a trial and with sufficient documentation to locate  
7 that evidence.

8 (b) After a judgment of conviction is entered, the evidence  
9 shall either be impounded with the Clerk of the Circuit Court  
10 or shall be securely retained by a law enforcement agency.  
11 Retention shall be permanent in cases where a sentence of death  
12 is imposed. Retention shall be until the completion of the  
13 sentence, including the period of mandatory supervised release  
14 for the offense, or January 1, 2006, whichever is later, for  
15 any conviction for an offense or an attempt of an offense  
16 defined in Article 9 of the Criminal Code of 1961 or in Section  
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
18 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or for 7  
19 years following any conviction for any other felony for which  
20 the defendant's genetic profile may be taken by a law  
21 enforcement agency and submitted for comparison in a forensic  
22 DNA database for unsolved offenses.

23 (c) After a judgment of conviction is entered, the law  
24 enforcement agency required to retain evidence described in  
25 subsection (a) may petition the court with notice to the  
26 defendant or, in cases where the defendant has died, his

1 estate, his attorney of record, or an attorney appointed for  
2 that purpose by the court for entry of an order allowing it to  
3 dispose of evidence if, after a hearing, the court determines  
4 by a preponderance of the evidence that:

5 (1) it has no significant value for forensic science  
6 analysis and should be returned to its rightful owner,  
7 destroyed, used for training purposes, or as otherwise  
8 provided by law; or

9 (2) it has no significant value for forensic science  
10 analysis and is of a size, bulk, or physical character not  
11 usually retained by the law enforcement agency and cannot  
12 practicably be retained by the law enforcement agency; or

13 (3) there no longer exists a reasonable basis to  
14 require the preservation of the evidence because of the  
15 death of the defendant; however, this paragraph (3) does  
16 not apply if a sentence of death was imposed.

17 (d) The court may order the disposition of the evidence if  
18 the defendant is allowed the opportunity to take reasonable  
19 measures to remove or preserve portions of the evidence in  
20 question for future testing.

21 (d-5) Any order allowing the disposition of evidence  
22 pursuant to subsection (c) or (d) shall be a final and  
23 appealable order. No evidence shall be disposed of until 30  
24 days after the order is entered, and if a notice of appeal is  
25 filed, no evidence shall be disposed of until the mandate has  
26 been received by the circuit court from the appellate court.

1 (d-10) All records documenting the possession, control,  
2 storage, and destruction of evidence and all police reports,  
3 evidence control or inventory records, and other reports cited  
4 in this Section, including computer records, must be retained  
5 for as long as the evidence exists and may not be disposed of  
6 without the approval of the Local Records Commission.

7 (e) In this Section, "law enforcement agency" includes any  
8 of the following or an agent acting on behalf of any of the  
9 following: a municipal police department, county sheriff's  
10 office, any prosecuting authority, the Department of State  
11 Police, or any other State, university, county, federal, or  
12 municipal police unit or police force.

13 "Biological material" includes, but is not limited to, any  
14 blood, hair, saliva, or semen from which genetic marker  
15 groupings may be obtained.

16 (Source: P.A. 91-871, eff. 1-1-01; 92-459, eff. 8-22-01.)

17 (725 ILCS 5/124B-10)

18 Sec. 124B-10. Applicability; offenses. This Article  
19 applies to forfeiture of property in connection with the  
20 following:

21 (1) A violation of Section 10A-10 of the Criminal Code  
22 of 1961 (involuntary servitude; involuntary servitude of a  
23 minor; trafficking of persons for forced labor or  
24 services).

25 (2) A violation of subdivision (a)(1) of Section

1       11-14.4 of the Criminal Code of 1961 (promoting juvenile  
2       prostitution) or a violation of Section 11-17.1 of the  
3       Criminal Code of 1961 (keeping a place of juvenile  
4       prostitution).

5           (3) A violation of subdivision (a)(4) of Section  
6       11-14.4 of the Criminal Code of 1961 (promoting juvenile  
7       prostitution) or a violation of Section 11-19.2 of the  
8       Criminal Code of 1961 (exploitation of a child).

9           (4) A violation of Section 11-20 of the Criminal Code  
10       of 1961 (obscenity).

11          (5) A second or subsequent violation of Section 11-20.1  
12       of the Criminal Code of 1961 (child pornography).

13          (6) A violation of Section 11-20.1B or 11-20.3 of the  
14       Criminal Code of 1961 (aggravated child pornography).

15          (7) A violation of Section 16D-5 of the Criminal Code  
16       of 1961 (computer fraud).

17          (8) A felony violation of Article 17B of the Criminal  
18       Code of 1961 (WIC fraud).

19          (9) A felony violation of Section 26-5 of the Criminal  
20       Code of 1961 (dog fighting).

21          (10) A violation of Article 29D of the Criminal Code of  
22       1961 (terrorism).

23          (11) A felony violation of Section 4.01 of the Humane  
24       Care for Animals Act (animals in entertainment).

25       (Source: P.A. 96-712, eff. 1-1-10.)

1 (725 ILCS 5/124B-100)

2 Sec. 124B-100. Definition; "offense". For purposes of this  
3 Article, "offense" is defined as follows:

4 (1) In the case of forfeiture authorized under Section  
5 10A-15 of the Criminal Code of 1961, "offense" means the  
6 offense of involuntary servitude, involuntary servitude of  
7 a minor, or trafficking of persons for forced labor or  
8 services in violation of Section 10A-10 of that Code.

9 (2) In the case of forfeiture authorized under  
10 subdivision (a)(1) of Section 11-14.4, or Section 11-17.1,  
11 of the Criminal Code of 1961, "offense" means the offense  
12 of promoting juvenile prostitution or keeping a place of  
13 juvenile prostitution in violation of subdivision (a)(1)  
14 of Section 11-14.4, or Section 11-17.1, of that Code.

15 (3) In the case of forfeiture authorized under  
16 subdivision (a)(4) of Section 11-14.4, or Section 11-19.2,  
17 of the Criminal Code of 1961, "offense" means the offense  
18 of promoting juvenile prostitution or exploitation of a  
19 child in violation of subdivision (a)(4) of Section  
20 11-14.4, or Section 11-19.2, of that Code.

21 (4) In the case of forfeiture authorized under Section  
22 11-20 of the Criminal Code of 1961, "offense" means the  
23 offense of obscenity in violation of that Section.

24 (5) In the case of forfeiture authorized under Section  
25 11-20.1 of the Criminal Code of 1961, "offense" means the  
26 offense of child pornography in violation of Section

1 11-20.1 of that Code.

2 (6) In the case of forfeiture authorized under Section  
3 11-20.1B or 11-20.3 of the Criminal Code of 1961, "offense"  
4 means the offense of aggravated child pornography in  
5 violation of Section 11-20.1B or 11-20.3 of that Code.

6 (7) In the case of forfeiture authorized under Section  
7 16D-6 of the Criminal Code of 1961, "offense" means the  
8 offense of computer fraud in violation of Section 16D-5 of  
9 that Code.

10 (8) In the case of forfeiture authorized under Section  
11 17B-25 of the Criminal Code of 1961, "offense" means any  
12 felony violation of Article 17B of that Code.

13 (9) In the case of forfeiture authorized under Section  
14 29D-65 of the Criminal Code of 1961, "offense" means any  
15 offense under Article 29D of that Code.

16 (10) In the case of forfeiture authorized under Section  
17 4.01 of the Humane Care for Animals Act or Section 26-5 of  
18 the Criminal Code of 1961, "offense" means any felony  
19 offense under either of those Sections.

20 (Source: P.A. 96-712, eff. 1-1-10.)

21 (725 ILCS 5/124B-420)

22 Sec. 124B-420. Distribution of property and sale proceeds.

23 (a) All moneys and the sale proceeds of all other property  
24 forfeited and seized under this Part 400 shall be distributed  
25 as follows:

1           (1) 50% shall be distributed to the unit of local  
2 government whose officers or employees conducted the  
3 investigation into the offense and caused the arrest or  
4 arrests and prosecution leading to the forfeiture, except  
5 that if the investigation, arrest or arrests, and  
6 prosecution leading to the forfeiture were undertaken by  
7 the sheriff, this portion shall be distributed to the  
8 county for deposit into a special fund in the county  
9 treasury appropriated to the sheriff. Amounts distributed  
10 to the county for the sheriff or to units of local  
11 government under this paragraph shall be used for  
12 enforcement of laws or ordinances governing obscenity and  
13 child pornography. If the investigation, arrest or  
14 arrests, and prosecution leading to the forfeiture were  
15 undertaken solely by a State agency, however, the portion  
16 designated in this paragraph shall be paid into the State  
17 treasury to be used for enforcement of laws governing  
18 obscenity and child pornography.

19           (2) 25% shall be distributed to the county in which the  
20 prosecution resulting in the forfeiture was instituted,  
21 deposited into a special fund in the county treasury, and  
22 appropriated to the State's Attorney for use in the  
23 enforcement of laws governing obscenity and child  
24 pornography.

25           (3) 25% shall be distributed to the Office of the  
26 State's Attorneys Appellate Prosecutor and deposited into

1 the Obscenity Profits Forfeiture Fund, which is hereby  
2 created in the State treasury, to be used by the Office of  
3 the State's Attorneys Appellate Prosecutor for additional  
4 expenses incurred in prosecuting appeals arising under  
5 Sections 11-20, 11-20.1, 11-20.1B, and 11-20.3 of the  
6 Criminal Code of 1961. Any amounts remaining in the Fund  
7 after all additional expenses have been paid shall be used  
8 by the Office to reduce the participating county  
9 contributions to the Office on a pro-rated basis as  
10 determined by the board of governors of the Office of the  
11 State's Attorneys Appellate Prosecutor based on the  
12 populations of the participating counties.

13 (b) Before any distribution under subsection (a), the  
14 Attorney General or State's Attorney shall retain from the  
15 forfeited moneys or sale proceeds, or both, sufficient moneys  
16 to cover expenses related to the administration and sale of the  
17 forfeited property.

18 (Source: P.A. 96-712, eff. 1-1-10.)

19 (725 ILCS 5/124B-500)

20 Sec. 124B-500. Persons and property subject to forfeiture.  
21 A person who commits the offense of promoting juvenile  
22 prostitution, keeping a place of juvenile prostitution,  
23 exploitation of a child, child pornography, or aggravated child  
24 pornography under subdivision (a)(1) or (a)(4) of Section  
25 11-14.4 or under Section 11-17.1, 11-19.2, 11-20.1, 11-20.1B,



1 or 11-20.3 of the Criminal Code of 1961 shall forfeit the  
2 following property to the State of Illinois:

3 (1) Any profits or proceeds and any property the person  
4 has acquired or maintained in violation of subdivision  
5 (a)(1) or (a)(4) of Section 11-14.4 or in violation of  
6 Section 11-17.1, 11-19.2, 11-20.1, 11-20.1B, or 11-20.3 of  
7 the Criminal Code of 1961 that the sentencing court  
8 determines, after a forfeiture hearing under this Article,  
9 to have been acquired or maintained as a result of keeping  
10 a place of juvenile prostitution, exploitation of a child,  
11 child pornography, or aggravated child pornography.

12 (2) Any interest in, securities of, claim against, or  
13 property or contractual right of any kind affording a  
14 source of influence over any enterprise that the person has  
15 established, operated, controlled, or conducted in  
16 violation of subdivision (a)(1) or (a)(4) of Section  
17 11-14.4 or in violation of Section 11-17.1, 11-19.2,  
18 11-20.1, 11-20.1B, or 11-20.3 of the Criminal Code of 1961  
19 that the sentencing court determines, after a forfeiture  
20 hearing under this Article, to have been acquired or  
21 maintained as a result of keeping a place of juvenile  
22 prostitution, exploitation of a child, child pornography,  
23 or aggravated child pornography.

24 (3) Any computer that contains a depiction of child  
25 pornography in any encoded or decoded format in violation  
26 of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal

1 Code of 1961. For purposes of this paragraph (3),  
2 "computer" has the meaning ascribed to it in Section 16D-2  
3 of the Criminal Code of 1961.  
4 (Source: P.A. 96-712, eff. 1-1-10.)

5 Section 1045. The Bill of Rights for Children is amended by  
6 changing Section 3 as follows:

7 (725 ILCS 115/3) (from Ch. 38, par. 1353)

8 Sec. 3. Rights to present child impact statement.

9 (a) In any case where a defendant has been convicted of a  
10 violent crime involving a child or a juvenile has been  
11 adjudicated a delinquent for any offense defined in Sections  
12 11-6, 11-20.1, 11-20.1B, and 11-20.3 and in Sections 11-1.20  
13 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of  
14 1961, except those in which both parties have agreed to the  
15 imposition of a specific sentence, and a parent or legal  
16 guardian of the child involved is present in the courtroom at  
17 the time of the sentencing or the disposition hearing, the  
18 parent or legal guardian upon his or her request shall have the  
19 right to address the court regarding the impact which the  
20 defendant's criminal conduct or the juvenile's delinquent  
21 conduct has had upon the child. If the parent or legal guardian  
22 chooses to exercise this right, the impact statement must have  
23 been prepared in writing in conjunction with the Office of the  
24 State's Attorney prior to the initial hearing or sentencing,

1 before it can be presented orally at the sentencing hearing.  
2 The court shall consider any statements made by the parent or  
3 legal guardian, along with all other appropriate factors in  
4 determining the sentence of the defendant or disposition of  
5 such juvenile.

6 (b) The crime victim has the right to prepare a victim  
7 impact statement and present it to the office of the State's  
8 Attorney at any time during the proceedings.

9 (c) This Section shall apply to any child victims of any  
10 offense defined in Sections 11-1.20 through 11-1.60 or 12-13  
11 through 12-16 of the Criminal Code of 1961 during any  
12 dispositional hearing under Section 5-705 of the Juvenile Court  
13 Act of 1987 which takes place pursuant to an adjudication of  
14 delinquency for any such offense.

15 (Source: P.A. 96-292, eff. 1-1-10.)

16 Section 1047. The Rights of Crime Victims and Witnesses Act  
17 is amended by changing Section 3 as follows:

18 (725 ILCS 120/3) (from Ch. 38, par. 1403)

19 Sec. 3. The terms used in this Act, unless the context  
20 clearly requires otherwise, shall have the following meanings:

21 (a) "Crime victim" and "victim" mean (1) a person  
22 physically injured in this State as a result of a violent crime  
23 perpetrated or attempted against that person or (2) a person  
24 who suffers injury to or loss of property as a result of a

1 violent crime perpetrated or attempted against that person or  
2 (3) a single representative who may be the spouse, parent,  
3 child or sibling of a person killed as a result of a violent  
4 crime perpetrated against the person killed or the spouse,  
5 parent, child or sibling of any person granted rights under  
6 this Act who is physically or mentally incapable of exercising  
7 such rights, except where the spouse, parent, child or sibling  
8 is also the defendant or prisoner or (4) any person against  
9 whom a violent crime has been committed or (5) any person who  
10 has suffered personal injury as a result of a violation of  
11 Section 11-501 of the Illinois Vehicle Code, or of a similar  
12 provision of a local ordinance, or of Section 9-3 of the  
13 Criminal Code of 1961, as amended or (6) in proceedings under  
14 the Juvenile Court Act of 1987, both parents, legal guardians,  
15 foster parents, or a single adult representative of a minor or  
16 disabled person who is a crime victim.

17 (b) "Witness" means any person who personally observed the  
18 commission of a violent crime and who will testify on behalf of  
19 the State of Illinois in the criminal prosecution of the  
20 violent crime.

21 (c) "Violent Crime" means any felony in which force or  
22 threat of force was used against the victim, or any offense  
23 involving sexual exploitation, sexual conduct or sexual  
24 penetration, or a violation of Section 11-20.1, 11-20.1B, or  
25 11-20.3 of the Criminal Code of 1961, domestic battery,  
26 violation of an order of protection, stalking, or any

1 misdemeanor which results in death or great bodily harm to the  
2 victim or any violation of Section 9-3 of the Criminal Code of  
3 1961, or Section 11-501 of the Illinois Vehicle Code, or a  
4 similar provision of a local ordinance, if the violation  
5 resulted in personal injury or death, and includes any action  
6 committed by a juvenile that would be a violent crime if  
7 committed by an adult. For the purposes of this paragraph,  
8 "personal injury" shall include any Type A injury as indicated  
9 on the traffic accident report completed by a law enforcement  
10 officer that requires immediate professional attention in  
11 either a doctor's office or medical facility. A type A injury  
12 shall include severely bleeding wounds, distorted extremities,  
13 and injuries that require the injured party to be carried from  
14 the scene.

15 (d) "Sentencing Hearing" means any hearing where a sentence  
16 is imposed by the court on a convicted defendant and includes  
17 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2  
18 and 5-7-7 of the Unified Code of Corrections except those cases  
19 in which both parties have agreed to the imposition of a  
20 specific sentence.

21 (e) "Court proceedings" includes the preliminary hearing,  
22 any hearing the effect of which may be the release of the  
23 defendant from custody or to alter the conditions of bond, the  
24 trial, sentencing hearing, notice of appeal, any modification  
25 of sentence, probation revocation hearings or parole hearings.

26 (f) "Concerned citizen" includes relatives of the victim,

1 friends of the victim, witnesses to the crime, or any other  
2 person associated with the victim or prisoner.

3 (Source: P.A. 95-591, eff. 6-1-08; 95-876, eff. 8-21-08;  
4 96-292, eff. 1-1-10; 96-875, eff. 1-22-10.)

5 Section 1050. The Sex Offense Victim Polygraph Act is  
6 amended by changing Section 1 as follows:

7 (725 ILCS 200/1) (from Ch. 38, par. 1551)

8 Sec. 1. Lie Detector Tests. (a) No law enforcement officer,  
9 State's Attorney or other official shall require an alleged  
10 victim of an offense described in Sections 11-1.20 through  
11 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961, as  
12 amended, to submit to a polygraph examination or any form of a  
13 mechanical or electrical lie detector test as a condition for  
14 proceeding with the investigation, charging or prosecution of  
15 such offense, and such test shall be administered to such  
16 victim solely at the victim's request.

17 (b) A victim's refusal to submit to a polygraph or any form  
18 of a mechanical or electrical lie detector test shall not  
19 mitigate against the investigation, charging or prosecution of  
20 the pending case as originally charged.

21 (Source: P.A. 85-664.)

22 Section 1055. The Sexually Violent Persons Commitment Act  
23 is amended by changing Section 5 as follows:

1 (725 ILCS 207/5)

2 Sec. 5. Definitions. As used in this Act, the term:

3 (a) "Department" means the Department of Human Services.

4 (b) "Mental disorder" means a congenital or acquired  
5 condition affecting the emotional or volitional capacity that  
6 predisposes a person to engage in acts of sexual violence.

7 (c) "Secretary" means the Secretary of Human Services.

8 (d) "Sexually motivated" means that one of the purposes for  
9 an act is for the actor's sexual arousal or gratification.

10 (e) "Sexually violent offense" means any of the following:

11 (1) Any crime specified in Section 11-1.20, 11-1.30,  
12 11-1.40, 11-1.60, 11-6, 11-20.1, 11-20.3, 12-13, 12-14,  
13 12-14.1, or 12-16 of the Criminal Code of 1961; or

14 (1.5) Any former law of this State specified in Section  
15 11-1 (rape), 11-3 (deviate sexual assault), 11-4 (indecent  
16 liberties with a child) or 11-4.1 (aggravated indecent  
17 liberties with a child) of the Criminal Code of 1961; or

18 (2) First degree murder, if it is determined by the  
19 agency with jurisdiction to have been sexually motivated;  
20 or

21 (3) Any solicitation, conspiracy or attempt to commit a  
22 crime under paragraph (e) (1) or (e) (2) of this Section.

23 (f) "Sexually violent person" means a person who has been  
24 convicted of a sexually violent offense, has been adjudicated  
25 delinquent for a sexually violent offense, or has been found

1 not guilty of a sexually violent offense by reason of insanity  
2 and who is dangerous because he or she suffers from a mental  
3 disorder that makes it substantially probable that the person  
4 will engage in acts of sexual violence.

5 (Source: P.A. 96-292, eff. 1-1-10; 96-328, eff. 8-11-09.)

6 Section 1060. The Statewide Grand Jury Act is amended by  
7 changing Sections 2 and 3 as follows:

8 (725 ILCS 215/2) (from Ch. 38, par. 1702)

9 Sec. 2. (a) County grand juries and State's Attorneys have  
10 always had and shall continue to have primary responsibility  
11 for investigating, indicting, and prosecuting persons who  
12 violate the criminal laws of the State of Illinois. However, in  
13 recent years organized terrorist activity directed against  
14 innocent civilians and certain criminal enterprises have  
15 developed that require investigation, indictment, and  
16 prosecution on a statewide or multicounty level. The criminal  
17 enterprises exist as a result of the allure of profitability  
18 present in narcotic activity, the unlawful sale and transfer of  
19 firearms, and streetgang related felonies and organized  
20 terrorist activity is supported by the contribution of money  
21 and expert assistance from geographically diverse sources. In  
22 order to shut off the life blood of terrorism and weaken or  
23 eliminate the criminal enterprises, assets, and property used  
24 to further these offenses must be frozen, and any profit must



1 be removed. State statutes exist that can accomplish that goal.  
2 Among them are the offense of money laundering, the Cannabis  
3 and Controlled Substances Tax Act, violations of Article 29D of  
4 the Criminal Code of 1961, the Narcotics Profit Forfeiture Act,  
5 and gunrunning. Local prosecutors need investigative personnel  
6 and specialized training to attack and eliminate these profits.  
7 In light of the transitory and complex nature of conduct that  
8 constitutes these criminal activities, the many diverse  
9 property interests that may be used, acquired directly or  
10 indirectly as a result of these criminal activities, and the  
11 many places that illegally obtained property may be located, it  
12 is the purpose of this Act to create a limited, multicounty  
13 Statewide Grand Jury with authority to investigate, indict, and  
14 prosecute: narcotic activity, including cannabis and  
15 controlled substance trafficking, narcotics racketeering,  
16 money laundering, violations of the Cannabis and Controlled  
17 Substances Tax Act, and violations of Article 29D of the  
18 Criminal Code of 1961; the unlawful sale and transfer of  
19 firearms; gunrunning; and streetgang related felonies.

20 (b) A Statewide Grand Jury may also investigate, indict,  
21 and prosecute violations facilitated by the use of a computer  
22 of any of the following offenses: indecent solicitation of a  
23 child, sexual exploitation of a child, soliciting for a  
24 juvenile prostitute, keeping a place of juvenile prostitution,  
25 juvenile pimping, ~~or~~ child pornography, aggravated child  
26 pornography, or promoting juvenile prostitution except as

1 described in subdivision (a)(4) of Section 11-14.4 of the  
2 Criminal Code of 1961.

3 (Source: P.A. 91-225, eff. 1-1-00; 92-854, eff. 12-5-02.)

4 (725 ILCS 215/3) (from Ch. 38, par. 1703)

5 Sec. 3. Written application for the appointment of a  
6 Circuit Judge to convene and preside over a Statewide Grand  
7 Jury, with jurisdiction extending throughout the State, shall  
8 be made to the Chief Justice of the Supreme Court. Upon such  
9 written application, the Chief Justice of the Supreme Court  
10 shall appoint a Circuit Judge from the circuit where the  
11 Statewide Grand Jury is being sought to be convened, who shall  
12 make a determination that the convening of a Statewide Grand  
13 Jury is necessary.

14 In such application the Attorney General shall state that  
15 the convening of a Statewide Grand Jury is necessary because of  
16 an alleged offense or offenses set forth in this Section  
17 involving more than one county of the State and identifying any  
18 such offense alleged; and

19 (a) that he or she believes that the grand jury  
20 function for the investigation and indictment of the  
21 offense or offenses cannot effectively be performed by a  
22 county grand jury together with the reasons for such  
23 belief, and

24 (b) (1) that each State's Attorney with jurisdiction  
25 over an offense or offenses to be investigated has

1 consented to the impaneling of the Statewide Grand  
2 Jury, or

3 (2) if one or more of the State's Attorneys having  
4 jurisdiction over an offense or offenses to be  
5 investigated fails to consent to the impaneling of the  
6 Statewide Grand Jury, the Attorney General shall set  
7 forth good cause for impaneling the Statewide Grand  
8 Jury.

9 If the Circuit Judge determines that the convening of a  
10 Statewide Grand Jury is necessary, he or she shall convene and  
11 impanel the Statewide Grand Jury with jurisdiction extending  
12 throughout the State to investigate and return indictments:

13 (a) For violations of any of the following or for any  
14 other criminal offense committed in the course of violating  
15 any of the following: Article 29D of the Criminal Code of  
16 1961, the Illinois Controlled Substances Act, the Cannabis  
17 Control Act, the Methamphetamine Control and Community  
18 Protection Act, the Narcotics Profit Forfeiture Act, or the  
19 Cannabis and Controlled Substances Tax Act; a streetgang  
20 related felony offense; Section 24-2.1, 24-2.2, 24-3,  
21 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection  
22 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9),  
23 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961; or a  
24 money laundering offense; provided that the violation or  
25 offense involves acts occurring in more than one county of  
26 this State; and

1 (a-5) For violations facilitated by the use of a  
2 computer, including the use of the Internet, the World Wide  
3 Web, electronic mail, message board, newsgroup, or any  
4 other commercial or noncommercial on-line service, of any  
5 of the following offenses: indecent solicitation of a  
6 child, sexual exploitation of a child, soliciting for a  
7 juvenile prostitute, keeping a place of juvenile  
8 prostitution, juvenile pimping, ~~or~~ child pornography,  
9 aggravated child pornography, or promoting juvenile  
10 prostitution except as described in subdivision (a)(4) of  
11 Section 11-14.4 of the Criminal Code of 1961; and

12 (b) For the offenses of perjury, subornation of  
13 perjury, communicating with jurors and witnesses, and  
14 harassment of jurors and witnesses, as they relate to  
15 matters before the Statewide Grand Jury.

16 "Streetgang related" has the meaning ascribed to it in  
17 Section 10 of the Illinois Streetgang Terrorism Omnibus  
18 Prevention Act.

19 Upon written application by the Attorney General for the  
20 convening of an additional Statewide Grand Jury, the Chief  
21 Justice of the Supreme Court shall appoint a Circuit Judge from  
22 the circuit for which the additional Statewide Grand Jury is  
23 sought. The Circuit Judge shall determine the necessity for an  
24 additional Statewide Grand Jury in accordance with the  
25 provisions of this Section. No more than 2 Statewide Grand  
26 Juries may be empaneled at any time.

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

2 Section 1065. The Unified Code of Corrections is amended by  
3 changing Sections 3-1-2, 3-3-7, 5-3-2, 5-4-1, 5-4-3, 5-4-3.2,  
4 5-5-3, 5-5-3.2, 5-5-6, 5-6-1, 5-6-3, 5-6-3.1, 5-8-1, 5-8-4, and  
5 5-9-1.7 as follows:

6 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

7 Sec. 3-1-2. Definitions.

8 (a) "Chief Administrative Officer" means the person  
9 designated by the Director to exercise the powers and duties of  
10 the Department of Corrections in regard to committed persons  
11 within a correctional institution or facility, and includes the  
12 superintendent of any juvenile institution or facility.

13 (a-5) "Sex offense" for the purposes of paragraph (16) of  
14 subsection (a) of Section 3-3-7, paragraph (10) of subsection  
15 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of  
16 Section 5-6-3.1 only means:

17 (i) A violation of any of the following Sections of the  
18 Criminal Code of 1961: 10-7 (aiding or abetting child  
19 abduction under Section 10-5(b)(10)), 10-5(b)(10) (child  
20 luring), 11-6 (indecent solicitation of a child), 11-6.5  
21 (indecent solicitation of an adult), 11-14.4 (promoting  
22 juvenile prostitution), 11-15.1 (soliciting for a juvenile  
23 prostitute), 11-17.1 (keeping a place of juvenile  
24 prostitution), 11-18.1 (patronizing a juvenile

1 prostitute), 11-19.1 (juvenile pimping), 11-19.2  
2 (exploitation of a child), 11-20.1 (child pornography),  
3 11-20.1B or 11-20.3 (aggravated child pornography),  
4 11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
5 child), or 12-33 (ritualized abuse of a child). An attempt  
6 to commit any of these offenses.

7 (ii) A violation of any of the following Sections of  
8 the Criminal Code of 1961: 11-1.20 or 12-13 (criminal  
9 sexual assault), 11-1.30 or 12-14 (aggravated criminal  
10 sexual assault), 11-1.60 or 12-16 (aggravated criminal  
11 sexual abuse), and subsection (a) of Section 11-1.50 or  
12 subsection (a) of Section 12-15 (criminal sexual abuse). An  
13 attempt to commit any of these offenses.

14 (iii) A violation of any of the following Sections of  
15 the Criminal Code of 1961 when the defendant is not a  
16 parent of the victim:

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

21 An attempt to commit any of these offenses.

22 (iv) A violation of any former law of this State  
23 substantially equivalent to any offense listed in this  
24 subsection (a-5).

25 An offense violating federal law or the law of another  
26 state that is substantially equivalent to any offense listed in

1 this subsection (a-5) shall constitute a sex offense for the  
2 purpose of this subsection (a-5). A finding or adjudication as  
3 a sexually dangerous person under any federal law or law of  
4 another state that is substantially equivalent to the Sexually  
5 Dangerous Persons Act shall constitute an adjudication for a  
6 sex offense for the purposes of this subsection (a-5).

7 (b) "Commitment" means a judicially determined placement  
8 in the custody of the Department of Corrections on the basis of  
9 delinquency or conviction.

10 (c) "Committed Person" is a person committed to the  
11 Department, however a committed person shall not be considered  
12 to be an employee of the Department of Corrections for any  
13 purpose, including eligibility for a pension, benefits, or any  
14 other compensation or rights or privileges which may be  
15 provided to employees of the Department.

16 (c-5) "Computer scrub software" means any third-party  
17 added software, designed to delete information from the  
18 computer unit, the hard drive, or other software, which would  
19 eliminate and prevent discovery of browser activity, including  
20 but not limited to Internet history, address bar or bars, cache  
21 or caches, and/or cookies, and which would over-write files in  
22 a way so as to make previous computer activity, including but  
23 not limited to website access, more difficult to discover.

24 (d) "Correctional Institution or Facility" means any  
25 building or part of a building where committed persons are kept  
26 in a secured manner.

1           (e) In the case of functions performed before the effective  
2 date of this amendatory Act of the 94th General Assembly,  
3 "Department" means the Department of Corrections of this State.  
4 In the case of functions performed on or after the effective  
5 date of this amendatory Act of the 94th General Assembly,  
6 "Department" has the meaning ascribed to it in subsection  
7 (f-5).

8           (f) In the case of functions performed before the effective  
9 date of this amendatory Act of the 94th General Assembly,  
10 "Director" means the Director of the Department of Corrections.  
11 In the case of functions performed on or after the effective  
12 date of this amendatory Act of the 94th General Assembly,  
13 "Director" has the meaning ascribed to it in subsection (f-5).

14           (f-5) In the case of functions performed on or after the  
15 effective date of this amendatory Act of the 94th General  
16 Assembly, references to "Department" or "Director" refer to  
17 either the Department of Corrections or the Director of  
18 Corrections or to the Department of Juvenile Justice or the  
19 Director of Juvenile Justice unless the context is specific to  
20 the Department of Juvenile Justice or the Director of Juvenile  
21 Justice.

22           (g) "Discharge" means the final termination of a commitment  
23 to the Department of Corrections.

24           (h) "Discipline" means the rules and regulations for the  
25 maintenance of order and the protection of persons and property  
26 within the institutions and facilities of the Department and



1 their enforcement.

2 (i) "Escape" means the intentional and unauthorized  
3 absence of a committed person from the custody of the  
4 Department.

5 (j) "Furlough" means an authorized leave of absence from  
6 the Department of Corrections for a designated purpose and  
7 period of time.

8 (k) "Parole" means the conditional and revocable release of  
9 a committed person under the supervision of a parole officer.

10 (l) "Prisoner Review Board" means the Board established in  
11 Section 3-3-1(a), independent of the Department, to review  
12 rules and regulations with respect to good time credits, to  
13 hear charges brought by the Department against certain  
14 prisoners alleged to have violated Department rules with  
15 respect to good time credits, to set release dates for certain  
16 prisoners sentenced under the law in effect prior to the  
17 effective date of this Amendatory Act of 1977, to hear requests  
18 and make recommendations to the Governor with respect to  
19 pardon, reprieve or commutation, to set conditions for parole  
20 and mandatory supervised release and determine whether  
21 violations of those conditions justify revocation of parole or  
22 release, and to assume all other functions previously exercised  
23 by the Illinois Parole and Pardon Board.

24 (m) Whenever medical treatment, service, counseling, or  
25 care is referred to in this Unified Code of Corrections, such  
26 term may be construed by the Department or Court, within its

1 discretion, to include treatment, service or counseling by a  
2 Christian Science practitioner or nursing care appropriate  
3 therewith whenever request therefor is made by a person subject  
4 to the provisions of this Act.

5 (n) "Victim" shall have the meaning ascribed to it in  
6 subsection (a) of Section 3 of the Bill of Rights for Victims  
7 and Witnesses of Violent Crime Act.

8 (Source: P.A. 96-362, eff. 1-1-10; 96-710, eff. 1-1-10; revised  
9 10-9-09.)

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  
25 home, employment, or elsewhere to the extent necessary for

1 the agent to discharge his or her duties;

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

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

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

12 (7.5) if convicted of a sex offense as defined in the  
13 Sex Offender Management Board Act, the individual shall  
14 undergo and successfully complete sex offender treatment  
15 conducted in conformance with the standards developed by  
16 the Sex Offender Management Board Act by a treatment  
17 provider approved by the Board;

18 (7.6) if convicted of a sex offense as defined in the  
19 Sex Offender Management Board Act, refrain from residing at  
20 the same address or in the same condominium unit or  
21 apartment unit or in the same condominium complex or  
22 apartment complex with another person he or she knows or  
23 reasonably should know is a convicted sex offender or has  
24 been placed on supervision for a sex offense; the  
25 provisions of this paragraph do not apply to a person  
26 convicted of a sex offense who is placed in a Department of

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

6 (7.7) if convicted for an offense that would qualify  
7 the accused as a sexual predator under the Sex Offender  
8 Registration Act on or after the effective date of this  
9 amendatory Act of the 94th General Assembly, wear an  
10 approved electronic monitoring device as defined in  
11 Section 5-8A-2 for the duration of the person's parole,  
12 mandatory supervised release term, or extended mandatory  
13 supervised release term and if convicted for an offense of  
14 criminal sexual assault, aggravated criminal sexual  
15 assault, predatory criminal sexual assault of a child,  
16 criminal sexual abuse, aggravated criminal sexual abuse,  
17 or ritualized abuse of a child committed on or after August  
18 11, 2009 (the effective date of Public Act 96-236) ~~this~~  
19 ~~amendatory Act of the 96th General Assembly~~ when the victim  
20 was under 18 years of age at the time of the commission of  
21 the offense and the defendant used force or the threat of  
22 force in the commission of the offense wear an approved  
23 electronic monitoring device as defined in Section 5-8A-2  
24 that has Global Positioning System (GPS) capability for the  
25 duration of the person's parole, mandatory supervised  
26 release term, or extended mandatory supervised release

1 term;

2 (7.8) if convicted for an offense committed on or after  
3 the effective date of this amendatory Act of the 95th  
4 General Assembly that would qualify the accused as a child  
5 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
6 Criminal Code of 1961, refrain from communicating with or  
7 contacting, by means of the Internet, a person who is not  
8 related to the accused and whom the accused reasonably  
9 believes to be under 18 years of age; for purposes of this  
10 paragraph (7.8), "Internet" has the meaning ascribed to it  
11 in Section 16J-5 of the Criminal Code of 1961; and a person  
12 is not related to the accused if the person is not: (i) the  
13 spouse, brother, or sister of the accused; (ii) a  
14 descendant of the accused; (iii) a first or second cousin  
15 of the accused; or (iv) a step-child or adopted child of  
16 the accused;

17 (7.9) if convicted under Section 11-6, 11-20.1,  
18 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961,  
19 consent to search of computers, PDAs, cellular phones, and  
20 other devices under his or her control that are capable of  
21 accessing the Internet or storing electronic files, in  
22 order to confirm Internet protocol addresses reported in  
23 accordance with the Sex Offender Registration Act and  
24 compliance with conditions in this Act;

25 (7.10) if convicted for an offense that would qualify  
26 the accused as a sex offender or sexual predator under the

1 Sex Offender Registration Act on or after the effective  
2 date of this amendatory Act of the 95th General Assembly,  
3 not possess prescription drugs for erectile dysfunction;

4 (7.11) if convicted for an offense under Section 11-6,  
5 11-9.1, 11-14.4 that involves soliciting for a juvenile  
6 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
7 of the Criminal Code of 1961, or any attempt to commit any  
8 of these offenses, committed on or after June 1, 2009 (the  
9 effective date of Public Act 95-983):

10 (i) not access or use a computer or any other  
11 device with Internet capability without the prior  
12 written approval of the Department;

13 (ii) submit to periodic unannounced examinations  
14 of the offender's computer or any other device with  
15 Internet capability by the offender's supervising  
16 agent, a law enforcement officer, or assigned computer  
17 or information technology specialist, including the  
18 retrieval and copying of all data from the computer or  
19 device and any internal or external peripherals and  
20 removal of such information, equipment, or device to  
21 conduct a more thorough inspection;

22 (iii) submit to the installation on the offender's  
23 computer or device with Internet capability, at the  
24 offender's expense, of one or more hardware or software  
25 systems to monitor the Internet use; and

26 (iv) submit to any other appropriate restrictions

1 concerning the offender's use of or access to a  
2 computer or any other device with Internet capability  
3 imposed by the Board, the Department or the offender's  
4 supervising agent;

5 (7.12) if convicted of a sex offense as defined in the  
6 Sex Offender Registration Act committed on or after January  
7 1, 2010 (the effective date of Public Act 96-262) ~~this~~  
8 ~~amendatory Act of the 96th General Assembly~~, refrain from  
9 accessing or using a social networking website as defined  
10 in Section 16D-2 of the Criminal Code of 1961;

11 (7.13) ~~(7.12)~~ if convicted of a sex offense as defined  
12 in Section 2 of the Sex Offender Registration Act committed  
13 on or after January 1, 2010 (the effective date of Public  
14 Act 96-362) ~~this amendatory Act of the 96th General~~  
15 ~~Assembly~~ that requires the person to register as a sex  
16 offender under that Act, may not knowingly use any computer  
17 scrub software on any computer that the sex offender uses;

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

20 (9) obtain permission of an agent of the Department of  
21 Corrections before changing his or her residence or  
22 employment;

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

25 (11) refrain from the use or possession of narcotics or  
26 other controlled substances in any form, or both, or any

1 paraphernalia related to those substances and submit to a  
2 urinalysis test as instructed by a parole agent of the  
3 Department of Corrections;

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

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

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

17 (15) follow any specific instructions provided by the  
18 parole agent that are consistent with furthering  
19 conditions set and approved by the Prisoner Review Board or  
20 by law, exclusive of placement on electronic detention, to  
21 achieve the goals and objectives of his or her parole or  
22 mandatory supervised release or to protect the public.  
23 These instructions by the parole agent may be modified at  
24 any time, as the agent deems appropriate;

25 (16) if convicted of a sex offense as defined in  
26 subsection (a-5) of Section 3-1-2 of this Code, unless the



1 offender is a parent or guardian of the person under 18  
2 years of age present in the home and no non-familial minors  
3 are present, not participate in a holiday event involving  
4 children under 18 years of age, such as distributing candy  
5 or other items to children on Halloween, wearing a Santa  
6 Claus costume on or preceding Christmas, being employed as  
7 a department store Santa Claus, or wearing an Easter Bunny  
8 costume on or preceding Easter; and

9 (17) if convicted of a violation of an order of  
10 protection under Section 12-30 of the Criminal Code of  
11 1961, be placed under electronic surveillance as provided  
12 in Section 5-8A-7 of this Code.

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

15 (1) work or pursue a course of study or vocational  
16 training;

17 (2) undergo medical or psychiatric treatment, or  
18 treatment for drug addiction or alcoholism;

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

21 (4) support his dependents;

22 (5) (blank);

23 (6) (blank);

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

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

3 (7.5) if convicted for an offense committed on or after  
4 the effective date of this amendatory Act of the 95th  
5 General Assembly that would qualify the accused as a child  
6 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
7 Criminal Code of 1961, refrain from communicating with or  
8 contacting, by means of the Internet, a person who is  
9 related to the accused and whom the accused reasonably  
10 believes to be under 18 years of age; for purposes of this  
11 paragraph (7.5), "Internet" has the meaning ascribed to it  
12 in Section 16J-5 of the Criminal Code of 1961; and a person  
13 is related to the accused if the person is: (i) the spouse,  
14 brother, or sister of the accused; (ii) a descendant of the  
15 accused; (iii) a first or second cousin of the accused; or  
16 (iv) a step-child or adopted child of the accused;

17 (7.6) if convicted for an offense committed on or after  
18 June 1, 2009 (the effective date of Public Act 95-983) that  
19 would qualify as a sex offense as defined in the Sex  
20 Offender Registration Act:

21 (i) not access or use a computer or any other  
22 device with Internet capability without the prior  
23 written approval of the Department;

24 (ii) submit to periodic unannounced examinations  
25 of the offender's computer or any other device with  
26 Internet capability by the offender's supervising

1 agent, a law enforcement officer, or assigned computer  
2 or information technology specialist, including the  
3 retrieval and copying of all data from the computer or  
4 device and any internal or external peripherals and  
5 removal of such information, equipment, or device to  
6 conduct a more thorough inspection;

7 (iii) submit to the installation on the offender's  
8 computer or device with Internet capability, at the  
9 offender's expense, of one or more hardware or software  
10 systems to monitor the Internet use; and

11 (iv) submit to any other appropriate restrictions  
12 concerning the offender's use of or access to a  
13 computer or any other device with Internet capability  
14 imposed by the Board, the Department or the offender's  
15 supervising agent; and

16 (8) in addition, if a minor:

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

18 (ii) attend school;

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

20 or

21 (iv) contribute to his own support at home or in a  
22 foster home.

23 (b-1) In addition to the conditions set forth in  
24 subsections (a) and (b), persons required to register as sex  
25 offenders pursuant to the Sex Offender Registration Act, upon  
26 release from the custody of the Illinois Department of

1 Corrections, may be required by the Board to comply with the  
2 following specific conditions of release:

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

4 (2) comply with all requirements of the Sex Offender  
5 Registration Act;

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

8 (4) obtain the approval of an agent of the Department  
9 of Corrections prior to accepting employment or pursuing a  
10 course of study or vocational training and notify the  
11 Department prior to any change in employment, study, or  
12 training;

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

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

19 (7) refrain from entering into a designated geographic  
20 area except upon terms approved in advance by an agent of  
21 the Department of Corrections. The terms may include  
22 consideration of the purpose of the entry, the time of day,  
23 and others accompanying the person;

24 (8) refrain from having any contact, including written  
25 or oral communications, directly or indirectly, personally  
26 or by telephone, letter, or through a third party with

1 certain specified persons including, but not limited to,  
2 the victim or the victim's family without the prior written  
3 approval of an agent of the Department of Corrections;

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

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

17 (11) not patronize any business providing sexually  
18 stimulating or sexually oriented entertainment nor utilize  
19 "900" or adult telephone numbers;

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

26 (13) not possess or have under his or her control

1 certain specified items of contraband related to the  
2 incidence of sexually offending as determined by an agent  
3 of the Department of Corrections;

4 (14) may be required to provide a written daily log of  
5 activities if directed by an agent of the Department of  
6 Corrections;

7 (15) comply with all other special conditions that the  
8 Department may impose that restrict the person from  
9 high-risk situations and limit access to potential  
10 victims;

11 (16) take an annual polygraph exam;

12 (17) maintain a log of his or her travel; or

13 (18) obtain prior approval of his or her parole officer  
14 before driving alone in a motor vehicle.

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

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

26 (e) The Department shall inform all offenders committed to

1 the Department of the optional services available to them upon  
2 release and shall assist inmates in availing themselves of such  
3 optional services upon their release on a voluntary basis.

4 (f) When the subject is in compliance with all conditions  
5 of his or her parole or mandatory supervised release, the  
6 subject shall receive a reduction of the period of his or her  
7 parole or mandatory supervised release of 90 days upon passage  
8 of the high school level Test of General Educational  
9 Development during the period of his or her parole or mandatory  
10 supervised release. This reduction in the period of a subject's  
11 term of parole or mandatory supervised release shall be  
12 available only to subjects who have not previously earned a  
13 high school diploma or who have not previously passed the high  
14 school level Test of General Educational Development.

15 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,  
16 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,  
17 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;  
18 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;  
19 revised 9-25-09.)

20 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

21 Sec. 5-3-2. Presentence Report.

22 (a) In felony cases, the presentence report shall set  
23 forth:

24 (1) the defendant's history of delinquency or  
25 criminality, physical and mental history and condition,

1 family situation and background, economic status,  
2 education, occupation and personal habits;

3 (2) information about special resources within the  
4 community which might be available to assist the  
5 defendant's rehabilitation, including treatment centers,  
6 residential facilities, vocational training services,  
7 correctional manpower programs, employment opportunities,  
8 special educational programs, alcohol and drug abuse  
9 programming, psychiatric and marriage counseling, and  
10 other programs and facilities which could aid the  
11 defendant's successful reintegration into society;

12 (3) the effect the offense committed has had upon the  
13 victim or victims thereof, and any compensatory benefit  
14 that various sentencing alternatives would confer on such  
15 victim or victims;

16 (4) information concerning the defendant's status  
17 since arrest, including his record if released on his own  
18 recognizance, or the defendant's achievement record if  
19 released on a conditional pre-trial supervision program;

20 (5) when appropriate, a plan, based upon the personal,  
21 economic and social adjustment needs of the defendant,  
22 utilizing public and private community resources as an  
23 alternative to institutional sentencing;

24 (6) any other matters that the investigatory officer  
25 deems relevant or the court directs to be included; and

26 (7) information concerning defendant's eligibility for



1 a sentence to a county impact incarceration program under  
2 Section 5-8-1.2 of this Code.

3 (b) The investigation shall include a physical and mental  
4 examination of the defendant when so ordered by the court. If  
5 the court determines that such an examination should be made,  
6 it shall issue an order that the defendant submit to  
7 examination at such time and place as designated by the court  
8 and that such examination be conducted by a physician,  
9 psychologist or psychiatrist designated by the court. Such an  
10 examination may be conducted in a court clinic if so ordered by  
11 the court. The cost of such examination shall be paid by the  
12 county in which the trial is held.

13 (b-5) In cases involving felony sex offenses in which the  
14 offender is being considered for probation only or any felony  
15 offense that is sexually motivated as defined in the Sex  
16 Offender Management Board Act in which the offender is being  
17 considered for probation only, the investigation shall include  
18 a sex offender evaluation by an evaluator approved by the Board  
19 and conducted in conformance with the standards developed under  
20 the Sex Offender Management Board Act. In cases in which the  
21 offender is being considered for any mandatory prison sentence,  
22 the investigation shall not include a sex offender evaluation.

23 (c) In misdemeanor, business offense or petty offense  
24 cases, except as specified in subsection (d) of this Section,  
25 when a presentence report has been ordered by the court, such  
26 presentence report shall contain information on the

1 defendant's history of delinquency or criminality and shall  
2 further contain only those matters listed in any of paragraphs  
3 (1) through (6) of subsection (a) or in subsection (b) of this  
4 Section as are specified by the court in its order for the  
5 report.

6 (d) In cases under Sections 11-1.50, Section 12-15, and  
7 ~~Section 12-30~~ of the Criminal Code of 1961, as amended, the  
8 presentence report shall set forth information about alcohol,  
9 drug abuse, psychiatric, and marriage counseling or other  
10 treatment programs and facilities, information on the  
11 defendant's history of delinquency or criminality, and shall  
12 contain those additional matters listed in any of paragraphs  
13 (1) through (6) of subsection (a) or in subsection (b) of this  
14 Section as are specified by the court.

15 (e) Nothing in this Section shall cause the defendant to be  
16 held without bail or to have his bail revoked for the purpose  
17 of preparing the presentence report or making an examination.

18 (Source: P.A. 96-322, eff. 1-1-10.)

19 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

20 Sec. 5-4-1. Sentencing Hearing.

21 (a) Except when the death penalty is sought under hearing  
22 procedures otherwise specified, after a determination of  
23 guilt, a hearing shall be held to impose the sentence. However,  
24 prior to the imposition of sentence on an individual being  
25 sentenced for an offense based upon a charge for a violation of

1 Section 11-501 of the Illinois Vehicle Code or a similar  
2 provision of a local ordinance, the individual must undergo a  
3 professional evaluation to determine if an alcohol or other  
4 drug abuse problem exists and the extent of such a problem.  
5 Programs conducting these evaluations shall be licensed by the  
6 Department of Human Services. However, if the individual is not  
7 a resident of Illinois, the court may, in its discretion,  
8 accept an evaluation from a program in the state of such  
9 individual's residence. The court may in its sentencing order  
10 approve an eligible defendant for placement in a Department of  
11 Corrections impact incarceration program as provided in  
12 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing  
13 order recommend a defendant for placement in a Department of  
14 Corrections substance abuse treatment program as provided in  
15 paragraph (a) of subsection (1) of Section 3-2-2 conditioned  
16 upon the defendant being accepted in a program by the  
17 Department of Corrections. At the hearing the court shall:

18 (1) consider the evidence, if any, received upon the  
19 trial;

20 (2) consider any presentence reports;

21 (3) consider the financial impact of incarceration  
22 based on the financial impact statement filed with the  
23 clerk of the court by the Department of Corrections;

24 (4) consider evidence and information offered by the  
25 parties in aggravation and mitigation;

26 (4.5) consider substance abuse treatment, eligibility

1 screening, and an assessment, if any, of the defendant by  
2 an agent designated by the State of Illinois to provide  
3 assessment services for the Illinois courts;

4 (5) hear arguments as to sentencing alternatives;

5 (6) afford the defendant the opportunity to make a  
6 statement in his own behalf;

7 (7) afford the victim of a violent crime or a violation  
8 of Section 11-501 of the Illinois Vehicle Code, or a  
9 similar provision of a local ordinance, or a qualified  
10 individual affected by: (i) a violation of Section 405,  
11 405.1, 405.2, or 407 of the Illinois Controlled Substances  
12 Act or a violation of Section 55 or Section 65 of the  
13 Methamphetamine Control and Community Protection Act, or  
14 (ii) a Class 4 felony violation of Section 11-14, 11-14.3  
15 except as described in subdivisions (a)(2)(A) and  
16 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the  
17 Criminal Code of 1961, committed by the defendant the  
18 opportunity to make a statement concerning the impact on  
19 the victim and to offer evidence in aggravation or  
20 mitigation; provided that the statement and evidence  
21 offered in aggravation or mitigation must first be prepared  
22 in writing in conjunction with the State's Attorney before  
23 it may be presented orally at the hearing. Any sworn  
24 testimony offered by the victim is subject to the  
25 defendant's right to cross-examine. All statements and  
26 evidence offered under this paragraph (7) shall become part

1 of the record of the court. For the purpose of this  
2 paragraph (7), "qualified individual" means any person who  
3 (i) lived or worked within the territorial jurisdiction  
4 where the offense took place when the offense took place;  
5 and (ii) is familiar with various public places within the  
6 territorial jurisdiction where the offense took place when  
7 the offense took place. For the purposes of this paragraph  
8 (7), "qualified individual" includes any peace officer, or  
9 any member of any duly organized State, county, or  
10 municipal peace unit assigned to the territorial  
11 jurisdiction where the offense took place when the offense  
12 took place;

13 (8) in cases of reckless homicide afford the victim's  
14 spouse, guardians, parents or other immediate family  
15 members an opportunity to make oral statements; and

16 (9) in cases involving a felony sex offense as defined  
17 under the Sex Offender Management Board Act, consider the  
18 results of the sex offender evaluation conducted pursuant  
19 to Section 5-3-2 of this Act.

20 (b) All sentences shall be imposed by the judge based upon  
21 his independent assessment of the elements specified above and  
22 any agreement as to sentence reached by the parties. The judge  
23 who presided at the trial or the judge who accepted the plea of  
24 guilty shall impose the sentence unless he is no longer sitting  
25 as a judge in that court. Where the judge does not impose  
26 sentence at the same time on all defendants who are convicted

1 as a result of being involved in the same offense, the  
2 defendant or the State's Attorney may advise the sentencing  
3 court of the disposition of any other defendants who have been  
4 sentenced.

5 (c) In imposing a sentence for a violent crime or for an  
6 offense of operating or being in physical control of a vehicle  
7 while under the influence of alcohol, any other drug or any  
8 combination thereof, or a similar provision of a local  
9 ordinance, when such offense resulted in the personal injury to  
10 someone other than the defendant, the trial judge shall specify  
11 on the record the particular evidence, information, factors in  
12 mitigation and aggravation or other reasons that led to his  
13 sentencing determination. The full verbatim record of the  
14 sentencing hearing shall be filed with the clerk of the court  
15 and shall be a public record.

16 (c-1) In imposing a sentence for the offense of aggravated  
17 kidnapping for ransom, home invasion, armed robbery,  
18 aggravated vehicular hijacking, aggravated discharge of a  
19 firearm, or armed violence with a category I weapon or category  
20 II weapon, the trial judge shall make a finding as to whether  
21 the conduct leading to conviction for the offense resulted in  
22 great bodily harm to a victim, and shall enter that finding and  
23 the basis for that finding in the record.

24 (c-2) If the defendant is sentenced to prison, other than  
25 when a sentence of natural life imprisonment or a sentence of  
26 death is imposed, at the time the sentence is imposed the judge

1 shall state on the record in open court the approximate period  
2 of time the defendant will serve in custody according to the  
3 then current statutory rules and regulations for early release  
4 found in Section 3-6-3 and other related provisions of this  
5 Code. This statement is intended solely to inform the public,  
6 has no legal effect on the defendant's actual release, and may  
7 not be relied on by the defendant on appeal.

8 The judge's statement, to be given after pronouncing the  
9 sentence, other than when the sentence is imposed for one of  
10 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,  
11 shall include the following:

12 "The purpose of this statement is to inform the public of  
13 the actual period of time this defendant is likely to spend in  
14 prison as a result of this sentence. The actual period of  
15 prison time served is determined by the statutes of Illinois as  
16 applied to this sentence by the Illinois Department of  
17 Corrections and the Illinois Prisoner Review Board. In this  
18 case, assuming the defendant receives all of his or her good  
19 conduct credit, the period of estimated actual custody is ...  
20 years and ... months, less up to 180 days additional good  
21 conduct credit for meritorious service. If the defendant,  
22 because of his or her own misconduct or failure to comply with  
23 the institutional regulations, does not receive those credits,  
24 the actual time served in prison will be longer. The defendant  
25 may also receive an additional one-half day good conduct credit  
26 for each day of participation in vocational, industry,

1 substance abuse, and educational programs as provided for by  
2 Illinois statute."

3 When the sentence is imposed for one of the offenses  
4 enumerated in paragraph (a)(3) of Section 3-6-3, other than  
5 when the sentence is imposed for one of the offenses enumerated  
6 in paragraph (a)(2) of Section 3-6-3 committed on or after June  
7 19, 1998, and other than when the sentence is imposed for  
8 reckless homicide as defined in subsection (e) of Section 9-3  
9 of the Criminal Code of 1961 if the offense was committed on or  
10 after January 1, 1999, and other than when the sentence is  
11 imposed for aggravated arson if the offense was committed on or  
12 after July 27, 2001 (the effective date of Public Act 92-176),  
13 the judge's statement, to be given after pronouncing the  
14 sentence, shall include the following:

15 "The purpose of this statement is to inform the public of  
16 the actual period of time this defendant is likely to spend in  
17 prison as a result of this sentence. The actual period of  
18 prison time served is determined by the statutes of Illinois as  
19 applied to this sentence by the Illinois Department of  
20 Corrections and the Illinois Prisoner Review Board. In this  
21 case, assuming the defendant receives all of his or her good  
22 conduct credit, the period of estimated actual custody is ...  
23 years and ... months, less up to 90 days additional good  
24 conduct credit for meritorious service. If the defendant,  
25 because of his or her own misconduct or failure to comply with  
26 the institutional regulations, does not receive those credits,



1 the actual time served in prison will be longer. The defendant  
2 may also receive an additional one-half day good conduct credit  
3 for each day of participation in vocational, industry,  
4 substance abuse, and educational programs as provided for by  
5 Illinois statute."

6 When the sentence is imposed for one of the offenses  
7 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
8 first degree murder, and the offense was committed on or after  
9 June 19, 1998, and when the sentence is imposed for reckless  
10 homicide as defined in subsection (e) of Section 9-3 of the  
11 Criminal Code of 1961 if the offense was committed on or after  
12 January 1, 1999, and when the sentence is imposed for  
13 aggravated driving under the influence of alcohol, other drug  
14 or drugs, or intoxicating compound or compounds, or any  
15 combination thereof as defined in subparagraph (F) of paragraph  
16 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
17 Code, and when the sentence is imposed for aggravated arson if  
18 the offense was committed on or after July 27, 2001 (the  
19 effective date of Public Act 92-176), the judge's statement, to  
20 be given after pronouncing the sentence, shall include the  
21 following:

22 "The purpose of this statement is to inform the public of  
23 the actual period of time this defendant is likely to spend in  
24 prison as a result of this sentence. The actual period of  
25 prison time served is determined by the statutes of Illinois as  
26 applied to this sentence by the Illinois Department of

1 Corrections and the Illinois Prisoner Review Board. In this  
2 case, the defendant is entitled to no more than 4 1/2 days of  
3 good conduct credit for each month of his or her sentence of  
4 imprisonment. Therefore, this defendant will serve at least 85%  
5 of his or her sentence. Assuming the defendant receives 4 1/2  
6 days credit for each month of his or her sentence, the period  
7 of estimated actual custody is ... years and ... months. If the  
8 defendant, because of his or her own misconduct or failure to  
9 comply with the institutional regulations receives lesser  
10 credit, the actual time served in prison will be longer."

11 When a sentence of imprisonment is imposed for first degree  
12 murder and the offense was committed on or after June 19, 1998,  
13 the judge's statement, to be given after pronouncing the  
14 sentence, shall include the following:

15 "The purpose of this statement is to inform the public of  
16 the actual period of time this defendant is likely to spend in  
17 prison as a result of this sentence. The actual period of  
18 prison time served is determined by the statutes of Illinois as  
19 applied to this sentence by the Illinois Department of  
20 Corrections and the Illinois Prisoner Review Board. In this  
21 case, the defendant is not entitled to good conduct credit.  
22 Therefore, this defendant will serve 100% of his or her  
23 sentence."

24 When the sentencing order recommends placement in a  
25 substance abuse program for any offense that results in  
26 incarceration in a Department of Corrections facility and the

1 crime was committed on or after September 1, 2003 (the  
2 effective date of Public Act 93-354), the judge's statement, in  
3 addition to any other judge's statement required under this  
4 Section, to be given after pronouncing the sentence, shall  
5 include the following:

6 "The purpose of this statement is to inform the public of  
7 the actual period of time this defendant is likely to spend in  
8 prison as a result of this sentence. The actual period of  
9 prison time served is determined by the statutes of Illinois as  
10 applied to this sentence by the Illinois Department of  
11 Corrections and the Illinois Prisoner Review Board. In this  
12 case, the defendant shall receive no good conduct credit under  
13 clause (3) of subsection (a) of Section 3-6-3 until he or she  
14 participates in and completes a substance abuse treatment  
15 program or receives a waiver from the Director of Corrections  
16 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

17 (c-4) Before the sentencing hearing and as part of the  
18 presentence investigation under Section 5-3-1, the court shall  
19 inquire of the defendant whether the defendant is currently  
20 serving in or is a veteran of the Armed Forces of the United  
21 States. If the defendant is currently serving in the Armed  
22 Forces of the United States or is a veteran of the Armed Forces  
23 of the United States and has been diagnosed as having a mental  
24 illness by a qualified psychiatrist or clinical psychologist or  
25 physician, the court may:

26 (1) order that the officer preparing the presentence

1 report consult with the United States Department of  
2 Veterans Affairs, Illinois Department of Veterans'  
3 Affairs, or another agency or person with suitable  
4 knowledge or experience for the purpose of providing the  
5 court with information regarding treatment options  
6 available to the defendant, including federal, State, and  
7 local programming; and

8 (2) consider the treatment recommendations of any  
9 diagnosing or treating mental health professionals  
10 together with the treatment options available to the  
11 defendant in imposing sentence.

12 For the purposes of this subsection (c-4), "qualified  
13 psychiatrist" means a reputable physician licensed in Illinois  
14 to practice medicine in all its branches, who has specialized  
15 in the diagnosis and treatment of mental and nervous disorders  
16 for a period of not less than 5 years.

17 (d) When the defendant is committed to the Department of  
18 Corrections, the State's Attorney shall and counsel for the  
19 defendant may file a statement with the clerk of the court to  
20 be transmitted to the department, agency or institution to  
21 which the defendant is committed to furnish such department,  
22 agency or institution with the facts and circumstances of the  
23 offense for which the person was committed together with all  
24 other factual information accessible to them in regard to the  
25 person prior to his commitment relative to his habits,  
26 associates, disposition and reputation and any other facts and

1 circumstances which may aid such department, agency or  
2 institution during its custody of such person. The clerk shall  
3 within 10 days after receiving any such statements transmit a  
4 copy to such department, agency or institution and a copy to  
5 the other party, provided, however, that this shall not be  
6 cause for delay in conveying the person to the department,  
7 agency or institution to which he has been committed.

8 (e) The clerk of the court shall transmit to the  
9 department, agency or institution, if any, to which the  
10 defendant is committed, the following:

11 (1) the sentence imposed;

12 (2) any statement by the court of the basis for  
13 imposing the sentence;

14 (3) any presentence reports;

15 (3.5) any sex offender evaluations;

16 (3.6) any substance abuse treatment eligibility  
17 screening and assessment of the defendant by an agent  
18 designated by the State of Illinois to provide assessment  
19 services for the Illinois courts;

20 (4) the number of days, if any, which the defendant has  
21 been in custody and for which he is entitled to credit  
22 against the sentence, which information shall be provided  
23 to the clerk by the sheriff;

24 (4.1) any finding of great bodily harm made by the  
25 court with respect to an offense enumerated in subsection  
26 (c-1);

1           (5) all statements filed under subsection (d) of this  
2 Section;

3           (6) any medical or mental health records or summaries  
4 of the defendant;

5           (7) the municipality where the arrest of the offender  
6 or the commission of the offense has occurred, where such  
7 municipality has a population of more than 25,000 persons;

8           (8) all statements made and evidence offered under  
9 paragraph (7) of subsection (a) of this Section; and

10           (9) all additional matters which the court directs the  
11 clerk to transmit.

12 (Source: P.A. 95-331, eff. 8-21-07; 96-86, eff. 1-1-10.)

13           (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

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

17           (a) Any person convicted of, found guilty under the  
18 Juvenile Court Act of 1987 for, or who received a disposition  
19 of court supervision for, a qualifying offense or attempt of a  
20 qualifying offense, convicted or found guilty of any offense  
21 classified as a felony under Illinois law, convicted or found  
22 guilty of any offense requiring registration under the Sex  
23 Offender Registration Act, found guilty or given supervision  
24 for any offense classified as a felony under the Juvenile Court  
25 Act of 1987, convicted or found guilty of, under the Juvenile

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

10 (1) convicted of a qualifying offense or attempt of a  
11 qualifying offense on or after July 1, 1990 and sentenced  
12 to a term of imprisonment, periodic imprisonment, fine,  
13 probation, conditional discharge or any other form of  
14 sentence, or given a disposition of court supervision for  
15 the offense;

16 (1.5) found guilty or given supervision under the  
17 Juvenile Court Act of 1987 for a qualifying offense or  
18 attempt of a qualifying offense on or after January 1,  
19 1997;

20 (2) ordered institutionalized as a sexually dangerous  
21 person on or after July 1, 1990;

22 (3) convicted of a qualifying offense or attempt of a  
23 qualifying offense before July 1, 1990 and is presently  
24 confined as a result of such conviction in any State  
25 correctional facility or county jail or is presently  
26 serving a sentence of probation, conditional discharge or

1 periodic imprisonment as a result of such conviction;

2 (3.5) convicted or found guilty of any offense  
3 classified as a felony under Illinois law or found guilty  
4 or given supervision for such an offense under the Juvenile  
5 Court Act of 1987 on or after August 22, 2002;

6 (4) presently institutionalized as a sexually  
7 dangerous person or presently institutionalized as a  
8 person found guilty but mentally ill of a sexual offense or  
9 attempt to commit a sexual offense;

10 (4.5) ordered committed as a sexually violent person on  
11 or after the effective date of the Sexually Violent Persons  
12 Commitment Act; or

13 (5) seeking transfer to or residency in Illinois under  
14 Sections 3-3-11.05 through 3-3-11.5 of the Unified Code of  
15 Corrections and the Interstate Compact for Adult Offender  
16 Supervision or the Interstate Agreements on Sexually  
17 Dangerous Persons Act.

18 Notwithstanding other provisions of this Section, any  
19 person incarcerated in a facility of the Illinois Department of  
20 Corrections or the Illinois Department of Juvenile Justice on  
21 or after August 22, 2002, whether for a term of years, natural  
22 life, or a sentence of death, who has not yet submitted a  
23 sample of blood, saliva, or tissue shall be required to submit  
24 a specimen of blood, saliva, or tissue prior to his or her  
25 final discharge, or release on parole or mandatory supervised  
26 release, as a condition of his or her parole or mandatory



1 supervised release, or within 6 months from August 13, 2009  
2 (the effective date of Public Act 96-426) ~~the effective date of~~  
3 ~~this amendatory Act of the 96th General Assembly~~, whichever is  
4 sooner. A person ~~Persons~~ incarcerated on or after August 13,  
5 2009 (the effective date of Public Act 96-426) ~~the effective~~  
6 ~~date of this amendatory Act of the 96th General Assembly~~ shall  
7 be required to submit a sample within 45 days of incarceration,  
8 or prior to his or her final discharge, or release on parole or  
9 mandatory supervised release, as a condition of his or her  
10 parole or mandatory supervised release, whichever is sooner.  
11 These specimens shall be placed into the State or national DNA  
12 database, to be used in accordance with other provisions of  
13 this Section, by the Illinois State Police.

14 Notwithstanding other provisions of this Section, any  
15 person sentenced to life imprisonment in a facility of the  
16 Illinois Department of Corrections after the effective date of  
17 this amendatory Act of the 94th General Assembly or sentenced  
18 to death after the effective date of this amendatory Act of the  
19 94th General Assembly shall be required to provide a specimen  
20 of blood, saliva, or tissue within 45 days after sentencing or  
21 disposition at a collection site designated by the Illinois  
22 Department of State Police. Any person serving a sentence of  
23 life imprisonment in a facility of the Illinois Department of  
24 Corrections on the effective date of this amendatory Act of the  
25 94th General Assembly or any person who is under a sentence of  
26 death on the effective date of this amendatory Act of the 94th

1 General Assembly shall be required to provide a specimen of  
2 blood, saliva, or tissue upon request at a collection site  
3 designated by the Illinois Department of State Police.

4 (a-5) Any person who was otherwise convicted of or received  
5 a disposition of court supervision for any other offense under  
6 the Criminal Code of 1961 or who was found guilty or given  
7 supervision for such a violation under the Juvenile Court Act  
8 of 1987, may, regardless of the sentence imposed, be required  
9 by an order of the court to submit specimens of blood, saliva,  
10 or tissue to the Illinois Department of State Police in  
11 accordance with the provisions of this Section.

12 (b) Any person required by paragraphs (a)(1), (a)(1.5),  
13 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,  
14 saliva, or tissue shall provide specimens of blood, saliva, or  
15 tissue within 45 days after sentencing or disposition at a  
16 collection site designated by the Illinois Department of State  
17 Police.

18 (c) Any person required by paragraphs (a)(3), (a)(4), and  
19 (a)(4.5) to provide specimens of blood, saliva, or tissue shall  
20 be required to provide such samples prior to final discharge or  
21 within 6 months from August 13, 2009 (the effective date of  
22 Public Act 96-426) ~~the effective date of this amendatory Act of~~  
23 ~~the 96th General Assembly~~, whichever is sooner. These specimens  
24 shall be placed into the State or national DNA database, to be  
25 used in accordance with other provisions of this Act, by the  
26 Illinois State Police.

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

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

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

21           (d-1) The Illinois Department of State Police shall provide  
22 all equipment and instructions necessary for the collection of  
23 saliva samples. The collection of saliva samples shall be  
24 performed in a medically approved manner. Only a person trained  
25 in the instructions promulgated by the Illinois State Police on  
26 collecting saliva may collect saliva for the purposes of this

1 Section. The samples shall thereafter be forwarded to the  
2 Illinois Department of State Police, Division of Forensic  
3 Services, for analysis and categorizing into genetic marker  
4 groupings.

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

15 (d-5) To the extent that funds are available, the Illinois  
16 Department of State Police shall contract with qualified  
17 personnel and certified laboratories for the collection,  
18 analysis, and categorization of known samples, except as  
19 provided in subsection (n) of this Section.

20 (d-6) Agencies designated by the Illinois Department of  
21 State Police and the Illinois Department of State Police may  
22 contract with third parties to provide for the collection or  
23 analysis of DNA, or both, of an offender's blood, saliva, and  
24 tissue samples, except as provided in subsection (n) of this  
25 Section.

26 (e) The genetic marker groupings shall be maintained by the

1 Illinois Department of State Police, Division of Forensic  
2 Services.

3 (f) The genetic marker grouping analysis information  
4 obtained pursuant to this Act shall be confidential and shall  
5 be released only to peace officers of the United States, of  
6 other states or territories, of the insular possessions of the  
7 United States, of foreign countries duly authorized to receive  
8 the same, to all peace officers of the State of Illinois and to  
9 all prosecutorial agencies, and to defense counsel as provided  
10 by Section 116-5 of the Code of Criminal Procedure of 1963. The  
11 genetic marker grouping analysis information obtained pursuant  
12 to this Act shall be used only for (i) valid law enforcement  
13 identification purposes and as required by the Federal Bureau  
14 of Investigation for participation in the National DNA  
15 database, (ii) technology validation purposes, (iii) a  
16 population statistics database, (iv) quality assurance  
17 purposes if personally identifying information is removed, (v)  
18 assisting in the defense of the criminally accused pursuant to  
19 Section 116-5 of the Code of Criminal Procedure of 1963, or  
20 (vi) identifying and assisting in the prosecution of a person  
21 who is suspected of committing a sexual assault as defined in  
22 Section 1a of the Sexual Assault Survivors Emergency Treatment  
23 Act. Notwithstanding any other statutory provision to the  
24 contrary, all information obtained under this Section shall be  
25 maintained in a single State data base, which may be uploaded  
26 into a national database, and which information may be subject

1 to expungement only as set forth in subsection (f-1).

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

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

24 (f-6) The Illinois Department of State Police may contract  
25 with third parties for the purposes of implementing this  
26 amendatory Act of the 93rd General Assembly, except as provided

1 in subsection (n) of this Section. Any other party contracting  
2 to carry out the functions of this Section shall be subject to  
3 the same restrictions and requirements of this Section insofar  
4 as applicable, as the Illinois Department of State Police, and  
5 to any additional restrictions imposed by the Illinois  
6 Department of State Police.

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

9 (1) any violation or inchoate violation of Section  
10 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or  
11 12-16 of the Criminal Code of 1961;

12 (1.1) any violation or inchoate violation of Section  
13 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,  
14 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which  
15 persons are convicted on or after July 1, 2001;

16 (2) any former statute of this State which defined a  
17 felony sexual offense;

18 (3) (blank);

19 (4) any inchoate violation of Section 9-3.1, 11-9.3,  
20 12-7.3, or 12-7.4 of the Criminal Code of 1961; or

21 (5) any violation or inchoate violation of Article 29D  
22 of the Criminal Code of 1961.

23 (g-5) (Blank).

24 (h) The Illinois Department of State Police shall be the  
25 State central repository for all genetic marker grouping  
26 analysis information obtained pursuant to this Act. The

1 Illinois Department of State Police may promulgate rules for  
2 the form and manner of the collection of blood, saliva, or  
3 tissue samples and other procedures for the operation of this  
4 Act. The provisions of the Administrative Review Law shall  
5 apply to all actions taken under the rules so promulgated.

6 (i) (1) A person required to provide a blood, saliva, or  
7 tissue specimen shall cooperate with the collection of the  
8 specimen and any deliberate act by that person intended to  
9 impede, delay or stop the collection of the blood, saliva,  
10 or tissue specimen is a Class A misdemeanor.

11 (2) In the event that a person's DNA sample is not  
12 adequate for any reason, the person shall provide another  
13 DNA sample for analysis. Duly authorized law enforcement  
14 and corrections personnel may employ reasonable force in  
15 cases in which an individual refuses to provide a DNA  
16 sample required under this Act.

17 (j) Any person required by subsection (a) to submit  
18 specimens of blood, saliva, or tissue to the Illinois  
19 Department of State Police for analysis and categorization into  
20 genetic marker grouping, in addition to any other disposition,  
21 penalty, or fine imposed, shall pay an analysis fee of \$200. If  
22 the analysis fee is not paid at the time of sentencing, the  
23 court shall establish a fee schedule by which the entire amount  
24 of the analysis fee shall be paid in full, such schedule not to  
25 exceed 24 months from the time of conviction. The inability to  
26 pay this analysis fee shall not be the sole ground to



1 incarcerate the person.

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

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

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

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

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

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

26 (C) Costs incurred in the purchase and maintenance

1 of equipment for use in performing analyses.

2 (D) Costs incurred in continuing research and  
3 development of new techniques for analysis and genetic  
4 marker categorization.

5 (E) Costs incurred in continuing education,  
6 training, and professional development of forensic  
7 scientists regularly employed by these laboratories.

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

18 (m) If any provision of this amendatory Act of the 93rd  
19 General Assembly is held unconstitutional or otherwise  
20 invalid, the remainder of this amendatory Act of the 93rd  
21 General Assembly is not affected.

22 (n) Neither the Department of State Police, the Division of  
23 Forensic Services, nor any laboratory of the Division of  
24 Forensic Services may contract out forensic testing for the  
25 purpose of an active investigation or a matter pending before a  
26 court of competent jurisdiction without the written consent of

1 the prosecuting agency. For the purposes of this subsection  
2 (n), "forensic testing" includes the analysis of physical  
3 evidence in an investigation or other proceeding for the  
4 prosecution of a violation of the Criminal Code of 1961 or for  
5 matters adjudicated under the Juvenile Court Act of 1987, and  
6 includes the use of forensic databases and databanks, including  
7 DNA, firearm, and fingerprint databases, and expert testimony.  
8 (Source: P.A. 96-426, eff. 8-13-09; 96-642, eff. 8-24-09;  
9 revised 9-15-09.)

10 (730 ILCS 5/5-4-3.2)

11 Sec. 5-4-3.2. Collection and storage of Internet protocol  
12 addresses.

13 (a) Cyber-crimes Location Database. The Attorney General  
14 is hereby authorized to establish and maintain the "Illinois  
15 Cyber-crimes Location Database" (ICLD) to collect, store, and  
16 use Internet protocol (IP) addresses for purposes of  
17 investigating and prosecuting child exploitation crimes on the  
18 Internet.

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

22 (c) Collection of Internet Protocol addresses.

23 (1) Collection upon commitment under the Sexually  
24 Dangerous Persons Act. Upon motion for a defendant's  
25 confinement under the Sexually Dangerous Persons Act for

1 criminal charges under Section 11-6, 11-20.1, 11-20.1B,  
2 11-20.3, or 11-21 of the Criminal Code of 1961, the State's  
3 Attorney or Attorney General shall record all Internet  
4 protocol (IP) addresses which the defendant may access from  
5 his or her residence or place of employment, registered in  
6 his or her name, or otherwise has under his or her control  
7 or custody.

8 (2) Collection upon conviction. Upon conviction for  
9 crimes under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or  
10 11-21 of the Criminal Code of 1961, a State's Attorney  
11 shall record from defendants all Internet protocol (IP)  
12 addresses which the defendant may access from his or her  
13 residence or place of employment, registered in his or her  
14 name, or otherwise has under his or her control or custody,  
15 regardless of the sentence or disposition imposed.

16 (d) Storage and use of the Database. Internet protocol (IP)  
17 addresses recorded pursuant to this Section shall be submitted  
18 to the Attorney General for storage and use in the Illinois  
19 Cyber-crimes Location Database. The Attorney General and its  
20 designated agents may access the database for the purpose of  
21 investigation and prosecution of crimes listed in this Section.  
22 In addition, the Attorney General is authorized to share  
23 information stored in the database with the National Center for  
24 Missing and Exploited Children (NCMEC) and any federal, state,  
25 or local law enforcement agencies for the investigation or  
26 prosecution of child exploitation crimes.

1 (Source: P.A. 95-579, eff. 8-31-07.)

2 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

3 Sec. 5-5-3. Disposition.

4 (a) (Blank).

5 (b) (Blank).

6 (c) (1) (Blank).

7 (2) A period of probation, a term of periodic  
8 imprisonment or conditional discharge shall not be imposed  
9 for the following offenses. The court shall sentence the  
10 offender to not less than the minimum term of imprisonment  
11 set forth in this Code for the following offenses, and may  
12 order a fine or restitution or both in conjunction with  
13 such term of imprisonment:

14 (A) First degree murder where the death penalty is  
15 not imposed.

16 (B) Attempted first degree murder.

17 (C) A Class X felony.

18 (D) A violation of Section 401.1 or 407 of the  
19 Illinois Controlled Substances Act, or a violation of  
20 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401  
21 of that Act which relates to more than 5 grams of a  
22 substance containing heroin, cocaine, fentanyl, or an  
23 analog thereof.

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

1           (F) A Class 2 or greater felony if the offender had  
2           been convicted of a Class 2 or greater felony,  
3           including any state or federal conviction for an  
4           offense that contained, at the time it was committed,  
5           the same elements as an offense now (the date of the  
6           offense committed after the prior Class 2 or greater  
7           felony) classified as a Class 2 or greater felony,  
8           within 10 years of the date on which the offender  
9           committed the offense for which he or she is being  
10          sentenced, except as otherwise provided in Section  
11          40-10 of the Alcoholism and Other Drug Abuse and  
12          Dependency Act.

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

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

19          (H) Criminal sexual assault.

20          (I) Aggravated battery of a senior citizen.

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

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

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

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

7 (K) Vehicular hijacking.

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

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

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

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

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

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

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

1 (S) (Blank).

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

4 (U) A second or subsequent violation of Section  
5 6-303 of the Illinois Vehicle Code committed while his  
6 or her driver's license, permit, or privilege was  
7 revoked because of a violation of Section 9-3 of the  
8 Criminal Code of 1961, relating to the offense of  
9 reckless homicide, or a similar provision of a law of  
10 another state.

11 (V) A violation of paragraph (4) of subsection (c)  
12 of Section 11-20.1B or paragraph (4) of subsection (c)  
13 of Section 11-20.3 of the Criminal Code of 1961.

14 (W) A violation of Section 24-3.5 of the Criminal  
15 Code of 1961.

16 (X) A violation of subsection (a) of Section 31-1a  
17 of the Criminal Code of 1961.

18 (Y) A conviction for unlawful possession of a  
19 firearm by a street gang member when the firearm was  
20 loaded or contained firearm ammunition.

21 (3) (Blank).

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

26 (4.1) (Blank).



1           (4.2) Except as provided in paragraphs (4.3) and (4.8)  
2 of this subsection (c), a minimum of 100 hours of community  
3 service shall be imposed for a second violation of Section  
4 6-303 of the Illinois Vehicle Code.

5           (4.3) A minimum term of imprisonment of 30 days or 300  
6 hours of community service, as determined by the court,  
7 shall be imposed for a second violation of subsection (c)  
8 of Section 6-303 of the Illinois Vehicle Code.

9           (4.4) Except as provided in paragraphs (4.5), (4.6),  
10 and (4.9) of this subsection (c), a minimum term of  
11 imprisonment of 30 days or 300 hours of community service,  
12 as determined by the court, shall be imposed for a third or  
13 subsequent violation of Section 6-303 of the Illinois  
14 Vehicle Code.

15           (4.5) A minimum term of imprisonment of 30 days shall  
16 be imposed for a third violation of subsection (c) of  
17 Section 6-303 of the Illinois Vehicle Code.

18           (4.6) Except as provided in paragraph (4.10) of this  
19 subsection (c), a minimum term of imprisonment of 180 days  
20 shall be imposed for a fourth or subsequent violation of  
21 subsection (c) of Section 6-303 of the Illinois Vehicle  
22 Code.

23           (4.7) A minimum term of imprisonment of not less than  
24 30 consecutive days, or 300 hours of community service,  
25 shall be imposed for a violation of subsection (a-5) of  
26 Section 6-303 of the Illinois Vehicle Code, as provided in

1 subsection (b-5) of that Section.

2 (4.8) A mandatory prison sentence shall be imposed for  
3 a second violation of subsection (a-5) of Section 6-303 of  
4 the Illinois Vehicle Code, as provided in subsection (c-5)  
5 of that Section. The person's driving privileges shall be  
6 revoked for a period of not less than 5 years from the date  
7 of his or her release from prison.

8 (4.9) A mandatory prison sentence of not less than 4  
9 and not more than 15 years shall be imposed for a third  
10 violation of subsection (a-5) of Section 6-303 of the  
11 Illinois Vehicle Code, as provided in subsection (d-2.5) of  
12 that Section. The person's driving privileges shall be  
13 revoked for the remainder of his or her life.

14 (4.10) A mandatory prison sentence for a Class 1 felony  
15 shall be imposed, and the person shall be eligible for an  
16 extended term sentence, for a fourth or subsequent  
17 violation of subsection (a-5) of Section 6-303 of the  
18 Illinois Vehicle Code, as provided in subsection (d-3.5) of  
19 that Section. The person's driving privileges shall be  
20 revoked for the remainder of his or her life.

21 (5) The court may sentence a corporation or  
22 unincorporated association convicted of any offense to:

23 (A) a period of conditional discharge;

24 (B) a fine;

25 (C) make restitution to the victim under Section  
26 5-5-6 of this Code.

1           (5.1) In addition to any other penalties imposed, and  
2           except as provided in paragraph (5.2) or (5.3), a person  
3           convicted of violating subsection (c) of Section 11-907 of  
4           the Illinois Vehicle Code shall have his or her driver's  
5           license, permit, or privileges suspended for at least 90  
6           days but not more than one year, if the violation resulted  
7           in damage to the property of another person.

8           (5.2) In addition to any other penalties imposed, and  
9           except as provided in paragraph (5.3), a person convicted  
10          of violating subsection (c) of Section 11-907 of the  
11          Illinois Vehicle Code shall have his or her driver's  
12          license, permit, or privileges suspended for at least 180  
13          days but not more than 2 years, if the violation resulted  
14          in injury to another person.

15          (5.3) In addition to any other penalties imposed, a  
16          person convicted of violating subsection (c) of Section  
17          11-907 of the Illinois Vehicle Code shall have his or her  
18          driver's license, permit, or privileges suspended for 2  
19          years, if the violation resulted in the death of another  
20          person.

21          (5.4) In addition to any other penalties imposed, a  
22          person convicted of violating Section 3-707 of the Illinois  
23          Vehicle Code shall have his or her driver's license,  
24          permit, or privileges suspended for 3 months and until he  
25          or she has paid a reinstatement fee of \$100.

26          (5.5) In addition to any other penalties imposed, a

1 person convicted of violating Section 3-707 of the Illinois  
2 Vehicle Code during a period in which his or her driver's  
3 license, permit, or privileges were suspended for a  
4 previous violation of that Section shall have his or her  
5 driver's license, permit, or privileges suspended for an  
6 additional 6 months after the expiration of the original  
7 3-month suspension and until he or she has paid a  
8 reinstatement fee of \$100.

9 (6) (Blank).

10 (7) (Blank).

11 (8) (Blank).

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

15 (10) (Blank).

16 (11) The court shall impose a minimum fine of \$1,000  
17 for a first offense and \$2,000 for a second or subsequent  
18 offense upon a person convicted of or placed on supervision  
19 for battery when the individual harmed was a sports  
20 official or coach at any level of competition and the act  
21 causing harm to the sports official or coach occurred  
22 within an athletic facility or within the immediate  
23 vicinity of the athletic facility at which the sports  
24 official or coach was an active participant of the athletic  
25 contest held at the athletic facility. For the purposes of  
26 this paragraph (11), "sports official" means a person at an

1 athletic contest who enforces the rules of the contest,  
2 such as an umpire or referee; "athletic facility" means an  
3 indoor or outdoor playing field or recreational area where  
4 sports activities are conducted; and "coach" means a person  
5 recognized as a coach by the sanctioning authority that  
6 conducted the sporting event.

7 (12) A person may not receive a disposition of court  
8 supervision for a violation of Section 5-16 of the Boat  
9 Registration and Safety Act if that person has previously  
10 received a disposition of court supervision for a violation  
11 of that Section.

12 (13) A person convicted of or placed on court  
13 supervision for an assault or aggravated assault when the  
14 victim and the offender are family or household members as  
15 defined in Section 103 of the Illinois Domestic Violence  
16 Act of 1986 or convicted of domestic battery or aggravated  
17 domestic battery may be required to attend a Partner Abuse  
18 Intervention Program under protocols set forth by the  
19 Illinois Department of Human Services under such terms and  
20 conditions imposed by the court. The costs of such classes  
21 shall be paid by the offender.

22 (d) In any case in which a sentence originally imposed is  
23 vacated, the case shall be remanded to the trial court. The  
24 trial court shall hold a hearing under Section 5-4-1 of the  
25 Unified Code of Corrections which may include evidence of the  
26 defendant's life, moral character and occupation during the

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

14 (e) In cases where prosecution for aggravated criminal  
15 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
16 Code of 1961 results in conviction of a defendant who was a  
17 family member of the victim at the time of the commission of  
18 the offense, the court shall consider the safety and welfare of  
19 the victim and may impose a sentence of probation only where:

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

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

24 (B) the defendant is willing to participate in a  
25 court approved plan including but not limited to the  
26 defendant's:

- 1 (i) removal from the household;  
2 (ii) restricted contact with the victim;  
3 (iii) continued financial support of the  
4 family;  
5 (iv) restitution for harm done to the victim;  
6 and  
7 (v) compliance with any other measures that  
8 the court may deem appropriate; and

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

16 Probation may be revoked or modified pursuant to Section  
17 5-6-4; except where the court determines at the hearing that  
18 the defendant violated a condition of his or her probation  
19 restricting contact with the victim or other family members or  
20 commits another offense with the victim or other family  
21 members, the court shall revoke the defendant's probation and  
22 impose a term of imprisonment.

23 For the purposes of this Section, "family member" and  
24 "victim" shall have the meanings ascribed to them in Section  
25 11-0.1 ~~12-12~~ of the Criminal Code of 1961.

26 (f) (Blank).

1 (g) Whenever a defendant is convicted of an offense under  
2 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
3 11-14.3, 11-14.4 except for an offense that involves keeping a  
4 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
5 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
6 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the  
7 defendant shall undergo medical testing to determine whether  
8 the defendant has any sexually transmissible disease,  
9 including a test for infection with human immunodeficiency  
10 virus (HIV) or any other identified causative agent of acquired  
11 immunodeficiency syndrome (AIDS). Any such medical test shall  
12 be performed only by appropriately licensed medical  
13 practitioners and may include an analysis of any bodily fluids  
14 as well as an examination of the defendant's person. Except as  
15 otherwise provided by law, the results of such test shall be  
16 kept strictly confidential by all medical personnel involved in  
17 the testing and must be personally delivered in a sealed  
18 envelope to the judge of the court in which the conviction was  
19 entered for the judge's inspection in camera. Acting in  
20 accordance with the best interests of the victim and the  
21 public, the judge shall have the discretion to determine to  
22 whom, if anyone, the results of the testing may be revealed.  
23 The court shall notify the defendant of the test results. The  
24 court shall also notify the victim if requested by the victim,  
25 and if the victim is under the age of 15 and if requested by the  
26 victim's parents or legal guardian, the court shall notify the



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

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

25 (h) Whenever a defendant is convicted of an offense under  
26 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the

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

1 defendant.

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

9 (j) In cases when prosecution for any violation of Section  
10 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
11 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
12 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
13 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
14 12-15, or 12-16 of the Criminal Code of 1961, any violation of  
15 the Illinois Controlled Substances Act, any violation of the  
16 Cannabis Control Act, or any violation of the Methamphetamine  
17 Control and Community Protection Act results in conviction, a  
18 disposition of court supervision, or an order of probation  
19 granted under Section 10 of the Cannabis Control Act, Section  
20 410 of the Illinois Controlled Substance Act, or Section 70 of  
21 the Methamphetamine Control and Community Protection Act of a  
22 defendant, the court shall determine whether the defendant is  
23 employed by a facility or center as defined under the Child  
24 Care Act of 1969, a public or private elementary or secondary  
25 school, or otherwise works with children under 18 years of age  
26 on a daily basis. When a defendant is so employed, the court

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

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

25 (1) a final order of deportation has been issued  
26 against the defendant pursuant to proceedings under

1 the Immigration and Nationality Act, and

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

5 Otherwise, the defendant shall be sentenced as  
6 provided in this Chapter V.

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

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

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

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

25 (D) Upon motion of the State's Attorney, if a defendant  
26 sentenced under this Section returns to the jurisdiction of

1 the United States, the defendant shall be recommitted to  
2 the custody of the county from which he or she was  
3 sentenced. Thereafter, the defendant shall be brought  
4 before the sentencing court, which may impose any sentence  
5 that was available under Section 5-5-3 at the time of  
6 initial sentencing. In addition, the defendant shall not be  
7 eligible for additional good conduct credit for  
8 meritorious service as provided under Section 3-6-6.

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

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

23 (o) Whenever a person is convicted of a sex offense as  
24 defined in Section 2 of the Sex Offender Registration Act, the  
25 defendant's driver's license or permit shall be subject to  
26 renewal on an annual basis in accordance with the provisions of

1 license renewal established by the Secretary of State.

2 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;  
3 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;  
4 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.  
5 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829,  
6 eff. 12-3-09.)

7 (730 ILCS 5/5-5-3.2) (from Ch. 38, par. 1005-5-3.2)

8 (Text of Section before amendment by P.A. 96-339)

9 Sec. 5-5-3.2. Factors in Aggravation.

10 (a) The following factors shall be accorded weight in favor  
11 of imposing a term of imprisonment or may be considered by the  
12 court as reasons to impose a more severe sentence under Section  
13 5-8-1 or Article 4.5 of Chapter V:

14 (1) the defendant's conduct caused or threatened  
15 serious harm;

16 (2) the defendant received compensation for committing  
17 the offense;

18 (3) the defendant has a history of prior delinquency or  
19 criminal activity;

20 (4) the defendant, by the duties of his office or by  
21 his position, was obliged to prevent the particular offense  
22 committed or to bring the offenders committing it to  
23 justice;

24 (5) the defendant held public office at the time of the  
25 offense, and the offense related to the conduct of that



1 office;

2 (6) the defendant utilized his professional reputation  
3 or position in the community to commit the offense, or to  
4 afford him an easier means of committing it;

5 (7) the sentence is necessary to deter others from  
6 committing the same crime;

7 (8) the defendant committed the offense against a  
8 person 60 years of age or older or such person's property;

9 (9) the defendant committed the offense against a  
10 person who is physically handicapped or such person's  
11 property;

12 (10) by reason of another individual's actual or  
13 perceived race, color, creed, religion, ancestry, gender,  
14 sexual orientation, physical or mental disability, or  
15 national origin, the defendant committed the offense  
16 against (i) the person or property of that individual; (ii)  
17 the person or property of a person who has an association  
18 with, is married to, or has a friendship with the other  
19 individual; or (iii) the person or property of a relative  
20 (by blood or marriage) of a person described in clause (i)  
21 or (ii). For the purposes of this Section, "sexual  
22 orientation" means heterosexuality, homosexuality, or  
23 bisexuality;

24 (11) the offense took place in a place of worship or on  
25 the grounds of a place of worship, immediately prior to,  
26 during or immediately following worship services. For

1 purposes of this subparagraph, "place of worship" shall  
2 mean any church, synagogue or other building, structure or  
3 place used primarily for religious worship;

4 (12) the defendant was convicted of a felony committed  
5 while he was released on bail or his own recognizance  
6 pending trial for a prior felony and was convicted of such  
7 prior felony, or the defendant was convicted of a felony  
8 committed while he was serving a period of probation,  
9 conditional discharge, or mandatory supervised release  
10 under subsection (d) of Section 5-8-1 for a prior felony;

11 (13) the defendant committed or attempted to commit a  
12 felony while he was wearing a bulletproof vest. For the  
13 purposes of this paragraph (13), a bulletproof vest is any  
14 device which is designed for the purpose of protecting the  
15 wearer from bullets, shot or other lethal projectiles;

16 (14) the defendant held a position of trust or  
17 supervision such as, but not limited to, family member as  
18 defined in Section 12-12 of the Criminal Code of 1961,  
19 teacher, scout leader, baby sitter, or day care worker, in  
20 relation to a victim under 18 years of age, and the  
21 defendant committed an offense in violation of Section  
22 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,  
23 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961  
24 against that victim;

25 (15) the defendant committed an offense related to the  
26 activities of an organized gang. For the purposes of this

1 factor, "organized gang" has the meaning ascribed to it in  
2 Section 10 of the Streetgang Terrorism Omnibus Prevention  
3 Act;

4 (16) the defendant committed an offense in violation of  
5 one of the following Sections while in a school, regardless  
6 of the time of day or time of year; on any conveyance  
7 owned, leased, or contracted by a school to transport  
8 students to or from school or a school related activity; on  
9 the real property of a school; or on a public way within  
10 1,000 feet of the real property comprising any school:  
11 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,  
12 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
13 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or  
14 33A-2 of the Criminal Code of 1961;

15 (16.5) the defendant committed an offense in violation  
16 of one of the following Sections while in a day care  
17 center, regardless of the time of day or time of year; on  
18 the real property of a day care center, regardless of the  
19 time of day or time of year; or on a public way within  
20 1,000 feet of the real property comprising any day care  
21 center, regardless of the time of day or time of year:  
22 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,  
23 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
24 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or  
25 33A-2 of the Criminal Code of 1961;

26 (17) the defendant committed the offense by reason of

1 any person's activity as a community policing volunteer or  
2 to prevent any person from engaging in activity as a  
3 community policing volunteer. For the purpose of this  
4 Section, "community policing volunteer" has the meaning  
5 ascribed to it in Section 2-3.5 of the Criminal Code of  
6 1961;

7 (18) the defendant committed the offense in a nursing  
8 home or on the real property comprising a nursing home. For  
9 the purposes of this paragraph (18), "nursing home" means a  
10 skilled nursing or intermediate long term care facility  
11 that is subject to license by the Illinois Department of  
12 Public Health under the Nursing Home Care Act;

13 (19) the defendant was a federally licensed firearm  
14 dealer and was previously convicted of a violation of  
15 subsection (a) of Section 3 of the Firearm Owners  
16 Identification Card Act and has now committed either a  
17 felony violation of the Firearm Owners Identification Card  
18 Act or an act of armed violence while armed with a firearm;

19 (20) the defendant (i) committed the offense of  
20 reckless homicide under Section 9-3 of the Criminal Code of  
21 1961 or the offense of driving under the influence of  
22 alcohol, other drug or drugs, intoxicating compound or  
23 compounds or any combination thereof under Section 11-501  
24 of the Illinois Vehicle Code or a similar provision of a  
25 local ordinance and (ii) was operating a motor vehicle in  
26 excess of 20 miles per hour over the posted speed limit as

1 provided in Article VI of Chapter 11 of the Illinois  
2 Vehicle Code;

3 (21) the defendant (i) committed the offense of  
4 reckless driving or aggravated reckless driving under  
5 Section 11-503 of the Illinois Vehicle Code and (ii) was  
6 operating a motor vehicle in excess of 20 miles per hour  
7 over the posted speed limit as provided in Article VI of  
8 Chapter 11 of the Illinois Vehicle Code;

9 (22) the defendant committed the offense against a  
10 person that the defendant knew, or reasonably should have  
11 known, was a member of the Armed Forces of the United  
12 States serving on active duty. For purposes of this clause  
13 (22), the term "Armed Forces" means any of the Armed Forces  
14 of the United States, including a member of any reserve  
15 component thereof or National Guard unit called to active  
16 duty;

17 (23) the defendant committed the offense against a  
18 person who was elderly, disabled, or infirm by taking  
19 advantage of a family or fiduciary relationship with the  
20 elderly, disabled, or infirm person; ~~or~~

21 (24) the defendant committed any offense under Section  
22 11-20.1 of the Criminal Code of 1961 and possessed 100 or  
23 more images; ~~or~~

24 (25) the defendant committed the offense while the  
25 defendant or the victim was in a train, bus, or other  
26 vehicle used for public transportation; or ~~or~~

1           (26) ~~(25)~~ the defendant committed the offense of child  
2 pornography or aggravated child pornography, specifically  
3 including paragraph (1), (2), (3), (4), (5), or (7) of  
4 subsection (a) of Section 11-20.1 of the Criminal Code of  
5 1961 where a child engaged in, solicited for, depicted in,  
6 or posed in any act of sexual penetration or bound,  
7 fettered, or subject to sadistic, masochistic, or  
8 sadomasochistic abuse in a sexual context and specifically  
9 including paragraph (1), (2), (3), (4), (5), or (7) of  
10 subsection (a) of Section 11-20.3 of the Criminal Code of  
11 1961 where a child engaged in, solicited for, depicted in,  
12 or posed in any act of sexual penetration or bound,  
13 fettered, or subject to sadistic, masochistic, or  
14 sadomasochistic abuse in a sexual context.

15 For the purposes of this Section:

16 "School" is defined as a public or private elementary or  
17 secondary school, community college, college, or university.

18 "Day care center" means a public or private State certified  
19 and licensed day care center as defined in Section 2.09 of the  
20 Child Care Act of 1969 that displays a sign in plain view  
21 stating that the property is a day care center.

22 "Public transportation" means the transportation or  
23 conveyance of persons by means available to the general public,  
24 and includes paratransit services.

25 (b) The following factors, related to all felonies, may be  
26 considered by the court as reasons to impose an extended term

1 sentence under Section 5-8-2 upon any offender:

2 (1) When a defendant is convicted of any felony, after  
3 having been previously convicted in Illinois or any other  
4 jurisdiction of the same or similar class felony or greater  
5 class felony, when such conviction has occurred within 10  
6 years after the previous conviction, excluding time spent  
7 in custody, and such charges are separately brought and  
8 tried and arise out of different series of acts; or

9 (2) When a defendant is convicted of any felony and the  
10 court finds that the offense was accompanied by  
11 exceptionally brutal or heinous behavior indicative of  
12 wanton cruelty; or

13 (3) When a defendant is convicted of any felony  
14 committed against:

15 (i) a person under 12 years of age at the time of  
16 the offense or such person's property;

17 (ii) a person 60 years of age or older at the time  
18 of the offense or such person's property; or

19 (iii) a person physically handicapped at the time  
20 of the offense or such person's property; or

21 (4) When a defendant is convicted of any felony and the  
22 offense involved any of the following types of specific  
23 misconduct committed as part of a ceremony, rite,  
24 initiation, observance, performance, practice or activity  
25 of any actual or ostensible religious, fraternal, or social  
26 group:

1           (i) the brutalizing or torturing of humans or  
2 animals;

3           (ii) the theft of human corpses;

4           (iii) the kidnapping of humans;

5           (iv) the desecration of any cemetery, religious,  
6 fraternal, business, governmental, educational, or  
7 other building or property; or

8           (v) ritualized abuse of a child; or

9           (5) When a defendant is convicted of a felony other  
10 than conspiracy and the court finds that the felony was  
11 committed under an agreement with 2 or more other persons  
12 to commit that offense and the defendant, with respect to  
13 the other individuals, occupied a position of organizer,  
14 supervisor, financier, or any other position of management  
15 or leadership, and the court further finds that the felony  
16 committed was related to or in furtherance of the criminal  
17 activities of an organized gang or was motivated by the  
18 defendant's leadership in an organized gang; or

19           (6) When a defendant is convicted of an offense  
20 committed while using a firearm with a laser sight attached  
21 to it. For purposes of this paragraph, "laser sight" has  
22 the meaning ascribed to it in Section 24.6-5 of the  
23 Criminal Code of 1961; or

24           (7) When a defendant who was at least 17 years of age  
25 at the time of the commission of the offense is convicted  
26 of a felony and has been previously adjudicated a



1 delinquent minor under the Juvenile Court Act of 1987 for  
2 an act that if committed by an adult would be a Class X or  
3 Class 1 felony when the conviction has occurred within 10  
4 years after the previous adjudication, excluding time  
5 spent in custody; or

6 (8) When a defendant commits any felony and the  
7 defendant used, possessed, exercised control over, or  
8 otherwise directed an animal to assault a law enforcement  
9 officer engaged in the execution of his or her official  
10 duties or in furtherance of the criminal activities of an  
11 organized gang in which the defendant is engaged.

12 (c) The following factors may be considered by the court as  
13 reasons to impose an extended term sentence under Section 5-8-2  
14 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

15 (1) When a defendant is convicted of first degree  
16 murder, after having been previously convicted in Illinois  
17 of any offense listed under paragraph (c)(2) of Section  
18 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
19 within 10 years after the previous conviction, excluding  
20 time spent in custody, and the charges are separately  
21 brought and tried and arise out of different series of  
22 acts.

23 (1.5) When a defendant is convicted of first degree  
24 murder, after having been previously convicted of domestic  
25 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
26 (720 ILCS 5/12-3.3) committed on the same victim or after

1 having been previously convicted of violation of an order  
2 of protection (720 ILCS 5/12-30) in which the same victim  
3 was the protected person.

4 (2) When a defendant is convicted of voluntary  
5 manslaughter, second degree murder, involuntary  
6 manslaughter, or reckless homicide in which the defendant  
7 has been convicted of causing the death of more than one  
8 individual.

9 (3) When a defendant is convicted of aggravated  
10 criminal sexual assault or criminal sexual assault, when  
11 there is a finding that aggravated criminal sexual assault  
12 or criminal sexual assault was also committed on the same  
13 victim by one or more other individuals, and the defendant  
14 voluntarily participated in the crime with the knowledge of  
15 the participation of the others in the crime, and the  
16 commission of the crime was part of a single course of  
17 conduct during which there was no substantial change in the  
18 nature of the criminal objective.

19 (4) If the victim was under 18 years of age at the time  
20 of the commission of the offense, when a defendant is  
21 convicted of aggravated criminal sexual assault or  
22 predatory criminal sexual assault of a child under  
23 subsection (a)(1) of Section 12-14.1 of the Criminal Code  
24 of 1961 (720 ILCS 5/11-1.40 or 5/12-14.1).

25 (5) When a defendant is convicted of a felony violation  
26 of Section 24-1 of the Criminal Code of 1961 (720 ILCS

1 5/24-1) and there is a finding that the defendant is a  
2 member of an organized gang.

3 (6) When a defendant was convicted of unlawful use of  
4 weapons under Section 24-1 of the Criminal Code of 1961  
5 (720 ILCS 5/24-1) for possessing a weapon that is not  
6 readily distinguishable as one of the weapons enumerated in  
7 Section 24-1 of the Criminal Code of 1961 (720 ILCS  
8 5/24-1).

9 (7) When a defendant is convicted of an offense  
10 involving the illegal manufacture of a controlled  
11 substance under Section 401 of the Illinois Controlled  
12 Substances Act (720 ILCS 570/401), the illegal manufacture  
13 of methamphetamine under Section 25 of the Methamphetamine  
14 Control and Community Protection Act (720 ILCS 646/25), or  
15 the illegal possession of explosives and an emergency  
16 response officer in the performance of his or her duties is  
17 killed or injured at the scene of the offense while  
18 responding to the emergency caused by the commission of the  
19 offense. In this paragraph, "emergency" means a situation  
20 in which a person's life, health, or safety is in jeopardy;  
21 and "emergency response officer" means a peace officer,  
22 community policing volunteer, fireman, emergency medical  
23 technician-ambulance, emergency medical  
24 technician-intermediate, emergency medical  
25 technician-paramedic, ambulance driver, other medical  
26 assistance or first aid personnel, or hospital emergency

1 room personnel.

2 (d) For the purposes of this Section, "organized gang" has  
3 the meaning ascribed to it in Section 10 of the Illinois  
4 Streetgang Terrorism Omnibus Prevention Act.

5 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,  
6 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;  
7 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;  
8 96-328, eff. 8-11-09; revised 9-25-09.)

9 (Text of Section after amendment by P.A. 96-339)

10 Sec. 5-5-3.2. Factors in Aggravation.

11 (a) The following factors shall be accorded weight in favor  
12 of imposing a term of imprisonment or may be considered by the  
13 court as reasons to impose a more severe sentence under Section  
14 5-8-1 or Article 4.5 of Chapter V:

15 (1) the defendant's conduct caused or threatened  
16 serious harm;

17 (2) the defendant received compensation for committing  
18 the offense;

19 (3) the defendant has a history of prior delinquency or  
20 criminal activity;

21 (4) the defendant, by the duties of his office or by  
22 his position, was obliged to prevent the particular offense  
23 committed or to bring the offenders committing it to  
24 justice;

25 (5) the defendant held public office at the time of the

1 offense, and the offense related to the conduct of that  
2 office;

3 (6) the defendant utilized his professional reputation  
4 or position in the community to commit the offense, or to  
5 afford him an easier means of committing it;

6 (7) the sentence is necessary to deter others from  
7 committing the same crime;

8 (8) the defendant committed the offense against a  
9 person 60 years of age or older or such person's property;

10 (9) the defendant committed the offense against a  
11 person who is physically handicapped or such person's  
12 property;

13 (10) by reason of another individual's actual or  
14 perceived race, color, creed, religion, ancestry, gender,  
15 sexual orientation, physical or mental disability, or  
16 national origin, the defendant committed the offense  
17 against (i) the person or property of that individual; (ii)  
18 the person or property of a person who has an association  
19 with, is married to, or has a friendship with the other  
20 individual; or (iii) the person or property of a relative  
21 (by blood or marriage) of a person described in clause (i)  
22 or (ii). For the purposes of this Section, "sexual  
23 orientation" means heterosexuality, homosexuality, or  
24 bisexuality;

25 (11) the offense took place in a place of worship or on  
26 the grounds of a place of worship, immediately prior to,

1 during or immediately following worship services. For  
2 purposes of this subparagraph, "place of worship" shall  
3 mean any church, synagogue or other building, structure or  
4 place used primarily for religious worship;

5 (12) the defendant was convicted of a felony committed  
6 while he was released on bail or his own recognizance  
7 pending trial for a prior felony and was convicted of such  
8 prior felony, or the defendant was convicted of a felony  
9 committed while he was serving a period of probation,  
10 conditional discharge, or mandatory supervised release  
11 under subsection (d) of Section 5-8-1 for a prior felony;

12 (13) the defendant committed or attempted to commit a  
13 felony while he was wearing a bulletproof vest. For the  
14 purposes of this paragraph (13), a bulletproof vest is any  
15 device which is designed for the purpose of protecting the  
16 wearer from bullets, shot or other lethal projectiles;

17 (14) the defendant held a position of trust or  
18 supervision such as, but not limited to, family member as  
19 defined in Section 11-0.1 ~~12-12~~ of the Criminal Code of  
20 1961, teacher, scout leader, baby sitter, or day care  
21 worker, in relation to a victim under 18 years of age, and  
22 the defendant committed an offense in violation of Section  
23 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
24 11-14.4 except for an offense that involves keeping a place  
25 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
26 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15

1 or 12-16 of the Criminal Code of 1961 against that victim;

2 (15) the defendant committed an offense related to the  
3 activities of an organized gang. For the purposes of this  
4 factor, "organized gang" has the meaning ascribed to it in  
5 Section 10 of the Streetgang Terrorism Omnibus Prevention  
6 Act;

7 (16) the defendant committed an offense in violation of  
8 one of the following Sections while in a school, regardless  
9 of the time of day or time of year; on any conveyance  
10 owned, leased, or contracted by a school to transport  
11 students to or from school or a school related activity; on  
12 the real property of a school; or on a public way within  
13 1,000 feet of the real property comprising any school:  
14 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
15 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
16 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
17 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or  
18 33A-2 of the Criminal Code of 1961;

19 (16.5) the defendant committed an offense in violation  
20 of one of the following Sections while in a day care  
21 center, regardless of the time of day or time of year; on  
22 the real property of a day care center, regardless of the  
23 time of day or time of year; or on a public way within  
24 1,000 feet of the real property comprising any day care  
25 center, regardless of the time of day or time of year:  
26 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,

1       11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
2       11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
3       12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or  
4       33A-2 of the Criminal Code of 1961;

5           (17) the defendant committed the offense by reason of  
6       any person's activity as a community policing volunteer or  
7       to prevent any person from engaging in activity as a  
8       community policing volunteer. For the purpose of this  
9       Section, "community policing volunteer" has the meaning  
10      ascribed to it in Section 2-3.5 of the Criminal Code of  
11      1961;

12          (18) the defendant committed the offense in a nursing  
13      home or on the real property comprising a nursing home. For  
14      the purposes of this paragraph (18), "nursing home" means a  
15      skilled nursing or intermediate long term care facility  
16      that is subject to license by the Illinois Department of  
17      Public Health under the Nursing Home Care Act or the MR/DD  
18      Community Care Act;

19          (19) the defendant was a federally licensed firearm  
20      dealer and was previously convicted of a violation of  
21      subsection (a) of Section 3 of the Firearm Owners  
22      Identification Card Act and has now committed either a  
23      felony violation of the Firearm Owners Identification Card  
24      Act or an act of armed violence while armed with a firearm;

25          (20) the defendant (i) committed the offense of  
26      reckless homicide under Section 9-3 of the Criminal Code of



1 1961 or the offense of driving under the influence of  
2 alcohol, other drug or drugs, intoxicating compound or  
3 compounds or any combination thereof under Section 11-501  
4 of the Illinois Vehicle Code or a similar provision of a  
5 local ordinance and (ii) was operating a motor vehicle in  
6 excess of 20 miles per hour over the posted speed limit as  
7 provided in Article VI of Chapter 11 of the Illinois  
8 Vehicle Code;

9 (21) the defendant (i) committed the offense of  
10 reckless driving or aggravated reckless driving under  
11 Section 11-503 of the Illinois Vehicle Code and (ii) was  
12 operating a motor vehicle in excess of 20 miles per hour  
13 over the posted speed limit as provided in Article VI of  
14 Chapter 11 of the Illinois Vehicle Code;

15 (22) the defendant committed the offense against a  
16 person that the defendant knew, or reasonably should have  
17 known, was a member of the Armed Forces of the United  
18 States serving on active duty. For purposes of this clause  
19 (22), the term "Armed Forces" means any of the Armed Forces  
20 of the United States, including a member of any reserve  
21 component thereof or National Guard unit called to active  
22 duty;

23 (23) the defendant committed the offense against a  
24 person who was elderly, disabled, or infirm by taking  
25 advantage of a family or fiduciary relationship with the  
26 elderly, disabled, or infirm person; ~~or~~

1           (24) the defendant committed any offense under Section  
2           11-20.1 of the Criminal Code of 1961 and possessed 100 or  
3           more images; ~~or~~

4           (25) the defendant committed the offense while the  
5           defendant or the victim was in a train, bus, or other  
6           vehicle used for public transportation; or.

7           (26) ~~(25)~~ the defendant committed the offense of child  
8           pornography or aggravated child pornography, specifically  
9           including paragraph (1), (2), (3), (4), (5), or (7) of  
10          subsection (a) of Section 11-20.1 of the Criminal Code of  
11          1961 where a child engaged in, solicited for, depicted in,  
12          or posed in any act of sexual penetration or bound,  
13          fettered, or subject to sadistic, masochistic, or  
14          sodomasochistic abuse in a sexual context and specifically  
15          including paragraph (1), (2), (3), (4), (5), or (7) of  
16          subsection (a) of Section 11-20.3 of the Criminal Code of  
17          1961 where a child engaged in, solicited for, depicted in,  
18          or posed in any act of sexual penetration or bound,  
19          fettered, or subject to sadistic, masochistic, or  
20          sodomasochistic abuse in a sexual context.

21          For the purposes of this Section:

22          "School" is defined as a public or private elementary or  
23          secondary school, community college, college, or university.

24          "Day care center" means a public or private State certified  
25          and licensed day care center as defined in Section 2.09 of the  
26          Child Care Act of 1969 that displays a sign in plain view

1 stating that the property is a day care center.

2 "Public transportation" means the transportation or  
3 conveyance of persons by means available to the general public,  
4 and includes paratransit services.

5 (b) The following factors, related to all felonies, may be  
6 considered by the court as reasons to impose an extended term  
7 sentence under Section 5-8-2 upon any offender:

8 (1) When a defendant is convicted of any felony, after  
9 having been previously convicted in Illinois or any other  
10 jurisdiction of the same or similar class felony or greater  
11 class felony, when such conviction has occurred within 10  
12 years after the previous conviction, excluding time spent  
13 in custody, and such charges are separately brought and  
14 tried and arise out of different series of acts; or

15 (2) When a defendant is convicted of any felony and the  
16 court finds that the offense was accompanied by  
17 exceptionally brutal or heinous behavior indicative of  
18 wanton cruelty; or

19 (3) When a defendant is convicted of any felony  
20 committed against:

21 (i) a person under 12 years of age at the time of  
22 the offense or such person's property;

23 (ii) a person 60 years of age or older at the time  
24 of the offense or such person's property; or

25 (iii) a person physically handicapped at the time  
26 of the offense or such person's property; or

1           (4) When a defendant is convicted of any felony and the  
2 offense involved any of the following types of specific  
3 misconduct committed as part of a ceremony, rite,  
4 initiation, observance, performance, practice or activity  
5 of any actual or ostensible religious, fraternal, or social  
6 group:

7           (i) the brutalizing or torturing of humans or  
8 animals;

9           (ii) the theft of human corpses;

10          (iii) the kidnapping of humans;

11          (iv) the desecration of any cemetery, religious,  
12 fraternal, business, governmental, educational, or  
13 other building or property; or

14          (v) ritualized abuse of a child; or

15           (5) When a defendant is convicted of a felony other  
16 than conspiracy and the court finds that the felony was  
17 committed under an agreement with 2 or more other persons  
18 to commit that offense and the defendant, with respect to  
19 the other individuals, occupied a position of organizer,  
20 supervisor, financier, or any other position of management  
21 or leadership, and the court further finds that the felony  
22 committed was related to or in furtherance of the criminal  
23 activities of an organized gang or was motivated by the  
24 defendant's leadership in an organized gang; or

25           (6) When a defendant is convicted of an offense  
26 committed while using a firearm with a laser sight attached

1 to it. For purposes of this paragraph, "laser sight" has  
2 the meaning ascribed to it in Section 24.6-5 of the  
3 Criminal Code of 1961; or

4 (7) When a defendant who was at least 17 years of age  
5 at the time of the commission of the offense is convicted  
6 of a felony and has been previously adjudicated a  
7 delinquent minor under the Juvenile Court Act of 1987 for  
8 an act that if committed by an adult would be a Class X or  
9 Class 1 felony when the conviction has occurred within 10  
10 years after the previous adjudication, excluding time  
11 spent in custody; or

12 (8) When a defendant commits any felony and the  
13 defendant used, possessed, exercised control over, or  
14 otherwise directed an animal to assault a law enforcement  
15 officer engaged in the execution of his or her official  
16 duties or in furtherance of the criminal activities of an  
17 organized gang in which the defendant is engaged.

18 (c) The following factors may be considered by the court as  
19 reasons to impose an extended term sentence under Section 5-8-2  
20 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

21 (1) When a defendant is convicted of first degree  
22 murder, after having been previously convicted in Illinois  
23 of any offense listed under paragraph (c)(2) of Section  
24 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
25 within 10 years after the previous conviction, excluding  
26 time spent in custody, and the charges are separately

1 brought and tried and arise out of different series of  
2 acts.

3 (1.5) When a defendant is convicted of first degree  
4 murder, after having been previously convicted of domestic  
5 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
6 (720 ILCS 5/12-3.3) committed on the same victim or after  
7 having been previously convicted of violation of an order  
8 of protection (720 ILCS 5/12-30) in which the same victim  
9 was the protected person.

10 (2) When a defendant is convicted of voluntary  
11 manslaughter, second degree murder, involuntary  
12 manslaughter, or reckless homicide in which the defendant  
13 has been convicted of causing the death of more than one  
14 individual.

15 (3) When a defendant is convicted of aggravated  
16 criminal sexual assault or criminal sexual assault, when  
17 there is a finding that aggravated criminal sexual assault  
18 or criminal sexual assault was also committed on the same  
19 victim by one or more other individuals, and the defendant  
20 voluntarily participated in the crime with the knowledge of  
21 the participation of the others in the crime, and the  
22 commission of the crime was part of a single course of  
23 conduct during which there was no substantial change in the  
24 nature of the criminal objective.

25 (4) If the victim was under 18 years of age at the time  
26 of the commission of the offense, when a defendant is

1 convicted of aggravated criminal sexual assault or  
2 predatory criminal sexual assault of a child under  
3 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
4 of Section 12-14.1 of the Criminal Code of 1961 (720 ILCS  
5 5/11-1.40 or 5/12-14.1).

6 (5) When a defendant is convicted of a felony violation  
7 of Section 24-1 of the Criminal Code of 1961 (720 ILCS  
8 5/24-1) and there is a finding that the defendant is a  
9 member of an organized gang.

10 (6) When a defendant was convicted of unlawful use of  
11 weapons under Section 24-1 of the Criminal Code of 1961  
12 (720 ILCS 5/24-1) for possessing a weapon that is not  
13 readily distinguishable as one of the weapons enumerated in  
14 Section 24-1 of the Criminal Code of 1961 (720 ILCS  
15 5/24-1).

16 (7) When a defendant is convicted of an offense  
17 involving the illegal manufacture of a controlled  
18 substance under Section 401 of the Illinois Controlled  
19 Substances Act (720 ILCS 570/401), the illegal manufacture  
20 of methamphetamine under Section 25 of the Methamphetamine  
21 Control and Community Protection Act (720 ILCS 646/25), or  
22 the illegal possession of explosives and an emergency  
23 response officer in the performance of his or her duties is  
24 killed or injured at the scene of the offense while  
25 responding to the emergency caused by the commission of the  
26 offense. In this paragraph, "emergency" means a situation

1 in which a person's life, health, or safety is in jeopardy;  
2 and "emergency response officer" means a peace officer,  
3 community policing volunteer, fireman, emergency medical  
4 technician-ambulance, emergency medical  
5 technician-intermediate, emergency medical  
6 technician-paramedic, ambulance driver, other medical  
7 assistance or first aid personnel, or hospital emergency  
8 room personnel.

9 (d) For the purposes of this Section, "organized gang" has  
10 the meaning ascribed to it in Section 10 of the Illinois  
11 Streetgang Terrorism Omnibus Prevention Act.

12 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,  
13 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;  
14 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;  
15 96-328, eff. 8-11-09; 96-339, eff. 7-1-10; revised 9-25-09.)

16 (730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

17 Sec. 5-5-6. In all convictions for offenses in violation of  
18 the Criminal Code of 1961 or of Section 11-501 of the Illinois  
19 Vehicle Code in which the person received any injury to his or  
20 her person or damage to his or her real or personal property as  
21 a result of the criminal act of the defendant, the court shall  
22 order restitution as provided in this Section. In all other  
23 cases, except cases in which restitution is required under this  
24 Section, the court must at the sentence hearing determine  
25 whether restitution is an appropriate sentence to be imposed on



1 each defendant convicted of an offense. If the court determines  
2 that an order directing the offender to make restitution is  
3 appropriate, the offender may be sentenced to make restitution.  
4 The court may consider restitution an appropriate sentence to  
5 be imposed on each defendant convicted of an offense in  
6 addition to a sentence of imprisonment. The sentence of the  
7 defendant to a term of imprisonment is not a mitigating factor  
8 that prevents the court from ordering the defendant to pay  
9 restitution. If the offender is sentenced to make restitution  
10 the Court shall determine the restitution as hereinafter set  
11 forth:

12 (a) At the sentence hearing, the court shall determine  
13 whether the property may be restored in kind to the  
14 possession of the owner or the person entitled to  
15 possession thereof; or whether the defendant is possessed  
16 of sufficient skill to repair and restore property damaged;  
17 or whether the defendant should be required to make  
18 restitution in cash, for out-of-pocket expenses, damages,  
19 losses, or injuries found to have been proximately caused  
20 by the conduct of the defendant or another for whom the  
21 defendant is legally accountable under the provisions of  
22 Article V of the Criminal Code of 1961.

23 (b) In fixing the amount of restitution to be paid in  
24 cash, the court shall allow credit for property returned in  
25 kind, for property damages ordered to be repaired by the  
26 defendant, and for property ordered to be restored by the

1 defendant; and after granting the credit, the court shall  
2 assess the actual out-of-pocket expenses, losses, damages,  
3 and injuries suffered by the victim named in the charge and  
4 any other victims who may also have suffered out-of-pocket  
5 expenses, losses, damages, and injuries proximately caused  
6 by the same criminal conduct of the defendant, and  
7 insurance carriers who have indemnified the named victim or  
8 other victims for the out-of-pocket expenses, losses,  
9 damages, or injuries, provided that in no event shall  
10 restitution be ordered to be paid on account of pain and  
11 suffering. If a defendant is placed on supervision for, or  
12 convicted of, domestic battery, the defendant shall be  
13 required to pay restitution to any domestic violence  
14 shelter in which the victim and any other family or  
15 household members lived because of the domestic battery.  
16 The amount of the restitution shall equal the actual  
17 expenses of the domestic violence shelter in providing  
18 housing and any other services for the victim and any other  
19 family or household members living at the shelter. If a  
20 defendant fails to pay restitution in the manner or within  
21 the time period specified by the court, the court may enter  
22 an order directing the sheriff to seize any real or  
23 personal property of a defendant to the extent necessary to  
24 satisfy the order of restitution and dispose of the  
25 property by public sale. All proceeds from such sale in  
26 excess of the amount of restitution plus court costs and

1 the costs of the sheriff in conducting the sale shall be  
2 paid to the defendant. The defendant convicted of domestic  
3 battery, if a person under 18 years of age was present and  
4 witnessed the domestic battery of the victim, is liable to  
5 pay restitution for the cost of any counseling required for  
6 the child at the discretion of the court.

7 (c) In cases where more than one defendant is  
8 accountable for the same criminal conduct that results in  
9 out-of-pocket expenses, losses, damages, or injuries, each  
10 defendant shall be ordered to pay restitution in the amount  
11 of the total actual out-of-pocket expenses, losses,  
12 damages, or injuries to the victim proximately caused by  
13 the conduct of all of the defendants who are legally  
14 accountable for the offense.

15 (1) In no event shall the victim be entitled to  
16 recover restitution in excess of the actual  
17 out-of-pocket expenses, losses, damages, or injuries,  
18 proximately caused by the conduct of all of the  
19 defendants.

20 (2) As between the defendants, the court may  
21 apportion the restitution that is payable in  
22 proportion to each co-defendant's culpability in the  
23 commission of the offense.

24 (3) In the absence of a specific order apportioning  
25 the restitution, each defendant shall bear his pro rata  
26 share of the restitution.

1           (4) As between the defendants, each defendant  
2 shall be entitled to a pro rata reduction in the total  
3 restitution required to be paid to the victim for  
4 amounts of restitution actually paid by co-defendants,  
5 and defendants who shall have paid more than their pro  
6 rata share shall be entitled to refunds to be computed  
7 by the court as additional amounts are paid by  
8 co-defendants.

9           (d) In instances where a defendant has more than one  
10 criminal charge pending against him in a single case, or  
11 more than one case, and the defendant stands convicted of  
12 one or more charges, a plea agreement negotiated by the  
13 State's Attorney and the defendants may require the  
14 defendant to make restitution to victims of charges that  
15 have been dismissed or which it is contemplated will be  
16 dismissed under the terms of the plea agreement, and under  
17 the agreement, the court may impose a sentence of  
18 restitution on the charge or charges of which the defendant  
19 has been convicted that would require the defendant to make  
20 restitution to victims of other offenses as provided in the  
21 plea agreement.

22           (e) The court may require the defendant to apply the  
23 balance of the cash bond, after payment of court costs, and  
24 any fine that may be imposed to the payment of restitution.

25           (f) Taking into consideration the ability of the  
26 defendant to pay, including any real or personal property

1 or any other assets of the defendant, the court shall  
2 determine whether restitution shall be paid in a single  
3 payment or in installments, and shall fix a period of time  
4 not in excess of 5 years or the period of time specified in  
5 subsection (f-1), not including periods of incarceration,  
6 within which payment of restitution is to be paid in full.  
7 Complete restitution shall be paid in as short a time  
8 period as possible. However, if the court deems it  
9 necessary and in the best interest of the victim, the court  
10 may extend beyond 5 years the period of time within which  
11 the payment of restitution is to be paid. If the defendant  
12 is ordered to pay restitution and the court orders that  
13 restitution is to be paid over a period greater than 6  
14 months, the court shall order that the defendant make  
15 monthly payments; the court may waive this requirement of  
16 monthly payments only if there is a specific finding of  
17 good cause for waiver.

18 (f-1) (1) In addition to any other penalty prescribed by  
19 law and any restitution ordered under this Section that did  
20 not include long-term physical health care costs, the court  
21 may, upon conviction of any misdemeanor or felony, order a  
22 defendant to pay restitution to a victim in accordance with  
23 the provisions of this subsection (f-1) if the victim has  
24 suffered physical injury as a result of the offense that is  
25 reasonably probable to require or has required long-term  
26 physical health care for more than 3 months. As used in

1           this subsection (f-1) "long-term physical health care"  
2           includes mental health care.

3           (2) The victim's estimate of long-term physical health  
4           care costs may be made as part of a victim impact statement  
5           under Section 6 of the Rights of Crime Victims and  
6           Witnesses Act or made separately. The court shall enter the  
7           long-term physical health care restitution order at the  
8           time of sentencing. An order of restitution made under this  
9           subsection (f-1) shall fix a monthly amount to be paid by  
10          the defendant for as long as long-term physical health care  
11          of the victim is required as a result of the offense. The  
12          order may exceed the length of any sentence imposed upon  
13          the defendant for the criminal activity. The court shall  
14          include as a special finding in the judgment of conviction  
15          its determination of the monthly cost of long-term physical  
16          health care.

17          (3) After a sentencing order has been entered, the  
18          court may from time to time, on the petition of either the  
19          defendant or the victim, or upon its own motion, enter an  
20          order for restitution for long-term physical care or modify  
21          the existing order for restitution for long-term physical  
22          care as to the amount of monthly payments. Any modification  
23          of the order shall be based only upon a substantial change  
24          of circumstances relating to the cost of long-term physical  
25          health care or the financial condition of either the  
26          defendant or the victim. The petition shall be filed as

1 part of the original criminal docket.

2 (g) In addition to the sentences provided for in  
3 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
4 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14,  
5 12-14.1, 12-15, and 12-16, and subdivision (a)(4) of  
6 Section 11-14.4, of the Criminal Code of 1961, the court  
7 may order any person who is convicted of violating any of  
8 those Sections or who was charged with any of those  
9 offenses and which charge was reduced to another charge as  
10 a result of a plea agreement under subsection (d) of this  
11 Section to meet all or any portion of the financial  
12 obligations of treatment, including but not limited to  
13 medical, psychiatric, or rehabilitative treatment or  
14 psychological counseling, prescribed for the victim or  
15 victims of the offense.

16 The payments shall be made by the defendant to the  
17 clerk of the circuit court and transmitted by the clerk to  
18 the appropriate person or agency as directed by the court.  
19 Except as otherwise provided in subsection (f-1), the order  
20 may require such payments to be made for a period not to  
21 exceed 5 years after sentencing, not including periods of  
22 incarceration.

23 (h) The judge may enter an order of withholding to  
24 collect the amount of restitution owed in accordance with  
25 Part 8 of Article XII of the Code of Civil Procedure.

26 (i) A sentence of restitution may be modified or

1        revoked by the court if the offender commits another  
2        offense, or the offender fails to make restitution as  
3        ordered by the court, but no sentence to make restitution  
4        shall be revoked unless the court shall find that the  
5        offender has had the financial ability to make restitution,  
6        and he has wilfully refused to do so. When the offender's  
7        ability to pay restitution was established at the time an  
8        order of restitution was entered or modified, or when the  
9        offender's ability to pay was based on the offender's  
10       willingness to make restitution as part of a plea agreement  
11       made at the time the order of restitution was entered or  
12       modified, there is a rebuttable presumption that the facts  
13       and circumstances considered by the court at the hearing at  
14       which the order of restitution was entered or modified  
15       regarding the offender's ability or willingness to pay  
16       restitution have not materially changed. If the court shall  
17       find that the defendant has failed to make restitution and  
18       that the failure is not wilful, the court may impose an  
19       additional period of time within which to make restitution.  
20       The length of the additional period shall not be more than  
21       2 years. The court shall retain all of the incidents of the  
22       original sentence, including the authority to modify or  
23       enlarge the conditions, and to revoke or further modify the  
24       sentence if the conditions of payment are violated during  
25       the additional period.

26        (j) The procedure upon the filing of a Petition to



1           Revoke a sentence to make restitution shall be the same as  
2           the procedures set forth in Section 5-6-4 of this Code  
3           governing violation, modification, or revocation of  
4           Probation, of Conditional Discharge, or of Supervision.

5           (k) Nothing contained in this Section shall preclude  
6           the right of any party to proceed in a civil action to  
7           recover for any damages incurred due to the criminal  
8           misconduct of the defendant.

9           (l) Restitution ordered under this Section shall not be  
10          subject to disbursement by the circuit clerk under Section  
11          27.5 of the Clerks of Courts Act.

12          (m) A restitution order under this Section is a  
13          judgment lien in favor of the victim that:

14               (1) Attaches to the property of the person subject  
15               to the order;

16               (2) May be perfected in the same manner as provided  
17               in Part 3 of Article 9 of the Uniform Commercial Code;

18               (3) May be enforced to satisfy any payment that is  
19               delinquent under the restitution order by the person in  
20               whose favor the order is issued or the person's  
21               assignee; and

22               (4) Expires in the same manner as a judgment lien  
23               created in a civil proceeding.

24          When a restitution order is issued under this Section,  
25          the issuing court shall send a certified copy of the order  
26          to the clerk of the circuit court in the county where the

1 charge was filed. Upon receiving the order, the clerk shall  
2 enter and index the order in the circuit court judgment  
3 docket.

4 (n) An order of restitution under this Section does not  
5 bar a civil action for:

6 (1) Damages that the court did not require the  
7 person to pay to the victim under the restitution order  
8 but arise from an injury or property damages that is  
9 the basis of restitution ordered by the court; and

10 (2) Other damages suffered by the victim.

11 The restitution order is not discharged by the completion  
12 of the sentence imposed for the offense.

13 A restitution order under this Section is not discharged by  
14 the liquidation of a person's estate by a receiver. A  
15 restitution order under this Section may be enforced in the  
16 same manner as judgment liens are enforced under Article XII of  
17 the Code of Civil Procedure.

18 The provisions of Section 2-1303 of the Code of Civil  
19 Procedure, providing for interest on judgments, apply to  
20 judgments for restitution entered under this Section.

21 (Source: P.A. 95-331, eff. 8-21-07; 96-290, eff. 8-11-09.)

22 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

23 Sec. 5-6-1. Sentences of Probation and of Conditional  
24 Discharge and Disposition of Supervision. The General Assembly  
25 finds that in order to protect the public, the criminal justice

1 system must compel compliance with the conditions of probation  
2 by responding to violations with swift, certain and fair  
3 punishments and intermediate sanctions. The Chief Judge of each  
4 circuit shall adopt a system of structured, intermediate  
5 sanctions for violations of the terms and conditions of a  
6 sentence of probation, conditional discharge or disposition of  
7 supervision.

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

14 (1) his imprisonment or periodic imprisonment is  
15 necessary for the protection of the public; or

16 (2) probation or conditional discharge would deprecate  
17 the seriousness of the offender's conduct and would be  
18 inconsistent with the ends of justice; or

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

24 The court shall impose as a condition of a sentence of  
25 probation, conditional discharge, or supervision, that the  
26 probation agency may invoke any sanction from the list of

1 intermediate sanctions adopted by the chief judge of the  
2 circuit court for violations of the terms and conditions of the  
3 sentence of probation, conditional discharge, or supervision,  
4 subject to the provisions of Section 5-6-4 of this Act.

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

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

16 (c) The court may, upon a plea of guilty or a stipulation  
17 by the defendant of the facts supporting the charge or a  
18 finding of guilt, defer further proceedings and the imposition  
19 of a sentence, and enter an order for supervision of the  
20 defendant, if the defendant is not charged with: (i) a Class A  
21 misdemeanor, as defined by the following provisions of the  
22 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 11-1.50 or  
23 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of  
24 Section 21-1; paragraph (1) through (5), (8), (10), and (11) of  
25 subsection (a) of Section 24-1; (ii) a Class A misdemeanor  
26 violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care

1 for Animals Act; or (iii) a felony. If the defendant is not  
2 barred from receiving an order for supervision as provided in  
3 this subsection, the court may enter an order for supervision  
4 after considering the circumstances of the offense, and the  
5 history, character and condition of the offender, if the court  
6 is of the opinion that:

7 (1) the offender is not likely to commit further  
8 crimes;

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

11 (3) in the best interests of justice an order of  
12 supervision is more appropriate than a sentence otherwise  
13 permitted under this Code.

14 (c-5) Subsections (a), (b), and (c) of this Section do not  
15 apply to a defendant charged with a second or subsequent  
16 violation of Section 6-303 of the Illinois Vehicle Code  
17 committed while his or her driver's license, permit or  
18 privileges were revoked because of a violation of Section 9-3  
19 of the Criminal Code of 1961, relating to the offense of  
20 reckless homicide, or a similar provision of a law of another  
21 state.

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

26 (1) convicted for a violation of Section 11-501 of the

1 Illinois Vehicle Code or a similar provision of a local  
2 ordinance or any similar law or ordinance of another state;  
3 or

4 (2) assigned supervision for a violation of Section  
5 11-501 of the Illinois Vehicle Code or a similar provision  
6 of a local ordinance or any similar law or ordinance of  
7 another state; or

8 (3) pleaded guilty to or stipulated to the facts  
9 supporting a charge or a finding of guilty to a violation  
10 of Section 11-503 of the Illinois Vehicle Code or a similar  
11 provision of a local ordinance or any similar law or  
12 ordinance of another state, and the plea or stipulation was  
13 the result of a plea agreement.

14 The court shall consider the statement of the prosecuting  
15 authority with regard to the standards set forth in this  
16 Section.

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

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

23 (2) assigned supervision for a violation of Section  
24 16A-3 of the Criminal Code of 1961.

25 The court shall consider the statement of the prosecuting  
26 authority with regard to the standards set forth in this

1 Section.

2 (f) The provisions of paragraph (c) shall not apply to a  
3 defendant charged with violating Sections 15-111, 15-112,  
4 15-301, paragraph (b) of Section 6-104, Section 11-605, Section  
5 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a  
6 similar provision of a local ordinance.

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

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

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

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

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

26 (1) unless the defendant, upon payment of the fines,

1 penalties, and costs provided by law, agrees to attend and  
2 successfully complete a traffic safety program approved by  
3 the court under standards set by the Conference of Chief  
4 Circuit Judges. The accused shall be responsible for  
5 payment of any traffic safety program fees. If the accused  
6 fails to file a certificate of successful completion on or  
7 before the termination date of the supervision order, the  
8 supervision shall be summarily revoked and conviction  
9 entered. The provisions of Supreme Court Rule 402 relating  
10 to pleas of guilty do not apply in cases when a defendant  
11 enters a guilty plea under this provision; or

12 (2) if the defendant has previously been sentenced  
13 under the provisions of paragraph (c) on or after January  
14 1, 1998 for any serious traffic offense as defined in  
15 Section 1-187.001 of the Illinois Vehicle Code.

16 (h-1) The provisions of paragraph (c) shall not apply to a  
17 defendant under the age of 21 years charged with an offense  
18 against traffic regulations governing the movement of vehicles  
19 or any violation of Section 6-107 or Section 12-603.1 of the  
20 Illinois Vehicle Code, unless the defendant, upon payment of  
21 the fines, penalties, and costs provided by law, agrees to  
22 attend and successfully complete a traffic safety program  
23 approved by the court under standards set by the Conference of  
24 Chief Circuit Judges. The accused shall be responsible for  
25 payment of any traffic safety program fees. If the accused  
26 fails to file a certificate of successful completion on or



1 before the termination date of the supervision order, the  
2 supervision shall be summarily revoked and conviction entered.  
3 The provisions of Supreme Court Rule 402 relating to pleas of  
4 guilty do not apply in cases when a defendant enters a guilty  
5 plea under this provision.

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

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

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

23 (2) assigned supervision for a violation of Section  
24 6-303 of the Illinois Vehicle Code or a similar provision  
25 of a local ordinance.

26 (k) The provisions of paragraph (c) shall not apply to a

1 defendant charged with violating any provision of the Illinois  
2 Vehicle Code or a similar provision of a local ordinance that  
3 governs the movement of vehicles if, within the 12 months  
4 preceding the date of the defendant's arrest, the defendant has  
5 been assigned court supervision on 2 occasions for a violation  
6 that governs the movement of vehicles under the Illinois  
7 Vehicle Code or a similar provision of a local ordinance. The  
8 provisions of this paragraph (k) do not apply to a defendant  
9 charged with violating Section 11-501 of the Illinois Vehicle  
10 Code or a similar provision of a local ordinance.

11 (l) A defendant charged with violating any provision of the  
12 Illinois Vehicle Code or a similar provision of a local  
13 ordinance who receives a disposition of supervision under  
14 subsection (c) shall pay an additional fee of \$29, to be  
15 collected as provided in Sections 27.5 and 27.6 of the Clerks  
16 of Courts Act. In addition to the \$29 fee, the person shall  
17 also pay a fee of \$6, which, if not waived by the court, shall  
18 be collected as provided in Sections 27.5 and 27.6 of the  
19 Clerks of Courts Act. The \$29 fee shall be disbursed as  
20 provided in Section 16-104c of the Illinois Vehicle Code. If  
21 the \$6 fee is collected, \$5.50 of the fee shall be deposited  
22 into the Circuit Court Clerk Operation and Administrative Fund  
23 created by the Clerk of the Circuit Court and 50 cents of the  
24 fee shall be deposited into the Prisoner Review Board Vehicle  
25 and Equipment Fund in the State treasury.

26 (m) Any person convicted of, pleading guilty to, or placed

1 on supervision for a serious traffic violation, as defined in  
2 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
3 Section 11-501 of the Illinois Vehicle Code, or a violation of  
4 a similar provision of a local ordinance shall pay an  
5 additional fee of \$20, to be disbursed as provided in Section  
6 16-104d of that Code.

7 This subsection (m) becomes inoperative 7 years after  
8 October 13, 2007 (the effective date of Public Act 95-154).

9 (n) The provisions of paragraph (c) shall not apply to any  
10 person under the age of 18 who commits an offense against  
11 traffic regulations governing the movement of vehicles or any  
12 violation of Section 6-107 or Section 12-603.1 of the Illinois  
13 Vehicle Code, except upon personal appearance of the defendant  
14 in court and upon the written consent of the defendant's parent  
15 or legal guardian, executed before the presiding judge. The  
16 presiding judge shall have the authority to waive this  
17 requirement upon the showing of good cause by the defendant.

18 (o) The provisions of paragraph (c) shall not apply to a  
19 defendant charged with violating Section 6-303 of the Illinois  
20 Vehicle Code or a similar provision of a local ordinance when  
21 the suspension was for a violation of Section 11-501.1 of the  
22 Illinois Vehicle Code and when:

23 (1) at the time of the violation of Section 11-501.1 of  
24 the Illinois Vehicle Code, the defendant was a first  
25 offender pursuant to Section 11-500 of the Illinois Vehicle  
26 Code and the defendant failed to obtain a monitoring device

1 driving permit; or

2 (2) at the time of the violation of Section 11-501.1 of  
3 the Illinois Vehicle Code, the defendant was a first  
4 offender pursuant to Section 11-500 of the Illinois Vehicle  
5 Code, had subsequently obtained a monitoring device  
6 driving permit, but was driving a vehicle not equipped with  
7 a breath alcohol ignition interlock device as defined in  
8 Section 1-129.1 of the Illinois Vehicle Code.

9 (Source: P.A. 95-154, eff. 10-13-07; 95-302, eff. 1-1-08;  
10 95-310, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400, eff. 1-1-09;  
11 95-428, 8-24-07; 95-876, eff. 8-21-08; 96-253, eff. 8-11-09;  
12 96-286, eff. 8-11-09; 96-328, eff. 8-11-09; 96-625, eff.  
13 1-1-10; revised 10-1-09.)

14 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

15 Sec. 5-6-3. Conditions of Probation and of Conditional  
16 Discharge.

17 (a) The conditions of probation and of conditional  
18 discharge shall be that the person:

19 (1) not violate any criminal statute of any  
20 jurisdiction;

21 (2) report to or appear in person before such person or  
22 agency as directed by the court;

23 (3) refrain from possessing a firearm or other  
24 dangerous weapon where the offense is a felony or, if a  
25 misdemeanor, the offense involved the intentional or

1 knowing infliction of bodily harm or threat of bodily harm;

2 (4) not leave the State without the consent of the  
3 court or, in circumstances in which the reason for the  
4 absence is of such an emergency nature that prior consent  
5 by the court is not possible, without the prior  
6 notification and approval of the person's probation  
7 officer. Transfer of a person's probation or conditional  
8 discharge supervision to another state is subject to  
9 acceptance by the other state pursuant to the Interstate  
10 Compact for Adult Offender Supervision;

11 (5) permit the probation officer to visit him at his  
12 home or elsewhere to the extent necessary to discharge his  
13 duties;

14 (6) perform no less than 30 hours of community service  
15 and not more than 120 hours of community service, if  
16 community service is available in the jurisdiction and is  
17 funded and approved by the county board where the offense  
18 was committed, where the offense was related to or in  
19 furtherance of the criminal activities of an organized gang  
20 and was motivated by the offender's membership in or  
21 allegiance to an organized gang. The community service  
22 shall include, but not be limited to, the cleanup and  
23 repair of any damage caused by a violation of Section  
24 21-1.3 of the Criminal Code of 1961 and similar damage to  
25 property located within the municipality or county in which  
26 the violation occurred. When possible and reasonable, the

1 community service should be performed in the offender's  
2 neighborhood. For purposes of this Section, "organized  
3 gang" has the meaning ascribed to it in Section 10 of the  
4 Illinois Streetgang Terrorism Omnibus Prevention Act;

5 (7) if he or she is at least 17 years of age and has  
6 been sentenced to probation or conditional discharge for a  
7 misdemeanor or felony in a county of 3,000,000 or more  
8 inhabitants and has not been previously convicted of a  
9 misdemeanor or felony, may be required by the sentencing  
10 court to attend educational courses designed to prepare the  
11 defendant for a high school diploma and to work toward a  
12 high school diploma or to work toward passing the high  
13 school level Test of General Educational Development (GED)  
14 or to work toward completing a vocational training program  
15 approved by the court. The person on probation or  
16 conditional discharge must attend a public institution of  
17 education to obtain the educational or vocational training  
18 required by this clause (7). The court shall revoke the  
19 probation or conditional discharge of a person who wilfully  
20 fails to comply with this clause (7). The person on  
21 probation or conditional discharge shall be required to pay  
22 for the cost of the educational courses or GED test, if a  
23 fee is charged for those courses or test. The court shall  
24 resentence the offender whose probation or conditional  
25 discharge has been revoked as provided in Section 5-6-4.  
26 This clause (7) does not apply to a person who has a high

1 school diploma or has successfully passed the GED test.  
2 This clause (7) does not apply to a person who is  
3 determined by the court to be developmentally disabled or  
4 otherwise mentally incapable of completing the educational  
5 or vocational program;

6 (8) if convicted of possession of a substance  
7 prohibited by the Cannabis Control Act, the Illinois  
8 Controlled Substances Act, or the Methamphetamine Control  
9 and Community Protection Act after a previous conviction or  
10 disposition of supervision for possession of a substance  
11 prohibited by the Cannabis Control Act or Illinois  
12 Controlled Substances Act or after a sentence of probation  
13 under Section 10 of the Cannabis Control Act, Section 410  
14 of the Illinois Controlled Substances Act, or Section 70 of  
15 the Methamphetamine Control and Community Protection Act  
16 and upon a finding by the court that the person is  
17 addicted, undergo treatment at a substance abuse program  
18 approved by the court;

19 (8.5) if convicted of a felony sex offense as defined  
20 in the Sex Offender Management Board Act, the person shall  
21 undergo and successfully complete sex offender treatment  
22 by a treatment provider approved by the Board and conducted  
23 in conformance with the standards developed under the Sex  
24 Offender Management Board Act;

25 (8.6) if convicted of a sex offense as defined in the  
26 Sex Offender Management Board Act, refrain from residing at

1 the same address or in the same condominium unit or  
2 apartment unit or in the same condominium complex or  
3 apartment complex with another person he or she knows or  
4 reasonably should know is a convicted sex offender or has  
5 been placed on supervision for a sex offense; the  
6 provisions of this paragraph do not apply to a person  
7 convicted of a sex offense who is placed in a Department of  
8 Corrections licensed transitional housing facility for sex  
9 offenders;

10 (8.7) if convicted for an offense committed on or after  
11 June 1, 2008 (the effective date of Public Act 95-464) that  
12 would qualify the accused as a child sex offender as  
13 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
14 1961, refrain from communicating with or contacting, by  
15 means of the Internet, a person who is not related to the  
16 accused and whom the accused reasonably believes to be  
17 under 18 years of age; for purposes of this paragraph  
18 (8.7), "Internet" has the meaning ascribed to it in Section  
19 16J-5 of the Criminal Code of 1961; and a person is not  
20 related to the accused if the person is not: (i) the  
21 spouse, brother, or sister of the accused; (ii) a  
22 descendant of the accused; (iii) a first or second cousin  
23 of the accused; or (iv) a step-child or adopted child of  
24 the accused;

25 (8.8) if convicted for an offense under Section 11-6,  
26 11-9.1, 11-14.4 that involves soliciting for a juvenile



1        prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
2 of the Criminal Code of 1961, or any attempt to commit any  
3 of these offenses, committed on or after June 1, 2009 (the  
4 effective date of Public Act 95-983):

5            (i) not access or use a computer or any other  
6 device with Internet capability without the prior  
7 written approval of the offender's probation officer,  
8 except in connection with the offender's employment or  
9 search for employment with the prior approval of the  
10 offender's probation officer;

11           (ii) submit to periodic unannounced examinations  
12 of the offender's computer or any other device with  
13 Internet capability by the offender's probation  
14 officer, a law enforcement officer, or assigned  
15 computer or information technology specialist,  
16 including the retrieval and copying of all data from  
17 the computer or device and any internal or external  
18 peripherals and removal of such information,  
19 equipment, or device to conduct a more thorough  
20 inspection;

21           (iii) submit to the installation on the offender's  
22 computer or device with Internet capability, at the  
23 offender's expense, of one or more hardware or software  
24 systems to monitor the Internet use; and

25           (iv) submit to any other appropriate restrictions  
26 concerning the offender's use of or access to a

1 computer or any other device with Internet capability  
2 imposed by the offender's probation officer;

3 (8.9) if convicted of a sex offense as defined in the  
4 Sex Offender Registration Act committed on or after January  
5 1, 2010 (the effective date of Public Act 96-262) ~~this~~  
6 ~~amendatory Act of the 96th General Assembly~~, refrain from  
7 accessing or using a social networking website as defined  
8 in Section 16D-2 of the Criminal Code of 1961;

9 (9) if convicted of a felony, physically surrender at a  
10 time and place designated by the court, his or her Firearm  
11 Owner's Identification Card and any and all firearms in his  
12 or her possession;

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

23 (11) if convicted of a sex offense as defined in  
24 Section 2 of the Sex Offender Registration Act committed on  
25 or after January 1, 2010 (the effective date of Public Act  
26 96-362) ~~this amendatory Act of the 96th General Assembly~~

1           that requires the person to register as a sex offender  
2           under that Act, may not knowingly use any computer scrub  
3           software on any computer that the sex offender uses.

4           (b) The Court may in addition to other reasonable  
5           conditions relating to the nature of the offense or the  
6           rehabilitation of the defendant as determined for each  
7           defendant in the proper discretion of the Court require that  
8           the person:

9                   (1) serve a term of periodic imprisonment under Article  
10                   7 for a period not to exceed that specified in paragraph  
11                   (d) of Section 5-7-1;

12                   (2) pay a fine and costs;

13                   (3) work or pursue a course of study or vocational  
14                   training;

15                   (4) undergo medical, psychological or psychiatric  
16                   treatment; or treatment for drug addiction or alcoholism;

17                   (5) attend or reside in a facility established for the  
18                   instruction or residence of defendants on probation;

19                   (6) support his dependents;

20                   (7) and in addition, if a minor:

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

22                           (ii) attend school;

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

24                           (iv) contribute to his own support at home or in a  
25                   foster home;

26                           (v) with the consent of the superintendent of the

1 facility, attend an educational program at a facility  
2 other than the school in which the offense was  
3 committed if he or she is convicted of a crime of  
4 violence as defined in Section 2 of the Crime Victims  
5 Compensation Act committed in a school, on the real  
6 property comprising a school, or within 1,000 feet of  
7 the real property comprising a school;

8 (8) make restitution as provided in Section 5-5-6 of  
9 this Code;

10 (9) perform some reasonable public or community  
11 service;

12 (10) serve a term of home confinement. In addition to  
13 any other applicable condition of probation or conditional  
14 discharge, the conditions of home confinement shall be that  
15 the offender:

16 (i) remain within the interior premises of the  
17 place designated for his confinement during the hours  
18 designated by the court;

19 (ii) admit any person or agent designated by the  
20 court into the offender's place of confinement at any  
21 time for purposes of verifying the offender's  
22 compliance with the conditions of his confinement; and

23 (iii) if further deemed necessary by the court or  
24 the Probation or Court Services Department, be placed  
25 on an approved electronic monitoring device, subject  
26 to Article 8A of Chapter V;

1           (iv) for persons convicted of any alcohol,  
2           cannabis or controlled substance violation who are  
3           placed on an approved monitoring device as a condition  
4           of probation or conditional discharge, the court shall  
5           impose a reasonable fee for each day of the use of the  
6           device, as established by the county board in  
7           subsection (g) of this Section, unless after  
8           determining the inability of the offender to pay the  
9           fee, the court assesses a lesser fee or no fee as the  
10          case may be. This fee shall be imposed in addition to  
11          the fees imposed under subsections (g) and (i) of this  
12          Section. The fee shall be collected by the clerk of the  
13          circuit court. The clerk of the circuit court shall pay  
14          all monies collected from this fee to the county  
15          treasurer for deposit in the substance abuse services  
16          fund under Section 5-1086.1 of the Counties Code; and

17          (v) for persons convicted of offenses other than  
18          those referenced in clause (iv) above and who are  
19          placed on an approved monitoring device as a condition  
20          of probation or conditional discharge, the court shall  
21          impose a reasonable fee for each day of the use of the  
22          device, as established by the county board in  
23          subsection (g) of this Section, unless after  
24          determining the inability of the defendant to pay the  
25          fee, the court assesses a lesser fee or no fee as the  
26          case may be. This fee shall be imposed in addition to

1           the fees imposed under subsections (g) and (i) of this  
2           Section. The fee shall be collected by the clerk of the  
3           circuit court. The clerk of the circuit court shall pay  
4           all monies collected from this fee to the county  
5           treasurer who shall use the monies collected to defray  
6           the costs of corrections. The county treasurer shall  
7           deposit the fee collected in the county working cash  
8           fund under Section 6-27001 or Section 6-29002 of the  
9           Counties Code, as the case may be.

10           (11) comply with the terms and conditions of an order  
11           of protection issued by the court pursuant to the Illinois  
12           Domestic Violence Act of 1986, as now or hereafter amended,  
13           or an order of protection issued by the court of another  
14           state, tribe, or United States territory. A copy of the  
15           order of protection shall be transmitted to the probation  
16           officer or agency having responsibility for the case;

17           (12) reimburse any "local anti-crime program" as  
18           defined in Section 7 of the Anti-Crime Advisory Council Act  
19           for any reasonable expenses incurred by the program on the  
20           offender's case, not to exceed the maximum amount of the  
21           fine authorized for the offense for which the defendant was  
22           sentenced;

23           (13) contribute a reasonable sum of money, not to  
24           exceed the maximum amount of the fine authorized for the  
25           offense for which the defendant was sentenced, (i) to a  
26           "local anti-crime program", as defined in Section 7 of the

1 Anti-Crime Advisory Council Act, or (ii) for offenses under  
2 the jurisdiction of the Department of Natural Resources, to  
3 the fund established by the Department of Natural Resources  
4 for the purchase of evidence for investigation purposes and  
5 to conduct investigations as outlined in Section 805-105 of  
6 the Department of Natural Resources (Conservation) Law;

7 (14) refrain from entering into a designated  
8 geographic area except upon such terms as the court finds  
9 appropriate. Such terms may include consideration of the  
10 purpose of the entry, the time of day, other persons  
11 accompanying the defendant, and advance approval by a  
12 probation officer, if the defendant has been placed on  
13 probation or advance approval by the court, if the  
14 defendant was placed on conditional discharge;

15 (15) refrain from having any contact, directly or  
16 indirectly, with certain specified persons or particular  
17 types of persons, including but not limited to members of  
18 street gangs and drug users or dealers;

19 (16) refrain from having in his or her body the  
20 presence of any illicit drug prohibited by the Cannabis  
21 Control Act, the Illinois Controlled Substances Act, or the  
22 Methamphetamine Control and Community Protection Act,  
23 unless prescribed by a physician, and submit samples of his  
24 or her blood or urine or both for tests to determine the  
25 presence of any illicit drug;

26 (17) if convicted for an offense committed on or after

1 June 1, 2008 (the effective date of Public Act 95-464) that  
2 would qualify the accused as a child sex offender as  
3 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
4 1961, refrain from communicating with or contacting, by  
5 means of the Internet, a person who is related to the  
6 accused and whom the accused reasonably believes to be  
7 under 18 years of age; for purposes of this paragraph (17),  
8 "Internet" has the meaning ascribed to it in Section 16J-5  
9 of the Criminal Code of 1961; and a person is related to  
10 the accused if the person is: (i) the spouse, brother, or  
11 sister of the accused; (ii) a descendant of the accused;  
12 (iii) a first or second cousin of the accused; or (iv) a  
13 step-child or adopted child of the accused;

14 (18) if convicted for an offense committed on or after  
15 June 1, 2009 (the effective date of Public Act 95-983) that  
16 would qualify as a sex offense as defined in the Sex  
17 Offender Registration Act:

18 (i) not access or use a computer or any other  
19 device with Internet capability without the prior  
20 written approval of the offender's probation officer,  
21 except in connection with the offender's employment or  
22 search for employment with the prior approval of the  
23 offender's probation officer;

24 (ii) submit to periodic unannounced examinations  
25 of the offender's computer or any other device with  
26 Internet capability by the offender's probation



1 officer, a law enforcement officer, or assigned  
2 computer or information technology specialist,  
3 including the retrieval and copying of all data from  
4 the computer or device and any internal or external  
5 peripherals and removal of such information,  
6 equipment, or device to conduct a more thorough  
7 inspection;

8 (iii) submit to the installation on the offender's  
9 computer or device with Internet capability, at the  
10 subject's expense, of one or more hardware or software  
11 systems to monitor the Internet use; and

12 (iv) submit to any other appropriate restrictions  
13 concerning the offender's use of or access to a  
14 computer or any other device with Internet capability  
15 imposed by the offender's probation officer; and

16 (19) refrain from possessing a firearm or other  
17 dangerous weapon where the offense is a misdemeanor that  
18 did not involve the intentional or knowing infliction of  
19 bodily harm or threat of bodily harm.

20 (c) The court may as a condition of probation or of  
21 conditional discharge require that a person under 18 years of  
22 age found guilty of any alcohol, cannabis or controlled  
23 substance violation, refrain from acquiring a driver's license  
24 during the period of probation or conditional discharge. If  
25 such person is in possession of a permit or license, the court  
26 may require that the minor refrain from driving or operating

1 any motor vehicle during the period of probation or conditional  
2 discharge, except as may be necessary in the course of the  
3 minor's lawful employment.

4 (d) An offender sentenced to probation or to conditional  
5 discharge shall be given a certificate setting forth the  
6 conditions thereof.

7 (e) Except where the offender has committed a fourth or  
8 subsequent violation of subsection (c) of Section 6-303 of the  
9 Illinois Vehicle Code, the court shall not require as a  
10 condition of the sentence of probation or conditional discharge  
11 that the offender be committed to a period of imprisonment in  
12 excess of 6 months. This 6 month limit shall not include  
13 periods of confinement given pursuant to a sentence of county  
14 impact incarceration under Section 5-8-1.2.

15 Persons committed to imprisonment as a condition of  
16 probation or conditional discharge shall not be committed to  
17 the Department of Corrections.

18 (f) The court may combine a sentence of periodic  
19 imprisonment under Article 7 or a sentence to a county impact  
20 incarceration program under Article 8 with a sentence of  
21 probation or conditional discharge.

22 (g) An offender sentenced to probation or to conditional  
23 discharge and who during the term of either undergoes mandatory  
24 drug or alcohol testing, or both, or is assigned to be placed  
25 on an approved electronic monitoring device, shall be ordered  
26 to pay all costs incidental to such mandatory drug or alcohol

1 testing, or both, and all costs incidental to such approved  
2 electronic monitoring in accordance with the defendant's  
3 ability to pay those costs. The county board with the  
4 concurrence of the Chief Judge of the judicial circuit in which  
5 the county is located shall establish reasonable fees for the  
6 cost of maintenance, testing, and incidental expenses related  
7 to the mandatory drug or alcohol testing, or both, and all  
8 costs incidental to approved electronic monitoring, involved  
9 in a successful probation program for the county. The  
10 concurrence of the Chief Judge shall be in the form of an  
11 administrative order. The fees shall be collected by the clerk  
12 of the circuit court. The clerk of the circuit court shall pay  
13 all moneys collected from these fees to the county treasurer  
14 who shall use the moneys collected to defray the costs of drug  
15 testing, alcohol testing, and electronic monitoring. The  
16 county treasurer shall deposit the fees collected in the county  
17 working cash fund under Section 6-27001 or Section 6-29002 of  
18 the Counties Code, as the case may be.

19 (h) Jurisdiction over an offender may be transferred from  
20 the sentencing court to the court of another circuit with the  
21 concurrence of both courts. Further transfers or retransfers of  
22 jurisdiction are also authorized in the same manner. The court  
23 to which jurisdiction has been transferred shall have the same  
24 powers as the sentencing court.

25 (i) The court shall impose upon an offender sentenced to  
26 probation after January 1, 1989 or to conditional discharge

1 after January 1, 1992 or to community service under the  
2 supervision of a probation or court services department after  
3 January 1, 2004, as a condition of such probation or  
4 conditional discharge or supervised community service, a fee of  
5 \$50 for each month of probation or conditional discharge  
6 supervision or supervised community service ordered by the  
7 court, unless after determining the inability of the person  
8 sentenced to probation or conditional discharge or supervised  
9 community service to pay the fee, the court assesses a lesser  
10 fee. The court may not impose the fee on a minor who is made a  
11 ward of the State under the Juvenile Court Act of 1987 while  
12 the minor is in placement. The fee shall be imposed only upon  
13 an offender who is actively supervised by the probation and  
14 court services department. The fee shall be collected by the  
15 clerk of the circuit court. The clerk of the circuit court  
16 shall pay all monies collected from this fee to the county  
17 treasurer for deposit in the probation and court services fund  
18 under Section 15.1 of the Probation and Probation Officers Act.

19 A circuit court may not impose a probation fee under this  
20 subsection (i) in excess of \$25 per month unless: (1) the  
21 circuit court has adopted, by administrative order issued by  
22 the chief judge, a standard probation fee guide determining an  
23 offender's ability to pay, under guidelines developed by the  
24 Administrative Office of the Illinois Courts; and (2) the  
25 circuit court has authorized, by administrative order issued by  
26 the chief judge, the creation of a Crime Victim's Services

1 Fund, to be administered by the Chief Judge or his or her  
2 designee, for services to crime victims and their families. Of  
3 the amount collected as a probation fee, up to \$5 of that fee  
4 collected per month may be used to provide services to crime  
5 victims and their families.

6 This amendatory Act of the 93rd General Assembly deletes  
7 the \$10 increase in the fee under this subsection that was  
8 imposed by Public Act 93-616. This deletion is intended to  
9 control over any other Act of the 93rd General Assembly that  
10 retains or incorporates that fee increase.

11 (i-5) In addition to the fees imposed under subsection (i)  
12 of this Section, in the case of an offender convicted of a  
13 felony sex offense (as defined in the Sex Offender Management  
14 Board Act) or an offense that the court or probation department  
15 has determined to be sexually motivated (as defined in the Sex  
16 Offender Management Board Act), the court or the probation  
17 department shall assess additional fees to pay for all costs of  
18 treatment, assessment, evaluation for risk and treatment, and  
19 monitoring the offender, based on that offender's ability to  
20 pay those costs either as they occur or under a payment plan.

21 (j) All fines and costs imposed under this Section for any  
22 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
23 Code, or a similar provision of a local ordinance, and any  
24 violation of the Child Passenger Protection Act, or a similar  
25 provision of a local ordinance, shall be collected and  
26 disbursed by the circuit clerk as provided under Section 27.5

1 of the Clerks of Courts Act.

2 (k) Any offender who is sentenced to probation or  
3 conditional discharge for a felony sex offense as defined in  
4 the Sex Offender Management Board Act or any offense that the  
5 court or probation department has determined to be sexually  
6 motivated as defined in the Sex Offender Management Board Act  
7 shall be required to refrain from any contact, directly or  
8 indirectly, with any persons specified by the court and shall  
9 be available for all evaluations and treatment programs  
10 required by the court or the probation department.

11 (l) The court may order an offender who is sentenced to  
12 probation or conditional discharge for a violation of an order  
13 of protection be placed under electronic surveillance as  
14 provided in Section 5-8A-7 of this Code.

15 (Source: P.A. 95-331, eff. 8-21-07; 95-464, eff. 6-1-08;  
16 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff. 1-1-09;  
17 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; 96-262, eff. 1-1-10;  
18 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-695, eff.  
19 8-25-09; revised 9-25-09.)

20 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

21 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

22 (a) When a defendant is placed on supervision, the court  
23 shall enter an order for supervision specifying the period of  
24 such supervision, and shall defer further proceedings in the  
25 case until the conclusion of the period.

1           (b) The period of supervision shall be reasonable under all  
2 of the circumstances of the case, but may not be longer than 2  
3 years, unless the defendant has failed to pay the assessment  
4 required by Section 10.3 of the Cannabis Control Act, Section  
5 411.2 of the Illinois Controlled Substances Act, or Section 80  
6 of the Methamphetamine Control and Community Protection Act, in  
7 which case the court may extend supervision beyond 2 years.  
8 Additionally, the court shall order the defendant to perform no  
9 less than 30 hours of community service and not more than 120  
10 hours of community service, if community service is available  
11 in the jurisdiction and is funded and approved by the county  
12 board where the offense was committed, when the offense (1) was  
13 related to or in furtherance of the criminal activities of an  
14 organized gang or was motivated by the defendant's membership  
15 in or allegiance to an organized gang; or (2) is a violation of  
16 any Section of Article 24 of the Criminal Code of 1961 where a  
17 disposition of supervision is not prohibited by Section 5-6-1  
18 of this Code. The community service shall include, but not be  
19 limited to, the cleanup and repair of any damage caused by  
20 violation of Section 21-1.3 of the Criminal Code of 1961 and  
21 similar damages to property located within the municipality or  
22 county in which the violation occurred. Where possible and  
23 reasonable, the community service should be performed in the  
24 offender's neighborhood.

25           For the purposes of this Section, "organized gang" has the  
26 meaning ascribed to it in Section 10 of the Illinois Streetgang

1 Terrorism Omnibus Prevention Act.

2 (c) The court may in addition to other reasonable  
3 conditions relating to the nature of the offense or the  
4 rehabilitation of the defendant as determined for each  
5 defendant in the proper discretion of the court require that  
6 the person:

7 (1) make a report to and appear in person before or  
8 participate with the court or such courts, person, or  
9 social service agency as directed by the court in the order  
10 of supervision;

11 (2) pay a fine and costs;

12 (3) work or pursue a course of study or vocational  
13 training;

14 (4) undergo medical, psychological or psychiatric  
15 treatment; or treatment for drug addiction or alcoholism;

16 (5) attend or reside in a facility established for the  
17 instruction or residence of defendants on probation;

18 (6) support his dependents;

19 (7) refrain from possessing a firearm or other  
20 dangerous weapon;

21 (8) and in addition, if a minor:

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

23 (ii) attend school;

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

25 (iv) contribute to his own support at home or in a  
26 foster home; or



1           (v) with the consent of the superintendent of the  
2           facility, attend an educational program at a facility  
3           other than the school in which the offense was  
4           committed if he or she is placed on supervision for a  
5           crime of violence as defined in Section 2 of the Crime  
6           Victims Compensation Act committed in a school, on the  
7           real property comprising a school, or within 1,000 feet  
8           of the real property comprising a school;

9           (9) make restitution or reparation in an amount not to  
10          exceed actual loss or damage to property and pecuniary loss  
11          or make restitution under Section 5-5-6 to a domestic  
12          violence shelter. The court shall determine the amount and  
13          conditions of payment;

14          (10) perform some reasonable public or community  
15          service;

16          (11) comply with the terms and conditions of an order  
17          of protection issued by the court pursuant to the Illinois  
18          Domestic Violence Act of 1986 or an order of protection  
19          issued by the court of another state, tribe, or United  
20          States territory. If the court has ordered the defendant to  
21          make a report and appear in person under paragraph (1) of  
22          this subsection, a copy of the order of protection shall be  
23          transmitted to the person or agency so designated by the  
24          court;

25          (12) reimburse any "local anti-crime program" as  
26          defined in Section 7 of the Anti-Crime Advisory Council Act

1 for any reasonable expenses incurred by the program on the  
2 offender's case, not to exceed the maximum amount of the  
3 fine authorized for the offense for which the defendant was  
4 sentenced;

5 (13) contribute a reasonable sum of money, not to  
6 exceed the maximum amount of the fine authorized for the  
7 offense for which the defendant was sentenced, (i) to a  
8 "local anti-crime program", as defined in Section 7 of the  
9 Anti-Crime Advisory Council Act, or (ii) for offenses under  
10 the jurisdiction of the Department of Natural Resources, to  
11 the fund established by the Department of Natural Resources  
12 for the purchase of evidence for investigation purposes and  
13 to conduct investigations as outlined in Section 805-105 of  
14 the Department of Natural Resources (Conservation) Law;

15 (14) refrain from entering into a designated  
16 geographic area except upon such terms as the court finds  
17 appropriate. Such terms may include consideration of the  
18 purpose of the entry, the time of day, other persons  
19 accompanying the defendant, and advance approval by a  
20 probation officer;

21 (15) refrain from having any contact, directly or  
22 indirectly, with certain specified persons or particular  
23 types of person, including but not limited to members of  
24 street gangs and drug users or dealers;

25 (16) refrain from having in his or her body the  
26 presence of any illicit drug prohibited by the Cannabis

1 Control Act, the Illinois Controlled Substances Act, or the  
2 Methamphetamine Control and Community Protection Act,  
3 unless prescribed by a physician, and submit samples of his  
4 or her blood or urine or both for tests to determine the  
5 presence of any illicit drug;

6 (17) refrain from operating any motor vehicle not  
7 equipped with an ignition interlock device as defined in  
8 Section 1-129.1 of the Illinois Vehicle Code; under this  
9 condition the court may allow a defendant who is not  
10 self-employed to operate a vehicle owned by the defendant's  
11 employer that is not equipped with an ignition interlock  
12 device in the course and scope of the defendant's  
13 employment; and

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

25 (d) The court shall defer entering any judgment on the  
26 charges until the conclusion of the supervision.

1           (e) At the conclusion of the period of supervision, if the  
2 court determines that the defendant has successfully complied  
3 with all of the conditions of supervision, the court shall  
4 discharge the defendant and enter a judgment dismissing the  
5 charges.

6           (f) Discharge and dismissal upon a successful conclusion of  
7 a disposition of supervision shall be deemed without  
8 adjudication of guilt and shall not be termed a conviction for  
9 purposes of disqualification or disabilities imposed by law  
10 upon conviction of a crime. Two years after the discharge and  
11 dismissal under this Section, unless the disposition of  
12 supervision was for a violation of Sections 3-707, 3-708,  
13 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
14 similar provision of a local ordinance, or for a violation of  
15 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which  
16 case it shall be 5 years after discharge and dismissal, a  
17 person may have his record of arrest sealed or expunged as may  
18 be provided by law. However, any defendant placed on  
19 supervision before January 1, 1980, may move for sealing or  
20 expungement of his arrest record, as provided by law, at any  
21 time after discharge and dismissal under this Section. A person  
22 placed on supervision for a sexual offense committed against a  
23 minor as defined in clause (a)(1)(L) of Section 5.2 of the  
24 Criminal Identification Act or for a violation of Section  
25 11-501 of the Illinois Vehicle Code or a similar provision of a  
26 local ordinance shall not have his or her record of arrest

1 sealed or expunged.

2 (g) A defendant placed on supervision and who during the  
3 period of supervision undergoes mandatory drug or alcohol  
4 testing, or both, or is assigned to be placed on an approved  
5 electronic monitoring device, shall be ordered to pay the costs  
6 incidental to such mandatory drug or alcohol testing, or both,  
7 and costs incidental to such approved electronic monitoring in  
8 accordance with the defendant's ability to pay those costs. The  
9 county board with the concurrence of the Chief Judge of the  
10 judicial circuit in which the county is located shall establish  
11 reasonable fees for the cost of maintenance, testing, and  
12 incidental expenses related to the mandatory drug or alcohol  
13 testing, or both, and all costs incidental to approved  
14 electronic monitoring, of all defendants placed on  
15 supervision. The concurrence of the Chief Judge shall be in the  
16 form of an administrative order. The fees shall be collected by  
17 the clerk of the circuit court. The clerk of the circuit court  
18 shall pay all moneys collected from these fees to the county  
19 treasurer who shall use the moneys collected to defray the  
20 costs of drug testing, alcohol testing, and electronic  
21 monitoring. The county treasurer shall deposit the fees  
22 collected in the county working cash fund under Section 6-27001  
23 or Section 6-29002 of the Counties Code, as the case may be.

24 (h) A disposition of supervision is a final order for the  
25 purposes of appeal.

26 (i) The court shall impose upon a defendant placed on

1 supervision after January 1, 1992 or to community service under  
2 the supervision of a probation or court services department  
3 after January 1, 2004, as a condition of supervision or  
4 supervised community service, a fee of \$50 for each month of  
5 supervision or supervised community service ordered by the  
6 court, unless after determining the inability of the person  
7 placed on supervision or supervised community service to pay  
8 the fee, the court assesses a lesser fee. The court may not  
9 impose the fee on a minor who is made a ward of the State under  
10 the Juvenile Court Act of 1987 while the minor is in placement.  
11 The fee shall be imposed only upon a defendant who is actively  
12 supervised by the probation and court services department. The  
13 fee shall be collected by the clerk of the circuit court. The  
14 clerk of the circuit court shall pay all monies collected from  
15 this fee to the county treasurer for deposit in the probation  
16 and court services fund pursuant to Section 15.1 of the  
17 Probation and Probation Officers Act.

18 A circuit court may not impose a probation fee in excess of  
19 \$25 per month unless: (1) the circuit court has adopted, by  
20 administrative order issued by the chief judge, a standard  
21 probation fee guide determining an offender's ability to pay,  
22 under guidelines developed by the Administrative Office of the  
23 Illinois Courts; and (2) the circuit court has authorized, by  
24 administrative order issued by the chief judge, the creation of  
25 a Crime Victim's Services Fund, to be administered by the Chief  
26 Judge or his or her designee, for services to crime victims and

1 their families. Of the amount collected as a probation fee, not  
2 to exceed \$5 of that fee collected per month may be used to  
3 provide services to crime victims and their families.

4 (j) All fines and costs imposed under this Section for any  
5 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
6 Code, or a similar provision of a local ordinance, and any  
7 violation of the Child Passenger Protection Act, or a similar  
8 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 (k) A defendant at least 17 years of age who is placed on  
12 supervision for a misdemeanor in a county of 3,000,000 or more  
13 inhabitants and who has not been previously convicted of a  
14 misdemeanor or felony may as a condition of his or her  
15 supervision be required by the court to attend educational  
16 courses designed to prepare the defendant for a high school  
17 diploma and to work toward a high school diploma or to work  
18 toward passing the high school level Test of General  
19 Educational Development (GED) or to work toward completing a  
20 vocational training program approved by the court. The  
21 defendant placed on supervision must attend a public  
22 institution of education to obtain the educational or  
23 vocational training required by this subsection (k). The  
24 defendant placed on supervision shall be required to pay for  
25 the cost of the educational courses or GED test, if a fee is  
26 charged for those courses or test. The court shall revoke the

1 supervision of a person who wilfully fails to comply with this  
2 subsection (k). The court shall resentence the defendant upon  
3 revocation of supervision as provided in Section 5-6-4. This  
4 subsection (k) does not apply to a defendant who has a high  
5 school diploma or has successfully passed the GED test. This  
6 subsection (k) does not apply to a defendant who is determined  
7 by the court to be developmentally disabled or otherwise  
8 mentally incapable of completing the educational or vocational  
9 program.

10 (l) The court shall require a defendant placed on  
11 supervision for possession of a substance prohibited by the  
12 Cannabis Control Act, the Illinois Controlled Substances Act,  
13 or the Methamphetamine Control and Community Protection Act  
14 after a previous conviction or disposition of supervision for  
15 possession of a substance prohibited by the Cannabis Control  
16 Act, the Illinois Controlled Substances Act, or the  
17 Methamphetamine Control and Community Protection Act or a  
18 sentence of probation under Section 10 of the Cannabis Control  
19 Act or Section 410 of the Illinois Controlled Substances Act  
20 and after a finding by the court that the person is addicted,  
21 to undergo treatment at a substance abuse program approved by  
22 the court.

23 (m) The Secretary of State shall require anyone placed on  
24 court supervision for a violation of Section 3-707 of the  
25 Illinois Vehicle Code or a similar provision of a local  
26 ordinance to give proof of his or her financial responsibility



1 as defined in Section 7-315 of the Illinois Vehicle Code. The  
2 proof shall be maintained by the individual in a manner  
3 satisfactory to the Secretary of State for a minimum period of  
4 3 years after the date the proof is first filed. The proof  
5 shall be limited to a single action per arrest and may not be  
6 affected by any post-sentence disposition. The Secretary of  
7 State shall suspend the driver's license of any person  
8 determined by the Secretary to be in violation of this  
9 subsection.

10 (n) Any offender placed on supervision for any offense that  
11 the court or probation department has determined to be sexually  
12 motivated as defined in the Sex Offender Management Board Act  
13 shall be required to refrain from any contact, directly or  
14 indirectly, with any persons specified by the court and shall  
15 be available for all evaluations and treatment programs  
16 required by the court or the probation department.

17 (o) An offender placed on supervision for a sex offense as  
18 defined in the Sex Offender Management Board Act shall refrain  
19 from residing at the same address or in the same condominium  
20 unit or apartment unit or in the same condominium complex or  
21 apartment complex with another person he or she knows or  
22 reasonably should know is a convicted sex offender or has been  
23 placed on supervision for a sex offense. The provisions of this  
24 subsection (o) do not apply to a person convicted of a sex  
25 offense who is placed in a Department of Corrections licensed  
26 transitional housing facility for sex offenders.

1           (p) An offender placed on supervision for an offense  
2 committed on or after June 1, 2008 (the effective date of  
3 Public Act 95-464) that would qualify the accused as a child  
4 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
5 Criminal Code of 1961 shall refrain from communicating with or  
6 contacting, by means of the Internet, a person who is not  
7 related to the accused and whom the accused reasonably believes  
8 to be under 18 years of age. For purposes of this subsection  
9 (p), "Internet" has the meaning ascribed to it in Section 16J-5  
10 of the Criminal Code of 1961; and a person is not related to  
11 the accused if the person is not: (i) the spouse, brother, or  
12 sister of the accused; (ii) a descendant of the accused; (iii)  
13 a first or second cousin of the accused; or (iv) a step-child  
14 or adopted child of the accused.

15           (q) An offender placed on supervision for an offense  
16 committed on or after June 1, 2008 (the effective date of  
17 Public Act 95-464) that would qualify the accused as a child  
18 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
19 Criminal Code of 1961 shall, if so ordered by the court,  
20 refrain from communicating with or contacting, by means of the  
21 Internet, a person who is related to the accused and whom the  
22 accused reasonably believes to be under 18 years of age. For  
23 purposes of this subsection (q), "Internet" has the meaning  
24 ascribed to it in Section 16J-5 of the Criminal Code of 1961;  
25 and a person is related to the accused if the person is: (i)  
26 the spouse, brother, or sister of the accused; (ii) a

1 descendant of the accused; (iii) a first or second cousin of  
2 the accused; or (iv) a step-child or adopted child of the  
3 accused.

4 (r) An offender placed on supervision for an offense under  
5 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a  
6 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or  
7 11-21 of the Criminal Code of 1961, or any attempt to commit  
8 any of these offenses, committed on or after the effective date  
9 of this amendatory Act of the 95th General Assembly shall:

10 (i) not access or use a computer or any other device  
11 with Internet capability without the prior written  
12 approval of the court, except in connection with the  
13 offender's employment or search for employment with the  
14 prior approval of the court;

15 (ii) submit to periodic unannounced examinations of  
16 the offender's computer or any other device with Internet  
17 capability by the offender's probation officer, a law  
18 enforcement officer, or assigned computer or information  
19 technology specialist, including the retrieval and copying  
20 of all data from the computer or device and any internal or  
21 external peripherals and removal of such information,  
22 equipment, or device to conduct a more thorough inspection;

23 (iii) submit to the installation on the offender's  
24 computer or device with Internet capability, at the  
25 offender's expense, of one or more hardware or software  
26 systems to monitor the Internet use; and

1           (iv) submit to any other appropriate restrictions  
2           concerning the offender's use of or access to a computer or  
3           any other device with Internet capability imposed by the  
4           court.

5           (s) An offender placed on supervision for an offense that  
6           is a sex offense as defined in Section 2 of the Sex Offender  
7           Registration Act that is committed on or after January 1, 2010  
8           (the effective date of Public Act 96-362) ~~this amendatory Act~~  
9           ~~of the 96th General Assembly~~ that requires the person to  
10          register as a sex offender under that Act, may not knowingly  
11          use any computer scrub software on any computer that the sex  
12          offender uses.

13          (t) ~~(s)~~ An offender placed on supervision for a sex offense  
14          as defined in the Sex Offender Registration Act committed on or  
15          after January 1, 2010 (the effective date of Public Act 96-262)  
16          ~~this amendatory Act of the 96th General Assembly~~ shall refrain  
17          from accessing or using a social networking website as defined  
18          in Section 16D-2 of the Criminal Code of 1961.

19          (Source: P.A. 95-211, eff. 1-1-08; 95-331, eff. 8-21-07;  
20          95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff. 8-21-08;  
21          95-983, eff. 6-1-09; 96-262, eff. 1-1-10; 96-362, eff. 1-1-10;  
22          96-409, eff. 1-1-10; revised 9-25-09.)

23               (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

24               Sec. 5-8-1. Natural life imprisonment; mandatory  
25               supervised release.

1           (a) Except as otherwise provided in the statute defining  
2 the offense or in Article 4.5 of Chapter V, a sentence of  
3 imprisonment for a felony shall be a determinate sentence set  
4 by the court under this Section, according to the following  
5 limitations:

6           (1) for first degree murder,

7           (a) (blank),

8           (b) if a trier of fact finds beyond a reasonable  
9 doubt that the murder was accompanied by exceptionally  
10 brutal or heinous behavior indicative of wanton  
11 cruelty or, except as set forth in subsection (a)(1)(c)  
12 of this Section, that any of the aggravating factors  
13 listed in subsection (b) of Section 9-1 of the Criminal  
14 Code of 1961 are present, the court may sentence the  
15 defendant to a term of natural life imprisonment, or

16           (c) the court shall sentence the defendant to a  
17 term of natural life imprisonment when the death  
18 penalty is not imposed if the defendant,

19           (i) has previously been convicted of first  
20 degree murder under any state or federal law, or

21           (ii) is a person who, at the time of the  
22 commission of the murder, had attained the age of  
23 17 or more and is found guilty of murdering an  
24 individual under 12 years of age; or, irrespective  
25 of the defendant's age at the time of the  
26 commission of the offense, is found guilty of

1 murdering more than one victim, or

2 (iii) is found guilty of murdering a peace  
3 officer, fireman, or emergency management worker  
4 when the peace officer, fireman, or emergency  
5 management worker was killed in the course of  
6 performing his official duties, or to prevent the  
7 peace officer or fireman from performing his  
8 official duties, or in retaliation for the peace  
9 officer, fireman, or emergency management worker  
10 from performing his official duties, and the  
11 defendant knew or should have known that the  
12 murdered individual was a peace officer, fireman,  
13 or emergency management worker, or

14 (iv) is found guilty of murdering an employee  
15 of an institution or facility of the Department of  
16 Corrections, or any similar local correctional  
17 agency, when the employee was killed in the course  
18 of performing his official duties, or to prevent  
19 the employee from performing his official duties,  
20 or in retaliation for the employee performing his  
21 official duties, or

22 (v) is found guilty of murdering an emergency  
23 medical technician - ambulance, emergency medical  
24 technician - intermediate, emergency medical  
25 technician - paramedic, ambulance driver or other  
26 medical assistance or first aid person while

1           employed by a municipality or other governmental  
2           unit when the person was killed in the course of  
3           performing official duties or to prevent the  
4           person from performing official duties or in  
5           retaliation for performing official duties and the  
6           defendant knew or should have known that the  
7           murdered individual was an emergency medical  
8           technician - ambulance, emergency medical  
9           technician - intermediate, emergency medical  
10          technician - paramedic, ambulance driver, or other  
11          medical assistant or first aid personnel, or

12           (vi) is a person who, at the time of the  
13          commission of the murder, had not attained the age  
14          of 17, and is found guilty of murdering a person  
15          under 12 years of age and the murder is committed  
16          during the course of aggravated criminal sexual  
17          assault, criminal sexual assault, or aggravated  
18          kidnaping, or

19           (vii) is found guilty of first degree murder  
20          and the murder was committed by reason of any  
21          person's activity as a community policing  
22          volunteer or to prevent any person from engaging in  
23          activity as a community policing volunteer. For  
24          the purpose of this Section, "community policing  
25          volunteer" has the meaning ascribed to it in  
26          Section 2-3.5 of the Criminal Code of 1961.

1           For purposes of clause (v), "emergency medical  
2           technician - ambulance", "emergency medical technician  
3           - intermediate", "emergency medical technician -  
4           paramedic", have the meanings ascribed to them in the  
5           Emergency Medical Services (EMS) Systems Act.

6           (d) (i) if the person committed the offense while  
7           armed with a firearm, 15 years shall be added to  
8           the term of imprisonment imposed by the court;

9           (ii) if, during the commission of the offense,  
10          the person personally discharged a firearm, 20  
11          years shall be added to the term of imprisonment  
12          imposed by the court;

13          (iii) if, during the commission of the  
14          offense, the person personally discharged a  
15          firearm that proximately caused great bodily harm,  
16          permanent disability, permanent disfigurement, or  
17          death to another person, 25 years or up to a term  
18          of natural life shall be added to the term of  
19          imprisonment imposed by the court.

20          (2) (blank);

21          (2.5) for a person convicted under the circumstances  
22          described in subdivision (b)(1)(B) of Section 11-1.20 or  
23          paragraph (3) of subsection (b) of Section 12-13,  
24          subdivision (d)(2) of Section 11-1.30 or paragraph (2) of  
25          subsection (d) of Section 12-14, subdivision (b)(1.2) of  
26          Section 11-1.40 or paragraph (1.2) of subsection (b) of



1 Section 12-14.1, subdivision (b) (2) of Section 11-1.40 or  
2 paragraph (2) of subsection (b) of Section 12-14.1 of the  
3 Criminal Code of 1961, the sentence shall be a term of  
4 natural life imprisonment.

5 (b) (Blank~~→~~)..

6 (c) (Blank~~→~~)..

7 (d) Subject to earlier termination under Section 3-3-8, the  
8 parole or mandatory supervised release term shall be as  
9 follows:

10 (1) for first degree murder or a Class X felony except  
11 for the offenses of predatory criminal sexual assault of a  
12 child, aggravated criminal sexual assault, and criminal  
13 sexual assault if committed on or after the effective date  
14 of this amendatory Act of the 94th General Assembly and  
15 except for the offense of aggravated child pornography  
16 under Section 11-20.1B or 11-20.3 of the Criminal Code of  
17 1961, if committed on or after January 1, 2009, 3 years;

18 (2) for a Class 1 felony or a Class 2 felony except for  
19 the offense of criminal sexual assault if committed on or  
20 after the effective date of this amendatory Act of the 94th  
21 General Assembly and except for the offenses of manufacture  
22 and dissemination of child pornography under clauses  
23 (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code  
24 of 1961, if committed on or after January 1, 2009, 2 years;

25 (3) for a Class 3 felony or a Class 4 felony, 1 year;

26 (4) for defendants who commit the offense of predatory

1 criminal sexual assault of a child, aggravated criminal  
2 sexual assault, or criminal sexual assault, on or after the  
3 effective date of this amendatory Act of the 94th General  
4 Assembly, or who commit the offense of aggravated child  
5 pornography, manufacture of child pornography, or  
6 dissemination of child pornography after January 1, 2009,  
7 the term of mandatory supervised release shall range from a  
8 minimum of 3 years to a maximum of the natural life of the  
9 defendant;

10 (5) if the victim is under 18 years of age, for a  
11 second or subsequent offense of aggravated criminal sexual  
12 abuse or felony criminal sexual abuse, 4 years, at least  
13 the first 2 years of which the defendant shall serve in an  
14 electronic home detention program under Article 8A of  
15 Chapter V of this Code;

16 (6) for a felony domestic battery, aggravated domestic  
17 battery, stalking, aggravated stalking, and a felony  
18 violation of an order of protection, 4 years.

19 (e) (Blank~~→~~)..

20 (f) (Blank~~→~~)..

21 (Source: P.A. 95-983, eff. 6-1-09; 95-1052, eff. 7-1-09;  
22 96-282, eff. 1-1-10; revised 9-4-09.)

23 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

24 Sec. 5-8-4. Concurrent and consecutive terms of  
25 imprisonment..

1           (a) Concurrent terms; multiple or additional sentences.  
2           When an Illinois court (i) imposes multiple sentences of  
3           imprisonment on a defendant at the same time or (ii) imposes a  
4           sentence of imprisonment on a defendant who is already subject  
5           to a sentence of imprisonment imposed by an Illinois court, a  
6           court of another state, or a federal court, then the sentences  
7           shall run concurrently unless otherwise determined by the  
8           Illinois court under this Section.

9           (b) Concurrent terms; misdemeanor and felony. A defendant  
10          serving a sentence for a misdemeanor who is convicted of a  
11          felony and sentenced to imprisonment shall be transferred to  
12          the Department of Corrections, and the misdemeanor sentence  
13          shall be merged in and run concurrently with the felony  
14          sentence.

15          (c) Consecutive terms; permissive. The court may impose  
16          consecutive sentences in any of the following circumstances:

17               (1) If, having regard to the nature and circumstances  
18               of the offense and the history and character of the  
19               defendant, it is the opinion of the court that consecutive  
20               sentences are required to protect the public from further  
21               criminal conduct by the defendant, the basis for which the  
22               court shall set forth in the record.

23               (2) If one of the offenses for which a defendant was  
24               convicted was a violation of Section 32-5.2 (aggravated  
25               false personation of a peace officer) of the Criminal Code  
26               of 1961 (720 ILCS 5/32-5.2) and the offense was committed

1 in attempting or committing a forcible felony.

2 (d) Consecutive terms; mandatory. The court shall impose  
3 consecutive sentences in each of the following circumstances:

4 (1) One of the offenses for which the defendant was  
5 convicted was first degree murder or a Class X or Class 1  
6 felony and the defendant inflicted severe bodily injury.

7 (2) The defendant was convicted of a violation of  
8 Section 11-1.20 or 12-13 (criminal sexual assault),  
9 11-1.30 or 12-14 (aggravated criminal sexual assault), or  
10 11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
11 child) of the Criminal Code of 1961 (720 ILCS 5/11-1.20,  
12 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or 5/12-14.1).

13 (3) The defendant was convicted of armed violence based  
14 upon the predicate offense of any of the following:  
15 solicitation of murder, solicitation of murder for hire,  
16 heinous battery, aggravated battery of a senior citizen,  
17 criminal sexual assault, a violation of subsection (g) of  
18 Section 5 of the Cannabis Control Act (720 ILCS 550/5),  
19 cannabis trafficking, a violation of subsection (a) of  
20 Section 401 of the Illinois Controlled Substances Act (720  
21 ILCS 570/401), controlled substance trafficking involving  
22 a Class X felony amount of controlled substance under  
23 Section 401 of the Illinois Controlled Substances Act (720  
24 ILCS 570/401), a violation of the Methamphetamine Control  
25 and Community Protection Act (720 ILCS 646/), calculated  
26 criminal drug conspiracy, or streetgang criminal drug

1 conspiracy.

2 (4) The defendant was convicted of the offense of  
3 leaving the scene of a motor vehicle accident involving  
4 death or personal injuries under Section 11-401 of the  
5 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)  
6 aggravated driving under the influence of alcohol, other  
7 drug or drugs, or intoxicating compound or compounds, or  
8 any combination thereof under Section 11-501 of the  
9 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
10 homicide under Section 9-3 of the Criminal Code of 1961  
11 (720 ILCS 5/9-3), or (C) both an offense described in item  
12 (A) and an offense described in item (B).

13 (5) The defendant was convicted of a violation of  
14 Section 9-3.1 (concealment of homicidal death) or Section  
15 12-20.5 (dismembering a human body) of the Criminal Code of  
16 1961 (720 ILCS 5/9-3.1 or 5/12-20.5). ~~or~~

17 (5.5) The ~~(vi) the~~ defendant was convicted of a  
18 violation of Section 24-3.7 (use of a stolen firearm in the  
19 commission of an offense) of the Criminal Code of 1961. ~~7~~

20 (6) If the defendant was in the custody of the  
21 Department of Corrections at the time of the commission of  
22 the offense, the sentence shall be served consecutive to  
23 the sentence under which the defendant is held by the  
24 Department of Corrections. If, however, the defendant is  
25 sentenced to punishment by death, the sentence shall be  
26 executed at such time as the court may fix without regard

1 to the sentence under which the defendant may be held by  
2 the Department.

3 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)  
4 for escape or attempted escape shall be served consecutive  
5 to the terms under which the offender is held by the  
6 Department of Corrections.

7 (8) If a person charged with a felony commits a  
8 separate felony while on pretrial release or in pretrial  
9 detention in a county jail facility or county detention  
10 facility, then the sentences imposed upon conviction of  
11 these felonies shall be served consecutively regardless of  
12 the order in which the judgments of conviction are entered.

13 (8.5) If a person commits a battery against a county  
14 correctional officer or sheriff's employee while serving a  
15 sentence or in pretrial detention in a county jail  
16 facility, then the sentence imposed upon conviction of the  
17 battery shall be served consecutively with the sentence  
18 imposed upon conviction of the earlier misdemeanor or  
19 felony, regardless of the order in which the judgments of  
20 conviction are entered.

21 (9) If a person admitted to bail following conviction  
22 of a felony commits a separate felony while free on bond or  
23 if a person detained in a county jail facility or county  
24 detention facility following conviction of a felony  
25 commits a separate felony while in detention, then any  
26 sentence following conviction of the separate felony shall

1 be consecutive to that of the original sentence for which  
2 the defendant was on bond or detained.

3 (10) If a person is found to be in possession of an  
4 item of contraband, as defined in clause (c)(2) of Section  
5 31A-1.1 of the Criminal Code of 1961, while serving a  
6 sentence in a county jail or while in pre-trial detention  
7 in a county jail, the sentence imposed upon conviction for  
8 the offense of possessing contraband in a penal institution  
9 shall be served consecutively to the sentence imposed for  
10 the offense in which the person is serving sentence in the  
11 county jail or serving pretrial detention, regardless of  
12 the order in which the judgments of conviction are entered.

13 (e) Consecutive terms; subsequent non-Illinois term. If an  
14 Illinois court has imposed a sentence of imprisonment on a  
15 defendant and the defendant is subsequently sentenced to a term  
16 of imprisonment by a court of another state or a federal court,  
17 then the Illinois sentence shall run consecutively to the  
18 sentence imposed by the court of the other state or the federal  
19 court. That same Illinois court, however, may order that the  
20 Illinois sentence run concurrently with the sentence imposed by  
21 the court of the other state or the federal court, but only if  
22 the defendant applies to that same Illinois court within 30  
23 days after the sentence imposed by the court of the other state  
24 or the federal court is finalized.

25 (f) Consecutive terms; aggregate maximums and minimums.  
26 The aggregate maximum and aggregate minimum of consecutive

1 sentences shall be determined as follows:

2 (1) For sentences imposed under law in effect prior to  
3 February 1, 1978, the aggregate maximum of consecutive  
4 sentences shall not exceed the maximum term authorized  
5 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
6 Chapter V for the 2 most serious felonies involved. The  
7 aggregate minimum period of consecutive sentences shall  
8 not exceed the highest minimum term authorized under  
9 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
10 V for the 2 most serious felonies involved. When sentenced  
11 only for misdemeanors, a defendant shall not be  
12 consecutively sentenced to more than the maximum for one  
13 Class A misdemeanor.

14 (2) For sentences imposed under the law in effect on or  
15 after February 1, 1978, the aggregate of consecutive  
16 sentences for offenses that were committed as part of a  
17 single course of conduct during which there was no  
18 substantial change in the nature of the criminal objective  
19 shall not exceed the sum of the maximum terms authorized  
20 under Section 5-8-2 (730 ILCS 5/5-8-2) for the 2 most  
21 serious felonies involved, but no such limitation shall  
22 apply for offenses that were not committed as part of a  
23 single course of conduct during which there was no  
24 substantial change in the nature of the criminal objective.  
25 When sentenced only for misdemeanors, a defendant shall not  
26 be consecutively sentenced to more than the maximum for one



1 Class A misdemeanor.

2 (g) Consecutive terms; manner served. In determining the  
3 manner in which consecutive sentences of imprisonment, one or  
4 more of which is for a felony, will be served, the Department  
5 of Corrections shall treat the defendant as though he or she  
6 had been committed for a single term subject to each of the  
7 following:

8 (1) The maximum period of a term of imprisonment shall  
9 consist of the aggregate of the maximums of the imposed  
10 indeterminate terms, if any, plus the aggregate of the  
11 imposed determinate sentences for felonies, plus the  
12 aggregate of the imposed determinate sentences for  
13 misdemeanors, subject to subsection (f) of this Section.

14 (2) The parole or mandatory supervised release term  
15 shall be as provided in paragraph (e) of Section 5-4.5-50  
16 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
17 involved.

18 (3) The minimum period of imprisonment shall be the  
19 aggregate of the minimum and determinate periods of  
20 imprisonment imposed by the court, subject to subsection  
21 (f) of this Section.

22 (4) The defendant shall be awarded credit against the  
23 aggregate maximum term and the aggregate minimum term of  
24 imprisonment for all time served in an institution since  
25 the commission of the offense or offenses and as a  
26 consequence thereof at the rate specified in Section 3-6-3

1 (730 ILCS 5/3-6-3).

2 (Source: P.A. 95-379, eff. 8-23-07; 95-766, eff. 1-1-09;  
3 95-1052, eff. 7-1-09; 96-190, eff. 1-1-10; revised 8-20-09.)

4 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)  
5 Sec. 5-9-1.7. Sexual assault fines.

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

8 (1) "Sexual assault" means the commission or attempted  
9 commission of the following: sexual exploitation of a  
10 child, criminal sexual assault, predatory criminal sexual  
11 assault of a child, aggravated criminal sexual assault,  
12 criminal sexual abuse, aggravated criminal sexual abuse,  
13 indecent solicitation of a child, public indecency, sexual  
14 relations within families, promoting juvenile  
15 prostitution, soliciting for a juvenile prostitute,  
16 keeping a place of juvenile prostitution, patronizing a  
17 juvenile prostitute, juvenile pimping, exploitation of a  
18 child, obscenity, child pornography, aggravated child  
19 pornography, harmful material, or ritualized abuse of a  
20 child, as those offenses are defined in the Criminal Code  
21 of 1961.

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

24 (3) "Sexual assault organization" means any  
25 not-for-profit organization providing comprehensive,

1 community-based services to victims of sexual assault.  
2 "Community-based services" include, but are not limited  
3 to, direct crisis intervention through a 24-hour response,  
4 medical and legal advocacy, counseling, information and  
5 referral services, training, and community education.

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

7 (1) In addition to any other penalty imposed, a fine of  
8 \$200 shall be imposed upon any person who pleads guilty or  
9 who is convicted of, or who receives a disposition of court  
10 supervision for, a sexual assault or attempt of a sexual  
11 assault. Upon request of the victim or the victim's  
12 representative, the court shall determine whether the fine  
13 will impose an undue burden on the victim of the offense.  
14 For purposes of this paragraph, the defendant may not be  
15 considered the victim's representative. If the court finds  
16 that the fine would impose an undue burden on the victim,  
17 the court may reduce or waive the fine. The court shall  
18 order that the defendant may not use funds belonging solely  
19 to the victim of the offense for payment of the fine.

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

1           (i) for family member offenders, one-half to the  
2           Sexual Assault Services Fund, and one-half to the  
3           Domestic Violence Shelter and Service Fund; and

4           (ii) for other than family member offenders, the  
5           full amount to the Sexual Assault Services Fund.

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

17          (Source: P.A. 95-331, eff. 8-21-07.)

18          Section 1070. The County Jail Good Behavior Allowance Act  
19          is amended by changing Section 3 as follows:

20                 (730 ILCS 130/3) (from Ch. 75, par. 32)

21          Sec. 3. The good behavior of any person who commences a  
22          sentence of confinement in a county jail for a fixed term of  
23          imprisonment after January 1, 1987 shall entitle such person to  
24          a good behavior allowance, except that: (1) a person who

1 inflicted physical harm upon another person in committing the  
2 offense for which he is confined shall receive no good behavior  
3 allowance; and (2) a person sentenced for an offense for which  
4 the law provides a mandatory minimum sentence shall not receive  
5 any portion of a good behavior allowance that would reduce the  
6 sentence below the mandatory minimum; and (3) a person  
7 sentenced to a county impact incarceration program; and (4) a  
8 person who is convicted of criminal sexual assault under  
9 subdivision (a)(3) of Section 11-1.20 or paragraph (a)(3) of  
10 Section 12-13 of the Criminal Code of 1961, criminal sexual  
11 abuse, or aggravated criminal sexual abuse shall receive no  
12 good behavior allowance. The good behavior allowance provided  
13 for in this Section shall not apply to individuals sentenced  
14 for a felony to probation or conditional discharge where a  
15 condition of such probation or conditional discharge is that  
16 the individual serve a sentence of periodic imprisonment or to  
17 individuals sentenced under an order of court for civil  
18 contempt.

19 Such good behavior allowance shall be cumulative and  
20 awarded as provided in this Section.

21 The good behavior allowance rate shall be cumulative and  
22 awarded on the following basis:

23 The prisoner shall receive one day of good behavior  
24 allowance for each day of service of sentence in the county  
25 jail, and one day of good behavior allowance for each day of  
26 incarceration in the county jail before sentencing for the

1 offense that he or she is currently serving sentence but was  
2 unable to post bail before sentencing, except that a prisoner  
3 serving a sentence of periodic imprisonment under Section 5-7-1  
4 of the Unified Code of Corrections shall only be eligible to  
5 receive good behavior allowance if authorized by the sentencing  
6 judge. Each day of good behavior allowance shall reduce by one  
7 day the prisoner's period of incarceration set by the court.  
8 For the purpose of calculating a prisoner's good behavior  
9 allowance, a fractional part of a day shall not be calculated  
10 as a day of service of sentence in the county jail unless the  
11 fractional part of the day is over 12 hours in which case a  
12 whole day shall be credited on the good behavior allowance.

13 If consecutive sentences are served and the time served  
14 amounts to a total of one year or more, the good behavior  
15 allowance shall be calculated on a continuous basis throughout  
16 the entire time served beginning on the first date of sentence  
17 or incarceration, as the case may be.

18 (Source: P.A. 91-117, eff. 7-15-99.)

19 Section 1075. The Sex Offender Registration Act is amended  
20 by changing Sections 2 and 3 as follows:

21 (730 ILCS 150/2) (from Ch. 38, par. 222)

22 Sec. 2. Definitions.

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

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

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

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

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

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

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

26           (f) is the subject of a finding not resulting in an

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

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

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

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

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



1 the offenses specified in item (B), (C), or (C-5) of this  
2 Section or a violation of any substantially similar  
3 federal, Uniform Code of Military Justice, sister state, or  
4 foreign country law.

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

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

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

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

15 11-20.1 (child pornography),

16 11-20.1B or 11-20.3 (aggravated child  
17 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 11-14.4 (promoting juvenile prostitution),

24 11-15.1 (soliciting for a juvenile prostitute),

25 11-18.1 (patronizing a juvenile prostitute),

26 11-17.1 (keeping a place of juvenile

1 prostitution),  
2 11-19.1 (juvenile pimping),  
3 11-19.2 (exploitation of a child),  
4 11-25 (grooming),  
5 11-26 (traveling to meet a minor),  
6 11-1.20 or 12-13 (criminal sexual assault),  
7 11-1.30 or 12-14 (aggravated criminal sexual  
8 assault),  
9 11-1.40 or 12-14.1 (predatory criminal sexual  
10 assault of a child),  
11 11-1.50 or 12-15 (criminal sexual abuse),  
12 11-1.60 or 12-16 (aggravated criminal sexual  
13 abuse),  
14 12-33 (ritualized abuse of a child).

15 An attempt to commit any of these offenses.

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

22 10-1 (kidnapping),  
23 10-2 (aggravated kidnapping),  
24 10-3 (unlawful restraint),  
25 10-3.1 (aggravated unlawful restraint).

26 (1.6) First degree murder under Section 9-1 of the

1 Criminal Code of 1961, when the victim was a person under  
2 18 years of age and the defendant was at least 17 years of  
3 age at the time of the commission of the offense, provided  
4 the offense was sexually motivated as defined in Section 10  
5 of the Sex Offender Management Board Act.

6 (1.7) (Blank).

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

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

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

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

1 11-6.5 (indecent solicitation of an adult),  
2 11-14.3 that involves soliciting for a prostitute,  
3 or 11-15 (soliciting for a prostitute, if the victim is  
4 under 18 years of age),

5 subdivision (a)(2)(A) or (a)(2)(B) of Section  
6 11-14.3, or Section 11-16 (pandering, if the victim is  
7 under 18 years of age),

8 11-18 (patronizing a prostitute, if the victim is  
9 under 18 years of age),

10 subdivision (a)(2)(C) of Section 11-14.3, or  
11 Section 11-19 (pimping, if the victim is under 18 years  
12 of age).

13 (1.11) A violation or attempted violation of any of the  
14 following Sections of the Criminal Code of 1961 when the  
15 offense was committed on or after August 22, 2002:

16 11-9 or 11-30 (public indecency for a third or  
17 subsequent conviction).

18 (1.12) A violation or attempted violation of Section  
19 5.1 of the Wrongs to Children Act or Section 11-9.1A of the  
20 Criminal Code of 1961 (permitting sexual abuse) when the  
21 offense was committed on or after August 22, 2002.

22 (2) A violation of any former law of this State  
23 substantially equivalent to any offense listed in  
24 subsection (B) of this Section.

25 (C) A conviction for an offense of federal law, Uniform  
26 Code of Military Justice, or the law of another state or a

1 foreign country that is substantially equivalent to any offense  
2 listed in subsections (B), (C), and (E) of this Section shall  
3 constitute a conviction for the purpose of this Article. A  
4 finding or adjudication as a sexually dangerous person or a  
5 sexually violent person under any federal law, Uniform Code of  
6 Military Justice, or the law of another state or foreign  
7 country that is substantially equivalent to the Sexually  
8 Dangerous Persons Act or the Sexually Violent Persons  
9 Commitment Act shall constitute an adjudication for the  
10 purposes of this Article.

11 (C-5) A person at least 17 years of age at the time of the  
12 commission of the offense who is convicted of first degree  
13 murder under Section 9-1 of the Criminal Code of 1961, against  
14 a person under 18 years of age, shall be required to register  
15 for natural life. A conviction for an offense of federal,  
16 Uniform Code of Military Justice, sister state, or foreign  
17 country law that is substantially equivalent to any offense  
18 listed in subsection (C-5) of this Section shall constitute a  
19 conviction for the purpose of this Article. This subsection  
20 (C-5) applies to a person who committed the offense before June  
21 1, 1996 only if the person is incarcerated in an Illinois  
22 Department of Corrections facility on August 20, 2004 (the  
23 effective date of Public Act 93-977).

24 (D) As used in this Article, "law enforcement agency having  
25 jurisdiction" means the Chief of Police in each of the  
26 municipalities in which the sex offender expects to reside,

1 work, or attend school (1) upon his or her discharge, parole or  
2 release or (2) during the service of his or her sentence of  
3 probation or conditional discharge, or the Sheriff of the  
4 county, in the event no Police Chief exists or if the offender  
5 intends to reside, work, or attend school in an unincorporated  
6 area. "Law enforcement agency having jurisdiction" includes  
7 the location where out-of-state students attend school and  
8 where out-of-state employees are employed or are otherwise  
9 required to register.

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

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

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

23 11-14.4 that involves keeping a place of juvenile  
24 prostitution, or 11-17.1 (keeping a place of juvenile  
25 prostitution),

26 subdivision (a)(2) or (a)(3) of Section 11-14.4,

1           or Section 11-19.1 (juvenile pimping),  
2                   subdivision (a) (4) of Section 11-14.4, or Section  
3           11-19.2 (exploitation of a child),  
4                   11-20.1 (child pornography),  
5                   11-20.1B    or    11-20.3    (aggravated    child  
6           pornography),  
7                   11-1.20 or 12-13 (criminal sexual assault),  
8                   11-1.30   or 12-14 (aggravated criminal sexual  
9           assault),  
10                  11-1.40   or 12-14.1 (predatory criminal sexual  
11           assault of a child),  
12                  11-1.60   or 12-16 (aggravated criminal sexual  
13           abuse),  
14                  12-33 (ritualized abuse of a child);  
15           (2) (blank);  
16           (3) certified as a sexually dangerous person pursuant  
17           to the Sexually Dangerous Persons Act or any substantially  
18           similar federal, Uniform Code of Military Justice, sister  
19           state, or foreign country law;  
20           (4) found to be a sexually violent person pursuant to  
21           the Sexually Violent Persons Commitment Act or any  
22           substantially similar federal, Uniform Code of Military  
23           Justice, sister state, or foreign country law;  
24           (5) convicted of a second or subsequent offense which  
25           requires registration pursuant to this Act. The conviction  
26           for the second or subsequent offense must have occurred

1 after July 1, 1999. For purposes of this paragraph (5),  
2 "convicted" shall include a conviction under any  
3 substantially similar Illinois, federal, Uniform Code of  
4 Military Justice, sister state, or foreign country law; or

5 (6) convicted of a second or subsequent offense of  
6 luring a minor under Section 10-5.1 of the Criminal Code of  
7 1961.

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

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

23 (H) As used in this Article, "school" means any public or  
24 private educational institution, including, but not limited  
25 to, any elementary or secondary school, trade or professional  
26 institution, or institution of higher education.



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

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

8 (Source: P.A. 95-331, eff. 8-21-07; 95-579, eff. 6-1-08;  
9 95-625, eff. 6-1-08; 95-658, eff. 10-11-07; 95-876, eff.  
10 8-21-08; 96-301, eff. 8-11-09.)

11 (730 ILCS 150/3)

12 Sec. 3. Duty to register.

13 (a) A sex offender, as defined in Section 2 of this Act, or  
14 sexual predator shall, within the time period prescribed in  
15 subsections (b) and (c), register in person and provide  
16 accurate information as required by the Department of State  
17 Police. Such information shall include a current photograph,  
18 current address, current place of employment, the employer's  
19 telephone number, school attended, all e-mail addresses,  
20 instant messaging identities, chat room identities, and other  
21 Internet communications identities that the sex offender uses  
22 or plans to use, all Uniform Resource Locators (URLs)  
23 registered or used by the sex offender, all blogs and other  
24 Internet sites maintained by the sex offender or to which the  
25 sex offender has uploaded any content or posted any messages or

1 information, extensions of the time period for registering as  
2 provided in this Article and, if an extension was granted, the  
3 reason why the extension was granted and the date the sex  
4 offender was notified of the extension. The information shall  
5 also include the county of conviction, license plate numbers  
6 for every vehicle registered in the name of the sex offender,  
7 the age of the sex offender at the time of the commission of  
8 the offense, the age of the victim at the time of the  
9 commission of the offense, and any distinguishing marks located  
10 on the body of the sex offender. A sex offender convicted under  
11 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the  
12 Criminal Code of 1961 shall provide all Internet protocol (IP)  
13 addresses in his or her residence, registered in his or her  
14 name, accessible at his or her place of employment, or  
15 otherwise under his or her control or custody. The sex offender  
16 or sexual predator shall register:

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

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

26 If the sex offender or sexual predator is employed at or

1 attends an institution of higher education, he or she shall  
2 register:

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

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

12 For purposes of this Article, the place of residence or  
13 temporary domicile is defined as any and all places where the  
14 sex offender resides for an aggregate period of time of 5 or  
15 more days during any calendar year. Any person required to  
16 register under this Article who lacks a fixed address or  
17 temporary domicile must notify, in person, the agency of  
18 jurisdiction of his or her last known address within 3 days  
19 after ceasing to have a fixed residence.

20 Any person who lacks a fixed residence must report weekly,  
21 in person, with the sheriff's office of the county in which he  
22 or she is located in an unincorporated area, or with the chief  
23 of police in the municipality in which he or she is located.  
24 The agency of jurisdiction will document each weekly  
25 registration to include all the locations where the person has  
26 stayed during the past 7 days.

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

5           (a-5) An out-of-state student or out-of-state employee  
6 shall, within 3 days after beginning school or employment in  
7 this State, register in person and provide accurate information  
8 as required by the Department of State Police. Such information  
9 will include current place of employment, school attended, and  
10 address in state of residence. A sex offender convicted under  
11 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the  
12 Criminal Code of 1961 shall provide all Internet protocol (IP)  
13 addresses in his or her residence, registered in his or her  
14 name, accessible at his or her place of employment, or  
15 otherwise under his or her control or custody. The out-of-state  
16 student or out-of-state employee shall register:

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

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

1           30 days during any calendar year in an unincorporated area  
2           or, if incorporated, no police chief exists.

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

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

15           (b) Any sex offender, as defined in Section 2 of this Act,  
16 or sexual predator, regardless of any initial, prior, or other  
17 registration, shall, within 3 days of beginning school, or  
18 establishing a residence, place of employment, or temporary  
19 domicile in any county, register in person as set forth in  
20 subsection (a) or (a-5).

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

23           (1) Any person registered under the Habitual Child Sex  
24 Offender Registration Act or the Child Sex Offender  
25 Registration Act prior to January 1, 1996, shall be deemed  
26 initially registered as of January 1, 1996; however, this

1 shall not be construed to extend the duration of  
2 registration set forth in Section 7.

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

7 (2.5) Except as provided in subsection (c)(4), any  
8 person who has not been notified of his or her  
9 responsibility to register shall be notified by a criminal  
10 justice entity of his or her responsibility to register.  
11 Upon notification the person must then register within 3  
12 days of notification of his or her requirement to register.  
13 If notification is not made within the offender's 10 year  
14 registration requirement, and the Department of State  
15 Police determines no evidence exists or indicates the  
16 offender attempted to avoid registration, the offender  
17 will no longer be required to register under this Act.

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

22 (4) Any person unable to comply with the registration  
23 requirements of this Article because he or she is confined,  
24 institutionalized, or imprisoned in Illinois on or after  
25 January 1, 1996, shall register in person within 3 days of  
26 discharge, parole or release.

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

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

25           (d) Within 3 days after obtaining or changing employment  
26 and, if employed on January 1, 2000, within 5 days after that

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

7 (Source: P.A. 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-994,  
8 eff. 1-1-07; 95-229, eff. 8-16-07; 95-579, eff. 6-1-08; 95-640,  
9 eff. 6-1-08; 95-658, eff. 10-11-07; 95-876, eff. 8-21-08.)

10 Section 1080. The Secure Residential Youth Care Facility  
11 Licensing Act is amended by changing Section 45-30 as follows:

12 (730 ILCS 175/45-30)

13 Sec. 45-30. License or employment eligibility.

14 (a) No applicant may receive a license from the Department  
15 and no person may be employed by a licensed facility who  
16 refuses to authorize an investigation as required by Section  
17 45-25.

18 (b) No applicant may receive a license from the Department  
19 and no person may be employed by a secure residential youth  
20 care facility licensed by the Department who has been declared  
21 a sexually dangerous person under the Sexually Dangerous  
22 Persons Act or convicted of committing or attempting to commit  
23 any of the following offenses under the Criminal Code of 1961:

24 (1) First degree murder.



1           (2) A sex offense under Article 11, except offenses  
2 described in Sections 11-7, 11-8, 11-12, 11-13, ~~and 11-18,~~  
3 11-35, 11-40, and 11-45.

4           (3) Kidnapping.

5           (4) Aggravated kidnapping.

6           (5) Child abduction.

7           (6) Aggravated battery of a child.

8           (7) Criminal sexual assault.

9           (8) Aggravated criminal sexual assault.

10          (8.1) Predatory criminal sexual assault of a child.

11          (9) Criminal sexual abuse.

12          (10) Aggravated criminal sexual abuse.

13          (11) A federal offense or an offense in any other state  
14 the elements of which are similar to any of the foregoing  
15 offenses.

16 (Source: P.A. 88-680, eff. 1-1-95; 89-428, eff. 12-13-95;  
17 89-462, eff. 5-29-96.)

18          Section 1085. The Code of Civil Procedure is amended by  
19 changing Sections 8-802.1, 13-202.2, and 13-202.3 as follows:

20           (735 ILCS 5/8-802.1) (from Ch. 110, par. 8-802.1)

21          Sec. 8-802.1. Confidentiality of Statements Made to Rape  
22 Crisis Personnel.

23          (a) Purpose. This Section is intended to protect victims of  
24 rape from public disclosure of statements they make in

1 confidence to counselors of organizations established to help  
2 them. On or after July 1, 1984, "rape" means an act of forced  
3 sexual penetration or sexual conduct, as defined in Section  
4 11-0.1 ~~12-12~~ of the Criminal Code of 1961, as amended,  
5 including acts prohibited under Sections 11-1.20 through  
6 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961, as  
7 amended. Because of the fear and stigma that often results from  
8 those crimes, many victims hesitate to seek help even where it  
9 is available at no cost to them. As a result they not only fail  
10 to receive needed medical care and emergency counseling, but  
11 may lack the psychological support necessary to report the  
12 crime and aid police in preventing future crimes.

13 (b) Definitions. As used in this Act:

14 (1) "Rape crisis organization" means any organization  
15 or association the major purpose of which is providing  
16 information, counseling, and psychological support to  
17 victims of any or all of the crimes of aggravated criminal  
18 sexual assault, predatory criminal sexual assault of a  
19 child, criminal sexual assault, sexual relations between  
20 siblings, criminal sexual abuse and aggravated criminal  
21 sexual abuse.

22 (2) "Rape crisis counselor" means a person who is a  
23 psychologist, social worker, employee, or volunteer in any  
24 organization or association defined as a rape crisis  
25 organization under this Section, who has undergone 40 hours  
26 of training and is under the control of a direct services

1 supervisor of a rape crisis organization.

2 (3) "Victim" means a person who is the subject of, or  
3 who seeks information, counseling, or advocacy services as  
4 a result of an aggravated criminal sexual assault,  
5 predatory criminal sexual assault of a child, criminal  
6 sexual assault, sexual relations within families, criminal  
7 sexual abuse, aggravated criminal sexual abuse, sexual  
8 exploitation of a child, indecent solicitation of a child,  
9 public indecency, exploitation of a child, promoting  
10 juvenile prostitution as described in subdivision (a) (4)  
11 of Section 11-14.4, or an attempt to commit any of these  
12 offenses.

13 (4) "Confidential communication" means any  
14 communication between a victim and a rape crisis counselor  
15 in the course of providing information, counseling, and  
16 advocacy. The term includes all records kept by the  
17 counselor or by the organization in the course of providing  
18 services to an alleged victim concerning the alleged victim  
19 and the services provided.

20 (c) Waiver of privilege.

21 (1) The confidential nature of the communication is not  
22 waived by: the presence of a third person who further  
23 expresses the interests of the victim at the time of the  
24 communication; group counseling; or disclosure to a third  
25 person with the consent of the victim when reasonably  
26 necessary to accomplish the purpose for which the counselor

1 is consulted.

2 (2) The confidential nature of counseling records is  
3 not waived when: the victim inspects the records; or in the  
4 case of a minor child less than 12 years of age, a parent  
5 or guardian whose interests are not adverse to the minor  
6 inspects the records; or in the case of a minor victim 12  
7 years or older, a parent or guardian whose interests are  
8 not adverse to the minor inspects the records with the  
9 victim's consent.

10 (3) When a victim is deceased or has been adjudged  
11 incompetent by a court of competent jurisdiction, the  
12 victim's guardian or the executor or administrator of the  
13 victim's estate may waive the privilege established by this  
14 Section, unless the guardian, executor, or administrator  
15 has an interest adverse to the victim.

16 (4) A minor victim 12 years of age or older may  
17 knowingly waive the privilege established in this Section.  
18 When a minor is, in the opinion of the Court, incapable of  
19 knowingly waiving the privilege, the parent or guardian of  
20 the minor may waive the privilege on behalf of the minor,  
21 unless the parent or guardian has been charged with a  
22 violent crime against the victim or otherwise has any  
23 interest adverse to that of the minor with respect to the  
24 waiver of the privilege.

25 (d) Confidentiality. Except as provided in this Act, no  
26 rape crisis counselor shall disclose any confidential

1 communication or be examined as a witness in any civil or  
2 criminal proceeding as to any confidential communication  
3 without the written consent of the victim or a representative  
4 of the victim as provided in subparagraph (c).

5 (e) A rape crisis counselor may disclose a confidential  
6 communication without the consent of the victim if failure to  
7 disclose is likely to result in a clear, imminent risk of  
8 serious physical injury or death of the victim or another  
9 person. Any rape crisis counselor or rape crisis organization  
10 participating in good faith in the disclosing of records and  
11 communications under this Act shall have immunity from any  
12 liability, civil, criminal, or otherwise that might result from  
13 the action. In any proceeding, civil or criminal, arising out  
14 of a disclosure under this Section, the good faith of any rape  
15 crisis counselor or rape crisis organization who disclosed the  
16 confidential communication shall be presumed.

17 (f) Any rape crisis counselor who knowingly discloses any  
18 confidential communication in violation of this Act commits a  
19 Class C misdemeanor.

20 (Source: P.A. 88-33; 89-428, eff. 12-13-95; 89-462, eff.  
21 5-29-96.)

22 (735 ILCS 5/13-202.2) (from Ch. 110, par. 13-202.2)

23 Sec. 13-202.2. Childhood sexual abuse.

24 (a) In this Section:

25 "Childhood sexual abuse" means an act of sexual abuse that

1 occurs when the person abused is under 18 years of age.

2 "Sexual abuse" includes but is not limited to sexual  
3 conduct and sexual penetration as defined in Section 11-0.1  
4 ~~12-12~~ of the Criminal Code of 1961.

5 (b) Notwithstanding any other provision of law, an action  
6 for damages for personal injury based on childhood sexual abuse  
7 must be commenced within 10 years of the date the limitation  
8 period begins to run under subsection (d) or within 5 years of  
9 the date the person abused discovers or through the use of  
10 reasonable diligence should discover both (i) that the act of  
11 childhood sexual abuse occurred and (ii) that the injury was  
12 caused by the childhood sexual abuse. The fact that the person  
13 abused discovers or through the use of reasonable diligence  
14 should discover that the act of childhood sexual abuse occurred  
15 is not, by itself, sufficient to start the discovery period  
16 under this subsection (b). Knowledge of the abuse does not  
17 constitute discovery of the injury or the causal relationship  
18 between any later-discovered injury and the abuse.

19 (c) If the injury is caused by 2 or more acts of childhood  
20 sexual abuse that are part of a continuing series of acts of  
21 childhood sexual abuse by the same abuser, then the discovery  
22 period under subsection (b) shall be computed from the date the  
23 person abused discovers or through the use of reasonable  
24 diligence should discover both (i) that the last act of  
25 childhood sexual abuse in the continuing series occurred and  
26 (ii) that the injury was caused by any act of childhood sexual

1 abuse in the continuing series. The fact that the person abused  
2 discovers or through the use of reasonable diligence should  
3 discover that the last act of childhood sexual abuse in the  
4 continuing series occurred is not, by itself, sufficient to  
5 start the discovery period under subsection (b). Knowledge of  
6 the abuse does not constitute discovery of the injury or the  
7 causal relationship between any later-discovered injury and  
8 the abuse.

9 (d) The limitation periods under subsection (b) do not  
10 begin to run before the person abused attains the age of 18  
11 years; and, if at the time the person abused attains the age of  
12 18 years he or she is under other legal disability, the  
13 limitation periods under subsection (b) do not begin to run  
14 until the removal of the disability.

15 (d-1) The limitation periods in subsection (b) do not run  
16 during a time period when the person abused is subject to  
17 threats, intimidation, manipulation, or fraud perpetrated by  
18 the abuser or by any person acting in the interest of the  
19 abuser.

20 (e) This Section applies to actions pending on the  
21 effective date of this amendatory Act of 1990 as well as to  
22 actions commenced on or after that date. The changes made by  
23 this amendatory Act of 1993 shall apply only to actions  
24 commenced on or after the effective date of this amendatory Act  
25 of 1993. The changes made by this amendatory Act of the 93rd  
26 General Assembly apply to actions pending on the effective date

1 of this amendatory Act of the 93rd General Assembly as well as  
2 actions commenced on or after that date.

3 (Source: P.A. 93-356, eff. 7-24-03.)

4 (735 ILCS 5/13-202.3)

5 Sec. 13-202.3. For an action arising out of an injury  
6 caused by "sexual conduct" or "sexual penetration" as defined  
7 in Section 11-0.1 ~~12-12~~ of the Criminal Code of 1961, the  
8 limitation period in Section 13-202 does not run during a time  
9 period when the person injured is subject to threats,  
10 intimidation, manipulation, or fraud perpetrated by the  
11 perpetrator or by a person the perpetrator knew or should have  
12 known was acting in the interest of the perpetrator. This  
13 Section applies to causes of action arising on or after the  
14 effective date of this amendatory Act of the 95th General  
15 Assembly or to causes of action for which the limitation period  
16 has not yet expired.

17 (Source: P.A. 95-589, eff. 1-1-08.)

18 Section 1090. The Crime Victims Compensation Act is amended  
19 by changing Sections 2, 6.1, and 14.1 as follows:

20 (740 ILCS 45/2) (from Ch. 70, par. 72)

21 Sec. 2. Definitions. As used in this Act, unless the  
22 context otherwise requires:

23 (a) "Applicant" means any person who applies for



1 compensation under this Act or any person the Court of Claims  
2 finds is entitled to compensation, including the guardian of a  
3 minor or of a person under legal disability. It includes any  
4 person who was a dependent of a deceased victim of a crime of  
5 violence for his or her support at the time of the death of  
6 that victim.

7 (b) "Court of Claims" means the Court of Claims created by  
8 the Court of Claims Act.

9 (c) "Crime of violence" means and includes any offense  
10 defined in Sections 9-1, 9-2, 9-3, 10-1, 10-2, 11-1.20,  
11 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, 11-19.2, 11-20.1,  
12 11-20.1B, 11-20.3, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-4,  
13 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,  
14 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,  
15 or subdivision (a) (4) of Section 11-14.4, of the Criminal Code  
16 of 1961, Sections 1(a) and 1(a-5) of the Cemetery Protection  
17 Act, driving under the influence of intoxicating liquor or  
18 narcotic drugs as defined in Section 11-501 of the Illinois  
19 Vehicle Code, and a violation of Section 11-401 of the Illinois  
20 Vehicle Code, provided the victim was a pedestrian or was  
21 operating a vehicle moved solely by human power or a mobility  
22 device at the time of contact; so long as the offense did not  
23 occur during a civil riot, insurrection or rebellion. "Crime of  
24 violence" does not include any other offense or accident  
25 involving a motor vehicle except those vehicle offenses  
26 specifically provided for in this paragraph. "Crime of

1 violence" does include all of the offenses specifically  
2 provided for in this paragraph that occur within this State but  
3 are subject to federal jurisdiction and crimes involving  
4 terrorism as defined in 18 U.S.C. 2331.

5 (d) "Victim" means (1) a person killed or injured in this  
6 State as a result of a crime of violence perpetrated or  
7 attempted against him or her, (2) the parent of a person killed  
8 or injured in this State as a result of a crime of violence  
9 perpetrated or attempted against the person, (3) a person  
10 killed or injured in this State while attempting to assist a  
11 person against whom a crime of violence is being perpetrated or  
12 attempted, if that attempt of assistance would be expected of a  
13 reasonable person under the circumstances, (4) a person killed  
14 or injured in this State while assisting a law enforcement  
15 official apprehend a person who has perpetrated a crime of  
16 violence or prevent the perpetration of any such crime if that  
17 assistance was in response to the express request of the law  
18 enforcement official, (5) a person who personally witnessed a  
19 violent crime, (5.1) solely for the purpose of compensating for  
20 pecuniary loss incurred for psychological treatment of a mental  
21 or emotional condition caused or aggravated by the crime, any  
22 other person under the age of 18 who is the brother, sister,  
23 half brother, half sister, child, or stepchild of a person  
24 killed or injured in this State as a result of a crime of  
25 violence, (6) an Illinois resident who is a victim of a "crime  
26 of violence" as defined in this Act except, if the crime

1 occurred outside this State, the resident has the same rights  
2 under this Act as if the crime had occurred in this State upon  
3 a showing that the state, territory, country, or political  
4 subdivision of a country in which the crime occurred does not  
5 have a compensation of victims of crimes law for which that  
6 Illinois resident is eligible, (7) a deceased person whose body  
7 is dismembered or whose remains are desecrated as the result of  
8 a crime of violence, or (8) solely for the purpose of  
9 compensating for pecuniary loss incurred for psychological  
10 treatment of a mental or emotional condition caused or  
11 aggravated by the crime, any parent, spouse, or child under the  
12 age of 18 of a deceased person whose body is dismembered or  
13 whose remains are desecrated as the result of a crime of  
14 violence.

15 (e) "Dependent" means a relative of a deceased victim who  
16 was wholly or partially dependent upon the victim's income at  
17 the time of his or her death and shall include the child of a  
18 victim born after his or her death.

19 (f) "Relative" means a spouse, parent, grandparent,  
20 stepfather, stepmother, child, grandchild, brother,  
21 brother-in-law, sister, sister-in-law, half brother, half  
22 sister, spouse's parent, nephew, niece, uncle or aunt.

23 (g) "Child" means an unmarried son or daughter who is under  
24 18 years of age and includes a stepchild, an adopted child or a  
25 child born out of wedlock.

26 (h) "Pecuniary loss" means, in the case of injury,

1 appropriate medical expenses and hospital expenses including  
2 expenses of medical examinations, rehabilitation, medically  
3 required nursing care expenses, appropriate psychiatric care  
4 or psychiatric counseling expenses, expenses for care or  
5 counseling by a licensed clinical psychologist, licensed  
6 clinical social worker, or licensed clinical professional  
7 counselor and expenses for treatment by Christian Science  
8 practitioners and nursing care appropriate thereto;  
9 transportation expenses to and from medical and treatment  
10 facilities; prosthetic appliances, eyeglasses, and hearing  
11 aids necessary or damaged as a result of the crime; replacement  
12 costs for clothing and bedding used as evidence; costs  
13 associated with temporary lodging or relocation necessary as a  
14 result of the crime, including, but not limited to, the first  
15 month's rent and security deposit of the dwelling that the  
16 claimant relocated to and other reasonable relocation expenses  
17 incurred as a result of the violent crime; locks or windows  
18 necessary or damaged as a result of the crime; the purchase,  
19 lease, or rental of equipment necessary to create usability of  
20 and accessibility to the victim's real and personal property,  
21 or the real and personal property which is used by the victim,  
22 necessary as a result of the crime; the costs of appropriate  
23 crime scene clean-up; replacement services loss, to a maximum  
24 of \$1000 per month; dependents replacement services loss, to a  
25 maximum of \$1000 per month; loss of tuition paid to attend  
26 grammar school or high school when the victim had been enrolled

1 as a student prior to the injury, or college or graduate school  
2 when the victim had been enrolled as a day or night student  
3 prior to the injury when the victim becomes unable to continue  
4 attendance at school as a result of the crime of violence  
5 perpetrated against him or her; loss of earnings, loss of  
6 future earnings because of disability resulting from the  
7 injury, and, in addition, in the case of death, expenses for  
8 funeral, burial, and travel and transport for survivors of  
9 homicide victims to secure bodies of deceased victims and to  
10 transport bodies for burial all of which may not exceed a  
11 maximum of \$5,000 and loss of support of the dependents of the  
12 victim; in the case of dismemberment or desecration of a body,  
13 expenses for funeral and burial, all of which may not exceed a  
14 maximum of \$5,000. Loss of future earnings shall be reduced by  
15 any income from substitute work actually performed by the  
16 victim or by income he or she would have earned in available  
17 appropriate substitute work he or she was capable of performing  
18 but unreasonably failed to undertake. Loss of earnings, loss of  
19 future earnings and loss of support shall be determined on the  
20 basis of the victim's average net monthly earnings for the 6  
21 months immediately preceding the date of the injury or on \$1000  
22 per month, whichever is less. If a divorced or legally  
23 separated applicant is claiming loss of support for a minor  
24 child of the deceased, the amount of support for each child  
25 shall be based either on the amount of support pursuant to the  
26 judgment prior to the date of the deceased victim's injury or

1 death, or, if the subject of pending litigation filed by or on  
2 behalf of the divorced or legally separated applicant prior to  
3 the injury or death, on the result of that litigation. Real and  
4 personal property includes, but is not limited to, vehicles,  
5 houses, apartments, town houses, or condominiums. Pecuniary  
6 loss does not include pain and suffering or property loss or  
7 damage.

8 (i) "Replacement services loss" means expenses reasonably  
9 incurred in obtaining ordinary and necessary services in lieu  
10 of those the injured person would have performed, not for  
11 income, but for the benefit of himself or herself or his or her  
12 family, if he or she had not been injured.

13 (j) "Dependents replacement services loss" means loss  
14 reasonably incurred by dependents or private legal guardians of  
15 minor dependents after a victim's death in obtaining ordinary  
16 and necessary services in lieu of those the victim would have  
17 performed, not for income, but for their benefit, if he or she  
18 had not been fatally injured.

19 (k) "Survivor" means immediate family including a parent,  
20 step-father, step-mother, child, brother, sister, or spouse.

21 (Source: P.A. 96-267, eff. 8-11-09; 96-863, eff. 3-1-10.)

22 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

23 Sec. 6.1. Right to compensation. A person is entitled to  
24 compensation under this Act if:

25 (a) Within 2 years of the occurrence of the crime, or

1 within one year after a criminal indictment of a person for  
2 an offense, upon which the claim is based, he files an  
3 application, under oath, with the Court of Claims and on a  
4 form prescribed in accordance with Section 7.1 furnished by  
5 the Attorney General. If the person entitled to  
6 compensation is under 18 years of age or under other legal  
7 disability at the time of the occurrence or becomes legally  
8 disabled as a result of the occurrence, he may file the  
9 application required by this subsection within 2 years  
10 after he attains the age of 18 years or the disability is  
11 removed, as the case may be. Legal disability includes a  
12 diagnosis of posttraumatic stress disorder.

13 (b) For all crimes of violence, except those listed in  
14 subsection (b-1) of this Section, the appropriate law  
15 enforcement officials were notified within 72 hours of the  
16 perpetration of the crime allegedly causing the death or  
17 injury to the victim or, in the event such notification was  
18 made more than 72 hours after the perpetration of the  
19 crime, the applicant establishes that such notice was  
20 timely under the circumstances.

21 (b-1) For victims of offenses defined in Sections  
22 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
23 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961, the  
24 appropriate law enforcement officials were notified within  
25 7 days of the perpetration of the crime allegedly causing  
26 death or injury to the victim or, in the event that the

1 notification was made more than 7 days after the  
2 perpetration of the crime, the applicant establishes that  
3 the notice was timely under the circumstances. If the  
4 applicant has obtained an order of protection or a civil no  
5 contact order or has presented himself or herself to a  
6 hospital for sexual assault evidence collection and  
7 medical care, such action shall constitute appropriate  
8 notification under this subsection (b-1) or subsection (b)  
9 of this Section.

10 (c) The applicant has cooperated with law enforcement  
11 officials in the apprehension and prosecution of the  
12 assailant. If the applicant has obtained an order of  
13 protection or a civil no contact order or has presented  
14 himself or herself to a hospital for sexual assault  
15 evidence collection and medical care, such action shall  
16 constitute cooperation under this subsection (c).

17 (d) The applicant is not the offender or an accomplice  
18 of the offender and the award would not unjustly benefit  
19 the offender or his accomplice.

20 (e) The injury to or death of the victim was not  
21 substantially attributable to his own wrongful act and was  
22 not substantially provoked by the victim.

23 (Source: P.A. 94-192, eff. 1-1-06; 95-250, eff. 1-1-08; 95-331,  
24 eff. 8-21-07.)

25 (740 ILCS 45/14.1) (from Ch. 70, par. 84.1)



1           Sec. 14.1. (a) Hearings shall be open to the public unless  
2 the Court of Claims determines that a closed hearing should be  
3 held because:

4           (1) the alleged assailant has not been brought to trial  
5 and a public hearing would adversely affect either his  
6 apprehension or his trial;

7           (2) the offense allegedly perpetrated against the  
8 victim is one defined in Section 11-1.20, 11-1.30, 11-1.40,  
9 12-13, 12-14, or 12-14.1 of the Criminal Code of 1961 and  
10 the interests of the victim or of persons dependent on his  
11 support require that the public be excluded from the  
12 hearing;

13           (3) the victim or the alleged assailant is a minor; or

14           (4) the interests of justice would be frustrated,  
15 rather than furthered, if the hearing were open to the  
16 public.

17           (b) A transcript shall be kept of the hearings held before  
18 the Court of Claims. No part of the transcript of any hearing  
19 before the Court of Claims may be used for any purpose in a  
20 criminal proceeding except in the prosecution of a person  
21 alleged to have perjured himself in his testimony before the  
22 Court of Claims. A copy of the transcript may be furnished to  
23 the applicant upon his written request to the court reporter,  
24 accompanied by payment of a charge established by the Court of  
25 Claims in accordance with the prevailing commercial charge for  
26 a duplicate transcript. Where the interests of justice require,

1 the Court of Claims may refuse to disclose the names of victims  
2 or other material in the transcript by which the identity of  
3 the victim could be discovered.

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

5 Section 1095. The Predator Accountability Act is amended by  
6 changing Sections 10 and 15 as follows:

7 (740 ILCS 128/10)

8 Sec. 10. Definitions. As used in this Act:

9 "Sex trade" means any act, which if proven beyond a  
10 reasonable doubt could support a conviction for a violation or  
11 attempted violation of any of the following Sections of the  
12 Criminal Code of 1961: 11-14.3 (promoting prostitution);  
13 11-14.4 (promoting juvenile prostitution); 11-15 (soliciting  
14 for a prostitute); 11-15.1 (soliciting for a juvenile  
15 prostitute); 11-16 (pandering); 11-17 (keeping a place of  
16 prostitution); 11-17.1 (keeping a place of juvenile  
17 prostitution); 11-19 (pimping); 11-19.1 (juvenile pimping and  
18 aggravated juvenile pimping); 11-19.2 (exploitation of a  
19 child); 11-20 (obscenity); ~~or~~ 11-20.1 (child pornography); or  
20 11-20.1B or 11-20.3 (aggravated child pornography); or Section  
21 10-9 of the Criminal Code of 1961 (trafficking of persons and  
22 involuntary servitude).

23 "Sex trade" activity may involve adults and youth of all  
24 genders and sexual orientations.

1 "Victim of the sex trade" means, for the following sex  
2 trade acts, the person or persons indicated:

3 (1) soliciting for a prostitute: the prostitute who is  
4 the object of the solicitation;

5 (2) soliciting for a juvenile prostitute: the juvenile  
6 prostitute, or severely or profoundly mentally retarded  
7 person, who is the object of the solicitation;

8 (3) promoting prostitution as described in subdivision  
9 (a) (2) (A) or (a) (2) (B) of Section 11-14.3 of the Criminal  
10 Code of 1961, or pandering: the person intended or  
11 compelled to act as a prostitute;

12 (4) keeping a place of prostitution: any person  
13 intended or compelled to act as a prostitute, while present  
14 at the place, during the time period in question;

15 (5) keeping a place of juvenile prostitution: any  
16 juvenile intended or compelled to act as a prostitute,  
17 while present at the place, during the time period in  
18 question;

19 (6) promoting prostitution as described in subdivision  
20 (a) (2) (C) of Section 11-14.3 of the Criminal Code of 1961,  
21 or pimping: the prostitute from whom anything of value is  
22 received;

23 (7) promoting juvenile prostitution as described in  
24 subdivision (a) (2) or (a) (3) of Section 11-14.4 of the  
25 Criminal Code of 1961, or juvenile pimping and aggravated  
26 juvenile pimping: the juvenile, or severely or profoundly

1 mentally retarded person, from whom anything of value is  
2 received for that person's act of prostitution;

3 (8) promoting juvenile prostitution as described in  
4 subdivision (a)(4) of Section 11-14.4 of the Criminal Code  
5 of 1961, or exploitation of a child: the juvenile, or  
6 severely or profoundly mentally retarded person, intended  
7 or compelled to act as a prostitute or from whom anything  
8 of value is received for that person's act of prostitution;

9 (9) obscenity: any person who appears in or is  
10 described or depicted in the offending conduct or material;

11 (10) child pornography or aggravated child  
12 pornography: any child, or severely or profoundly mentally  
13 retarded person, who appears in or is described or depicted  
14 in the offending conduct or material; or

15 (11) trafficking of persons or involuntary servitude:  
16 a "trafficking victim" as defined in Section 10-9 of the  
17 Criminal Code of 1961.

18 (Source: P.A. 96-710, eff. 1-1-10.)

19 (740 ILCS 128/15)

20 Sec. 15. Cause of action.

21 (a) Violations of this Act are actionable in civil court.

22 (b) A victim of the sex trade has a cause of action against  
23 a person or entity who:

24 (1) recruits, profits from, or maintains the victim in  
25 any sex trade act;

1           (2) intentionally abuses, as defined in Section 103 of  
2           the Illinois Domestic Violence Act of 1986, or causes  
3           bodily harm, as defined in Section 11-0.1 ~~12-12~~ of the  
4           Criminal Code of 1961, to the victim in any sex trade act;  
5           or

6           (3) knowingly advertises or publishes advertisements  
7           for purposes of recruitment into sex trade activity.

8           (c) This Section shall not be construed to create liability  
9           to any person or entity who provides goods or services to the  
10          general public, who also provides those goods or services to  
11          persons who would be liable under subsection (b) of this  
12          Section, absent a showing that the person or entity either:

13          (1) knowingly markets or provides its goods or services  
14          primarily to persons or entities liable under subsection  
15          (b) of this Section;

16          (2) knowingly receives a higher level of compensation  
17          from persons or entities liable under subsection (b) of  
18          this Section than it generally receives from customers; or

19          (3) supervises or exercises control over persons or  
20          entities liable under subsection (b) of this Section.

21          (Source: P.A. 94-998, eff. 7-3-06.)

22          Section 1100. The Illinois Marriage and Dissolution of  
23          Marriage Act is amended by changing Section 503 as follows:

24          (750 ILCS 5/503) (from Ch. 40, par. 503)

1           Sec. 503. Disposition of property.

2           (a) For purposes of this Act, "marital property" means all  
3 property acquired by either spouse subsequent to the marriage,  
4 except the following, which is known as "non-marital property":

5                 (1) property acquired by gift, legacy or descent;

6                 (2) property acquired in exchange for property  
7 acquired before the marriage or in exchange for property  
8 acquired by gift, legacy or descent;

9                 (3) property acquired by a spouse after a judgment of  
10 legal separation;

11                (4) property excluded by valid agreement of the  
12 parties;

13                (5) any judgment or property obtained by judgment  
14 awarded to a spouse from the other spouse;

15                (6) property acquired before the marriage;

16                (7) the increase in value of property acquired by a  
17 method listed in paragraphs (1) through (6) of this  
18 subsection, irrespective of whether the increase results  
19 from a contribution of marital property, non-marital  
20 property, the personal effort of a spouse, or otherwise,  
21 subject to the right of reimbursement provided in  
22 subsection (c) of this Section; and

23                (8) income from property acquired by a method listed in  
24 paragraphs (1) through (7) of this subsection if the income  
25 is not attributable to the personal effort of a spouse.

26           (b) (1) For purposes of distribution of property pursuant to

1 this Section, all property acquired by either spouse after the  
2 marriage and before a judgment of dissolution of marriage or  
3 declaration of invalidity of marriage, including non-marital  
4 property transferred into some form of co-ownership between the  
5 spouses, is presumed to be marital property, regardless of  
6 whether title is held individually or by the spouses in some  
7 form of co-ownership such as joint tenancy, tenancy in common,  
8 tenancy by the entirety, or community property. The presumption  
9 of marital property is overcome by a showing that the property  
10 was acquired by a method listed in subsection (a) of this  
11 Section.

12 (2) For purposes of distribution of property pursuant to  
13 this Section, all pension benefits (including pension benefits  
14 under the Illinois Pension Code) acquired by either spouse  
15 after the marriage and before a judgment of dissolution of  
16 marriage or declaration of invalidity of the marriage are  
17 presumed to be marital property, regardless of which spouse  
18 participates in the pension plan. The presumption that these  
19 pension benefits are marital property is overcome by a showing  
20 that the pension benefits were acquired by a method listed in  
21 subsection (a) of this Section. The right to a division of  
22 pension benefits in just proportions under this Section is  
23 enforceable under Section 1-119 of the Illinois Pension Code.

24 The value of pension benefits in a retirement system  
25 subject to the Illinois Pension Code shall be determined in  
26 accordance with the valuation procedures established by the

1 retirement system.

2 The recognition of pension benefits as marital property and  
3 the division of those benefits pursuant to a Qualified Illinois  
4 Domestic Relations Order shall not be deemed to be a  
5 diminishment, alienation, or impairment of those benefits. The  
6 division of pension benefits is an allocation of property in  
7 which each spouse has a species of common ownership.

8 (3) For purposes of distribution of property under this  
9 Section, all stock options granted to either spouse after the  
10 marriage and before a judgment of dissolution of marriage or  
11 declaration of invalidity of marriage, whether vested or  
12 non-vested or whether their value is ascertainable, are  
13 presumed to be marital property. This presumption of marital  
14 property is overcome by a showing that the stock options were  
15 acquired by a method listed in subsection (a) of this Section.  
16 The court shall allocate stock options between the parties at  
17 the time of the judgment of dissolution of marriage or  
18 declaration of invalidity of marriage recognizing that the  
19 value of the stock options may not be then determinable and  
20 that the actual division of the options may not occur until a  
21 future date. In making the allocation between the parties, the  
22 court shall consider, in addition to the factors set forth in  
23 subsection (d) of this Section, the following:

24 (i) All circumstances underlying the grant of the stock  
25 option including but not limited to whether the grant was  
26 for past, present, or future efforts, or any combination



1           thereof.

2           (ii) The length of time from the grant of the option to  
3           the time the option is exercisable.

4           (c) Commingled marital and non-marital property shall be  
5           treated in the following manner, unless otherwise agreed by the  
6           spouses:

7           (1) When marital and non-marital property are  
8           commingled by contributing one estate of property into  
9           another resulting in a loss of identity of the contributed  
10          property, the classification of the contributed property  
11          is transmuted to the estate receiving the contribution,  
12          subject to the provisions of paragraph (2) of this  
13          subsection; provided that if marital and non-marital  
14          property are commingled into newly acquired property  
15          resulting in a loss of identity of the contributing  
16          estates, the commingled property shall be deemed  
17          transmuted to marital property, subject to the provisions  
18          of paragraph (2) of this subsection.

19          (2) When one estate of property makes a contribution to  
20          another estate of property, or when a spouse contributes  
21          personal effort to non-marital property, the contributing  
22          estate shall be reimbursed from the estate receiving the  
23          contribution notwithstanding any transmutation; provided,  
24          that no such reimbursement shall be made with respect to a  
25          contribution which is not retraceable by clear and  
26          convincing evidence, or was a gift, or, in the case of a

1 contribution of personal effort of a spouse to non-marital  
2 property, unless the effort is significant and results in  
3 substantial appreciation of the non-marital property.  
4 Personal effort of a spouse shall be deemed a contribution  
5 by the marital estate. The court may provide for  
6 reimbursement out of the marital property to be divided or  
7 by imposing a lien against the non-marital property which  
8 received the contribution.

9 (d) In a proceeding for dissolution of marriage or  
10 declaration of invalidity of marriage, or in a proceeding for  
11 disposition of property following dissolution of marriage by a  
12 court which lacked personal jurisdiction over the absent spouse  
13 or lacked jurisdiction to dispose of the property, the court  
14 shall assign each spouse's non-marital property to that spouse.  
15 It also shall divide the marital property without regard to  
16 marital misconduct in just proportions considering all  
17 relevant factors, including:

18 (1) the contribution of each party to the acquisition,  
19 preservation, or increase or decrease in value of the  
20 marital or non-marital property, including (i) any such  
21 decrease attributable to a payment deemed to have been an  
22 advance from the parties' marital estate under subsection  
23 (c-1)(2) of Section 501 and (ii) the contribution of a  
24 spouse as a homemaker or to the family unit;

25 (2) the dissipation by each party of the marital or  
26 non-marital property;

1 (3) the value of the property assigned to each spouse;

2 (4) the duration of the marriage;

3 (5) the relevant economic circumstances of each spouse  
4 when the division of property is to become effective,  
5 including the desirability of awarding the family home, or  
6 the right to live therein for reasonable periods, to the  
7 spouse having custody of the children;

8 (6) any obligations and rights arising from a prior  
9 marriage of either party;

10 (7) any antenuptial agreement of the parties;

11 (8) the age, health, station, occupation, amount and  
12 sources of income, vocational skills, employability,  
13 estate, liabilities, and needs of each of the parties;

14 (9) the custodial provisions for any children;

15 (10) whether the apportionment is in lieu of or in  
16 addition to maintenance;

17 (11) the reasonable opportunity of each spouse for  
18 future acquisition of capital assets and income; and

19 (12) the tax consequences of the property division upon  
20 the respective economic circumstances of the parties.

21 (e) Each spouse has a species of common ownership in the  
22 marital property which vests at the time dissolution  
23 proceedings are commenced and continues only during the  
24 pendency of the action. Any such interest in marital property  
25 shall not encumber that property so as to restrict its  
26 transfer, assignment or conveyance by the title holder unless

1 such title holder is specifically enjoined from making such  
2 transfer, assignment or conveyance.

3 (f) In a proceeding for dissolution of marriage or  
4 declaration of invalidity of marriage or in a proceeding for  
5 disposition of property following dissolution of marriage by a  
6 court that lacked personal jurisdiction over the absent spouse  
7 or lacked jurisdiction to dispose of the property, the court,  
8 in determining the value of the marital and non-marital  
9 property for purposes of dividing the property, shall value the  
10 property as of the date of trial or some other date as close to  
11 the date of trial as is practicable.

12 (g) The court if necessary to protect and promote the best  
13 interests of the children may set aside a portion of the  
14 jointly or separately held estates of the parties in a separate  
15 fund or trust for the support, maintenance, education, physical  
16 and mental health, and general welfare of any minor, dependent,  
17 or incompetent child of the parties. In making a determination  
18 under this subsection, the court may consider, among other  
19 things, the conviction of a party of any of the offenses set  
20 forth in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
21 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13, 12-14, 12-14.1,  
22 12-15, or 12-16 of the Criminal Code of 1961 if the victim is a  
23 child of one or both of the parties, and there is a need for,  
24 and cost of, care, healing and counseling for the child who is  
25 the victim of the crime.

26 (h) Unless specifically directed by a reviewing court, or

1 upon good cause shown, the court shall not on remand consider  
2 any increase or decrease in the value of any "marital" or  
3 "non-marital" property occurring since the assessment of such  
4 property at the original trial or hearing, but shall use only  
5 that assessment made at the original trial or hearing.

6 (i) The court may make such judgments affecting the marital  
7 property as may be just and may enforce such judgments by  
8 ordering a sale of marital property, with proceeds therefrom to  
9 be applied as determined by the court.

10 (j) After proofs have closed in the final hearing on all  
11 other issues between the parties (or in conjunction with the  
12 final hearing, if all parties so stipulate) and before judgment  
13 is entered, a party's petition for contribution to fees and  
14 costs incurred in the proceeding shall be heard and decided, in  
15 accordance with the following provisions:

16 (1) A petition for contribution, if not filed before  
17 the final hearing on other issues between the parties,  
18 shall be filed no later than 30 days after the closing of  
19 proofs in the final hearing or within such other period as  
20 the court orders.

21 (2) Any award of contribution to one party from the  
22 other party shall be based on the criteria for division of  
23 marital property under this Section 503 and, if maintenance  
24 has been awarded, on the criteria for an award of  
25 maintenance under Section 504.

26 (3) The filing of a petition for contribution shall not

1 be deemed to constitute a waiver of the attorney-client  
2 privilege between the petitioning party and current or  
3 former counsel; and such a waiver shall not constitute a  
4 prerequisite to a hearing for contribution. If either  
5 party's presentation on contribution, however, includes  
6 evidence within the scope of the attorney-client  
7 privilege, the disclosure or disclosures shall be narrowly  
8 construed and shall not be deemed by the court to  
9 constitute a general waiver of the privilege as to matters  
10 beyond the scope of the presentation.

11 (4) No finding on which a contribution award is based  
12 or denied shall be asserted against counsel or former  
13 counsel for purposes of any hearing under subsection (c) or  
14 (e) of Section 508.

15 (5) A contribution award (payable to either the  
16 petitioning party or the party's counsel, or jointly, as  
17 the court determines) may be in the form of either a set  
18 dollar amount or a percentage of fees and costs (or a  
19 portion of fees and costs) to be subsequently agreed upon  
20 by the petitioning party and counsel or, alternatively,  
21 thereafter determined in a hearing pursuant to subsection  
22 (c) of Section 508 or previously or thereafter determined  
23 in an independent proceeding under subsection (e) of  
24 Section 508.

25 (6) The changes to this Section 503 made by this  
26 amendatory Act of 1996 apply to cases pending on or after

1           June 1, 1997, except as otherwise provided in Section 508.  
2           (Source: P.A. 95-374, eff. 1-1-08; 96-583, eff. 1-1-10.)

3           Section 1105. The Illinois Parentage Act of 1984 is amended  
4           by changing Section 6.5 as follows:

5           (750 ILCS 45/6.5)

6           Sec. 6.5. Custody or visitation by sex offender prohibited.  
7           A person found to be the father of a child under this Act, and  
8           who has been convicted of or who has pled guilty to a violation  
9           of Section 11-11 (sexual relations within families), Section  
10          11-1.20 or 12-13 (criminal sexual assault), Section 11-1.30 or  
11          12-14 (aggravated criminal sexual assault), Section 11-1.40 or  
12          12-14.1 (predatory criminal sexual assault of a child), Section  
13          11-1.50 or 12-15 (criminal sexual abuse), or Section 11-1.60 or  
14          12-16 (aggravated criminal sexual abuse) of the Criminal Code  
15          of 1961 for his conduct in fathering that child, shall not be  
16          entitled to custody of or visitation with that child without  
17          the consent of the mother or guardian, other than the father of  
18          the child who has been convicted of or pled guilty to one of  
19          the offenses listed in this Section, or, in cases where the  
20          mother is a minor, the guardian of the mother of the child.  
21          Notwithstanding any other provision of this Act, nothing in  
22          this Section shall be construed to relieve the father of any  
23          support and maintenance obligations to the child under this  
24          Act.

1 (Source: P.A. 94-928, eff. 6-26-06.)

2 Section 1110. The Adoption Act is amended by changing  
3 Section 1 as follows:

4 (750 ILCS 50/1) (from Ch. 40, par. 1501)

5 Sec. 1. Definitions. When used in this Act, unless the  
6 context otherwise requires:

7 A. "Child" means a person under legal age subject to  
8 adoption under this Act.

9 B. "Related child" means a child subject to adoption where  
10 either or both of the adopting parents stands in any of the  
11 following relationships to the child by blood or marriage:  
12 parent, grand-parent, brother, sister, step-parent,  
13 step-grandparent, step-brother, step-sister, uncle, aunt,  
14 great-uncle, great-aunt, or cousin of first degree. A child  
15 whose parent has executed a final irrevocable consent to  
16 adoption or a final irrevocable surrender for purposes of  
17 adoption, or whose parent has had his or her parental rights  
18 terminated, is not a related child to that person, unless the  
19 consent is determined to be void or is void pursuant to  
20 subsection O of Section 10.

21 C. "Agency" for the purpose of this Act means a public  
22 child welfare agency or a licensed child welfare agency.

23 D. "Unfit person" means any person whom the court shall  
24 find to be unfit to have a child, without regard to the



1 likelihood that the child will be placed for adoption. The  
2 grounds of unfitness are any one or more of the following,  
3 except that a person shall not be considered an unfit person  
4 for the sole reason that the person has relinquished a child in  
5 accordance with the Abandoned Newborn Infant Protection Act:

6 (a) Abandonment of the child.

7 (a-1) Abandonment of a newborn infant in a hospital.

8 (a-2) Abandonment of a newborn infant in any setting  
9 where the evidence suggests that the parent intended to  
10 relinquish his or her parental rights.

11 (b) Failure to maintain a reasonable degree of  
12 interest, concern or responsibility as to the child's  
13 welfare.

14 (c) Desertion of the child for more than 3 months next  
15 preceding the commencement of the Adoption proceeding.

16 (d) Substantial neglect of the child if continuous or  
17 repeated.

18 (d-1) Substantial neglect, if continuous or repeated,  
19 of any child residing in the household which resulted in  
20 the death of that child.

21 (e) Extreme or repeated cruelty to the child.

22 (f) There is a rebuttable presumption, which can be  
23 overcome only by clear and convincing evidence, that a  
24 parent is unfit if:

25 (1) Two or more findings of physical abuse have  
26 been entered regarding any children under Section 2-21

1 of the Juvenile Court Act of 1987, the most recent of  
2 which was determined by the juvenile court hearing the  
3 matter to be supported by clear and convincing  
4 evidence; or

5 (2) The parent has been convicted or found not  
6 guilty by reason of insanity and the conviction or  
7 finding resulted from the death of any child by  
8 physical abuse; or

9 (3) There is a finding of physical child abuse  
10 resulting from the death of any child under Section  
11 2-21 of the Juvenile Court Act of 1987.

12 No conviction or finding of delinquency pursuant  
13 to Article 5 of the Juvenile Court Act of 1987 shall be  
14 considered a criminal conviction for the purpose of  
15 applying any presumption under this item (f).

16 (g) Failure to protect the child from conditions within  
17 his environment injurious to the child's welfare.

18 (h) Other neglect of, or misconduct toward the child;  
19 provided that in making a finding of unfitness the court  
20 hearing the adoption proceeding shall not be bound by any  
21 previous finding, order or judgment affecting or  
22 determining the rights of the parents toward the child  
23 sought to be adopted in any other proceeding except such  
24 proceedings terminating parental rights as shall be had  
25 under either this Act, the Juvenile Court Act or the  
26 Juvenile Court Act of 1987.

1           (i) Depravity. Conviction of any one of the following  
2 crimes shall create a presumption that a parent is deprived  
3 which can be overcome only by clear and convincing  
4 evidence: (1) first degree murder in violation of paragraph  
5 1 or 2 of subsection (a) of Section 9-1 of the Criminal  
6 Code of 1961 or conviction of second degree murder in  
7 violation of subsection (a) of Section 9-2 of the Criminal  
8 Code of 1961 of a parent of the child to be adopted; (2)  
9 first degree murder or second degree murder of any child in  
10 violation of the Criminal Code of 1961; (3) attempt or  
11 conspiracy to commit first degree murder or second degree  
12 murder of any child in violation of the Criminal Code of  
13 1961; (4) solicitation to commit murder of any child,  
14 solicitation to commit murder of any child for hire, or  
15 solicitation to commit second degree murder of any child in  
16 violation of the Criminal Code of 1961; (5) predatory  
17 criminal sexual assault of a child in violation of Section  
18 11-1.40 or 12-14.1 of the Criminal Code of 1961; (6)  
19 heinous battery of any child in violation of the Criminal  
20 Code of 1961; or (7) aggravated battery of any child in  
21 violation of the Criminal Code of 1961.

22           There is a rebuttable presumption that a parent is  
23 deprived if the parent has been criminally convicted of at  
24 least 3 felonies under the laws of this State or any other  
25 state, or under federal law, or the criminal laws of any  
26 United States territory; and at least one of these

1 convictions took place within 5 years of the filing of the  
2 petition or motion seeking termination of parental rights.

3 There is a rebuttable presumption that a parent is  
4 deprived if that parent has been criminally convicted of  
5 either first or second degree murder of any person as  
6 defined in the Criminal Code of 1961 within 10 years of the  
7 filing date of the petition or motion to terminate parental  
8 rights.

9 No conviction or finding of delinquency pursuant to  
10 Article 5 of the Juvenile Court Act of 1987 shall be  
11 considered a criminal conviction for the purpose of  
12 applying any presumption under this item (i).

13 (j) Open and notorious adultery or fornication.

14 (j-1) (Blank).

15 (k) Habitual drunkenness or addiction to drugs, other  
16 than those prescribed by a physician, for at least one year  
17 immediately prior to the commencement of the unfitness  
18 proceeding.

19 There is a rebuttable presumption that a parent is  
20 unfit under this subsection with respect to any child to  
21 which that parent gives birth where there is a confirmed  
22 test result that at birth the child's blood, urine, or  
23 meconium contained any amount of a controlled substance as  
24 defined in subsection (f) of Section 102 of the Illinois  
25 Controlled Substances Act or metabolites of such  
26 substances, the presence of which in the newborn infant was

1 not the result of medical treatment administered to the  
2 mother or the newborn infant; and the biological mother of  
3 this child is the biological mother of at least one other  
4 child who was adjudicated a neglected minor under  
5 subsection (c) of Section 2-3 of the Juvenile Court Act of  
6 1987.

7 (l) Failure to demonstrate a reasonable degree of  
8 interest, concern or responsibility as to the welfare of a  
9 new born child during the first 30 days after its birth.

10 (m) Failure by a parent (i) to make reasonable efforts  
11 to correct the conditions that were the basis for the  
12 removal of the child from the parent, or (ii) to make  
13 reasonable progress toward the return of the child to the  
14 parent within 9 months after an adjudication of neglected  
15 or abused minor under Section 2-3 of the Juvenile Court Act  
16 of 1987 or dependent minor under Section 2-4 of that Act,  
17 or (iii) to make reasonable progress toward the return of  
18 the child to the parent during any 9-month period after the  
19 end of the initial 9-month period following the  
20 adjudication of neglected or abused minor under Section 2-3  
21 of the Juvenile Court Act of 1987 or dependent minor under  
22 Section 2-4 of that Act. If a service plan has been  
23 established as required under Section 8.2 of the Abused and  
24 Neglected Child Reporting Act to correct the conditions  
25 that were the basis for the removal of the child from the  
26 parent and if those services were available, then, for

1 purposes of this Act, "failure to make reasonable progress  
2 toward the return of the child to the parent" includes (I)  
3 the parent's failure to substantially fulfill his or her  
4 obligations under the service plan and correct the  
5 conditions that brought the child into care within 9 months  
6 after the adjudication under Section 2-3 or 2-4 of the  
7 Juvenile Court Act of 1987 and (II) the parent's failure to  
8 substantially fulfill his or her obligations under the  
9 service plan and correct the conditions that brought the  
10 child into care during any 9-month period after the end of  
11 the initial 9-month period following the adjudication  
12 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.  
13 Notwithstanding any other provision, when a petition or  
14 motion seeks to terminate parental rights on the basis of  
15 item (iii) of this subsection (m), the petitioner shall  
16 file with the court and serve on the parties a pleading  
17 that specifies the 9-month period or periods relied on. The  
18 pleading shall be filed and served on the parties no later  
19 than 3 weeks before the date set by the court for closure  
20 of discovery, and the allegations in the pleading shall be  
21 treated as incorporated into the petition or motion.  
22 Failure of a respondent to file a written denial of the  
23 allegations in the pleading shall not be treated as an  
24 admission that the allegations are true.

25 (m-1) Pursuant to the Juvenile Court Act of 1987, a  
26 child has been in foster care for 15 months out of any 22

1 month period which begins on or after the effective date of  
2 this amendatory Act of 1998 unless the child's parent can  
3 prove by a preponderance of the evidence that it is more  
4 likely than not that it will be in the best interests of  
5 the child to be returned to the parent within 6 months of  
6 the date on which a petition for termination of parental  
7 rights is filed under the Juvenile Court Act of 1987. The  
8 15 month time limit is tolled during any period for which  
9 there is a court finding that the appointed custodian or  
10 guardian failed to make reasonable efforts to reunify the  
11 child with his or her family, provided that (i) the finding  
12 of no reasonable efforts is made within 60 days of the  
13 period when reasonable efforts were not made or (ii) the  
14 parent filed a motion requesting a finding of no reasonable  
15 efforts within 60 days of the period when reasonable  
16 efforts were not made. For purposes of this subdivision  
17 (m-1), the date of entering foster care is the earlier of:  
18 (i) the date of a judicial finding at an adjudicatory  
19 hearing that the child is an abused, neglected, or  
20 dependent minor; or (ii) 60 days after the date on which  
21 the child is removed from his or her parent, guardian, or  
22 legal custodian.

23 (n) Evidence of intent to forgo his or her parental  
24 rights, whether or not the child is a ward of the court,  
25 (1) as manifested by his or her failure for a period of 12  
26 months: (i) to visit the child, (ii) to communicate with

1 the child or agency, although able to do so and not  
2 prevented from doing so by an agency or by court order, or  
3 (iii) to maintain contact with or plan for the future of  
4 the child, although physically able to do so, or (2) as  
5 manifested by the father's failure, where he and the mother  
6 of the child were unmarried to each other at the time of  
7 the child's birth, (i) to commence legal proceedings to  
8 establish his paternity under the Illinois Parentage Act of  
9 1984 or the law of the jurisdiction of the child's birth  
10 within 30 days of being informed, pursuant to Section 12a  
11 of this Act, that he is the father or the likely father of  
12 the child or, after being so informed where the child is  
13 not yet born, within 30 days of the child's birth, or (ii)  
14 to make a good faith effort to pay a reasonable amount of  
15 the expenses related to the birth of the child and to  
16 provide a reasonable amount for the financial support of  
17 the child, the court to consider in its determination all  
18 relevant circumstances, including the financial condition  
19 of both parents; provided that the ground for termination  
20 provided in this subparagraph (n)(2)(ii) shall only be  
21 available where the petition is brought by the mother or  
22 the husband of the mother.

23 Contact or communication by a parent with his or her  
24 child that does not demonstrate affection and concern does  
25 not constitute reasonable contact and planning under  
26 subdivision (n). In the absence of evidence to the



1       contrary, the ability to visit, communicate, maintain  
2       contact, pay expenses and plan for the future shall be  
3       presumed. The subjective intent of the parent, whether  
4       expressed or otherwise, unsupported by evidence of the  
5       foregoing parental acts manifesting that intent, shall not  
6       preclude a determination that the parent has intended to  
7       forgo his or her parental rights. In making this  
8       determination, the court may consider but shall not require  
9       a showing of diligent efforts by an authorized agency to  
10      encourage the parent to perform the acts specified in  
11      subdivision (n).

12       It shall be an affirmative defense to any allegation  
13      under paragraph (2) of this subsection that the father's  
14      failure was due to circumstances beyond his control or to  
15      impediments created by the mother or any other person  
16      having legal custody. Proof of that fact need only be by a  
17      preponderance of the evidence.

18       (o) Repeated or continuous failure by the parents,  
19      although physically and financially able, to provide the  
20      child with adequate food, clothing, or shelter.

21       (p) Inability to discharge parental responsibilities  
22      supported by competent evidence from a psychiatrist,  
23      licensed clinical social worker, or clinical psychologist  
24      of mental impairment, mental illness or mental retardation  
25      as defined in Section 1-116 of the Mental Health and  
26      Developmental Disabilities Code, or developmental

1       disability as defined in Section 1-106 of that Code, and  
2       there is sufficient justification to believe that the  
3       inability to discharge parental responsibilities shall  
4       extend beyond a reasonable time period. However, this  
5       subdivision (p) shall not be construed so as to permit a  
6       licensed clinical social worker to conduct any medical  
7       diagnosis to determine mental illness or mental  
8       impairment.

9       (q) (Blank).

10       (r) The child is in the temporary custody or  
11       guardianship of the Department of Children and Family  
12       Services, the parent is incarcerated as a result of  
13       criminal conviction at the time the petition or motion for  
14       termination of parental rights is filed, prior to  
15       incarceration the parent had little or no contact with the  
16       child or provided little or no support for the child, and  
17       the parent's incarceration will prevent the parent from  
18       discharging his or her parental responsibilities for the  
19       child for a period in excess of 2 years after the filing of  
20       the petition or motion for termination of parental rights.

21       (s) The child is in the temporary custody or  
22       guardianship of the Department of Children and Family  
23       Services, the parent is incarcerated at the time the  
24       petition or motion for termination of parental rights is  
25       filed, the parent has been repeatedly incarcerated as a  
26       result of criminal convictions, and the parent's repeated

1           incarceration has prevented the parent from discharging  
2           his or her parental responsibilities for the child.

3           (t) A finding that at birth the child's blood, urine,  
4           or meconium contained any amount of a controlled substance  
5           as defined in subsection (f) of Section 102 of the Illinois  
6           Controlled Substances Act, or a metabolite of a controlled  
7           substance, with the exception of controlled substances or  
8           metabolites of such substances, the presence of which in  
9           the newborn infant was the result of medical treatment  
10          administered to the mother or the newborn infant, and that  
11          the biological mother of this child is the biological  
12          mother of at least one other child who was adjudicated a  
13          neglected minor under subsection (c) of Section 2-3 of the  
14          Juvenile Court Act of 1987, after which the biological  
15          mother had the opportunity to enroll in and participate in  
16          a clinically appropriate substance abuse counseling,  
17          treatment, and rehabilitation program.

18          E. "Parent" means the father or mother of a lawful child of  
19          the parties or child born out of wedlock. For the purpose of  
20          this Act, a person who has executed a final and irrevocable  
21          consent to adoption or a final and irrevocable surrender for  
22          purposes of adoption, or whose parental rights have been  
23          terminated by a court, is not a parent of the child who was the  
24          subject of the consent or surrender, unless the consent is void  
25          pursuant to subsection O of Section 10.

26          F. A person is available for adoption when the person is:

1 (a) a child who has been surrendered for adoption to an  
2 agency and to whose adoption the agency has thereafter  
3 consented;

4 (b) a child to whose adoption a person authorized by  
5 law, other than his parents, has consented, or to whose  
6 adoption no consent is required pursuant to Section 8 of  
7 this Act;

8 (c) a child who is in the custody of persons who intend  
9 to adopt him through placement made by his parents;

10 (c-1) a child for whom a parent has signed a specific  
11 consent pursuant to subsection O of Section 10;

12 (d) an adult who meets the conditions set forth in  
13 Section 3 of this Act; or

14 (e) a child who has been relinquished as defined in  
15 Section 10 of the Abandoned Newborn Infant Protection Act.

16 A person who would otherwise be available for adoption  
17 shall not be deemed unavailable for adoption solely by reason  
18 of his or her death.

19 G. The singular includes the plural and the plural includes  
20 the singular and the "male" includes the "female", as the  
21 context of this Act may require.

22 H. "Adoption disruption" occurs when an adoptive placement  
23 does not prove successful and it becomes necessary for the  
24 child to be removed from placement before the adoption is  
25 finalized.

26 I. "Foreign placing agency" is an agency or individual

1 operating in a country or territory outside the United States  
2 that is authorized by its country to place children for  
3 adoption either directly with families in the United States or  
4 through United States based international agencies.

5 J. "Immediate relatives" means the biological parents, the  
6 parents of the biological parents and siblings of the  
7 biological parents.

8 K. "Intercountry adoption" is a process by which a child  
9 from a country other than the United States is adopted.

10 L. "Intercountry Adoption Coordinator" is a staff person of  
11 the Department of Children and Family Services appointed by the  
12 Director to coordinate the provision of services by the public  
13 and private sector to prospective parents of foreign-born  
14 children.

15 M. "Interstate Compact on the Placement of Children" is a  
16 law enacted by most states for the purpose of establishing  
17 uniform procedures for handling the interstate placement of  
18 children in foster homes, adoptive homes, or other child care  
19 facilities.

20 N. "Non-Compact state" means a state that has not enacted  
21 the Interstate Compact on the Placement of Children.

22 O. "Preadoption requirements" are any conditions  
23 established by the laws or regulations of the Federal  
24 Government or of each state that must be met prior to the  
25 placement of a child in an adoptive home.

26 P. "Abused child" means a child whose parent or immediate

1 family member, or any person responsible for the child's  
2 welfare, or any individual residing in the same home as the  
3 child, or a paramour of the child's parent:

4 (a) inflicts, causes to be inflicted, or allows to be  
5 inflicted upon the child physical injury, by other than  
6 accidental means, that causes death, disfigurement,  
7 impairment of physical or emotional health, or loss or  
8 impairment of any bodily function;

9 (b) creates a substantial risk of physical injury to  
10 the child by other than accidental means which would be  
11 likely to cause death, disfigurement, impairment of  
12 physical or emotional health, or loss or impairment of any  
13 bodily function;

14 (c) commits or allows to be committed any sex offense  
15 against the child, as sex offenses are defined in the  
16 Criminal Code of 1961 and extending those definitions of  
17 sex offenses to include children under 18 years of age;

18 (d) commits or allows to be committed an act or acts of  
19 torture upon the child; or

20 (e) inflicts excessive corporal punishment.

21 Q. "Neglected child" means any child whose parent or other  
22 person responsible for the child's welfare withholds or denies  
23 nourishment or medically indicated treatment including food or  
24 care denied solely on the basis of the present or anticipated  
25 mental or physical impairment as determined by a physician  
26 acting alone or in consultation with other physicians or

1 otherwise does not provide the proper or necessary support,  
2 education as required by law, or medical or other remedial care  
3 recognized under State law as necessary for a child's  
4 well-being, or other care necessary for his or her well-being,  
5 including adequate food, clothing and shelter; or who is  
6 abandoned by his or her parents or other person responsible for  
7 the child's welfare.

8 A child shall not be considered neglected or abused for the  
9 sole reason that the child's parent or other person responsible  
10 for his or her welfare depends upon spiritual means through  
11 prayer alone for the treatment or cure of disease or remedial  
12 care as provided under Section 4 of the Abused and Neglected  
13 Child Reporting Act. A child shall not be considered neglected  
14 or abused for the sole reason that the child's parent or other  
15 person responsible for the child's welfare failed to vaccinate,  
16 delayed vaccination, or refused vaccination for the child due  
17 to a waiver on religious or medical grounds as permitted by  
18 law.

19 R. "Putative father" means a man who may be a child's  
20 father, but who (1) is not married to the child's mother on or  
21 before the date that the child was or is to be born and (2) has  
22 not established paternity of the child in a court proceeding  
23 before the filing of a petition for the adoption of the child.  
24 The term includes a male who is less than 18 years of age.  
25 "Putative father" does not mean a man who is the child's father  
26 as a result of criminal sexual abuse or assault as defined

1 under Article 12 of the Criminal Code of 1961.

2 S. "Standby adoption" means an adoption in which a parent  
3 consents to custody and termination of parental rights to  
4 become effective upon the occurrence of a future event, which  
5 is either the death of the parent or the request of the parent  
6 for the entry of a final judgment of adoption.

7 T. (Blank).

8 (Source: P.A. 93-732, eff. 1-1-05; 94-229, eff. 1-1-06; 94-563,  
9 eff. 1-1-06; 94-939, eff. 1-1-07.)

10 Section 1115. The Parental Notice of Abortion Act of 1995  
11 is amended by changing Section 10 as follows:

12 (750 ILCS 70/10)

13 Sec. 10. Definitions. As used in this Act:

14 "Abortion" means the use of any instrument, medicine, drug,  
15 or any other substance or device to terminate the pregnancy of  
16 a woman known to be pregnant with an intention other than to  
17 increase the probability of a live birth, to preserve the life  
18 or health of a child after live birth, or to remove a dead  
19 fetus.

20 "Actual notice" means the giving of notice directly, in  
21 person, or by telephone.

22 "Adult family member" means a person over 21 years of age  
23 who is the parent, grandparent, step-parent living in the  
24 household, or legal guardian.



1 "Constructive notice" means notice by certified mail to the  
2 last known address of the person entitled to notice with  
3 delivery deemed to have occurred 48 hours after the certified  
4 notice is mailed.

5 "Incompetent" means any person who has been adjudged as  
6 mentally ill or developmentally disabled and who, because of  
7 her mental illness or developmental disability, is not fully  
8 able to manage her person and for whom a guardian of the person  
9 has been appointed under Section 11a-3(a) (1) of the Probate Act  
10 of 1975.

11 "Medical emergency" means a condition that, on the basis of  
12 the physician's good faith clinical judgment, so complicates  
13 the medical condition of a pregnant woman as to necessitate the  
14 immediate abortion of her pregnancy to avert her death or for  
15 which a delay will create serious risk of substantial and  
16 irreversible impairment of major bodily function.

17 "Minor" means any person under 18 years of age who is not  
18 or has not been married or who has not been emancipated under  
19 the Emancipation of Minors Act.

20 "Neglect" means the failure of an adult family member to  
21 supply a child with necessary food, clothing, shelter, or  
22 medical care when reasonably able to do so or the failure to  
23 protect a child from conditions or actions that imminently and  
24 seriously endanger the child's physical or mental health when  
25 reasonably able to do so.

26 "Physical abuse" means any physical injury intentionally

1 inflicted by an adult family member on a child.

2 "Physician" means any person licensed to practice medicine  
3 in all its branches under the Illinois Medical Practice Act of  
4 1987.

5 "Sexual abuse" means any sexual conduct or sexual  
6 penetration as defined in Section 11-0.1 ~~12-12~~ of the Criminal  
7 Code of 1961 that is prohibited by the criminal laws of the  
8 State of Illinois and committed against a minor by an adult  
9 family member as defined in this Act.

10 (Source: P.A. 95-331, eff. 8-21-07.)

11 Section 1120. The Landlord and Tenant Act is amended by  
12 changing Section 10 as follows:

13 (765 ILCS 705/10)

14 Sec. 10. Failure to inform lessor who is a child sex  
15 offender and who resides in the same building in which the  
16 lessee resides or intends to reside that the lessee is a parent  
17 or guardian of a child under 18 years of age. If a lessor of  
18 residential real estate resides at such real estate and is a  
19 child sex offender as defined in Section 11-9.3 or 11-9.4 of  
20 the Criminal Code of 1961 and rents such real estate to a  
21 person who does not inform the lessor that the person is a  
22 parent or guardian of a child or children under 18 years of age  
23 and subsequent to such lease, the lessee discovers that the  
24 landlord is a child sex offender, then the lessee may not

1 terminate the lease based upon such discovery that the lessor  
2 is a child sex offender and such lease shall be in full force  
3 and effect. This subsection shall apply only to leases or other  
4 rental arrangements entered into after the effective date of  
5 this amendatory Act of the 95th General Assembly.

6 (Source: P.A. 95-820, eff. 1-1-09.)

7 Section 1125. The Illinois Securities Law of 1953 is  
8 amended by changing Section 7a as follows:

9 (815 ILCS 5/7a) (from Ch. 121 1/2, par. 137.7a)

10 Sec. 7a. (a) Except as provided in subsection (b) of this  
11 Section, no securities, issued by an issuer engaged in or  
12 deriving revenues from the conduct of any business or  
13 profession, the conduct of which would violate Section 11-14,  
14 11-14.3, 11-14.4 as described in subdivision (a) (1), (a) (2), or  
15 (a) (3) or that involves soliciting for a juvenile prostitute,  
16 11-15, 11-15.1, 11-16, 11-17, 11-19 or 11-19.1 of the Criminal  
17 Code of 1961, as now or hereafter amended, if conducted in this  
18 State, shall be sold or registered pursuant to Section 5, 6 or  
19 7 of this Act nor sold pursuant to the provisions of Section 3  
20 or 4 of this Act.

21 (b) Notwithstanding the provisions of subsection (a)  
22 hereof, such securities issued prior to the effective date of  
23 this amendatory Act of 1989 may be sold by a resident of this  
24 State in transactions which qualify for an exemption from the

1 registration requirements of this Act pursuant to subsection A  
2 of Section 4 of this Act.

3 (Source: P.A. 86-526.)

4 Section 1130. The Victims' Economic Security and Safety Act  
5 is amended by changing Section 10 as follows:

6 (820 ILCS 180/10)

7 Sec. 10. Definitions. In this Act, except as otherwise  
8 expressly provided:

9 (1) "Commerce" includes trade, traffic, commerce,  
10 transportation, or communication; and "industry or  
11 activity affecting commerce" means any activity, business,  
12 or industry in commerce or in which a labor dispute would  
13 hinder or obstruct commerce or the free flow of commerce,  
14 and includes "commerce" and any "industry affecting  
15 commerce".

16 (2) "Course of conduct" means a course of repeatedly  
17 maintaining a visual or physical proximity to a person or  
18 conveying oral or written threats, including threats  
19 conveyed through electronic communications, or threats  
20 implied by conduct.

21 (3) "Department" means the Department of Labor.

22 (4) "Director" means the Director of Labor.

23 (5) "Domestic or sexual violence" means domestic  
24 violence, sexual assault, or stalking.

1           (6) "Domestic violence" means abuse, as defined in  
2 Section 103 of the Illinois Domestic Violence Act of 1986,  
3 by a family or household member, as defined in Section 103  
4 of the Illinois Domestic Violence Act of 1986.

5           (7) "Electronic communications" includes  
6 communications via telephone, mobile phone, computer,  
7 e-mail, video recorder, fax machine, telex, or pager, or  
8 any other electronic communication, as defined in Section  
9 12-7.5 of the Criminal Code of 1961.

10          (8) "Employ" includes to suffer or permit to work.

11          (9) Employee.

12           (A) In general. "Employee" means any person  
13 employed by an employer.

14           (B) Basis. "Employee" includes a person employed  
15 as described in subparagraph (A) on a full or part-time  
16 basis, or as a participant in a work assignment as a  
17 condition of receipt of federal or State income-based  
18 public assistance.

19          (10) "Employer" means any of the following: (A) the  
20 State or any agency of the State; (B) any unit of local  
21 government or school district; or (C) any person that  
22 employs at least 15 employees.

23          (11) "Employment benefits" means all benefits provided  
24 or made available to employees by an employer, including  
25 group life insurance, health insurance, disability  
26 insurance, sick leave, annual leave, educational benefits,

1 pensions, and profit-sharing, regardless of whether such  
2 benefits are provided by a practice or written policy of an  
3 employer or through an "employee benefit plan". "Employee  
4 benefit plan" or "plan" means an employee welfare benefit  
5 plan or an employee pension benefit plan or a plan which is  
6 both an employee welfare benefit plan and an employee  
7 pension benefit plan.

8 (12) "Family or household member", for employees with a  
9 family or household member who is a victim of domestic or  
10 sexual violence, means a spouse, parent, son, daughter,  
11 other person related by blood or by present or prior  
12 marriage, other person who shares a relationship through a  
13 son or daughter, and persons jointly residing in the same  
14 household.

15 (13) "Parent" means the biological parent of an  
16 employee or an individual who stood in loco parentis to an  
17 employee when the employee was a son or daughter. "Son or  
18 daughter" means a biological, adopted, or foster child, a  
19 stepchild, a legal ward, or a child of a person standing in  
20 loco parentis, who is under 18 years of age, or is 18 years  
21 of age or older and incapable of self-care because of a  
22 mental or physical disability.

23 (14) "Perpetrator" means an individual who commits or  
24 is alleged to have committed any act or threat of domestic  
25 or sexual violence.

26 (15) "Person" means an individual, partnership,

1 association, corporation, business trust, legal  
2 representative, or any organized group of persons.

3 (16) "Public agency" means the Government of the State  
4 or political subdivision thereof; any agency of the State,  
5 or of a political subdivision of the State; or any  
6 governmental agency.

7 (17) "Public assistance" includes cash, food stamps,  
8 medical assistance, housing assistance, and other benefits  
9 provided on the basis of income by a public agency or  
10 public employer.

11 (18) "Reduced work schedule" means a work schedule that  
12 reduces the usual number of hours per workweek, or hours  
13 per workday, of an employee.

14 (19) "Repeatedly" means on 2 or more occasions.

15 (20) "Sexual assault" means any conduct proscribed by  
16 the Criminal Code of 1961 in Sections 11-1.20, 11-1.30,  
17 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15,  
18 and 12-16.

19 (21) "Stalking" means any conduct proscribed by the  
20 Criminal Code of 1961 in Sections 12-7.3, 12-7.4, and  
21 12-7.5.

22 (22) "Victim" or "survivor" means an individual who has  
23 been subjected to domestic or sexual violence.

24 (23) "Victim services organization" means a nonprofit,  
25 nongovernmental organization that provides assistance to  
26 victims of domestic or sexual violence or to advocates for

1       such victims, including a rape crisis center, an  
2       organization carrying out a domestic violence program, an  
3       organization operating a shelter or providing counseling  
4       services, or a legal services organization or other  
5       organization providing assistance through the legal  
6       process.

7       (Source: P.A. 96-635, eff. 8-24-09.)".