

1 AN ACT concerning criminal law.

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

4 Section 5. The Abused and Neglected Child Reporting Act is
5 amended by changing Section 3 as follows:

6 (325 ILCS 5/3) (from Ch. 23, par. 2053)

7 Sec. 3. As used in this Act unless the context otherwise
8 requires:

9 "Child" means any person under the age of 18 years, unless
10 legally emancipated by reason of marriage or entry into a
11 branch of the United States armed services.

12 "Department" means Department of Children and Family
13 Services.

14 "Local law enforcement agency" means the police of a city,
15 town, village or other incorporated area or the sheriff of an
16 unincorporated area or any sworn officer of the Illinois
17 Department of State Police.

18 "Abused child" means a child whose parent or immediate
19 family member, or any person responsible for the child's
20 welfare, or any individual residing in the same home as the
21 child, or a paramour of the child's parent:

22 (a) inflicts, causes to be inflicted, or allows to be
23 inflicted upon such child physical injury, by other than

1 accidental means, which causes death, disfigurement,
2 impairment of physical or emotional health, or loss or
3 impairment of any bodily function;

4 (b) creates a substantial risk of physical injury to
5 such child by other than accidental means which would be
6 likely to cause death, disfigurement, impairment of
7 physical or emotional health, or loss or impairment of any
8 bodily function;

9 (c) commits or allows to be committed any sex offense
10 against such child, as such sex offenses are defined in the
11 Criminal Code of 1961, as amended, or in the Wrongs to
12 Children Act, and extending those definitions of sex
13 offenses to include children under 18 years of age;

14 (d) commits or allows to be committed an act or acts of
15 torture upon such child;

16 (e) inflicts excessive corporal punishment;

17 (f) commits or allows to be committed the offense of
18 female genital mutilation, as defined in Section 12-34 of
19 the Criminal Code of 1961, against the child; or

20 (g) causes to be sold, transferred, distributed, or
21 given to such child under 18 years of age, a controlled
22 substance as defined in Section 102 of the Illinois
23 Controlled Substances Act in violation of Article IV of the
24 Illinois Controlled Substances Act or in violation of the
25 Methamphetamine Control and Community Protection Act,
26 except for controlled substances that are prescribed in

1 accordance with Article III of the Illinois Controlled
2 Substances Act and are dispensed to such child in a manner
3 that substantially complies with the prescription.

4 (h) commits or allows to be committed the offense of
5 involuntary servitude, involuntary sexual servitude of a
6 minor, or trafficking in persons for forced labor or
7 services as defined in Section 10-9 of the Criminal Code of
8 1961 against the child.

9 A child shall not be considered abused for the sole reason
10 that the child has been relinquished in accordance with the
11 Abandoned Newborn Infant Protection Act.

12 "Neglected child" means any child who is not receiving the
13 proper or necessary nourishment or medically indicated
14 treatment including food or care not provided solely on the
15 basis of the present or anticipated mental or physical
16 impairment as determined by a physician acting alone or in
17 consultation with other physicians or otherwise is not
18 receiving the proper or necessary support or medical or other
19 remedial care recognized under State law as necessary for a
20 child's well-being, or other care necessary for his or her
21 well-being, including adequate food, clothing and shelter; or
22 who is abandoned by his or her parents or other person
23 responsible for the child's welfare without a proper plan of
24 care; or who has been provided with interim crisis intervention
25 services under Section 3-5 of the Juvenile Court Act of 1987
26 and whose parent, guardian, or custodian refuses to permit the

1 child to return home and no other living arrangement agreeable
2 to the parent, guardian, or custodian can be made, and the
3 parent, guardian, or custodian has not made any other
4 appropriate living arrangement for the child; or who is a
5 newborn infant whose blood, urine, or meconium contains any
6 amount of a controlled substance as defined in subsection (f)
7 of Section 102 of the Illinois Controlled Substances Act or a
8 metabolite thereof, with the exception of a controlled
9 substance or metabolite thereof whose presence in the newborn
10 infant is the result of medical treatment administered to the
11 mother or the newborn infant. A child shall not be considered
12 neglected for the sole reason that the child's parent or other
13 person responsible for his or her welfare has left the child in
14 the care of an adult relative for any period of time. A child
15 shall not be considered neglected for the sole reason that the
16 child has been relinquished in accordance with the Abandoned
17 Newborn Infant Protection Act. A child shall not be considered
18 neglected or abused for the sole reason that such child's
19 parent or other person responsible for his or her welfare
20 depends upon spiritual means through prayer alone for the
21 treatment or cure of disease or remedial care as provided under
22 Section 4 of this Act. A child shall not be considered
23 neglected or abused solely because the child is not attending
24 school in accordance with the requirements of Article 26 of The
25 School Code, as amended.

26 "Child Protective Service Unit" means certain specialized

1 State employees of the Department assigned by the Director to
2 perform the duties and responsibilities as provided under
3 Section 7.2 of this Act.

4 "Person responsible for the child's welfare" means the
5 child's parent; guardian; foster parent; relative caregiver;
6 any person responsible for the child's welfare in a public or
7 private residential agency or institution; any person
8 responsible for the child's welfare within a public or private
9 profit or not for profit child care facility; or any other
10 person responsible for the child's welfare at the time of the
11 alleged abuse or neglect, or any person who came to know the
12 child through an official capacity or position of trust,
13 including but not limited to health care professionals,
14 educational personnel, recreational supervisors, members of
15 the clergy, and volunteers or support personnel in any setting
16 where children may be subject to abuse or neglect.

17 "Temporary protective custody" means custody within a
18 hospital or other medical facility or a place previously
19 designated for such custody by the Department, subject to
20 review by the Court, including a licensed foster home, group
21 home, or other institution; but such place shall not be a jail
22 or other place for the detention of criminal or juvenile
23 offenders.

24 "An unfounded report" means any report made under this Act
25 for which it is determined after an investigation that no
26 credible evidence of abuse or neglect exists.

1 "An indicated report" means a report made under this Act if
2 an investigation determines that credible evidence of the
3 alleged abuse or neglect exists.

4 "An undetermined report" means any report made under this
5 Act in which it was not possible to initiate or complete an
6 investigation on the basis of information provided to the
7 Department.

8 "Subject of report" means any child reported to the central
9 register of child abuse and neglect established under Section
10 7.7 of this Act and his or her parent, guardian or other person
11 responsible who is also named in the report.

12 "Perpetrator" means a person who, as a result of
13 investigation, has been determined by the Department to have
14 caused child abuse or neglect.

15 "Member of the clergy" means a clergyman or practitioner of
16 any religious denomination accredited by the religious body to
17 which he or she belongs.

18 (Source: P.A. 94-556, eff. 9-11-05; 95-443, eff. 1-1-08.)

19 Section 10. The Juvenile Court Act of 1987 is amended by
20 changing Sections 2-3 and 2-18 as follows:

21 (705 ILCS 405/2-3) (from Ch. 37, par. 802-3)

22 Sec. 2-3. Neglected or abused minor.

23 (1) Those who are neglected include:

24 (a) any minor under 18 years of age who is not

1 receiving the proper or necessary support, education as
2 required by law, or medical or other remedial care
3 recognized under State law as necessary for a minor's
4 well-being, or other care necessary for his or her
5 well-being, including adequate food, clothing and shelter,
6 or who is abandoned by his or her parent or parents or
7 other person or persons responsible for the minor's
8 welfare, except that a minor shall not be considered
9 neglected for the sole reason that the minor's parent or
10 parents or other person or persons responsible for the
11 minor's welfare have left the minor in the care of an adult
12 relative for any period of time, who the parent or parents
13 or other person responsible for the minor's welfare know is
14 both a mentally capable adult relative and physically
15 capable adult relative, as defined by this Act; or

16 (b) any minor under 18 years of age whose environment
17 is injurious to his or her welfare; or

18 (c) any newborn infant whose blood, urine, or meconium
19 contains any amount of a controlled substance as defined in
20 subsection (f) of Section 102 of the Illinois Controlled
21 Substances Act, as now or hereafter amended, or a
22 metabolite of a controlled substance, with the exception of
23 controlled substances or metabolites of such substances,
24 the presence of which in the newborn infant is the result
25 of medical treatment administered to the mother or the
26 newborn infant; or

1 (d) any minor under the age of 14 years whose parent or
2 other person responsible for the minor's welfare leaves the
3 minor without supervision for an unreasonable period of
4 time without regard for the mental or physical health,
5 safety, or welfare of that minor; or

6 (e) any minor who has been provided with interim crisis
7 intervention services under Section 3-5 of this Act and
8 whose parent, guardian, or custodian refuses to permit the
9 minor to return home unless the minor is an immediate
10 physical danger to himself, herself, or others living in
11 the home.

12 Whether the minor was left without regard for the mental or
13 physical health, safety, or welfare of that minor or the period
14 of time was unreasonable shall be determined by considering the
15 following factors, including but not limited to:

16 (1) the age of the minor;

17 (2) the number of minors left at the location;

18 (3) special needs of the minor, including whether the
19 minor is physically or mentally handicapped, or otherwise
20 in need of ongoing prescribed medical treatment such as
21 periodic doses of insulin or other medications;

22 (4) the duration of time in which the minor was left
23 without supervision;

24 (5) the condition and location of the place where the
25 minor was left without supervision;

26 (6) the time of day or night when the minor was left

1 without supervision;

2 (7) the weather conditions, including whether the
3 minor was left in a location with adequate protection from
4 the natural elements such as adequate heat or light;

5 (8) the location of the parent or guardian at the time
6 the minor was left without supervision, the physical
7 distance the minor was from the parent or guardian at the
8 time the minor was without supervision;

9 (9) whether the minor's movement was restricted, or the
10 minor was otherwise locked within a room or other
11 structure;

12 (10) whether the minor was given a phone number of a
13 person or location to call in the event of an emergency and
14 whether the minor was capable of making an emergency call;

15 (11) whether there was food and other provision left
16 for the minor;

17 (12) whether any of the conduct is attributable to
18 economic hardship or illness and the parent, guardian or
19 other person having physical custody or control of the
20 child made a good faith effort to provide for the health
21 and safety of the minor;

22 (13) the age and physical and mental capabilities of
23 the person or persons who provided supervision for the
24 minor;

25 (14) whether the minor was left under the supervision
26 of another person;

1 (15) any other factor that would endanger the health
2 and safety of that particular minor.

3 A minor shall not be considered neglected for the sole
4 reason that the minor has been relinquished in accordance with
5 the Abandoned Newborn Infant Protection Act.

6 (2) Those who are abused include any minor under 18 years
7 of age whose parent or immediate family member, or any person
8 responsible for the minor's welfare, or any person who is in
9 the same family or household as the minor, or any individual
10 residing in the same home as the minor, or a paramour of the
11 minor's parent:

12 (i) inflicts, causes to be inflicted, or allows to be
13 inflicted upon such minor physical injury, by other than
14 accidental means, which causes death, disfigurement,
15 impairment of physical or emotional health, or loss or
16 impairment of any bodily function;

17 (ii) creates a substantial risk of physical injury to
18 such minor by other than accidental means which would be
19 likely to cause death, disfigurement, impairment of
20 emotional health, or loss or impairment of any bodily
21 function;

22 (iii) commits or allows to be committed any sex offense
23 against such minor, as such sex offenses are defined in the
24 Criminal Code of 1961, as amended, or in the Wrongs to
25 Children Act, and extending those definitions of sex
26 offenses to include minors under 18 years of age;

1 (iv) commits or allows to be committed an act or acts
2 of torture upon such minor; ~~or~~

3 (v) inflicts excessive corporal punishment; ~~or~~

4 (vi) commits or allows to be committed the offense of
5 involuntary servitude, involuntary sexual servitude of a
6 minor, or trafficking in persons for forced labor or
7 services defined in Section 10-9 of the Criminal Code of
8 1961, upon such minor; or

9 (vii) allows, encourages or requires a minor to commit
10 any act of prostitution, as defined in the Criminal Code of
11 1961, and extending those definitions to include minors
12 under 18 years of age.

13 A minor shall not be considered abused for the sole reason
14 that the minor has been relinquished in accordance with the
15 Abandoned Newborn Infant Protection Act.

16 (3) This Section does not apply to a minor who would be
17 included herein solely for the purpose of qualifying for
18 financial assistance for himself, his parents, guardian or
19 custodian.

20 (Source: P.A. 95-443, eff. 1-1-08; 96-168, eff. 8-10-09.)

21 (705 ILCS 405/2-18) (from Ch. 37, par. 802-18)

22 Sec. 2-18. Evidence.

23 (1) At the adjudicatory hearing, the court shall first
24 consider only the question whether the minor is abused,
25 neglected or dependent. The standard of proof and the rules of

1 evidence in the nature of civil proceedings in this State are
2 applicable to proceedings under this Article. If the petition
3 also seeks the appointment of a guardian of the person with
4 power to consent to adoption of the minor under Section 2-29,
5 the court may also consider legally admissible evidence at the
6 adjudicatory hearing that one or more grounds of unfitness
7 exists under subdivision D of Section 1 of the Adoption Act.

8 (2) In any hearing under this Act, the following shall
9 constitute prima facie evidence of abuse or neglect, as the
10 case may be:

11 (a) proof that a minor has a medical diagnosis of
12 battered child syndrome is prima facie evidence of abuse;

13 (b) proof that a minor has a medical diagnosis of
14 failure to thrive syndrome is prima facie evidence of
15 neglect;

16 (c) proof that a minor has a medical diagnosis of fetal
17 alcohol syndrome is prima facie evidence of neglect;

18 (d) proof that a minor has a medical diagnosis at birth
19 of withdrawal symptoms from narcotics or barbiturates is
20 prima facie evidence of neglect;

21 (e) proof of injuries sustained by a minor or of the
22 condition of a minor of such a nature as would ordinarily
23 not be sustained or exist except by reason of the acts or
24 omissions of the parent, custodian or guardian of such
25 minor shall be prima facie evidence of abuse or neglect, as
26 the case may be;

1 (f) proof that a parent, custodian or guardian of a
2 minor repeatedly used a drug, to the extent that it has or
3 would ordinarily have the effect of producing in the user a
4 substantial state of stupor, unconsciousness,
5 intoxication, hallucination, disorientation or
6 incompetence, or a substantial impairment of judgment, or a
7 substantial manifestation of irrationality, shall be prima
8 facie evidence of neglect;

9 (g) proof that a parent, custodian, or guardian of a
10 minor repeatedly used a controlled substance, as defined in
11 subsection (f) of Section 102 of the Illinois Controlled
12 Substances Act, in the presence of the minor or a sibling
13 of the minor is prima facie evidence of neglect. "Repeated
14 use", for the purpose of this subsection, means more than
15 one use of a controlled substance as defined in subsection
16 (f) of Section 102 of the Illinois Controlled Substances
17 Act;

18 (h) proof that a newborn infant's blood, urine, or
19 meconium contains any amount of a controlled substance as
20 defined in subsection (f) of Section 102 of the Illinois
21 Controlled Substances Act, or a metabolite of a controlled
22 substance, with the exception of controlled substances or
23 metabolites of those substances, the presence of which is
24 the result of medical treatment administered to the mother
25 or the newborn, is prime facie evidence of neglect;

26 (i) proof that a minor was present in a structure or

1 vehicle in which the minor's parent, custodian, or guardian
2 was involved in the manufacture of methamphetamine
3 constitutes prima facie evidence of abuse and neglect; -

4 (j) proof that a parent, custodian, or guardian of a
5 minor allows, encourages, or requires a minor to perform,
6 offer, or agree to perform any act of sexual penetration as
7 defined in Section 12-12 of the Criminal Code of 1961 for
8 any money, property, token, object, or article or anything
9 of value, or any touching or fondling of the sex organs of
10 one person by another person, for any money, property,
11 token, object, or article or anything of value, for the
12 purpose of sexual arousal or gratification, constitutes
13 prima facie evidence of abuse and neglect;

14 (k) proof that a parent, custodian, or guardian of a
15 minor commits or allows to be committed the offense of
16 involuntary servitude, involuntary sexual servitude of a
17 minor, or trafficking in persons for forced labor or
18 services defined in Section 10-9 of the Criminal Code of
19 1961, upon such minor, constitutes prima facie evidence of
20 abuse and neglect.

21 (3) In any hearing under this Act, proof of the abuse,
22 neglect or dependency of one minor shall be admissible evidence
23 on the issue of the abuse, neglect or dependency of any other
24 minor for whom the respondent is responsible.

25 (4) (a) Any writing, record, photograph or x-ray of any
26 hospital or public or private agency, whether in the form of an

1 entry in a book or otherwise, made as a memorandum or record of
2 any condition, act, transaction, occurrence or event relating
3 to a minor in an abuse, neglect or dependency proceeding, shall
4 be admissible in evidence as proof of that condition, act,
5 transaction, occurrence or event, if the court finds that the
6 document was made in the regular course of the business of the
7 hospital or agency and that it was in the regular course of
8 such business to make it, at the time of the act, transaction,
9 occurrence or event, or within a reasonable time thereafter. A
10 certification by the head or responsible employee of the
11 hospital or agency that the writing, record, photograph or
12 x-ray is the full and complete record of the condition, act,
13 transaction, occurrence or event and that it satisfies the
14 conditions of this paragraph shall be prima facie evidence of
15 the facts contained in such certification. A certification by
16 someone other than the head of the hospital or agency shall be
17 accompanied by a photocopy of a delegation of authority signed
18 by both the head of the hospital or agency and by such other
19 employee. All other circumstances of the making of the
20 memorandum, record, photograph or x-ray, including lack of
21 personal knowledge of the maker, may be proved to affect the
22 weight to be accorded such evidence, but shall not affect its
23 admissibility.

24 (b) Any indicated report filed pursuant to the Abused and
25 Neglected Child Reporting Act shall be admissible in evidence.

26 (c) Previous statements made by the minor relating to any

1 allegations of abuse or neglect shall be admissible in
2 evidence. However, no such statement, if uncorroborated and not
3 subject to cross-examination, shall be sufficient in itself to
4 support a finding of abuse or neglect.

5 (d) There shall be a rebuttable presumption that a minor is
6 competent to testify in abuse or neglect proceedings. The court
7 shall determine how much weight to give to the minor's
8 testimony, and may allow the minor to testify in chambers with
9 only the court, the court reporter and attorneys for the
10 parties present.

11 (e) The privileged character of communication between any
12 professional person and patient or client, except privilege
13 between attorney and client, shall not apply to proceedings
14 subject to this Article.

15 (f) Proof of the impairment of emotional health or
16 impairment of mental or emotional condition as a result of the
17 failure of the respondent to exercise a minimum degree of care
18 toward a minor may include competent opinion or expert
19 testimony, and may include proof that such impairment lessened
20 during a period when the minor was in the care, custody or
21 supervision of a person or agency other than the respondent.

22 (5) In any hearing under this Act alleging neglect for
23 failure to provide education as required by law under
24 subsection (1) of Section 2-3, proof that a minor under 13
25 years of age who is subject to compulsory school attendance
26 under the School Code is a chronic truant as defined under the

1 School Code shall be prima facie evidence of neglect by the
2 parent or guardian in any hearing under this Act and proof that
3 a minor who is 13 years of age or older who is subject to
4 compulsory school attendance under the School Code is a chronic
5 truant shall raise a rebuttable presumption of neglect by the
6 parent or guardian. This subsection (5) shall not apply in
7 counties with 2,000,000 or more inhabitants.

8 (6) In any hearing under this Act, the court may take
9 judicial notice of prior sworn testimony or evidence admitted
10 in prior proceedings involving the same minor if (a) the
11 parties were either represented by counsel at such prior
12 proceedings or the right to counsel was knowingly waived and
13 (b) the taking of judicial notice would not result in admitting
14 hearsay evidence at a hearing where it would otherwise be
15 prohibited.

16 (Source: P.A. 93-884, eff. 1-1-05.)

17 Section 15. The Criminal Code of 1961 is amended by
18 changing Sections 11-14, 11-14.1, 11-14.2, 11-15, 11-15.1,
19 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, and
20 14-3 and by adding Section 11-19.3 as follows:

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

22 Sec. 11-14. Prostitution.

23 (a) Any person who performs, offers or agrees to perform
24 any act of sexual penetration as defined in Section 12-12 of

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

7 (b) Sentence.

8 Prostitution is a Class A misdemeanor. A person convicted
9 of a second or subsequent violation of this Section, or of any
10 combination of such number of convictions under this Section
11 and Sections 11-14.1, 11-15, 11-15.1, 11-16, 11-17, 11-17.1,
12 11-18, 11-18.1, and 11-19, 11-19.1, or 11-19.2 of this Code is
13 guilty of a Class 4 felony. When a person has one or more prior
14 convictions, the information or indictment charging that
15 person shall state such prior conviction so as to give notice
16 of the State's intention to treat the charge as a felony. The
17 fact of such prior conviction is not an element of the offense
18 and may not be disclosed to the jury during trial unless
19 otherwise permitted by issues properly raised during such
20 trial.

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

23 (d) Notwithstanding the foregoing, if it is determined,
24 after a reasonable detention for investigative purposes, that a
25 person suspected of or charged with a violation of this Section
26 is a person under the age of 18, that person shall be immune

1 from prosecution for a prostitution offense under this Section,
2 and shall be subject to the temporary protective custody
3 provisions of Sections 2-5 and 2-6 of the Juvenile Court Act of
4 1987. Pursuant to the provisions of Section 2-6 of the Juvenile
5 Court Act of 1987, a law enforcement officer who takes a person
6 under 18 years of age into custody under this Section shall
7 immediately report an allegation of a violation of Section 10-9
8 of this Code to the Illinois Department of Children and Family
9 Services State Central Register, which shall commence an
10 initial investigation into child abuse or child neglect within
11 24 hours pursuant to Section 7.4 of the Abused and Neglected
12 Child Reporting Act.

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

15 (720 ILCS 5/11-14.1)

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

17 (a) Any person who offers a person not his or her spouse
18 any money, property, token, object, or article or anything of
19 value for that person or any other person not his or her spouse
20 to perform any act of sexual penetration as defined in Section
21 12-12 of this Code, or any touching or fondling of the sex
22 organs of one person by another person for the purpose of
23 sexual arousal or gratification, commits the offense of
24 solicitation of a sexual act.

25 (b) Sentence. Solicitation of a sexual act is a Class A ~~B~~

1 misdemeanor. Solicitation of a sexual act from a person who is
2 under the age of 18 or who is severely or profoundly mentally
3 retarded is a Class 4 felony.

4 (b-5) It is an affirmative defense to a charge of
5 solicitation of a sexual act with a person who is under the age
6 of 18 or who is severely or profoundly mentally retarded that
7 the accused reasonably believed the person was of the age of 18
8 years or over or was not a severely or profoundly mentally
9 retarded person at the time of the act giving rise to the
10 charge.

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

12 (720 ILCS 5/11-14.2)

13 Sec. 11-14.2. First offender; felony prostitution.

14 (a) Whenever any person who has not previously been
15 convicted of or placed on probation for felony prostitution or
16 any law of the United States or of any other state relating to
17 felony prostitution pleads guilty to or is found guilty of
18 felony prostitution, the court, without entering a judgment and
19 with the consent of such person, may sentence the person to
20 probation.

21 (b) When a person is placed on probation, the court shall
22 enter an order specifying a period of probation of 24 months
23 and shall defer further proceedings in the case until the
24 conclusion of the period or until the filing of a petition
25 alleging violation of a term or condition of probation.

1 (c) The conditions of probation shall be that the person:
2 (1) not violate any criminal statute of any jurisdiction; (2)
3 refrain from possessing a firearm or other dangerous weapon;
4 (3) submit to periodic drug testing at a time and in a manner
5 as ordered by the court, but no less than 3 times during the
6 period of the probation, with the cost of the testing to be
7 paid by the probationer; and (4) perform no less than 30 hours
8 of community service, provided community service is available
9 in the jurisdiction and is funded and approved by the county
10 board.

11 (d) The court may, in addition to other conditions, require
12 that the person:

13 (1) make a report to and appear in person before or
14 participate with the court or such courts, person, or
15 social service agency as directed by the court in the order
16 of probation;

17 (2) pay a fine and costs;

18 (3) work or pursue a course of study or vocational
19 training;

20 (4) undergo medical or psychiatric treatment; or
21 treatment or rehabilitation by a provider approved by the
22 Illinois Department of Human Services;

23 (5) attend or reside in a facility established for the
24 instruction or residence of defendants on probation;

25 (6) support his or her dependents;

26 (7) refrain from having in his or her body the presence

1 of any illicit drug prohibited by the Cannabis Control Act
2 or the Illinois Controlled Substances Act, unless
3 prescribed by a physician, and submit samples of his or her
4 blood or urine or both for tests to determine the presence
5 of any illicit drug;

6 (8) (blank). ~~and in addition, if a minor:~~

7 ~~(i) reside with his or her parents or in a foster~~
8 ~~home;~~

9 ~~(ii) attend school;~~

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

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

13 (e) Upon violation of a term or condition of probation, the
14 court may enter a judgment on its original finding of guilt and
15 proceed as otherwise provided.

16 (f) Upon fulfillment of the terms and conditions of
17 probation, the court shall discharge the person and dismiss the
18 proceedings against him or her.

19 (g) A disposition of probation is considered to be a
20 conviction for the purposes of imposing the conditions of
21 probation and for appeal, however, discharge and dismissal
22 under this Section is not a conviction for purposes of this Act
23 or for purposes of disqualifications or disabilities imposed by
24 law upon conviction of a crime.

25 (h) There may be only one discharge and dismissal under
26 this Section.

1 (i) If a person is convicted of prostitution within 5 years
2 subsequent to a discharge and dismissal under this Section, the
3 discharge and dismissal under this Section shall be admissible
4 in the sentencing proceeding for that conviction as evidence in
5 aggravation.

6 (Source: P.A. 95-255, eff. 8-17-07.)

7 (720 ILCS 5/11-15) (from Ch. 38, par. 11-15)

8 Sec. 11-15. Soliciting for a prostitute.

9 (a) Any person who performs any of the following acts
10 commits soliciting for a prostitute:

11 (1) Solicits another for the purpose of prostitution;

12 or

13 (2) Arranges or offers to arrange a meeting of persons
14 for the purpose of prostitution; or

15 (3) Directs another to a place knowing such direction
16 is for the purpose of prostitution.

17 (b) Sentence. Soliciting for a prostitute is a Class 4
18 felony ~~A misdemeanor~~. A person convicted of a second or
19 subsequent violation of this Section, or of any combination of
20 such number of convictions under this Section and Sections
21 11-14, 11-14.1, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
22 11-18.1, ~~and~~ 11-19, 11-19.1, or 11-19.2 of this Code is guilty
23 of a Class 3 ~~4~~ felony. ~~When a person has one or more prior~~
24 ~~convictions, the information or indictment charging that~~
25 ~~person shall state such prior conviction so as to give notice~~

1 ~~of the State's intention to treat the charge as a felony.~~ The
2 fact of such prior conviction is not an element of the offense
3 and may not be disclosed to the jury during trial unless
4 otherwise permitted by issues properly raised during such
5 trial.

6 (b-5) A person who violates this Section within 1,000 feet
7 of real property comprising a school commits a Class 3 ~~4~~
8 felony.

9 ~~(c) A peace officer who arrests a person for a violation of~~
10 ~~this Section may impound any vehicle used by the person in the~~
11 ~~commission of the offense. The person may recover the vehicle~~
12 ~~from the impound after a minimum of 2 hours after arrest upon~~
13 ~~payment of a fee of \$200. The fee shall be distributed to the~~
14 ~~unit of government whose peace officers made the arrest for a~~
15 ~~violation of this Section. This \$200 fee includes the costs~~
16 ~~incurred by the unit of government to tow the vehicle to the~~
17 ~~impound. Upon the presentation of a signed court order by the~~
18 ~~defendant whose vehicle was impounded showing that the~~
19 ~~defendant has been acquitted of the offense of soliciting for a~~
20 ~~prostitute or that the charges have been dismissed against the~~
21 ~~defendant for that offense, the municipality shall refund the~~
22 ~~\$200 fee to the defendant.~~

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

25 (720 ILCS 5/11-15.1) (from Ch. 38, par. 11-15.1)

1 Sec. 11-15.1. Soliciting for a minor engaged in
2 prostitution ~~Juvenile Prostitute.~~

3 (a) Any person who violates any of the provisions of
4 Section 11-15(a) of this Act commits soliciting for a minor
5 engaged in prostitution ~~juvenile prostitute~~ where the person
6 ~~prostitute~~ for whom such person is soliciting is under 18 ~~17~~
7 years of age or is a severely or profoundly mentally retarded
8 person.

9 (b) It is an affirmative defense to a charge of soliciting
10 for a minor engaged in prostitution ~~juvenile prostitute~~ that
11 the accused reasonably believed the person was of the age of 18
12 ~~17~~ years or over or was not a severely or profoundly mentally
13 retarded person at the time of the act giving rise to the
14 charge.

15 (c) Sentence.

16 Soliciting for a minor engaged in prostitution ~~juvenile~~
17 ~~prostitute~~ is a Class 1 felony. A person convicted of a second
18 or subsequent violation of this Section, or of any combination
19 of such number of convictions under this Section and Sections
20 11-14, 11-14.1, 11-15, 11-16, 11-17, 11-17.1, 11-18, 11-18.1,
21 11-19, 11-19.1, or 11-19.2 of this Code, is guilty of a Class X
22 felony. The fact of such prior conviction is not an element of
23 the offense and may not be disclosed to the jury during trial
24 unless otherwise permitted by issues properly raised during the
25 trial.

26 (c-5) A person who violates this Section within 1,000 feet

1 of real property comprising a school commits a Class X felony.

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

3 (720 ILCS 5/11-17) (from Ch. 38, par. 11-17)

4 Sec. 11-17. Keeping a Place of Prostitution.

5 (a) Any person who has or exercises control over the use of
6 any place which could offer seclusion or shelter for the
7 practice of prostitution who performs any of the following acts
8 keeps a place of prostitution:

9 (1) Knowingly grants or permits the use of such place
10 for the purpose of prostitution; or

11 (2) Grants or permits the use of such place under
12 circumstances from which he could reasonably know that the
13 place is used or is to be used for purposes of
14 prostitution; or

15 (3) Permits the continued use of a place after becoming
16 aware of facts or circumstances from which he should
17 reasonably know that the place is being used for purposes
18 of prostitution.

19 (b) Sentence.

20 Keeping a place of prostitution is a Class 4 felony ~~A~~
21 ~~misdemeanor~~. A person convicted of a second or subsequent
22 violation of this Section, or of any combination of such number
23 of convictions under this Section and Sections 11-14, 11-14.1,
24 11-15, 11-15.1, 11-16, 11-17.1, 11-18, 11-18.1, and 11-19,
25 11-19.1, or 11-19.2 of this Code, is guilty of a Class 3 4

1 felony. ~~When a person has one or more prior convictions, the~~
2 ~~information or indictment charging that person shall state such~~
3 ~~prior conviction so as to give notice of the State's intention~~
4 ~~to treat the charge as a felony.~~ The fact of such conviction is
5 not an element of the offense and may not be disclosed to the
6 jury during trial unless otherwise permitted by issues properly
7 raised during such trial. A person who violates this Section
8 within 1,000 feet of real property comprising a school commits
9 a Class 3 felony.

10 (Source: P.A. 91-498, eff. 1-1-00.)

11 (720 ILCS 5/11-17.1) (from Ch. 38, par. 11-17.1)

12 Sec. 11-17.1. Keeping a Place of Juvenile Prostitution.

13 (a) Any person who knowingly violates any of the provisions
14 of Section 11-17 of this Act commits keeping a place of
15 juvenile prostitution when any person engaged in prostitution
16 ~~prostitute~~ in the place of prostitution is under 18 ~~17~~ years of
17 age or is a severely or profoundly mentally retarded person.

18 (b) If the accused did not have a reasonable opportunity to
19 observe the person, it ~~is~~ is an affirmative defense to a charge
20 of keeping a place of juvenile prostitution that the accused
21 reasonably believed the person was of the age of 18 ~~17~~ years or
22 over or was not a severely or profoundly mentally retarded
23 person at the time of the act giving rise to the charge.

24 (c) Sentence. Keeping a place of juvenile prostitution is a
25 Class 1 felony. A person convicted of a second or subsequent

1 violation of this Section, or of any combination of such number
2 of convictions under this Section and Sections 11-14, 11-14.1,
3 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1,
4 or 11-19.2 of this Code, is guilty of a Class X felony.

5 (d) Forfeiture. 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 (Source: P.A. 95-95, eff. 1-1-08; 96-712, eff. 1-1-10.)

9 (720 ILCS 5/11-18) (from Ch. 38, par. 11-18)

10 Sec. 11-18. Patronizing a prostitute.

11 (a) Any person who performs any of the following acts with
12 a person not his or her spouse commits the offense of
13 patronizing a prostitute:

14 (1) Engages in an act of sexual penetration as defined
15 in Section 12-12 of this Code with a prostitute; or

16 (2) Enters or remains in a place of prostitution with
17 intent to engage in an act of sexual penetration as defined
18 in Section 12-12 of this Code.

19 (b) Sentence.

20 Patronizing a prostitute is a Class 4 felony ~~A misdemeanor~~.
21 A person convicted of a second or subsequent violation of this
22 Section, or of any combination of such number of convictions
23 under this Section and Sections 11-14, 11-14.1, 11-15, 11-15.1,
24 11-16, 11-17, 11-17.1, 11-18.1, ~~and~~ 11-19, 11-19.1, or 11-19.2
25 of this Code, is guilty of a Class 3 4 felony. ~~When a person has~~

1 ~~one or more prior convictions, the information or indictment~~
2 ~~charging that person shall state such prior convictions so as~~
3 ~~to give notice of the State's intention to treat the charge as~~
4 ~~a felony.~~ The fact of such conviction is not an element of the
5 offense and may not be disclosed to the jury during trial
6 unless otherwise permitted by issues properly raised during
7 such trial.

8 (c) A person who violates this Section within 1,000 feet of
9 real property comprising a school commits a Class 3 ~~4~~ felony.

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

12 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

13 Sec. 11-18.1. Patronizing a minor engaged in prostitution
14 ~~juvenile prostitute~~. (a) Any person who engages in an act of
15 sexual penetration as defined in Section 12-12 of this Code
16 with a person engaged in prostitution who is ~~prostitute~~ under
17 18 ~~17~~ years of age or is a severely or profoundly mentally
18 retarded person commits the offense of patronizing a minor
19 engaged in prostitution ~~juvenile prostitute~~.

20 (b) It is an affirmative defense to the charge of
21 patronizing a minor engaged in prostitution ~~juvenile~~
22 ~~prostitute~~ that the accused reasonably believed that the person
23 was of the age of 18 ~~17~~ years or over or was not a severely or
24 profoundly mentally retarded person at the time of the act
25 giving rise to the charge.

1 (c) Sentence. A person who commits patronizing a juvenile
2 prostitute is guilty of a Class 3 4 felony. A person convicted
3 of a second or subsequent violation of this Section, or of any
4 combination of such number of convictions under this Section
5 and Sections 11-14, 11-14.1, 11-15, 11-15.1, 11-16, 11-17,
6 11-17.1, 11-18, 11-19, 11-19.1, or 11-19.2 of this Code, is
7 guilty of a Class 2 felony. The fact of such conviction is not
8 an element of the offense and may not be disclosed to the jury
9 during trial unless otherwise permitted by issues properly
10 raised during such trial. A person who violates this Section
11 within 1,000 feet of real property comprising a school commits
12 a Class 2 felony.

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

14 (720 ILCS 5/11-19) (from Ch. 38, par. 11-19)

15 Sec. 11-19. Pimping.

16 (a) Any person who receives any money, property, token,
17 object, or article or anything of value from a prostitute or
18 from a person who patronizes a prostitute, not for a lawful
19 consideration, knowing it was earned or paid in whole or in
20 part from or for the practice of prostitution, commits pimping.
21 The foregoing shall not apply to a person engaged in
22 prostitution who is under 18 years of age. A person cannot be
23 convicted of pimping under this Section if the practice of
24 prostitution underlying such offense consists exclusively of
25 the accused's own acts of prostitution under Section 11-14 of

1 this Code.

2 (b) Sentence.

3 Pimping is a Class 4 felony ~~A misdemeanor~~. A person
4 convicted of a second or subsequent violation of this Section,
5 or of any combination of such number of convictions under this
6 Section and Sections 11-14, 11-14.1, 11-15, 11-15.1, 11-16,
7 11-17, 11-17.1, 11-18, ~~and 11-18.1~~, 11-19.1, or 11-19.2 of this
8 Code is guilty of a Class 3 4 felony. ~~When a person has one or
9 more prior convictions, the information or indictment charging
10 that person shall state such prior conviction so as to give
11 notice of the State's intention to treat the charge as a
12 felony.~~ The fact of such conviction is not an element of the
13 offense and may not be disclosed to the jury during trial
14 unless otherwise permitted by issues properly raised during
15 such trial.

16 (c) A person who violates this Section within 1,000 feet of
17 real property comprising a school commits a Class 3 4 felony.
18 (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 91-696,
19 eff. 4-13-00.)

20 (720 ILCS 5/11-19.1) (from Ch. 38, par. 11-19.1)

21 Sec. 11-19.1. Juvenile Pimping and aggravated juvenile
22 pimping.

23 (a) A person commits the offense of juvenile pimping if the
24 person knowingly receives any form of consideration derived
25 from the practice of prostitution, in whole or in part, and

1 (1) the prostituted person ~~prostitute~~ was under the age
2 of 18 ~~17~~ at the time the act of prostitution occurred; or

3 (2) the prostitute was a severely or profoundly
4 mentally retarded person at the time the act of
5 prostitution occurred.

6 (b) A person commits the offense of aggravated juvenile
7 pimping if the person knowingly receives any form of
8 consideration derived from the practice of prostitution, in
9 whole or in part, and the prostituted person ~~prostitute~~ was
10 under the age of 13 at the time the act of prostitution
11 occurred.

12 (c) If the accused did not have a reasonable opportunity to
13 observe the prostituted person, it ~~is~~ is an affirmative defense
14 to a charge of juvenile pimping that the accused reasonably
15 believed the person was of the age of 18 ~~17~~ years or over or was
16 not a severely or profoundly mentally retarded person at the
17 time of the act giving rise to the charge.

18 (d) Sentence.

19 A person who commits a violation of subsection (a) is
20 guilty of a Class 1 felony. A person convicted of a second or
21 subsequent violation of this Section, or of any combination of
22 such number of convictions under this Section and Sections
23 11-14, 11-14.1, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
24 11-18.1, 11-19, or 11-19.2 of this Code, is guilty of a Class X
25 felony. A person who commits a violation of subsection (b) is
26 guilty of a Class X felony.

1 (e) For the purposes of this Section, "prostituted person"
2 means any person who engages in, or agrees or offers to engage
3 in, any act of sexual penetration as defined in Section 12-12
4 of this Code for any money, property, token, object, or article
5 or anything of value, or any touching or fondling of the sex
6 organs of one person by another person, for any money,
7 property, token, object, or article or anything of value, for
8 the purpose of sexual arousal or gratification.

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

10 (720 ILCS 5/11-19.2) (from Ch. 38, par. 11-19.2)

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

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

24 (1) compels the child or severely or profoundly
25 mentally retarded person to engage in prostitution ~~become a~~

1 ~~prostitute~~; or

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

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

10 (B) For purposes of this Section, administering drugs, as
11 defined in subsection (A), or an alcoholic intoxicant to a
12 child under the age of 13 or a severely or profoundly mentally
13 retarded person shall be deemed to be without consent if such
14 administering is done without the consent of the parents or
15 legal guardian or if such administering is performed by the
16 parents or legal guardians for other than medical purposes.

17 (C) Exploitation of a child is a Class X felony, for which
18 the person shall be sentenced to a term of imprisonment of not
19 less than 6 years and not more than 60 years.

20 (D) Any person convicted under this Section is subject to
21 the property forfeiture provisions set forth in Article 124B of
22 the Code of Criminal Procedure of 1963.

23 (Source: P.A. 95-640, eff. 6-1-08; 96-712, eff. 1-1-10.)

24 (720 ILCS 5/11-19.3 new)

25 Sec. 11-19.3. Vehicle impoundment.

1 (a) In addition to any other penalty provided by law, a
2 peace officer who arrests a person for a violation of Section
3 10-9, 10-14, 11-14.1, 11-15, 11-15.1, 11-16, 11-17, 11-17.1,
4 11-18, 11-18.1, 11-19, 11-19.1, or 11-19.2 of this Code, may
5 tow and impound any vehicle used by the person in the
6 commission of the offense. The person arrested for one or more
7 such violations shall be charged a \$1,000 fee, to be paid to
8 the unit of government that made the arrest. The person may
9 recover the vehicle from the impound after a minimum of 2 hours
10 after arrest upon payment of the fee.

11 (b) \$500 of the fee shall be distributed to the unit of
12 government whose peace officers made the arrest, for the costs
13 incurred by the unit of government to tow and impound the
14 vehicle. Upon the defendant's conviction of one or more of the
15 offenses in connection with which the vehicle was impounded and
16 the fee imposed under this Section, the remaining \$500 of the
17 fee shall be deposited into the Violent Crime Victims
18 Assistance Fund and shall be used by the Department of Human
19 Services to make grants to non-governmental organizations to
20 provide services for persons encountered during the course of
21 an investigation into any violation of Section 10-9, 11-14,
22 11-14.1, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
23 11-18.1, 11-19, 11-19.1, or 11-19.2 of this Code, provided such
24 persons constitute prostituted persons or other victims of
25 human trafficking.

26 (c) Upon the presentation by the defendant of a signed

1 court order showing that the defendant has been acquitted of
2 all of the offenses in connection with which a vehicle was
3 impounded and a fee imposed under this Section, or that the
4 charges against the defendant for those offenses have been
5 dismissed, the unit of government shall refund the \$1,000 fee
6 to the defendant.

7 (720 ILCS 5/14-3)

8 Sec. 14-3. Exemptions. The following activities shall be
9 exempt from the provisions of this Article:

10 (a) Listening to radio, wireless and television
11 communications of any sort where the same are publicly made;

12 (b) Hearing conversation when heard by employees of any
13 common carrier by wire incidental to the normal course of their
14 employment in the operation, maintenance or repair of the
15 equipment of such common carrier by wire so long as no
16 information obtained thereby is used or divulged by the hearer;

17 (c) Any broadcast by radio, television or otherwise whether
18 it be a broadcast or recorded for the purpose of later
19 broadcasts of any function where the public is in attendance
20 and the conversations are overheard incidental to the main
21 purpose for which such broadcasts are then being made;

22 (d) Recording or listening with the aid of any device to
23 any emergency communication made in the normal course of
24 operations by any federal, state or local law enforcement
25 agency or institutions dealing in emergency services,

1 including, but not limited to, hospitals, clinics, ambulance
2 services, fire fighting agencies, any public utility,
3 emergency repair facility, civilian defense establishment or
4 military installation;

5 (e) Recording the proceedings of any meeting required to be
6 open by the Open Meetings Act, as amended;

7 (f) Recording or listening with the aid of any device to
8 incoming telephone calls of phone lines publicly listed or
9 advertised as consumer "hotlines" by manufacturers or
10 retailers of food and drug products. Such recordings must be
11 destroyed, erased or turned over to local law enforcement
12 authorities within 24 hours from the time of such recording and
13 shall not be otherwise disseminated. Failure on the part of the
14 individual or business operating any such recording or
15 listening device to comply with the requirements of this
16 subsection shall eliminate any civil or criminal immunity
17 conferred upon that individual or business by the operation of
18 this Section;

19 (g) With prior notification to the State's Attorney of the
20 county in which it is to occur, recording or listening with the
21 aid of any device to any conversation where a law enforcement
22 officer, or any person acting at the direction of law
23 enforcement, is a party to the conversation and has consented
24 to it being intercepted or recorded under circumstances where
25 the use of the device is necessary for the protection of the
26 law enforcement officer or any person acting at the direction

1 of law enforcement, in the course of an investigation of a
2 forcible felony, a felony offense of involuntary servitude,
3 involuntary sexual servitude of a minor, or trafficking in
4 persons for forced labor or services under Section 10-9 of this
5 Code, an offense involving prostitution, solicitation of a
6 sexual act, or pandering, a felony violation of the Illinois
7 Controlled Substances Act, a felony violation of the Cannabis
8 Control Act, a felony violation of the Methamphetamine Control
9 and Community Protection Act, any "streetgang related" or
10 "gang-related" felony as those terms are defined in the
11 Illinois Streetgang Terrorism Omnibus Prevention Act, or any
12 felony offense involving any weapon listed in paragraphs (1)
13 through (11) of subsection (a) of Section 24-1 of this Code.
14 Any recording or evidence derived as the result of this
15 exemption shall be inadmissible in any proceeding, criminal,
16 civil or administrative, except (i) where a party to the
17 conversation suffers great bodily injury or is killed during
18 such conversation, or (ii) when used as direct impeachment of a
19 witness concerning matters contained in the interception or
20 recording. The Director of the Department of State Police shall
21 issue regulations as are necessary concerning the use of
22 devices, retention of tape recordings, and reports regarding
23 their use;

24 (g-5) With approval of the State's Attorney of the county
25 in which it is to occur, recording or listening with the aid of
26 any device to any conversation where a law enforcement officer,

1 or any person acting at the direction of law enforcement, is a
2 party to the conversation and has consented to it being
3 intercepted or recorded in the course of an investigation of
4 any offense defined in Article 29D of this Code. In all such
5 cases, an application for an order approving the previous or
6 continuing use of an eavesdropping device must be made within
7 48 hours of the commencement of such use. In the absence of
8 such an order, or upon its denial, any continuing use shall
9 immediately terminate. The Director of State Police shall issue
10 rules as are necessary concerning the use of devices, retention
11 of tape recordings, and reports regarding their use.

12 Any recording or evidence obtained or derived in the course
13 of an investigation of any offense defined in Article 29D of
14 this Code shall, upon motion of the State's Attorney or
15 Attorney General prosecuting any violation of Article 29D, be
16 reviewed in camera with notice to all parties present by the
17 court presiding over the criminal case, and, if ruled by the
18 court to be relevant and otherwise admissible, it shall be
19 admissible at the trial of the criminal case.

20 This subsection (g-5) is inoperative on and after January
21 1, 2005. No conversations recorded or monitored pursuant to
22 this subsection (g-5) shall be inadmissible in a court of law
23 by virtue of the repeal of this subsection (g-5) on January 1,
24 2005;

25 (g-6) With approval of the State's Attorney of the county
26 in which it is to occur, recording or listening with the aid of

1 any device to any conversation where a law enforcement officer,
2 or any person acting at the direction of law enforcement, is a
3 party to the conversation and has consented to it being
4 intercepted or recorded in the course of an investigation of
5 involuntary servitude, involuntary sexual servitude of a
6 minor, trafficking in persons for forced labor or services,
7 child pornography, aggravated child pornography, indecent
8 solicitation of a child, child abduction, luring of a minor,
9 sexual exploitation of a child, predatory criminal sexual
10 assault of a child, aggravated criminal sexual abuse in which
11 the victim of the offense was at the time of the commission of
12 the offense under 18 years of age, criminal sexual abuse by
13 force or threat of force in which the victim of the offense was
14 at the time of the commission of the offense under 18 years of
15 age, or aggravated criminal sexual assault in which the victim
16 of the offense was at the time of the commission of the offense
17 under 18 years of age. In all such cases, an application for an
18 order approving the previous or continuing use of an
19 eavesdropping device must be made within 48 hours of the
20 commencement of such use. In the absence of such an order, or
21 upon its denial, any continuing use shall immediately
22 terminate. The Director of State Police shall issue rules as
23 are necessary concerning the use of devices, retention of
24 recordings, and reports regarding their use. Any recording or
25 evidence obtained or derived in the course of an investigation
26 of involuntary servitude, involuntary sexual servitude of a

1 minor, trafficking in persons for forced labor or services,
2 child pornography, aggravated child pornography, indecent
3 solicitation of a child, child abduction, luring of a minor,
4 sexual exploitation of a child, predatory criminal sexual
5 assault of a child, aggravated criminal sexual abuse in which
6 the victim of the offense was at the time of the commission of
7 the offense under 18 years of age, criminal sexual abuse by
8 force or threat of force in which the victim of the offense was
9 at the time of the commission of the offense under 18 years of
10 age, or aggravated criminal sexual assault in which the victim
11 of the offense was at the time of the commission of the offense
12 under 18 years of age shall, upon motion of the State's
13 Attorney or Attorney General prosecuting any case involving
14 involuntary servitude, involuntary sexual servitude of a
15 minor, trafficking in persons for forced labor or services,
16 child pornography, aggravated child pornography, indecent
17 solicitation of a child, child abduction, luring of a minor,
18 sexual exploitation of a child, predatory criminal sexual
19 assault of a child, aggravated criminal sexual abuse in which
20 the victim of the offense was at the time of the commission of
21 the offense under 18 years of age, criminal sexual abuse by
22 force or threat of force in which the victim of the offense was
23 at the time of the commission of the offense under 18 years of
24 age, or aggravated criminal sexual assault in which the victim
25 of the offense was at the time of the commission of the offense
26 under 18 years of age, be reviewed in camera with notice to all

1 parties present by the court presiding over the criminal case,
2 and, if ruled by the court to be relevant and otherwise
3 admissible, it shall be admissible at the trial of the criminal
4 case. Absent such a ruling, any such recording or evidence
5 shall not be admissible at the trial of the criminal case;

6 (h) Recordings made simultaneously with the use of an
7 in-car video camera recording of an oral conversation between a
8 uniformed peace officer, who has identified his or her office,
9 and a person in the presence of the peace officer whenever (i)
10 an officer assigned a patrol vehicle is conducting an
11 enforcement stop; or (ii) patrol vehicle emergency lights are
12 activated or would otherwise be activated if not for the need
13 to conceal the presence of law enforcement.

14 For the purposes of this subsection (h), "enforcement stop"
15 means an action by a law enforcement officer in relation to
16 enforcement and investigation duties, including but not
17 limited to, traffic stops, pedestrian stops, abandoned vehicle
18 contacts, motorist assists, commercial motor vehicle stops,
19 roadside safety checks, requests for identification, or
20 responses to requests for emergency assistance;

21 (h-5) Recordings of utterances made by a person while in
22 the presence of a uniformed peace officer and while an occupant
23 of a police vehicle including, but not limited to, (i)
24 recordings made simultaneously with the use of an in-car video
25 camera and (ii) recordings made in the presence of the peace
26 officer utilizing video or audio systems, or both, authorized

1 by the law enforcement agency;

2 (h-10) Recordings made simultaneously with a video camera
3 recording during the use of a taser or similar weapon or device
4 by a peace officer if the weapon or device is equipped with
5 such camera;

6 (h-15) Recordings made under subsection (h), (h-5), or
7 (h-10) shall be retained by the law enforcement agency that
8 employs the peace officer who made the recordings for a storage
9 period of 90 days, unless the recordings are made as a part of
10 an arrest or the recordings are deemed evidence in any
11 criminal, civil, or administrative proceeding and then the
12 recordings must only be destroyed upon a final disposition and
13 an order from the court. Under no circumstances shall any
14 recording be altered or erased prior to the expiration of the
15 designated storage period. Upon completion of the storage
16 period, the recording medium may be erased and reissued for
17 operational use;

18 (i) Recording of a conversation made by or at the request
19 of a person, not a law enforcement officer or agent of a law
20 enforcement officer, who is a party to the conversation, under
21 reasonable suspicion that another party to the conversation is
22 committing, is about to commit, or has committed a criminal
23 offense against the person or a member of his or her immediate
24 household, and there is reason to believe that evidence of the
25 criminal offense may be obtained by the recording;

26 (j) The use of a telephone monitoring device by either (1)

1 a corporation or other business entity engaged in marketing or
2 opinion research or (2) a corporation or other business entity
3 engaged in telephone solicitation, as defined in this
4 subsection, to record or listen to oral telephone solicitation
5 conversations or marketing or opinion research conversations
6 by an employee of the corporation or other business entity
7 when:

8 (i) the monitoring is used for the purpose of service
9 quality control of marketing or opinion research or
10 telephone solicitation, the education or training of
11 employees or contractors engaged in marketing or opinion
12 research or telephone solicitation, or internal research
13 related to marketing or opinion research or telephone
14 solicitation; and

15 (ii) the monitoring is used with the consent of at
16 least one person who is an active party to the marketing or
17 opinion research conversation or telephone solicitation
18 conversation being monitored.

19 No communication or conversation or any part, portion, or
20 aspect of the communication or conversation made, acquired, or
21 obtained, directly or indirectly, under this exemption (j), may
22 be, directly or indirectly, furnished to any law enforcement
23 officer, agency, or official for any purpose or used in any
24 inquiry or investigation, or used, directly or indirectly, in
25 any administrative, judicial, or other proceeding, or divulged
26 to any third party.

1 When recording or listening authorized by this subsection
2 (j) on telephone lines used for marketing or opinion research
3 or telephone solicitation purposes results in recording or
4 listening to a conversation that does not relate to marketing
5 or opinion research or telephone solicitation; the person
6 recording or listening shall, immediately upon determining
7 that the conversation does not relate to marketing or opinion
8 research or telephone solicitation, terminate the recording or
9 listening and destroy any such recording as soon as is
10 practicable.

11 Business entities that use a telephone monitoring or
12 telephone recording system pursuant to this exemption (j) shall
13 provide current and prospective employees with notice that the
14 monitoring or recordings may occur during the course of their
15 employment. The notice shall include prominent signage
16 notification within the workplace.

17 Business entities that use a telephone monitoring or
18 telephone recording system pursuant to this exemption (j) shall
19 provide their employees or agents with access to personal-only
20 telephone lines which may be pay telephones, that are not
21 subject to telephone monitoring or telephone recording.

22 For the purposes of this subsection (j), "telephone
23 solicitation" means a communication through the use of a
24 telephone by live operators:

25 (i) soliciting the sale of goods or services;

26 (ii) receiving orders for the sale of goods or

1 services;

2 (iii) assisting in the use of goods or services; or

3 (iv) engaging in the solicitation, administration, or
4 collection of bank or retail credit accounts.

5 For the purposes of this subsection (j), "marketing or
6 opinion research" means a marketing or opinion research
7 interview conducted by a live telephone interviewer engaged by
8 a corporation or other business entity whose principal business
9 is the design, conduct, and analysis of polls and surveys
10 measuring the opinions, attitudes, and responses of
11 respondents toward products and services, or social or
12 political issues, or both;

13 (k) Electronic recordings, including but not limited to, a
14 motion picture, videotape, digital, or other visual or audio
15 recording, made of a custodial interrogation of an individual
16 at a police station or other place of detention by a law
17 enforcement officer under Section 5-401.5 of the Juvenile Court
18 Act of 1987 or Section 103-2.1 of the Code of Criminal
19 Procedure of 1963;

20 (l) Recording the interview or statement of any person when
21 the person knows that the interview is being conducted by a law
22 enforcement officer or prosecutor and the interview takes place
23 at a police station that is currently participating in the
24 Custodial Interview Pilot Program established under the
25 Illinois Criminal Justice Information Act;

26 (m) An electronic recording, including but not limited to,

1 a motion picture, videotape, digital, or other visual or audio
2 recording, made of the interior of a school bus while the
3 school bus is being used in the transportation of students to
4 and from school and school-sponsored activities, when the
5 school board has adopted a policy authorizing such recording,
6 notice of such recording policy is included in student
7 handbooks and other documents including the policies of the
8 school, notice of the policy regarding recording is provided to
9 parents of students, and notice of such recording is clearly
10 posted on the door of and inside the school bus.

11 Recordings made pursuant to this subsection (m) shall be
12 confidential records and may only be used by school officials
13 (or their designees) and law enforcement personnel for
14 investigations, school disciplinary actions and hearings,
15 proceedings under the Juvenile Court Act of 1987, and criminal
16 prosecutions, related to incidents occurring in or around the
17 school bus;

18 (n) Recording or listening to an audio transmission from a
19 microphone placed by a person under the authority of a law
20 enforcement agency inside a bait car surveillance vehicle while
21 simultaneously capturing a photographic or video image; and

22 (o) The use of an eavesdropping camera or audio device
23 during an ongoing hostage or barricade situation by a law
24 enforcement officer or individual acting on behalf of a law
25 enforcement officer when the use of such device is necessary to
26 protect the safety of the general public, hostages, or law

1 enforcement officers or anyone acting on their behalf.

2 (Source: P.A. 95-258, eff. 1-1-08; 95-352, eff. 8-23-07;
3 95-463, eff. 6-1-08; 95-876, eff. 8-21-08; 96-425, eff.
4 8-13-09; 96-547, eff. 1-1-10; 96-643, eff. 1-1-10; 96-670, eff.
5 8-25-09; revised 10-9-09.)

6 Section 20. The Code of Criminal Procedure of 1963 is
7 amended by changing Section 108B-3 as follows:

8 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

9 Sec. 108B-3. Authorization for the interception of private
10 communication.

11 (a) The State's Attorney, or a person designated in writing
12 or by law to act for him and to perform his duties during his
13 absence or disability, may authorize, in writing, an ex parte
14 application to the chief judge of a court of competent
15 jurisdiction for an order authorizing the interception of a
16 private communication when no party has consented to the
17 interception and (i) the interception may provide evidence of,
18 or may assist in the apprehension of a person who has
19 committed, is committing or is about to commit, a violation of
20 Section 8-1(b) (solicitation of murder), 8-1.2 (solicitation
21 of murder for hire), 9-1 (first degree murder), 10-9
22 (involuntary servitude, involuntary sexual servitude of a
23 minor, or trafficking in persons for forced labor or services),
24 11-15.1 (soliciting for a minor engaged in prostitution), 11-16

1 (pandering), 11-17.1 (keeping a place of juvenile
2 prostitution), 11-18.1 (patronizing a minor engaged in
3 prostitution), 11-19.1 (juvenile pimping and aggravated
4 juvenile pimping), or 29B-1 (money laundering) of the Criminal
5 Code of 1961, Section 401, 401.1 (controlled substance
6 trafficking), 405, 405.1 (criminal drug conspiracy) or 407 of
7 the Illinois Controlled Substances Act or any Section of the
8 Methamphetamine Control and Community Protection Act, a
9 violation of Section 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3,
10 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6),
11 24-1(a)(7), 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the
12 Criminal Code of 1961 or conspiracy to commit money laundering
13 or conspiracy to commit first degree murder; (ii) in response
14 to a clear and present danger of imminent death or great bodily
15 harm to persons resulting from: (1) a kidnapping or the holding
16 of a hostage by force or the threat of the imminent use of
17 force; or (2) the occupation by force or the threat of the
18 imminent use of force of any premises, place, vehicle, vessel
19 or aircraft; (iii) to aid an investigation or prosecution of a
20 civil action brought under the Illinois Streetgang Terrorism
21 Omnibus Prevention Act when there is probable cause to believe
22 the interception of the private communication will provide
23 evidence that a streetgang is committing, has committed, or
24 will commit a second or subsequent gang-related offense or that
25 the interception of the private communication will aid in the
26 collection of a judgment entered under that Act; or (iv) upon

1 information and belief that a streetgang has committed, is
2 committing, or is about to commit a felony.

3 (b) The State's Attorney or a person designated in writing
4 or by law to act for the State's Attorney and to perform his or
5 her duties during his or her absence or disability, may
6 authorize, in writing, an ex parte application to the chief
7 judge of a circuit court for an order authorizing the
8 interception of a private communication when no party has
9 consented to the interception and the interception may provide
10 evidence of, or may assist in the apprehension of a person who
11 has committed, is committing or is about to commit, a violation
12 of an offense under Article 29D of the Criminal Code of 1961.

13 (b-1) Subsection (b) is inoperative on and after January 1,
14 2005.

15 (b-2) No conversations recorded or monitored pursuant to
16 subsection (b) shall be made inadmissible in a court of law by
17 virtue of subsection (b-1).

18 (c) As used in this Section, "streetgang" and
19 "gang-related" have the meanings ascribed to them in Section 10
20 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

21 (Source: P.A. 95-331, eff. 8-21-07; 96-710, eff. 1-1-10.)

22 Section 99. Effective date. This Act takes effect upon
23 becoming law.