



Sen. Jacqueline Y. Collins

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1 AMENDMENT TO HOUSE BILL 6462

2 AMENDMENT NO. _____. Amend House Bill 6462 by replacing
3 everything after the enacting clause with the following:

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

1 Department of State Police.

2 "Abused child" means a child whose parent or immediate
3 family member, or any person responsible for the child's
4 welfare, or any individual residing in the same home as the
5 child, or a paramour of the child's parent:

6 (a) inflicts, causes to be inflicted, or allows to be
7 inflicted upon such child physical injury, by other than
8 accidental means, which causes death, disfigurement,
9 impairment of physical or emotional health, or loss or
10 impairment of any bodily function;

11 (b) creates a substantial risk of physical injury to
12 such child by other than accidental means which would be
13 likely to cause death, disfigurement, impairment of
14 physical or emotional health, or loss or impairment of any
15 bodily function;

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

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

23 (e) inflicts excessive corporal punishment;

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

1 (g) causes to be sold, transferred, distributed, or
2 given to such child under 18 years of age, a controlled
3 substance as defined in Section 102 of the Illinois
4 Controlled Substances Act in violation of Article IV of the
5 Illinois Controlled Substances Act or in violation of the
6 Methamphetamine Control and Community Protection Act,
7 except for controlled substances that are prescribed in
8 accordance with Article III of the Illinois Controlled
9 Substances Act and are dispensed to such child in a manner
10 that substantially complies with the prescription.

11 (h) commits or allows to be committed the offense of
12 involuntary servitude, involuntary sexual servitude of a
13 minor, or trafficking in persons for forced labor or
14 services as defined in Section 10-9 of the Criminal Code of
15 1961 against the child.

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

19 "Neglected child" means any child who is not receiving the
20 proper or necessary nourishment or medically indicated
21 treatment including food or care not provided solely on the
22 basis of the present or anticipated mental or physical
23 impairment as determined by a physician acting alone or in
24 consultation with other physicians or otherwise is not
25 receiving the proper or necessary support or medical or other
26 remedial care recognized under State law as necessary for a

1 child's well-being, or other care necessary for his or her
2 well-being, including adequate food, clothing and shelter; or
3 who is abandoned by his or her parents or other person
4 responsible for the child's welfare without a proper plan of
5 care; or who has been provided with interim crisis intervention
6 services under Section 3-5 of the Juvenile Court Act of 1987
7 and whose parent, guardian, or custodian refuses to permit the
8 child to return home and no other living arrangement agreeable
9 to the parent, guardian, or custodian can be made, and the
10 parent, guardian, or custodian has not made any other
11 appropriate living arrangement for the child; or who is a
12 newborn infant whose blood, urine, or meconium contains any
13 amount of a controlled substance as defined in subsection (f)
14 of Section 102 of the Illinois Controlled Substances Act or a
15 metabolite thereof, with the exception of a controlled
16 substance or metabolite thereof whose presence in the newborn
17 infant is the result of medical treatment administered to the
18 mother or the newborn infant. A child shall not be considered
19 neglected for the sole reason that the child's parent or other
20 person responsible for his or her welfare has left the child in
21 the care of an adult relative for any period of time. A child
22 shall not be considered neglected for the sole reason that the
23 child has been relinquished in accordance with the Abandoned
24 Newborn Infant Protection Act. A child shall not be considered
25 neglected or abused for the sole reason that such child's
26 parent or other person responsible for his or her welfare

1 depends upon spiritual means through prayer alone for the
2 treatment or cure of disease or remedial care as provided under
3 Section 4 of this Act. A child shall not be considered
4 neglected or abused solely because the child is not attending
5 school in accordance with the requirements of Article 26 of The
6 School Code, as amended.

7 "Child Protective Service Unit" means certain specialized
8 State employees of the Department assigned by the Director to
9 perform the duties and responsibilities as provided under
10 Section 7.2 of this Act.

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

24 "Temporary protective custody" means custody within a
25 hospital or other medical facility or a place previously
26 designated for such custody by the Department, subject to

1 review by the Court, including a licensed foster home, group
2 home, or other institution; but such place shall not be a jail
3 or other place for the detention of criminal or juvenile
4 offenders.

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

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

11 "An undetermined report" means any report made under this
12 Act in which it was not possible to initiate or complete an
13 investigation on the basis of information provided to the
14 Department.

15 "Subject of report" means any child reported to the central
16 register of child abuse and neglect established under Section
17 7.7 of this Act and his or her parent, guardian or other person
18 responsible who is also named in the report.

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

22 "Member of the clergy" means a clergyman or practitioner of
23 any religious denomination accredited by the religious body to
24 which he or she belongs.

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

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

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

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

5 (1) Those who are neglected include:

6 (a) any minor under 18 years of age who is not
7 receiving the proper or necessary support, education as
8 required by law, or medical or other remedial care
9 recognized under State law as necessary for a minor's
10 well-being, or other care necessary for his or her
11 well-being, including adequate food, clothing and shelter,
12 or who is abandoned by his or her parent or parents or
13 other person or persons responsible for the minor's
14 welfare, except that a minor shall not be considered
15 neglected for the sole reason that the minor's parent or
16 parents or other person or persons responsible for the
17 minor's welfare have left the minor in the care of an adult
18 relative for any period of time, who the parent or parents
19 or other person responsible for the minor's welfare know is
20 both a mentally capable adult relative and physically
21 capable adult relative, as defined by this Act; or

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

24 (c) any newborn infant whose blood, urine, or meconium
25 contains any amount of a controlled substance as defined in

1 subsection (f) of Section 102 of the Illinois Controlled
2 Substances Act, as now or hereafter amended, or a
3 metabolite of a controlled substance, with the exception of
4 controlled substances or metabolites of such substances,
5 the presence of which in the newborn infant is the result
6 of medical treatment administered to the mother or the
7 newborn infant; or

8 (d) any minor under the age of 14 years whose parent or
9 other person responsible for the minor's welfare leaves the
10 minor without supervision for an unreasonable period of
11 time without regard for the mental or physical health,
12 safety, or welfare of that minor; or

13 (e) any minor who has been provided with interim crisis
14 intervention services under Section 3-5 of this Act and
15 whose parent, guardian, or custodian refuses to permit the
16 minor to return home unless the minor is an immediate
17 physical danger to himself, herself, or others living in
18 the home.

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

23 (1) the age of the minor;

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

25 (3) special needs of the minor, including whether the
26 minor is physically or mentally handicapped, or otherwise

1 in need of ongoing prescribed medical treatment such as
2 periodic doses of insulin or other medications;

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

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

7 (6) the time of day or night when the minor was left
8 without supervision;

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

12 (8) the location of the parent or guardian at the time
13 the minor was left without supervision, the physical
14 distance the minor was from the parent or guardian at the
15 time the minor was without supervision;

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

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

22 (11) whether there was food and other provision left
23 for the minor;

24 (12) whether any of the conduct is attributable to
25 economic hardship or illness and the parent, guardian or
26 other person having physical custody or control of the

1 child made a good faith effort to provide for the health
2 and safety of the minor;

3 (13) the age and physical and mental capabilities of
4 the person or persons who provided supervision for the
5 minor;

6 (14) whether the minor was left under the supervision
7 of another person;

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

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

13 (2) Those who are abused include any minor under 18 years
14 of age whose parent or immediate family member, or any person
15 responsible for the minor's welfare, or any person who is in
16 the same family or household as the minor, or any individual
17 residing in the same home as the minor, or a paramour of the
18 minor's parent:

19 (i) inflicts, causes to be inflicted, or allows to be
20 inflicted upon such minor physical injury, by other than
21 accidental means, which causes death, disfigurement,
22 impairment of physical or emotional health, or loss or
23 impairment of any bodily function;

24 (ii) creates a substantial risk of physical injury to
25 such minor by other than accidental means which would be
26 likely to cause death, disfigurement, impairment of

1 emotional health, or loss or impairment of any bodily
2 function;

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

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

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

11 (vi) commits or allows to be committed the offense of
12 involuntary servitude, involuntary sexual servitude of a
13 minor, or trafficking in persons for forced labor or
14 services defined in Section 10-9 of the Criminal Code of
15 1961, upon such minor; or

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

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

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

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

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

3 Sec. 2-18. Evidence.

4 (1) At the adjudicatory hearing, the court shall first
5 consider only the question whether the minor is abused,
6 neglected or dependent. The standard of proof and the rules of
7 evidence in the nature of civil proceedings in this State are
8 applicable to proceedings under this Article. If the petition
9 also seeks the appointment of a guardian of the person with
10 power to consent to adoption of the minor under Section 2-29,
11 the court may also consider legally admissible evidence at the
12 adjudicatory hearing that one or more grounds of unfitness
13 exists under subdivision D of Section 1 of the Adoption Act.

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

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

19 (b) proof that a minor has a medical diagnosis of
20 failure to thrive syndrome is prima facie evidence of
21 neglect;

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

24 (d) proof that a minor has a medical diagnosis at birth
25 of withdrawal symptoms from narcotics or barbiturates is

1 prima facie evidence of neglect;

2 (e) proof of injuries sustained by a minor or of the
3 condition of a minor of such a nature as would ordinarily
4 not be sustained or exist except by reason of the acts or
5 omissions of the parent, custodian or guardian of such
6 minor shall be prima facie evidence of abuse or neglect, as
7 the case may be;

8 (f) proof that a parent, custodian or guardian of a
9 minor repeatedly used a drug, to the extent that it has or
10 would ordinarily have the effect of producing in the user a
11 substantial state of stupor, unconsciousness,
12 intoxication, hallucination, disorientation or
13 incompetence, or a substantial impairment of judgment, or a
14 substantial manifestation of irrationality, shall be prima
15 facie evidence of neglect;

16 (g) proof that a parent, custodian, or guardian of a
17 minor repeatedly used a controlled substance, as defined in
18 subsection (f) of Section 102 of the Illinois Controlled
19 Substances Act, in the presence of the minor or a sibling
20 of the minor is prima facie evidence of neglect. "Repeated
21 use", for the purpose of this subsection, means more than
22 one use of a controlled substance as defined in subsection
23 (f) of Section 102 of the Illinois Controlled Substances
24 Act;

25 (h) proof that a newborn infant's blood, urine, or
26 meconium contains any amount of a controlled substance as

1 defined in subsection (f) of Section 102 of the Illinois
2 Controlled Substances Act, or a metabolite of a controlled
3 substance, with the exception of controlled substances or
4 metabolites of those substances, the presence of which is
5 the result of medical treatment administered to the mother
6 or the newborn, is prime facie evidence of neglect;

7 (i) proof that a minor was present in a structure or
8 vehicle in which the minor's parent, custodian, or guardian
9 was involved in the manufacture of methamphetamine
10 constitutes prima facie evidence of abuse and neglect; ~~;~~

11 (j) proof that a minor performed, offered or agreed to
12 perform any act of sexual penetration as defined in Section
13 12-12 of the Criminal Code of 1961 for any money, property,
14 token, object, or article or anything of value, or any
15 touching or fondling of the sex organs of one person by
16 another person, for any money, property, token, object, or
17 article or anything of value, for the purpose of sexual
18 arousal or gratification, constitutes prima facie evidence
19 of abuse and neglect;

20 (k) proof that a parent, custodian, or guardian of a
21 minor commits or allows to be committed the offense of
22 involuntary servitude, involuntary sexual servitude of a
23 minor, or trafficking in persons for forced labor or
24 services defined in Section 10-9 of the Criminal Code of
25 1961, upon such minor, constitutes prima facie evidence of
26 abuse and neglect.

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

5 (4) (a) Any writing, record, photograph or x-ray of any
6 hospital or public or private agency, whether in the form of an
7 entry in a book or otherwise, made as a memorandum or record of
8 any condition, act, transaction, occurrence or event relating
9 to a minor in an abuse, neglect or dependency proceeding, shall
10 be admissible in evidence as proof of that condition, act,
11 transaction, occurrence or event, if the court finds that the
12 document was made in the regular course of the business of the
13 hospital or agency and that it was in the regular course of
14 such business to make it, at the time of the act, transaction,
15 occurrence or event, or within a reasonable time thereafter. A
16 certification by the head or responsible employee of the
17 hospital or agency that the writing, record, photograph or
18 x-ray is the full and complete record of the condition, act,
19 transaction, occurrence or event and that it satisfies the
20 conditions of this paragraph shall be prima facie evidence of
21 the facts contained in such certification. A certification by
22 someone other than the head of the hospital or agency shall be
23 accompanied by a photocopy of a delegation of authority signed
24 by both the head of the hospital or agency and by such other
25 employee. All other circumstances of the making of the
26 memorandum, record, photograph or x-ray, including lack of

1 personal knowledge of the maker, may be proved to affect the
2 weight to be accorded such evidence, but shall not affect its
3 admissibility.

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

6 (c) Previous statements made by the minor relating to any
7 allegations of abuse or neglect shall be admissible in
8 evidence. However, no such statement, if uncorroborated and not
9 subject to cross-examination, shall be sufficient in itself to
10 support a finding of abuse or neglect.

11 (d) There shall be a rebuttable presumption that a minor is
12 competent to testify in abuse or neglect proceedings. The court
13 shall determine how much weight to give to the minor's
14 testimony, and may allow the minor to testify in chambers with
15 only the court, the court reporter and attorneys for the
16 parties present.

17 (e) The privileged character of communication between any
18 professional person and patient or client, except privilege
19 between attorney and client, shall not apply to proceedings
20 subject to this Article.

21 (f) Proof of the impairment of emotional health or
22 impairment of mental or emotional condition as a result of the
23 failure of the respondent to exercise a minimum degree of care
24 toward a minor may include competent opinion or expert
25 testimony, and may include proof that such impairment lessened
26 during a period when the minor was in the care, custody or

1 supervision of a person or agency other than the respondent.

2 (5) In any hearing under this Act alleging neglect for
3 failure to provide education as required by law under
4 subsection (1) of Section 2-3, proof that a minor under 13
5 years of age who is subject to compulsory school attendance
6 under the School Code is a chronic truant as defined under the
7 School Code shall be prima facie evidence of neglect by the
8 parent or guardian in any hearing under this Act and proof that
9 a minor who is 13 years of age or older who is subject to
10 compulsory school attendance under the School Code is a chronic
11 truant shall raise a rebuttable presumption of neglect by the
12 parent or guardian. This subsection (5) shall not apply in
13 counties with 2,000,000 or more inhabitants.

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

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

23 Section 15. The Criminal Code of 1961 is amended by
24 changing Sections 11-14, 11-14.1, 11-14.2, 11-15, 11-15.1,
25 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, and

1 14-3 and by adding Section 11-19.3 as follows:

2 (720 ILCS 5/11-14) (from Ch. 38, par. 11-14)

3 Sec. 11-14. Prostitution.

4 (a) Any person who performs, offers or agrees to perform
5 any act of sexual penetration as defined in Section 12-12 of
6 this Code for any money, property, token, object, or article or
7 anything of value, or any touching or fondling of the sex
8 organs of one person by another person, for any money,
9 property, token, object, or article or anything of value, for
10 the purpose of sexual arousal or gratification commits an act
11 of prostitution.

12 (b) Sentence.

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

25 (c) A person who violates this Section within 1,000 feet of

1 real property comprising a school commits a Class 4 felony.

2 (d) Notwithstanding the foregoing, if it is determined,
3 after a reasonable detention for investigative purposes, that a
4 person suspected of or charged with a violation of this Section
5 is a person under the age of 18, that person shall be immune
6 from prosecution for a prostitution offense under this Section,
7 and shall be subject to the temporary protective custody
8 provisions of Sections 2-5 and 2-6 of the Juvenile Court Act of
9 1987. Pursuant to the provisions of Section 2-6 of the Juvenile
10 Court Act of 1987, a law enforcement officer who takes a person
11 under 18 years of age into custody under this Section shall
12 immediately report an allegation of a violation of Section 10-9
13 of this Code to the Illinois Department of Children and Family
14 Services State Central Register, which shall conduct an initial
15 investigation into child abuse or child neglect within 24 hours
16 pursuant to Section 7.4 of the Abused and Neglected Child
17 Reporting Act.

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 5/11-14.1)

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

22 (a) Any person who offers a person not his or her spouse
23 any money, property, token, object, or article or anything of
24 value for that person or any other person not his or her spouse
25 to perform any act of sexual penetration as defined in Section

1 12-12 of this Code, or any touching or fondling of the sex
2 organs of one person by another person for the purpose of
3 sexual arousal or gratification, commits the offense of
4 solicitation of a sexual act.

5 (b) Sentence. Solicitation of a sexual act is a Class A ~~B~~
6 misdemeanor. Solicitation of a sexual act from a person who is
7 under the age of 18 or who is severely or profoundly mentally
8 retarded is a Class 4 felony.

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

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

17 (720 ILCS 5/11-14.2)

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

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

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

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

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

18 (1) make a report to and appear in person before or
19 participate with the court or such courts, person, or
20 social service agency as directed by the court in the order
21 of probation;

22 (2) pay a fine and costs;

23 (3) work or pursue a course of study or vocational
24 training;

25 (4) undergo medical or psychiatric treatment; or
26 treatment or rehabilitation by a provider approved by the

1 Illinois Department of Human Services;

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

4 (6) support his or her dependents;

5 (7) refrain from having in his or her body the presence
6 of any illicit drug prohibited by the Cannabis Control Act
7 or the Illinois Controlled Substances Act, unless
8 prescribed by a physician, and submit samples of his or her
9 blood or urine or both for tests to determine the presence
10 of any illicit drug;

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

12 ~~(i) reside with his or her parents or in a foster~~
13 ~~home;~~

14 ~~(ii) attend school;~~

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

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

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

21 (f) Upon fulfillment of the terms and conditions of
22 probation, the court shall discharge the person and dismiss the
23 proceedings against him or her.

24 (g) A disposition of probation is considered to be a
25 conviction for the purposes of imposing the conditions of
26 probation and for appeal, however, discharge and dismissal

1 under this Section is not a conviction for purposes of this Act
2 or for purposes of disqualifications or disabilities imposed by
3 law upon conviction of a crime.

4 (h) There may be only one discharge and dismissal under
5 this Section.

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

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

12 (720 ILCS 5/11-15) (from Ch. 38, par. 11-15)

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

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

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

17 or

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

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

22 (b) Sentence. Soliciting for a prostitute is a Class 4
23 felony ~~A misdemeanor~~. A person convicted of a second or
24 subsequent violation of this Section, or of any combination of
25 such number of convictions under this Section and Sections

1 11-14, 11-17, 11-18, 11-18.1 and 11-19 of this Code is guilty
2 of a Class 3 ~~4~~ felony. ~~When a person has one or more prior~~
3 ~~convictions, the information or indictment charging that~~
4 ~~person shall state such prior conviction so as to give notice~~
5 ~~of the State's intention to treat the charge as a felony.~~ The
6 fact of such prior conviction is not an element of the offense
7 and may not be disclosed to the jury during trial unless
8 otherwise permitted by issues properly raised during such
9 trial.

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

13 ~~(c) A peace officer who arrests a person for a violation of~~
14 ~~this Section may impound any vehicle used by the person in the~~
15 ~~commission of the offense. The person may recover the vehicle~~
16 ~~from the impound after a minimum of 2 hours after arrest upon~~
17 ~~payment of a fee of \$200. The fee shall be distributed to the~~
18 ~~unit of government whose peace officers made the arrest for a~~
19 ~~violation of this Section. This \$200 fee includes the costs~~
20 ~~incurred by the unit of government to tow the vehicle to the~~
21 ~~impound. Upon the presentation of a signed court order by the~~
22 ~~defendant whose vehicle was impounded showing that the~~
23 ~~defendant has been acquitted of the offense of soliciting for a~~
24 ~~prostitute or that the charges have been dismissed against the~~
25 ~~defendant for that offense, the municipality shall refund the~~
26 ~~\$200 fee to the defendant.~~

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

3 (720 ILCS 5/11-15.1) (from Ch. 38, par. 11-15.1)

4 Sec. 11-15.1. Soliciting for a minor engaged in
5 prostitution ~~Juvenile Prostitute~~.

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

12 (b) It is an affirmative defense to a charge of soliciting
13 for a minor engaged in prostitution ~~juvenile prostitute~~ that
14 the accused reasonably believed the person was of the age of 18
15 ~~17~~ years or over or was not a severely or profoundly mentally
16 retarded person at the time of the act giving rise to the
17 charge.

18 (c) Sentence.

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

1 during trial unless otherwise permitted by issues properly
2 raised during the trial.

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

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

6 (720 ILCS 5/11-17) (from Ch. 38, par. 11-17)

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

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

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

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

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

22 (b) Sentence.

23 Keeping a place of prostitution is a Class 4 felony ~~A~~
24 ~~misdemeanor~~. A person convicted of a second or subsequent
25 violation of this Section, or of any combination of such number

1 of convictions under this Section and Sections 11-14, 11-15,
2 11-18, 11-18.1 and 11-19 of this Code, is guilty of a Class 3 ~~4~~
3 felony. ~~When a person has one or more prior convictions, the~~
4 ~~information or indictment charging that person shall state such~~
5 ~~prior conviction so as to give notice of the State's intention~~
6 ~~to treat the charge as a felony.~~ The fact of such conviction is
7 not an element of the offense and may not be disclosed to the
8 jury during trial unless otherwise permitted by issues properly
9 raised during such trial. A person who violates this Section
10 within 1,000 feet of real property comprising a school commits
11 a Class 3 felony.

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

13 (720 ILCS 5/11-17.1) (from Ch. 38, par. 11-17.1)

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

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

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

1 (c) Sentence. Keeping a place of juvenile prostitution is a
2 Class 1 felony. A person convicted of a second or subsequent
3 violation of this Section is guilty of a Class X felony.

4 (d) Forfeiture. Any person convicted under this Section is
5 subject to the property forfeiture provisions set forth in
6 Article 124B of the Code of Criminal Procedure of 1963.

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

8 (720 ILCS 5/11-18) (from Ch. 38, par. 11-18)

9 Sec. 11-18. Patronizing a prostitute.

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

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

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

18 (b) Sentence.

19 Patronizing a prostitute is a Class 4 felony ~~A misdemeanor~~.
20 A person convicted of a second or subsequent violation of this
21 Section, or of any combination of such number of convictions
22 under this Section and Sections 11-14, 11-15, 11-17, 11-18.1
23 and 11-19 of this Code, is guilty of a Class 3 4 felony. ~~When a~~
24 ~~person has one or more prior convictions, the information or~~
25 ~~indictment charging that person shall state such prior~~

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

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

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

10 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

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

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

24 (c) Sentence. A person who commits patronizing a juvenile
25 prostitute is guilty of a Class 3 ~~4~~ felony. A person convicted

1 of a second or subsequent violation of this Section, or of any
2 combination of such number of convictions under this Section
3 and Sections 11-14, 11-15, 11-17, 11-18.1 and 11-19 of this
4 Code, is guilty of a Class 2 felony. The fact of such
5 conviction is not an element of the offense and may not be
6 disclosed to the jury during trial unless otherwise permitted
7 by issues properly raised during such trial. A person who
8 violates this Section within 1,000 feet of real property
9 comprising a school commits a Class 2 felony.

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

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

12 Sec. 11-19. Pimping.

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

24 (b) Sentence.

25 Pimping is a Class 4 felony ~~A misdemeanor~~. A person

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

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

16 (720 ILCS 5/11-19.1) (from Ch. 38, par. 11-19.1)

17 Sec. 11-19.1. Juvenile Pimping and aggravated juvenile
18 pimping.

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

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

24 (2) the prostitute was a severely or profoundly
25 mentally retarded person at the time the act of

1 prostitution occurred.

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

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

14 (d) Sentence.

15 A person who commits a violation of subsection (a) is
16 guilty of a Class 1 felony. A person who commits a violation of
17 subsection (b) is guilty of a Class X felony.

18 (e) For the purposes of this Section, "prostituted person"
19 means any person who engages in, or agrees or offers to engage
20 in, any act of sexual penetration as defined in Section 12-12
21 of this Code for any money, property, token, object, or article
22 or anything of value, or any touching or fondling of the sex
23 organs of one person by another person, for any money,
24 property, token, object, or article or anything of value, for
25 the purpose of sexual arousal or gratification.

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

1 (720 ILCS 5/11-19.2) (from Ch. 38, par. 11-19.2)

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

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

15 (1) compels the child or severely or profoundly
16 mentally retarded person to engage in prostitution ~~become a~~
17 ~~prostitute~~; or

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

21 (3) receives any money, property, token, object, or
22 article or anything of value from the child or severely or
23 profoundly mentally retarded person knowing it was
24 obtained in whole or in part from the practice of
25 prostitution.

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

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

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

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

15 (720 ILCS 5/11-19.3 new)

16 Sec. 11-19.3. Vehicle impoundment.

17 (a) In addition to any other penalty provided by law, a
18 peace officer who arrests a person for a violation of Section
19 10-9, 11-14.1, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
20 11-19 or 11-19.1 of this Code may tow and impound any vehicle
21 used by the person in the commission of the offense. The person
22 charged with one or more such violations shall be charged a
23 \$1,000 fee, to be paid to the unit of government that made the
24 arrest.

25 (b) \$500 of the fee shall be distributed to the unit of

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

14 (c) Upon the presentation by the defendant of a signed
15 court order showing that the defendant has been acquitted of
16 all of the offenses in connection with which a vehicle was
17 impounded and a fee imposed under this Section, or that the
18 charges against the defendant for those offenses have been
19 dismissed, the unit of government shall refund the \$1,000 fee
20 to the defendant.

21 (720 ILCS 5/14-3)

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

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

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

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

11 (d) Recording or listening with the aid of any device to
12 any emergency communication made in the normal course of
13 operations by any federal, state or local law enforcement
14 agency or institutions dealing in emergency services,
15 including, but not limited to, hospitals, clinics, ambulance
16 services, fire fighting agencies, any public utility,
17 emergency repair facility, civilian defense establishment or
18 military installation;

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

21 (f) Recording or listening with the aid of any device to
22 incoming telephone calls of phone lines publicly listed or
23 advertised as consumer "hotlines" by manufacturers or
24 retailers of food and drug products. Such recordings must be
25 destroyed, erased or turned over to local law enforcement
26 authorities within 24 hours from the time of such recording and

1 shall not be otherwise disseminated. Failure on the part of the
2 individual or business operating any such recording or
3 listening device to comply with the requirements of this
4 subsection shall eliminate any civil or criminal immunity
5 conferred upon that individual or business by the operation of
6 this Section;

7 (g) With prior notification to the State's Attorney of the
8 county in which it is to occur, recording or listening with the
9 aid of any device to any conversation where a law enforcement
10 officer, or any person acting at the direction of law
11 enforcement, is a party to the conversation and has consented
12 to it being intercepted or recorded under circumstances where
13 the use of the device is necessary for the protection of the
14 law enforcement officer or any person acting at the direction
15 of law enforcement, in the course of an investigation of a
16 forcible felony, a felony offense of involuntary servitude,
17 involuntary sexual servitude of a minor, or trafficking in
18 persons for forced labor or services under Section 10-9 of this
19 Code, an offense involving prostitution, solicitation of a
20 sexual act, or pandering, a felony violation of the Illinois
21 Controlled Substances Act, a felony violation of the Cannabis
22 Control Act, a felony violation of the Methamphetamine Control
23 and Community Protection Act, any "streetgang related" or
24 "gang-related" felony as those terms are defined in the
25 Illinois Streetgang Terrorism Omnibus Prevention Act, or any
26 felony offense involving any weapon listed in paragraphs (1)

1 through (11) of subsection (a) of Section 24-1 of this Code.
2 Any recording or evidence derived as the result of this
3 exemption shall be inadmissible in any proceeding, criminal,
4 civil or administrative, except (i) where a party to the
5 conversation suffers great bodily injury or is killed during
6 such conversation, or (ii) when used as direct impeachment of a
7 witness concerning matters contained in the interception or
8 recording. The Director of the Department of State Police shall
9 issue regulations as are necessary concerning the use of
10 devices, retention of tape recordings, and reports regarding
11 their use;

12 (g-5) With approval of the State's Attorney of the county
13 in which it is to occur, recording or listening with the aid of
14 any device to any conversation where a law enforcement officer,
15 or any person acting at the direction of law enforcement, is a
16 party to the conversation and has consented to it being
17 intercepted or recorded in the course of an investigation of
18 any offense defined in Article 29D of this Code. In all such
19 cases, an application for an order approving the previous or
20 continuing use of an eavesdropping device must be made within
21 48 hours of the commencement of such use. In the absence of
22 such an order, or upon its denial, any continuing use shall
23 immediately terminate. The Director of State Police shall issue
24 rules as are necessary concerning the use of devices, retention
25 of tape recordings, and reports regarding their use.

26 Any recording or evidence obtained or derived in the course

1 of an investigation of any offense defined in Article 29D of
2 this Code shall, upon motion of the State's Attorney or
3 Attorney General prosecuting any violation of Article 29D, be
4 reviewed in camera with notice to all parties present by the
5 court presiding over the criminal case, and, if ruled by the
6 court to be relevant and otherwise admissible, it shall be
7 admissible at the trial of the criminal case.

8 This subsection (g-5) is inoperative on and after January
9 1, 2005. No conversations recorded or monitored pursuant to
10 this subsection (g-5) shall be inadmissible in a court of law
11 by virtue of the repeal of this subsection (g-5) on January 1,
12 2005;

13 (g-6) With approval of the State's Attorney of the county
14 in which it is to occur, recording or listening with the aid of
15 any device to any conversation where a law enforcement officer,
16 or any person acting at the direction of law enforcement, is a
17 party to the conversation and has consented to it being
18 intercepted or recorded in the course of an investigation of
19 involuntary servitude, involuntary sexual servitude of a
20 minor, trafficking in persons for forced labor or services,
21 child pornography, aggravated child pornography, indecent
22 solicitation of a child, child abduction, luring of a minor,
23 sexual exploitation of a child, predatory criminal sexual
24 assault of a child, aggravated criminal sexual abuse in which
25 the victim of the offense was at the time of the commission of
26 the offense under 18 years of age, criminal sexual abuse by

1 force or threat of force in which the victim of the offense was
2 at the time of the commission of the offense under 18 years of
3 age, or aggravated criminal sexual assault in which the victim
4 of the offense was at the time of the commission of the offense
5 under 18 years of age. In all such cases, an application for an
6 order approving the previous or continuing use of an
7 eavesdropping device must be made within 48 hours of the
8 commencement of such use. In the absence of such an order, or
9 upon its denial, any continuing use shall immediately
10 terminate. The Director of State Police shall issue rules as
11 are necessary concerning the use of devices, retention of
12 recordings, and reports regarding their use. Any recording or
13 evidence obtained or derived in the course of an investigation
14 of 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 shall, upon motion of the State's

1 Attorney or Attorney General prosecuting any case involving
2 involuntary servitude, involuntary sexual servitude of a
3 minor, trafficking in persons for forced labor or services,
4 child pornography, aggravated child pornography, indecent
5 solicitation of a child, child abduction, luring of a minor,
6 sexual exploitation of a child, predatory criminal sexual
7 assault of a child, aggravated criminal sexual abuse in which
8 the victim of the offense was at the time of the commission of
9 the offense under 18 years of age, criminal sexual abuse by
10 force or threat of force in which the victim of the offense was
11 at the time of the commission of the offense under 18 years of
12 age, or aggravated criminal sexual assault in which the victim
13 of the offense was at the time of the commission of the offense
14 under 18 years of age, be reviewed in camera with notice to all
15 parties present by the court presiding over the criminal case,
16 and, if ruled by the court to be relevant and otherwise
17 admissible, it shall be admissible at the trial of the criminal
18 case. Absent such a ruling, any such recording or evidence
19 shall not be admissible at the trial of the criminal case;

20 (h) Recordings made simultaneously with the use of an
21 in-car video camera recording of an oral conversation between a
22 uniformed peace officer, who has identified his or her office,
23 and a person in the presence of the peace officer whenever (i)
24 an officer assigned a patrol vehicle is conducting an
25 enforcement stop; or (ii) patrol vehicle emergency lights are
26 activated or would otherwise be activated if not for the need

1 to conceal the presence of law enforcement.

2 For the purposes of this subsection (h), "enforcement stop"
3 means an action by a law enforcement officer in relation to
4 enforcement and investigation duties, including but not
5 limited to, traffic stops, pedestrian stops, abandoned vehicle
6 contacts, motorist assists, commercial motor vehicle stops,
7 roadside safety checks, requests for identification, or
8 responses to requests for emergency assistance;

9 (h-5) Recordings of utterances made by a person while in
10 the presence of a uniformed peace officer and while an occupant
11 of a police vehicle including, but not limited to, (i)
12 recordings made simultaneously with the use of an in-car video
13 camera and (ii) recordings made in the presence of the peace
14 officer utilizing video or audio systems, or both, authorized
15 by the law enforcement agency;

16 (h-10) Recordings made simultaneously with a video camera
17 recording during the use of a taser or similar weapon or device
18 by a peace officer if the weapon or device is equipped with
19 such camera;

20 (h-15) Recordings made under subsection (h), (h-5), or
21 (h-10) shall be retained by the law enforcement agency that
22 employs the peace officer who made the recordings for a storage
23 period of 90 days, unless the recordings are made as a part of
24 an arrest or the recordings are deemed evidence in any
25 criminal, civil, or administrative proceeding and then the
26 recordings must only be destroyed upon a final disposition and

1 an order from the court. Under no circumstances shall any
2 recording be altered or erased prior to the expiration of the
3 designated storage period. Upon completion of the storage
4 period, the recording medium may be erased and reissued for
5 operational use;

6 (i) Recording of a conversation made by or at the request
7 of a person, not a law enforcement officer or agent of a law
8 enforcement officer, who is a party to the conversation, under
9 reasonable suspicion that another party to the conversation is
10 committing, is about to commit, or has committed a criminal
11 offense against the person or a member of his or her immediate
12 household, and there is reason to believe that evidence of the
13 criminal offense may be obtained by the recording;

14 (j) The use of a telephone monitoring device by either (1)
15 a corporation or other business entity engaged in marketing or
16 opinion research or (2) a corporation or other business entity
17 engaged in telephone solicitation, as defined in this
18 subsection, to record or listen to oral telephone solicitation
19 conversations or marketing or opinion research conversations
20 by an employee of the corporation or other business entity
21 when:

22 (i) the monitoring is used for the purpose of service
23 quality control of marketing or opinion research or
24 telephone solicitation, the education or training of
25 employees or contractors engaged in marketing or opinion
26 research or telephone solicitation, or internal research

1 related to marketing or opinion research or telephone
2 solicitation; and

3 (ii) the monitoring is used with the consent of at
4 least one person who is an active party to the marketing or
5 opinion research conversation or telephone solicitation
6 conversation being monitored.

7 No communication or conversation or any part, portion, or
8 aspect of the communication or conversation made, acquired, or
9 obtained, directly or indirectly, under this exemption (j), may
10 be, directly or indirectly, furnished to any law enforcement
11 officer, agency, or official for any purpose or used in any
12 inquiry or investigation, or used, directly or indirectly, in
13 any administrative, judicial, or other proceeding, or divulged
14 to any third party.

15 When recording or listening authorized by this subsection
16 (j) on telephone lines used for marketing or opinion research
17 or telephone solicitation purposes results in recording or
18 listening to a conversation that does not relate to marketing
19 or opinion research or telephone solicitation; the person
20 recording or listening shall, immediately upon determining
21 that the conversation does not relate to marketing or opinion
22 research or telephone solicitation, terminate the recording or
23 listening and destroy any such recording as soon as is
24 practicable.

25 Business entities that use a telephone monitoring or
26 telephone recording system pursuant to this exemption (j) shall

1 provide current and prospective employees with notice that the
2 monitoring or recordings may occur during the course of their
3 employment. The notice shall include prominent signage
4 notification within the workplace.

5 Business entities that use a telephone monitoring or
6 telephone recording system pursuant to this exemption (j) shall
7 provide their employees or agents with access to personal-only
8 telephone lines which may be pay telephones, that are not
9 subject to telephone monitoring or telephone recording.

10 For the purposes of this subsection (j), "telephone
11 solicitation" means a communication through the use of a
12 telephone by live operators:

- 13 (i) soliciting the sale of goods or services;
14 (ii) receiving orders for the sale of goods or
15 services;
16 (iii) assisting in the use of goods or services; or
17 (iv) engaging in the solicitation, administration, or
18 collection of bank or retail credit accounts.

19 For the purposes of this subsection (j), "marketing or
20 opinion research" means a marketing or opinion research
21 interview conducted by a live telephone interviewer engaged by
22 a corporation or other business entity whose principal business
23 is the design, conduct, and analysis of polls and surveys
24 measuring the opinions, attitudes, and responses of
25 respondents toward products and services, or social or
26 political issues, or both;

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

8 (l) Recording the interview or statement of any person when
9 the person knows that the interview is being conducted by a law
10 enforcement officer or prosecutor and the interview takes place
11 at a police station that is currently participating in the
12 Custodial Interview Pilot Program established under the
13 Illinois Criminal Justice Information Act;

14 (m) An electronic recording, including but not limited to,
15 a motion picture, videotape, digital, or other visual or audio
16 recording, made of the interior of a school bus while the
17 school bus is being used in the transportation of students to
18 and from school and school-sponsored activities, when the
19 school board has adopted a policy authorizing such recording,
20 notice of such recording policy is included in student
21 handbooks and other documents including the policies of the
22 school, notice of the policy regarding recording is provided to
23 parents of students, and notice of such recording is clearly
24 posted on the door of and inside the school bus.

25 Recordings made pursuant to this subsection (m) shall be
26 confidential records and may only be used by school officials

1 (or their designees) and law enforcement personnel for
2 investigations, school disciplinary actions and hearings,
3 proceedings under the Juvenile Court Act of 1987, and criminal
4 prosecutions, related to incidents occurring in or around the
5 school bus;

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

10 (o) The use of an eavesdropping camera or audio device
11 during an ongoing hostage or barricade situation by a law
12 enforcement officer or individual acting on behalf of a law
13 enforcement officer when the use of such device is necessary to
14 protect the safety of the general public, hostages, or law
15 enforcement officers or anyone acting on their behalf.

16 (Source: P.A. 95-258, eff. 1-1-08; 95-352, eff. 8-23-07;
17 95-463, eff. 6-1-08; 95-876, eff. 8-21-08; 96-425, eff.
18 8-13-09; 96-547, eff. 1-1-10; 96-643, eff. 1-1-10; 96-670, eff.
19 8-25-09; revised 10-9-09.)

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

22 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

23 Sec. 108B-3. Authorization for the interception of private
24 communication.

1 (a) The State's Attorney, or a person designated in writing
2 or by law to act for him and to perform his duties during his
3 absence or disability, may authorize, in writing, an ex parte
4 application to the chief judge of a court of competent
5 jurisdiction for an order authorizing the interception of a
6 private communication when no party has consented to the
7 interception and (i) the interception may provide evidence of,
8 or may assist in the apprehension of a person who has
9 committed, is committing or is about to commit, a violation of
10 Section 8-1(b) (solicitation of murder), 8-1.2 (solicitation
11 of murder for hire), 9-1 (first degree murder), 10-9
12 (involuntary servitude, involuntary sexual servitude of a
13 minor, or trafficking in persons for forced labor or services),
14 11-15.1 (soliciting for a minor engaged in prostitution), 11-16
15 (pandering), 11-17.1 (keeping a place of juvenile
16 prostitution), 11-18.1 (patronizing a minor engaged in
17 prostitution), 11-19.1 (juvenile pimping and aggravated
18 juvenile pimping), 16G-15 (identity theft), 16H-45 (conspiracy
19 to commit a financial crime), 17-3 (forgery), 17-24 (fraudulent
20 schemes and artifices), or 29B-1 (money laundering) of the
21 Criminal Code of 1961, Section 401, 401.1 (controlled substance
22 trafficking), 405, 405.1 (criminal drug conspiracy) or 407 of
23 the Illinois Controlled Substances Act or any Section of the
24 Methamphetamine Control and Community Protection Act, a
25 violation of Section 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3,
26 24-3.4, 24-4, or 24-5 or subsection 24-1(a)(4), 24-1(a)(6),

1 24-1(a) (7), 24-1(a) (9), 24-1(a) (10), or 24-1(c) of the
2 Criminal Code of 1961 or conspiracy to commit money laundering
3 or conspiracy to commit first degree murder; (ii) in response
4 to a clear and present danger of imminent death or great bodily
5 harm to persons resulting from: (1) a kidnapping or the holding
6 of a hostage by force or the threat of the imminent use of
7 force; or (2) the occupation by force or the threat of the
8 imminent use of force of any premises, place, vehicle, vessel
9 or aircraft; (iii) to aid an investigation or prosecution of a
10 civil action brought under the Illinois Streetgang Terrorism
11 Omnibus Prevention Act when there is probable cause to believe
12 the interception of the private communication will provide
13 evidence that a streetgang is committing, has committed, or
14 will commit a second or subsequent gang-related offense or that
15 the interception of the private communication will aid in the
16 collection of a judgment entered under that Act; or (iv) upon
17 information and belief that a streetgang has committed, is
18 committing, or is about to commit a felony.

19 (b) The State's Attorney or a person designated in writing
20 or by law to act for the State's Attorney and to perform his or
21 her duties during his or her absence or disability, may
22 authorize, in writing, an ex parte application to the chief
23 judge of a circuit court for an order authorizing the
24 interception of a private communication when no party has
25 consented to the interception and the interception may provide
26 evidence of, or may assist in the apprehension of a person who

1 has committed, is committing or is about to commit, a violation
2 of an offense under Article 29D of the Criminal Code of 1961.

3 (b-1) Subsection (b) is inoperative on and after January 1,
4 2005.

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

8 (c) As used in this Section, "streetgang" and
9 "gang-related" have the meanings ascribed to them in Section 10
10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.
11 (Source: P.A. 95-331, eff. 8-21-07; 96-710, eff. 1-1-10.)

12 Section 99. Effective date. This Act takes effect upon
13 becoming law."