



Sen. John J. Cullerton

Filed: 5/15/2009

09600SB1300sam001

LRB096 09448 RCE 26899 a

1 AMENDMENT TO SENATE BILL 1300

2 AMENDMENT NO. _____. Amend Senate Bill 1300 by replacing
3 everything after the enacting clause with the following:

4 "Section 10. The Health Care Worker Background Check Act is
5 amended by changing Section 25 as follows:

6 (225 ILCS 46/25)

7 Sec. 25. Persons ineligible to be hired by health care
8 employers and long-term care facilities.

9 (a) In the discretion of the Director of Public Health, as
10 soon after January 1, 1996, January 1, 1997, January 1, 2006,
11 or October 1, 2007, as applicable, and as is reasonably
12 practical, no health care employer shall knowingly hire,
13 employ, or retain any individual in a position with duties
14 involving direct care for clients, patients, or residents, and
15 no long-term care facility shall knowingly hire, employ, or
16 retain any individual in a position with duties that involve or

1 may involve contact with residents or access to the living
2 quarters or the financial, medical, or personal records of
3 residents, who has been convicted of committing or attempting
4 to commit one or more of the following offenses: those defined
5 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,
6 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,
7 10-5, 10-7, 11-6, 11-9.1, 11-9.5, 11-19.2, 11-20.1, 12-1, 12-2,
8 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4,
9 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13, 12-14, 12-14.1,
10 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32, 12-33, 16-1,
11 16-1.3, 16A-3, 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1, 19-3,
12 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2 of the
13 Criminal Code of 1961; those provided in Section 4 of the
14 Wrongs to Children Act; those provided in Section 53 of the
15 Criminal Jurisprudence Act; those defined in Section 5, 5.1,
16 5.2, 7, or 9 of the Cannabis Control Act; those defined in the
17 Methamphetamine Control and Community Protection Act; or those
18 defined in Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1
19 of the Illinois Controlled Substances Act, unless the applicant
20 or employee obtains a waiver pursuant to Section 40.

21 (a-1) In the discretion of the Director of Public Health,
22 as soon after January 1, 2004 or October 1, 2007, as
23 applicable, and as is reasonably practical, no health care
24 employer shall knowingly hire any individual in a position with
25 duties involving direct care for clients, patients, or
26 residents, and no long-term care facility shall knowingly hire

1 any individual in a position with duties that involve or may
2 involve contact with residents or access to the living quarters
3 or the financial, medical, or personal records of residents,
4 who has (i) been convicted of committing or attempting to
5 commit one or more of the offenses defined in Section 12-3.3,
6 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1,
7 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of
8 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card
9 and Debit Card Act; or Section 5.1 of the Wrongs to Children
10 Act; or (ii) violated Section 50-50 of the Nurse Practice Act,
11 unless the applicant or employee obtains a waiver pursuant to
12 Section 40 of this Act.

13 A health care employer is not required to retain an
14 individual in a position with duties involving direct care for
15 clients, patients, or residents, and no long-term care facility
16 is required to retain an individual in a position with duties
17 that involve or may involve contact with residents or access to
18 the living quarters or the financial, medical, or personal
19 records of residents, who has been convicted of committing or
20 attempting to commit one or more of the offenses enumerated in
21 this subsection.

22 (b) A health care employer shall not hire, employ, or
23 retain any individual in a position with duties involving
24 direct care of clients, patients, or residents, and no
25 long-term care facility shall knowingly hire, employ, or retain
26 any individual in a position with duties that involve or may

1 involve contact with residents or access to the living quarters
2 or the financial, medical, or personal records of residents, if
3 the health care employer becomes aware that the individual has
4 been convicted in another state of committing or attempting to
5 commit an offense that has the same or similar elements as an
6 offense listed in subsection (a) or (a-1), as verified by court
7 records, records from a state agency, or an FBI criminal
8 history record check, unless the applicant or employee obtains
9 a waiver pursuant to Section 40 of this Act. This shall not be
10 construed to mean that a health care employer has an obligation
11 to conduct a criminal history records check in other states in
12 which an employee has resided.

13 (Source: P.A. 94-556, eff. 9-11-05; 94-665, eff. 1-1-06;
14 94-1053, eff. 7-24-06; 95-120, eff. 8-13-07; 95-639, eff.
15 10-5-07; 95-876, eff. 8-21-08.)

16 Section 25. The Criminal Code of 1961 is amended by
17 changing Sections 3-4, 4-5, 4-6, 4-7, 5-2, 7-11, 8-1, 8-1.2,
18 8-2, 8-4, 9-1, 9-2, 10-1, 10-2, 10-3, 10-3.1, 10-5, 10-5.5,
19 10-7, 11-9.3, 11-9.4, 25-1, 29B-1, 29D-25, 29D-35, and 36-1, by
20 amending and renumbering Sections 9-3.1 (as 9-3.4), 25-1.1 (as
21 25-5), 25-2 (as 25-6), 29D-30 (as 29D-14.9), 20.5-5 (as
22 29D-15.1), 20.5-6 (as 29D-15.2), and 29D-15 (as 29D-29.9), and
23 by adding Sections 10-9, 25-4, and 29D-35.1 as follows:

24 (720 ILCS 5/3-4) (from Ch. 38, par. 3-4)

1 Sec. 3-4. Effect of former prosecution.

2 (a) A prosecution is barred if the defendant was formerly
3 prosecuted for the same offense, based upon the same facts, if
4 that ~~such~~ former prosecution:

5 (1) resulted ~~Resulted~~ in either a conviction or an
6 acquittal or in a determination that the evidence was
7 insufficient to warrant a conviction; ~~or~~

8 (2) was ~~Was~~ terminated by a final order or judgment,
9 even if entered before trial, that ~~which~~ required a
10 determination inconsistent with any fact or legal
11 proposition necessary to a conviction in the subsequent
12 prosecution; or

13 (3) was ~~Was~~ terminated improperly after the jury was
14 impaneled and sworn or, in a trial before a court without a
15 jury, after the first witness was sworn but before findings
16 were rendered by the trier of facts, or after a plea of
17 guilty was accepted by the court.

18 A conviction of an included offense, other than through a
19 plea of guilty, is an acquittal of the offense charged.

20 (b) A prosecution is barred if the defendant was formerly
21 prosecuted for a different offense, or for the same offense
22 based upon different facts, if that ~~such~~ former prosecution:

23 (1) resulted ~~Resulted~~ in either a conviction or an
24 acquittal, and the subsequent prosecution is for an offense
25 of which the defendant could have been convicted on the
26 former prosecution; or was for an offense with which the

1 defendant should have been charged on the former
2 prosecution, as provided in Section 3-3 of this Code
3 (unless the court ordered a separate trial of that ~~such~~
4 charge); or was for an offense that ~~which~~ involves the same
5 conduct, unless each prosecution requires proof of a fact
6 not required on the other prosecution, or the offense was
7 not consummated when the former trial began; ~~or~~

8 (2) was ~~Was~~ terminated by a final order or judgment,
9 even if entered before trial, that ~~which~~ required a
10 determination inconsistent with any fact necessary to a
11 conviction in the subsequent prosecution; or

12 (3) was ~~Was~~ terminated improperly under the
13 circumstances stated in subsection ~~Subsection~~ (a), and the
14 subsequent prosecution is for an offense of which the
15 defendant could have been convicted if the former
16 prosecution had not been terminated improperly.

17 (c) A prosecution is barred if the defendant was formerly
18 prosecuted in a District Court of the United States or in a
19 sister state ~~State~~ for an offense that ~~which~~ is within the
20 concurrent jurisdiction of this State, if that ~~such~~ former
21 prosecution:

22 (1) resulted ~~Resulted~~ in either a conviction or an
23 acquittal, and the subsequent prosecution is for the same
24 conduct, unless each prosecution requires proof of a fact
25 not required in the other prosecution, or the offense was
26 not consummated when the former trial began; or

1 (2) was ~~was~~ terminated by a final order or judgment,
2 even if entered before trial, that ~~which~~ required a
3 determination inconsistent with any fact necessary to a
4 conviction in the prosecution in this State.

5 (d) A ~~However,~~ a prosecution is not barred within the
6 meaning of this Section 3-4, however, if the former
7 prosecution:

8 (1) was ~~was~~ before a court that ~~which~~ lacked
9 jurisdiction over the defendant or the offense; or

10 (2) was ~~was~~ procured by the defendant without the
11 knowledge of the proper prosecuting officer, and with the
12 purpose of avoiding the sentence that ~~which~~ otherwise might
13 be imposed; or if subsequent proceedings resulted in the
14 invalidation, setting aside, reversal, or vacating of the
15 conviction, unless the defendant was thereby adjudged not
16 guilty.

17 (Source: Laws 1961, p. 1983.)

18 (720 ILCS 5/4-5) (from Ch. 38, par. 4-5)

19 Sec. 4-5. Knowledge. A person knows, or acts knowingly or
20 with knowledge of:

21 (a) The nature or attendant circumstances of his or her
22 conduct, described by the statute defining the offense,
23 when he or she is consciously aware that his or her conduct
24 is of that ~~such~~ nature or that those ~~such~~ circumstances
25 exist. Knowledge of a material fact includes awareness of

1 the substantial probability that the ~~such~~ fact exists.

2 (b) The result of his or her conduct, described by the
3 statute defining the offense, when he or she is consciously
4 aware that that ~~such~~ result is practically certain to be
5 caused by his conduct.

6 Conduct performed knowingly or with knowledge is performed
7 wilfully, within the meaning of a statute using the ~~latter~~ term
8 "willfully", unless the statute clearly requires another
9 meaning.

10 When the law provides that acting knowingly suffices to
11 establish an element of an offense, that element also is
12 established if a person acts intentionally.

13 (Source: Laws 1961, p. 1983.)

14 (720 ILCS 5/4-6) (from Ch. 38, par. 4-6)

15 Sec. 4-6. Recklessness. A person is reckless or acts
16 recklessly^r when that person ~~he~~ consciously disregards a
17 substantial and unjustifiable risk that circumstances exist or
18 that a result will follow, described by the statute defining
19 the offense,⁺ and that ~~such~~ disregard constitutes a gross
20 deviation from the standard of care that ~~which~~ a reasonable
21 person would exercise in the situation. An act performed
22 recklessly is performed wantonly, within the meaning of a
23 statute using the ~~latter~~ term "wantonly", unless the statute
24 clearly requires another meaning.

25 (Source: Laws 1961, p. 1983.)

1 (720 ILCS 5/4-7) (from Ch. 38, par. 4-7)

2 Sec. 4-7. Negligence. A person is negligent, or acts
3 negligently, when that person ~~he~~ fails to be aware of a
4 substantial and unjustifiable risk that circumstances exist or
5 a result will follow, described by the statute defining the
6 offense, ~~and~~ that ~~such~~ failure constitutes a substantial
7 deviation from the standard of care that ~~which~~ a reasonable
8 person would exercise in the situation.

9 (Source: Laws 1961, p. 1983.)

10 (720 ILCS 5/5-2) (from Ch. 38, par. 5-2)

11 Sec. 5-2. When accountability exists. A person is legally
12 accountable for the conduct of another when:

13 (a) having ~~Having~~ a mental state described by the statute
14 defining the offense, he or she causes another to perform the
15 conduct, and the other person in fact or by reason of legal
16 incapacity lacks such a mental state; ~~or~~

17 (b) the ~~The~~ statute defining the offense makes him or her
18 so accountable; or

19 (c) either ~~Either~~ before or during the commission of an
20 offense, and with the intent to promote or facilitate that ~~such~~
21 commission, he or she solicits, aids, abets, agrees, or
22 attempts to aid that, ~~such~~ other person in the planning or
23 commission of the offense.

24 When 2 or more persons engage in a common criminal design

1 or agreement, any acts in the furtherance of that common design
2 committed by one party are considered to be the acts of all
3 parties to the common design or agreement and all are equally
4 responsible for the consequences of those further acts. Mere
5 presence at the scene of a crime does not render a person
6 accountable for an offense; a person's presence at the scene of
7 a crime, however, may be considered with other circumstances by
8 the trier of fact when determining accountability.

9 A ~~However,~~ a person is not so accountable, however, unless
10 the statute defining the offense provides otherwise, if:

11 (1) he or she ~~He~~ is a victim of the offense committed;

12 ~~or~~

13 (2) the ~~The~~ offense is so defined that his or her
14 conduct was inevitably incident to its commission; or

15 (3) before ~~Before~~ the commission of the offense, he or
16 she terminates his or her effort to promote or facilitate
17 that ~~such~~ commission, and does one of the following: (i)
18 wholly deprives his or her prior efforts of effectiveness
19 in that ~~such~~ commission, (ii) ~~or~~ gives timely warning to
20 the proper law enforcement authorities, or (iii) otherwise
21 makes proper effort to prevent the commission of the
22 offense.

23 (Source: Laws 1961, p. 1983.)

24 (720 ILCS 5/7-11) (from Ch. 38, par. 7-11)

25 Sec. 7-11. Compulsion.

1 (a) A person is not guilty of an offense, other than an
2 offense punishable with death, by reason of conduct that ~~which~~
3 he or she performs under the compulsion of threat or menace of
4 the imminent infliction of death or great bodily harm, if he or
5 she reasonably believes death or great bodily harm will be
6 inflicted upon him or her, or upon his or her spouse or child,
7 if he or she does not perform that ~~such~~ conduct.

8 (b) A married woman is not entitled, by reason of the
9 presence of her husband, to any presumption of compulsion, or
10 to any defense of compulsion, except that stated in subsection
11 ~~Subsection~~ (a).

12 (Source: Laws 1961, p. 1983.)

13 (720 ILCS 5/8-1) (from Ch. 38, par. 8-1)

14 Sec. 8-1. Solicitation and solicitation of murder.

15 (a) Solicitation ~~Elements of the offense~~. A person commits
16 the offense of solicitation when, with intent that an offense
17 be committed, other than first degree murder, he or she
18 commands, encourages, or requests another to commit that
19 offense.

20 (b) Solicitation of murder. A person commits the offense of
21 solicitation of murder when he or she commits solicitation with
22 the intent that the offense of first degree murder be
23 committed.

24 (c) Sentence ~~(b) Penalty~~. A person convicted of
25 solicitation may be fined or imprisoned or both not to exceed

1 the maximum provided for the offense solicited, except that
2 ~~Provided, however,~~ the penalty shall not exceed the
3 corresponding maximum limit provided by subparagraph (c) of
4 Section 8-4 of this Code Act, ~~as heretofore and hereafter~~
5 ~~amended.~~ Solicitation of murder is a Class X felony, and a
6 person convicted of solicitation of murder shall be sentenced
7 to a term of imprisonment of not less than 15 years and not
8 more than 30 years, except that a person convicted of
9 solicitation of murder when the person solicited was a person
10 under the age of 17 years shall be sentenced to a term of
11 imprisonment of not less than 20 years and not more than 60
12 years.

13 (Source: P.A. 85-1030.)

14 (720 ILCS 5/8-1.2) (from Ch. 38, par. 8-1.2)

15 Sec. 8-1.2. Solicitation of murder ~~Murder~~ for hire ~~Hire~~.

16 (a) A person commits the offense of solicitation of murder
17 for hire when, with the intent that the offense of first degree
18 murder be committed, he or she procures another to commit that
19 offense pursuant to any contract, agreement, understanding,
20 command, or request for money or anything of value.

21 (b) Sentence ~~Penalty~~. Solicitation of murder for hire is a
22 Class X felony, and a person convicted of solicitation of
23 murder for hire shall be sentenced to a term of imprisonment of
24 not less than 20 years and not more than 40 years, except that
25 a person convicted of solicitation of murder for hire when the

1 person solicited was a person under the age of 17 years shall
2 be sentenced to a term of imprisonment of not less than 25
3 years and not more than 60 years.

4 (Source: P.A. 85-1003; 85-1030; 85-1440.)

5 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

6 Sec. 8-2. Conspiracy.

7 (a) Elements of the offense. A person commits the offense
8 of conspiracy when, with intent that an offense be committed,
9 he or she agrees with another to the commission of that
10 offense. No person may be convicted of conspiracy to commit an
11 offense unless an act in furtherance of that ~~such~~ agreement is
12 alleged and proved to have been committed by him or her or by a
13 co-conspirator.

14 (b) Co-conspirators. It is ~~shall~~ not ~~be~~ a defense to
15 conspiracy that the person or persons with whom the accused is
16 alleged to have conspired:

- 17 (1) have ~~Has~~ not been prosecuted or convicted, ~~or~~
18 (2) have ~~Has~~ been convicted of a different offense, ~~or~~
19 (3) are ~~is~~ not amenable to justice, ~~or~~
20 (4) have ~~Has~~ been acquitted, or
21 (5) lacked ~~Lacked~~ the capacity to commit an offense.

22 (c) Sentence.

23 (1) Except as otherwise provided in this subsection or
24 Code, a person convicted of conspiracy to commit:

25 (A) a Class X felony shall be sentenced for a Class

1 1 felony;

2 (B) a Class 1 felony shall be sentenced for a Class

3 2 felony;

4 (C) a Class 2 felony shall be sentenced for a Class

5 3 felony;

6 (D) a Class 3 felony shall be sentenced for a Class

7 4 felony;

8 (E) a Class 4 felony shall be sentenced for a Class

9 4 felony; and

10 (F) a misdemeanor may be fined or imprisoned or
11 both not to exceed the maximum provided for the offense
12 that is the object of the conspiracy.

13 (2) A person convicted of conspiracy to commit any of
14 the following offenses shall be sentenced for a Class X
15 felony:

16 (A) aggravated insurance fraud conspiracy when the
17 person is an organizer of the conspiracy (720 ILCS
18 5/46-4); or

19 (B) aggravated governmental entity insurance fraud
20 conspiracy when the person is an organizer of the
21 conspiracy (720 ILCS 5/46-4).

22 (3) A person convicted of conspiracy to commit any of
23 the following offenses shall be sentenced for a Class 1
24 felony:

25 (A) first degree murder (720 ILCS 5/9-1); or

26 (B) aggravated insurance fraud (720 ILCS 5/46-3)

1 or aggravated governmental insurance fraud (720 ILCS
2 5/46-3).

3 (4) A person convicted of conspiracy to commit
4 insurance fraud (720 ILCS 5/46-3) or governmental entity
5 insurance fraud (720 ILCS 5/46-3) shall be sentenced for a
6 Class 2 felony.

7 (5) A person convicted of conspiracy to commit any of
8 the following offenses shall be sentenced for a Class 3
9 felony:

10 (A) soliciting for a prostitute (720 ILCS
11 5/11-15);

12 (B) pandering (720 ILCS 5/11-16);

13 (C) keeping a place a place of prostitution (720
14 ILCS 5/11-17);

15 (D) pimping (720 ILCS 5/11-19);

16 (E) unlawful use of weapons under Section
17 24-1(a)(1) (720 ILCS 5/24-1(a)(1));

18 (F) unlawful use of weapons under Section
19 24-1(a)(7) (720 ILCS 5/24-1(a)(7));

20 (G) gambling (720 ILCS 5/28-1);

21 (H) keeping a gambling place (720 ILCS 5/28-3);

22 (I) registration of federal gambling stamps
23 violation (720 ILCS 5/28-4);

24 (J) look-alike substances violation (720 ILCS
25 570/404);

26 (K) miscellaneous controlled substance violation

1 under Section 406(b) (720 ILCS 570/406(b)) ; or

2 (L) an inchoate offense related to any of the
3 principal offenses set forth in this item (5).

4 ~~A person convicted of conspiracy may be fined or imprisoned~~
5 ~~or both not to exceed the maximum provided for the offense~~
6 ~~which is the object of the conspiracy, except that if the~~
7 ~~object is an offense prohibited by Sections 11-15, 11-16,~~
8 ~~11-17, 11-19, 24-1(a)(1), 24-1(a)(7), 28-1, 28-3 and 28-4 of~~
9 ~~the "Criminal Code of 1961", approved July 28, 1961, as~~
10 ~~amended, or prohibited by Sections 404 or 406 (b) of the~~
11 ~~"Illinois Controlled Substances Act", enacted by the 77th~~
12 ~~General Assembly, or an inchoate offense related to any of the~~
13 ~~aforesaid principal offenses, the person convicted may be~~
14 ~~sentenced for a Class 3 felony however, conspiracy to commit~~
15 ~~treason, first degree murder, aggravated kidnapping,~~
16 ~~aggravated criminal sexual assault, or predatory criminal~~
17 ~~sexual assault of a child is a Class 1 felony, and conspiracy~~
18 ~~to commit any offense other than those specified in this~~
19 ~~subsection, and other than those set forth in Sections 401,~~
20 ~~402, or 407 of the Illinois Controlled Substances Act, shall~~
21 ~~not be sentenced in excess of a Class 4 felony.~~

22 (Source: P.A. 94-184, eff. 7-12-05.)

23 (720 ILCS 5/8-4) (from Ch. 38, par. 8-4)

24 Sec. 8-4. Attempt.

25 (a) Elements of the offense ~~offense~~.

1 A person commits the offense of ~~an~~ attempt when, with
2 intent to commit a specific offense, he or she does any act
3 that ~~which~~ constitutes a substantial step toward the commission
4 of that offense.

5 (b) Impossibility.

6 It is ~~shall~~ not ~~be~~ a defense to a charge of attempt that
7 because of a misapprehension of the circumstances it would have
8 been impossible for the accused to commit the offense
9 attempted.

10 (c) Sentence.

11 A person convicted of ~~an~~ attempt may be fined or imprisoned
12 or both not to exceed the maximum provided for the offense
13 attempted but, except for an attempt to commit the offense
14 defined in Section 33A-2 of this Code: Act,

15 (1) the sentence for attempt to commit first degree
16 murder is the sentence for a Class X felony, except that

17 (A) an attempt to commit first degree murder when
18 at least one of the aggravating factors specified in
19 paragraphs (1), (2), and (12) of subsection (b) of
20 Section 9-1 is present is a Class X felony for which
21 the sentence shall be a term of imprisonment of not
22 less than 20 years and not more than 80 years;

23 (B) an attempt to commit first degree murder while
24 armed with a firearm is a Class X felony for which 15
25 years shall be added to the term of imprisonment
26 imposed by the court;

1 (C) an attempt to commit first degree murder during
2 which the person personally discharged a firearm is a
3 Class X felony for which 20 years shall be added to the
4 term of imprisonment imposed by the court;

5 (D) an attempt to commit first degree murder during
6 which the person personally discharged a firearm that
7 proximately caused great bodily harm, permanent
8 disability, permanent disfigurement, or death to
9 another person~~7~~ is a Class X felony for which 25 years
10 or up to a term of natural life shall be added to the
11 term of imprisonment imposed by the court; and~~.~~

12 (E) if the defendant proves by a preponderance of
13 the evidence at sentencing that, at the time of the
14 attempted murder, he or she was acting under a sudden
15 and intense passion resulting from serious provocation
16 by the individual whom the defendant endeavored to
17 kill, or another, and, had the individual the defendant
18 endeavored to kill died, the defendant would have
19 negligently or accidentally caused that death, then
20 the sentence for the attempted murder is the sentence
21 for a Class 1 felony;

22 (2) the sentence for attempt to commit a Class X felony
23 is the sentence for a Class 1 felony;

24 (3) the sentence for attempt to commit a Class 1 felony
25 is the sentence for a Class 2 felony;

26 (4) the sentence for attempt to commit a Class 2 felony

1 is the sentence for a Class 3 felony; and

2 (5) the sentence for attempt to commit any felony other
3 than those specified in items ~~subsections~~ (1), (2), (3),
4 and (4) of this subsection (c) hereof is the sentence for a
5 Class A misdemeanor.

6 (Source: P.A. 91-404, eff. 1-1-00; 91-696, eff. 4-13-00.)

7 (720 ILCS 5/9-1) (from Ch. 38, par. 9-1)

8 Sec. 9-1. First degree Murder - Death penalties -
9 Exceptions - Separate Hearings - Proof - Findings - Appellate
10 procedures - Reversals.

11 (a) A person who kills an individual without lawful
12 justification commits first degree murder if, in performing the
13 acts which cause the death:

14 (1) he either intends to kill or do great bodily harm
15 to that individual or another, or knows that such acts will
16 cause death to that individual or another; or

17 (2) he knows that such acts create a strong probability
18 of death or great bodily harm to that individual or
19 another; or

20 (3) he is attempting or committing a forcible felony
21 other than second degree murder.

22 (b) Aggravating Factors. A defendant who at the time of the
23 commission of the offense has attained the age of 18 or more
24 and who has been found guilty of first degree murder may be
25 sentenced to death if:

1 (1) the murdered individual was a peace officer or
2 fireman killed in the course of performing his official
3 duties, to prevent the performance of his official duties,
4 or in retaliation for performing his official duties, and
5 the defendant knew or should have known that the murdered
6 individual was a peace officer or fireman; or

7 (2) the murdered individual was an employee of an
8 institution or facility of the Department of Corrections,
9 or any similar local correctional agency, killed in the
10 course of performing his official duties, to prevent the
11 performance of his official duties, or in retaliation for
12 performing his official duties, or the murdered individual
13 was an inmate at such institution or facility and was
14 killed on the grounds thereof, or the murdered individual
15 was otherwise present in such institution or facility with
16 the knowledge and approval of the chief administrative
17 officer thereof; or

18 (3) the defendant has been convicted of murdering two
19 or more individuals under subsection (a) of this Section or
20 under any law of the United States or of any state which is
21 substantially similar to subsection (a) of this Section
22 regardless of whether the deaths occurred as the result of
23 the same act or of several related or unrelated acts so
24 long as the deaths were the result of either an intent to
25 kill more than one person or of separate acts which the
26 defendant knew would cause death or create a strong

1 probability of death or great bodily harm to the murdered
2 individual or another; or

3 (4) the murdered individual was killed as a result of
4 the hijacking of an airplane, train, ship, bus or other
5 public conveyance; or

6 (5) the defendant committed the murder pursuant to a
7 contract, agreement or understanding by which he was to
8 receive money or anything of value in return for committing
9 the murder or procured another to commit the murder for
10 money or anything of value; or

11 (6) the murdered individual was killed in the course of
12 another felony if:

13 (a) the murdered individual:

14 (i) was actually killed by the defendant, or

15 (ii) received physical injuries personally
16 inflicted by the defendant substantially
17 contemporaneously with physical injuries caused by
18 one or more persons for whose conduct the defendant
19 is legally accountable under Section 5-2 of this
20 Code, and the physical injuries inflicted by
21 either the defendant or the other person or persons
22 for whose conduct he is legally accountable caused
23 the death of the murdered individual; and

24 (b) in performing the acts which caused the death
25 of the murdered individual or which resulted in
26 physical injuries personally inflicted by the

1 defendant on the murdered individual under the
2 circumstances of subdivision (ii) of subparagraph (a)
3 of paragraph (6) of subsection (b) of this Section, the
4 defendant acted with the intent to kill the murdered
5 individual or with the knowledge that his acts created
6 a strong probability of death or great bodily harm to
7 the murdered individual or another; and

8 (c) the other felony was an inherently violent
9 crime or the attempt to commit an inherently violent
10 crime. In this subparagraph (c), "inherently violent
11 crime" includes, but is not limited to, armed robbery,
12 robbery, predatory criminal sexual assault of a child,
13 aggravated criminal sexual assault, aggravated
14 kidnapping, aggravated vehicular hijacking, aggravated
15 arson, aggravated stalking, residential burglary, and
16 home invasion; or

17 (7) the murdered individual was under 12 years of age
18 and the death resulted from exceptionally brutal or heinous
19 behavior indicative of wanton cruelty; or

20 (8) the defendant committed the murder with intent to
21 prevent the murdered individual from testifying or
22 participating in any criminal investigation or prosecution
23 or giving material assistance to the State in any
24 investigation or prosecution, either against the defendant
25 or another; or the defendant committed the murder because
26 the murdered individual was a witness in any prosecution or

1 gave material assistance to the State in any investigation
2 or prosecution, either against the defendant or another;
3 for purposes of this paragraph (8), "participating in any
4 criminal investigation or prosecution" is intended to
5 include those appearing in the proceedings in any capacity
6 such as trial judges, prosecutors, defense attorneys,
7 investigators, witnesses, or jurors; or

8 (9) the defendant, while committing an offense
9 punishable under Sections 401, 401.1, 401.2, 405, 405.2,
10 407 or 407.1 or subsection (b) of Section 404 of the
11 Illinois Controlled Substances Act, or while engaged in a
12 conspiracy or solicitation to commit such offense,
13 intentionally killed an individual or counseled,
14 commanded, induced, procured or caused the intentional
15 killing of the murdered individual; or

16 (10) the defendant was incarcerated in an institution
17 or facility of the Department of Corrections at the time of
18 the murder, and while committing an offense punishable as a
19 felony under Illinois law, or while engaged in a conspiracy
20 or solicitation to commit such offense, intentionally
21 killed an individual or counseled, commanded, induced,
22 procured or caused the intentional killing of the murdered
23 individual; or

24 (11) the murder was committed in a cold, calculated and
25 premeditated manner pursuant to a preconceived plan,
26 scheme or design to take a human life by unlawful means,

1 and the conduct of the defendant created a reasonable
2 expectation that the death of a human being would result
3 therefrom; or

4 (12) the murdered individual was an emergency medical
5 technician - ambulance, emergency medical technician -
6 intermediate, emergency medical technician - paramedic,
7 ambulance driver, or other medical assistance or first aid
8 personnel, employed by a municipality or other
9 governmental unit, killed in the course of performing his
10 official duties, to prevent the performance of his official
11 duties, or in retaliation for performing his official
12 duties, and the defendant knew or should have known that
13 the murdered individual was an emergency medical
14 technician - ambulance, emergency medical technician -
15 intermediate, emergency medical technician - paramedic,
16 ambulance driver, or other medical assistance or first aid
17 personnel; or

18 (13) the defendant was a principal administrator,
19 organizer, or leader of a calculated criminal drug
20 conspiracy consisting of a hierarchical position of
21 authority superior to that of all other members of the
22 conspiracy, and the defendant counseled, commanded,
23 induced, procured, or caused the intentional killing of the
24 murdered person; or

25 (14) the murder was intentional and involved the
26 infliction of torture. For the purpose of this Section

1 torture means the infliction of or subjection to extreme
2 physical pain, motivated by an intent to increase or
3 prolong the pain, suffering or agony of the victim; or

4 (15) the murder was committed as a result of the
5 intentional discharge of a firearm by the defendant from a
6 motor vehicle and the victim was not present within the
7 motor vehicle; or

8 (16) the murdered individual was 60 years of age or
9 older and the death resulted from exceptionally brutal or
10 heinous behavior indicative of wanton cruelty; or

11 (17) the murdered individual was a disabled person and
12 the defendant knew or should have known that the murdered
13 individual was disabled. For purposes of this paragraph
14 (17), "disabled person" means a person who suffers from a
15 permanent physical or mental impairment resulting from
16 disease, an injury, a functional disorder, or a congenital
17 condition that renders the person incapable of adequately
18 providing for his or her own health or personal care; or

19 (18) the murder was committed by reason of any person's
20 activity as a community policing volunteer or to prevent
21 any person from engaging in activity as a community
22 policing volunteer; or

23 (19) the murdered individual was subject to an order of
24 protection and the murder was committed by a person against
25 whom the same order of protection was issued under the
26 Illinois Domestic Violence Act of 1986; or

1 (20) the murdered individual was known by the defendant
2 to be a teacher or other person employed in any school and
3 the teacher or other employee is upon the grounds of a
4 school or grounds adjacent to a school, or is in any part
5 of a building used for school purposes; or

6 (21) the murder was committed by the defendant in
7 connection with or as a result of the offense of terrorism
8 as defined in Section 29D-14.9 ~~29D-30~~ of this Code.

9 (c) Consideration of factors in Aggravation and
10 Mitigation.

11 The court shall consider, or shall instruct the jury to
12 consider any aggravating and any mitigating factors which are
13 relevant to the imposition of the death penalty. Aggravating
14 factors may include but need not be limited to those factors
15 set forth in subsection (b). Mitigating factors may include but
16 need not be limited to the following:

17 (1) the defendant has no significant history of prior
18 criminal activity;

19 (2) the murder was committed while the defendant was
20 under the influence of extreme mental or emotional
21 disturbance, although not such as to constitute a defense
22 to prosecution;

23 (3) the murdered individual was a participant in the
24 defendant's homicidal conduct or consented to the
25 homicidal act;

26 (4) the defendant acted under the compulsion of threat

1 or menace of the imminent infliction of death or great
2 bodily harm;

3 (5) the defendant was not personally present during
4 commission of the act or acts causing death;

5 (6) the defendant's background includes a history of
6 extreme emotional or physical abuse;

7 (7) the defendant suffers from a reduced mental
8 capacity.

9 (d) Separate sentencing hearing.

10 Where requested by the State, the court shall conduct a
11 separate sentencing proceeding to determine the existence of
12 factors set forth in subsection (b) and to consider any
13 aggravating or mitigating factors as indicated in subsection
14 (c). The proceeding shall be conducted:

15 (1) before the jury that determined the defendant's
16 guilt; or

17 (2) before a jury impanelled for the purpose of the
18 proceeding if:

19 A. the defendant was convicted upon a plea of
20 guilty; or

21 B. the defendant was convicted after a trial before
22 the court sitting without a jury; or

23 C. the court for good cause shown discharges the
24 jury that determined the defendant's guilt; or

25 (3) before the court alone if the defendant waives a
26 jury for the separate proceeding.

1 (e) Evidence and Argument.

2 During the proceeding any information relevant to any of
3 the factors set forth in subsection (b) may be presented by
4 either the State or the defendant under the rules governing the
5 admission of evidence at criminal trials. Any information
6 relevant to any additional aggravating factors or any
7 mitigating factors indicated in subsection (c) may be presented
8 by the State or defendant regardless of its admissibility under
9 the rules governing the admission of evidence at criminal
10 trials. The State and the defendant shall be given fair
11 opportunity to rebut any information received at the hearing.

12 (f) Proof.

13 The burden of proof of establishing the existence of any of
14 the factors set forth in subsection (b) is on the State and
15 shall not be satisfied unless established beyond a reasonable
16 doubt.

17 (g) Procedure - Jury.

18 If at the separate sentencing proceeding the jury finds
19 that none of the factors set forth in subsection (b) exists,
20 the court shall sentence the defendant to a term of
21 imprisonment under Chapter V of the Unified Code of
22 Corrections. If there is a unanimous finding by the jury that
23 one or more of the factors set forth in subsection (b) exist,
24 the jury shall consider aggravating and mitigating factors as
25 instructed by the court and shall determine whether the
26 sentence of death shall be imposed. If the jury determines

1 unanimously, after weighing the factors in aggravation and
2 mitigation, that death is the appropriate sentence, the court
3 shall sentence the defendant to death. If the court does not
4 concur with the jury determination that death is the
5 appropriate sentence, the court shall set forth reasons in
6 writing including what facts or circumstances the court relied
7 upon, along with any relevant documents, that compelled the
8 court to non-concur with the sentence. This document and any
9 attachments shall be part of the record for appellate review.
10 The court shall be bound by the jury's sentencing
11 determination.

12 If after weighing the factors in aggravation and
13 mitigation, one or more jurors determines that death is not the
14 appropriate sentence, the court shall sentence the defendant to
15 a term of imprisonment under Chapter V of the Unified Code of
16 Corrections.

17 (h) Procedure - No Jury.

18 In a proceeding before the court alone, if the court finds
19 that none of the factors found in subsection (b) exists, the
20 court shall sentence the defendant to a term of imprisonment
21 under Chapter V of the Unified Code of Corrections.

22 If the Court determines that one or more of the factors set
23 forth in subsection (b) exists, the Court shall consider any
24 aggravating and mitigating factors as indicated in subsection
25 (c). If the Court determines, after weighing the factors in
26 aggravation and mitigation, that death is the appropriate

1 sentence, the Court shall sentence the defendant to death.

2 If the court finds that death is not the appropriate
3 sentence, the court shall sentence the defendant to a term of
4 imprisonment under Chapter V of the Unified Code of
5 Corrections.

6 (h-5) Decertification as a capital case.

7 In a case in which the defendant has been found guilty of
8 first degree murder by a judge or jury, or a case on remand for
9 resentencing, and the State seeks the death penalty as an
10 appropriate sentence, on the court's own motion or the written
11 motion of the defendant, the court may decertify the case as a
12 death penalty case if the court finds that the only evidence
13 supporting the defendant's conviction is the uncorroborated
14 testimony of an informant witness, as defined in Section 115-21
15 of the Code of Criminal Procedure of 1963, concerning the
16 confession or admission of the defendant or that the sole
17 evidence against the defendant is a single eyewitness or single
18 accomplice without any other corroborating evidence. If the
19 court decertifies the case as a capital case under either of
20 the grounds set forth above, the court shall issue a written
21 finding. The State may pursue its right to appeal the
22 decertification pursuant to Supreme Court Rule 604(a)(1). If
23 the court does not decertify the case as a capital case, the
24 matter shall proceed to the eligibility phase of the sentencing
25 hearing.

26 (i) Appellate Procedure.

1 The conviction and sentence of death shall be subject to
2 automatic review by the Supreme Court. Such review shall be in
3 accordance with rules promulgated by the Supreme Court. The
4 Illinois Supreme Court may overturn the death sentence, and
5 order the imposition of imprisonment under Chapter V of the
6 Unified Code of Corrections if the court finds that the death
7 sentence is fundamentally unjust as applied to the particular
8 case. If the Illinois Supreme Court finds that the death
9 sentence is fundamentally unjust as applied to the particular
10 case, independent of any procedural grounds for relief, the
11 Illinois Supreme Court shall issue a written opinion explaining
12 this finding.

13 (j) Disposition of reversed death sentence.

14 In the event that the death penalty in this Act is held to
15 be unconstitutional by the Supreme Court of the United States
16 or of the State of Illinois, any person convicted of first
17 degree murder shall be sentenced by the court to a term of
18 imprisonment under Chapter V of the Unified Code of
19 Corrections.

20 In the event that any death sentence pursuant to the
21 sentencing provisions of this Section is declared
22 unconstitutional by the Supreme Court of the United States or
23 of the State of Illinois, the court having jurisdiction over a
24 person previously sentenced to death shall cause the defendant
25 to be brought before the court, and the court shall sentence
26 the defendant to a term of imprisonment under Chapter V of the

1 Unified Code of Corrections.

2 (k) Guidelines for seeking the death penalty.

3 The Attorney General and State's Attorneys Association
4 shall consult on voluntary guidelines for procedures governing
5 whether or not to seek the death penalty. The guidelines do not
6 have the force of law and are only advisory in nature.

7 (Source: P.A. 92-854, eff. 12-5-02; 93-605, eff. 11-19-03.)

8 (720 ILCS 5/9-2) (from Ch. 38, par. 9-2)

9 Sec. 9-2. Second degree murder ~~Degree Murder~~.

10 (a) A person commits the offense of second degree murder
11 when he or she commits the offense of first degree murder as
12 defined in paragraph ~~paragraphs~~ (1) or (2) of subsection (a) of
13 Section 9-1 of this Code and either of the following mitigating
14 factors are present:

15 (1) at ~~At~~ the time of the killing he or she is acting
16 under a sudden and intense passion resulting from serious
17 provocation by the individual killed or another whom the
18 offender endeavors to kill, but he or she negligently or
19 accidentally causes the death of the individual killed; or

20 (2) at ~~At~~ the time of the killing he or she believes
21 the circumstances to be such that, if they existed, would
22 justify or exonerate the killing under the principles
23 stated in Article 7 of this Code, but his or her belief is
24 unreasonable.

25 (b) Serious provocation is conduct sufficient to excite an

1 intense passion in a reasonable person.

2 (c) When ~~a defendant is on trial for first degree murder~~
3 ~~and~~ evidence of either of the mitigating factors defined in
4 subsection (a) of this Section has been presented, the burden
5 of proof is on the defendant to prove either mitigating factor
6 by a preponderance of the evidence before the defendant can be
7 found guilty of second degree murder. ~~The~~ However, the burden
8 of proof, however, remains on the State to prove beyond a
9 reasonable doubt each of the elements of first degree murder
10 and, when appropriately raised, the absence of circumstances at
11 the time of the killing that would justify or exonerate the
12 killing under the principles stated in Article 7 of this Code.
13 ~~In a jury trial for first degree murder in which evidence of~~
14 ~~either of the mitigating factors defined in subsection (a) of~~
15 ~~this Section has been presented and the defendant has requested~~
16 ~~that the jury be given the option of finding the defendant~~
17 ~~guilty of second degree murder, the jury must be instructed~~
18 ~~that it may not consider whether the defendant has met his~~
19 ~~burden of proof with regard to second degree murder until and~~
20 ~~unless it has first determined that the State has proven beyond~~
21 ~~a reasonable doubt each of the elements of first degree murder.~~

22 (d) Sentence. Second degree murder ~~Degree Murder~~ is a Class
23 1 felony.

24 (Source: P.A. 84-1450.)

25 (720 ILCS 5/9-3.4) (was 720 ILCS 5/9-3.1)

1 Sec. 9-3.4 ~~9-3.1~~. Concealment of homicidal death.

2 (a) A person commits the offense of concealment of
3 homicidal death when he or she knowingly conceals the death of
4 any other person with knowledge that such other person has died
5 by homicidal means.

6 (b) Nothing in this Section prevents the defendant from
7 also being charged with and tried for the first degree murder,
8 second degree murder, or involuntary manslaughter of the person
9 whose death is concealed. ~~If a person convicted under this~~
10 ~~Section is also convicted of first degree murder, second degree~~
11 ~~murder or involuntary manslaughter, the penalty under this~~
12 ~~Section shall be imposed separately and in addition to the~~
13 ~~penalty for first degree murder, second degree murder or~~
14 ~~involuntary manslaughter.~~

15 (b-5) For purposes of this Section:

16 "Conceal" means the performing of some act or acts for the
17 purpose of preventing or delaying the discovery of a death by
18 homicidal means. "Conceal" means something more than simply
19 withholding knowledge or failing to disclose information.

20 "Homicidal means" means any act or acts, lawful or
21 unlawful, of a person that cause the death of another person.

22 (c) Sentence. Concealment of homicidal death is a Class 3
23 felony.

24 (Source: P.A. 84-1308; 84-1450.)

25 (720 ILCS 5/10-1) (from Ch. 38, par. 10-1)

1 Sec. 10-1. Kidnapping.†

2 (a) A person commits the offense of kidnapping when he or
3 she ~~Kidnapping occurs when a person~~ knowingly:

4 (1) and ~~And~~ secretly confines another against his or
5 her will; ~~or~~

6 (2) by ~~By~~ force or threat of imminent force carries
7 another from one place to another with intent secretly to
8 confine that other person ~~him~~ against his or her will; ~~or~~

9 (3) by ~~By~~ deceit or enticement induces another to go
10 from one place to another with intent secretly to confine
11 that other person ~~him~~ against his or her will.

12 (b) Confinement of a child under the age of 13 years, or of
13 a severely or profoundly mentally retarded person, is against
14 that child's or person's ~~his~~ will within the meaning of this
15 Section if that ~~such~~ confinement is without the consent of that
16 child's or person's ~~his~~ parent or legal guardian.

17 (c) Sentence. Kidnapping is a Class 2 felony.

18 (Source: P.A. 79-765.)

19 (720 ILCS 5/10-2) (from Ch. 38, par. 10-2)

20 Sec. 10-2. Aggravated kidnaping.

21 (a) A person commits kidnaper within the definition of
22 paragraph (a) of Section 10-1 is guilty of the offense of
23 aggravated kidnaping when he or she commits kidnapping and:

24 (1) kidnaps with the intent to obtain ~~Kidnaps for the~~
25 ~~purpose of obtaining~~ ransom from the person kidnaped or

1 from any other person; ~~or~~

2 (2) takes ~~Takes~~ as his or her victim a child under the
3 age of 13 years, or a severely or profoundly mentally
4 retarded person; ~~or~~

5 (3) inflicts ~~Inflicts~~ great bodily harm, other than by
6 the discharge of a firearm, or commits another felony upon
7 his or her victim; ~~or~~

8 (4) wears ~~Wears~~ a hood, robe, or mask or conceals his
9 or her identity; ~~or~~

10 (5) commits ~~Commits~~ the offense of kidnaping while
11 armed with a dangerous weapon, other than a firearm, as
12 defined in Section 33A-1 of this ~~the "Criminal Code; of~~
13 ~~1961", or~~

14 (6) commits ~~Commits~~ the offense of kidnaping while
15 armed with a firearm; ~~or~~

16 (7) during ~~During~~ the commission of the offense of
17 kidnaping, personally discharges ~~discharged~~ a firearm; ~~or~~
18 or

19 (8) during ~~During~~ the commission of the offense of
20 kidnaping, personally discharges ~~discharged~~ a firearm that
21 proximately causes ~~caused~~ great bodily harm, permanent
22 disability, permanent disfigurement, or death to another
23 person.

24 As used in this Section, "ransom" includes money, benefit,
25 or other valuable thing or concession.

26 (b) Sentence. Aggravated kidnaping in violation of

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

10 A person who is convicted of a second or subsequent offense
11 of aggravated kidnaping shall be sentenced to a term of natural
12 life imprisonment; ~~except provided, however,~~ that a sentence of
13 natural life imprisonment shall not be imposed under this
14 Section unless the second or subsequent offense was committed
15 after conviction on the first offense.

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

17 (720 ILCS 5/10-3) (from Ch. 38, par. 10-3)

18 Sec. 10-3. Unlawful restraint.†

19 (a) A person commits the offense of unlawful restraint when
20 he or she knowingly without legal authority detains another.

21 (b) Sentence. Unlawful restraint is a Class 4 felony.

22 (Source: P.A. 79-840.)

23 (720 ILCS 5/10-3.1) (from Ch. 38, par. 10-3.1)

24 Sec. 10-3.1. Aggravated unlawful restraint ~~Unlawful~~

1 ~~Restraint.~~

2 (a) A person commits the offense of aggravated unlawful
3 restraint when he or she commits unlawful restraint ~~knowingly~~
4 ~~without legal authority detains another~~ while using a deadly
5 weapon.

6 (b) Sentence. Aggravated unlawful restraint is a Class 3
7 felony.

8 (Source: P.A. 84-930.)

9 (720 ILCS 5/10-5) (from Ch. 38, par. 10-5)

10 Sec. 10-5. Child abduction ~~Abduction~~.

11 (a) For purposes of this Section, the following terms ~~shall~~
12 have the following meanings:

13 (1) "Child" means a person who, at the time the alleged
14 violation occurred, was under the age of 18 or ~~a~~ severely
15 or profoundly mentally retarded. ~~person at the time the~~
16 ~~alleged violation occurred ; and~~

17 (2) "Detains" means taking or retaining physical
18 custody of a child, whether or not the child resists or
19 objects. ~~; and~~

20 (3) "Lawful custodian" means a person or persons
21 granted legal custody of a child or entitled to physical
22 possession of a child pursuant to a court order. It is
23 presumed that, when the parties have never been married to
24 each other, the mother has legal custody of the child
25 unless a valid court order states otherwise. If an

1 adjudication of paternity has been completed and the father
2 has been assigned support obligations or visitation
3 rights, such a paternity order should, for the purposes of
4 this Section, be considered a valid court order granting
5 custody to the mother.

6 (4) "Putative father" means a man who has a reasonable
7 belief that he is the father of a child born of a woman who
8 is not his wife.

9 (b) A person commits the offense of child abduction when he
10 or she does any one of the following:

11 (1) Intentionally violates any terms of a valid court
12 order granting sole or joint custody, care, or possession
13 to another, ~~7~~ by concealing or detaining the child or
14 removing the child from the jurisdiction of the court. ~~or~~

15 (2) Intentionally violates a court order prohibiting
16 the person from concealing or detaining the child or
17 removing the child from the jurisdiction of the court. ~~or~~

18 (3) Intentionally conceals, detains, or removes the
19 child without the consent of the mother or lawful custodian
20 of the child if the person is a putative father and either:

21 (A) the paternity of the child has not been legally
22 established or (B) the paternity of the child has been
23 legally established but no orders relating to custody have
24 been entered. Notwithstanding ~~However, notwithstanding~~ the
25 presumption created by paragraph (3) of subsection (a),
26 however, a mother commits child abduction when she

1 intentionally conceals or removes a child, whom she has
2 abandoned or relinquished custody of, from an
3 unadjudicated father who has provided sole ongoing care and
4 custody of the child in her absence. ~~or~~

5 (4) Intentionally conceals or removes the child from a
6 parent after filing a petition or being served with process
7 in an action affecting marriage or paternity but prior to
8 the issuance of a temporary or final order determining
9 custody. ~~or~~

10 (5) At the expiration of visitation rights outside the
11 State, intentionally fails or refuses to return or impedes
12 the return of the child to the lawful custodian in
13 Illinois. ~~or~~

14 (6) Being a parent of the child, and if ~~where~~ the
15 parents of that ~~such~~ child are or have been married and
16 there has been no court order of custody, knowingly
17 conceals the child for 15 days, and fails to make
18 reasonable attempts within the 15-day ~~15-day~~ period to
19 notify the other parent as to the specific whereabouts of
20 the child, including a means by which to contact the ~~such~~
21 child, or to arrange reasonable visitation or contact with
22 the child. It is not a violation of this Section for a
23 person fleeing domestic violence to take the child with him
24 or her to housing provided by a domestic violence program.

25 ~~or~~

26 (7) Being a parent of the child, and if ~~where~~ the

1 parents of the child are or have been married and there has
2 been no court order of custody, knowingly conceals,
3 detains, or removes the child with physical force or threat
4 of physical force. ~~or~~

5 (8) Knowingly conceals ~~Conceals~~, detains, or removes
6 the child for payment or promise of payment at the
7 instruction of a person who has no legal right to custody.

8 ~~or~~

9 (9) Knowingly retains ~~Retains~~ in this State for 30 days
10 a child removed from another state without the consent of
11 the lawful custodian or in violation of a valid court order
12 of custody. ~~or~~

13 (10) Intentionally lures or attempts to lure a child
14 under the age of 16 into a motor vehicle, building,
15 housetrailer, or dwelling place without the consent of the
16 child's parent or lawful custodian ~~of the child~~ for other
17 than a lawful purpose. For the purposes of this item
18 ~~subsection (b), paragraph~~ (10), the luring or attempted
19 luring of a child under the age of 16 into a motor vehicle,
20 building, housetrailer, or dwelling place without the
21 consent of the child's parent or lawful custodian is ~~of the~~
22 ~~child shall be~~ prima facie evidence of other than a lawful
23 purpose.

24 (11) With the intent to obstruct or prevent efforts to
25 locate the child victim of a child abduction, knowingly
26 destroys, alters, conceals, or disguises physical evidence

1 or furnishes false information.

2 (c) It is ~~shall be~~ an affirmative defense to subsections
3 (b) (1) through (b) (10) of this Section that:

4 (1) the ~~The~~ person had custody of the child pursuant to
5 a court order granting legal custody or visitation rights
6 that ~~which~~ existed at the time of the alleged violation; ~~or~~

7 (2) the ~~The~~ person had physical custody of the child
8 pursuant to a court order granting legal custody or
9 visitation rights and failed to return the child as a
10 result of circumstances beyond his or her control, and the
11 person notified and disclosed to the other parent or legal
12 custodian the specific whereabouts of the child and a means
13 by which the ~~such~~ child could ~~can~~ be contacted or made a
14 reasonable attempt to notify the other parent or lawful
15 custodian of the child of those ~~such~~ circumstances and made
16 the ~~make such~~ disclosure within 24 hours after the
17 visitation period had expired and returned the child as
18 soon as possible; ~~or~~

19 (3) the ~~The~~ person was fleeing an incidence or pattern
20 of domestic violence; or

21 (4) the ~~The~~ person lured or attempted to lure a child
22 under the age of 16 into a motor vehicle, building,
23 housetrailer, or dwelling place for a lawful purpose in
24 prosecutions under paragraph (10) of subsection (b) ~~7~~
25 ~~paragraph (10)~~.

26 (d) A person convicted of child abduction under this

1 Section is guilty of a Class 4 felony. A person convicted of a
2 second or subsequent violation of paragraph (10) of subsection
3 (b) of this Section is guilty of a Class 3 felony. It ~~is shall~~
4 ~~be~~ a factor in aggravation under subsections (b)(1) through
5 (b)(10) of this Section for which a court may impose a more
6 severe sentence under Section 5-8-1 of the Unified Code of
7 Corrections, if, upon sentencing, the court finds evidence of
8 any of the following aggravating factors:

9 (1) that the defendant abused or neglected the child
10 following the concealment, detention, or removal of the
11 child; ~~or~~

12 (2) that the defendant inflicted or threatened to
13 inflict physical harm on a parent or lawful custodian of
14 the child or on the child with intent to cause that ~~such~~
15 parent or lawful custodian to discontinue criminal
16 prosecution of the defendant under this Section; ~~or~~

17 (3) that the defendant demanded payment in exchange for
18 return of the child or demanded that he or she be relieved
19 of the financial or legal obligation to support the child
20 in exchange for return of the child; ~~or~~

21 (4) that the defendant has previously been convicted of
22 child abduction; ~~or~~

23 (5) that the defendant committed the abduction while
24 armed with a deadly weapon or the taking of the child
25 resulted in serious bodily injury to another; or

26 (6) that the defendant committed the abduction while in

1 a school, regardless of the time of day or time of year; in
2 a playground; on any conveyance owned, leased, or
3 contracted by a school to transport students to or from
4 school or a school related activity; on the real property
5 of a school; or on a public way within 1,000 feet of the
6 real property comprising any school or playground. For
7 purposes of this paragraph (6), "playground" means a piece
8 of land owned or controlled by a unit of local government
9 that is designated by the unit of local government for use
10 solely or primarily for children's recreation; and
11 "school" means a public or private elementary or secondary
12 school, community college, college, or university.

13 (e) The court may order the child to be returned to the
14 parent or lawful custodian from whom the child was concealed,
15 detained, or removed. In addition to any sentence imposed, the
16 court may assess any reasonable expense incurred in searching
17 for or returning the child against any person convicted of
18 violating this Section.

19 (f) Nothing contained in this Section shall be construed to
20 limit the court's contempt power.

21 (g) Every law enforcement officer investigating an alleged
22 incident of child abduction shall make a written police report
23 of any bona fide allegation and the disposition of that ~~such~~
24 investigation. Every police report completed pursuant to this
25 Section shall be compiled and recorded within the meaning of
26 Section 5.1 of the Criminal Identification Act ~~"An Act in~~

1 ~~relation to criminal identification and investigation",~~
2 ~~approved July 2, 1931, as now or hereafter amended.~~

3 (h) Whenever a law enforcement officer has reasons to
4 believe a child abduction has occurred, she or he shall provide
5 the lawful custodian a summary of her or his rights under this
6 Code Act, including the procedures and relief available to her
7 or him.

8 (i) If during the course of an investigation under this
9 Section the child is found in the physical custody of the
10 defendant or another, the law enforcement officer shall return
11 the child to the parent or lawful custodian from whom the child
12 was concealed, detained, or removed, unless there is good cause
13 for the law enforcement officer or the Department of Children
14 and Family Services to retain temporary protective custody of
15 the child pursuant to the Abused and Neglected Child Reporting
16 Act, ~~as now or hereafter amended.~~

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

18 (720 ILCS 5/10-5.5)

19 Sec. 10-5.5. Unlawful visitation interference.

20 (a) As used in this Section, the terms "child", "detain",
21 and "lawful custodian" ~~shall~~ have the meanings ascribed to them
22 in Section 10-5 of this Code.

23 (b) Every person who, in violation of the visitation
24 provisions of a court order relating to child custody, detains
25 or conceals a child with the intent to deprive another person

1 of his or her rights to visitation commits the offense ~~shall be~~
2 ~~guilty~~ of unlawful visitation interference.

3 (c) A person committing unlawful visitation interference
4 is guilty of a petty offense. Any ~~However, any~~ person violating
5 this Section after 2 prior convictions of unlawful visitation
6 interference, however, is guilty of a Class A misdemeanor.

7 (d) Any law enforcement officer who has probable cause to
8 believe that a person has committed or is committing an act in
9 violation of this Section shall issue to that person a notice
10 to appear.

11 (e) The notice shall:

12 (1) be in writing;

13 (2) state the name of the person and his or her
14 address, if known;

15 (3) set forth the nature of the offense;

16 (4) be signed by the officer issuing the notice; and

17 (5) request the person to appear before a court at a
18 certain time and place.

19 (f) Upon failure of the person to appear, a summons or
20 warrant of arrest may be issued.

21 (g) It is an affirmative defense that:

22 (1) a person or lawful custodian committed the act to
23 protect the child from imminent physical harm, provided
24 that the defendant's belief that there was physical harm
25 imminent was reasonable and that the defendant's conduct in
26 withholding visitation rights was a reasonable response to

1 the harm believed imminent;

2 (2) the act was committed with the mutual consent of
3 all parties having a right to custody and visitation of the
4 child; or

5 (3) the act was otherwise authorized by law.

6 ~~(h) A person convicted of unlawful visitation interference~~
7 ~~shall not be subject to a civil contempt citation for the same~~
8 ~~conduct for violating visitation provisions of a court order~~
9 ~~issued under the Illinois Marriage and Dissolution of Marriage~~
10 ~~Act.~~

11 (Source: P.A. 88-96.)

12 (720 ILCS 5/10-7) (from Ch. 38, par. 10-7)

13 Sec. 10-7. Aiding or ~~and~~ abetting child abduction.

14 (a) A person violates this Section when, before: ~~(i) Before~~
15 or during the commission of a child abduction as defined in
16 Section 10-5 and with the intent to promote or facilitate such
17 offense, he or she intentionally aids or abets another in the
18 planning or commission of child abduction, unless before the
19 commission of the offense he or she makes proper effort to
20 prevent the commission of the offense; ~~or (ii) With the intent~~
21 ~~to prevent the apprehension of a person known to have committed~~
22 ~~the offense of child abduction, or with the intent to obstruct~~
23 ~~or prevent efforts to locate the child victim of a child~~
24 ~~abduction, he or she knowingly destroys, alters, conceals or~~
25 ~~disguises physical evidence or furnishes false information.~~

1 (b) Sentence. A person who violates this Section commits a
2 Class 4 felony.

3 (Source: P.A. 84-1308.)

4 (720 ILCS 5/10-9 new)

5 Sec. 10-9. Trafficking in persons, involuntary servitude,
6 and related offenses.

7 (a) Definitions. In this Section:

8 (1) "Intimidation" has the meaning prescribed in
9 Section 12-6.

10 (2) "Commercial sexual activity" means any sex act on
11 account of which anything of value is given, promised to,
12 or received by any person.

13 (3) "Financial harm" includes intimidation that brings
14 about financial loss, criminal usury, or employment
15 contracts that violate the Frauds Act.

16 (4) "Forced labor or services" means labor or services
17 that are performed or provided by another person and are
18 obtained or maintained through:

19 (A) any scheme, plan, or pattern intending to cause
20 or threatening to cause serious harm to any person;

21 (B) an actor's physically restraining or
22 threatening to physically restrain another person;

23 (C) an actor's abusing or threatening to abuse the
24 law or legal process;

25 (D) an actor's knowingly destroying, concealing,

1 removing, confiscating, or possessing any actual or
2 purported passport or other immigration document, or
3 any other actual or purported government
4 identification document, of another person;

5 (E) an actor's blackmail; or

6 (F) an actor's causing or threatening to cause
7 financial harm to or exerting financial control over
8 any person.

9 (5) "Labor" means work of economic or financial value.

10 (6) "Maintain" means, in relation to labor or services,
11 to secure continued performance thereof, regardless of any
12 initial agreement on the part of the victim to perform that
13 type of service.

14 (7) "Obtain" means, in relation to labor or services,
15 to secure performance thereof.

16 (8) "Services" means activities resulting from a
17 relationship between a person and the actor in which the
18 person performs activities under the supervision of or for
19 the benefit of the actor. Commercial sexual activity and
20 sexually-explicit performances are forms of activities
21 that are "services" under this Section. Nothing in this
22 definition may be construed to legitimize or legalize
23 prostitution.

24 (9) "Sexually-explicit performance" means a live,
25 recorded, broadcast (including over the Internet), or
26 public act or show intended to arouse or satisfy the sexual

1 desires or appeal to the prurient interests of patrons.

2 (10) "Trafficking victim" means a person subjected to
3 the practices set forth in subsection (b), (c), or (d).

4 (b) Involuntary servitude. A person commits the offense of
5 involuntary servitude when he or she knowingly subjects,
6 attempts to subject, or engages in a conspiracy to subject
7 another person to forced labor or services and:

8 (1) causes or threatens to cause physical harm to any
9 person;

10 (2) physically restrains or threatens to physically
11 restrain another person;

12 (3) abuses or threatens to abuse the law or legal
13 process;

14 (4) knowingly destroys, conceals, removes,
15 confiscates, or possesses any actual or purported passport
16 or other immigration document, or any other actual or
17 purported government identification document, of another
18 person; or

19 (5) uses intimidation, or uses or threatens to cause
20 financial harm to or exerts financial control over any
21 person.

22 Sentence. Except as otherwise provided in subsection (e) or
23 (f), a violation of subsection (b)(1) is a Class X felony,
24 (b)(2) is a Class 1 felony, (b)(3) is a Class 2 felony, (b)(4)
25 is a Class 3 felony, and (b)(5) is a Class 4 felony.

26 (c) Involuntary sexual servitude of a minor. A person

1 commits the offense of involuntary sexual servitude of a minor
2 when he or she knowingly recruits, entices, harbors,
3 transports, provides, or obtains by any means, or attempts to
4 recruit, entice, harbor, provide, or obtain by any means,
5 another person under 18 years of age, knowing that the minor
6 will engage in commercial sexual activity, a sexually-explicit
7 performance, or the production of pornography, or causes or
8 attempts to cause a minor to engage in one or more of those
9 activities and:

10 (1) there is no overt force or threat and the minor is
11 between the ages of 17 and 18 years;

12 (2) there is no overt force or threat and the minor is
13 under the age of 17 years; or

14 (3) there is overt force or threat.

15 Sentence. Except as otherwise provided in subsection (e) or
16 (f), a violation of subsection (c)(1) is a Class 1 felony,
17 (c)(2) is a Class X felony, and (c)(3) is a Class X felony.

18 (d) Trafficking in persons for forced labor or services. A
19 person commits the offense of trafficking in persons for forced
20 labor or services when he or she knowingly: (1) recruits,
21 entices, harbors, transports, provides, or obtains by any
22 means, or attempts to recruit, entice, harbor, transport,
23 provide, or obtain by any means, another person, intending or
24 knowing that the person will be subjected to forced labor or
25 services; or (2) benefits, financially or by receiving anything
26 of value, from participation in a venture that has engaged in

1 an act of involuntary servitude or involuntary sexual servitude
2 of a minor.

3 Sentence. Except as otherwise provided in subsection (e) or
4 (f), a violation of this subsection is a Class 1 felony.

5 (e) Aggravating factors. A violation of this Section
6 involving kidnapping or an attempt to kidnap, aggravated
7 criminal sexual assault or an attempt to commit aggravated
8 criminal sexual assault, or an attempt to commit first degree
9 murder is a Class X felony.

10 (f) Sentencing considerations.

11 (1) Bodily injury. If, pursuant to a violation of this
12 Section, a victim suffered bodily injury, the defendant may
13 be sentenced to an extended-term sentence under Section
14 5-8-2 of the Unified Code of Corrections. The sentencing
15 court must take into account the time in which the victim
16 was held in servitude, with increased penalties for cases
17 in which the victim was held for between 180 days and one
18 year, and increased penalties for cases in which the victim
19 was held for more than one year.

20 (2) Number of victims. In determining sentences within
21 statutory maximums, the sentencing court should take into
22 account the number of victims, and may provide for
23 substantially-increased sentences in cases involving more
24 than 10 victims.

25 (g) Restitution. Restitution is mandatory under this
26 Section. In addition to any other amount of loss identified,

1 the court shall order restitution including the greater of (1)
2 the gross income or value to the defendant of the victim's
3 labor or services or (2) the value of the victim's labor as
4 guaranteed under the Minimum Wage Law and overtime provisions
5 of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law,
6 whichever is greater.

7 (h) Trafficking victim services. Subject to the
8 availability of funds, the Department of Human Services may
9 provide or fund emergency services and assistance to
10 individuals who are victims of one or more offenses defined in
11 this Section.

12 (i) Certification. The Attorney General, a State's
13 Attorney, or any law enforcement official shall certify in
14 writing to the United States Department of Justice or other
15 federal agency, such as the United States Department of
16 Homeland Security, that an investigation or prosecution under
17 this Section has begun and the individual who is a likely
18 victim of a crime described in this Section is willing to
19 cooperate or is cooperating with the investigation to enable
20 the individual, if eligible under federal law, to qualify for
21 an appropriate special immigrant visa and to access available
22 federal benefits. Cooperation with law enforcement shall not be
23 required of victims of a crime described in this Section who
24 are under 18 years of age. This certification shall be made
25 available to the victim and his or her designated legal
26 representative.

1 (j) A person who commits the offense of involuntary
2 servitude, involuntary sexual servitude of a minor, or
3 trafficking in persons for forced labor or services under
4 subsection (b), (c), or (d) of this Section shall forfeit to
5 the State of Illinois any profits or proceeds and any interest
6 or property he or she has acquired or maintained in violation
7 of subsection (b), (c), or (d) of this Section that the
8 sentencing court determines, after a forfeiture hearing, to
9 have been acquired or maintained as a result of maintaining a
10 person in involuntary servitude or participating in
11 trafficking in persons for forced labor or services.

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

19 In any action brought by the People of the State of
20 Illinois under this Section, in which a restraining order,
21 injunction, or prohibition or any other action in connection
22 with any property or interest subject to forfeiture under this
23 Section is sought, the circuit court presiding over the trial
24 of the person or persons charged with involuntary servitude,
25 involuntary sexual servitude of a minor, or trafficking in
26 persons for forced labor or services shall first determine

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

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

1 Upon conviction of a person of involuntary servitude,
2 involuntary sexual servitude of a minor, or trafficking in
3 persons for forced labor or services, the court shall authorize
4 the Attorney General to seize all property or other interest
5 declared forfeited under this Section upon terms and conditions
6 the court deems proper.

7 All moneys forfeited and the sale proceeds of all other
8 property forfeited and seized under this Section shall be
9 distributed as follows:

10 (1) one-half shall be divided equally between all State
11 agencies and units of local government whose officers or
12 employees conducted the investigation that resulted in the
13 forfeiture; and

14 (2) one-half shall be deposited into the Violent Crime
15 Victims Assistance Fund and targeted to services for
16 victims of the offenses of involuntary servitude,
17 involuntary sexual servitude of a minor, and trafficking in
18 persons for forced labor or services.

19 (720 ILCS 5/11-9.3)

20 Sec. 11-9.3. Presence within school zone by child sex
21 offenders prohibited.

22 (a) It is unlawful for a child sex offender to knowingly be
23 present in any school building, on real property comprising any
24 school, or in any conveyance owned, leased, or contracted by a
25 school to transport students to or from school or a school

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

1 felony.

2 (a-5) It is unlawful for a child sex offender to knowingly
3 be present within 100 feet of a site posted as a pick-up or
4 discharge stop for a conveyance owned, leased, or contracted by
5 a school to transport students to or from school or a school
6 related activity when one or more persons under the age of 18
7 are present at the site.

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

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

10 (b-5) It is unlawful for a child sex offender to knowingly
11 reside within 500 feet of a school building or the real
12 property comprising any school that persons under the age of 18
13 attend. Nothing in this subsection (b-5) prohibits a child sex
14 offender from residing within 500 feet of a school building or
15 the real property comprising any school that persons under 18
16 attend if the property is owned by the child sex offender and
17 was purchased before the effective date of this amendatory Act
18 of the 91st General Assembly.

19 (c) Definitions. In this Section:

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

21 (i) has been charged under Illinois law, or any
22 substantially similar federal law or law of another
23 state, with a sex offense set forth in paragraph (2) of
24 this subsection (c) or the attempt to commit an
25 included sex offense, and:

26 (A) is convicted of such offense or an attempt

1 to commit such offense; or

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

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

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

15 (E) is found not guilty by reason of insanity
16 following a hearing conducted pursuant to a
17 federal law or the law of another state
18 substantially similar to subsection (c) of Section
19 104-25 of the Code of Criminal Procedure of 1963 of
20 such offense or of the attempted commission of such
21 offense; or

22 (F) is the subject of a finding not resulting
23 in an acquittal at a hearing conducted pursuant to
24 a federal law or the law of another state
25 substantially similar to subsection (a) of Section
26 104-25 of the Code of Criminal Procedure of 1963

1 for the alleged violation or attempted commission
2 of such offense; or

3 (ii) is certified as a sexually dangerous person
4 pursuant to the Illinois Sexually Dangerous Persons
5 Act, or any substantially similar federal law or the
6 law of another state, when any conduct giving rise to
7 such certification is committed or attempted against a
8 person less than 18 years of age; or

9 (iii) is subject to the provisions of Section 2 of
10 the Interstate Agreements on Sexually Dangerous
11 Persons Act.

12 Convictions that result from or are connected with the
13 same act, or result from offenses committed at the same
14 time, shall be counted for the purpose of this Section as
15 one conviction. Any conviction set aside pursuant to law is
16 not a conviction for purposes of this Section.

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

19 (i) A violation of any of the following Sections of
20 the Criminal Code of 1961: 10-7 (aiding or ~~and~~ abetting
21 child abduction under Section 10-5(b)(10)),
22 10-5(b)(10) (child luring), 11-6 (indecent
23 solicitation of a child), 11-6.5 (indecent
24 solicitation of an adult), 11-9 (public indecency when
25 committed in a school, on the real property comprising
26 a school, or on a conveyance, owned, leased, or

1 contracted by a school to transport students to or from
2 school or a school related activity), 11-9.1 (sexual
3 exploitation of a child), 11-15.1 (soliciting for a
4 juvenile prostitute), 11-17.1 (keeping a place of
5 juvenile prostitution), 11-18.1 (patronizing a
6 juvenile prostitute), 11-19.1 (juvenile pimping),
7 11-19.2 (exploitation of a child), 11-20.1 (child
8 pornography), 11-20.3 (aggravated child pornography),
9 11-21 (harmful material), 12-14.1 (predatory criminal
10 sexual assault of a child), 12-33 (ritualized abuse of
11 a child), 11-20 (obscenity) (when that offense was
12 committed in any school, on real property comprising
13 any school, in any conveyance owned, leased, or
14 contracted by a school to transport students to or from
15 school or a school related activity). An attempt to
16 commit any of these offenses.

17 (ii) A violation of any of the following Sections
18 of the Criminal Code of 1961, when the victim is a
19 person under 18 years of age: 12-13 (criminal sexual
20 assault), 12-14 (aggravated criminal sexual assault),
21 12-15 (criminal sexual abuse), 12-16 (aggravated
22 criminal sexual abuse). An attempt to commit any of
23 these offenses.

24 (iii) A violation of any of the following Sections
25 of the Criminal Code of 1961, when the victim is a
26 person under 18 years of age and the defendant is not a

1 parent of the victim:

2 10-1 (kidnapping),

3 10-2 (aggravated kidnapping),

4 10-3 (unlawful restraint),

5 10-3.1 (aggravated unlawful restraint).

6 An attempt to commit any of these offenses.

7 (iv) A violation of any former law of this State
8 substantially equivalent to any offense listed in
9 clause (2) (i) of subsection (c) of this Section.

10 (2.5) For the purposes of subsection (b-5) only, a sex
11 offense means:

12 (i) A violation of any of the following Sections of
13 the Criminal Code of 1961:

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

26 (ii) A violation of any of the following Sections

1 of the Criminal Code of 1961, when the victim is a
2 person under 18 years of age: 12-13 (criminal sexual
3 assault), 12-14 (aggravated criminal sexual assault),
4 12-16 (aggravated criminal sexual abuse), and
5 subsection (a) of Section 12-15 (criminal sexual
6 abuse). An attempt to commit any of these offenses.

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

11 10-1 (kidnapping),

12 10-2 (aggravated kidnapping),

13 10-3 (unlawful restraint),

14 10-3.1 (aggravated unlawful restraint).

15 An attempt to commit any of these offenses.

16 (iv) A violation of any former law of this State
17 substantially equivalent to any offense listed in this
18 paragraph (2.5) of this subsection.

19 (3) A conviction for an offense of federal law or the
20 law of another state that is substantially equivalent to
21 any offense listed in paragraph (2) of subsection (c) of
22 this Section shall constitute a conviction for the purpose
23 of this Article. A finding or adjudication as a sexually
24 dangerous person under any federal law or law of another
25 state that is substantially equivalent to the Sexually
26 Dangerous Persons Act shall constitute an adjudication for

1 the purposes of this Section.

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

4 (5) "Loiter" means:

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

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

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

15 (6) "School official" means the principal, a teacher,
16 or any other certified employee of the school, the
17 superintendent of schools or a member of the school board.

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

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

25 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
26 94-170, eff. 7-11-05; 95-331, eff. 8-21-07; 95-440, eff.

1 8-27-07; 95-640, eff. 6-1-08; 95-819, eff. 1-1-09; 95-876, eff.
2 8-21-08; revised 9-23-08.)

3 (720 ILCS 5/11-9.4)

4 (Text of Section before amendment by P.A. 95-983)

5 Sec. 11-9.4. Approaching, contacting, residing, or
6 communicating with a child within certain places by child sex
7 offenders prohibited.

8 (a) It is unlawful for a child sex offender to knowingly be
9 present in any public park building or on real property
10 comprising any public park when persons under the age of 18 are
11 present in the building or on the grounds and to approach,
12 contact, or communicate with a child under 18 years of age,
13 unless the offender is a parent or guardian of a person under
14 18 years of age present in the building or on the grounds.

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

23 (b-5) It is unlawful for a child sex offender to knowingly
24 reside within 500 feet of a playground, child care institution,
25 day care center, part day child care facility, day care home,

1 group day care home, or a facility providing programs or
2 services exclusively directed toward persons under 18 years of
3 age. Nothing in this subsection (b-5) prohibits a child sex
4 offender from residing within 500 feet of a playground or a
5 facility providing programs or services exclusively directed
6 toward persons under 18 years of age if the property is owned
7 by the child sex offender and was purchased before the
8 effective date of this amendatory Act of the 91st General
9 Assembly. Nothing in this subsection (b-5) prohibits a child
10 sex offender from residing within 500 feet of a child care
11 institution, day care center, or part day child care facility
12 if the property is owned by the child sex offender and was
13 purchased before the effective date of this amendatory Act of
14 the 94th General Assembly. Nothing in this subsection (b-5)
15 prohibits a child sex offender from residing within 500 feet of
16 a day care home or group day care home if the property is owned
17 by the child sex offender and was purchased before August 14,
18 2008 (the effective date of Public Act 95-821) ~~this amendatory~~
19 ~~Act of the 95th General Assembly.~~

20 (b-6) It is unlawful for a child sex offender to knowingly
21 reside within 500 feet of the victim of the sex offense.
22 Nothing in this subsection (b-6) prohibits a child sex offender
23 from residing within 500 feet of the victim if the property in
24 which the child sex offender resides is owned by the child sex
25 offender and was purchased before the effective date of this
26 amendatory Act of the 92nd General Assembly.

1 This subsection (b-6) does not apply if the victim of the
2 sex offense is 21 years of age or older.

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

23 (c-5) It is unlawful for a child sex offender to knowingly
24 operate, manage, be employed by, or be associated with any
25 county fair when persons under the age of 18 are present.

26 (c-6) It is unlawful for a child sex offender who owns and

1 resides at residential real estate to knowingly rent any
2 residential unit within the same building in which he or she
3 resides to a person who is the parent or guardian of a child or
4 children under 18 years of age. This subsection shall apply
5 only to leases or other rental arrangements entered into after
6 January 1, 2009 (the effective date of Public Act 95-820) ~~this~~
7 ~~amendatory Act of the 95th General Assembly.~~

8 (c-7) ~~(c-6)~~ It is unlawful for a child sex offender to
9 knowingly offer or provide any programs or services to persons
10 under 18 years of age in his or her residence or the residence
11 of another or in any facility for the purpose of offering or
12 providing such programs or services, whether such programs or
13 services are offered or provided by contract, agreement,
14 arrangement, or on a volunteer basis.

15 (d) Definitions. In this Section:

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

17 (i) has been charged under Illinois law, or any
18 substantially similar federal law or law of another
19 state, with a sex offense set forth in paragraph (2) of
20 this subsection (d) or the attempt to commit an
21 included sex offense, and:

22 (A) is convicted of such offense or an attempt
23 to commit such offense; or

24 (B) is found not guilty by reason of insanity
25 of such offense or an attempt to commit such
26 offense; or

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

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

11 (E) is found not guilty by reason of insanity
12 following a hearing conducted pursuant to a
13 federal law or the law of another state
14 substantially similar to subsection (c) of Section
15 104-25 of the Code of Criminal Procedure of 1963 of
16 such offense or of the attempted commission of such
17 offense; or

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

25 (ii) is certified as a sexually dangerous person
26 pursuant to the Illinois Sexually Dangerous Persons

1 Act, or any substantially similar federal law or the
2 law of another state, when any conduct giving rise to
3 such certification is committed or attempted against a
4 person less than 18 years of age; or

5 (iii) is subject to the provisions of Section 2 of
6 the Interstate Agreements on Sexually Dangerous
7 Persons Act.

8 Convictions that result from or are connected with the
9 same act, or result from offenses committed at the same
10 time, shall be counted for the purpose of this Section as
11 one conviction. Any conviction set aside pursuant to law is
12 not a conviction for purposes of this Section.

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

15 (i) A violation of any of the following Sections of
16 the Criminal Code of 1961: 10-7 (aiding or ~~and~~ abetting
17 child abduction under Section 10-5(b)(10)),
18 10-5(b)(10) (child luring), 11-6 (indecent
19 solicitation of a child), 11-6.5 (indecent
20 solicitation of an adult), 11-9 (public indecency when
21 committed in a school, on the real property comprising
22 a school, on a conveyance owned, leased, or contracted
23 by a school to transport students to or from school or
24 a school related activity, or in a public park), 11-9.1
25 (sexual exploitation of a child), 11-15.1 (soliciting
26 for a juvenile prostitute), 11-17.1 (keeping a place of

1 juvenile prostitution), 11-18.1 (patronizing a
2 juvenile prostitute), 11-19.1 (juvenile pimping),
3 11-19.2 (exploitation of a child), 11-20.1 (child
4 pornography), 11-20.3 (aggravated child pornography),
5 11-21 (harmful material), 12-14.1 (predatory criminal
6 sexual assault of a child), 12-33 (ritualized abuse of
7 a child), 11-20 (obscenity) (when that offense was
8 committed in any school, on real property comprising
9 any school, on any conveyance owned, leased, or
10 contracted by a school to transport students to or from
11 school or a school related activity, or in a public
12 park). An attempt to commit any of these offenses.

13 (ii) A violation of any of the following Sections
14 of the Criminal Code of 1961, when the victim is a
15 person under 18 years of age: 12-13 (criminal sexual
16 assault), 12-14 (aggravated criminal sexual assault),
17 12-15 (criminal sexual abuse), 12-16 (aggravated
18 criminal sexual abuse). An attempt to commit any of
19 these offenses.

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

24 10-1 (kidnapping),

25 10-2 (aggravated kidnapping),

26 10-3 (unlawful restraint),

1 10-3.1 (aggravated unlawful restraint).

2 An attempt to commit any of these offenses.

3 (iv) A violation of any former law of this State
4 substantially equivalent to any offense listed in
5 clause (2)(i) of this subsection (d).

6 (2.5) For the purposes of subsection (b-5) only, a sex
7 offense means:

8 (i) A violation of any of the following Sections of
9 the Criminal Code of 1961:

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

24 (ii) A violation of any of the following Sections
25 of the Criminal Code of 1961, when the victim is a
26 person under 18 years of age: 12-13 (criminal sexual

1 assault), 12-14 (aggravated criminal sexual assault),
2 12-16 (aggravated criminal sexual abuse), and
3 subsection (a) of Section 12-15 (criminal sexual
4 abuse). An attempt to commit any of these offenses.

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

9 10-1 (kidnapping),

10 10-2 (aggravated kidnapping),

11 10-3 (unlawful restraint),

12 10-3.1 (aggravated unlawful restraint).

13 An attempt to commit any of these offenses.

14 (iv) A violation of any former law of this State
15 substantially equivalent to any offense listed in this
16 paragraph (2.5) of this subsection.

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

26 (4) "Public park" includes a park, forest preserve, or

1 conservation area under the jurisdiction of the State or a
2 unit of local government.

3 (5) "Facility providing programs or services directed
4 towards persons under the age of 18" means any facility
5 providing programs or services exclusively directed
6 towards persons under the age of 18.

7 (6) "Loiter" means:

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

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

15 (7) "Playground" means a piece of land owned or
16 controlled by a unit of local government that is designated
17 by the unit of local government for use solely or primarily
18 for children's recreation.

19 (8) "Child care institution" has the meaning ascribed
20 to it in Section 2.06 of the Child Care Act of 1969.

21 (9) "Day care center" has the meaning ascribed to it in
22 Section 2.09 of the Child Care Act of 1969.

23 (10) "Part day child care facility" has the meaning
24 ascribed to it in Section 2.10 of the Child Care Act of
25 1969.

26 (11) "Day care home" has the meaning ascribed to it in

1 Section 2.18 of the Child Care Act of 1969.

2 (12) "Group day care home" has the meaning ascribed to
3 it in Section 2.20 of the Child Care Act of 1969.

4 (d-5) For the purposes of this Section, the 500 feet
5 distance shall be measured from the edge of the property
6 comprising the public park building or the real property
7 comprising the public park, playground, child care
8 institution, day care center, part day child care facility, or
9 a facility providing programs or services exclusively directed
10 toward persons under 18 years of age, or a victim of the sex
11 offense who is under 21 years of age to the edge of the child
12 sex offender's place of residence or where he or she is
13 loitering.

14 (e) Sentence. A person who violates this Section is guilty
15 of a Class 4 felony.

16 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08; 95-640,
17 eff. 6-1-08; 95-819, eff. 1-1-09; 95-820, eff. 1-1-09; 95-821,
18 eff. 8-14-08; 95-876, eff. 8-21-08; revised 10-20-08.)

19 (Text of Section after amendment by P.A. 95-983)

20 Sec. 11-9.4. Approaching, contacting, residing, or
21 communicating with a child within certain places by child sex
22 offenders prohibited.

23 (a) It is unlawful for a child sex offender to knowingly be
24 present in any public park building or on real property
25 comprising any public park when persons under the age of 18 are

1 present in the building or on the grounds and to approach,
2 contact, or communicate with a child under 18 years of age,
3 unless the offender is a parent or guardian of a person under
4 18 years of age present in the building or on the grounds.

5 (b) It is unlawful for a child sex offender to knowingly
6 loiter on a public way within 500 feet of a public park
7 building or real property comprising any public park while
8 persons under the age of 18 are present in the building or on
9 the grounds and to approach, contact, or communicate with a
10 child under 18 years of age, unless the offender is a parent or
11 guardian of a person under 18 years of age present in the
12 building or on the grounds.

13 (b-5) It is unlawful for a child sex offender to knowingly
14 reside within 500 feet of a playground, child care institution,
15 day care center, part day child care facility, day care home,
16 group day care home, or a facility providing programs or
17 services exclusively directed toward persons under 18 years of
18 age. Nothing in this subsection (b-5) prohibits a child sex
19 offender from residing within 500 feet of a playground or a
20 facility providing programs or services exclusively directed
21 toward persons under 18 years of age if the property is owned
22 by the child sex offender and was purchased before the
23 effective date of this amendatory Act of the 91st General
24 Assembly. Nothing in this subsection (b-5) prohibits a child
25 sex offender from residing within 500 feet of a child care
26 institution, day care center, or part day child care facility

1 if the property is owned by the child sex offender and was
2 purchased before the effective date of this amendatory Act of
3 the 94th General Assembly. Nothing in this subsection (b-5)
4 prohibits a child sex offender from residing within 500 feet of
5 a day care home or group day care home if the property is owned
6 by the child sex offender and was purchased before August 14,
7 2008 (the effective date of Public Act 95-821) ~~this amendatory~~
8 ~~Act of the 95th General Assembly.~~

9 (b-6) It is unlawful for a child sex offender to knowingly
10 reside within 500 feet of the victim of the sex offense.
11 Nothing in this subsection (b-6) prohibits a child sex offender
12 from residing within 500 feet of the victim if the property in
13 which the child sex offender resides is owned by the child sex
14 offender and was purchased before the effective date of this
15 amendatory Act of the 92nd General Assembly.

16 This subsection (b-6) does not apply if the victim of the
17 sex offense is 21 years of age or older.

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

25 (c) It is unlawful for a child sex offender to knowingly
26 operate, manage, be employed by, volunteer at, be associated

1 with, or knowingly be present at any: (i) facility providing
2 programs or services exclusively directed towards persons
3 under the age of 18; (ii) day care center; (iii) part day child
4 care facility; (iv) child care institution; (v) school
5 providing before and after school programs for children under
6 18 years of age; (vi) day care home; or (vii) group day care
7 home. This does not prohibit a child sex offender from owning
8 the real property upon which the programs or services are
9 offered or upon which the day care center, part day child care
10 facility, child care institution, or school providing before
11 and after school programs for children under 18 years of age is
12 located, provided the child sex offender refrains from being
13 present on the premises for the hours during which: (1) the
14 programs or services are being offered or (2) the day care
15 center, part day child care facility, child care institution,
16 school providing before and after school programs for children
17 under 18 years of age, day care home, or group day care home is
18 operated.

19 (c-5) It is unlawful for a child sex offender to knowingly
20 operate, manage, be employed by, or be associated with any
21 county fair when persons under the age of 18 are present.

22 (c-6) It is unlawful for a child sex offender who owns and
23 resides at residential real estate to knowingly rent any
24 residential unit within the same building in which he or she
25 resides to a person who is the parent or guardian of a child or
26 children under 18 years of age. This subsection shall apply

1 only to leases or other rental arrangements entered into after
2 January 1, 2009 (the effective date of Public Act 95-820) ~~this~~
3 ~~amendatory Act of the 95th General Assembly.~~

4 (c-7) ~~(c-6)~~ It is unlawful for a child sex offender to
5 knowingly offer or provide any programs or services to persons
6 under 18 years of age in his or her residence or the residence
7 of another or in any facility for the purpose of offering or
8 providing such programs or services, whether such programs or
9 services are offered or provided by contract, agreement,
10 arrangement, or on a volunteer basis.

11 (d) Definitions. In this Section:

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

13 (i) has been charged under Illinois law, or any
14 substantially similar federal law or law of another
15 state, with a sex offense set forth in paragraph (2) of
16 this subsection (d) or the attempt to commit an
17 included sex offense, and:

18 (A) is convicted of such offense or an attempt
19 to commit such offense; or

20 (B) is found not guilty by reason of insanity
21 of such offense or an attempt to commit such
22 offense; or

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

1 (D) is the subject of a finding not resulting
2 in an acquittal at a hearing conducted pursuant to
3 subsection (a) of Section 104-25 of the Code of
4 Criminal Procedure of 1963 for the alleged
5 commission or attempted commission of such
6 offense; or

7 (E) is found not guilty by reason of insanity
8 following a hearing conducted pursuant to a
9 federal law or the law of another state
10 substantially similar to subsection (c) of Section
11 104-25 of the Code of Criminal Procedure of 1963 of
12 such offense or of the attempted commission of such
13 offense; or

14 (F) is the subject of a finding not resulting
15 in an acquittal at a hearing conducted pursuant to
16 a federal law or the law of another state
17 substantially similar to subsection (a) of Section
18 104-25 of the Code of Criminal Procedure of 1963
19 for the alleged violation or attempted commission
20 of such offense; or

21 (ii) is certified as a sexually dangerous person
22 pursuant to the Illinois Sexually Dangerous Persons
23 Act, or any substantially similar federal law or the
24 law of another state, when any conduct giving rise to
25 such certification is committed or attempted against a
26 person less than 18 years of age; or

1 (iii) is subject to the provisions of Section 2 of
2 the Interstate Agreements on Sexually Dangerous
3 Persons Act.

4 Convictions that result from or are connected with the
5 same act, or result from offenses committed at the same
6 time, shall be counted for the purpose of this Section as
7 one conviction. Any conviction set aside pursuant to law is
8 not a conviction for purposes of this Section.

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

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

1 11-21 (harmful material), 12-14.1 (predatory criminal
2 sexual assault of a child), 12-33 (ritualized abuse of
3 a child), 11-20 (obscenity) (when that offense was
4 committed in any school, on real property comprising
5 any school, on any conveyance owned, leased, or
6 contracted by a school to transport students to or from
7 school or a school related activity, or in a public
8 park). An attempt to commit any of these offenses.

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

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

20 10-1 (kidnapping),

21 10-2 (aggravated kidnapping),

22 10-3 (unlawful restraint),

23 10-3.1 (aggravated unlawful restraint).

24 An attempt to commit any of these offenses.

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

1 clause (2)(i) of this subsection (d).

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

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

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

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

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

5 10-1 (kidnapping),

6 10-2 (aggravated kidnapping),

7 10-3 (unlawful restraint),

8 10-3.1 (aggravated unlawful restraint).

9 An attempt to commit any of these offenses.

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

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

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

25 (5) "Facility providing programs or services directed
26 towards persons under the age of 18" means any facility

1 providing programs or services exclusively directed
2 towards persons under the age of 18.

3 (6) "Loiter" means:

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

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

11 (7) "Playground" means a piece of land owned or
12 controlled by a unit of local government that is designated
13 by the unit of local government for use solely or primarily
14 for children's recreation.

15 (8) "Child care institution" has the meaning ascribed
16 to it in Section 2.06 of the Child Care Act of 1969.

17 (9) "Day care center" has the meaning ascribed to it in
18 Section 2.09 of the Child Care Act of 1969.

19 (10) "Part day child care facility" has the meaning
20 ascribed to it in Section 2.10 of the Child Care Act of
21 1969.

22 (11) "Day care home" has the meaning ascribed to it in
23 Section 2.18 of the Child Care Act of 1969.

24 (12) "Group day care home" has the meaning ascribed to
25 it in Section 2.20 of the Child Care Act of 1969.

26 (13) ~~(11)~~ "Internet" means an interactive computer

1 service or system or an information service, system, or
2 access software provider that provides or enables computer
3 access by multiple users to a computer server, and
4 includes, but is not limited to, an information service,
5 system, or access software provider that provides access to
6 a network system commonly known as the Internet, or any
7 comparable system or service and also includes, but is not
8 limited to, a World Wide Web page, newsgroup, message
9 board, mailing list, or chat area on any interactive
10 computer service or system or other online service.

11 (d-5) For the purposes of this Section, the 500 feet
12 distance shall be measured from the edge of the property
13 comprising the public park building or the real property
14 comprising the public park, playground, child care
15 institution, day care center, part day child care facility, or
16 a facility providing programs or services exclusively directed
17 toward persons under 18 years of age, or a victim of the sex
18 offense who is under 21 years of age to the edge of the child
19 sex offender's place of residence or where he or she is
20 loitering.

21 (e) Sentence. A person who violates this Section is guilty
22 of a Class 4 felony.

23 (Source: P.A. 94-925, eff. 6-26-06; 95-32, eff. 1-1-08; 95-640,
24 eff. 6-1-08; 95-819, eff. 1-1-09; 95-820, eff. 1-1-09; 95-821,
25 eff. 8-14-08; 95-876, eff. 8-21-08; 95-983, eff. 6-1-09;
26 revised 10-20-08.)

1 (720 ILCS 5/25-1) (from Ch. 38, par. 25-1)

2 Sec. 25-1. Mob action.

3 (a) A person commits the offense of mob ~~Mob~~ action when he
4 or she engages in ~~consists of~~ any of the following:

5 (1) the knowing or reckless ~~The~~ use of force or
6 violence disturbing the public peace by 2 or more persons
7 acting together and without authority of law; ~~or~~

8 (2) the knowing ~~The~~ assembly of 2 or more persons with
9 the intent to commit or facilitate the commission of a
10 felony or misdemeanor ~~to do an unlawful act;~~ or

11 (3) the knowing ~~The~~ assembly of 2 or more persons,
12 without authority of law, for the purpose of doing violence
13 to the person or property of anyone ~~any one~~ supposed to
14 have been guilty of a violation of the law, or for the
15 purpose of exercising correctional powers or regulative
16 powers over any person by violence.

17 (b) Mob action as defined in paragraph (1) of subsection
18 (a) is a Class 4 felony.

19 (c) Mob action as defined in paragraphs (2) and (3) of
20 subsection (a) is a Class C misdemeanor.

21 (d) Any participant in a mob action that ~~which shall~~ by
22 violence inflicts ~~inflict~~ injury to the person or property of
23 another commits a Class 4 felony.

24 (e) Any participant in a mob action who does not withdraw
25 on being commanded to do so by any peace officer commits a

1 Class A misdemeanor.

2 (f) In addition to any other sentence that may be imposed,
3 a court shall order any person convicted of mob action to
4 perform community service for not less than 30 and not more
5 than 120 hours, if community service is available in the
6 jurisdiction and is funded and approved by the county board of
7 the county where the offense was committed. In addition,
8 whenever any person is placed on supervision for an alleged
9 offense under this Section, the supervision shall be
10 conditioned upon the performance of the community service.

11 This subsection does not apply when the court imposes a
12 sentence of incarceration.

13 (Source: P.A. 88-558, eff. 1-1-95; 89-8, eff. 3-21-95.)

14 (720 ILCS 5/25-4 new)

15 Sec. 25-4. Looting by individuals.

16 (a) A person commits the offense of looting when he or she
17 knowingly without authority of law or the owner enters any home
18 or dwelling or upon any premises of another, or enters any
19 commercial, mercantile, business, or industrial building,
20 plant, or establishment, in which normal security of property
21 is not present by virtue of a hurricane, fire, or vis major of
22 any kind or by virtue of a riot, mob, or other human agency,
23 and obtains or exerts control over property of the owner.

24 (b) Sentence. Looting is a Class 4 felony. In addition to
25 any other penalty imposed, the court shall impose a sentence of

1 at least 100 hours of community service as determined by the
2 court and shall require the defendant to make restitution to
3 the owner of the property looted pursuant to Section 5-5-6 of
4 the Unified Code of Corrections.

5 (720 ILCS 5/25-5) (was 720 ILCS 5/25-1.1)

6 Sec. 25-5 ~~25-1.1~~. Unlawful contact with streetgang
7 members.

8 (a) A person commits the offense of unlawful contact with
9 streetgang members when:

10 (1) he ~~He~~ or she knowingly has direct or indirect
11 contact with a streetgang member as defined in Section 10
12 of the Illinois Streetgang Terrorism Omnibus Prevention
13 Act after having been sentenced to probation, conditional
14 discharge, or supervision for a criminal offense with a
15 condition of that ~~such~~ sentence being to refrain from
16 direct or indirect contact with a streetgang member or
17 members; or

18 (2) he ~~He~~ or she knowingly has direct or indirect
19 contact with a streetgang member as defined in Section 10
20 of the Illinois Streetgang Terrorism Omnibus Prevention
21 Act after having been released on bond for any criminal
22 offense with a condition of that ~~such~~ bond being to refrain
23 from direct or indirect contact with a streetgang member or
24 members.

25 (b) Unlawful contact with streetgang members is a Class A

1 misdemeanor.

2 (c) This Section does not apply to a person when the only
3 streetgang member or members he or she is with is a family or
4 household member or members as defined in paragraph (3) of
5 Section 112A-3 of the Code of Criminal Procedure of 1963 and
6 the streetgang members are not engaged in any
7 streetgang-related ~~streetgang-related~~ activity.

8 (Source: P.A. 90-795, eff. 8-14-98; 91-357, eff. 7-29-99.)

9 (720 ILCS 5/25-6) (was 720 ILCS 5/25-2)

10 Sec. 25-6 ~~25-2~~. Removal of chief of police or sheriff for
11 allowing a person in his or her custody to be lynched.

12 (a) If a prisoner is taken from the custody of any
13 policeman or chief of police of any municipality ~~city, town or~~
14 ~~village~~ and lynched, it shall be prima facie evidence of
15 wrong-doing on the part of that ~~such~~ chief of police and he or
16 she shall be suspended. The mayor or chief executive of the
17 municipality ~~such city, town or village~~ shall appoint an acting
18 chief of police until he or she has ascertained whether the
19 suspended chief of police had ~~has~~ done all in his or her power
20 to protect the life of the prisoner. If, upon hearing all
21 evidence and argument, the mayor or chief executive finds that
22 the chief of police had ~~has~~ done his or her utmost to protect
23 the prisoner, he or she may reinstate the chief of police; but,
24 if he or she finds the chief of police guilty of not properly
25 protecting the prisoner, a new chief of police shall be

1 appointed. Any chief of police replaced is ~~shall~~ not be
2 eligible to serve again in that ~~such~~ office.

3 (b) If a prisoner is taken from the custody of any sheriff
4 or his or her deputy and lynched, it is ~~shall be~~ prima facie
5 evidence of wrong-doing on the part of that ~~such~~ sheriff and he
6 or she shall be suspended. The Governor ~~governor~~ shall appoint
7 an acting sheriff until he or she has ascertained whether the
8 suspended sheriff had ~~has~~ done all in his or her power to
9 protect the life of the prisoner. If, upon hearing all evidence
10 and argument, the Governor ~~governor~~ finds that the sheriff had
11 ~~has~~ done his or her utmost to protect the prisoner, he or she
12 shall reinstate the sheriff; but, if he or she finds the
13 sheriff guilty of not properly protecting the prisoner, a new
14 sheriff shall be duly elected or appointed, pursuant to the
15 existing law provided for the filling of vacancies in that ~~such~~
16 office. Any sheriff replaced is ~~shall~~ not ~~be~~ eligible to serve
17 again in that ~~such~~ office.

18 (Source: Laws 1961, p. 1983.)

19 (720 ILCS 5/29B-1) (from Ch. 38, par. 29B-1)

20 Sec. 29B-1. (a) A person commits the offense of money
21 laundering:

22 (1) when, knowing that the property involved in a
23 financial transaction represents the proceeds of some form
24 of unlawful activity, he or she conducts or attempts to
25 conduct such a financial transaction which in fact involves

1 criminally derived property:

2 (A) with the intent to promote the carrying on of
3 the unlawful activity from which the criminally
4 derived property was obtained; or

5 (B) where he or she knows or reasonably should know
6 that the financial transaction is designed in whole or
7 in part:

8 (i) to conceal or disguise the nature, the
9 location, the source, the ownership or the control
10 of the criminally derived property; or

11 (ii) to avoid a transaction reporting
12 requirement under State law; or

13 (1.5) when he or she transports, transmits, or
14 transfers, or attempts to transport, transmit, or transfer
15 a monetary instrument:

16 (A) with the intent to promote the carrying on of
17 the unlawful activity from which the criminally
18 derived property was obtained; or

19 (B) knowing, or having reason to know, that the
20 financial transaction is designed in whole or in part:

21 (i) to conceal or disguise the nature, the
22 location, the source, the ownership or the control
23 of the criminally derived property; or

24 (ii) to avoid a transaction reporting
25 requirement under State law; or

26 (2) when, with the intent to:

1 (A) promote the carrying on of a specified criminal
2 activity as defined in this Article; or

3 (B) conceal or disguise the nature, location,
4 source, ownership, or control of property believed to
5 be the proceeds of a specified criminal activity as
6 defined by subdivision (b) (6); or

7 (C) avoid a transaction reporting requirement
8 under State law,

9 he or she conducts or attempts to conduct a financial
10 transaction involving property he or she believes to be the
11 proceeds of specified criminal activity as defined by
12 subdivision (b) (6) or property used to conduct or
13 facilitate specified criminal activity as defined by
14 subdivision (b) (6).

15 (b) As used in this Section:

16 (0.5) "Knowing that the property involved in a
17 financial transaction represents the proceeds of some form
18 of unlawful activity" means that the person knew the
19 property involved in the transaction represented proceeds
20 from some form, though not necessarily which form, of
21 activity that constitutes a felony under State, federal, or
22 foreign law, regardless of whether or not such activity is
23 specified in subdivision (b) (4).

24 (1) "Financial transaction" means a purchase, sale,
25 loan, pledge, gift, transfer, delivery or other
26 disposition utilizing criminally derived property, and

1 with respect to financial institutions, includes a
2 deposit, withdrawal, transfer between accounts, exchange
3 of currency, loan, extension of credit, purchase or sale of
4 any stock, bond, certificate of deposit or other monetary
5 instrument, use of safe deposit box, or any other payment,
6 transfer or delivery by, through, or to a financial
7 institution. For purposes of clause (a) (2) of this Section,
8 the term "financial transaction" also means a transaction
9 which without regard to whether the funds, monetary
10 instruments, or real or personal property involved in the
11 transaction are criminally derived, any transaction which
12 in any way or degree: (1) involves the movement of funds by
13 wire or any other means; (2) involves one or more monetary
14 instruments; or (3) the transfer of title to any real or
15 personal property. The receipt by an attorney of bona fide
16 fees for the purpose of legal representation is not a
17 financial transaction for purposes of this Section.

18 (2) "Financial institution" means any bank; saving and
19 loan association; trust company; agency or branch of a
20 foreign bank in the United States; currency exchange;
21 credit union, mortgage banking institution; pawnbroker;
22 loan or finance company; operator of a credit card system;
23 issuer, redeemer or cashier of travelers checks, checks or
24 money orders; dealer in precious metals, stones or jewels;
25 broker or dealer in securities or commodities; investment
26 banker; or investment company.

1 (3) "Monetary instrument" means United States coins
2 and currency; coins and currency of a foreign country;
3 travelers checks; personal checks, bank checks, and money
4 orders; investment securities; bearer negotiable
5 instruments; bearer investment securities; or bearer
6 securities and certificates of stock in such form that
7 title thereto passes upon delivery.

8 (4) "Criminally derived property" means: (A) any
9 property, real or personal, constituting or derived from
10 proceeds obtained, directly or indirectly, pursuant to a
11 violation of the Criminal Code of 1961, the Illinois
12 Controlled Substances Act, the Cannabis Control Act, or the
13 Methamphetamine Control and Community Protection Act; or
14 (B) any property represented to be property constituting or
15 derived from proceeds obtained, directly or indirectly,
16 pursuant to a violation of this Code, the Illinois
17 Controlled Substances Act, the Cannabis Control Act, or the
18 Methamphetamine Control and Community Protection Act.

19 (5) "Conduct" or "conducts" includes, in addition to
20 its ordinary meaning, initiating, concluding, or
21 participating in initiating or concluding a transaction.

22 (6) "Specified criminal activity" means any violation
23 of Section 29D-15.1 ~~20.5-5~~ (720 ILCS 5/29D-15.1 ~~5/20.5-5~~)
24 and any violation of Article 29D of this Code.

25 (7) "Director" means the Director of State Police or
26 his or her designated agents.

1 (8) "Department" means the Department of State Police
2 of the State of Illinois or its successor agency.

3 (9) "Transaction reporting requirement under State
4 law" means any violation as defined under the Currency
5 Reporting Act.

6 (c) Sentence.

7 (1) Laundering of criminally derived property of a
8 value not exceeding \$10,000 is a Class 3 felony;

9 (2) Laundering of criminally derived property of a
10 value exceeding \$10,000 but not exceeding \$100,000 is a
11 Class 2 felony;

12 (3) Laundering of criminally derived property of a
13 value exceeding \$100,000 but not exceeding \$500,000 is a
14 Class 1 felony;

15 (4) Money laundering in violation of subsection (a)(2)
16 of this Section is a Class X felony;

17 (5) Laundering of criminally derived property of a
18 value exceeding \$500,000 is a Class 1 non-probationable
19 felony.

20 (d) Evidence. In a prosecution under this Article, either
21 party may introduce the following evidence pertaining to the
22 issue of whether the property or proceeds were known to be some
23 form of criminally derived property or from some form of
24 unlawful activity:

25 (1) A financial transaction was conducted or
26 structured or attempted in violation of the reporting

1 requirements of any State or federal law; or

2 (2) A financial transaction was conducted or attempted
3 with the use of a false or fictitious name or a forged
4 instrument; or

5 (3) A falsely altered or completed written instrument
6 or a written instrument that contains any materially false
7 personal identifying information was made, used, offered
8 or presented, whether accepted or not, in connection with a
9 financial transaction; or

10 (4) A financial transaction was structured or
11 attempted to be structured so as to falsely report the
12 actual consideration or value of the transaction; or

13 (5) A money transmitter, a person engaged in a trade or
14 business or any employee of a money transmitter or a person
15 engaged in a trade or business, knows or reasonably should
16 know that false personal identifying information has been
17 presented and incorporates the false personal identifying
18 information into any report or record; or

19 (6) The criminally derived property is transported or
20 possessed in a fashion inconsistent with the ordinary or
21 usual means of transportation or possession of such
22 property and where the property is discovered in the
23 absence of any documentation or other indicia of legitimate
24 origin or right to such property; or

25 (7) A person pays or receives substantially less than
26 face value for one or more monetary instruments; or

1 (8) A person engages in a transaction involving one or
2 more monetary instruments, where the physical condition or
3 form of the monetary instrument or instruments makes it
4 apparent that they are not the product of bona fide
5 business or financial transactions.

6 (e) Duty to enforce this Article.

7 (1) It is the duty of the Department of State Police,
8 and its agents, officers, and investigators, to enforce all
9 provisions of this Article, except those specifically
10 delegated, and to cooperate with all agencies charged with
11 the enforcement of the laws of the United States, or of any
12 state, relating to money laundering. Only an agent,
13 officer, or investigator designated by the Director may be
14 authorized in accordance with this Section to serve seizure
15 notices, warrants, subpoenas, and summonses under the
16 authority of this State.

17 (2) Any agent, officer, investigator, or peace officer
18 designated by the Director may: (A) make seizure of
19 property pursuant to the provisions of this Article; and
20 (B) perform such other law enforcement duties as the
21 Director designates. It is the duty of all State's
22 Attorneys to prosecute violations of this Article and
23 institute legal proceedings as authorized under this
24 Article.

25 (f) Protective orders.

26 (1) Upon application of the State, the court may enter

1 a restraining order or injunction, require the execution of
2 a satisfactory performance bond, or take any other action
3 to preserve the availability of property described in
4 subsection (h) for forfeiture under this Article:

5 (A) upon the filing of an indictment, information,
6 or complaint charging a violation of this Article for
7 which forfeiture may be ordered under this Article and
8 alleging that the property with respect to which the
9 order is sought would be subject to forfeiture under
10 this Article; or

11 (B) prior to the filing of such an indictment,
12 information, or complaint, if, after notice to persons
13 appearing to have an interest in the property and
14 opportunity for a hearing, the court determines that:

15 (i) there is probable cause to believe that the
16 State will prevail on the issue of forfeiture and
17 that failure to enter the order will result in the
18 property being destroyed, removed from the
19 jurisdiction of the court, or otherwise made
20 unavailable for forfeiture; and

21 (ii) the need to preserve the availability of
22 the property through the entry of the requested
23 order outweighs the hardship on any party against
24 whom the order is to be entered.

25 Provided, however, that an order entered pursuant
26 to subparagraph (B) shall be effective for not more

1 than 90 days, unless extended by the court for good
2 cause shown or unless an indictment, information,
3 complaint, or administrative notice has been filed.

4 (2) A temporary restraining order under this
5 subsection may be entered upon application of the State
6 without notice or opportunity for a hearing when an
7 indictment, information, complaint, or administrative
8 notice has not yet been filed with respect to the property,
9 if the State demonstrates that there is probable cause to
10 believe that the property with respect to which the order
11 is sought would be subject to forfeiture under this Section
12 and that provision of notice will jeopardize the
13 availability of the property for forfeiture. Such a
14 temporary order shall expire not more than 30 days after
15 the date on which it is entered, unless extended for good
16 cause shown or unless the party against whom it is entered
17 consents to an extension for a longer period. A hearing
18 requested concerning an order entered under this paragraph
19 shall be held at the earliest possible time and prior to
20 the expiration of the temporary order.

21 (3) The court may receive and consider, at a hearing
22 held pursuant to this subsection (f), evidence and
23 information that would be inadmissible under the Illinois
24 rules of evidence.

25 (4) Order to repatriate and deposit.

26 (A) In general. Pursuant to its authority to enter

1 a pretrial restraining order under this Section, the
2 court may order a defendant to repatriate any property
3 that may be seized and forfeited and to deposit that
4 property pending trial with the Illinois State Police
5 or another law enforcement agency designated by the
6 Illinois State Police.

7 (B) Failure to comply. Failure to comply with an
8 order under this subsection (f) is punishable as a
9 civil or criminal contempt of court.

10 (g) Warrant of seizure. The State may request the issuance
11 of a warrant authorizing the seizure of property described in
12 subsection (h) in the same manner as provided for a search
13 warrant. If the court determines that there is probable cause
14 to believe that the property to be seized would be subject to
15 forfeiture, the court shall issue a warrant authorizing the
16 seizure of such property.

17 (h) Forfeiture.

18 (1) The following are subject to forfeiture:

19 (A) any property, real or personal, constituting,
20 derived from, or traceable to any proceeds the person
21 obtained directly or indirectly, as a result of a
22 violation of this Article;

23 (B) any of the person's property used, or intended
24 to be used, in any manner or part, to commit, or to
25 facilitate the commission of, a violation of this
26 Article;

1 (C) all conveyances, including aircraft, vehicles
2 or vessels, which are used, or intended for use, to
3 transport, or in any manner to facilitate the
4 transportation, sale, receipt, possession, or
5 concealment of property described in subparagraphs (A)
6 and (B), but:

7 (i) no conveyance used by any person as a
8 common carrier in the transaction of business as a
9 common carrier is subject to forfeiture under this
10 Section unless it appears that the owner or other
11 person in charge of the conveyance is a consenting
12 party or privy to a violation of this Article;

13 (ii) no conveyance is subject to forfeiture
14 under this Section by reason of any act or omission
15 which the owner proves to have been committed or
16 omitted without his or her knowledge or consent;

17 (iii) a forfeiture of a conveyance encumbered
18 by a bona fide security interest is subject to the
19 interest of the secured party if he or she neither
20 had knowledge of nor consented to the act or
21 omission;

22 (D) all real property, including any right, title,
23 and interest (including, but not limited to, any
24 leasehold interest or the beneficial interest in a land
25 trust) in the whole of any lot or tract of land and any
26 appurtenances or improvements, which is used or

1 intended to be used, in any manner or part, to commit,
2 or in any manner to facilitate the commission of, any
3 violation of this Article or that is the proceeds of
4 any violation or act that constitutes a violation of
5 this Article.

6 (2) Property subject to forfeiture under this Article
7 may be seized by the Director or any peace officer upon
8 process or seizure warrant issued by any court having
9 jurisdiction over the property. Seizure by the Director or
10 any peace officer without process may be made:

11 (A) if the seizure is incident to a seizure
12 warrant;

13 (B) if the property subject to seizure has been the
14 subject of a prior judgment in favor of the State in a
15 criminal proceeding, or in an injunction or forfeiture
16 proceeding based upon this Article;

17 (C) if there is probable cause to believe that the
18 property is directly or indirectly dangerous to health
19 or safety;

20 (D) if there is probable cause to believe that the
21 property is subject to forfeiture under this Article
22 and the property is seized under circumstances in which
23 a warrantless seizure or arrest would be reasonable; or

24 (E) in accordance with the Code of Criminal
25 Procedure of 1963.

26 (3) In the event of seizure pursuant to paragraph (2),

1 forfeiture proceedings shall be instituted in accordance
2 with subsections (i) through (r).

3 (4) Property taken or detained under this Section shall
4 not be subject to replevin, but is deemed to be in the
5 custody of the Director subject only to the order and
6 judgments of the circuit court having jurisdiction over the
7 forfeiture proceedings and the decisions of the State's
8 Attorney under this Article. When property is seized under
9 this Article, the seizing agency shall promptly conduct an
10 inventory of the seized property and estimate the
11 property's value and shall forward a copy of the inventory
12 of seized property and the estimate of the property's value
13 to the Director. Upon receiving notice of seizure, the
14 Director may:

15 (A) place the property under seal;

16 (B) remove the property to a place designated by
17 the Director;

18 (C) keep the property in the possession of the
19 seizing agency;

20 (D) remove the property to a storage area for
21 safekeeping or, if the property is a negotiable
22 instrument or money and is not needed for evidentiary
23 purposes, deposit it in an interest bearing account;

24 (E) place the property under constructive seizure
25 by posting notice of pending forfeiture on it, by
26 giving notice of pending forfeiture to its owners and

1 interest holders, or by filing notice of pending
2 forfeiture in any appropriate public record relating
3 to the property; or

4 (F) provide for another agency or custodian,
5 including an owner, secured party, or lienholder, to
6 take custody of the property upon the terms and
7 conditions set by the Director.

8 (5) When property is forfeited under this Article, the
9 Director shall sell all such property unless such property
10 is required by law to be destroyed or is harmful to the
11 public, and shall distribute the proceeds of the sale,
12 together with any moneys forfeited or seized, in accordance
13 with paragraph (6). However, upon the application of the
14 seizing agency or prosecutor who was responsible for the
15 investigation, arrest or arrests and prosecution which
16 lead to the forfeiture, the Director may return any item of
17 forfeited property to the seizing agency or prosecutor for
18 official use in the enforcement of laws, if the agency or
19 prosecutor can demonstrate that the item requested would be
20 useful to the agency or prosecutor in its enforcement
21 efforts. When any real property returned to the seizing
22 agency is sold by the agency or its unit of government, the
23 proceeds of the sale shall be delivered to the Director and
24 distributed in accordance with paragraph (6).

25 (6) All monies and the sale proceeds of all other
26 property forfeited and seized under this Article shall be

1 distributed as follows:

2 (A) 65% shall be distributed to the metropolitan
3 enforcement group, local, municipal, county, or State
4 law enforcement agency or agencies which conducted or
5 participated in the investigation resulting in the
6 forfeiture. The distribution shall bear a reasonable
7 relationship to the degree of direct participation of
8 the law enforcement agency in the effort resulting in
9 the forfeiture, taking into account the total value of
10 the property forfeited and the total law enforcement
11 effort with respect to the violation of the law upon
12 which the forfeiture is based. Amounts distributed to
13 the agency or agencies shall be used for the
14 enforcement of laws.

15 (B) (i) 12.5% shall be distributed to the Office of
16 the State's Attorney of the county in which the
17 prosecution resulting in the forfeiture was
18 instituted, deposited in a special fund in the county
19 treasury and appropriated to the State's Attorney for
20 use in the enforcement of laws. In counties over
21 3,000,000 population, 25% shall be distributed to the
22 Office of the State's Attorney for use in the
23 enforcement of laws. If the prosecution is undertaken
24 solely by the Attorney General, the portion provided
25 hereunder shall be distributed to the Attorney General
26 for use in the enforcement of laws.

1 (ii) 12.5% shall be distributed to the Office
2 of the State's Attorneys Appellate Prosecutor and
3 deposited in the Narcotics Profit Forfeiture Fund
4 of that office to be used for additional expenses
5 incurred in the investigation, prosecution and
6 appeal of cases arising under laws. The Office of
7 the State's Attorneys Appellate Prosecutor shall
8 not receive distribution from cases brought in
9 counties with over 3,000,000 population.

10 (C) 10% shall be retained by the Department of
11 State Police for expenses related to the
12 administration and sale of seized and forfeited
13 property.

14 (i) Notice to owner or interest holder.

15 (1) Whenever notice of pending forfeiture or service of
16 an in rem complaint is required under the provisions of
17 this Article, such notice or service shall be given as
18 follows:

19 (A) If the owner's or interest holder's name and
20 current address are known, then by either personal
21 service or mailing a copy of the notice by certified
22 mail, return receipt requested, to that address. For
23 purposes of notice under this Section, if a person has
24 been arrested for the conduct giving rise to the
25 forfeiture, then the address provided to the arresting
26 agency at the time of arrest shall be deemed to be that

1 person's known address. Provided, however, if an owner
2 or interest holder's address changes prior to the
3 effective date of the notice of pending forfeiture, the
4 owner or interest holder shall promptly notify the
5 seizing agency of the change in address or, if the
6 owner or interest holder's address changes subsequent
7 to the effective date of the notice of pending
8 forfeiture, the owner or interest holder shall
9 promptly notify the State's Attorney of the change in
10 address; or

11 (B) If the property seized is a conveyance, to the
12 address reflected in the office of the agency or
13 official in which title or interest to the conveyance
14 is required by law to be recorded, then by mailing a
15 copy of the notice by certified mail, return receipt
16 requested, to that address; or

17 (C) If the owner's or interest holder's address is
18 not known, and is not on record as provided in
19 paragraph (B), then by publication for 3 successive
20 weeks in a newspaper of general circulation in the
21 county in which the seizure occurred.

22 (2) Notice served under this Article is effective upon
23 personal service, the last date of publication, or the
24 mailing of written notice, whichever is earlier.

25 (j) Notice to State's Attorney. The law enforcement agency
26 seizing property for forfeiture under this Article shall,

1 within 90 days after seizure, notify the State's Attorney for
2 the county, either where an act or omission giving rise to the
3 forfeiture occurred or where the property was seized, of the
4 seizure of the property and the facts and circumstances giving
5 rise to the seizure and shall provide the State's Attorney with
6 the inventory of the property and its estimated value. When the
7 property seized for forfeiture is a vehicle, the law
8 enforcement agency seizing the property shall immediately
9 notify the Secretary of State that forfeiture proceedings are
10 pending regarding such vehicle.

11 (k) Non-judicial forfeiture. If non-real property that
12 exceeds \$20,000 in value excluding the value of any conveyance,
13 or if real property is seized under the provisions of this
14 Article, the State's Attorney shall institute judicial in rem
15 forfeiture proceedings as described in subsection (l) of this
16 Section within 45 days from receipt of notice of seizure from
17 the seizing agency under subsection (j) of this Section.
18 However, if non-real property that does not exceed \$20,000 in
19 value excluding the value of any conveyance is seized, the
20 following procedure shall be used:

21 (1) If, after review of the facts surrounding the
22 seizure, the State's Attorney is of the opinion that the
23 seized property is subject to forfeiture, then within 45
24 days after the receipt of notice of seizure from the
25 seizing agency, the State's Attorney shall cause notice of
26 pending forfeiture to be given to the owner of the property

1 and all known interest holders of the property in
2 accordance with subsection (i) of this Section.

3 (2) The notice of pending forfeiture must include a
4 description of the property, the estimated value of the
5 property, the date and place of seizure, the conduct giving
6 rise to forfeiture or the violation of law alleged, and a
7 summary of procedures and procedural rights applicable to
8 the forfeiture action.

9 (3) (A) Any person claiming an interest in property
10 which is the subject of notice under paragraph (1) of this
11 subsection (k), must, in order to preserve any rights or
12 claims to the property, within 45 days after the effective
13 date of notice as described in subsection (i) of this
14 Section, file a verified claim with the State's Attorney
15 expressing his or her interest in the property. The claim
16 must set forth:

17 (i) the caption of the proceedings as set forth on
18 the notice of pending forfeiture and the name of the
19 claimant;

20 (ii) the address at which the claimant will accept
21 mail;

22 (iii) the nature and extent of the claimant's
23 interest in the property;

24 (iv) the date, identity of the transferor, and
25 circumstances of the claimant's acquisition of the
26 interest in the property;

1 (v) the name and address of all other persons known
2 to have an interest in the property;

3 (vi) the specific provision of law relied on in
4 asserting the property is not subject to forfeiture;

5 (vii) all essential facts supporting each
6 assertion; and

7 (viii) the relief sought.

8 (B) If a claimant files the claim and deposits with the
9 State's Attorney a cost bond, in the form of a cashier's
10 check payable to the clerk of the court, in the sum of 10%
11 of the reasonable value of the property as alleged by the
12 State's Attorney or the sum of \$100, whichever is greater,
13 upon condition that, in the case of forfeiture, the
14 claimant must pay all costs and expenses of forfeiture
15 proceedings, then the State's Attorney shall institute
16 judicial in rem forfeiture proceedings and deposit the cost
17 bond with the clerk of the court as described in subsection
18 (1) of this Section within 45 days after receipt of the
19 claim and cost bond. In lieu of a cost bond, a person
20 claiming interest in the seized property may file, under
21 penalty of perjury, an indigency affidavit which has been
22 approved by a circuit court judge.

23 (C) If none of the seized property is forfeited in the
24 judicial in rem proceeding, the clerk of the court shall
25 return to the claimant, unless the court orders otherwise,
26 90% of the sum which has been deposited and shall retain as

1 costs 10% of the money deposited. If any of the seized
2 property is forfeited under the judicial forfeiture
3 proceeding, the clerk of the court shall transfer 90% of
4 the sum which has been deposited to the State's Attorney
5 prosecuting the civil forfeiture to be applied to the costs
6 of prosecution and the clerk shall retain as costs 10% of
7 the sum deposited.

8 (4) If no claim is filed or bond given within the 45
9 day period as described in paragraph (3) of this subsection
10 (k), the State's Attorney shall declare the property
11 forfeited and shall promptly notify the owner and all known
12 interest holders of the property and the Director of State
13 Police of the declaration of forfeiture and the Director
14 shall dispose of the property in accordance with law.

15 (1) Judicial in rem procedures. If property seized under
16 the provisions of this Article is non-real property that
17 exceeds \$20,000 in value excluding the value of any conveyance,
18 or is real property, or a claimant has filed a claim and a cost
19 bond under paragraph (3) of subsection (k) of this Section, the
20 following judicial in rem procedures shall apply:

21 (1) If, after a review of the facts surrounding the
22 seizure, the State's Attorney is of the opinion that the
23 seized property is subject to forfeiture, then within 45
24 days of the receipt of notice of seizure by the seizing
25 agency or the filing of the claim and cost bond, whichever
26 is later, the State's Attorney shall institute judicial

1 forfeiture proceedings by filing a verified complaint for
2 forfeiture and, if the claimant has filed a claim and cost
3 bond, by depositing the cost bond with the clerk of the
4 court. When authorized by law, a forfeiture must be ordered
5 by a court on an action in rem brought by a State's
6 Attorney under a verified complaint for forfeiture.

7 (2) During the probable cause portion of the judicial
8 in rem proceeding wherein the State presents its
9 case-in-chief, the court must receive and consider, among
10 other things, all relevant hearsay evidence and
11 information. The laws of evidence relating to civil actions
12 apply to all other portions of the judicial in rem
13 proceeding.

14 (3) Only an owner of or interest holder in the property
15 may file an answer asserting a claim against the property
16 in the action in rem. For purposes of this Section, the
17 owner or interest holder shall be referred to as claimant.
18 Upon motion of the State, the court shall first hold a
19 hearing, wherein any claimant must establish by a
20 preponderance of the evidence, that he or she has a lawful,
21 legitimate ownership interest in the property and that it
22 was obtained through a lawful source.

23 (4) The answer must be signed by the owner or interest
24 holder under penalty of perjury and must set forth:

25 (A) the caption of the proceedings as set forth on
26 the notice of pending forfeiture and the name of the

1 claimant;

2 (B) the address at which the claimant will accept
3 mail;

4 (C) the nature and extent of the claimant's
5 interest in the property;

6 (D) the date, identity of transferor, and
7 circumstances of the claimant's acquisition of the
8 interest in the property;

9 (E) the name and address of all other persons known
10 to have an interest in the property;

11 (F) all essential facts supporting each assertion;
12 and

13 (G) the precise relief sought.

14 (5) The answer must be filed with the court within 45
15 days after service of the civil in rem complaint.

16 (6) The hearing must be held within 60 days after
17 filing of the answer unless continued for good cause.

18 (7) The State shall show the existence of probable
19 cause for forfeiture of the property. If the State shows
20 probable cause, the claimant has the burden of showing by a
21 preponderance of the evidence that the claimant's interest
22 in the property is not subject to forfeiture.

23 (8) If the State does not show existence of probable
24 cause, the court shall order the interest in the property
25 returned or conveyed to the claimant and shall order all
26 other property forfeited to the State. If the State does

1 show existence of probable cause, the court shall order all
2 property forfeited to the State.

3 (9) A defendant convicted in any criminal proceeding is
4 precluded from later denying the essential allegations of
5 the criminal offense of which the defendant was convicted
6 in any proceeding under this Article regardless of the
7 pendency of an appeal from that conviction. However,
8 evidence of the pendency of an appeal is admissible.

9 (10) An acquittal or dismissal in a criminal proceeding
10 does not preclude civil proceedings under this Article;
11 however, for good cause shown, on a motion by the State's
12 Attorney, the court may stay civil forfeiture proceedings
13 during the criminal trial for a related criminal indictment
14 or information alleging a money laundering violation. Such
15 a stay shall not be available pending an appeal. Property
16 subject to forfeiture under this Article shall not be
17 subject to return or release by a court exercising
18 jurisdiction over a criminal case involving the seizure of
19 such property unless such return or release is consented to
20 by the State's Attorney.

21 (11) All property declared forfeited under this
22 Article vests in this State on the commission of the
23 conduct giving rise to forfeiture together with the
24 proceeds of the property after that time. Any such property
25 or proceeds subsequently transferred to any person remain
26 subject to forfeiture and thereafter shall be ordered

1 forfeited.

2 (12) A civil action under this Article must be
3 commenced within 5 years after the last conduct giving rise
4 to forfeiture became known or should have become known or 5
5 years after the forfeitable property is discovered,
6 whichever is later, excluding any time during which either
7 the property or claimant is out of the State or in
8 confinement or during which criminal proceedings relating
9 to the same conduct are in progress.

10 (m) Stay of time periods. If property is seized for
11 evidence and for forfeiture, the time periods for instituting
12 judicial and non-judicial forfeiture proceedings shall not
13 begin until the property is no longer necessary for evidence.

14 (n) Settlement of claims. Notwithstanding other provisions
15 of this Article, the State's Attorney and a claimant of seized
16 property may enter into an agreed-upon settlement concerning
17 the seized property in such an amount and upon such terms as
18 are set out in writing in a settlement agreement.

19 (o) Property constituting attorney fees. Nothing in this
20 Article applies to property which constitutes reasonable bona
21 fide attorney's fees paid to an attorney for services rendered
22 or to be rendered in the forfeiture proceeding or criminal
23 proceeding relating directly thereto where such property was
24 paid before its seizure, before the issuance of any seizure
25 warrant or court order prohibiting transfer of the property and
26 where the attorney, at the time he or she received the property

1 did not know that it was property subject to forfeiture under
2 this Article.

3 (p) Construction. It is the intent of the General Assembly
4 that the forfeiture provisions of this Article be liberally
5 construed so as to effect their remedial purpose. The
6 forfeiture of property and other remedies hereunder shall be
7 considered to be in addition to, and not exclusive of, any
8 sentence or other remedy provided by law.

9 (q) Judicial review. If property has been declared
10 forfeited under subsection (k) of this Section, any person who
11 has an interest in the property declared forfeited may, within
12 30 days after the effective date of the notice of the
13 declaration of forfeiture, file a claim and cost bond as
14 described in paragraph (3) of subsection (k) of this Section.
15 If a claim and cost bond is filed under this Section, then the
16 procedures described in subsection (l) of this Section apply.

17 (r) Burden of proof of exemption or exception. It is not
18 necessary for the State to negate any exemption or exception in
19 this Article in any complaint, information, indictment or other
20 pleading or in any trial, hearing, or other proceeding under
21 this Article. The burden of proof of any exemption or exception
22 is upon the person claiming it.

23 (s) Review of administrative decisions. All administrative
24 findings, rulings, final determinations, findings, and
25 conclusions of the State's Attorney's Office under this Article
26 are final and conclusive decisions of the matters involved. Any

1 person aggrieved by the decision may obtain review of the
2 decision pursuant to the provisions of the Administrative
3 Review Law and the rules adopted pursuant to that Law. Pending
4 final decision on such review, the administrative acts, orders,
5 and rulings of the State's Attorney's Office remain in full
6 force and effect unless modified or suspended by order of court
7 pending final judicial decision. Pending final decision on such
8 review, the acts, orders, and rulings of the State's Attorney's
9 Office remain in full force and effect, unless stayed by order
10 of court. However, no stay of any decision of the
11 administrative agency shall issue unless the person aggrieved
12 by the decision establishes by a preponderance of the evidence
13 that good cause exists for the stay. In determining good cause,
14 the court shall find that the aggrieved party has established a
15 substantial likelihood of prevailing on the merits and that
16 granting the stay will not have an injurious effect on the
17 general public.

18 (Source: P.A. 93-520, eff. 8-6-03; 94-364, eff. 7-29-05;
19 94-556, eff. 9-11-05; 94-955, eff. 6-27-06.)

20 (720 ILCS 5/29D-14.9) (was 720 ILCS 5/29D-30)

21 Sec. 29D-14.9 ~~29D-30~~. Terrorism.

22 (a) A person commits the offense ~~is guilty~~ of terrorism
23 when, with the intent to intimidate or coerce a significant
24 portion of a civilian population:

25 (1) he or she knowingly commits a terrorist act as

1 defined in Section 29D-10(1) of this Code within this
2 State; or

3 (2) he or she, while outside this State, knowingly
4 commits a terrorist act as defined in Section 29D-10(1) of
5 this Code that takes effect within this State or produces
6 substantial detrimental effects within this State.

7 (b) Sentence. Terrorism is a Class X felony. If no deaths
8 are caused by the terrorist act, the sentence shall be a term
9 of 20 years to natural life imprisonment; ~~however,~~ if the
10 terrorist act caused the death of one or more persons, however,
11 a mandatory term of natural life imprisonment shall be the
12 sentence if ~~in the event~~ the death penalty is not imposed.

13 (Source: P.A. 92-854, eff. 12-5-02.)

14 (720 ILCS 5/29D-15.1) (was 720 ILCS 5/20.5-5)

15 Sec. 29D-15.1 ~~20.5-5~~. Causing a catastrophe.

16 (a) A person commits the offense of causing a catastrophe
17 if he or she knowingly causes a catastrophe by explosion, fire,
18 flood, collapse of a building, or release of poison,
19 radioactive material, bacteria, virus, or other dangerous and
20 difficult to confine force or substance.

21 (b) As used in this Section, "catastrophe" means serious
22 physical injury to 5 or more persons, or ~~or~~ substantial damage to
23 5 or more buildings or inhabitable structures, or substantial
24 damage to a vital public facility that seriously impairs its
25 usefulness or operation; and "vital public facility" means a

1 facility that is necessary to ensure or protect the public
2 health, safety, or welfare, including, l but not limited to, a
3 hospital, a law enforcement agency, a fire department, a
4 private or public utility company, a national defense
5 contractor, a facility of the armed forces, or an emergency
6 services agency.

7 (c) Sentence. Causing a catastrophe is a Class X felony.
8 (Source: P.A. 90-669, eff. 7-31-98.)

9 (720 ILCS 5/29D-15.2) (was 720 ILCS 5/20.5-6)

10 Sec. 29D-15.2 ~~20.5-6~~. Possession of a deadly substance.

11 (a) A person commits the offense of possession of a deadly
12 substance when he or she possesses, manufactures, l or transports
13 any poisonous gas, deadly biological or chemical contaminant or
14 agent, or radioactive substance either with the intent to use
15 that ~~such~~ gas, biological or chemical contaminant or agent, or
16 radioactive substance to commit a felony or with the knowledge
17 that another person intends to use that ~~such~~ gas, biological or
18 chemical contaminant or agent, or radioactive substance to
19 commit a felony.

20 (b) Sentence. Possession of a deadly substance is a Class 1
21 felony for which a person, if sentenced to a term of
22 imprisonment, shall be sentenced to a term of not less than 4
23 years and not more than 30 years.

24 (Source: P.A. 91-121, eff. 7-15-99.)

1 (720 ILCS 5/29D-25)

2 Sec. 29D-25. Falsely making a terrorist threat.

3 (a) A person commits the offense ~~is guilty~~ of falsely
4 making a terrorist threat when in any manner he or she
5 knowingly makes a threat to commit or cause to be committed a
6 terrorist act as defined in Section 29D-10(1) or otherwise
7 knowingly creates the impression or belief that a terrorist act
8 is about to be or has been committed, or in any manner
9 knowingly makes a threat to commit or cause to be committed a
10 catastrophe as defined in Section 29D-15.1 ~~20.5-5~~ (720 ILCS
11 5/29D-15.1 ~~5/20.5-5~~) of this Code that ~~which~~ he or she knows is
12 false.

13 (b) Sentence. Falsely making a terrorist threat is a Class
14 1 felony.

15 (Source: P.A. 92-854, eff. 12-5-02.)

16 (720 ILCS 5/29D-29.9) (was 720 ILCS 5/29D-15)

17 Sec. 29D-29.9 ~~29D-15~~. Material ~~Soliciting material~~ support
18 for terrorism; ~~providing material support for a terrorist act.~~

19 (a) A person commits the offense ~~is guilty~~ of soliciting or
20 providing material support for terrorism if he or she knowingly
21 raises, solicits, ~~or~~ collects, or provides material support or
22 resources knowing that the material support or resources will
23 be used, in whole or in part, to plan, prepare, carry out,
24 facilitate, or avoid apprehension for committing terrorism as
25 defined in Section 29D-14.9 (720 ILCS 5/29D-14.9) ~~29D-30~~ or

1 causing a catastrophe as defined in Section 29D-15.1 ~~20.5-5~~
2 (720 ILCS 5/29D-15.1 ~~5/20.5-5~~) of this Code, or who knows and
3 intends that the material support or resources so raised,
4 solicited, ~~or~~ collected, or provided will be used in the
5 commission of a terrorist act as defined in Section 29D-10(1)
6 of this Code by an organization designated under 8 U.S.C. 1189,
7 as amended. It is not an element of the offense that the
8 defendant actually knows that an organization has been
9 designated under 8 U.S.C. 1189, as amended.

10 ~~(b) A person is guilty of providing material support for~~
11 ~~terrorism if he or she knowingly provides material support or~~
12 ~~resources to a person knowing that the person will use that~~
13 ~~support or those resources in whole or in part to plan,~~
14 ~~prepare, carry out, facilitate, or to avoid apprehension for~~
15 ~~committing terrorism as defined in Section 29D-30 or to cause a~~
16 ~~catastrophe as defined in Section 20.5-5 (720 ILCS 5/20.5-5) of~~
17 ~~this Code.~~

18 (b) (e) Sentence. Soliciting or providing material support
19 for terrorism is a Class X felony for which the sentence shall
20 be a term of imprisonment of no less than 9 years and no more
21 than 40 years. ~~Providing material support for a terrorist act~~
22 ~~is a Class X felony for which the sentence shall be a term of~~
23 ~~imprisonment of no less than 9 years and no more than 40 years.~~
24 (Source: P.A. 92-854, eff. 12-5-02.)

1 Sec. 29D-35. Hindering prosecution of terrorism.

2 (a) A person commits the offense ~~is guilty~~ of hindering
3 prosecution of terrorism when he or she renders criminal
4 assistance to a person who has committed terrorism as defined
5 in Section 29D-14.9 ~~29D-30~~ or caused a catastrophe, as defined
6 in Section 29D-15.1 ~~20.5-5~~ of this Code when he or she knows
7 that the person to whom he or she rendered criminal assistance
8 engaged in an act of terrorism or caused a catastrophe.

9 (b) Hindering prosecution of terrorism is a Class X felony,
10 the sentence for which shall be a term of 20 years to natural
11 life imprisonment if no death was caused by the act of
12 terrorism committed by the person to whom the defendant
13 rendered criminal assistance and a mandatory term of natural
14 life imprisonment if death was caused by the act of terrorism
15 committed by the person to whom the defendant rendered criminal
16 assistance.

17 (Source: P.A. 92-854, eff. 12-5-02.)

18 (720 ILCS 5/29D-35.1 new)

19 Sec. 29D-35.1. Boarding or attempting to board an aircraft
20 with weapon.

21 (a) It is unlawful for any person to board or attempt to
22 board any commercial or charter aircraft, knowingly having in
23 his or her possession any firearm, explosive of any type, or
24 other lethal or dangerous weapon.

25 (b) This Section does not apply to any person authorized by

1 either the federal government or any state government to carry
2 firearms, but the person so exempted from the provisions of
3 this Section shall notify the commander of any aircraft he or
4 she is about to board that he or she does possess a firearm and
5 show identification satisfactory to the aircraft commander
6 that he or she is authorized to carry that firearm.

7 (c) Any person purchasing a ticket to board any commercial
8 or charter aircraft shall by that purchase consent to a search
9 of his or her person or personal belongings by the company
10 selling the ticket to him or her. The person may refuse to
11 submit to a search of his or her person or personal belongings
12 by the aircraft company, but the person refusing may be denied
13 the right to board the commercial or charter aircraft at the
14 discretion of the carrier. Such a refusal creates no inference
15 of unlawful conduct.

16 (d) Any evidence of criminal activity found during a search
17 made pursuant to this Section shall be admissible in legal
18 proceedings for the sole purpose of supporting a charge of
19 violation of this Section and is inadmissible as evidence in
20 any legal proceeding for any other purpose, except in the
21 prosecution of offenses related to weapons as set out in
22 Article 24 of this Code.

23 (e) No action may be brought against any commercial or
24 charter airline company operating in this State for the refusal
25 of that company to permit a person to board any aircraft if
26 that person refused to be searched as set out in subsection (c)

1 of this Section.

2 (f) Violation of this Section is a Class 4 felony.

3 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

4 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used
5 with the knowledge and consent of the owner in the commission
6 of, or in the attempt to commit as defined in Section 8-4 of
7 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,
8 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2,
9 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 18-2,
10 19-1, 19-2, 19-3, 20-1, 20-2, 29D-15.2 ~~20.5-6~~, 24-1.2,
11 24-1.2-5, 24-1.5, or 28-1 of this Code, paragraph (a) of
12 Section 12-4 of this Code, paragraph (a) of Section 12-15 or
13 paragraphs (a), (c) or (d) of Section 12-16 of this Code, or
14 paragraph (a)(6) or (a)(7) of Section 24-1 of this Code; (b)
15 Section 21, 22, 23, 24 or 26 of the Cigarette Tax Act if the
16 vessel, vehicle or aircraft contains more than 10 cartons of
17 such cigarettes; (c) Section 28, 29 or 30 of the Cigarette Use
18 Tax Act if the vessel, vehicle or aircraft contains more than
19 10 cartons of such cigarettes; (d) Section 44 of the
20 Environmental Protection Act; (e) 11-204.1 of the Illinois
21 Vehicle Code; (f) the offenses described in the following
22 provisions of the Illinois Vehicle Code: Section 11-501
23 subdivisions (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A),
24 (d)(1)(D), (d)(1)(G), or (d)(1)(H); (g) an offense described in
25 subsection (g) of Section 6-303 of the Illinois Vehicle Code;

1 or (h) an offense described in subsection (e) of Section 6-101
2 of the Illinois Vehicle Code; may be seized and delivered
3 forthwith to the sheriff of the county of seizure.

4 Within 15 days after such delivery the sheriff shall give
5 notice of seizure to each person according to the following
6 method: Upon each such person whose right, title or interest is
7 of record in the office of the Secretary of State, the
8 Secretary of Transportation, the Administrator of the Federal
9 Aviation Agency, or any other Department of this State, or any
10 other state of the United States if such vessel, vehicle or
11 aircraft is required to be so registered, as the case may be,
12 by mailing a copy of the notice by certified mail to the
13 address as given upon the records of the Secretary of State,
14 the Department of Aeronautics, Department of Public Works and
15 Buildings or any other Department of this State or the United
16 States if such vessel, vehicle or aircraft is required to be so
17 registered. Within that 15 day period the sheriff shall also
18 notify the State's Attorney of the county of seizure about the
19 seizure.

20 In addition, any mobile or portable equipment used in the
21 commission of an act which is in violation of Section 7g of the
22 Metropolitan Water Reclamation District Act shall be subject to
23 seizure and forfeiture under the same procedures provided in
24 this Article for the seizure and forfeiture of vessels,
25 vehicles and aircraft, and any such equipment shall be deemed a
26 vessel, vehicle or aircraft for purposes of this Article.

1 When a person discharges a firearm at another individual
2 from a vehicle with the knowledge and consent of the owner of
3 the vehicle and with the intent to cause death or great bodily
4 harm to that individual and as a result causes death or great
5 bodily harm to that individual, the vehicle shall be subject to
6 seizure and forfeiture under the same procedures provided in
7 this Article for the seizure and forfeiture of vehicles used in
8 violations of clauses (a), (b), (c), or (d) of this Section.

9 If the spouse of the owner of a vehicle seized for an
10 offense described in subsection (g) of Section 6-303 of the
11 Illinois Vehicle Code, a violation of subdivision (c-1)(1),
12 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501
13 of the Illinois Vehicle Code, or Section 9-3 of this Code makes
14 a showing that the seized vehicle is the only source of
15 transportation and it is determined that the financial hardship
16 to the family as a result of the seizure outweighs the benefit
17 to the State from the seizure, the vehicle may be forfeited to
18 the spouse or family member and the title to the vehicle shall
19 be transferred to the spouse or family member who is properly
20 licensed and who requires the use of the vehicle for employment
21 or family transportation purposes. A written declaration of
22 forfeiture of a vehicle under this Section shall be sufficient
23 cause for the title to be transferred to the spouse or family
24 member. The provisions of this paragraph shall apply only to
25 one forfeiture per vehicle. If the vehicle is the subject of a
26 subsequent forfeiture proceeding by virtue of a subsequent

1 conviction of either spouse or the family member, the spouse or
2 family member to whom the vehicle was forfeited under the first
3 forfeiture proceeding may not utilize the provisions of this
4 paragraph in another forfeiture proceeding. If the owner of the
5 vehicle seized owns more than one vehicle, the procedure set
6 out in this paragraph may be used for only one vehicle.

7 Property declared contraband under Section 40 of the
8 Illinois Streetgang Terrorism Omnibus Prevention Act may be
9 seized and forfeited under this Article.

10 (Source: P.A. 93-187, eff. 7-11-03; 94-329, eff. 1-1-06;
11 94-1017, eff. 7-7-06.)

12 (720 ILCS 5/8-1.1 rep.)

13 (720 ILCS 5/Art. 10A rep.)

14 (720 ILCS 5/42-1 rep.)

15 (720 ILCS 5/42-2 rep.)

16 Section 30. The Criminal Code of 1961 is amended by
17 repealing Sections 8-1.1, 42-1, and 42-2 and by repealing
18 Article 10A.

19 (720 ILCS 545/Act rep.)

20 Section 35. The Boarding Aircraft With Weapon Act is
21 repealed.

22 Section 40. The Code of Criminal Procedure of 1963 is
23 amended by changing Sections 108B-3 and 115-10 as follows:

1 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

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

4 (a) The State's Attorney, or a person designated in writing
5 or by law to act for him and to perform his duties during his
6 absence or disability, may authorize, in writing, an ex parte
7 application to the chief judge of a court of competent
8 jurisdiction for an order authorizing the interception of a
9 private communication when no party has consented to the
10 interception and (i) the interception may provide evidence of,
11 or may assist in the apprehension of a person who has
12 committed, is committing or is about to commit, a violation of
13 Section 8-1(b) ~~8-1.1~~ (solicitation of murder), 8-1.2
14 (solicitation of murder for hire), 9-1 (first degree murder),
15 or 29B-1 (money laundering) of the Criminal Code of 1961,
16 Section 401, 401.1 (controlled substance trafficking), 405,
17 405.1 (criminal drug conspiracy) or 407 of the Illinois
18 Controlled Substances Act or any Section of the Methamphetamine
19 Control and Community Protection Act, a violation of Section
20 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or
21 subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9),
22 24-1(a)(10), or 24-1(c) of the Criminal Code of 1961 or
23 conspiracy to commit money laundering or conspiracy to commit
24 first degree murder; (ii) in response to a clear and present
25 danger of imminent death or great bodily harm to persons

1 resulting from: (1) a kidnapping or the holding of a hostage by
2 force or the threat of the imminent use of force; or (2) the
3 occupation by force or the threat of the imminent use of force
4 of any premises, place, vehicle, vessel or aircraft; (iii) to
5 aid an investigation or prosecution of a civil action brought
6 under the Illinois Streetgang Terrorism Omnibus Prevention Act
7 when there is probable cause to believe the interception of the
8 private communication will provide evidence that a streetgang
9 is committing, has committed, or will commit a second or
10 subsequent gang-related offense or that the interception of the
11 private communication will aid in the collection of a judgment
12 entered under that Act; or (iv) upon information and belief
13 that a streetgang has committed, is committing, or is about to
14 commit a felony.

15 (b) The State's Attorney or a person designated in writing
16 or by law to act for the State's Attorney and to perform his or
17 her duties during his or her absence or disability, may
18 authorize, in writing, an ex parte application to the chief
19 judge of a circuit court for an order authorizing the
20 interception of a private communication when no party has
21 consented to the interception and the interception may provide
22 evidence of, or may assist in the apprehension of a person who
23 has committed, is committing or is about to commit, a violation
24 of an offense under Article 29D of the Criminal Code of 1961.

25 (b-1) Subsection (b) is inoperative on and after January 1,
26 2005.

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

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

7 (Source: P.A. 94-468, eff. 8-4-05; 94-556, eff. 9-11-05;
8 95-331, eff. 8-21-07.)

9 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

10 Sec. 115-10. Certain hearsay exceptions.

11 (a) In a prosecution for a physical or sexual act
12 perpetrated upon or against a child under the age of 13, or a
13 person who was a moderately, severely, or profoundly mentally
14 retarded person as defined in this Code and in Section 2-10.1
15 of the Criminal Code of 1961 at the time the act was committed,
16 including but not limited to prosecutions for violations of
17 Sections 12-13 through 12-16 of the Criminal Code of 1961 and
18 prosecutions for violations of Sections 10-1 (kidnapping),
19 10-2 (aggravated kidnapping), 10-3 (unlawful restraint),
20 10-3.1 (aggravated unlawful restraint), 10-4 (forcible
21 detention), 10-5 (child abduction), 10-6 (harboring a
22 runaway), 10-7 (aiding or ~~and~~ abetting child abduction), 11-9
23 (public indecency), 11-11 (sexual relations within families),
24 11-21 (harmful material), 12-1 (assault), 12-2 (aggravated
25 assault), 12-3 (battery), 12-3.2 (domestic battery), 12-4

1 (aggravated battery), 12-4.1 (heinous battery), 12-4.2
2 (aggravated battery with a firearm), 12-4.3 (aggravated
3 battery of a child), 12-4.7 (drug induced infliction of great
4 bodily harm), 12-5 (reckless conduct), 12-6 (intimidation),
5 12-6.1 (compelling organization membership of persons), 12-7.1
6 (hate crime), 12-7.3 (stalking), 12-7.4 (aggravated stalking),
7 12-10 (tattooing body of minor), 12-11 (home invasion), 12-21.5
8 (child abandonment), 12-21.6 (endangering the life or health of
9 a child) or 12-32 (ritual mutilation) of the Criminal Code of
10 1961 or any sex offense as defined in subsection (B) of Section
11 2 of the Sex Offender Registration Act, the following evidence
12 shall be admitted as an exception to the hearsay rule:

13 (1) testimony by the victim of an out of court
14 statement made by the victim that he or she complained of
15 such act to another; and

16 (2) testimony of an out of court statement made by the
17 victim describing any complaint of such act or matter or
18 detail pertaining to any act which is an element of an
19 offense which is the subject of a prosecution for a sexual
20 or physical act against that victim.

21 (b) Such testimony shall only be admitted if:

22 (1) The court finds in a hearing conducted outside the
23 presence of the jury that the time, content, and
24 circumstances of the statement provide sufficient
25 safeguards of reliability; and

1 (2) The child or moderately, severely, or profoundly
2 mentally retarded person either:

3 (A) testifies at the proceeding; or

4 (B) is unavailable as a witness and there is
5 corroborative evidence of the act which is the subject
6 of the statement; and

7 (3) In a case involving an offense perpetrated against
8 a child under the age of 13, the out of court statement was
9 made before the victim attained 13 years of age or within 3
10 months after the commission of the offense, whichever
11 occurs later, but the statement may be admitted regardless
12 of the age of the victim at the time of the proceeding.

13 (c) If a statement is admitted pursuant to this Section,
14 the court shall instruct the jury that it is for the jury to
15 determine the weight and credibility to be given the statement
16 and that, in making the determination, it shall consider the
17 age and maturity of the child, or the intellectual capabilities
18 of the moderately, severely, or profoundly mentally retarded
19 person, the nature of the statement, the circumstances under
20 which the statement was made, and any other relevant factor.

21 (d) The proponent of the statement shall give the adverse
22 party reasonable notice of his intention to offer the statement
23 and the particulars of the statement.

24 (e) Statements described in paragraphs (1) and (2) of
25 subsection (a) shall not be excluded on the basis that they
26 were obtained as a result of interviews conducted pursuant to a

1 protocol adopted by a Child Advocacy Advisory Board as set
2 forth in subsections (c), (d), and (e) of Section 3 of the
3 Children's Advocacy Center Act or that an interviewer or
4 witness to the interview was or is an employee, agent, or
5 investigator of a State's Attorney's office.

6 (Source: P.A. 95-892, eff. 1-1-09.)

7 Section 45. The Unified Code of Corrections is amended by
8 changing Section 3-1-2 as follows:

9 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

10 Sec. 3-1-2. Definitions.

11 (a) "Chief Administrative Officer" means the person
12 designated by the Director to exercise the powers and duties of
13 the Department of Corrections in regard to committed persons
14 within a correctional institution or facility, and includes the
15 superintendent of any juvenile institution or facility.

16 (a-5) "Sex offense" for the purposes of paragraph (16) of
17 subsection (a) of Section 3-3-7, paragraph (10) of subsection
18 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
19 Section 5-6-3.1 only means:

20 (i) A violation of any of the following Sections of the
21 Criminal Code of 1961: 10-7 (aiding or ~~and~~ abetting child
22 abduction under Section 10-5(b)(10)), 10-5(b)(10) (child
23 luring), 11-6 (indecent solicitation of a child), 11-6.5
24 (indecent solicitation of an adult), 11-15.1 (soliciting

1 for a juvenile prostitute), 11-17.1 (keeping a place of
2 juvenile prostitution), 11-18.1 (patronizing a juvenile
3 prostitute), 11-19.1 (juvenile pimping), 11-19.2
4 (exploitation of a child), 11-20.1 (child pornography),
5 12-14.1 (predatory criminal sexual assault of a child), or
6 12-33 (ritualized abuse of a child). An attempt to commit
7 any of these offenses.

8 (ii) A violation of any of the following Sections of
9 the Criminal Code of 1961: 12-13 (criminal sexual assault),
10 12-14 (aggravated criminal sexual assault), 12-16
11 (aggravated criminal sexual abuse), and subsection (a) of
12 Section 12-15 (criminal sexual abuse). An attempt to commit
13 any of these offenses.

14 (iii) A violation of any of the following Sections of
15 the Criminal Code of 1961 when the defendant is not a
16 parent of the victim:

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

21 An attempt to commit any of these offenses.

22 (iv) A violation of any former law of this State
23 substantially equivalent to any offense listed in this
24 subsection (a-5).

25 An offense violating federal law or the law of another
26 state that is substantially equivalent to any offense listed in

1 this subsection (a-5) shall constitute a sex offense for the
2 purpose of this subsection (a-5). A finding or adjudication as
3 a sexually dangerous person under any federal law or law of
4 another state that is substantially equivalent to the Sexually
5 Dangerous Persons Act shall constitute an adjudication for a
6 sex offense for the purposes of this subsection (a-5).

7 (b) "Commitment" means a judicially determined placement
8 in the custody of the Department of Corrections on the basis of
9 delinquency or conviction.

10 (c) "Committed Person" is a person committed to the
11 Department, however a committed person shall not be considered
12 to be an employee of the Department of Corrections for any
13 purpose, including eligibility for a pension, benefits, or any
14 other compensation or rights or privileges which may be
15 provided to employees of the Department.

16 (d) "Correctional Institution or Facility" means any
17 building or part of a building where committed persons are kept
18 in a secured manner.

19 (e) In the case of functions performed before the effective
20 date of this amendatory Act of the 94th General Assembly,
21 "Department" means the Department of Corrections of this State.
22 In the case of functions performed on or after the effective
23 date of this amendatory Act of the 94th General Assembly,
24 "Department" has the meaning ascribed to it in subsection
25 (f-5).

26 (f) In the case of functions performed before the effective

1 date of this amendatory Act of the 94th General Assembly,
2 "Director" means the Director of the Department of Corrections.
3 In the case of functions performed on or after the effective
4 date of this amendatory Act of the 94th General Assembly,
5 "Director" has the meaning ascribed to it in subsection (f-5).

6 (f-5) In the case of functions performed on or after the
7 effective date of this amendatory Act of the 94th General
8 Assembly, references to "Department" or "Director" refer to
9 either the Department of Corrections or the Director of
10 Corrections or to the Department of Juvenile Justice or the
11 Director of Juvenile Justice unless the context is specific to
12 the Department of Juvenile Justice or the Director of Juvenile
13 Justice.

14 (g) "Discharge" means the final termination of a commitment
15 to the Department of Corrections.

16 (h) "Discipline" means the rules and regulations for the
17 maintenance of order and the protection of persons and property
18 within the institutions and facilities of the Department and
19 their enforcement.

20 (i) "Escape" means the intentional and unauthorized
21 absence of a committed person from the custody of the
22 Department.

23 (j) "Furlough" means an authorized leave of absence from
24 the Department of Corrections for a designated purpose and
25 period of time.

26 (k) "Parole" means the conditional and revocable release of

1 a committed person under the supervision of a parole officer.

2 (l) "Prisoner Review Board" means the Board established in
3 Section 3-3-1(a), independent of the Department, to review
4 rules and regulations with respect to good time credits, to
5 hear charges brought by the Department against certain
6 prisoners alleged to have violated Department rules with
7 respect to good time credits, to set release dates for certain
8 prisoners sentenced under the law in effect prior to the
9 effective date of this Amendatory Act of 1977, to hear requests
10 and make recommendations to the Governor with respect to
11 pardon, reprieve or commutation, to set conditions for parole
12 and mandatory supervised release and determine whether
13 violations of those conditions justify revocation of parole or
14 release, and to assume all other functions previously exercised
15 by the Illinois Parole and Pardon Board.

16 (m) Whenever medical treatment, service, counseling, or
17 care is referred to in this Unified Code of Corrections, such
18 term may be construed by the Department or Court, within its
19 discretion, to include treatment, service or counseling by a
20 Christian Science practitioner or nursing care appropriate
21 therewith whenever request therefor is made by a person subject
22 to the provisions of this Act.

23 (n) "Victim" shall have the meaning ascribed to it in
24 subsection (a) of Section 3 of the Bill of Rights for Victims
25 and Witnesses of Violent Crime Act.

26 (Source: P.A. 94-159, eff. 7-11-05; 94-696, eff. 6-1-06.)

1 Section 50. The Predator Accountability Act is amended by
2 changing Section 10 as follows:

3 (740 ILCS 128/10)

4 Sec. 10. Definitions. As used in this Act:

5 "Sex trade" means any act, which if proven beyond a
6 reasonable doubt could support a conviction for a violation or
7 attempted violation of any of the following Sections of the
8 Criminal Code of 1961: 11-15 (soliciting for a prostitute);
9 11-15.1 (soliciting for a juvenile prostitute); 11-16
10 (pandering); 11-17 (keeping a place of prostitution); 11-17.1
11 (keeping a place of juvenile prostitution); 11-19 (pimping);
12 11-19.1 (juvenile pimping and aggravated juvenile pimping);
13 11-19.2 (exploitation of a child); 11-20 (obscenity); or
14 11-20.1 (child pornography); or Section 10-9 ~~Article 10A~~ of the
15 Criminal Code of 1961 (trafficking of persons and involuntary
16 servitude).

17 "Sex trade" activity may involve adults and youth of all
18 genders and sexual orientations.

19 "Victim of the sex trade" means, for the following sex
20 trade acts, the person or persons indicated:

21 (1) soliciting for a prostitute: the prostitute who is
22 the object of the solicitation;

23 (2) soliciting for a juvenile prostitute: the juvenile
24 prostitute, or severely or profoundly mentally retarded

1 person, who is the object of the solicitation;

2 (3) pandering: the person intended or compelled to act
3 as a prostitute;

4 (4) keeping a place of prostitution: any person
5 intended or compelled to act as a prostitute, while present
6 at the place, during the time period in question;

7 (5) keeping a place of juvenile prostitution: any
8 juvenile intended or compelled to act as a prostitute,
9 while present at the place, during the time period in
10 question;

11 (6) pimping: the prostitute from whom anything of value
12 is received;

13 (7) juvenile pimping and aggravated juvenile pimping:
14 the juvenile, or severely or profoundly mentally retarded
15 person, from whom anything of value is received for that
16 person's act of prostitution;

17 (8) exploitation of a child: the juvenile, or severely
18 or profoundly mentally retarded person, intended or
19 compelled to act as a prostitute or from whom anything of
20 value is received for that person's act of prostitution;

21 (9) obscenity: any person who appears in or is
22 described or depicted in the offending conduct or material;

23 (10) child pornography: any child, or severely or
24 profoundly mentally retarded person, who appears in or is
25 described or depicted in the offending conduct or material;

26 or

1 (11) trafficking of persons or involuntary servitude:
2 a "trafficking victim" as defined in Section 10-9 ~~10A-5~~ of
3 the Criminal Code of 1961.
4 (Source: P.A. 94-998, eff. 7-3-06.)

5 Section 95. No acceleration or delay. Where this Act makes
6 changes in a statute that is represented in this Act by text
7 that is not yet or no longer in effect (for example, a Section
8 represented by multiple versions), the use of that text does
9 not accelerate or delay the taking effect of (i) the changes
10 made by this Act or (ii) provisions derived from any other
11 Public Act.

12 Section 99. Effective date. This Act takes effect January
13 1, 2010."