



Sen. Kirk W. Dillard

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09600SB1310sam001

LRB096 09456 DRJ 44004 a

1 AMENDMENT TO SENATE BILL 1310

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1310 by replacing  
3 everything after the enacting clause with the following:

4 "Article 1.

5 Section 5. The Criminal Code of 1961 is amended by adding  
6 headings for Subdivisions 1, 5, 10, 15, 20, and 25 of Article  
7 12, by adding Sections 12-0.1 and 12-4.4a, by changing Sections  
8 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-3.3, 12-4.5, 12-5, 12-5.1,  
9 12-5.2, 12-5.5, 12-6, 12-6.2, 12-6.4, 12-7, 12-7.1, 12-7.3,  
10 12-7.4, 12-7.5, 12-7.6, 12-9, 12-10.2, 12-20, 12-20.5, 12-32,  
11 12-33, 12-34, and 12-35, and by changing and renumbering  
12 Sections 12-2.5, 12-2.6, 12-4, 12-5.15, 12-6.1, 12-6.3,  
13 12-16.2, 12-30, 12-31, 45-1, and 45-2 as follows:

14 (720 ILCS 5/Art. 12, Subdiv. 1 heading new)

15 SUBDIVISION 1. DEFINITIONS

1 (720 ILCS 5/12-0.1 new)

2 Sec. 12-0.1. Definitions. In this Article, unless the  
3 context clearly requires otherwise:

4 "Bona fide labor dispute" means any controversy concerning  
5 wages, salaries, hours, working conditions, or benefits,  
6 including health and welfare, sick leave, insurance, and  
7 pension or retirement provisions, the making or maintaining of  
8 collective bargaining agreements, and the terms to be included  
9 in those agreements.

10 "Coach" means a person recognized as a coach by the  
11 sanctioning authority that conducts an athletic contest.

12 "Correctional institution employee" means a person  
13 employed by a penal institution.

14 "Emergency medical technician" includes a paramedic,  
15 ambulance driver, first aid worker, hospital worker, or other  
16 medical assistance worker.

17 "Family or household members" include spouses, former  
18 spouses, parents, children, stepchildren, and other persons  
19 related by blood or by present or prior marriage, persons who  
20 share or formerly shared a common dwelling, persons who have or  
21 allegedly have a child in common, persons who share or  
22 allegedly share a blood relationship through a child, persons  
23 who have or have had a dating or engagement relationship,  
24 persons with disabilities and their personal assistants, and  
25 caregivers as defined in Section 12-4.4a of this Code. For

1 purposes of this Article, neither a casual acquaintanceship nor  
2 ordinary fraternization between 2 individuals in business or  
3 social contexts shall be deemed to constitute a dating  
4 relationship.

5 "In the presence of a child" means in the physical presence  
6 of a child or knowing or having reason to know that a child is  
7 present and may see or hear an act constituting an offense.

8 "Park district employee" means a supervisor, director,  
9 instructor, or other person employed by a park district.

10 "Physically handicapped person" means a person who suffers  
11 from a permanent and disabling physical characteristic,  
12 resulting from disease, injury, functional disorder, or  
13 congenital condition.

14 "Private security officer" means a registered employee of a  
15 private security contractor agency under the Private  
16 Detective, Private Alarm, Private Security, Fingerprint  
17 Vendor, and Locksmith Act of 2004.

18 "Probation officer" means a person as defined in the  
19 Probation and Probation Officers Act.

20 "Sports official" means a person at an athletic contest who  
21 enforces the rules of the contest, such as an umpire or  
22 referee.

23 "Sports venue" means a publicly or privately owned sports  
24 or entertainment arena, stadium, community or convention hall,  
25 special event center, or amusement facility, or a special event  
26 center in a public park, during the 12 hours before or after

1 the sanctioned sporting event.

2 "Streetgang", "streetgang member", and "criminal street  
3 gang" have the meanings ascribed to those terms in Section 10  
4 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

5 "Transit employee" means a driver, operator, or employee of  
6 any transportation facility or system engaged in the business  
7 of transporting the public for hire.

8 "Transit passenger" means a passenger of any  
9 transportation facility or system engaged in the business of  
10 transporting the public for hire, including a passenger using  
11 any area designated by a transportation facility or system as a  
12 vehicle boarding, departure, or transfer location.

13 "Utility worker" means any of the following:

14 (1) A person employed by a public utility as defined in  
15 Section 3-105 of the Public Utilities Act.

16 (2) An employee of a municipally owned utility.

17 (3) An employee of a cable television company.

18 (4) An employee of an electric cooperative as defined  
19 in Section 3-119 of the Public Utilities Act.

20 (5) An independent contractor or an employee of an  
21 independent contractor working on behalf of a cable  
22 television company, public utility, municipally owned  
23 utility, or electric cooperative.

24 (6) An employee of a telecommunications carrier as  
25 defined in Section 13-202 of the Public Utilities Act, or  
26 an independent contractor or an employee of an independent

1 contractor working on behalf of a telecommunications  
2 carrier.

3 (7) An employee of a telephone or telecommunications  
4 cooperative as defined in Section 13-212 of the Public  
5 Utilities Act, or an independent contractor or an employee  
6 of an independent contractor working on behalf of a  
7 telephone or telecommunications cooperative.

8 (720 ILCS 5/Art. 12, Subdiv. 5 heading new)

9 SUBDIVISION 5. ASSAULT AND BATTERY

10 (720 ILCS 5/12-1) (from Ch. 38, par. 12-1)

11 Sec. 12-1. Assault.

12 (a) A person commits an assault when, without lawful  
13 authority, he or she knowingly engages in conduct which places  
14 another in reasonable apprehension of receiving a battery.

15 (b) Sentence. Assault is a Class C misdemeanor.

16 (c) In addition to any other sentence that may be imposed,  
17 a court shall order any person convicted of assault to perform  
18 community service for not less than 30 and not more than 120  
19 hours, if community service is available in the jurisdiction  
20 and is funded and approved by the county board of the county  
21 where the offense was committed. In addition, whenever any  
22 person is placed on supervision for an alleged offense under  
23 this Section, the supervision shall be conditioned upon the  
24 performance of the community service.

1           This subsection does not apply when the court imposes a  
2 sentence of incarceration.

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

4           (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

5           Sec. 12-2. Aggravated assault.

6           (a) Offense based on location of conduct. A person commits  
7 aggravated assault when he or she commits an assault against an  
8 individual who is on or about a public way, public property, a  
9 public place of accommodation or amusement, or a sports venue.

10          (b) Offense based on status of victim. A person commits  
11 aggravated assault when, in committing an assault, he or she  
12 knows the individual assaulted to be any of the following:

13           (1) A physically handicapped person or a person 60  
14 years of age or older and the assault is without legal  
15 justification.

16           (2) A teacher or school employee upon school grounds or  
17 grounds adjacent to a school or in any part of a building  
18 used for school purposes.

19           (3) A park district employee upon park grounds or  
20 grounds adjacent to a park or in any part of a building  
21 used for park purposes.

22           (4) A peace officer, community policing volunteer,  
23 fireman, private security officer, emergency management  
24 worker, emergency medical technician, or utility worker:

25           (i) performing his or her official duties;

1           (ii) assaulted to prevent performance of his or her  
2           official duties; or

3           (iii) assaulted in retaliation for performing his  
4           or her official duties.

5           (5) A correctional officer or probation officer:

6           (i) performing his or her official duties;

7           (ii) assaulted to prevent performance of his or her  
8           official duties; or

9           (iii) assaulted in retaliation for performing his  
10           or her official duties.

11           (6) A correctional institution employee, Department of  
12           Human Services employee, Department of Human Services  
13           officer or employee of a subcontractor of the Department of  
14           Human Services supervising or controlling sexually  
15           dangerous persons or sexually violent persons:

16           (i) performing his or her official duties;

17           (ii) assaulted to prevent performance of his or her  
18           official duties; or

19           (iii) assaulted in retaliation for performing his  
20           or her official duties.

21           (7) An employee of the State of Illinois, a municipal  
22           corporation therein, or a political subdivision thereof,  
23           performing his or her official duties.

24           (8) A transit employee performing his or her official  
25           duties, or a transit passenger.

26           (9) A sports official or coach actively participating

1 in any level of athletic competition within a sports venue,  
2 on an indoor playing field or outdoor playing field, or  
3 within the immediate vicinity of such a facility or field.

4 (c) Offense based on use of firearm, device, or motor  
5 vehicle. A person commits aggravated assault when, in  
6 committing an assault, he or she does any of the following:

7 (1) Uses a deadly weapon, an air rifle as defined in  
8 the Air Rifle Act, or any device manufactured and designed  
9 to be substantially similar in appearance to a firearm,  
10 other than by discharging a firearm.

11 (2) Discharges a firearm, other than from a motor  
12 vehicle.

13 (3) Discharges a firearm from a motor vehicle.

14 (4) Wears a hood, robe, or mask to conceal his or her  
15 identity.

16 (5) Knowingly and without lawful justification shines  
17 or flashes a laser gun sight or other laser device attached  
18 to a firearm, or used in concert with a firearm, so that  
19 the laser beam strikes near or in the immediate vicinity of  
20 any person.

21 (6) Uses a firearm, other than by discharging the  
22 firearm, against a peace officer, community policing  
23 volunteer, fireman, private security officer, emergency  
24 management worker, emergency medical technician, employee  
25 of a police department, employee of a sheriff's department,  
26 or traffic control municipal employee:



1           (i) performing his or her official duties;

2           (ii) assaulted to prevent performance of his or her  
3           official duties; or

4           (iii) assaulted in retaliation for performing his  
5           or her official duties.

6           (7) Without justification operates a motor vehicle in a  
7           manner which places a person, other than a person listed in  
8           subdivision (b) (4), in reasonable apprehension of being  
9           struck by the moving motor vehicle.

10          (8) Without justification operates a motor vehicle in a  
11          manner which places a person listed in subdivision (b) (4),  
12          in reasonable apprehension of being struck by the moving  
13          motor vehicle.

14          (d) Sentence. Aggravated assault as defined in subdivision  
15          (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),  
16          (c) (1), or (c) (4) is a Class A misdemeanor, except that  
17          aggravated assault as defined in subdivision (b) (4) and (b) (7)  
18          is a Class 4 felony if a Category I, Category II, or Category  
19          III weapon is used in the commission of the assault. Aggravated  
20          assault as defined in subdivision (b) (5), (b) (6), (c) (2),  
21          (c) (5), (c) (6), or (c) (7) is a Class 4 felony. Aggravated  
22          assault as defined in subdivision (c) (3) or (c) (8) is a Class 3  
23          felony.

24          (e) For the purposes of this Section, "Category I weapon",  
25          "Category II weapon, and "Category III weapon" have the  
26          meanings ascribed to those terms in Section 33A-1 of this Code.

1       ~~(a) A person commits an aggravated assault, when, in~~  
2 ~~committing an assault, he:~~

3           ~~(1) Uses a deadly weapon, an air rifle as defined in~~  
4 ~~the Air Rifle Act, or any device manufactured and designed~~  
5 ~~to be substantially similar in appearance to a firearm,~~  
6 ~~other than by discharging a firearm in the direction of~~  
7 ~~another person, a peace officer, a person summoned or~~  
8 ~~directed by a peace officer, a correctional officer, a~~  
9 ~~private security officer, or a fireman or in the direction~~  
10 ~~of a vehicle occupied by another person, a peace officer, a~~  
11 ~~person summoned or directed by a peace officer, a~~  
12 ~~correctional officer, a private security officer, or a~~  
13 ~~fireman while the officer or fireman is engaged in the~~  
14 ~~execution of any of his official duties, or to prevent the~~  
15 ~~officer or fireman from performing his official duties, or~~  
16 ~~in retaliation for the officer or fireman performing his~~  
17 ~~official duties;~~

18           ~~(2) Is hooded, robed or masked in such manner as to~~  
19 ~~conceal his identity or any device manufactured and~~  
20 ~~designed to be substantially similar in appearance to a~~  
21 ~~firearm;~~

22           ~~(3) Knows the individual assaulted to be a teacher or~~  
23 ~~other person employed in any school and such teacher or~~  
24 ~~other employee is upon the grounds of a school or grounds~~  
25 ~~adjacent thereto, or is in any part of a building used for~~  
26 ~~school purposes;~~

1           ~~(4) Knows the individual assaulted to be a supervisor,~~  
2           ~~director, instructor or other person employed in any park~~  
3           ~~district and such supervisor, director, instructor or~~  
4           ~~other employee is upon the grounds of the park or grounds~~  
5           ~~adjacent thereto, or is in any part of a building used for~~  
6           ~~park purposes;~~

7           ~~(5) Knows the individual assaulted to be a caseworker,~~  
8           ~~investigator, or other person employed by the Department of~~  
9           ~~Healthcare and Family Services (formerly State Department~~  
10           ~~of Public Aid), a County Department of Public Aid, or the~~  
11           ~~Department of Human Services (acting as successor to the~~  
12           ~~Illinois Department of Public Aid under the Department of~~  
13           ~~Human Services Act) and such caseworker, investigator, or~~  
14           ~~other person is upon the grounds of a public aid office or~~  
15           ~~grounds adjacent thereto, or is in any part of a building~~  
16           ~~used for public aid purposes, or upon the grounds of a home~~  
17           ~~of a public aid applicant, recipient or any other person~~  
18           ~~being interviewed or investigated in the employee's~~  
19           ~~discharge of his duties, or on grounds adjacent thereto, or~~  
20           ~~is in any part of a building in which the applicant,~~  
21           ~~recipient, or other such person resides or is located;~~

22           ~~(6) Knows the individual assaulted to be a peace~~  
23           ~~officer, a community policing volunteer, a private~~  
24           ~~security officer, or a fireman while the officer or fireman~~  
25           ~~is engaged in the execution of any of his official duties,~~  
26           ~~or to prevent the officer, community policing volunteer, or~~

1 ~~fireman from performing his official duties, or in~~  
2 ~~retaliation for the officer, community policing volunteer,~~  
3 ~~or fireman performing his official duties, and the assault~~  
4 ~~is committed other than by the discharge of a firearm in~~  
5 ~~the direction of the officer or fireman or in the direction~~  
6 ~~of a vehicle occupied by the officer or fireman;~~

7 ~~(7) Knows the individual assaulted to be an emergency~~  
8 ~~medical technician ambulance, emergency medical~~  
9 ~~technician intermediate, emergency medical technician~~  
10 ~~paramedic, ambulance driver or other medical assistance or~~  
11 ~~first aid personnel engaged in the execution of any of his~~  
12 ~~official duties, or to prevent the emergency medical~~  
13 ~~technician ambulance, emergency medical technician~~  
14 ~~intermediate, emergency medical technician paramedic,~~  
15 ~~ambulance driver, or other medical assistance or first aid~~  
16 ~~personnel from performing his official duties, or in~~  
17 ~~retaliation for the emergency medical technician~~  
18 ~~ambulance, emergency medical technician intermediate,~~  
19 ~~emergency medical technician paramedic, ambulance~~  
20 ~~driver, or other medical assistance or first aid personnel~~  
21 ~~performing his official duties;~~

22 ~~(8) Knows the individual assaulted to be the driver,~~  
23 ~~operator, employee or passenger of any transportation~~  
24 ~~facility or system engaged in the business of~~  
25 ~~transportation of the public for hire and the individual~~  
26 ~~assaulted is then performing in such capacity or then using~~

1 ~~such public transportation as a passenger or using any area~~  
2 ~~of any description designated by the transportation~~  
3 ~~facility or system as a vehicle boarding, departure, or~~  
4 ~~transfer location;~~

5 ~~(9) Or the individual assaulted is on or about a public~~  
6 ~~way, public property, or public place of accommodation or~~  
7 ~~amusement;~~

8 ~~(9.5) Is, or the individual assaulted is, in or about a~~  
9 ~~publicly or privately owned sports or entertainment arena,~~  
10 ~~stadium, community or convention hall, special event~~  
11 ~~center, amusement facility, or a special event center in a~~  
12 ~~public park during any 24-hour period when a professional~~  
13 ~~sporting event, National Collegiate Athletic Association~~  
14 ~~(NCAA) sanctioned sporting event, United States Olympic~~  
15 ~~Committee sanctioned sporting event, or International~~  
16 ~~Olympic Committee sanctioned sporting event is taking~~  
17 ~~place in this venue;~~

18 ~~(10) Knows the individual assaulted to be an employee~~  
19 ~~of the State of Illinois, a municipal corporation therein~~  
20 ~~or a political subdivision thereof, engaged in the~~  
21 ~~performance of his authorized duties as such employee;~~

22 ~~(11) Knowingly and without legal justification,~~  
23 ~~commits an assault on a physically handicapped person;~~

24 ~~(12) Knowingly and without legal justification,~~  
25 ~~commits an assault on a person 60 years of age or older;~~

26 ~~(13) Discharges a firearm, other than from a motor~~

1 ~~vehicle;~~

2 ~~(13.5) Discharges a firearm from a motor vehicle;~~

3 ~~(14) Knows the individual assaulted to be a~~  
4 ~~correctional officer, while the officer is engaged in the~~  
5 ~~execution of any of his or her official duties, or to~~  
6 ~~prevent the officer from performing his or her official~~  
7 ~~duties, or in retaliation for the officer performing his or~~  
8 ~~her official duties;~~

9 ~~(14.5) Knows the individual assaulted to be a probation~~  
10 ~~officer, as defined in the Probation and Probation Officers~~  
11 ~~Act, while the officer is engaged in the execution of any~~  
12 ~~of his or her official duties, or to prevent the officer~~  
13 ~~from performing his or her official duties, or in~~  
14 ~~retaliation for the officer performing his or her official~~  
15 ~~duties;~~

16 ~~(15) Knows the individual assaulted to be a~~  
17 ~~correctional employee or an employee or officer of the~~  
18 ~~Department of Human Services supervising or controlling~~  
19 ~~sexually dangerous persons or sexually violent persons, or~~  
20 ~~an employee of a subcontractor of the Department of Human~~  
21 ~~Services supervising or controlling sexually dangerous~~  
22 ~~persons or sexually violent persons, while the employee or~~  
23 ~~officer is engaged in the execution of any of his or her~~  
24 ~~official duties, or to prevent the employee or officer from~~  
25 ~~performing his or her official duties, or in retaliation~~  
26 ~~for the employee or officer performing his or her official~~

1 ~~duties, and the assault is committed other than by the~~  
2 ~~discharge of a firearm in the direction of the employee or~~  
3 ~~officer or in the direction of a vehicle occupied by the~~  
4 ~~employee or officer;~~

5 ~~(16) Knows the individual assaulted to be an employee~~  
6 ~~of a police or sheriff's department, or a person who is~~  
7 ~~employed by a municipality and whose duties include traffic~~  
8 ~~control, engaged in the performance of his or her official~~  
9 ~~duties as such employee;~~

10 ~~(17) Knows the individual assaulted to be a sports~~  
11 ~~official or coach at any level of competition and the act~~  
12 ~~causing the assault to the sports official or coach~~  
13 ~~occurred within an athletic facility or an indoor or~~  
14 ~~outdoor playing field or within the immediate vicinity of~~  
15 ~~the athletic facility or an indoor or outdoor playing field~~  
16 ~~at which the sports official or coach was an active~~  
17 ~~participant in the athletic contest held at the athletic~~  
18 ~~facility. For the purposes of this paragraph (17), "sports~~  
19 ~~official" means a person at an athletic contest who~~  
20 ~~enforces the rules of the contest, such as an umpire or~~  
21 ~~referee; and "coach" means a person recognized as a coach~~  
22 ~~by the sanctioning authority that conducted the athletic~~  
23 ~~contest;~~

24 ~~(18) Knows the individual assaulted to be an emergency~~  
25 ~~management worker, while the emergency management worker~~  
26 ~~is engaged in the execution of any of his or her official~~

1 ~~duties, or to prevent the emergency management worker from~~  
2 ~~performing his or her official duties, or in retaliation~~  
3 ~~for the emergency management worker performing his or her~~  
4 ~~official duties, and the assault is committed other than by~~  
5 ~~the discharge of a firearm in the direction of the~~  
6 ~~emergency management worker or in the direction of a~~  
7 ~~vehicle occupied by the emergency management worker; or~~

8 ~~(19) Knows the individual assaulted to be a utility~~  
9 ~~worker, while the utility worker is engaged in the~~  
10 ~~execution of his or her duties, or to prevent the utility~~  
11 ~~worker from performing his or her duties, or in retaliation~~  
12 ~~for the utility worker performing his or her duties. In~~  
13 ~~this paragraph (19), "utility worker" means a person~~  
14 ~~employed by a public utility as defined in Section 3-105 of~~  
15 ~~the Public Utilities Act and also includes an employee of a~~  
16 ~~municipally owned utility, an employee of a cable~~  
17 ~~television company, an employee of an electric cooperative~~  
18 ~~as defined in Section 3-119 of the Public Utilities Act, an~~  
19 ~~independent contractor or an employee of an independent~~  
20 ~~contractor working on behalf of a cable television company,~~  
21 ~~public utility, municipally owned utility, or an electric~~  
22 ~~cooperative, or an employee of a telecommunications~~  
23 ~~carrier as defined in Section 13-202 of the Public~~  
24 ~~Utilities Act, an independent contractor or an employee of~~  
25 ~~an independent contractor working on behalf of a~~  
26 ~~telecommunications carrier, or an employee of a telephone~~



1 ~~or telecommunications cooperative as defined in Section~~  
2 ~~13-212 of the Public Utilities Act, or an independent~~  
3 ~~contractor or an employee of an independent contractor~~  
4 ~~working on behalf of a telephone or telecommunications~~  
5 ~~cooperative.~~

6 ~~(a-5) A person commits an aggravated assault when he or she~~  
7 ~~knowingly and without lawful justification shines or flashes a~~  
8 ~~laser gunsight or other laser device that is attached or~~  
9 ~~affixed to a firearm, or used in concert with a firearm, so~~  
10 ~~that the laser beam strikes near or in the immediate vicinity~~  
11 ~~of any person.~~

12 ~~(a-10) A person commits an aggravated assault when he or~~  
13 ~~she knowingly and without justification operates a motor~~  
14 ~~vehicle in a manner which places a person in reasonable~~  
15 ~~apprehension of being struck by a moving vehicle.~~

16 ~~(b) Sentence.~~

17 ~~Aggravated assault as defined in paragraphs (1) through (5)~~  
18 ~~and (8) through (12) and (17) and (19) of subsection (a) of~~  
19 ~~this Section is a Class A misdemeanor. Aggravated assault as~~  
20 ~~defined in paragraphs (13), (14), (14.5), and (15) of~~  
21 ~~subsection (a) of this Section and as defined in subsection~~  
22 ~~(a-5) or (a-10) of this Section is a Class 4 felony. Aggravated~~  
23 ~~assault as defined in paragraphs (6) and (16) of subsection (a)~~  
24 ~~of this Section is a Class A misdemeanor if a Category I,~~  
25 ~~Category II, or Category III weapon is not used in the~~  
26 ~~commission of the assault. Aggravated assault as defined in~~

1 ~~paragraphs (6) and (16) of subsection (a) of this Section is a~~  
2 ~~Class 4 felony if a Category I, Category II, or Category III~~  
3 ~~weapon is used in the commission of the assault. Aggravated~~  
4 ~~assault as defined in paragraphs (7) and (18) of subsection (a)~~  
5 ~~of this Section is a Class A misdemeanor if a firearm is not~~  
6 ~~used in the commission of the assault. Aggravated assault as~~  
7 ~~defined in paragraphs (7) and (18) of subsection (a) of this~~  
8 ~~Section is a Class 4 felony if a firearm is used in the~~  
9 ~~commission of the assault. Aggravated assault as defined in~~  
10 ~~subsection (a-10) where the victim was a person defined in~~  
11 ~~paragraph (6) or paragraph (13.5) of subsection (a) is a Class~~  
12 ~~3 felony. For the purposes of this subsection (b), "Category I~~  
13 ~~weapon", "Category II weapon", and "Category III weapon" have~~  
14 ~~the meanings ascribed to those terms in subsection (c) of~~  
15 ~~Section 33A-1 of this Code.~~

16 ~~(c) For the purposes of paragraphs (1) and (6) of~~  
17 ~~subsection (a), "private security officer" means a registered~~  
18 ~~employee of a private security contractor agency under the~~  
19 ~~Private Detective, Private Alarm, Private Security,~~  
20 ~~Fingerprint Vendor, and Locksmith Act of 2004.~~

21 (Source: P.A. 95-236, eff. 1-1-08; 95-292, eff. 8-20-07;  
22 95-331, eff. 8-21-07; 95-429, eff. 1-1-08; 95-591, eff.  
23 9-10-07; 95-876, eff. 8-21-08; 96-201, eff. 8-10-09; 96-1000,  
24 eff. 7-2-10; 96-1109, eff. 1-1-11; 96-1398, eff. 7-29-10;  
25 revised 9-16-10.)

1 (720 ILCS 5/12-3) (from Ch. 38, par. 12-3)

2 Sec. 12-3. Battery.

3 (a) A person commits battery if he or she ~~intentionally or~~  
4 knowingly without legal justification ~~and~~ by any means, (1)  
5 causes bodily harm to an individual or (2) makes physical  
6 contact of an insulting or provoking nature with an individual.

7 (b) Sentence.

8 Battery is a Class A misdemeanor.

9 (Source: P.A. 77-2638.)

10 (720 ILCS 5/12-3.05) (was 720 ILCS 5/12-4)

11 Sec. 12-3.05 ~~12-4~~. Aggravated battery ~~Battery~~.

12 (a) Offense based on injury. A person commits aggravated  
13 battery when, in committing a battery, other than by the  
14 discharge of a firearm, he or she knowingly does any of the  
15 following:

16 (1) Causes great bodily harm or permanent disability or  
17 disfigurement.

18 (2) Causes severe and permanent disability, great  
19 bodily harm, or disfigurement by means of a caustic or  
20 flammable substance, a poisonous gas, a deadly biological  
21 or chemical contaminant or agent, a radioactive substance,  
22 or a bomb or explosive compound.

23 (3) Causes great bodily harm or permanent disability or  
24 disfigurement to an individual whom the person knows to be  
25 a peace officer, community policing volunteer, fireman,

1 private security officer, correctional institution  
2 employee, or Department of Human Services employee  
3 supervising or controlling sexually dangerous persons or  
4 sexually violent persons:

5 (i) performing his or her official duties;

6 (ii) battered to prevent performance of his or her  
7 official duties; or

8 (iii) battered in retaliation for performing his  
9 or her official duties.

10 (4) Causes great bodily harm or permanent disability or  
11 disfigurement to an individual 60 years of age or older.

12 (5) Strangles another individual.

13 (b) Offense based on injury to a child or mentally retarded  
14 person. A person who is at least 18 years of age commits  
15 aggravated battery when, in committing a battery, he or she  
16 knowingly and without legal justification by any means:

17 (1) causes great bodily harm or permanent disability or  
18 disfigurement to any child under the age of 13 years, or to  
19 any severely or profoundly mentally retarded person; or

20 (2) causes bodily harm or disability or disfigurement  
21 to any child under the age of 13 years or to any severely  
22 or profoundly mentally retarded person.

23 (c) Offense based on location of conduct. A person commits  
24 aggravated battery when, in committing a battery, other than by  
25 the discharge of a firearm, he or she is or the person battered  
26 is on or about a public way, public property, a public place of

1 accommodation or amusement, a sports venue, or a domestic  
2 violence shelter.

3 (d) Offense based on status of victim. A person commits  
4 aggravated battery when, in committing a battery, other than by  
5 discharge of a firearm, he or she knows the individual battered  
6 to be any of the following:

7 (1) A person 60 years of age or older.

8 (2) A person who is pregnant or physically handicapped.

9 (3) A teacher or school employee upon school grounds or  
10 grounds adjacent to a school or in any part of a building  
11 used for school purposes.

12 (4) A peace officer, community policing volunteer,  
13 fireman, private security officer, correctional  
14 institution employee, or Department of Human Services  
15 employee supervising or controlling sexually dangerous  
16 persons or sexually violent persons:

17 (i) performing his or her official duties;

18 (ii) battered to prevent performance of his or her  
19 official duties; or

20 (iii) battered in retaliation for performing his  
21 or her official duties.

22 (5) A judge, emergency management worker, emergency  
23 medical technician, or utility worker:

24 (i) performing his or her official duties;

25 (ii) battered to prevent performance of his or her  
26 official duties; or

1           (iii) battered in retaliation for performing his  
2           or her official duties.

3           (6) An officer or employee of the State of Illinois, a  
4           unit of local government, or a school district, while  
5           performing his or her official duties.

6           (7) A transit employee performing his or her official  
7           duties, or a transit passenger.

8           (8) A taxi driver on duty.

9           (9) A merchant who detains the person for an alleged  
10           commission of retail theft under Section 16A-5 of this Code  
11           and the person without legal justification by any means  
12           causes bodily harm to the merchant.

13           (e) Offense based on use of a firearm. A person commits  
14           aggravated battery when, in committing a battery, he or she  
15           knowingly does any of the following:

16           (1) Discharges a firearm, other than a machine gun or a  
17           firearm equipped with a silencer, and causes any injury to  
18           another person.

19           (2) Discharges a firearm, other than a machine gun or a  
20           firearm equipped with a silencer, and causes any injury to  
21           a person he or she knows to be a peace officer, community  
22           policing volunteer, person summoned by a police officer,  
23           fireman, private security officer, correctional  
24           institution employee, or emergency management worker:

25           (i) performing his or her official duties;

26           (ii) battered to prevent performance of his or her

1           official duties; or

2                   (iii) battered in retaliation for performing his  
3                   or her official duties.

4           (3) Discharges a firearm, other than a machine gun or a  
5           firearm equipped with a silencer, and causes any injury to  
6           a person he or she knows to be an emergency medical  
7           technician employed by a municipality or other  
8           governmental unit:

9                   (i) performing his or her official duties;

10                   (ii) battered to prevent performance of his or her  
11                   official duties; or

12                   (iii) battered in retaliation for performing his  
13                   or her official duties.

14           (4) Discharges a firearm and causes any injury to a  
15           person he or she knows to be a teacher, a student in a  
16           school, or a school employee, and the teacher, student, or  
17           employee is upon school grounds or grounds adjacent to a  
18           school or in any part of a building used for school  
19           purposes.

20           (5) Discharges a machine gun or a firearm equipped with  
21           a silencer, and causes any injury to another person.

22           (6) Discharges a machine gun or a firearm equipped with  
23           a silencer, and causes any injury to a person he or she  
24           knows to be a peace officer, community policing volunteer,  
25           person summoned by a police officer, fireman, private  
26           security officer, correctional institution employee or

1       emergency management worker:

2               (i) performing his or her official duties;

3               (ii) battered to prevent performance of his or her  
4               official duties; or

5               (iii) battered in retaliation for performing his  
6               or her official duties.

7       (7) Discharges a machine gun or a firearm equipped with  
8       a silencer, and causes any injury to a person he or she  
9       knows to be an emergency medical technician employed by a  
10       municipality or other governmental unit:

11               (i) performing his or her official duties;

12               (ii) battered to prevent performance of his or her  
13               official duties; or

14               (iii) battered in retaliation for performing his  
15               or her official duties.

16       (8) Discharges a machine gun or a firearm equipped with  
17       a silencer, and causes any injury to a person he or she  
18       knows to be a teacher, or a student in a school, or a  
19       school employee, and the teacher, student, or employee is  
20       upon school grounds or grounds adjacent to a school or in  
21       any part of a building used for school purposes.

22       (f) Offense based on use of a weapon or device. A person  
23       commits aggravated battery when, in committing a battery, he or  
24       she does any of the following:

25               (1) Uses a deadly weapon other than by discharge of a  
26               firearm, or uses an air rifle as defined in the Air Rifle



1 Act.

2 (2) Wears a hood, robe, or mask to conceal his or her  
3 identity.

4 (3) Knowingly and without lawful justification shines  
5 or flashes a laser gunsight or other laser device attached  
6 to a firearm, or used in concert with a firearm, so that  
7 the laser beam strikes upon or against the person of  
8 another.

9 (g) Offense based on certain conduct. A person commits  
10 aggravated battery when, other than by discharge of a firearm,  
11 he or she does any of the following:

12 (1) Violates Section 401 of the Illinois Controlled  
13 Substances Act by unlawfully delivering a controlled  
14 substance to another and any user experiences great bodily  
15 harm or permanent disability as a result of the injection,  
16 inhalation, or ingestion of any amount of the controlled  
17 substance.

18 (2) Knowingly administers to an individual or causes  
19 him or her to take, without his or her consent or by threat  
20 or deception, and for other than medical purposes, any  
21 intoxicating, poisonous, stupefying, narcotic, anesthetic,  
22 or controlled substance, or gives to another person any  
23 food containing any substance or object intended to cause  
24 physical injury if eaten.

25 (3) Knowingly causes or attempts to cause a  
26 correctional institution employee or Department of Human

1 Services employee to come into contact with blood, seminal  
2 fluid, urine, or feces by throwing, tossing, or expelling  
3 the fluid or material, and the person is an inmate of a  
4 penal institution or is a sexually dangerous person or  
5 sexually violent person in the custody of the Department of  
6 Human Services.

7 (h) Sentence. Unless otherwise provided, aggravated  
8 battery is a Class 3 felony.

9 Aggravated battery as defined in subdivision (a)(4),  
10 (d)(4), or (g)(3) is a Class 2 felony.

11 Aggravated battery as defined in subdivision (a)(3) or  
12 (g)(1) is a Class 1 felony.

13 Aggravated battery under subdivision (a)(5) is a Class 1  
14 felony if:

15 (A) the person used or attempted to use a dangerous  
16 instrument while committing the offense; or

17 (B) the person caused great bodily harm or permanent  
18 disability or disfigurement to the other person while  
19 committing the offense; or

20 (C) the person has been previously convicted of a  
21 violation of subdivision (a)(5) under the laws of this  
22 State or laws similar to subdivision (a)(5) of any other  
23 state.

24 Aggravated battery as defined in subdivision (e)(1) is a  
25 Class X felony.

26 Aggravated battery as defined in subdivision (a)(2) is a

1 Class X felony for which a person shall be sentenced to a term  
2 of imprisonment of a minimum of 6 years and a maximum of 45  
3 years.

4 Aggravated battery as defined in subdivision (e)(5) is a  
5 Class X felony for which a person shall be sentenced to a term  
6 of imprisonment of a minimum of 12 years and a maximum of 45  
7 years.

8 Aggravated battery as defined in subdivision (e)(2),  
9 (e)(3), or (e)(4) is a Class X felony for which a person shall  
10 be sentenced to a term of imprisonment of a minimum of 15 years  
11 and a maximum of 60 years.

12 Aggravated battery as defined in subdivision (e)(6),  
13 (e)(7), or (e)(8) is a Class X felony for which a person shall  
14 be sentenced to a term of imprisonment of a minimum of 20 years  
15 and a maximum of 60 years.

16 Aggravated battery as defined in subdivision (b)(1) is a  
17 Class X felony, except that:

18 (1) if the person committed the offense while armed  
19 with a firearm, 15 years shall be added to the term of  
20 imprisonment imposed by the court;

21 (2) if, during the commission of the offense, the  
22 person personally discharged a firearm, 20 years shall be  
23 added to the term of imprisonment imposed by the court;

24 (3) if, during the commission of the offense, the  
25 person personally discharged a firearm that proximately  
26 caused great bodily harm, permanent disability, permanent

1 disfigurement, or death to another person, 25 years or up  
2 to a term of natural life shall be added to the term of  
3 imprisonment imposed by the court.

4 (i) Definitions. For the purposes of this Section:

5 "Building or other structure used to provide shelter" has  
6 the meaning ascribed to "shelter" in Section 1 of the Domestic  
7 Violence Shelters Act.

8 "Domestic violence" has the meaning ascribed to it in  
9 Section 103 of the Illinois Domestic Violence Act of 1986.

10 "Domestic violence shelter" means any building or other  
11 structure used to provide shelter or other services to victims  
12 or to the dependent children of victims of domestic violence  
13 pursuant to the Illinois Domestic Violence Act of 1986 or the  
14 Domestic Violence Shelters Act, or any place within 500 feet of  
15 such a building or other structure in the case of a person who  
16 is going to or from such a building or other structure.

17 "Firearm" has the meaning provided under Section 1.1 of the  
18 Firearm Owners Identification Card Act, and does not include an  
19 air rifle as defined by Section 1 of the Air Rifle Act.

20 "Machine gun" has the meaning ascribed to it in Section  
21 24-1 of this Code.

22 "Merchant" has the meaning ascribed to it in Section  
23 16A-2.4 of this Code.

24 "Strangle" means intentionally impeding the normal  
25 breathing or circulation of the blood of an individual by  
26 applying pressure on the throat or neck of that individual or

1 by blocking the nose or mouth of that individual.

2 ~~(a) A person who, in committing a battery, intentionally or~~  
3 ~~knowingly causes great bodily harm, or permanent disability or~~  
4 ~~disfigurement commits aggravated battery.~~

5 ~~(b) In committing a battery, a person commits aggravated~~  
6 ~~battery if he or she:~~

7 ~~(1) Uses a deadly weapon other than by the discharge of~~  
8 ~~a firearm, or uses an air rifle as defined in the Air Rifle~~  
9 ~~Act;~~

10 ~~(2) Is hooded, robed or masked, in such manner as to~~  
11 ~~conceal his identity;~~

12 ~~(3) Knows the individual harmed to be a teacher or~~  
13 ~~other person employed in any school and such teacher or~~  
14 ~~other employee is upon the grounds of a school or grounds~~  
15 ~~adjacent thereto, or is in any part of a building used for~~  
16 ~~school purposes;~~

17 ~~(4) (Blank);~~

18 ~~(5) (Blank);~~

19 ~~(6) Knows the individual harmed to be a community~~  
20 ~~policing volunteer while such volunteer is engaged in the~~  
21 ~~execution of any official duties, or to prevent the~~  
22 ~~volunteer from performing official duties, or in~~  
23 ~~retaliation for the volunteer performing official duties,~~  
24 ~~and the battery is committed other than by the discharge of~~  
25 ~~a firearm;~~

26 ~~(7) Knows the individual harmed to be an emergency~~

1 ~~medical technician — ambulance, emergency medical~~  
2 ~~technician — intermediate, emergency medical technician —~~  
3 ~~paramedic, ambulance driver, other medical assistance,~~  
4 ~~first aid personnel, or hospital personnel engaged in the~~  
5 ~~performance of any of his or her official duties, or to~~  
6 ~~prevent the emergency medical technician — ambulance,~~  
7 ~~emergency medical technician — intermediate, emergency~~  
8 ~~medical technician — paramedic, ambulance driver, other~~  
9 ~~medical assistance, first aid personnel, or hospital~~  
10 ~~personnel from performing official duties, or in~~  
11 ~~retaliation for performing official duties;~~

12 ~~(8) Is, or the person battered is, on or about a public~~  
13 ~~way, public property or public place of accommodation or~~  
14 ~~amusement;~~

15 ~~(8.5) Is, or the person battered is, on a publicly or~~  
16 ~~privately owned sports or entertainment arena, stadium,~~  
17 ~~community or convention hall, special event center,~~  
18 ~~amusement facility, or a special event center in a public~~  
19 ~~park during any 24 hour period when a professional sporting~~  
20 ~~event, National Collegiate Athletic Association~~  
21 ~~(NCAA) sanctioned sporting event, United States Olympic~~  
22 ~~Committee sanctioned sporting event, or International~~  
23 ~~Olympic Committee sanctioned sporting event is taking~~  
24 ~~place in this venue;~~

25 ~~(9) Knows the individual harmed to be the driver,~~  
26 ~~operator, employee or passenger of any transportation~~

1 ~~facility or system engaged in the business of~~  
2 ~~transportation of the public for hire and the individual~~  
3 ~~assaulted is then performing in such capacity or then using~~  
4 ~~such public transportation as a passenger or using any area~~  
5 ~~of any description designated by the transportation~~  
6 ~~facility or system as a vehicle boarding, departure, or~~  
7 ~~transfer location;~~

8 ~~(10) Knows the individual harmed to be an individual of~~  
9 ~~60 years of age or older;~~

10 ~~(11) Knows the individual harmed is pregnant;~~

11 ~~(12) Knows the individual harmed to be a judge whom the~~  
12 ~~person intended to harm as a result of the judge's~~  
13 ~~performance of his or her official duties as a judge;~~

14 ~~(13) (Blank);~~

15 ~~(14) Knows the individual harmed to be a person who is~~  
16 ~~physically handicapped;~~

17 ~~(15) Knowingly and without legal justification and by~~  
18 ~~any means causes bodily harm to a merchant who detains the~~  
19 ~~person for an alleged commission of retail theft under~~  
20 ~~Section 16A-5 of this Code. In this item (15), "merchant"~~  
21 ~~has the meaning ascribed to it in Section 16A-2.4 of this~~  
22 ~~Code;~~

23 ~~(16) Is, or the person battered is, in any building or~~  
24 ~~other structure used to provide shelter or other services~~  
25 ~~to victims or to the dependent children of victims of~~  
26 ~~domestic violence pursuant to the Illinois Domestic~~

1 ~~Violence Act of 1986 or the Domestic Violence Shelters Act,~~  
2 ~~or the person battered is within 500 feet of such a~~  
3 ~~building or other structure while going to or from such a~~  
4 ~~building or other structure. "Domestic violence" has the~~  
5 ~~meaning ascribed to it in Section 103 of the Illinois~~  
6 ~~Domestic Violence Act of 1986. "Building or other structure~~  
7 ~~used to provide shelter" has the meaning ascribed to~~  
8 ~~"shelter" in Section 1 of the Domestic Violence Shelters~~  
9 ~~Act;~~

10 ~~(17) (Blank);~~

11 ~~(18) Knows the individual harmed to be an officer or~~  
12 ~~employee of the State of Illinois, a unit of local~~  
13 ~~government, or school district engaged in the performance~~  
14 ~~of his or her authorized duties as such officer or~~  
15 ~~employee;~~

16 ~~(19) Knows the individual harmed to be an emergency~~  
17 ~~management worker engaged in the performance of any of his~~  
18 ~~or her official duties, or to prevent the emergency~~  
19 ~~management worker from performing official duties, or in~~  
20 ~~retaliation for the emergency management worker performing~~  
21 ~~official duties;~~

22 ~~(20) Knows the individual harmed to be a private~~  
23 ~~security officer engaged in the performance of any of his~~  
24 ~~or her official duties, or to prevent the private security~~  
25 ~~officer from performing official duties, or in retaliation~~  
26 ~~for the private security officer performing official~~



1 ~~duties; or~~

2 ~~(21) Knows the individual harmed to be a taxi driver~~  
3 ~~and the battery is committed while the taxi driver is on~~  
4 ~~duty; or~~

5 ~~(22) Knows the individual harmed to be a utility~~  
6 ~~worker, while the utility worker is engaged in the~~  
7 ~~execution of his or her duties, or to prevent the utility~~  
8 ~~worker from performing his or her duties, or in retaliation~~  
9 ~~for the utility worker performing his or her duties. In~~  
10 ~~this paragraph (22), "utility worker" means a person~~  
11 ~~employed by a public utility as defined in Section 3-105 of~~  
12 ~~the Public Utilities Act and also includes an employee of a~~  
13 ~~municipally owned utility, an employee of a cable~~  
14 ~~television company, an employee of an electric cooperative~~  
15 ~~as defined in Section 3-119 of the Public Utilities Act, an~~  
16 ~~independent contractor or an employee of an independent~~  
17 ~~contractor working on behalf of a cable television company,~~  
18 ~~public utility, municipally owned utility, or an electric~~  
19 ~~cooperative, or an employee of a telecommunications~~  
20 ~~carrier as defined in Section 13-202 of the Public~~  
21 ~~Utilities Act, an independent contractor or an employee of~~  
22 ~~an independent contractor working on behalf of a~~  
23 ~~telecommunications carrier, or an employee of a telephone~~  
24 ~~or telecommunications cooperative as defined in Section~~  
25 ~~13-212 of the Public Utilities Act, or an independent~~  
26 ~~contractor or an employee of an independent contractor~~

1 ~~working on behalf of a telephone or telecommunications~~  
2 ~~cooperative.~~

3 ~~For the purpose of paragraph (14) of subsection (b) of this~~  
4 ~~Section, a physically handicapped person is a person who~~  
5 ~~suffers from a permanent and disabling physical~~  
6 ~~characteristic, resulting from disease, injury, functional~~  
7 ~~disorder or congenital condition.~~

8 ~~For the purpose of paragraph (20) of subsection (b) and~~  
9 ~~subsection (c) of this Section, "private security officer"~~  
10 ~~means a registered employee of a private security contractor~~  
11 ~~agency under the Private Detective, Private Alarm, Private~~  
12 ~~Security, Fingerprint Vendor, and Locksmith Act of 2004.~~

13 ~~(c) A person who administers to an individual or causes him~~  
14 ~~to take, without his consent or by threat or deception, and for~~  
15 ~~other than medical purposes, any intoxicating, poisonous,~~  
16 ~~stupefying, narcotic, anesthetic, or controlled substance~~  
17 ~~commits aggravated battery.~~

18 ~~(d) A person who knowingly gives to another person any food~~  
19 ~~that contains any substance or object that is intended to cause~~  
20 ~~physical injury if eaten, commits aggravated battery.~~

21 ~~(d-3) A person commits aggravated battery when he or she~~  
22 ~~knowingly and without lawful justification shines or flashes a~~  
23 ~~laser gunsight or other laser device that is attached or~~  
24 ~~affixed to a firearm, or used in concert with a firearm, so~~  
25 ~~that the laser beam strikes upon or against the person of~~  
26 ~~another.~~

1       ~~(d-5) An inmate of a penal institution or a sexually~~  
2 ~~dangerous person or a sexually violent person in the custody of~~  
3 ~~the Department of Human Services who causes or attempts to~~  
4 ~~cause a correctional employee of the penal institution or an~~  
5 ~~employee of the Department of Human Services to come into~~  
6 ~~contact with blood, seminal fluid, urine, or feces, by~~  
7 ~~throwing, tossing, or expelling that fluid or material commits~~  
8 ~~aggravated battery. For purposes of this subsection (d-5),~~  
9 ~~"correctional employee" means a person who is employed by a~~  
10 ~~penal institution.~~

11       ~~(d-6) A person commits aggravated battery when he or she,~~  
12 ~~in committing a battery, strangles another individual. For the~~  
13 ~~purposes of this subsection (d-6), "strangle" means~~  
14 ~~intentionally impeding the normal breathing or circulation of~~  
15 ~~the blood of an individual by applying pressure on the throat~~  
16 ~~or neck of that individual or by blocking the nose or mouth of~~  
17 ~~that individual.~~

18       ~~(e) Sentence.~~

19           ~~(1) Except as otherwise provided in paragraphs (2),~~  
20 ~~(3), (4), and (5) aggravated battery is a Class 3 felony.~~

21           ~~(2) Aggravated battery that does not cause great bodily~~  
22 ~~harm or permanent disability or disfigurement is a Class 2~~  
23 ~~felony when the person knows the individual harmed to be a~~  
24 ~~peace officer, a community policing volunteer, a private~~  
25 ~~security officer, a correctional institution employee, an~~  
26 ~~employee of the Department of Human Services supervising or~~

1 ~~controlling sexually dangerous persons or sexually violent~~  
2 ~~persons, or a fireman while such officer, volunteer,~~  
3 ~~employee, or fireman is engaged in the execution of any~~  
4 ~~official duties including arrest or attempted arrest, or to~~  
5 ~~prevent the officer, volunteer, employee, or fireman from~~  
6 ~~performing official duties, or in retaliation for the~~  
7 ~~officer, volunteer, employee, or fireman performing~~  
8 ~~official duties, and the battery is committed other than by~~  
9 ~~the discharge of a firearm.~~

10 ~~(3) Aggravated battery that causes great bodily harm or~~  
11 ~~permanent disability or disfigurement in violation of~~  
12 ~~subsection (a) is a Class 1 felony when the person knows~~  
13 ~~the individual harmed to be a peace officer, a community~~  
14 ~~policing volunteer, a private security officer, a~~  
15 ~~correctional institution employee, an employee of the~~  
16 ~~Department of Human Services supervising or controlling~~  
17 ~~sexually dangerous persons or sexually violent persons, or~~  
18 ~~a fireman while such officer, volunteer, employee, or~~  
19 ~~fireman is engaged in the execution of any official duties~~  
20 ~~including arrest or attempted arrest, or to prevent the~~  
21 ~~officer, volunteer, employee, or fireman from performing~~  
22 ~~official duties, or in retaliation for the officer,~~  
23 ~~volunteer, employee, or fireman performing official~~  
24 ~~duties, and the battery is committed other than by the~~  
25 ~~discharge of a firearm.~~

26 ~~(4) Aggravated battery under subsection (d 5) is a~~

1 ~~Class 2 felony.~~

2 ~~(5) Aggravated battery under subsection (d-6) is a~~  
3 ~~Class 1 felony if:~~

4 ~~(A) the person used or attempted to use a dangerous~~  
5 ~~instrument while committing the offense; or~~

6 ~~(B) the person caused great bodily harm or~~  
7 ~~permanent disability or disfigurement to the other~~  
8 ~~person while committing the offense; or~~

9 ~~(C) the person has been previously convicted of a~~  
10 ~~violation of subsection (d-6) under the laws of this~~  
11 ~~State or laws similar to subsection (d-6) of any other~~  
12 ~~state.~~

13 ~~(6) For purposes of this subsection (c), the term~~  
14 ~~"firearm" shall have the meaning provided under Section 1.1~~  
15 ~~of the Firearms Owners Identification Card Act, and shall~~  
16 ~~not include an air rifle as defined by Section 1 of the Air~~  
17 ~~Rifle Act.~~

18 (Source: P.A. 95-236, eff. 1-1-08; 95-256, eff. 1-1-08; 95-331,  
19 eff. 8-21-07; 95-429, eff. 1-1-08; 95-748, eff. 1-1-09; 95-876,  
20 eff. 8-21-08; 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;  
21 96-1000, eff. 7-2-10.)

22 (720 ILCS 5/12-3.1) (from Ch. 38, par. 12-3.1)

23 Sec. 12-3.1. Battery of an unborn child; aggravated battery  
24 of an unborn child ~~Unborn Child~~.

25 (a) A person commits battery of an unborn child if he or

1 ~~she intentionally or~~ knowingly without legal justification and  
2 by any means causes bodily harm to an unborn child.

3 (a-5) A person commits aggravated battery of an unborn  
4 child when, in committing a battery of an unborn child, he or  
5 she knowingly causes great bodily harm or permanent disability  
6 or disfigurement to an unborn child.

7 (b) For purposes of this Section, (1) "unborn child" shall  
8 mean any individual of the human species from fertilization  
9 until birth, and (2) "person" shall not include the pregnant  
10 woman whose unborn child is harmed.

11 (c) Sentence. Battery of an unborn child is a Class A  
12 misdemeanor. Aggravated battery of an unborn child is a Class 2  
13 felony.

14 (d) This Section shall not apply to acts which cause bodily  
15 harm to an unborn child if those acts were committed during any  
16 abortion, as defined in Section 2 of the Illinois Abortion Law  
17 of 1975, as amended, to which the pregnant woman has consented.  
18 This Section shall not apply to acts which were committed  
19 pursuant to usual and customary standards of medical practice  
20 during diagnostic testing or therapeutic treatment.

21 (Source: P.A. 84-1414.)

22 (720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)

23 Sec. 12-3.2. Domestic battery ~~Battery~~.

24 (a) A person commits domestic battery if he or she  
25 ~~intentionally or~~ knowingly without legal justification by any

1 means:

2 (1) Causes bodily harm to any family or household  
3 member ~~as defined in subsection (3) of Section 112A-3 of~~  
4 ~~the Code of Criminal Procedure of 1963, as amended;~~

5 (2) Makes physical contact of an insulting or provoking  
6 nature with any family or household member ~~as defined in~~  
7 ~~subsection (3) of Section 112A-3 of the Code of Criminal~~  
8 ~~Procedure of 1963, as amended.~~

9 (b) Sentence. Domestic battery is a Class A misdemeanor.  
10 Domestic battery is a Class 4 felony if the defendant has any  
11 prior conviction under this Code for domestic battery (Section  
12 12-3.2) or violation of an order of protection (Section 12-3.4  
13 or 12-30), or any prior conviction under the law of another  
14 jurisdiction for an offense which is substantially similar.  
15 Domestic battery is a Class 4 felony if the defendant has any  
16 prior conviction under this Code for first degree murder  
17 (Section 9-1), attempt to commit first degree murder (Section  
18 8-4), aggravated domestic battery (Section 12-3.3), aggravated  
19 battery (Section 12-3.05 or 12-4), heinous battery (Section  
20 12-4.1), aggravated battery with a firearm (Section 12-4.2),  
21 aggravated battery with a machine gun or a firearm equipped  
22 with a silencer (Section 12-4.2-5), aggravated battery of a  
23 child (Section 12-4.3), aggravated battery of an unborn child  
24 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),  
25 aggravated battery of a senior citizen (Section 12-4.6),  
26 stalking (Section 12-7.3), aggravated stalking (Section

1 12-7.4), criminal sexual assault (Section 12-13), aggravated  
2 criminal sexual assault (12-14), kidnapping (Section 10-1),  
3 aggravated kidnapping (Section 10-2), predatory criminal  
4 sexual assault of a child (Section 12-14.1), aggravated  
5 criminal sexual abuse (Section 12-16), unlawful restraint  
6 (Section 10-3), aggravated unlawful restraint (Section  
7 10-3.1), aggravated arson (Section 20-1.1), or aggravated  
8 discharge of a firearm (Section 24-1.2), or any prior  
9 conviction under the law of another jurisdiction for any  
10 offense that is substantially similar to the offenses listed in  
11 this Section, when any of these offenses have been committed  
12 against a family or household member ~~as defined in Section~~  
13 ~~112A-3 of the Code of Criminal Procedure of 1963~~. In addition  
14 to any other sentencing alternatives, for any second or  
15 subsequent conviction of violating this Section, the offender  
16 shall be mandatorily sentenced to a minimum of 72 consecutive  
17 hours of imprisonment. The imprisonment shall not be subject to  
18 suspension, nor shall the person be eligible for probation in  
19 order to reduce the sentence.

20 (c) Domestic battery committed in the presence of a child.  
21 In addition to any other sentencing alternatives, a defendant  
22 who commits, in the presence of a child, a felony domestic  
23 battery (enhanced under subsection (b)), aggravated domestic  
24 battery (Section 12-3.3), aggravated battery (Section 12-3.05  
25 or 12-4), unlawful restraint (Section 10-3), or aggravated  
26 unlawful restraint (Section 10-3.1) against a family or



1 household member, ~~as defined in Section 112A-3 of the Code of~~  
2 ~~Criminal Procedure of 1963,~~ shall be required to serve a  
3 mandatory minimum imprisonment of 10 days or perform 300 hours  
4 of community service, or both. The defendant shall further be  
5 liable for the cost of any counseling required for the child at  
6 the discretion of the court in accordance with subsection (b)  
7 of Section 5-5-6 of the Unified Code of Corrections. For  
8 purposes of this Section, "child" means a person under 18 years  
9 of age who is the defendant's or victim's child or step-child  
10 or who is a minor child residing within or visiting the  
11 household of the defendant or victim. ~~For purposes of this~~  
12 ~~Section, "in the presence of a child" means in the physical~~  
13 ~~presence of a child or knowing or having reason to know that a~~  
14 ~~child is present and may see or hear an act constituting one of~~  
15 ~~the offenses listed in this subsection.~~

16 (d) Upon conviction of domestic battery, the court shall  
17 advise the defendant orally or in writing, substantially as  
18 follows: "An individual convicted of domestic battery may be  
19 subject to federal criminal penalties for possessing,  
20 transporting, shipping, or receiving any firearm or ammunition  
21 in violation of the federal Gun Control Act of 1968 (18 U.S.C.  
22 922(g)(8) and (9))." A notation shall be made in the court file  
23 that the admonition was given.

24 (Source: P.A. 96-287, eff. 8-11-09.)

1           Sec. 12-3.3. Aggravated domestic battery.

2           (a) A person who, in committing a domestic battery,  
3 ~~intentionally or~~ knowingly causes great bodily harm, or  
4 permanent disability or disfigurement commits aggravated  
5 domestic battery.

6           (a-5) A person who, in committing a domestic battery,  
7 strangles another individual commits aggravated domestic  
8 battery. For the purposes of this subsection (a-5), "strangle"  
9 means intentionally impeding the normal breathing or  
10 circulation of the blood of an individual by applying pressure  
11 on the throat or neck of that individual or by blocking the  
12 nose or mouth of that individual.

13           (b) Sentence. Aggravated domestic battery is a Class 2  
14 felony. Any order of probation or conditional discharge entered  
15 following a conviction for an offense under this Section must  
16 include, in addition to any other condition of probation or  
17 conditional discharge, a condition that the offender serve a  
18 mandatory term of imprisonment of not less than 60 consecutive  
19 days. A person convicted of a second or subsequent violation of  
20 this Section must be sentenced to a mandatory term of  
21 imprisonment of not less than 3 years and not more than 7 years  
22 or an extended term of imprisonment of not less than 7 years  
23 and not more than 14 years.

24           (c) Upon conviction of aggravated domestic battery, the  
25 court shall advise the defendant orally or in writing,  
26 substantially as follows: "An individual convicted of

1 aggravated domestic battery may be subject to federal criminal  
2 penalties for possessing, transporting, shipping, or receiving  
3 any firearm or ammunition in violation of the federal Gun  
4 Control Act of 1968 (18 U.S.C. 922(g)(8) and (9))." A notation  
5 shall be made in the court file that the admonition was given.

6 (Source: P.A. 96-287, eff. 8-11-09; 96-363, eff. 8-13-09;  
7 96-1000, eff. 7-2-10.)

8 (720 ILCS 5/12-3.4) (was 720 ILCS 5/12-30)

9 Sec. 12-3.4 ~~12-30~~. Violation of an order of protection.

10 (a) A person commits violation of an order of protection  
11 if:

12 (1) He or she knowingly commits an act which was  
13 prohibited by a court or fails to commit an act which was  
14 ordered by a court in violation of:

15 (i) a remedy in a valid order of protection  
16 authorized under paragraphs (1), (2), (3), (14), or  
17 (14.5) of subsection (b) of Section 214 of the Illinois  
18 Domestic Violence Act of 1986,

19 (ii) a remedy, which is substantially similar to  
20 the remedies authorized under paragraphs (1), (2),  
21 (3), (14) or (14.5) of subsection (b) of Section 214 of  
22 the Illinois Domestic Violence Act of 1986, in a valid  
23 order of protection, which is authorized under the laws  
24 of another state, tribe or United States territory,

25 (iii) any other remedy when the act constitutes a

1 crime against the protected parties as the term  
2 protected parties is defined in Section 112A-4 of the  
3 Code of Criminal Procedure of 1963; and

4 (2) Such violation occurs after the offender has been  
5 served notice of the contents of the order, pursuant to the  
6 Illinois Domestic Violence Act of 1986 or any substantially  
7 similar statute of another state, tribe or United States  
8 territory, or otherwise has acquired actual knowledge of  
9 the contents of the order.

10 An order of protection issued by a state, tribal or  
11 territorial court related to domestic or family violence shall  
12 be deemed valid if the issuing court had jurisdiction over the  
13 parties and matter under the law of the state, tribe or  
14 territory. There shall be a presumption of validity where an  
15 order is certified and appears authentic on its face. For  
16 purposes of this Section, an "order of protection" may have  
17 been issued in a criminal or civil proceeding.

18 (a-5) Failure to provide reasonable notice and opportunity  
19 to be heard shall be an affirmative defense to any charge or  
20 process filed seeking enforcement of a foreign order of  
21 protection.

22 (b) Nothing in this Section shall be construed to diminish  
23 the inherent authority of the courts to enforce their lawful  
24 orders through civil or criminal contempt proceedings. ~~For~~  
25 ~~purposes of this Section, an "order of protection" may have~~  
26 ~~been issued in a criminal or civil proceeding.~~

1           (c) The limitations placed on law enforcement liability by  
2 Section 305 of the Illinois Domestic Violence Act of 1986 apply  
3 to actions taken under this Section. ~~Nothing in this Section~~  
4 ~~shall be construed to diminish the inherent authority of the~~  
5 ~~courts to enforce their lawful orders through civil or criminal~~  
6 ~~contempt proceedings.~~

7           (d) Violation of an order of protection ~~under subsection~~  
8 ~~(a) of this Section~~ is a Class A misdemeanor. Violation of an  
9 order of protection ~~under subsection (a) of this Section~~ is a  
10 Class 4 felony if the defendant has any prior conviction under  
11 this Code for domestic battery (Section 12-3.2) or violation of  
12 an order of protection (Section 12-3.4 or 12-30). Violation of  
13 an order of protection is a Class 4 felony if the defendant has  
14 any prior conviction under this Code for first degree murder  
15 (Section 9-1), attempt to commit first degree murder (Section  
16 8-4), aggravated domestic battery (Section 12-3.3), aggravated  
17 battery (Section 12-3.05 or 12-4), heinous battery (Section  
18 12-4.1), aggravated battery with a firearm (Section 12-4.2),  
19 aggravated battery with a machine gun or a firearm equipped  
20 with a silencer (Section 12-4.2-5) aggravated battery of a  
21 child (Section 12-4.3), aggravated battery of an unborn child  
22 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),  
23 aggravated battery of a senior citizen (Section 12-4.6),  
24 stalking (Section 12-7.3), aggravated stalking (Section  
25 12-7.4), criminal sexual assault (Section 12-13), aggravated  
26 criminal sexual assault (12-14), kidnapping (Section 10-1),

1 aggravated kidnapping (Section 10-2), predatory criminal  
2 sexual assault of a child (Section 12-14.1), aggravated  
3 criminal sexual abuse (Section 12-16), unlawful restraint  
4 (Section 10-3), aggravated unlawful restraint (Section  
5 10-3.1), aggravated arson (Section 20-1.1), ~~or~~ aggravated  
6 discharge of a firearm (Section 24-1.2), or a violation of any  
7 former law of this State that is substantially similar to any  
8 listed offense, when any of these offenses have been committed  
9 against a family or household member as defined in Section  
10 112A-3 of the Code of Criminal Procedure of 1963. The court  
11 shall impose a minimum penalty of 24 hours imprisonment for  
12 defendant's second or subsequent violation of any order of  
13 protection; unless the court explicitly finds that an increased  
14 penalty or such period of imprisonment would be manifestly  
15 unjust. In addition to any other penalties, the court may order  
16 the defendant to pay a fine as authorized under Section 5-9-1  
17 of the Unified Code of Corrections or to make restitution to  
18 the victim under Section 5-5-6 of the Unified Code of  
19 Corrections. In addition to any other penalties, including  
20 those imposed by Section 5-9-1.5 of the Unified Code of  
21 Corrections, the court shall impose an additional fine of \$20  
22 as authorized by Section 5-9-1.11 of the Unified Code of  
23 Corrections upon any person convicted of or placed on  
24 supervision for a violation of this Section. The additional  
25 fine shall be imposed for each violation of this Section.

26 (e) (Blank). ~~The limitations placed on law enforcement~~

1 ~~liability by Section 305 of the Illinois Domestic Violence Act~~  
2 ~~of 1986 apply to actions taken under this Section.~~

3 (Source: P.A. 91-112, eff. 10-1-99; 91-357, eff. 7-29-99;  
4 92-827, eff. 8-22-02.)

5 (720 ILCS 5/12-3.5) (was 720 ILCS 5/12-6.3)

6 Sec. 12-3.5 ~~12-6.3~~. Interfering with the reporting of  
7 domestic violence.

8 (a) A person commits ~~the offense of~~ interfering with the  
9 reporting of domestic violence when, after having committed an  
10 act of domestic violence, he or she knowingly prevents or  
11 attempts to prevent the victim of or a witness to the act of  
12 domestic violence from calling a 9-1-1 emergency telephone  
13 system, obtaining medical assistance, or making a report to any  
14 law enforcement official.

15 (b) For the purposes of this Section, ~~the following terms~~  
16 ~~shall have the indicated meanings:~~

17 ~~(1)~~ "Domestic violence" shall have the meaning ascribed to  
18 it in Section 112A-3 of the Code of Criminal Procedure of 1963.

19 ~~(2)~~ ~~"Family or household members"~~ shall have the meaning  
20 ~~ascribed to it in Section 112A-3 of the Code of Criminal~~  
21 ~~Procedure of 1963.~~

22 (c) Sentence. Interfering with the reporting of domestic  
23 violence is a Class A misdemeanor.

24 (Source: P.A. 90-118, eff. 1-1-98.)

1 (720 ILCS 5/12-3.6) (was 720 ILCS 5/45-1 and 5/45-2)

2 Sec. 12-3.6 ~~45-1~~. Disclosing location of domestic violence  
3 victim Definitions.

4 (a) As used in this Section ~~Article~~:

5 ~~(a)~~ "Domestic violence" means attempting to cause or  
6 causing abuse of a family or household member or high-risk  
7 adult with disabilities, or attempting to cause or causing  
8 neglect or exploitation of a high-risk adult with disabilities  
9 which threatens the adult's health and safety.

10 ~~(b)~~ "Family or household member" means a spouse, person  
11 living as a spouse, parent, or other adult person related by  
12 consanguinity or affinity, who is residing or has resided with  
13 the person committing domestic violence. "Family or household  
14 member" includes a high-risk adult with disabilities who  
15 resides with or receives care from any person who has the  
16 responsibility for a high-risk adult as a result of a family  
17 relationship or who has assumed responsibility for all or a  
18 portion of the care of an adult with disabilities voluntarily,  
19 by express or implied contract, or by court order.

20 ~~(c)~~ "High-risk adult with disabilities" means a person aged  
21 18 or over whose physical or mental disability impairs his or  
22 her ability to seek or obtain protection from abuse, neglect,  
23 or exploitation.

24 ~~(d)~~ "Abuse", "exploitation", and "neglect" have the  
25 meanings ascribed to those terms in Section 103 of the Illinois  
26 Domestic Violence Act of 1986.



1        (b) A Sec. 45-2. Disclosure of location of domestic  
2 violence victim. Any person commits disclosure of location of  
3 domestic violence victim when he or she ~~who~~ publishes,  
4 disseminates or otherwise discloses the location of any  
5 domestic violence victim, without that person's ~~the~~  
6 authorization ~~of that domestic violence victim,~~ knowing the  
7 ~~that such~~ disclosure will result in, or has the substantial  
8 likelihood of resulting in, the threat of bodily harm, ~~is~~  
9 ~~guilty of a Class A misdemeanor.~~

10        (c) Nothing in this Section shall apply to confidential  
11 communications between an attorney and his or her client.

12        (d) Sentence. Disclosure of location of domestic violence  
13 victim is a Class A misdemeanor.

14        (Source: P.A. 87-441; 88-45.)

15        (720 ILCS 5/Art. 12, Subdiv. 10 heading new)

16                                SUBDIVISION 10. ENDANGERMENT

17        (720 ILCS 5/12-4.4a new)

18        Sec. 12-4.4a. Abuse or criminal neglect of a long term care  
19 facility resident; criminal abuse or neglect of an elderly  
20 person or person with a disability.

21        (a) Abuse or criminal neglect of a long term care facility  
22 resident.

23                (1) A person or an owner or licensee commits abuse of a  
24 long term care facility resident when he or she knowingly

1 causes any physical or mental injury to, or commits any  
2 sexual offense in this Code against, a resident.

3 (2) A person or an owner or licensee commits criminal  
4 neglect of a long term care facility resident when he or  
5 she recklessly:

6 (A) performs acts that cause a resident's life to  
7 be endangered, health to be injured, or pre-existing  
8 physical or mental condition to deteriorate, or that  
9 create the substantial likelihood that an elderly  
10 person's or person with a disability's life will be  
11 endangered, health will be injured, or pre-existing  
12 physical or mental condition will deteriorate;

13 (B) fails to perform acts that he or she knows or  
14 reasonably should know are necessary to maintain or  
15 preserve the life or health of a resident, and that  
16 failure causes the resident's life to be endangered,  
17 health to be injured, or pre-existing physical or  
18 mental condition to deteriorate, or that create the  
19 substantial likelihood that an elderly person's or  
20 person with a disability's life will be endangered,  
21 health will be injured, or pre-existing physical or  
22 mental condition will deteriorate; or

23 (C) abandons a resident.

24 (3) A person or an owner or licensee commits neglect of  
25 a long term care facility resident when he or she  
26 negligently fails to provide adequate medical care,

1       personal care, or maintenance to the resident which results  
2       in physical or mental injury or deterioration of the  
3       resident's physical or mental condition. An owner or  
4       licensee is guilty under this subdivision (a) (3), however,  
5       only if the owner or licensee failed to exercise reasonable  
6       care in the hiring, training, supervising, or providing of  
7       staff or other related routine administrative  
8       responsibilities.

9       (b) Criminal abuse or neglect of an elderly person or  
10      person with a disability.

11       (1) A caregiver commits criminal abuse or neglect of an  
12      elderly person or person with a disability when he or she  
13      knowingly does any of the following:

14           (A) performs acts that cause the person's life to  
15           be endangered, health to be injured, or pre-existing  
16           physical or mental condition to deteriorate;

17           (B) fails to perform acts that he or she knows or  
18           reasonably should know are necessary to maintain or  
19           preserve the life or health of the person, and that  
20           failure causes the person's life to be endangered,  
21           health to be injured, or pre-existing physical or  
22           mental condition to deteriorate;

23           (C) abandons the person;

24           (D) physically abuses, harasses, intimidates, or  
25           interferes with the personal liberty of the person; or

26           (E) exposes the person to willful deprivation.

1           (2) It is not a defense to criminal abuse or neglect of  
2           an elderly person or person with a disability that the  
3           caregiver reasonably believed that the victim was not an  
4           elderly person or person with a disability.

5           (c) Offense not applicable.

6           (1) Nothing in this Section applies to a physician  
7           licensed to practice medicine in all its branches or a duly  
8           licensed nurse providing care within the scope of his or  
9           her professional judgment and within the accepted  
10           standards of care within the community.

11           (2) Nothing in this Section imposes criminal liability  
12           on a caregiver who made a good faith effort to provide for  
13           the health and personal care of an elderly person or person  
14           with a disability, but through no fault of his or her own  
15           was unable to provide such care.

16           (3) Nothing in this Section applies to the medical  
17           supervision, regulation, or control of the remedial care or  
18           treatment of residents in a long term care facility  
19           conducted for those who rely upon treatment by prayer or  
20           spiritual means in accordance with the creed or tenets of  
21           any well-recognized church or religious denomination as  
22           described in Section 3-803 of the Nursing Home Care Act or  
23           Section 3-803 of the MR/DD Community Care Act.

24           (4) Nothing in this Section prohibits a caregiver from  
25           providing treatment to an elderly person or person with a  
26           disability by spiritual means through prayer alone and care

1 consistent therewith in lieu of medical care and treatment  
2 in accordance with the tenets and practices of any church  
3 or religious denomination of which the elderly person or  
4 person with a disability is a member.

5 (5) Nothing in this Section limits the remedies  
6 available to the victim under the Illinois Domestic  
7 Violence Act of 1986.

8 (d) Sentence.

9 (1) Long term care facility. Abuse of a long term care  
10 facility resident is a Class 3 felony. Criminal neglect of  
11 a long term care facility resident is a Class 4 felony,  
12 unless it results in the resident's death in which case it  
13 is a Class 3 felony. Neglect of a long term care facility  
14 resident is a petty offense.

15 (2) Caregiver. Criminal abuse or neglect of an elderly  
16 person or person with a disability is a Class 3 felony,  
17 unless it results in the person's death in which case it is  
18 a Class 2 felony, and if imprisonment is imposed it shall  
19 be for a minimum term of 3 years and a maximum term of 14  
20 years.

21 (e) Definitions. For the purposes of this Section:

22 "Abandon" means to desert or knowingly forsake a resident  
23 or an elderly person or person with a disability under  
24 circumstances in which a reasonable person would continue to  
25 provide care and custody.

26 "Caregiver" means a person who has a duty to provide for an

1 elderly person or person with a disability's health and  
2 personal care, at the elderly person or person with a  
3 disability's place of residence, including, but not limited to,  
4 food and nutrition, shelter, hygiene, prescribed medication,  
5 and medical care and treatment, and includes any of the  
6 following:

7 (1) A parent, spouse, adult child, or other relative by  
8 blood or marriage who resides with or resides in the same  
9 building with or regularly visits the elderly person or  
10 person with a disability, knows or reasonably should know  
11 of such person's physical or mental impairment, and knows  
12 or reasonably should know that such person is unable to  
13 adequately provide for his or her own health and personal  
14 care.

15 (2) A person who is employed by the elderly person or  
16 person with a disability or by another to reside with or  
17 regularly visit the elderly person or person with a  
18 disability and provide for such person's health and  
19 personal care.

20 (3) A person who has agreed for consideration to reside  
21 with or regularly visit the elderly person or person with a  
22 disability and provide for such person's health and  
23 personal care.

24 (4) A person who has been appointed by a private or  
25 public agency or by a court of competent jurisdiction to  
26 provide for the elderly person or person with a

1       disability's health and personal care.

2       "Caregiver" does not include a long-term care facility  
3 licensed or certified under the Nursing Home Care Act or a  
4 facility licensed or certified under the MR/DD Community Care  
5 Act, or any administrative, medical, or other personnel of such  
6 a facility, or a health care provider who is licensed under the  
7 Medical Practice Act of 1987 and renders care in the ordinary  
8 course of his or her profession.

9       "Elderly person" means a person 60 years of age or older  
10 who is incapable of adequately providing for his or her own  
11 health and personal care.

12       "Licensee" means the individual or entity licensed to  
13 operate a facility under the Nursing Home Care Act, the MR/DD  
14 Community Care Act, or the Assisted Living and Shared Housing  
15 Act.

16       "Long term care facility" means a private home,  
17 institution, building, residence, or other place, whether  
18 operated for profit or not, or a county home for the infirm and  
19 chronically ill operated pursuant to Division 5-21 or 5-22 of  
20 the Counties Code, or any similar institution operated by the  
21 State of Illinois or a political subdivision thereof, which  
22 provides, through its ownership or management, personal care,  
23 sheltered care, or nursing for 3 or more persons not related to  
24 the owner by blood or marriage. The term also includes skilled  
25 nursing facilities and intermediate care facilities as defined  
26 in Titles XVIII and XIX of the federal Social Security Act and

1 assisted living establishments and shared housing  
2 establishments licensed under the Assisted Living and Shared  
3 Housing Act.

4 "Owner" means the owner a long term care facility as  
5 provided in the Nursing Home Care Act, the owner of a facility  
6 as provided in the MR/DD Community Care Act, or the owner of an  
7 assisted living or shared housing establishment as provided in  
8 the Assisted Living and Shared Housing Act.

9 "Person with a disability" means a person who suffers from  
10 a permanent physical or mental impairment, resulting from  
11 disease, injury, functional disorder, or congenital condition,  
12 which renders the person incapable of adequately providing for  
13 his or her own health and personal care.

14 "Resident" means a person residing in a long term care  
15 facility.

16 "Willful deprivation" has the meaning ascribed to it in  
17 paragraph (15) of Section 103 of the Illinois Domestic Violence  
18 Act of 1986.

19 (720 ILCS 5/12-4.5) (from Ch. 38, par. 12-4.5)

20 Sec. 12-4.5. Tampering with food, drugs or cosmetics.

21 (a) ~~A~~ Any person who knowingly puts any substance capable  
22 of causing death or great bodily harm to a human being into any  
23 food, drug or cosmetic offered for sale or consumption commits  
24 ~~the offense of~~ tampering with food, drugs or cosmetics.

25 (b) Sentence. Tampering with food, drugs or cosmetics is a



1 Class 2 felony.

2 (Source: P.A. 84-1428; 84-1438.)

3 (720 ILCS 5/12-5) (from Ch. 38, par. 12-5)

4 Sec. 12-5. Reckless conduct.

5 (a) A person commits reckless conduct when he or she, by  
6 any means lawful or unlawful, recklessly performs an act or  
7 acts that:

8 (1) cause ~~who causes~~ bodily harm to or endanger  
9 ~~endangers~~ the ~~bodily~~ safety of another person; or an  
10 ~~individual by any means, commits reckless conduct if he or~~  
11 ~~she performs recklessly the acts that cause the harm or~~  
12 ~~endanger safety, whether they otherwise are lawful or~~  
13 ~~unlawful.~~

14 (2) cause ~~(a-5) A person who causes~~ great bodily harm  
15 or permanent disability or disfigurement to another person  
16 ~~by any means, commits reckless conduct if he or she~~  
17 ~~performs recklessly the acts that cause the harm, whether~~  
18 ~~they otherwise are lawful or unlawful.~~

19 (b) Sentence.

20 Reckless conduct under subdivision (a)(1) ~~subsection (a)~~  
21 is a Class A misdemeanor. Reckless conduct under subdivision  
22 (a)(2) ~~subsection (a-5)~~ is a Class 4 felony.

23 (Source: P.A. 93-710, eff. 1-1-05.)

24 (720 ILCS 5/12-5.01) (was 720 ILCS 5/12-16.2)

1           Sec. 12-5.01 ~~12-16.2~~. Criminal transmission ~~Transmission~~  
2 of HIV.

3           (a) A person commits criminal transmission of HIV when he  
4 or she, knowing that he or she is infected with HIV:

5                 (1) engages in intimate contact with another;

6                 (2) transfers, donates, or provides his or her blood,  
7 tissue, semen, organs, or other potentially infectious  
8 body fluids for transfusion, transplantation,  
9 insemination, or other administration to another; or

10                (3) dispenses, delivers, exchanges, sells, or in any  
11 other way transfers to another any nonsterile intravenous  
12 or intramuscular drug paraphernalia.

13           (b) For purposes of this Section:

14                "HIV" means the human immunodeficiency virus or any other  
15 identified causative agent of acquired immunodeficiency  
16 syndrome.

17                "Intimate contact with another" means the exposure of the  
18 body of one person to a bodily fluid of another person in a  
19 manner that could result in the transmission of HIV.

20                "Intravenous or intramuscular drug paraphernalia" means  
21 any equipment, product, or material of any kind which is  
22 peculiar to and marketed for use in injecting a substance into  
23 the human body.

24           (c) Nothing in this Section shall be construed to require  
25 that an infection with HIV has occurred in order for a person  
26 to have committed criminal transmission of HIV.

1 (d) It shall be an affirmative defense that the person  
2 exposed knew that the infected person was infected with HIV,  
3 knew that the action could result in infection with HIV, and  
4 consented to the action with that knowledge.

5 (e) A person who commits criminal transmission of HIV  
6 commits a Class 2 felony.

7 (Source: P.A. 86-897.)

8 (720 ILCS 5/12-5.02) (was 720 ILCS 5/12-2.5)

9 Sec. 12-5.02 ~~12-2.5~~. Vehicular endangerment ~~Endangerment~~.

10 (a) A person commits vehicular endangerment when he or she  
11 strikes ~~Any person who with the intent to strike~~ a motor  
12 vehicle ~~causes~~ by causing ~~any means~~ an object to fall from an  
13 overpass in the direction of a moving motor vehicle with the  
14 intent to strike a motor vehicle while it is traveling upon a  
15 any highway in this State, ~~if that object strikes a motor~~  
16 ~~vehicle, is guilty of vehicular endangerment.~~

17 (b) Sentence. Vehicular endangerment is a Class 2 felony,  
18 unless ~~except when~~ death results, in which case. ~~If death~~  
19 ~~results,~~ vehicular endangerment is a Class 1 felony.

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

21 "Object" means any object or substance that by its size,  
22 weight, or consistency is likely to cause great bodily harm to  
23 any occupant of a motor vehicle.

24 "Overpass" means any structure that passes over a highway.

25 "Motor vehicle" and "highway" have the meanings as defined

1 in the Illinois Vehicle Code.

2 (Source: P.A. 88-467.)

3 (720 ILCS 5/12-5.1) (from Ch. 38, par. 12-5.1)

4 Sec. 12-5.1. Criminal housing management.

5 (a) A person commits ~~the offense of~~ criminal housing  
6 management when, having personal management or control of  
7 residential real estate, whether as a legal or equitable owner  
8 or as a managing agent or otherwise, he or she recklessly  
9 permits the physical condition or facilities of the residential  
10 real estate to become or remain in any condition which  
11 endangers the health or safety of a any person other than the  
12 defendant.

13 (b) Sentence.

14 Criminal housing management is a Class A misdemeanor, and  
15 a. ~~A subsequent conviction for a violation of subsection (a) is~~  
16 a Class 4 felony.

17 (Source: P.A. 85-341.)

18 (720 ILCS 5/12-5.1a) (was 720 ILCS 5/12-5.15)

19 Sec. 12-5.1a ~~12-5.15~~. Aggravated criminal housing  
20 management.

21 (a) A person commits ~~the offense of~~ aggravated criminal  
22 housing management when he or she commits ~~the offense of~~  
23 criminal housing management, and:

24 (1) the condition endangering the health or safety of a

1 person other than the defendant is determined to be a  
2 contributing factor in the death of that person; and

3 (2) the person recklessly ~~also~~ conceals or attempts to  
4 conceal the condition that endangered the health or safety  
5 of the person other than the defendant that is found to be  
6 a contributing factor in that death.

7 (b) Sentence. Aggravated criminal housing management is a  
8 Class 4 felony.

9 (Source: P.A. 93-852, eff. 8-2-04.)

10 (720 ILCS 5/12-5.2) (from Ch. 38, par. 12-5.2)

11 Sec. 12-5.2. Injunction in connection with criminal  
12 housing management or aggravated criminal housing management.

13 (a) In addition to any other remedies, the State's Attorney  
14 of the county where the residential property which endangers  
15 the health or safety of any person exists is authorized to file  
16 a complaint and apply to the circuit court for a temporary  
17 restraining order, and such circuit court shall upon hearing  
18 grant a temporary restraining order or a preliminary or  
19 permanent injunction, without bond, restraining any person who  
20 owns, manages, or has any equitable interest in the property,  
21 from collecting, receiving or benefiting from any rents or  
22 other monies available from the property, so long as the  
23 property remains in a condition which endangers the health or  
24 safety of any person.

25 (b) The court may order any rents or other monies owed to

1 be paid into an escrow account. The funds are to be paid out of  
2 the escrow account only to satisfy the reasonable cost of  
3 necessary repairs of the property which had been incurred or  
4 will be incurred in ameliorating the condition of the property  
5 as described in subsection (a), payment of delinquent real  
6 estate taxes on the property or payment of other legal debts  
7 relating to the property. The court may order that funds remain  
8 in escrow for a reasonable time after the completion of all  
9 necessary repairs to assure continued upkeep of the property  
10 and satisfaction of other outstanding legal debts of the  
11 property.

12 (c) The owner shall be responsible for contracting to have  
13 necessary repairs completed and shall be required to submit all  
14 bills, together with certificates of completion, to the manager  
15 of the escrow account within 30 days after their receipt by the  
16 owner.

17 (d) In contracting for any repairs required pursuant to  
18 this Section the owner of the property shall enter into a  
19 contract only after receiving bids from at least 3 independent  
20 contractors capable of making the necessary repairs. If the  
21 owner does not contract for the repairs with the lowest bidder,  
22 he shall file an affidavit with the court explaining why the  
23 lowest bid was not acceptable. At no time, under the provisions  
24 of this Section Act, shall the owner contract with anyone who  
25 is not a licensed contractor, except that a contractor need not  
26 be licensed if neither the State nor the county, township, or

1 municipality where the residential real estate is located  
2 requires that the contractor be licensed. The court may order  
3 release of those funds in the escrow account that are in excess  
4 of the monies that the court determines to its satisfaction are  
5 needed to correct the condition of the property as described in  
6 subsection (a).

7 For the purposes of this Section, "licensed contractor"  
8 means: (i) a contractor licensed by the State, if the State  
9 requires the licensure of the contractor; or (ii) a contractor  
10 licensed by the county, township, or municipality where the  
11 residential real estate is located, if that jurisdiction  
12 requires the licensure of the contractor.

13 (e) The Clerk of the Circuit Court shall maintain a  
14 separate trust account entitled "Property Improvement Trust  
15 Account", which shall serve as the depository for the escrowed  
16 funds prescribed by this Section. The Clerk of the Court shall  
17 be responsible for the receipt, disbursement, monitoring and  
18 maintenance of all funds entrusted to this account, and shall  
19 provide to the court a quarterly accounting of the activities  
20 for any property, with funds in such account, unless the court  
21 orders accountings on a more frequent basis.

22 The Clerk of the Circuit Court shall promulgate rules and  
23 procedures to administer the provisions of this Act.

24 (f) Nothing in this Section shall in any way be construed  
25 to limit or alter any existing liability incurred, or to be  
26 incurred, by the owner or manager except as expressly provided

1 in this Act. Nor shall anything in this Section be construed to  
2 create any liability on behalf of the Clerk of the Court, the  
3 State's Attorney's office or any other governmental agency  
4 involved in this action.

5 Nor shall anything in this Section be construed to  
6 authorize tenants to refrain from paying rent.

7 (g) Costs. As part of the costs of an action under this  
8 Section, the court shall assess a reasonable fee against the  
9 defendant to be paid to the Clerk of the Circuit Court. This  
10 amount is to be used solely for the maintenance of the Property  
11 Improvement Trust Account. No money obtained directly or  
12 indirectly from the property subject to the case may be used to  
13 satisfy this cost.

14 (h) The municipal building department or other entity  
15 responsible for inspection of property and the enforcement of  
16 such local requirements shall, within 5 business days of a  
17 request by the State's Attorney, provide all documents  
18 requested, which shall include, but not be limited to, all  
19 records of inspections, permits and other information relating  
20 to any property.

21 (Source: P.A. 88-240.)

22 (720 ILCS 5/12-5.3) (was 720 ILCS 5/12-2.6)

23 Sec. 12-5.3 ~~12-2.6~~. Use of a dangerous place for the  
24 commission of a controlled substance or cannabis offense.

25 (a) A person commits ~~the offense of~~ use of a dangerous



1 place for the commission of a controlled substance or cannabis  
2 offense when that person knowingly exercises control over any  
3 place with the intent to use that place to manufacture,  
4 produce, deliver, or possess with intent to deliver a  
5 controlled or counterfeit substance or controlled substance  
6 analog in violation of Section 401 of the Illinois Controlled  
7 Substances Act or to manufacture, produce, deliver, or possess  
8 with intent to deliver cannabis in violation of Section 5, 5.1,  
9 5.2, 7, or 8 of the Cannabis Control Act and:

10 (1) the place, by virtue of the presence of the  
11 substance or substances used or intended to be used to  
12 manufacture a controlled or counterfeit substance,  
13 controlled substance analog, or cannabis, presents a  
14 substantial risk of injury to any person from fire,  
15 explosion, or exposure to toxic or noxious chemicals or  
16 gas; or

17 (2) the place used or intended to be used to  
18 manufacture, produce, deliver, or possess with intent to  
19 deliver a controlled or counterfeit substance, controlled  
20 substance analog, or cannabis has located within it or  
21 surrounding it devices, weapons, chemicals, or explosives  
22 designed, hidden, or arranged in a manner that would cause  
23 a person to be exposed to a substantial risk of great  
24 bodily harm.

25 (b) It may be inferred that a place was intended to be used  
26 to manufacture a controlled or counterfeit substance or

1 controlled substance analog if a substance containing a  
2 controlled or counterfeit substance or controlled substance  
3 analog or a substance containing a chemical important to the  
4 manufacture of a controlled or counterfeit substance or  
5 controlled substance analog is found at the place of the  
6 alleged illegal controlled substance manufacturing in close  
7 proximity to equipment or a chemical used for facilitating the  
8 manufacture of the controlled or counterfeit substance or  
9 controlled substance analog that is alleged to have been  
10 intended to be manufactured.

11 (c) As used in this Section, "place" means a premises,  
12 conveyance, or location that offers seclusion, shelter, means,  
13 or facilitation for manufacturing, producing, possessing, or  
14 possessing with intent to deliver a controlled or counterfeit  
15 substance, controlled substance analog, or cannabis.

16 (d) Use of a dangerous place for the commission of a  
17 controlled substance or cannabis offense is a Class 1 felony.  
18 (Source: P.A. 93-516, eff. 1-1-04; 94-743, eff. 5-8-06.)

19 (720 ILCS 5/12-5.5)

20 Sec. 12-5.5. Common carrier recklessness ~~carriers; gross~~  
21 ~~neglect.~~

22 (a) A person commits common carrier recklessness when he or  
23 she, ~~whoever,~~ having personal management or control of or over  
24 a ~~steamboat or other~~ public conveyance used for the common  
25 carriage of persons, recklessly endangers the safety of others.

1        (b) Sentence. Common carrier recklessness is ~~is guilty of~~  
2 ~~gross carelessness or neglect in, or in relation to, the~~  
3 ~~conduct, management, or control of the steamboat or other~~  
4 ~~public conveyance, while being so used for the common carriage~~  
5 ~~of persons, in which the safety of any person is endangered is~~  
6 ~~guilty of a Class 4 felony.~~

7        (Source: P.A. 89-234, eff. 1-1-96.)

8        (720 ILCS 5/Art.12, Subdiv. 15 heading new)

9                                SUBDIVISION 15. INTIMIDATION

10        (720 ILCS 5/12-6) (from Ch. 38, par. 12-6)

11        Sec. 12-6. Intimidation.

12        (a) A person commits intimidation when, with intent to  
13 cause another to perform or to omit the performance of any act,  
14 he or she communicates to another, directly or indirectly by  
15 any means ~~whether in person, by telephone or by mail~~, a threat  
16 to perform without lawful authority any of the following acts:

17                (1) Inflict physical harm on the person threatened or  
18 any other person or on property; or

19                (2) Subject any person to physical confinement or  
20 restraint; or

21                (3) Commit a felony or Class A misdemeanor ~~any criminal~~  
22 ~~offense~~; or

23                (4) Accuse any person of an offense; or

24                (5) Expose any person to hatred, contempt or ridicule;

1 or

2 (6) Take action as a public official against anyone or  
3 anything, or withhold official action, or cause such action  
4 or withholding; or

5 (7) Bring about or continue a strike, boycott or other  
6 collective action.

7 (b) Sentence.

8 Intimidation is a Class 3 felony for which an offender may  
9 be sentenced to a term of imprisonment of not less than 2 years  
10 and not more than 10 years.

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

12 (720 ILCS 5/12-6.2)

13 Sec. 12-6.2. Aggravated intimidation.

14 (a) A person commits ~~the offense of~~ aggravated intimidation  
15 when he or she commits ~~the offense of~~ intimidation and:

16 (1) the person committed the offense in furtherance of  
17 the activities of an organized gang or because of ~~by~~ the  
18 person's membership in or allegiance to an organized gang;  
19 or

20 (2) the offense is committed with the intent to prevent  
21 any person from becoming a community policing volunteer; or

22 (3) the following conditions are met:

23 (A) the person knew that the victim was: ~~(i)~~ a  
24 peace officer, ~~(ii)~~ a correctional institution  
25 employee, ~~(iii)~~ a fireman, ~~(iv)~~ or ~~(v)~~ a community

1           policing volunteer; and

2                   (B) the offense was committed:

3                           (i) while the victim was engaged in the  
4                           execution of his or her official duties; or

5                           (ii) to prevent the victim from performing his  
6                           or her official duties;

7                           (iii) in retaliation for the victim's  
8                           performance of his or her official duties; or

9                           (iv) by reason of any person's activity as a  
10                          community policing volunteer.

11           (b) Sentence. Aggravated intimidation as defined in  
12           paragraph (a)(1) is a Class 1 felony. Aggravated intimidation  
13           as defined in paragraph (a)(2) or (a)(3) is a Class 2 felony  
14           for which the offender may be sentenced to a term of  
15           imprisonment of not less than 3 years nor more than 14 years.

16           (c) (Blank). ~~For the purposes of this Section,~~  
17           ~~"streetgang", "streetgang member", and "organized gang" have~~  
18           ~~the meanings ascribed to them in Section 10 of the Illinois~~  
19           ~~Streetgang Terrorism Omnibus Prevention Act.~~

20           (Source: P.A. 89-631, eff. 1-1-97; 90-651, eff. 1-1-99; 90-655,  
21           eff. 7-30-98.)

22                   (720 ILCS 5/12-6.4)

23           Sec. 12-6.4. Criminal street gang recruitment on school  
24           grounds or public property adjacent to school grounds and  
25           criminal street gang recruitment of a minor.

1 (a) A person commits ~~the offense of~~ criminal street gang  
2 recruitment on school grounds or public property adjacent to  
3 school grounds when on school grounds or public property  
4 adjacent to school grounds, he or she knowingly threatens the  
5 use of physical force to coerce, solicit, recruit, or induce  
6 another person to join or remain a member of a criminal street  
7 gang, or conspires to do so.

8 (a-5) A person commits the offense of criminal street gang  
9 recruitment of a minor when he or she threatens the use of  
10 physical force to coerce, solicit, recruit, or induce another  
11 person to join or remain a member of a criminal street gang, or  
12 conspires to do so, whether or not such threat is communicated  
13 in person, by means of the Internet, or by means of a  
14 telecommunications device.

15 (b) Sentence. Criminal street gang recruitment on school  
16 grounds or public property adjacent to school grounds is a  
17 Class 1 felony and criminal street gang recruitment of a minor  
18 is a Class 1 felony.

19 (c) In this Section:

20 ~~"Criminal street gang" has the meaning ascribed to it~~  
21 ~~in Section 10 of the Illinois Streetgang Terrorism Omnibus~~  
22 ~~Prevention Act.~~

23 "School grounds" means the building or buildings or  
24 real property comprising a public or private elementary or  
25 secondary school, community college, college, or  
26 university and includes a school yard, school playing

1 field, or school playground.

2 "Minor" means any person under 18 years of age.

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

14 "Telecommunications device" means a device that is  
15 capable of receiving or transmitting speech, data,  
16 signals, text, images, sounds, codes, or other information  
17 including, but not limited to, paging devices, telephones,  
18 and cellular and mobile telephones.

19 (Source: P.A. 96-199, eff. 1-1-10.)

20 (720 ILCS 5/12-6.5) (was 720 ILCS 5/12-6.1)

21 Sec. 12-6.5 ~~12-6.1~~. Compelling organization membership of  
22 persons. A person who knowingly, expressly or impliedly,  
23 threatens to do bodily harm or does bodily harm to an  
24 individual or to that individual's family or uses any other  
25 criminally unlawful means to solicit or cause any person to

1 join, or deter any person from leaving, any organization or  
2 association regardless of the nature of such organization or  
3 association, is guilty of a Class 2 felony.

4 Any person of the age of 18 years or older who knowingly,  
5 expressly or impliedly, threatens to do bodily harm or does  
6 bodily harm to a person under 18 years of age or uses any other  
7 criminally unlawful means to solicit or cause any person under  
8 18 years of age to join, or deter any person under 18 years of  
9 age from leaving, any organization or association regardless of  
10 the nature of such organization or association is guilty of a  
11 Class 1 felony.

12 A person convicted of an offense under this Section shall  
13 not be eligible to receive a sentence of probation, conditional  
14 discharge, or periodic imprisonment.

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

16 (720 ILCS 5/12-7) (from Ch. 38, par. 12-7)

17 Sec. 12-7. Compelling confession or information by force or  
18 threat.

19 (a) A person who, with intent to obtain a confession,  
20 statement or information regarding any offense, knowingly  
21 inflicts or threatens imminent bodily harm upon the person  
22 threatened or upon any other person commits ~~the offense of~~  
23 compelling a confession or information by force or threat.

24 (b) Sentence.

25 Compelling a confession or information is a: (1) Class 4



1 felony if the defendant threatens imminent bodily harm to  
2 obtain a confession, statement, or information but does not  
3 inflict bodily harm on the victim, (2) Class 3 felony if the  
4 defendant inflicts bodily harm on the victim to obtain a  
5 confession, statement, or information, and (3) Class 2 felony  
6 if the defendant inflicts great bodily harm to obtain a  
7 confession, statement, or information.

8 (Source: P.A. 94-1113, eff. 1-1-08.)

9 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

10 Sec. 12-7.1. Hate crime.

11 (a) A person commits hate crime when, by reason of the  
12 actual or perceived race, color, creed, religion, ancestry,  
13 gender, sexual orientation, physical or mental disability, or  
14 national origin of another individual or group of individuals,  
15 regardless of the existence of any other motivating factor or  
16 factors, he commits assault, battery, aggravated assault,  
17 misdemeanor theft, criminal trespass to residence, misdemeanor  
18 criminal damage to property, criminal trespass to vehicle,  
19 criminal trespass to real property, mob action or disorderly  
20 conduct as these crimes are defined in Sections 12-1, 12-2,  
21 12-3(a) ~~12-3~~, 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, and 26-1 of  
22 this Code, respectively, or harassment by telephone as defined  
23 in Section 1-1 of the Harassing and Obscene Communications Act,  
24 or harassment through electronic communications as defined in  
25 clauses (a) (2) and (a) (4) of Section 1-2 of the Harassing and

1 Obscene Communications Act.

2 (b) Except as provided in subsection (b-5), hate crime is a  
3 Class 4 felony for a first offense and a Class 2 felony for a  
4 second or subsequent offense.

5 (b-5) Hate crime is a Class 3 felony for a first offense  
6 and a Class 2 felony for a second or subsequent offense if  
7 committed:

8 (1) in a church, synagogue, mosque, or other building,  
9 structure, or place used for religious worship or other  
10 religious purpose;

11 (2) in a cemetery, mortuary, or other facility used for  
12 the purpose of burial or memorializing the dead;

13 (3) in a school or other educational facility,  
14 including an administrative facility or public or private  
15 dormitory facility of or associated with the school or  
16 other educational facility;

17 (4) in a public park or an ethnic or religious  
18 community center;

19 (5) on the real property comprising any location  
20 specified in clauses (1) through (4) of this subsection  
21 (b-5); or

22 (6) on a public way within 1,000 feet of the real  
23 property comprising any location specified in clauses (1)  
24 through (4) of this subsection (b-5).

25 (b-10) Upon imposition of any sentence, the trial court  
26 shall also either order restitution paid to the victim or

1 impose a fine up to \$1,000. In addition, any order of probation  
2 or conditional discharge entered following a conviction or an  
3 adjudication of delinquency shall include a condition that the  
4 offender perform public or community service of no less than  
5 200 hours if that service is established in the county where  
6 the offender was convicted of hate crime. The court may also  
7 impose any other condition of probation or conditional  
8 discharge under this Section.

9 (c) Independent of any criminal prosecution or the result  
10 thereof, any person suffering injury to his person or damage to  
11 his property as a result of hate crime may bring a civil action  
12 for damages, injunction or other appropriate relief. The court  
13 may award actual damages, including damages for emotional  
14 distress, or punitive damages. A judgment may include  
15 attorney's fees and costs. The parents or legal guardians,  
16 other than guardians appointed pursuant to the Juvenile Court  
17 Act or the Juvenile Court Act of 1987, of an unemancipated  
18 minor shall be liable for the amount of any judgment for actual  
19 damages rendered against such minor under this subsection (c)  
20 in any amount not exceeding the amount provided under Section 5  
21 of the Parental Responsibility Law.

22 (d) "Sexual orientation" means heterosexuality,  
23 homosexuality, or bisexuality.

24 (Source: P.A. 93-463, eff. 8-8-03; 93-765, eff. 7-19-04; 94-80,  
25 eff. 6-27-05.)

1 (720 ILCS 5/12-7.3) (from Ch. 38, par. 12-7.3)

2 Sec. 12-7.3. Stalking.

3 (a) A person commits stalking when he or she knowingly  
4 engages in a course of conduct directed at a specific person,  
5 and he or she knows or should know that this course of conduct  
6 would cause a reasonable person to:

7 (1) fear for his or her safety or the safety of a third  
8 person; or

9 (2) suffer other emotional distress.

10 (a-3) A person commits stalking when he or she, knowingly  
11 and without lawful justification, on at least 2 separate  
12 occasions follows another person or places the person under  
13 surveillance or any combination thereof and:

14 (1) at any time transmits a threat of immediate or  
15 future bodily harm, sexual assault, confinement or  
16 restraint and the threat is directed towards that person or  
17 a family member of that person; or

18 (2) places that person in reasonable apprehension of  
19 immediate or future bodily harm, sexual assault,  
20 confinement or restraint to or of that person or a family  
21 member of that person. ~~or~~

22 ~~(3) places that person in reasonable apprehension that~~  
23 ~~a family member will receive immediate or future bodily~~  
24 ~~harm, sexual assault, confinement, or restraint.~~

25 (a-5) A person commits stalking when he or she has  
26 previously been convicted of stalking another person and

1 knowingly and without lawful justification on one occasion:

2 (1) follows that same person or places that same person  
3 under surveillance; and

4 (2) transmits a threat of immediate or future bodily  
5 harm, sexual assault, confinement or restraint to that  
6 person or a family member of that person.; ~~and~~

7 ~~(3) the threat is directed towards that person or a~~  
8 ~~family member of that person.~~

9 (b) Sentence. Stalking is a Class 4 felony; a. ~~A~~ second or  
10 subsequent conviction ~~for stalking~~ is a Class 3 felony.

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

12 (1) "Course of conduct" means 2 or more acts, including  
13 but not limited to acts in which a defendant directly,  
14 indirectly, or through third parties, by any action,  
15 method, device, or means follows, monitors, observes,  
16 surveils, threatens, or communicates to or about, a person,  
17 engages in other non-consensual contact, or interferes  
18 with or damages a person's property or pet. A course of  
19 conduct may include contact via electronic communications.

20 (2) "Electronic communication" means any transfer of  
21 signs, signals, writings, sounds, data, or intelligence of  
22 any nature transmitted in whole or in part by a wire,  
23 radio, electromagnetic, photoelectric, or photo-optical  
24 system. "Electronic communication" includes transmissions  
25 by a computer through the Internet to another computer.

26 (3) "Emotional distress" means significant mental

1 suffering, anxiety or alarm.

2 (4) "Family member" means a parent, grandparent,  
3 brother, sister, or child, whether by whole blood,  
4 half-blood, or adoption and includes a step-grandparent,  
5 step-parent, step-brother, step-sister or step-child.  
6 "Family member" also means any other person who regularly  
7 resides in the household, or who, within the prior 6  
8 months, regularly resided in the household.

9 (5) "Follows another person" means (i) to move in  
10 relative proximity to a person as that person moves from  
11 place to place or (ii) to remain in relative proximity to a  
12 person who is stationary or whose movements are confined to  
13 a small area. "Follows another person" does not include a  
14 following within the residence of the defendant.

15 (6) "Non-consensual contact" means any contact with  
16 the victim that is initiated or continued without the  
17 victim's consent, including but not limited to being in the  
18 physical presence of the victim; appearing within the sight  
19 of the victim; approaching or confronting the victim in a  
20 public place or on private property; appearing at the  
21 workplace or residence of the victim; entering onto or  
22 remaining on property owned, leased, or occupied by the  
23 victim; or placing an object on, or delivering an object  
24 to, property owned, leased, or occupied by the victim.

25 (7) "Places a person under surveillance" means: (1)  
26 remaining present outside the person's school, place of

1 employment, vehicle, other place occupied by the person, or  
2 residence other than the residence of the defendant; or (2)  
3 placing an electronic tracking device on the person or the  
4 person's property.

5 (8) "Reasonable person" means a person in the victim's  
6 situation.

7 (9) "Transmits a threat" means a verbal or written  
8 threat or a threat implied by a pattern of conduct or a  
9 combination of verbal or written statements or conduct.

10 (d) Exemptions.

11 (1) This Section does not apply to any individual or  
12 organization (i) monitoring or attentive to compliance  
13 with public or worker safety laws, wage and hour  
14 requirements, or other statutory requirements, or (ii)  
15 picketing occurring at the workplace that is otherwise  
16 lawful and arises out of a bona fide labor dispute,  
17 including any controversy concerning wages, salaries,  
18 hours, working conditions or benefits, including health  
19 and welfare, sick leave, insurance, and pension or  
20 retirement provisions, the making or maintaining of  
21 collective bargaining agreements, and the terms to be  
22 included in those agreements.

23 (2) This Section does not apply to an exercise of the  
24 right to free speech or assembly that is otherwise lawful.

25 (3) Telecommunications carriers, commercial mobile  
26 service providers, and providers of information services,

1 including, but not limited to, Internet service providers  
2 and hosting service providers, are not liable under this  
3 Section, except for willful and wanton misconduct, by  
4 virtue of the transmission, storage, or caching of  
5 electronic communications or messages of others or by  
6 virtue of the provision of other related  
7 telecommunications, commercial mobile services, or  
8 information services used by others in violation of this  
9 Section.

10 (d-5) The incarceration of a person in a penal institution  
11 who commits the course of conduct or transmits a threat is not  
12 a bar to prosecution under this Section.

13 (Source: P.A. 95-33, eff. 1-1-08; 96-686, eff. 1-1-10.)

14 (720 ILCS 5/12-7.4) (from Ch. 38, par. 12-7.4)

15 Sec. 12-7.4. Aggravated stalking.

16 (a) A person commits aggravated stalking when he or she  
17 ~~commits, in conjunction with committing the offense of~~ stalking  
18 ~~and, also does any of the following:~~

19 (1) causes bodily harm to the victim;

20 (2) confines or restrains the victim; or

21 (3) violates a temporary restraining order, an order of  
22 protection, a stalking no contact order, a civil no contact  
23 order, or an injunction prohibiting the behavior described  
24 in subsection (b)(1) of Section 214 of the Illinois  
25 Domestic Violence Act of 1986.



1 (b) Sentence. Aggravated stalking is a Class 3 felony; ~~a. A~~  
2 second or subsequent conviction ~~for aggravated stalking~~ is a  
3 Class 2 felony.

4 (c) Exemptions.

5 (1) This Section does not apply to any individual or  
6 organization (i) monitoring or attentive to compliance  
7 with public or worker safety laws, wage and hour  
8 requirements, or other statutory requirements, or (ii)  
9 picketing occurring at the workplace that is otherwise  
10 lawful and arises out of a bona fide labor dispute  
11 including any controversy concerning wages, salaries,  
12 hours, working conditions or benefits, including health  
13 and welfare, sick leave, insurance, and pension or  
14 retirement provisions, the managing or maintenance of  
15 collective bargaining agreements, and the terms to be  
16 included in those agreements.

17 (2) This Section does not apply to an exercise of the  
18 right of free speech or assembly that is otherwise lawful.

19 (3) Telecommunications carriers, commercial mobile  
20 service providers, and providers of information services,  
21 including, but not limited to, Internet service providers  
22 and hosting service providers, are not liable under this  
23 Section, except for willful and wanton misconduct, by  
24 virtue of the transmission, storage, or caching of  
25 electronic communications or messages of others or by  
26 virtue of the provision of other related

1 telecommunications, commercial mobile services, or  
2 information services used by others in violation of this  
3 Section.

4 (Source: P.A. 96-686, eff. 1-1-10.)

5 (720 ILCS 5/12-7.5)

6 Sec. 12-7.5. Cyberstalking.

7 (a) A person commits cyberstalking when he or she engages  
8 in a course of conduct using electronic communication directed  
9 at a specific person, and he or she knows or should know that  
10 would cause a reasonable person to:

11 (1) fear for his or her safety or the safety of a third  
12 person; or

13 (2) suffer other emotional distress.

14 (a-3) A person commits cyberstalking when he or she,  
15 knowingly and without lawful justification, on at least 2  
16 separate occasions, harasses another person through the use of  
17 electronic communication and:

18 (1) at any time transmits a threat of immediate or  
19 future bodily harm, sexual assault, confinement, or  
20 restraint and the threat is directed towards that person or  
21 a family member of that person; or

22 (2) places that person or a family member of that  
23 person in reasonable apprehension of immediate or future  
24 bodily harm, sexual assault, confinement, or restraint; or

25 (3) at any time knowingly solicits the commission of an

1 act by any person which would be a violation of this Code  
2 directed towards that person or a family member of that  
3 person.

4 (a-5) A person commits cyberstalking when he or she,  
5 knowingly and without lawful justification, creates and  
6 maintains an Internet website or webpage which is accessible to  
7 one or more third parties for a period of at least 24 hours,  
8 and which contains statements harassing another person and:

9 (1) which communicates a threat of immediate or future  
10 bodily harm, sexual assault, confinement, or restraint,  
11 where the threat is directed towards that person or a  
12 family member of that person, or

13 (2) which places that person or a family member of that  
14 person in reasonable apprehension of immediate or future  
15 bodily harm, sexual assault, confinement, or restraint, or

16 (3) which knowingly solicits the commission of an act  
17 by any person which would be a violation of this Code  
18 directed towards that person or a family member of that  
19 person.

20 (b) Sentence. Cyberstalking is a Class 4 felony; ~~a.~~  
21 second or subsequent conviction ~~for cyberstalking~~ is a Class 3  
22 felony.

23 (c) For purposes of this Section:

24 (1) "Course of conduct" means 2 or more acts, including  
25 but not limited to acts in which a defendant directly,  
26 indirectly, or through third parties, by any action,

1 method, device, or means follows, monitors, observes,  
2 surveils, threatens, or communicates to or about, a person,  
3 engages in other non-consensual contact, or interferes  
4 with or damages a person's property or pet. The  
5 incarceration in a penal institution of a person who  
6 commits the course of conduct is not a bar to prosecution  
7 under this Section.

8 (2) "Electronic communication" means any transfer of  
9 signs, signals, writings, sounds, data, or intelligence of  
10 any nature transmitted in whole or in part by a wire,  
11 radio, electromagnetic, photoelectric, or photo-optical  
12 system. "Electronic communication" includes transmissions  
13 by a computer through the Internet to another computer.

14 (3) "Emotional distress" means significant mental  
15 suffering, anxiety or alarm.

16 (4) "Harass" means to engage in a knowing and willful  
17 course of conduct directed at a specific person that  
18 alarms, torments, or terrorizes that person.

19 (5) "Non-consensual contact" means any contact with  
20 the victim that is initiated or continued without the  
21 victim's consent, including but not limited to being in the  
22 physical presence of the victim; appearing within the sight  
23 of the victim; approaching or confronting the victim in a  
24 public place or on private property; appearing at the  
25 workplace or residence of the victim; entering onto or  
26 remaining on property owned, leased, or occupied by the

1 victim; or placing an object on, or delivering an object  
2 to, property owned, leased, or occupied by the victim.

3 (6) "Reasonable person" means a person in the victim's  
4 circumstances, with the victim's knowledge of the  
5 defendant and the defendant's prior acts.

6 (7) "Third party" means any person other than the  
7 person violating these provisions and the person or persons  
8 towards whom the violator's actions are directed.

9 (d) Telecommunications carriers, commercial mobile service  
10 providers, and providers of information services, including,  
11 but not limited to, Internet service providers and hosting  
12 service providers, are not liable under this Section, except  
13 for willful and wanton misconduct, by virtue of the  
14 transmission, storage, or caching of electronic communications  
15 or messages of others or by virtue of the provision of other  
16 related telecommunications, commercial mobile services, or  
17 information services used by others in violation of this  
18 Section.

19 (Source: P.A. 95-849, eff. 1-1-09; 96-328, eff. 8-11-09;  
20 96-686, eff. 1-1-10; 96-1000, eff. 7-2-10.)

21 (720 ILCS 5/12-7.6)

22 Sec. 12-7.6. Cross burning.

23 (a) A person commits ~~the offense of~~ cross burning when he  
24 or she ~~who~~, with the intent to intimidate any other person or  
25 group of persons, burns or causes to be burned a cross.

1 (b) Sentence. Cross burning is a Class A misdemeanor for a  
2 first offense and a Class 4 felony for a second or subsequent  
3 offense.

4 (c) For the purposes of this Section, a person acts with  
5 the "intent to intimidate" when he or she intentionally places  
6 or attempts to place another person in fear of physical injury  
7 or fear of damage to that other person's property.

8 (Source: P.A. 93-764, eff. 1-1-05.)

9 (720 ILCS 5/12-9) (from Ch. 38, par. 12-9)

10 Sec. 12-9. Threatening public officials.

11 (a) A person commits ~~the offense of~~ threatening a public  
12 official when:

13 (1) that person knowingly ~~and willfully~~ delivers or  
14 conveys, directly or indirectly, to a public official by  
15 any means a communication:

16 (i) containing a threat that would place the public  
17 official or a member of his or her immediate family in  
18 reasonable apprehension of immediate or future bodily  
19 harm, sexual assault, confinement, or restraint; or

20 (ii) containing a threat that would place the  
21 public official or a member of his or her immediate  
22 family in reasonable apprehension that damage will  
23 occur to property in the custody, care, or control of  
24 the public official or his or her immediate family; and

25 (2) the threat was conveyed because of the performance

1 or nonperformance of some public duty, because of hostility  
2 of the person making the threat toward the status or  
3 position of the public official, or because of any other  
4 factor related to the official's public existence.

5 (a-5) For purposes of a threat to a sworn law enforcement  
6 officer, the threat must contain specific facts indicative of a  
7 unique threat to the person, family or property of the officer  
8 and not a generalized threat of harm.

9 (b) For purposes of this Section:

10 (1) "Public official" means a person who is elected to  
11 office in accordance with a statute or who is appointed to  
12 an office which is established, and the qualifications and  
13 duties of which are prescribed, by statute, to discharge a  
14 public duty for the State or any of its political  
15 subdivisions or in the case of an elective office any  
16 person who has filed the required documents for nomination  
17 or election to such office. "Public official" includes a  
18 duly appointed assistant State's Attorney, assistant  
19 Attorney General, or Appellate Prosecutor, and a sworn law  
20 enforcement or peace officer.

21 (2) "Immediate family" means a public official's  
22 spouse or child or children.

23 (c) Threatening a public official is a Class 3 felony for a  
24 first offense and a Class 2 felony for a second or subsequent  
25 offense.

26 (Source: P.A. 95-466, eff. 6-1-08.)

1 (720 ILCS 5/Art.12, Subdiv. 20 heading new)

2 SUBDIVISION 20. MUTILATION

3 (720 ILCS 5/12-10.2)

4 Sec. 12-10.2. Tongue splitting.

5 (a) In this Section, "tongue splitting" means the cutting  
6 of a human tongue into 2 or more parts.

7 (b) A person may not knowingly perform tongue splitting on  
8 another person unless the person performing the tongue  
9 splitting is licensed to practice medicine in all its branches  
10 under the Medical Practice Act of 1987 or licensed under the  
11 Illinois Dental Practice Act.

12 (c) Sentence. Tongue splitting performed in violation of  
13 this Section is a Class A misdemeanor for a first offense and a  
14 Class 4 felony for a second or subsequent offense.

15 (Source: P.A. 93-449, eff. 1-1-04.)

16 (720 ILCS 5/12-20) (from Ch. 38, par. 12-20)

17 Sec. 12-20. Sale of body parts.

18 (a) Except as provided in subsection (b), any person who  
19 knowingly buys or sells, or offers to buy or sell, a human body  
20 or any part of a human body, is guilty of a Class A misdemeanor  
21 for the first conviction and a Class 4 felony for subsequent  
22 convictions.

23 (b) This Section does not prohibit:



1 (1) An anatomical gift made in accordance with the  
2 Illinois Anatomical Gift Act.

3 (2) (Blank). ~~The removal and use of a human cornea in~~  
4 ~~accordance with the Illinois Anatomical Gift Act.~~

5 (3) Reimbursement of actual expenses incurred by a  
6 living person in donating an organ, tissue or other body  
7 part or fluid for transplantation, implantation, infusion,  
8 injection, or other medical or scientific purpose,  
9 including medical costs, loss of income, and travel  
10 expenses.

11 (4) Payments provided under a plan of insurance or  
12 other health care coverage.

13 (5) Reimbursement of reasonable costs associated with  
14 the removal, storage or transportation of a human body or  
15 part thereof donated for medical or scientific purposes.

16 (6) Purchase or sale of blood, plasma, blood products  
17 or derivatives, other body fluids, or human hair.

18 (7) Purchase or sale of drugs, reagents or other  
19 substances made from human bodies or body parts, for use in  
20 medical or scientific research, treatment or diagnosis.

21 (Source: P.A. 93-794, eff. 7-22-04.)

22 (720 ILCS 5/12-20.5)

23 Sec. 12-20.5. Dismembering a human body.

24 (a) A person commits ~~the offense of~~ dismembering a human  
25 body when he or she knowingly dismembers, severs, separates,

1 dissects, or mutilates any body part of a deceased's body.

2 (b) This Section does not apply to:

3 (1) an anatomical gift made in accordance with the  
4 Illinois Anatomical Gift Act;

5 (2) (blank); ~~the removal and use of a human cornea in~~  
6 ~~accordance with the Illinois Anatomical Gift Act;~~

7 (3) the purchase or sale of drugs, reagents, or other  
8 substances made from human body parts, for the use in  
9 medical or scientific research, treatment, or diagnosis;

10 (4) persons employed by a county medical examiner's  
11 office or coroner's office acting within the scope of their  
12 employment while performing an autopsy;

13 (5) the acts of a licensed funeral director or embalmer  
14 while performing acts authorized by the Funeral Directors  
15 and Embalmers Licensing Code;

16 (6) the acts of emergency medical personnel or  
17 physicians performed in good faith and according to the  
18 usual and customary standards of medical practice in an  
19 attempt to resuscitate a life; or

20 (7) physicians licensed to practice medicine in all of  
21 its branches or holding a visiting professor, physician, or  
22 resident permit under the Medical Practice Act of 1987,  
23 performing acts in accordance with usual and customary  
24 standards of medical practice, or a currently enrolled  
25 student in an accredited medical school in furtherance of  
26 his or her education at the accredited medical school.

1 (c) It is not a defense to a violation of this Section that  
2 the decedent died due to natural, accidental, or suicidal  
3 causes.

4 (d) Sentence. Dismembering a human body is a Class X  
5 felony.

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

7 (720 ILCS 5/12-32) (from Ch. 38, par. 12-32)

8 Sec. 12-32. Ritual mutilation ~~Mutilation~~.

9 (a) A person commits ~~the offense of~~ ritual mutilation, when  
10 he or she knowingly mutilates, dismembers or tortures another  
11 person as part of a ceremony, rite, initiation, observance,  
12 performance or practice, and the victim did not consent or  
13 under such circumstances that the defendant knew or should have  
14 known that the victim was unable to render effective consent.

15 (b) Ritual mutilation does not include the practice of male  
16 circumcision or a ceremony, rite, initiation, observance, or  
17 performance related thereto. ~~Sentence. Ritual mutilation is a~~  
18 ~~Class 2 felony.~~

19 (c) Sentence. Ritual mutilation is a Class 2 felony. ~~The~~  
20 ~~offense ritual mutilation does not include the practice of male~~  
21 ~~circumcision or a ceremony, rite, initiation, observance, or~~  
22 ~~performance related thereto.~~

23 (Source: P.A. 90-88, eff. 1-1-98.)

24 (720 ILCS 5/12-33) (from Ch. 38, par. 12-33)

1           Sec. 12-33. Ritualized abuse of a child.

2           (a) A person commits ~~is guilty of~~ ritualized abuse of a  
3 child when he or she knowingly commits any of the following  
4 acts with, upon, or in the presence of a child as part of a  
5 ceremony, rite or any similar observance:

6           (1) actually or in simulation, tortures, mutilates, or  
7 sacrifices any warm-blooded animal or human being;

8           (2) forces ingestion, injection or other application  
9 of any narcotic, drug, hallucinogen or anaesthetic for the  
10 purpose of dulling sensitivity, cognition, recollection  
11 of, or resistance to any criminal activity;

12           (3) forces ingestion, or external application, of  
13 human or animal urine, feces, flesh, blood, bones, body  
14 secretions, nonprescribed drugs or chemical compounds;

15           (4) involves the child in a mock, unauthorized or  
16 unlawful marriage ceremony with another person or  
17 representation of any force or deity, followed by sexual  
18 contact with the child;

19           (5) places a living child into a coffin or open grave  
20 containing a human corpse or remains;

21           (6) threatens death or serious harm to a child, his or  
22 her parents, family, pets, or friends that instills a  
23 well-founded fear in the child that the threat will be  
24 carried out; or

25           (7) unlawfully dissects, mutilates, or incinerates a  
26 human corpse.

1 (b) The provisions of this Section shall not be construed  
2 to apply to:

3 (1) lawful agricultural, animal husbandry, food  
4 preparation, or wild game hunting and fishing practices and  
5 specifically the branding or identification of livestock;

6 (2) the lawful medical practice of male circumcision or  
7 any ceremony related to male circumcision;

8 (3) any state or federally approved, licensed, or  
9 funded research project; or

10 (4) the ingestion of animal flesh or blood in the  
11 performance of a religious service or ceremony.

12 (b-5) For the purposes of this Section, "child" means any  
13 person under 18 years of age.

14 (c) Ritualized abuse of a child is a Class 1 felony for a  
15 first offense. A second or subsequent conviction for ritualized  
16 abuse of a child is a Class X felony for which the offender may  
17 be sentenced to a term of natural life imprisonment.

18 (d) ~~(Blank). For the purposes of this Section, "child"~~  
19 ~~means any person under 18 years of age.~~

20 (Source: P.A. 90-88, eff. 1-1-98.)

21 (720 ILCS 5/12-34)

22 Sec. 12-34. Female genital mutilation.

23 (a) Except as otherwise permitted in subsection (b),  
24 whoever knowingly circumcises, excises, or infibulates, in  
25 whole or in part, the labia majora, labia minora, or clitoris

1 of another commits ~~the offense of~~ female genital mutilation.  
2 Consent to the procedure by a minor on whom it is performed or  
3 by the minor's parent or guardian is not a defense to a  
4 violation of this Section.

5 (b) A surgical procedure is not a violation of subsection  
6 (a) if the procedure is performed by a physician licensed to  
7 practice medicine in all its branches and:

8 (1) is necessary to the health of the person on whom it  
9 is performed ~~and is performed by a physician licensed to~~  
10 ~~practice medicine in all of its branches;~~ or

11 (2) is performed on a person who is in labor or who has  
12 just given birth and is performed for medical purposes  
13 connected with that labor or birth ~~by a physician licensed~~  
14 ~~to practice medicine in all of its branches.~~

15 (c) Sentence. Female genital mutilation is a Class X  
16 felony.

17 (Source: P.A. 90-88, eff. 1-1-98.)

18 (720 ILCS 5/Art. 12, Subdiv. 25 heading new)

19 SUBDIVISION 25. OTHER HARM OFFENSES

20 (720 ILCS 5/12-34.5) (was 720 ILCS 5/12-31)

21 Sec. 12-34.5 ~~12-31~~. Inducement to commit suicide ~~Commit~~  
22 ~~Suicide.~~

23 (a) A person commits ~~the offense of~~ inducement to commit  
24 suicide when he or she does either of the following:

1           (1) Knowingly coerces ~~Coerces~~ another to commit  
2 suicide and the other person commits or attempts to commit  
3 suicide as a direct result of the coercion, and he or she  
4 exercises substantial control over the other person  
5 through (i) control of the other person's physical location  
6 or circumstances; (ii) use of psychological pressure; or  
7 (iii) use of actual or ostensible religious, political,  
8 social, philosophical or other principles.

9           (2) With knowledge that another person intends to  
10 commit or attempt to commit suicide, intentionally (i)  
11 offers and provides the physical means by which another  
12 person commits or attempts to commit suicide, or (ii)  
13 participates in a physical act by which another person  
14 commits or attempts to commit suicide.

15           For the purposes of this Section, "attempts to commit  
16 suicide" means any act done with the intent to commit suicide  
17 and which constitutes a substantial step toward commission of  
18 suicide.

19           (b) Sentence. Inducement to commit suicide under paragraph  
20 (a) (1) when the other person commits suicide as a direct result  
21 of the coercion is a Class 2 felony. Inducement to commit  
22 suicide under paragraph (a) (2) when the other person commits  
23 suicide as a direct result of the assistance provided is a  
24 Class 4 felony. Inducement to commit suicide under paragraph  
25 (a) (1) when the other person attempts to commit suicide as a  
26 direct result of the coercion is a Class 3 felony. Inducement

1 to commit suicide under paragraph (a) (2) when the other person  
2 attempts to commit suicide as a direct result of the assistance  
3 provided is a Class A misdemeanor.

4 (c) The lawful compliance or a good-faith attempt at lawful  
5 compliance with the Illinois Living Will Act, the Health Care  
6 Surrogate Act, or the Powers of Attorney for Health Care Law is  
7 not inducement to commit suicide under paragraph (a) (2) of this  
8 Section.

9 (Source: P.A. 87-1167; 88-392.)

10 (720 ILCS 5/12-35)

11 Sec. 12-35. Sexual conduct or sexual contact with an  
12 animal.

13 (a) A person may not knowingly engage in any sexual conduct  
14 or sexual contact with an animal.

15 (b) A person may not knowingly cause, aid, or abet another  
16 person to engage in any sexual conduct or sexual contact with  
17 an animal.

18 (c) A person may not knowingly permit any sexual conduct or  
19 sexual contact with an animal to be conducted on any premises  
20 under his or her charge or control.

21 (d) A person may not knowingly engage in, promote, aid, or  
22 abet any activity involving any sexual conduct or sexual  
23 contact with an animal for a commercial or recreational  
24 purpose.

25 (e) Sentence. A person who violates this Section is guilty



1 of a Class 4 felony. A person who violates this Section in the  
2 presence of a person under 18 years of age or causes the animal  
3 serious physical injury or death is guilty of a Class 3 felony.

4 (f) In addition to the penalty imposed in subsection (e),  
5 the court may order that the defendant do any of the following:

6 (1) Not harbor animals or reside in any household where  
7 animals are present for a reasonable period of time or  
8 permanently, if necessary.

9 (2) Relinquish and permanently forfeit all animals  
10 residing in the household to a recognized or duly organized  
11 animal shelter or humane society.

12 (3) Undergo a psychological evaluation and counseling  
13 at defendant's expense.

14 (4) Reimburse the animal shelter or humane society for  
15 any reasonable costs incurred for the care and maintenance  
16 of the animal involved in the sexual conduct or sexual  
17 contact in addition to any animals relinquished to the  
18 animal shelter or humane society.

19 (g) Nothing in this Section shall be construed to prohibit  
20 accepted animal husbandry practices or accepted veterinary  
21 medical practices by a licensed veterinarian or certified  
22 veterinary technician.

23 (h) If the court has reasonable grounds to believe that a  
24 violation of this Section has occurred, the court may order the  
25 seizure of all animals involved in the alleged violation as a  
26 condition of bond of a person charged with a violation of this

1 Section.

2 (i) In this Section:

3 "Animal" means every creature, either alive or dead, other  
4 than a human being.

5 "Sexual conduct" means any knowing touching or fondling by  
6 a person, either directly or through clothing, of the sex  
7 organs or anus of an animal or any transfer or transmission of  
8 semen by the person upon any part of the animal, for the  
9 purpose of sexual gratification or arousal of the person.

10 "Sexual contact" means any contact, however slight,  
11 between the sex organ or anus of a person and the sex organ,  
12 mouth, or anus of an animal, or any intrusion, however slight,  
13 of any part of the body of the person into the sex organ or anus  
14 of an animal, for the purpose of sexual gratification or  
15 arousal of the person. Evidence of emission of semen is not  
16 required to prove sexual contact.

17 (Source: P.A. 92-721, eff. 1-1-03.)

18 (720 ILCS 5/12-4.1 rep.)

19 (720 ILCS 5/12-4.2 rep.)

20 (720 ILCS 5/12-4.2-5 rep.)

21 (720 ILCS 5/12-4.3 rep.)

22 (720 ILCS 5/12-4.4 rep.)

23 (720 ILCS 5/12-4.6 rep.)

24 (720 ILCS 5/12-4.7 rep.)

25 (720 ILCS 5/12-4.8 rep.)

1 (720 ILCS 5/12-19 rep.)

2 (720 ILCS 5/12-21 rep.)

3 (720 ILCS 5/Art. 45 heading rep.)

4 Section 10. The Criminal Code of 1961 is amended by  
5 repealing Sections 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,  
6 12-4.6, 12-4.7, 12-4.8, 12-19, and 12-21 and the heading of  
7 Article 45.

8 Section 900. The Children and Family Services Act is  
9 amended by changing Section 7 as follows:

10 (20 ILCS 505/7) (from Ch. 23, par. 5007)

11 Sec. 7. Placement of children; considerations.

12 (a) In placing any child under this Act, the Department  
13 shall place such child, as far as possible, in the care and  
14 custody of some individual holding the same religious belief as  
15 the parents of the child, or with some child care facility  
16 which is operated by persons of like religious faith as the  
17 parents of such child.

18 (b) In placing a child under this Act, the Department may  
19 place a child with a relative if the Department determines that  
20 the relative will be able to adequately provide for the child's  
21 safety and welfare based on the factors set forth in the  
22 Department's rules governing relative placements, and that the  
23 placement is consistent with the child's best interests, taking  
24 into consideration the factors set out in subsection (4.05) of

1 Section 1-3 of the Juvenile Court Act of 1987.

2 When the Department first assumes custody of a child, in  
3 placing that child under this Act, the Department shall make  
4 reasonable efforts to identify and locate a relative who is  
5 ready, willing, and able to care for the child. At a minimum,  
6 these efforts shall be renewed each time the child requires a  
7 placement change and it is appropriate for the child to be  
8 cared for in a home environment. The Department must document  
9 its efforts to identify and locate such a relative placement  
10 and maintain the documentation in the child's case file.

11 If the Department determines that a placement with any  
12 identified relative is not in the child's best interests or  
13 that the relative does not meet the requirements to be a  
14 relative caregiver, as set forth in Department rules or by  
15 statute, the Department must document the basis for that  
16 decision and maintain the documentation in the child's case  
17 file.

18 If, pursuant to the Department's rules, any person files an  
19 administrative appeal of the Department's decision not to place  
20 a child with a relative, it is the Department's burden to prove  
21 that the decision is consistent with the child's best  
22 interests.

23 When the Department determines that the child requires  
24 placement in an environment, other than a home environment, the  
25 Department shall continue to make reasonable efforts to  
26 identify and locate relatives to serve as visitation resources

1 for the child and potential future placement resources, except  
2 when the Department determines that those efforts would be  
3 futile or inconsistent with the child's best interests.

4 If the Department determines that efforts to identify and  
5 locate relatives would be futile or inconsistent with the  
6 child's best interests, the Department shall document the basis  
7 of its determination and maintain the documentation in the  
8 child's case file.

9 If the Department determines that an individual or a group  
10 of relatives are inappropriate to serve as visitation resources  
11 or possible placement resources, the Department shall document  
12 the basis of its determination and maintain the documentation  
13 in the child's case file.

14 When the Department determines that an individual or a  
15 group of relatives are appropriate to serve as visitation  
16 resources or possible future placement resources, the  
17 Department shall document the basis of its determination,  
18 maintain the documentation in the child's case file, create a  
19 visitation or transition plan, or both, and incorporate the  
20 visitation or transition plan, or both, into the child's case  
21 plan. For the purpose of this subsection, any determination as  
22 to the child's best interests shall include consideration of  
23 the factors set out in subsection (4.05) of Section 1-3 of the  
24 Juvenile Court Act of 1987.

25 The Department may not place a child with a relative, with  
26 the exception of certain circumstances which may be waived as

1 defined by the Department in rules, if the results of a check  
2 of the Law Enforcement Agencies Data System (LEADS) identifies  
3 a prior criminal conviction of the relative or any adult member  
4 of the relative's household for any of the following offenses  
5 under the Criminal Code of 1961:

6 (1) murder;

7 (1.1) solicitation of murder;

8 (1.2) solicitation of murder for hire;

9 (1.3) intentional homicide of an unborn child;

10 (1.4) voluntary manslaughter of an unborn child;

11 (1.5) involuntary manslaughter;

12 (1.6) reckless homicide;

13 (1.7) concealment of a homicidal death;

14 (1.8) involuntary manslaughter of an unborn child;

15 (1.9) reckless homicide of an unborn child;

16 (1.10) drug-induced homicide;

17 (2) a sex offense under Article 11, except offenses  
18 described in Sections 11-7, 11-8, 11-12, and 11-13;

19 (3) kidnapping;

20 (3.1) aggravated unlawful restraint;

21 (3.2) forcible detention;

22 (3.3) aiding and abetting child abduction;

23 (4) aggravated kidnapping;

24 (5) child abduction;

25 (6) aggravated battery of a child as described in  
26 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;

- 1 (7) criminal sexual assault;
- 2 (8) aggravated criminal sexual assault;
- 3 (8.1) predatory criminal sexual assault of a child;
- 4 (9) criminal sexual abuse;
- 5 (10) aggravated sexual abuse;
- 6 (11) heinous battery as described in Section 12-4.1 or
- 7 subdivision (a) (2) of Section 12-3.05;
- 8 (12) aggravated battery with a firearm as described in
- 9 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 10 (e) (4) of Section 12-3.05;
- 11 (13) tampering with food, drugs, or cosmetics;
- 12 (14) drug-induced infliction of great bodily harm as
- 13 described in Section 12-4.7 or subdivision (g) (1) of
- 14 Section 12-3.05;
- 15 (15) aggravated stalking;
- 16 (16) home invasion;
- 17 (17) vehicular invasion;
- 18 (18) criminal transmission of HIV;
- 19 (19) criminal abuse or neglect of an elderly or
- 20 disabled person as described in Section 12-21 or subsection
- 21 (b) of Section 12-4.4a;
- 22 (20) child abandonment;
- 23 (21) endangering the life or health of a child;
- 24 (22) ritual mutilation;
- 25 (23) ritualized abuse of a child;
- 26 (24) an offense in any other state the elements of

1           which are similar and bear a substantial relationship to  
2           any of the foregoing offenses.

3           For the purpose of this subsection, "relative" shall include  
4           any person, 21 years of age or over, other than the parent, who  
5           (i) is currently related to the child in any of the following  
6           ways by blood or adoption: grandparent, sibling,  
7           great-grandparent, uncle, aunt, nephew, niece, first cousin,  
8           second cousin, godparent, great-uncle, or great-aunt; or (ii)  
9           is the spouse of such a relative; or (iii) is the child's  
10          step-father, step-mother, or adult step-brother or  
11          step-sister; "relative" also includes a person related in any  
12          of the foregoing ways to a sibling of a child, even though the  
13          person is not related to the child, when the child and its  
14          sibling are placed together with that person. For children who  
15          have been in the guardianship of the Department, have been  
16          adopted, and are subsequently returned to the temporary custody  
17          or guardianship of the Department, a "relative" may also  
18          include any person who would have qualified as a relative under  
19          this paragraph prior to the adoption, but only if the  
20          Department determines, and documents, that it would be in the  
21          child's best interests to consider this person a relative,  
22          based upon the factors for determining best interests set forth  
23          in subsection (4.05) of Section 1-3 of the Juvenile Court Act  
24          of 1987. A relative with whom a child is placed pursuant to  
25          this subsection may, but is not required to, apply for  
26          licensure as a foster family home pursuant to the Child Care



1 Act of 1969; provided, however, that as of July 1, 1995, foster  
2 care payments shall be made only to licensed foster family  
3 homes pursuant to the terms of Section 5 of this Act.

4 (c) In placing a child under this Act, the Department shall  
5 ensure that the child's health, safety, and best interests are  
6 met. In rejecting placement of a child with an identified  
7 relative, the Department shall ensure that the child's health,  
8 safety, and best interests are met. In evaluating the best  
9 interests of the child, the Department shall take into  
10 consideration the factors set forth in subsection (4.05) of  
11 Section 1-3 of the Juvenile Court Act of 1987.

12 The Department shall consider the individual needs of the  
13 child and the capacity of the prospective foster or adoptive  
14 parents to meet the needs of the child. When a child must be  
15 placed outside his or her home and cannot be immediately  
16 returned to his or her parents or guardian, a comprehensive,  
17 individualized assessment shall be performed of that child at  
18 which time the needs of the child shall be determined. Only if  
19 race, color, or national origin is identified as a legitimate  
20 factor in advancing the child's best interests shall it be  
21 considered. Race, color, or national origin shall not be  
22 routinely considered in making a placement decision. The  
23 Department shall make special efforts for the diligent  
24 recruitment of potential foster and adoptive families that  
25 reflect the ethnic and racial diversity of the children for  
26 whom foster and adoptive homes are needed. "Special efforts"

1 shall include contacting and working with community  
2 organizations and religious organizations and may include  
3 contracting with those organizations, utilizing local media  
4 and other local resources, and conducting outreach activities.

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

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

14 (e) The Department in placing children in adoptive or  
15 foster care homes may not, in any policy or practice relating  
16 to the placement of children for adoption or foster care,  
17 discriminate against any child or prospective adoptive or  
18 foster parent on the basis of race.

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

20 Section 905. The Criminal Identification Act is amended by  
21 changing Sections 2.1 and 5.2 as follows:

22 (20 ILCS 2630/2.1) (from Ch. 38, par. 206-2.1)

23 Sec. 2.1. For the purpose of maintaining complete and  
24 accurate criminal records of the Department of State Police, it

1 is necessary for all policing bodies of this State, the clerk  
2 of the circuit court, the Illinois Department of Corrections,  
3 the sheriff of each county, and State's Attorney of each county  
4 to submit certain criminal arrest, charge, and disposition  
5 information to the Department for filing at the earliest time  
6 possible. Unless otherwise noted herein, it shall be the duty  
7 of all policing bodies of this State, the clerk of the circuit  
8 court, the Illinois Department of Corrections, the sheriff of  
9 each county, and the State's Attorney of each county to report  
10 such information as provided in this Section, both in the form  
11 and manner required by the Department and within 30 days of the  
12 criminal history event. Specifically:

13 (a) Arrest Information. All agencies making arrests for  
14 offenses which are required by statute to be collected,  
15 maintained or disseminated by the Department of State Police  
16 shall be responsible for furnishing daily to the Department  
17 fingerprints, charges and descriptions of all persons who are  
18 arrested for such offenses. All such agencies shall also notify  
19 the Department of all decisions by the arresting agency not to  
20 refer such arrests for prosecution. With approval of the  
21 Department, an agency making such arrests may enter into  
22 arrangements with other agencies for the purpose of furnishing  
23 daily such fingerprints, charges and descriptions to the  
24 Department upon its behalf.

25 (b) Charge Information. The State's Attorney of each county  
26 shall notify the Department of all charges filed and all

1 petitions filed alleging that a minor is delinquent, including  
2 all those added subsequent to the filing of a case, and whether  
3 charges were not filed in cases for which the Department has  
4 received information required to be reported pursuant to  
5 paragraph (a) of this Section. With approval of the Department,  
6 the State's Attorney may enter into arrangements with other  
7 agencies for the purpose of furnishing the information required  
8 by this subsection (b) to the Department upon the State's  
9 Attorney's behalf.

10 (c) Disposition Information. The clerk of the circuit court  
11 of each county shall furnish the Department, in the form and  
12 manner required by the Supreme Court, with all final  
13 dispositions of cases for which the Department has received  
14 information required to be reported pursuant to paragraph (a)  
15 or (d) of this Section. Such information shall include, for  
16 each charge, all (1) judgments of not guilty, judgments of  
17 guilty including the sentence pronounced by the court, findings  
18 that a minor is delinquent and any sentence made based on those  
19 findings, discharges and dismissals in the court; (2) reviewing  
20 court orders filed with the clerk of the circuit court which  
21 reverse or remand a reported conviction or findings that a  
22 minor is delinquent or that vacate or modify a sentence or  
23 sentence made following a trial that a minor is delinquent; (3)  
24 continuances to a date certain in furtherance of an order of  
25 supervision granted under Section 5-6-1 of the Unified Code of  
26 Corrections or an order of probation granted under Section 10

1 of the Cannabis Control Act, Section 410 of the Illinois  
2 Controlled Substances Act, Section 70 of the Methamphetamine  
3 Control and Community Protection Act, Section 12-4.3 or  
4 subdivision (b) (1) of Section 12-3.05 of the Criminal Code of  
5 1961, Section 10-102 of the Illinois Alcoholism and Other Drug  
6 Dependency Act, Section 40-10 of the Alcoholism and Other Drug  
7 Abuse and Dependency Act, Section 10 of the Steroid Control  
8 Act, or Section 5-615 of the Juvenile Court Act of 1987; and  
9 (4) judgments or court orders terminating or revoking a  
10 sentence to or juvenile disposition of probation, supervision  
11 or conditional discharge and any resentencing or new court  
12 orders entered by a juvenile court relating to the disposition  
13 of a minor's case involving delinquency after such revocation.

14 (d) Fingerprints After Sentencing.

15 (1) After the court pronounces sentence, sentences a  
16 minor following a trial in which a minor was found to be  
17 delinquent or issues an order of supervision or an order of  
18 probation granted under Section 10 of the Cannabis Control  
19 Act, Section 410 of the Illinois Controlled Substances Act,  
20 Section 70 of the Methamphetamine Control and Community  
21 Protection Act, Section 12-4.3 or subdivision (b) (1) of  
22 Section 12-3.05 of the Criminal Code of 1961, Section  
23 10-102 of the Illinois Alcoholism and Other Drug Dependency  
24 Act, Section 40-10 of the Alcoholism and Other Drug Abuse  
25 and Dependency Act, Section 10 of the Steroid Control Act,  
26 or Section 5-615 of the Juvenile Court Act of 1987 for any

1 offense which is required by statute to be collected,  
2 maintained, or disseminated by the Department of State  
3 Police, the State's Attorney of each county shall ask the  
4 court to order a law enforcement agency to fingerprint  
5 immediately all persons appearing before the court who have  
6 not previously been fingerprinted for the same case. The  
7 court shall so order the requested fingerprinting, if it  
8 determines that any such person has not previously been  
9 fingerprinted for the same case. The law enforcement agency  
10 shall submit such fingerprints to the Department daily.

11 (2) After the court pronounces sentence or makes a  
12 disposition of a case following a finding of delinquency  
13 for any offense which is not required by statute to be  
14 collected, maintained, or disseminated by the Department  
15 of State Police, the prosecuting attorney may ask the court  
16 to order a law enforcement agency to fingerprint  
17 immediately all persons appearing before the court who have  
18 not previously been fingerprinted for the same case. The  
19 court may so order the requested fingerprinting, if it  
20 determines that any so sentenced person has not previously  
21 been fingerprinted for the same case. The law enforcement  
22 agency may retain such fingerprints in its files.

23 (e) Corrections Information. The Illinois Department of  
24 Corrections and the sheriff of each county shall furnish the  
25 Department with all information concerning the receipt,  
26 escape, execution, death, release, pardon, parole, commutation

1 of sentence, granting of executive clemency or discharge of an  
2 individual who has been sentenced or committed to the agency's  
3 custody for any offenses which are mandated by statute to be  
4 collected, maintained or disseminated by the Department of  
5 State Police. For an individual who has been charged with any  
6 such offense and who escapes from custody or dies while in  
7 custody, all information concerning the receipt and escape or  
8 death, whichever is appropriate, shall also be so furnished to  
9 the Department.

10 (Source: P.A. 94-556, eff. 9-11-05.)

11 (20 ILCS 2630/5.2)

12 Sec. 5.2. Expungement and sealing.

13 (a) General Provisions.

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

17 (A) The following terms shall have the meanings  
18 ascribed to them in the Unified Code of Corrections,  
19 730 ILCS 5/5-1-2 through 5/5-1-22:

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

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

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

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

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

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

1 (vii) Judgment (730 ILCS 5/5-1-12),  
2 (viii) Misdemeanor (730 ILCS 5/5-1-14),  
3 (ix) Offense (730 ILCS 5/5-1-15),  
4 (x) Parole (730 ILCS 5/5-1-16),  
5 (xi) Petty Offense (730 ILCS 5/5-1-17),  
6 (xii) Probation (730 ILCS 5/5-1-18),  
7 (xiii) Sentence (730 ILCS 5/5-1-19),  
8 (xiv) Supervision (730 ILCS 5/5-1-21), and  
9 (xv) Victim (730 ILCS 5/5-1-22).

10 (B) As used in this Section, "charge not initiated  
11 by arrest" means a charge (as defined by 730 ILCS  
12 5/5-1-3) brought against a defendant where the  
13 defendant is not arrested prior to or as a direct  
14 result of the charge.

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



1           unsatisfactory termination is reversed, vacated, or  
2           modified and the judgment of conviction, if any, is  
3           reversed or vacated.

4           (D) "Criminal offense" means a petty offense,  
5           business offense, misdemeanor, felony, or municipal  
6           ordinance violation (as defined in subsection  
7           (a)(1)(H)). As used in this Section, a minor traffic  
8           offense (as defined in subsection (a)(1)(G)) shall not  
9           be considered a criminal offense.

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

19          (F) As used in this Section, "last sentence" means  
20          the sentence, order of supervision, or order of  
21          qualified probation (as defined by subsection  
22          (a)(1)(J)), for a criminal offense (as defined by  
23          subsection (a)(1)(D)) that terminates last in time in  
24          any jurisdiction, regardless of whether the petitioner  
25          has included the criminal offense for which the  
26          sentence or order of supervision or qualified

1           probation was imposed in his or her petition. If  
2           multiple sentences, orders of supervision, or orders  
3           of qualified probation terminate on the same day and  
4           are last in time, they shall be collectively considered  
5           the "last sentence" regardless of whether they were  
6           ordered to run concurrently.

7           (G) "Minor traffic offense" means a petty offense,  
8           business offense, or Class C misdemeanor under the  
9           Illinois Vehicle Code or a similar provision of a  
10          municipal or local ordinance.

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

16          (I) "Petitioner" means an adult or a minor  
17          prosecuted as an adult who has applied for relief under  
18          this Section.

19          (J) "Qualified probation" means an order of  
20          probation under Section 10 of the Cannabis Control Act,  
21          Section 410 of the Illinois Controlled Substances Act,  
22          Section 70 of the Methamphetamine Control and  
23          Community Protection Act, Section 12-4.3(b) (1) and (2)  
24          of the Criminal Code of 1961 (as those provisions  
25          existed before their deletion by Public Act 89-313),  
26          Section 10-102 of the Illinois Alcoholism and Other

1 Drug Dependency Act, Section 40-10 of the Alcoholism  
2 and Other Drug Abuse and Dependency Act, or Section 10  
3 of the Steroid Control Act. For the purpose of this  
4 Section, "successful completion" of an order of  
5 qualified probation under Section 10-102 of the  
6 Illinois Alcoholism and Other Drug Dependency Act and  
7 Section 40-10 of the Alcoholism and Other Drug Abuse  
8 and Dependency Act means that the probation was  
9 terminated satisfactorily and the judgment of  
10 conviction was vacated.

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

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

25 (M) "Terminate" as it relates to a sentence or  
26 order of supervision or qualified probation includes

1           either satisfactory or unsatisfactory termination of  
2           the sentence, unless otherwise specified in this  
3           Section.

4           (2) Minor Traffic Offenses. Orders of supervision or  
5           convictions for minor traffic offenses shall not affect a  
6           petitioner's eligibility to expunge or seal records  
7           pursuant to this Section.

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

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

19           (B) the sealing or expungement of records of minor  
20           traffic offenses (as defined in subsection (a) (1) (G)),  
21           unless the petitioner was arrested and released  
22           without charging.

23           (C) the sealing of the records of arrests or  
24           charges not initiated by arrest which result in an  
25           order of supervision, an order of qualified probation  
26           (as defined in subsection (a) (1) (J)), or a conviction

1 for the following offenses:

2 (i) offenses included in Article 11 of the  
3 Criminal Code of 1961 or a similar provision of a  
4 local ordinance, except Section 11-14 of the  
5 Criminal Code of 1961 or a similar provision of a  
6 local ordinance;

7 (ii) Section 12-3.4, 12-15, 12-30, or 26-5 of  
8 the Criminal Code of 1961 or a similar provision of  
9 a local ordinance;

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

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

15 (v) any offense or attempted offense that  
16 would subject a person to registration under the  
17 Sex Offender Registration Act.

18 (D) the sealing of the records of an arrest which  
19 results in the petitioner being charged with a felony  
20 offense or records of a charge not initiated by arrest  
21 for a felony offense, regardless of the disposition,  
22 unless:

23 (i) the charge is amended to a misdemeanor and  
24 is otherwise eligible to be sealed pursuant to  
25 subsection (c);

26 (ii) the charge is brought along with another

1 charge as a part of one case and the charge results  
2 in acquittal, dismissal, or conviction when the  
3 conviction was reversed or vacated, and another  
4 charge brought in the same case results in a  
5 disposition for a misdemeanor offense that is  
6 eligible to be sealed pursuant to subsection (c) or  
7 a disposition listed in paragraph (i), (iii) or  
8 (iv) of this subsection;

9 (iii) the charge results in first offender  
10 probation as set forth in subsection (c) (2) (E); or

11 (iv) the charge is for a Class 4 felony offense  
12 listed in subsection (c) (2) (F) or the charge is  
13 amended to a Class 4 felony offense listed in  
14 subsection (c) (2) (F). Records of arrests which  
15 result in the petitioner being charged with a Class  
16 4 felony offense listed in subsection (c) (2) (F),  
17 records of charges not initiated by arrest for  
18 Class 4 felony offenses listed in subsection  
19 (c) (2) (F), and records of charges amended to a  
20 Class 4 felony offense listed in (c) (2) (F) may be  
21 sealed, regardless of the disposition, subject to  
22 any waiting periods set forth in subsection  
23 (c) (3).

24 (b) Expungement.

25 (1) A petitioner may petition the circuit court to  
26 expunge the records of his or her arrests and charges not

1 initiated by arrest when:

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

4 (B) Each arrest or charge not initiated by arrest  
5 sought to be expunged resulted in: (i) acquittal,  
6 dismissal, or the petitioner's release without  
7 charging, unless excluded by subsection (a)(3)(B);  
8 (ii) a conviction which was vacated or reversed, unless  
9 excluded by subsection (a)(3)(B); (iii) an order of  
10 supervision and such supervision was successfully  
11 completed by the petitioner, unless excluded by  
12 subsection (a)(3)(A) or (a)(3)(B); or (iv) an order of  
13 qualified probation (as defined in subsection  
14 (a)(1)(J)) and such probation was successfully  
15 completed by the petitioner.

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

17 (A) When the arrest or charge not initiated by  
18 arrest sought to be expunged resulted in an acquittal,  
19 dismissal, the petitioner's release without charging,  
20 or the reversal or vacation of a conviction, there is  
21 no waiting period to petition for the expungement of  
22 such records.

23 (B) When the arrest or charge not initiated by  
24 arrest sought to be expunged resulted in an order of  
25 supervision, successfully completed by the petitioner,  
26 the following time frames will apply:

1           (i) Those arrests or charges that resulted in  
2 orders of supervision under Section 3-707, 3-708,  
3 3-710, or 5-401.3 of the Illinois Vehicle Code or a  
4 similar provision of a local ordinance, or under  
5 Section 12-3.2, 12-15 or 16A-3 of the Criminal Code  
6 of 1961 or a similar provision of a local  
7 ordinance, shall not be eligible for expungement  
8 until 5 years have passed following the  
9 satisfactory termination of the supervision.

10           (ii) Those arrests or charges that resulted in  
11 orders of supervision for any other offenses shall  
12 not be eligible for expungement until 2 years have  
13 passed following the satisfactory termination of  
14 the supervision.

15           (C) When the arrest or charge not initiated by  
16 arrest sought to be expunged resulted in an order of  
17 qualified probation, successfully completed by the  
18 petitioner, such records shall not be eligible for  
19 expungement until 5 years have passed following the  
20 satisfactory termination of the probation.

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

25           (4) Whenever a person has been arrested for or  
26 convicted of any offense, in the name of a person whose



1 identity he or she has stolen or otherwise come into  
2 possession of, the aggrieved person from whom the identity  
3 was stolen or otherwise obtained without authorization,  
4 upon learning of the person having been arrested using his  
5 or her identity, may, upon verified petition to the chief  
6 judge of the circuit wherein the arrest was made, have a  
7 court order entered nunc pro tunc by the Chief Judge to  
8 correct the arrest record, conviction record, if any, and  
9 all official records of the arresting authority, the  
10 Department, other criminal justice agencies, the  
11 prosecutor, and the trial court concerning such arrest, if  
12 any, by removing his or her name from all such records in  
13 connection with the arrest and conviction, if any, and by  
14 inserting in the records the name of the offender, if known  
15 or ascertainable, in lieu of the aggrieved's name. The  
16 records of the circuit court clerk shall be sealed until  
17 further order of the court upon good cause shown and the  
18 name of the aggrieved person obliterated on the official  
19 index required to be kept by the circuit court clerk under  
20 Section 16 of the Clerks of Courts Act, but the order shall  
21 not affect any index issued by the circuit court clerk  
22 before the entry of the order. Nothing in this Section  
23 shall limit the Department of State Police or other  
24 criminal justice agencies or prosecutors from listing  
25 under an offender's name the false names he or she has  
26 used.

1           (5) Whenever a person has been convicted of criminal  
2 sexual assault, aggravated criminal sexual assault,  
3 predatory criminal sexual assault of a child, criminal  
4 sexual abuse, or aggravated criminal sexual abuse, the  
5 victim of that offense may request that the State's  
6 Attorney of the county in which the conviction occurred  
7 file a verified petition with the presiding trial judge at  
8 the petitioner's trial to have a court order entered to  
9 seal the records of the circuit court clerk in connection  
10 with the proceedings of the trial court concerning that  
11 offense. However, the records of the arresting authority  
12 and the Department of State Police concerning the offense  
13 shall not be sealed. The court, upon good cause shown,  
14 shall make the records of the circuit court clerk in  
15 connection with the proceedings of the trial court  
16 concerning the offense available for public inspection.

17           (6) If a conviction has been set aside on direct review  
18 or on collateral attack and the court determines by clear  
19 and convincing evidence that the petitioner was factually  
20 innocent of the charge, the court shall enter an  
21 expungement order as provided in subsection (b) of Section  
22 5-5-4 of the Unified Code of Corrections.

23           (7) Nothing in this Section shall prevent the  
24 Department of State Police from maintaining all records of  
25 any person who is admitted to probation upon terms and  
26 conditions and who fulfills those terms and conditions

1 pursuant to Section 10 of the Cannabis Control Act, Section  
2 410 of the Illinois Controlled Substances Act, Section 70  
3 of the Methamphetamine Control and Community Protection  
4 Act, Section 12-4.3 or subdivision (b)(1) of Section  
5 12-3.05 of the Criminal Code of 1961, Section 10-102 of the  
6 Illinois Alcoholism and Other Drug Dependency Act, Section  
7 40-10 of the Alcoholism and Other Drug Abuse and Dependency  
8 Act, or Section 10 of the Steroid Control Act.

9 (c) Sealing.

10 (1) Applicability. Notwithstanding any other provision  
11 of this Act to the contrary, and cumulative with any rights  
12 to expungement of criminal records, this subsection  
13 authorizes the sealing of criminal records of adults and of  
14 minors prosecuted as adults.

15 (2) Eligible Records. The following records may be  
16 sealed:

17 (A) All arrests resulting in release without  
18 charging;

19 (B) Arrests or charges not initiated by arrest  
20 resulting in acquittal, dismissal, or conviction when  
21 the conviction was reversed or vacated, except as  
22 excluded by subsection (a) (3) (B) or (a) (3) (D);

23 (C) Arrests or charges not initiated by arrest  
24 resulting in orders of supervision successfully  
25 completed by the petitioner, unless excluded by  
26 subsection (a) (3);

1 (D) Arrests or charges not initiated by arrest  
2 resulting in convictions unless excluded by subsection  
3 (a) (3);

4 (E) Arrests or charges not initiated by arrest  
5 resulting in orders of first offender probation under  
6 Section 10 of the Cannabis Control Act, Section 410 of  
7 the Illinois Controlled Substances Act, or Section 70  
8 of the Methamphetamine Control and Community  
9 Protection Act; and

10 (F) Arrests or charges not initiated by arrest  
11 resulting in Class 4 felony convictions for the  
12 following offenses:

13 (i) Section 11-14 of the Criminal Code of 1961;

14 (ii) Section 4 of the Cannabis Control Act;

15 (iii) Section 402 of the Illinois Controlled  
16 Substances Act;

17 (iv) the Methamphetamine Precursor Control  
18 Act; and

19 (v) the Steroid Control Act.

20 (3) When Records Are Eligible to Be Sealed. Records  
21 identified as eligible under subsection (c) (2) may be  
22 sealed as follows:

23 (A) Records identified as eligible under  
24 subsection (c) (2) (A) and (c) (2) (B) may be sealed at any  
25 time.

26 (B) Records identified as eligible under

1 subsection (c) (2) (C) may be sealed (i) 3 years after  
2 the termination of petitioner's last sentence (as  
3 defined in subsection (a) (1) (F)) if the petitioner has  
4 never been convicted of a criminal offense (as defined  
5 in subsection (a) (1) (D)); or (ii) 4 years after the  
6 termination of the petitioner's last sentence (as  
7 defined in subsection (a) (1) (F)) if the petitioner has  
8 ever been convicted of a criminal offense (as defined  
9 in subsection (a) (1) (D)).

10 (C) Records identified as eligible under  
11 subsections (c) (2) (D), (c) (2) (E), and (c) (2) (F) may be  
12 sealed 4 years after the termination of the  
13 petitioner's last sentence (as defined in subsection  
14 (a) (1) (F)).

15 (4) Subsequent felony convictions. A person may not  
16 have subsequent felony conviction records sealed as  
17 provided in this subsection (c) if he or she is convicted  
18 of any felony offense after the date of the sealing of  
19 prior felony convictions as provided in this subsection  
20 (c). The court may, upon conviction for a subsequent felony  
21 offense, order the unsealing of prior felony conviction  
22 records previously ordered sealed by the court.

23 (5) Notice of eligibility for sealing. Upon entry of a  
24 disposition for an eligible record under this subsection  
25 (c), the petitioner shall be informed by the court of the  
26 right to have the records sealed and the procedures for the

1 sealing of the records.

2 (d) Procedure. The following procedures apply to  
3 expungement under subsections (b) and (e), and sealing under  
4 subsection (c):

5 (1) Filing the petition. Upon becoming eligible to  
6 petition for the expungement or sealing of records under  
7 this Section, the petitioner shall file a petition  
8 requesting the expungement or sealing of records with the  
9 clerk of the court where the arrests occurred or the  
10 charges were brought, or both. If arrests occurred or  
11 charges were brought in multiple jurisdictions, a petition  
12 must be filed in each such jurisdiction. The petitioner  
13 shall pay the applicable fee, if not waived.

14 (2) Contents of petition. The petition shall be  
15 verified and shall contain the petitioner's name, date of  
16 birth, current address and, for each arrest or charge not  
17 initiated by arrest sought to be sealed or expunged, the  
18 case number, the date of arrest (if any), the identity of  
19 the arresting authority, and such other information as the  
20 court may require. During the pendency of the proceeding,  
21 the petitioner shall promptly notify the circuit court  
22 clerk of any change of his or her address.

23 (3) Drug test. The petitioner must attach to the  
24 petition proof that the petitioner has passed a test taken  
25 within 30 days before the filing of the petition showing  
26 the absence within his or her body of all illegal

1 substances as defined by the Illinois Controlled  
2 Substances Act, the Methamphetamine Control and Community  
3 Protection Act, and the Cannabis Control Act if he or she  
4 is petitioning to seal felony records pursuant to clause  
5 (c) (2) (E) or (c) (2) (F) (ii)-(v) or if he or she is  
6 petitioning to expunge felony records of a qualified  
7 probation pursuant to clause (b) (1) (B) (iv).

8 (4) Service of petition. The circuit court clerk shall  
9 promptly serve a copy of the petition on the State's  
10 Attorney or prosecutor charged with the duty of prosecuting  
11 the offense, the Department of State Police, the arresting  
12 agency and the chief legal officer of the unit of local  
13 government effecting the arrest.

14 (5) Objections.

15 (A) Any party entitled to notice of the petition  
16 may file an objection to the petition. All objections  
17 shall be in writing, shall be filed with the circuit  
18 court clerk, and shall state with specificity the basis  
19 of the objection.

20 (B) Objections to a petition to expunge or seal  
21 must be filed within 60 days of the date of service of  
22 the petition.

23 (6) Entry of order.

24 (A) The Chief Judge of the circuit wherein the  
25 charge was brought, any judge of that circuit  
26 designated by the Chief Judge, or in counties of less

1           than 3,000,000 inhabitants, the presiding trial judge  
2           at the petitioner's trial, if any, shall rule on the  
3           petition to expunge or seal as set forth in this  
4           subsection (d) (6).

5           (B) Unless the State's Attorney or prosecutor, the  
6           Department of State Police, the arresting agency, or  
7           the chief legal officer files an objection to the  
8           petition to expunge or seal within 60 days from the  
9           date of service of the petition, the court shall enter  
10          an order granting or denying the petition.

11          (7) Hearings. If an objection is filed, the court shall  
12          set a date for a hearing and notify the petitioner and all  
13          parties entitled to notice of the petition of the hearing  
14          date at least 30 days prior to the hearing, and shall hear  
15          evidence on whether the petition should or should not be  
16          granted, and shall grant or deny the petition to expunge or  
17          seal the records based on the evidence presented at the  
18          hearing.

19          (8) Service of order. After entering an order to  
20          expunge or seal records, the court must provide copies of  
21          the order to the Department, in a form and manner  
22          prescribed by the Department, to the petitioner, to the  
23          State's Attorney or prosecutor charged with the duty of  
24          prosecuting the offense, to the arresting agency, to the  
25          chief legal officer of the unit of local government  
26          effecting the arrest, and to such other criminal justice



1 agencies as may be ordered by the court.

2 (9) Effect of order.

3 (A) Upon entry of an order to expunge records  
4 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

5 (i) the records shall be expunged (as defined  
6 in subsection (a) (1) (E)) by the arresting agency,  
7 the Department, and any other agency as ordered by  
8 the court, within 60 days of the date of service of  
9 the order, unless a motion to vacate, modify, or  
10 reconsider the order is filed pursuant to  
11 paragraph (12) of subsection (d) of this Section;

12 (ii) the records of the circuit court clerk  
13 shall be impounded until further order of the court  
14 upon good cause shown and the name of the  
15 petitioner obliterated on the official index  
16 required to be kept by the circuit court clerk  
17 under Section 16 of the Clerks of Courts Act, but  
18 the order shall not affect any index issued by the  
19 circuit court clerk before the entry of the order;  
20 and

21 (iii) in response to an inquiry for expunged  
22 records, the court, the Department, or the agency  
23 receiving such inquiry, shall reply as it does in  
24 response to inquiries when no records ever  
25 existed.

26 (B) Upon entry of an order to expunge records

1           pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

2                   (i) the records shall be expunged (as defined  
3                   in subsection (a) (1) (E)) by the arresting agency  
4                   and any other agency as ordered by the court,  
5                   within 60 days of the date of service of the order,  
6                   unless a motion to vacate, modify, or reconsider  
7                   the order is filed pursuant to paragraph (12) of  
8                   subsection (d) of this Section;

9                   (ii) the records of the circuit court clerk  
10                  shall be impounded until further order of the court  
11                  upon good cause shown and the name of the  
12                  petitioner obliterated on the official index  
13                  required to be kept by the circuit court clerk  
14                  under Section 16 of the Clerks of Courts Act, but  
15                  the order shall not affect any index issued by the  
16                  circuit court clerk before the entry of the order;

17                  (iii) the records shall be impounded by the  
18                  Department within 60 days of the date of service of  
19                  the order as ordered by the court, unless a motion  
20                  to vacate, modify, or reconsider the order is filed  
21                  pursuant to paragraph (12) of subsection (d) of  
22                  this Section;

23                  (iv) records impounded by the Department may  
24                  be disseminated by the Department only as required  
25                  by law or to the arresting authority, the State's  
26                  Attorney, and the court upon a later arrest for the

1 same or a similar offense or for the purpose of  
2 sentencing for any subsequent felony, and to the  
3 Department of Corrections upon conviction for any  
4 offense; and

5 (v) in response to an inquiry for such records  
6 from anyone not authorized by law to access such  
7 records the court, the Department, or the agency  
8 receiving such inquiry shall reply as it does in  
9 response to inquiries when no records ever  
10 existed.

11 (C) Upon entry of an order to seal records under  
12 subsection (c), the arresting agency, any other agency  
13 as ordered by the court, the Department, and the court  
14 shall seal the records (as defined in subsection  
15 (a) (1) (K)). In response to an inquiry for such records  
16 from anyone not authorized by law to access such  
17 records the court, the Department, or the agency  
18 receiving such inquiry shall reply as it does in  
19 response to inquiries when no records ever existed.

20 (10) Fees. The Department may charge the petitioner a  
21 fee equivalent to the cost of processing any order to  
22 expunge or seal records. Notwithstanding any provision of  
23 the Clerks of Courts Act to the contrary, the circuit court  
24 clerk may charge a fee equivalent to the cost associated  
25 with the sealing or expungement of records by the circuit  
26 court clerk. From the total filing fee collected for the

1 petition to seal or expunge, the circuit court clerk shall  
2 deposit \$10 into the Circuit Court Clerk Operation and  
3 Administrative Fund, to be used to offset the costs  
4 incurred by the circuit court clerk in performing the  
5 additional duties required to serve the petition to seal or  
6 expunge on all parties. The circuit court clerk shall  
7 collect and forward the Department of State Police portion  
8 of the fee to the Department and it shall be deposited in  
9 the State Police Services Fund.

10 (11) Final Order. No court order issued under the  
11 expungement or sealing provisions of this Section shall  
12 become final for purposes of appeal until 30 days after  
13 service of the order on the petitioner and all parties  
14 entitled to notice of the petition.

15 (12) Motion to Vacate, Modify, or Reconsider. The  
16 petitioner or any party entitled to notice may file a  
17 motion to vacate, modify, or reconsider the order granting  
18 or denying the petition to expunge or seal within 60 days  
19 of service of the order.

20 (e) Whenever a person who has been convicted of an offense  
21 is granted a pardon by the Governor which specifically  
22 authorizes expungement, he or she may, upon verified petition  
23 to the Chief Judge of the circuit where the person had been  
24 convicted, any judge of the circuit designated by the Chief  
25 Judge, or in counties of less than 3,000,000 inhabitants, the  
26 presiding trial judge at the defendant's trial, have a court

1 order entered expunging the record of arrest from the official  
2 records of the arresting authority and order that the records  
3 of the circuit court clerk and the Department be sealed until  
4 further order of the court upon good cause shown or as  
5 otherwise provided herein, and the name of the defendant  
6 obliterated from the official index requested to be kept by the  
7 circuit court clerk under Section 16 of the Clerks of Courts  
8 Act in connection with the arrest and conviction for the  
9 offense for which he or she had been pardoned but the order  
10 shall not affect any index issued by the circuit court clerk  
11 before the entry of the order. All records sealed by the  
12 Department may be disseminated by the Department only as  
13 required by law or to the arresting authority, the State's  
14 Attorney, and the court upon a later arrest for the same or  
15 similar offense or for the purpose of sentencing for any  
16 subsequent felony. Upon conviction for any subsequent offense,  
17 the Department of Corrections shall have access to all sealed  
18 records of the Department pertaining to that individual. Upon  
19 entry of the order of expungement, the circuit court clerk  
20 shall promptly mail a copy of the order to the person who was  
21 pardoned.

22 (f) Subject to available funding, the Illinois Department  
23 of Corrections shall conduct a study of the impact of sealing,  
24 especially on employment and recidivism rates, utilizing a  
25 random sample of those who apply for the sealing of their  
26 criminal records under Public Act 93-211. At the request of the

1 Illinois Department of Corrections, records of the Illinois  
2 Department of Employment Security shall be utilized as  
3 appropriate to assist in the study. The study shall not  
4 disclose any data in a manner that would allow the  
5 identification of any particular individual or employing unit.  
6 The study shall be made available to the General Assembly no  
7 later than September 1, 2010.

8 (Source: P.A. 96-409, eff. 1-1-10; 96-1401, eff. 7-29-10.)

9 Section 910. The Illinois Uniform Conviction Information  
10 Act is amended by changing Section 3 as follows:

11 (20 ILCS 2635/3) (from Ch. 38, par. 1603)

12 Sec. 3. Definitions. Whenever used in this Act, and for the  
13 purposes of this Act, unless the context clearly indicates  
14 otherwise:

15 (A) "Accurate" means factually correct, containing no  
16 mistake or error of a material nature.

17 (B) The phrase "administer the criminal laws" includes any  
18 of the following activities: intelligence gathering,  
19 surveillance, criminal investigation, crime detection and  
20 prevention (including research), apprehension, detention,  
21 pretrial or post-trial release, prosecution, the correctional  
22 supervision or rehabilitation of accused persons or criminal  
23 offenders, criminal identification activities, or the  
24 collection, maintenance or dissemination of criminal history

1 record information.

2 (C) "The Authority" means the Illinois Criminal Justice  
3 Information Authority.

4 (D) "Automated" means the utilization of computers,  
5 telecommunication lines, or other automatic data processing  
6 equipment for data collection or storage, analysis,  
7 processing, preservation, maintenance, dissemination, or  
8 display and is distinguished from a system in which such  
9 activities are performed manually.

10 (E) "Complete" means accurately reflecting all the  
11 criminal history record information about an individual that is  
12 required to be reported to the Department pursuant to Section  
13 2.1 of the Criminal Identification Act.

14 (F) "Conviction information" means data reflecting a  
15 judgment of guilt or nolo contendere. The term includes all  
16 prior and subsequent criminal history events directly relating  
17 to such judgments, such as, but not limited to: (1) the  
18 notation of arrest; (2) the notation of charges filed; (3) the  
19 sentence imposed; (4) the fine imposed; and (5) all related  
20 probation, parole, and release information. Information ceases  
21 to be "conviction information" when a judgment of guilt is  
22 reversed or vacated.

23 For purposes of this Act, continuances to a date certain in  
24 furtherance of an order of supervision granted under Section  
25 5-6-1 of the Unified Code of Corrections or an order of  
26 probation granted under either Section 10 of the Cannabis

1 Control Act, Section 410 of the Illinois Controlled Substances  
2 Act, Section 70 of the Methamphetamine Control and Community  
3 Protection Act, Section 12-4.3 or subdivision (b) (1) of Section  
4 12-3.05 of the Criminal Code of 1961, Section 10-102 of the  
5 Illinois Alcoholism and Other Drug Dependency Act, Section  
6 40-10 of the Alcoholism and Other Drug Abuse and Dependency  
7 Act, or Section 10 of the Steroid Control Act shall not be  
8 deemed "conviction information".

9 (G) "Criminal history record information" means data  
10 identifiable to an individual and consisting of descriptions or  
11 notations of arrests, detentions, indictments, informations,  
12 pretrial proceedings, trials, or other formal events in the  
13 criminal justice system or descriptions or notations of  
14 criminal charges (including criminal violations of local  
15 municipal ordinances) and the nature of any disposition arising  
16 therefrom, including sentencing, court or correctional  
17 supervision, rehabilitation and release. The term does not  
18 apply to statistical records and reports in which individual  
19 are not identified and from which their identities are not  
20 ascertainable, or to information that is for criminal  
21 investigative or intelligence purposes.

22 (H) "Criminal justice agency" means (1) a government agency  
23 or any subunit thereof which is authorized to administer the  
24 criminal laws and which allocates a substantial part of its  
25 annual budget for that purpose, or (2) an agency supported by  
26 public funds which is authorized as its principal function to



1 administer the criminal laws and which is officially designated  
2 by the Department as a criminal justice agency for purposes of  
3 this Act.

4 (I) "The Department" means the Illinois Department of State  
5 Police.

6 (J) "Director" means the Director of the Illinois  
7 Department of State Police.

8 (K) "Disseminate" means to disclose or transmit conviction  
9 information in any form, oral, written, or otherwise.

10 (L) "Exigency" means pending danger or the threat of  
11 pending danger to an individual or property.

12 (M) "Non-criminal justice agency" means a State agency,  
13 Federal agency, or unit of local government that is not a  
14 criminal justice agency. The term does not refer to private  
15 individuals, corporations, or non-governmental agencies or  
16 organizations.

17 (M-5) "Request" means the submission to the Department, in  
18 the form and manner required, the necessary data elements or  
19 fingerprints, or both, to allow the Department to initiate a  
20 search of its criminal history record information files.

21 (N) "Requester" means any private individual, corporation,  
22 organization, employer, employment agency, labor organization,  
23 or non-criminal justice agency that has made a request pursuant  
24 to this Act to obtain conviction information maintained in the  
25 files of the Department of State Police regarding a particular  
26 individual.

1           (0) "Statistical information" means data from which the  
2 identity of an individual cannot be ascertained,  
3 reconstructed, or verified and to which the identity of an  
4 individual cannot be linked by the recipient of the  
5 information.

6           (Source: P.A. 94-556, eff. 9-11-05.)

7           Section 915. The Counties Code is amended by changing  
8 Section 5-1103 as follows:

9           (55 ILCS 5/5-1103) (from Ch. 34, par. 5-1103)

10          Sec. 5-1103. Court services fee. A county board may enact  
11 by ordinance or resolution a court services fee dedicated to  
12 defraying court security expenses incurred by the sheriff in  
13 providing court services or for any other court services deemed  
14 necessary by the sheriff to provide for court security,  
15 including without limitation court services provided pursuant  
16 to Section 3-6023, as now or hereafter amended. Such fee shall  
17 be paid in civil cases by each party at the time of filing the  
18 first pleading, paper or other appearance; provided that no  
19 additional fee shall be required if more than one party is  
20 represented in a single pleading, paper or other appearance. In  
21 criminal, local ordinance, county ordinance, traffic and  
22 conservation cases, such fee shall be assessed against the  
23 defendant upon a plea of guilty, stipulation of facts or  
24 findings of guilty, resulting in a judgment of conviction, or

1 order of supervision, or sentence of probation without entry of  
2 judgment pursuant to Section 10 of the Cannabis Control Act,  
3 Section 410 of the Illinois Controlled Substances Act, Section  
4 70 of the Methamphetamine Control and Community Protection Act,  
5 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of the  
6 Criminal Code of 1961, Section 10-102 of the Illinois  
7 Alcoholism and Other Drug Dependency Act, Section 40-10 of the  
8 Alcoholism and Other Drug Abuse and Dependency Act, or Section  
9 10 of the Steroid Control Act. In setting such fee, the county  
10 board may impose, with the concurrence of the Chief Judge of  
11 the judicial circuit in which the county is located by  
12 administrative order entered by the Chief Judge, differential  
13 rates for the various types or categories of criminal and civil  
14 cases, but the maximum rate shall not exceed \$25. All proceeds  
15 from this fee must be used to defray court security expenses  
16 incurred by the sheriff in providing court services. No fee  
17 shall be imposed or collected, however, in traffic,  
18 conservation, and ordinance cases in which fines are paid  
19 without a court appearance. The fees shall be collected in the  
20 manner in which all other court fees or costs are collected and  
21 shall be deposited into the county general fund for payment  
22 solely of costs incurred by the sheriff in providing court  
23 security or for any other court services deemed necessary by  
24 the sheriff to provide for court security.

25 (Source: P.A. 93-558, eff. 12-1-03; 94-556, eff. 9-11-05.)

1 Section 920. The Metropolitan Transit Authority Act is  
2 amended by changing Section 28b as follows:

3 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

4 Sec. 28b. Any person applying for a position as a driver of  
5 a vehicle owned by a private carrier company which provides  
6 public transportation pursuant to an agreement with the  
7 Authority shall be required to authorize an investigation by  
8 the private carrier company to determine if the applicant has  
9 been convicted of any of the following offenses: (i) those  
10 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,  
11 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-14, 11-15, 11-15.1,  
12 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
13 11-21, 11-22, 12-4.3, 12-4.4, 12-4.5, 12-6, 12-7.1, 12-11,  
14 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.1, 18-1, 18-2, 20-1,  
15 20-1.1, 31A-1, 31A-1.1, and 33A-2, ~~and~~ in subsection (a) and  
16 subsection (b), clause (1), of Section 12-4, in subdivisions  
17 (a) (1), (b) (1), and (f) (1) of Section 12-3.05, and in  
18 subsection (a-5) of Section 12-3.1 of the Criminal Code of  
19 1961; (ii) those offenses defined in the Cannabis Control Act  
20 except those offenses defined in subsections (a) and (b) of  
21 Section 4, and subsection (a) of Section 5 of the Cannabis  
22 Control Act (iii) those offenses defined in the Illinois  
23 Controlled Substances Act; (iv) those offenses defined in the  
24 Methamphetamine Control and Community Protection Act; and (v)  
25 any offense committed or attempted in any other state or

1 against the laws of the United States, which if committed or  
2 attempted in this State would be punishable as one or more of  
3 the foregoing offenses. Upon receipt of this authorization, the  
4 private carrier company shall submit the applicant's name, sex,  
5 race, date of birth, fingerprints and social security number to  
6 the Department of State Police on forms prescribed by the  
7 Department. The Department of State Police shall conduct an  
8 investigation to ascertain if the applicant has been convicted  
9 of any of the above enumerated offenses. The Department shall  
10 charge the private carrier company a fee for conducting the  
11 investigation, which fee shall be deposited in the State Police  
12 Services Fund and shall not exceed the cost of the inquiry; and  
13 the applicant shall not be charged a fee for such investigation  
14 by the private carrier company. The Department of State Police  
15 shall furnish, pursuant to positive identification, records of  
16 convictions, until expunged, to the private carrier company  
17 which requested the investigation. A copy of the record of  
18 convictions obtained from the Department shall be provided to  
19 the applicant. Any record of conviction received by the private  
20 carrier company shall be confidential. Any person who releases  
21 any confidential information concerning any criminal  
22 convictions of an applicant shall be guilty of a Class A  
23 misdemeanor, unless authorized by this Section.

24 (Source: P.A. 94-556, eff. 9-11-05.)

25 Section 925. The Child Care Act of 1969 is amended by

1 changing Section 4.2 as follows:

2 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

3 Sec. 4.2. (a) No applicant may receive a license from the  
4 Department and no person may be employed by a licensed child  
5 care facility who refuses to authorize an investigation as  
6 required by Section 4.1.

7 (b) In addition to the other provisions of this Section, no  
8 applicant may receive a license from the Department and no  
9 person may be employed by a child care facility licensed by the  
10 Department who has been declared a sexually dangerous person  
11 under "An Act in relation to sexually dangerous persons, and  
12 providing for their commitment, detention and supervision",  
13 approved July 6, 1938, as amended, or convicted of committing  
14 or attempting to commit any of the following offenses  
15 stipulated under the Criminal Code of 1961:

16 (1) murder;

17 (1.1) solicitation of murder;

18 (1.2) solicitation of murder for hire;

19 (1.3) intentional homicide of an unborn child;

20 (1.4) voluntary manslaughter of an unborn child;

21 (1.5) involuntary manslaughter;

22 (1.6) reckless homicide;

23 (1.7) concealment of a homicidal death;

24 (1.8) involuntary manslaughter of an unborn child;

25 (1.9) reckless homicide of an unborn child;

- 1 (1.10) drug-induced homicide;
- 2 (2) a sex offense under Article 11, except offenses  
3 described in Sections 11-7, 11-8, 11-12, and 11-13;
- 4 (3) kidnapping;
- 5 (3.1) aggravated unlawful restraint;
- 6 (3.2) forcible detention;
- 7 (3.3) harboring a runaway;
- 8 (3.4) aiding and abetting child abduction;
- 9 (4) aggravated kidnapping;
- 10 (5) child abduction;
- 11 (6) aggravated battery of a child as described in  
12 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 13 (7) criminal sexual assault;
- 14 (8) aggravated criminal sexual assault;
- 15 (8.1) predatory criminal sexual assault of a child;
- 16 (9) criminal sexual abuse;
- 17 (10) aggravated sexual abuse;
- 18 (11) heinous battery as described in Section 12-4.1 or  
19 subdivision (a) (2) of Section 12-3.05;
- 20 (12) aggravated battery with a firearm as described in  
21 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or  
22 (e) (4) of Section 12-3.05;
- 23 (13) tampering with food, drugs, or cosmetics;
- 24 (14) drug induced infliction of great bodily harm as  
25 described in Section 12-4.7 or subdivision (g) (1) of  
26 Section 12-3.05;

- 1           (15) hate crime;
- 2           (16) stalking;
- 3           (17) aggravated stalking;
- 4           (18) threatening public officials;
- 5           (19) home invasion;
- 6           (20) vehicular invasion;
- 7           (21) criminal transmission of HIV;
- 8           (22) criminal abuse or neglect of an elderly or  
9           disabled person as described in Section 12-21 or subsection  
10          (b) of Section 12-4.4a;
- 11          (23) child abandonment;
- 12          (24) endangering the life or health of a child;
- 13          (25) ritual mutilation;
- 14          (26) ritualized abuse of a child;
- 15          (27) an offense in any other jurisdiction the elements  
16          of which are similar and bear a substantial relationship to  
17          any of the foregoing offenses.

18          (b-1) In addition to the other provisions of this Section,  
19          beginning January 1, 2004, no new applicant and, on the date of  
20          licensure renewal, no current licensee may operate or receive a  
21          license from the Department to operate, no person may be  
22          employed by, and no adult person may reside in a child care  
23          facility licensed by the Department who has been convicted of  
24          committing or attempting to commit any of the following  
25          offenses or an offense in any other jurisdiction the elements  
26          of which are similar and bear a substantial relationship to any



1 of the following offenses:

2 (I) BODILY HARM

3 (1) Felony aggravated assault.

4 (2) Vehicular endangerment.

5 (3) Felony domestic battery.

6 (4) Aggravated battery.

7 (5) Heinous battery.

8 (6) Aggravated battery with a firearm.

9 (7) Aggravated battery of an unborn child.

10 (8) Aggravated battery of a senior citizen.

11 (9) Intimidation.

12 (10) Compelling organization membership of persons.

13 (11) Abuse and criminal ~~gross~~ neglect of a long term  
14 care facility resident.

15 (12) Felony violation of an order of protection.

16 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

17 (1) Felony unlawful use of weapons.

18 (2) Aggravated discharge of a firearm.

19 (3) Reckless discharge of a firearm.

20 (4) Unlawful use of metal piercing bullets.

21 (5) Unlawful sale or delivery of firearms on the  
22 premises of any school.

- 1 (6) Disarming a police officer.
- 2 (7) Obstructing justice.
- 3 (8) Concealing or aiding a fugitive.
- 4 (9) Armed violence.
- 5 (10) Felony contributing to the criminal delinquency
- 6 of a juvenile.

7 (III) DRUG OFFENSES

- 8 (1) Possession of more than 30 grams of cannabis.
- 9 (2) Manufacture of more than 10 grams of cannabis.
- 10 (3) Cannabis trafficking.
- 11 (4) Delivery of cannabis on school grounds.
- 12 (5) Unauthorized production of more than 5 cannabis
- 13 sativa plants.
- 14 (6) Calculated criminal cannabis conspiracy.
- 15 (7) Unauthorized manufacture or delivery of controlled
- 16 substances.
- 17 (8) Controlled substance trafficking.
- 18 (9) Manufacture, distribution, or advertisement of
- 19 look-alike substances.
- 20 (10) Calculated criminal drug conspiracy.
- 21 (11) Street gang criminal drug conspiracy.
- 22 (12) Permitting unlawful use of a building.
- 23 (13) Delivery of controlled, counterfeit, or
- 24 look-alike substances to persons under age 18, or at truck

1 stops, rest stops, or safety rest areas, or on school  
2 property.

3 (14) Using, engaging, or employing persons under 18 to  
4 deliver controlled, counterfeit, or look-alike substances.

5 (15) Delivery of controlled substances.

6 (16) Sale or delivery of drug paraphernalia.

7 (17) Felony possession, sale, or exchange of  
8 instruments adapted for use of a controlled substance,  
9 methamphetamine, or cannabis by subcutaneous injection.

10 (18) Felony possession of a controlled substance.

11 (19) Any violation of the Methamphetamine Control and  
12 Community Protection Act.

13 (b-2) For child care facilities other than foster family  
14 homes, the Department may issue a new child care facility  
15 license to or renew the existing child care facility license of  
16 an applicant, a person employed by a child care facility, or an  
17 applicant who has an adult residing in a home child care  
18 facility who was convicted of an offense described in  
19 subsection (b-1), provided that all of the following  
20 requirements are met:

21 (1) The relevant criminal offense occurred more than 5  
22 years prior to the date of application or renewal, except  
23 for drug offenses. The relevant drug offense must have  
24 occurred more than 10 years prior to the date of  
25 application or renewal, unless the applicant passed a drug  
26 test, arranged and paid for by the child care facility, no

1 less than 5 years after the offense.

2 (2) The Department must conduct a background check and  
3 assess all convictions and recommendations of the child  
4 care facility to determine if waiver shall apply in  
5 accordance with Department administrative rules and  
6 procedures.

7 (3) The applicant meets all other requirements and  
8 qualifications to be licensed as the pertinent type of  
9 child care facility under this Act and the Department's  
10 administrative rules.

11 (c) In addition to the other provisions of this Section, no  
12 applicant may receive a license from the Department to operate  
13 a foster family home, and no adult person may reside in a  
14 foster family home licensed by the Department, who has been  
15 convicted of committing or attempting to commit any of the  
16 following offenses stipulated under the Criminal Code of 1961,  
17 the Cannabis Control Act, the Methamphetamine Control and  
18 Community Protection Act, and the Illinois Controlled  
19 Substances Act:

20 (I) OFFENSES DIRECTED AGAINST THE PERSON

21 (A) KIDNAPPING AND RELATED OFFENSES

22 (1) Unlawful restraint.

23 (B) BODILY HARM

- 1 (2) Felony aggravated assault.
- 2 (3) Vehicular endangerment.
- 3 (4) Felony domestic battery.
- 4 (5) Aggravated battery.
- 5 (6) Heinous battery.
- 6 (7) Aggravated battery with a firearm.
- 7 (8) Aggravated battery of an unborn child.
- 8 (9) Aggravated battery of a senior citizen.
- 9 (10) Intimidation.
- 10 (11) Compelling organization membership of persons.
- 11 (12) Abuse and criminal ~~gross~~ neglect of a long term
- 12 care facility resident.
- 13 (13) Felony violation of an order of protection.

14 (II) OFFENSES DIRECTED AGAINST PROPERTY

- 15 (14) Felony theft.
- 16 (15) Robbery.
- 17 (16) Armed robbery.
- 18 (17) Aggravated robbery.
- 19 (18) Vehicular hijacking.
- 20 (19) Aggravated vehicular hijacking.
- 21 (20) Burglary.
- 22 (21) Possession of burglary tools.
- 23 (22) Residential burglary.
- 24 (23) Criminal fortification of a residence or

1 building.

2 (24) Arson.

3 (25) Aggravated arson.

4 (26) Possession of explosive or explosive incendiary  
5 devices.

6 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

7 (27) Felony unlawful use of weapons.

8 (28) Aggravated discharge of a firearm.

9 (29) Reckless discharge of a firearm.

10 (30) Unlawful use of metal piercing bullets.

11 (31) Unlawful sale or delivery of firearms on the  
12 premises of any school.

13 (32) Disarming a police officer.

14 (33) Obstructing justice.

15 (34) Concealing or aiding a fugitive.

16 (35) Armed violence.

17 (36) Felony contributing to the criminal delinquency  
18 of a juvenile.

19 (IV) DRUG OFFENSES

20 (37) Possession of more than 30 grams of cannabis.

21 (38) Manufacture of more than 10 grams of cannabis.

22 (39) Cannabis trafficking.

1 (40) Delivery of cannabis on school grounds.

2 (41) Unauthorized production of more than 5 cannabis  
3 sativa plants.

4 (42) Calculated criminal cannabis conspiracy.

5 (43) Unauthorized manufacture or delivery of  
6 controlled substances.

7 (44) Controlled substance trafficking.

8 (45) Manufacture, distribution, or advertisement of  
9 look-alike substances.

10 (46) Calculated criminal drug conspiracy.

11 (46.5) Streetgang criminal drug conspiracy.

12 (47) Permitting unlawful use of a building.

13 (48) Delivery of controlled, counterfeit, or  
14 look-alike substances to persons under age 18, or at truck  
15 stops, rest stops, or safety rest areas, or on school  
16 property.

17 (49) Using, engaging, or employing persons under 18 to  
18 deliver controlled, counterfeit, or look-alike substances.

19 (50) Delivery of controlled substances.

20 (51) Sale or delivery of drug paraphernalia.

21 (52) Felony possession, sale, or exchange of  
22 instruments adapted for use of a controlled substance,  
23 methamphetamine, or cannabis by subcutaneous injection.

24 (53) Any violation of the Methamphetamine Control and  
25 Community Protection Act.

26 (d) Notwithstanding subsection (c), the Department may

1 issue a new foster family home license or may renew an existing  
2 foster family home license of an applicant who was convicted of  
3 an offense described in subsection (c), provided all of the  
4 following requirements are met:

5 (1) The relevant criminal offense or offenses occurred  
6 more than 10 years prior to the date of application or  
7 renewal.

8 (2) The applicant had previously disclosed the  
9 conviction or convictions to the Department for purposes of  
10 a background check.

11 (3) After the disclosure, the Department either placed  
12 a child in the home or the foster family home license was  
13 issued.

14 (4) During the background check, the Department had  
15 assessed and waived the conviction in compliance with the  
16 existing statutes and rules in effect at the time of the  
17 waiver.

18 (5) The applicant meets all other requirements and  
19 qualifications to be licensed as a foster family home under  
20 this Act and the Department's administrative rules.

21 (6) The applicant has a history of providing a safe,  
22 stable home environment and appears able to continue to  
23 provide a safe, stable home environment.

24 (Source: P.A. 93-151, eff. 7-10-03; 94-556, eff. 9-11-05.)

25 Section 930. The Health Care Worker Background Check Act is



1 amended by changing Section 25 as follows:

2 (225 ILCS 46/25)

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

5 (a) In the discretion of the Director of Public Health, as  
6 soon after January 1, 1996, January 1, 1997, January 1, 2006,  
7 or October 1, 2007, as applicable, and as is reasonably  
8 practical, no health care employer shall knowingly hire,  
9 employ, or retain any individual in a position with duties  
10 involving direct care for clients, patients, or residents, and  
11 no long-term care facility shall knowingly hire, employ, or  
12 retain any individual in a position with duties that involve or  
13 may involve contact with residents or access to the living  
14 quarters or the financial, medical, or personal records of  
15 residents, who has been convicted of committing or attempting  
16 to commit one or more of the following offenses: those defined  
17 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,  
18 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,  
19 10-5, 10-7, 11-6, 11-9.1, 11-9.5, 11-19.2, 11-20.1, 12-1, 12-2,  
20 12-3.05, ~~12-3,~~ 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,  
21 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,  
22 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32,  
23 12-33, 16-1, 16-1.3, 16A-3, 17-3, 18-1, 18-2, 18-3, 18-4, 18-5,  
24 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2,  
25 or in subsection (a) of Section 12-3 or subsection (a) or (b)

1 of Section 12-4.4a, of the Criminal Code of 1961; those  
2 provided in Section 4 of the Wrongs to Children Act; those  
3 provided in Section 53 of the Criminal Jurisprudence Act; those  
4 defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control  
5 Act; those defined in the Methamphetamine Control and Community  
6 Protection Act; or those defined in Sections 401, 401.1, 404,  
7 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances  
8 Act, unless the applicant or employee obtains a waiver pursuant  
9 to Section 40.

10 (a-1) In the discretion of the Director of Public Health,  
11 as soon after January 1, 2004 or October 1, 2007, as  
12 applicable, and as is reasonably practical, no health care  
13 employer shall knowingly hire any individual in a position with  
14 duties involving direct care for clients, patients, or  
15 residents, and no long-term care facility shall knowingly hire  
16 any individual in a position with duties that involve or may  
17 involve contact with residents or access to the living quarters  
18 or the financial, medical, or personal records of residents,  
19 who has (i) been convicted of committing or attempting to  
20 commit one or more of the offenses defined in Section 12-3.3,  
21 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1,  
22 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of  
23 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card  
24 and Debit Card Act; or Section 5.1 of the Wrongs to Children  
25 Act; or (ii) violated Section 50-50 of the Nurse Practice Act,  
26 unless the applicant or employee obtains a waiver pursuant to

1 Section 40 of this Act.

2 A health care employer is not required to retain an  
3 individual in a position with duties involving direct care for  
4 clients, patients, or residents, and no long-term care facility  
5 is required to retain an individual in a position with duties  
6 that involve or may involve contact with residents or access to  
7 the living quarters or the financial, medical, or personal  
8 records of residents, who has been convicted of committing or  
9 attempting to commit one or more of the offenses enumerated in  
10 this subsection.

11 (b) A health care employer shall not hire, employ, or  
12 retain any individual in a position with duties involving  
13 direct care of clients, patients, or residents, and no  
14 long-term care facility shall knowingly hire, employ, or retain  
15 any individual in a position with duties that involve or may  
16 involve contact with residents or access to the living quarters  
17 or the financial, medical, or personal records of residents, if  
18 the health care employer becomes aware that the individual has  
19 been convicted in another state of committing or attempting to  
20 commit an offense that has the same or similar elements as an  
21 offense listed in subsection (a) or (a-1), as verified by court  
22 records, records from a state agency, or an FBI criminal  
23 history record check, unless the applicant or employee obtains  
24 a waiver pursuant to Section 40 of this Act. This shall not be  
25 construed to mean that a health care employer has an obligation  
26 to conduct a criminal history records check in other states in

1 which an employee has resided.

2 (Source: P.A. 95-120, eff. 8-13-07; 95-639, eff. 10-5-07;  
3 95-876, eff. 8-21-08; 96-710, eff. 1-1-10.)

4 Section 935. The Nursing Home Administrators Licensing and  
5 Disciplinary Act is amended by changing Section 17 as follows:

6 (225 ILCS 70/17) (from Ch. 111, par. 3667)

7 (Section scheduled to be repealed on January 1, 2018)

8 Sec. 17. Grounds for disciplinary action.

9 (a) The Department may impose fines not to exceed \$10,000  
10 or may refuse to issue or to renew, or may revoke, suspend,  
11 place on probation, censure, reprimand or take other  
12 disciplinary or non-disciplinary action with regard to the  
13 license of any person, for any one or combination of the  
14 following causes:

15 (1) Intentional material misstatement in furnishing  
16 information to the Department.

17 (2) Conviction of or entry of a plea of guilty or nolo  
18 contendere to any crime that is a felony under the laws of  
19 the United States or any state or territory thereof or a  
20 misdemeanor of which an essential element is dishonesty or  
21 that is directly related to the practice of the profession  
22 of nursing home administration.

23 (3) Making any misrepresentation for the purpose of  
24 obtaining a license, or violating any provision of this

1 Act.

2 (4) Immoral conduct in the commission of any act, such  
3 as sexual abuse or sexual misconduct, related to the  
4 licensee's practice.

5 (5) Failing to respond within 30 days, to a written  
6 request made by the Department for information.

7 (6) Engaging in dishonorable, unethical or  
8 unprofessional conduct of a character likely to deceive,  
9 defraud or harm the public.

10 (7) Habitual use or addiction to alcohol, narcotics,  
11 stimulants, or any other chemical agent or drug which  
12 results in the inability to practice with reasonable  
13 judgment, skill or safety.

14 (8) Discipline by another U.S. jurisdiction if at least  
15 one of the grounds for the discipline is the same or  
16 substantially equivalent to those set forth herein.

17 (9) A finding by the Department that the licensee,  
18 after having his or her license placed on probationary  
19 status has violated the terms of probation.

20 (10) Willfully making or filing false records or  
21 reports in his or her practice, including but not limited  
22 to false records filed with State agencies or departments.

23 (11) Physical illness, mental illness, or other  
24 impairment or disability, including, but not limited to,  
25 deterioration through the aging process, or loss of motor  
26 skill that results in the inability to practice the

1 profession with reasonable judgment, skill or safety.

2 (12) Disregard or violation of this Act or of any rule  
3 issued pursuant to this Act.

4 (13) Aiding or abetting another in the violation of  
5 this Act or any rule or regulation issued pursuant to this  
6 Act.

7 (14) Allowing one's license to be used by an unlicensed  
8 person.

9 (15) (Blank).

10 (16) Professional incompetence in the practice of  
11 nursing home administration.

12 (17) Conviction of a violation of Section 12-19 or  
13 subsection (a) of Section 12-4.4a of the Criminal Code of  
14 1961 for the abuse and criminal ~~gross~~ neglect of a long  
15 term care facility resident.

16 (18) Violation of the Nursing Home Care Act or the  
17 MR/DD Community Care Act or of any rule issued under the  
18 Nursing Home Care Act or the MR/DD Community Care Act. A  
19 final adjudication of a Type "AA" violation of the Nursing  
20 Home Care Act made by the Illinois Department of Public  
21 Health, as identified by rule, relating to the hiring,  
22 training, planning, organizing, directing, or supervising  
23 the operation of a nursing home and a licensee's failure to  
24 comply with this Act or the rules adopted under this Act,  
25 shall create a rebuttable presumption of a violation of  
26 this subsection.

1           (19) Failure to report to the Department any adverse  
2           final action taken against the licensee by a licensing  
3           authority of another state, territory of the United States,  
4           or foreign country; or by any governmental or law  
5           enforcement agency; or by any court for acts or conduct  
6           similar to acts or conduct that would constitute grounds  
7           for disciplinary action under this Section.

8           (20) Failure to report to the Department the surrender  
9           of a license or authorization to practice as a nursing home  
10          administrator in another state or jurisdiction for acts or  
11          conduct similar to acts or conduct that would constitute  
12          grounds for disciplinary action under this Section.

13          (21) Failure to report to the Department any adverse  
14          judgment, settlement, or award arising from a liability  
15          claim related to acts or conduct similar to acts or conduct  
16          that would constitute grounds for disciplinary action  
17          under this Section.

18          All proceedings to suspend, revoke, place on probationary  
19          status, or take any other disciplinary action as the Department  
20          may deem proper, with regard to a license on any of the  
21          foregoing grounds, must be commenced within 5 years next after  
22          receipt by the Department of (i) a complaint alleging the  
23          commission of or notice of the conviction order for any of the  
24          acts described herein or (ii) a referral for investigation  
25          under Section 3-108 of the Nursing Home Care Act.

26          The entry of an order or judgment by any circuit court

1 establishing that any person holding a license under this Act  
2 is a person in need of mental treatment operates as a  
3 suspension of that license. That person may resume their  
4 practice only upon the entry of a Department order based upon a  
5 finding by the Board that they have been determined to be  
6 recovered from mental illness by the court and upon the Board's  
7 recommendation that they be permitted to resume their practice.

8 The Department, upon the recommendation of the Board, may  
9 adopt rules which set forth standards to be used in determining  
10 what constitutes:

11 (i) when a person will be deemed sufficiently  
12 rehabilitated to warrant the public trust;

13 (ii) dishonorable, unethical or unprofessional conduct  
14 of a character likely to deceive, defraud, or harm the  
15 public;

16 (iii) immoral conduct in the commission of any act  
17 related to the licensee's practice; and

18 (iv) professional incompetence in the practice of  
19 nursing home administration.

20 However, no such rule shall be admissible into evidence in  
21 any civil action except for review of a licensing or other  
22 disciplinary action under this Act.

23 In enforcing this Section, the Department or Board, upon a  
24 showing of a possible violation, may compel any individual  
25 licensed to practice under this Act, or who has applied for  
26 licensure pursuant to this Act, to submit to a mental or



1 physical examination, or both, as required by and at the  
2 expense of the Department. The examining physician or  
3 physicians shall be those specifically designated by the  
4 Department or Board. The Department or Board may order the  
5 examining physician to present testimony concerning this  
6 mental or physical examination of the licensee or applicant. No  
7 information shall be excluded by reason of any common law or  
8 statutory privilege relating to communications between the  
9 licensee or applicant and the examining physician. The  
10 individual to be examined may have, at his or her own expense,  
11 another physician of his or her choice present during all  
12 aspects of the examination. Failure of any individual to submit  
13 to mental or physical examination, when directed, shall be  
14 grounds for suspension of his or her license until such time as  
15 the individual submits to the examination if the Department  
16 finds, after notice and hearing, that the refusal to submit to  
17 the examination was without reasonable cause.

18 If the Department or Board finds an individual unable to  
19 practice because of the reasons set forth in this Section, the  
20 Department or Board shall require such individual to submit to  
21 care, counseling, or treatment by physicians approved or  
22 designated by the Department or Board, as a condition, term, or  
23 restriction for continued, reinstated, or renewed licensure to  
24 practice; or in lieu of care, counseling, or treatment, the  
25 Department may file, or the Board may recommend to the  
26 Department to file, a complaint to immediately suspend, revoke,

1 or otherwise discipline the license of the individual. Any  
2 individual whose license was granted pursuant to this Act or  
3 continued, reinstated, renewed, disciplined or supervised,  
4 subject to such terms, conditions or restrictions who shall  
5 fail to comply with such terms, conditions or restrictions  
6 shall be referred to the Secretary for a determination as to  
7 whether the licensee shall have his or her license suspended  
8 immediately, pending a hearing by the Department. In instances  
9 in which the Secretary immediately suspends a license under  
10 this Section, a hearing upon such person's license must be  
11 convened by the Board within 30 days after such suspension and  
12 completed without appreciable delay. The Department and Board  
13 shall have the authority to review the subject administrator's  
14 record of treatment and counseling regarding the impairment, to  
15 the extent permitted by applicable federal statutes and  
16 regulations safeguarding the confidentiality of medical  
17 records.

18 An individual licensed under this Act, affected under this  
19 Section, shall be afforded an opportunity to demonstrate to the  
20 Department or Board that he or she can resume practice in  
21 compliance with acceptable and prevailing standards under the  
22 provisions of his or her license.

23 (b) Any individual or organization acting in good faith,  
24 and not in a wilful and wanton manner, in complying with this  
25 Act by providing any report or other information to the  
26 Department, or assisting in the investigation or preparation of

1 such information, or by participating in proceedings of the  
2 Department, or by serving as a member of the Board, shall not,  
3 as a result of such actions, be subject to criminal prosecution  
4 or civil damages.

5 (c) Members of the Board, and persons retained under  
6 contract to assist and advise in an investigation, shall be  
7 indemnified by the State for any actions occurring within the  
8 scope of services on or for the Board, done in good faith and  
9 not wilful and wanton in nature. The Attorney General shall  
10 defend all such actions unless he or she determines either that  
11 there would be a conflict of interest in such representation or  
12 that the actions complained of were not in good faith or were  
13 wilful and wanton.

14 Should the Attorney General decline representation, a  
15 person entitled to indemnification under this Section shall  
16 have the right to employ counsel of his or her choice, whose  
17 fees shall be provided by the State, after approval by the  
18 Attorney General, unless there is a determination by a court  
19 that the member's actions were not in good faith or were wilful  
20 and wanton.

21 A person entitled to indemnification under this Section  
22 must notify the Attorney General within 7 days of receipt of  
23 notice of the initiation of any action involving services of  
24 the Board. Failure to so notify the Attorney General shall  
25 constitute an absolute waiver of the right to a defense and  
26 indemnification.

1           The Attorney General shall determine within 7 days after  
2 receiving such notice, whether he or she will undertake to  
3 represent a person entitled to indemnification under this  
4 Section.

5           (d) The determination by a circuit court that a licensee is  
6 subject to involuntary admission or judicial admission as  
7 provided in the Mental Health and Developmental Disabilities  
8 Code, as amended, operates as an automatic suspension. Such  
9 suspension will end only upon a finding by a court that the  
10 patient is no longer subject to involuntary admission or  
11 judicial admission and issues an order so finding and  
12 discharging the patient; and upon the recommendation of the  
13 Board to the Secretary that the licensee be allowed to resume  
14 his or her practice.

15           (e) The Department may refuse to issue or may suspend the  
16 license of any person who fails to file a return, or to pay the  
17 tax, penalty or interest shown in a filed return, or to pay any  
18 final assessment of tax, penalty or interest, as required by  
19 any tax Act administered by the Department of Revenue, until  
20 such time as the requirements of any such tax Act are  
21 satisfied.

22           (f) The Department of Public Health shall transmit to the  
23 Department a list of those facilities which receive an "A"  
24 violation as defined in Section 1-129 of the Nursing Home Care  
25 Act.

26           (Source: P.A. 95-703, eff. 12-31-07; 96-339, eff. 7-1-10;

1 96-1372, eff. 7-29-10.)

2 Section 945. The Illinois Sexually Transmissible Disease  
3 Control Act is amended by changing Section 5.5 as follows:

4 (410 ILCS 325/5.5) (from Ch. 111 1/2, par. 7405.5)

5 Sec. 5.5. Risk assessment.

6 (a) Whenever the Department receives a report of HIV  
7 infection or AIDS pursuant to this Act and the Department  
8 determines that the subject of the report may present or may  
9 have presented a possible risk of HIV transmission, the  
10 Department shall, when medically appropriate, investigate the  
11 subject of the report and that person's contacts as defined in  
12 subsection (c), to assess the potential risks of transmission.  
13 Any investigation and action shall be conducted in a timely  
14 fashion. All contacts other than those defined in subsection  
15 (c) shall be investigated in accordance with Section 5 of this  
16 Act.

17 (b) If the Department determines that there is or may have  
18 been potential risks of HIV transmission from the subject of  
19 the report to other persons, the Department shall afford the  
20 subject the opportunity to submit any information and comment  
21 on proposed actions the Department intends to take with respect  
22 to the subject's contacts who are at potential risk of  
23 transmission of HIV prior to notification of the subject's  
24 contacts. The Department shall also afford the subject of the

1 report the opportunity to notify the subject's contacts in a  
2 timely fashion who are at potential risk of transmission of HIV  
3 prior to the Department taking any steps to notify such  
4 contacts. If the subject declines to notify such contacts or if  
5 the Department determines the notices to be inadequate or  
6 incomplete, the Department shall endeavor to notify such other  
7 persons of the potential risk, and offer testing and counseling  
8 services to these individuals. When the contacts are notified,  
9 they shall be informed of the disclosure provisions of the AIDS  
10 Confidentiality Act and the penalties therein and this Section.

11 (c) Contacts investigated under this Section shall in the  
12 case of HIV infection include (i) individuals who have  
13 undergone invasive procedures performed by an HIV infected  
14 health care provider and (ii) health care providers who have  
15 performed invasive procedures for persons infected with HIV,  
16 provided the Department has determined that there is or may  
17 have been potential risk of HIV transmission from the health  
18 care provider to those individuals or from infected persons to  
19 health care providers. The Department shall have access to the  
20 subject's records to review for the identity of contacts. The  
21 subject's records shall not be copied or seized by the  
22 Department.

23 For purposes of this subsection, the term "invasive  
24 procedures" means those procedures termed invasive by the  
25 Centers for Disease Control in current guidelines or  
26 recommendations for the prevention of HIV transmission in

1 health care settings, and the term "health care provider" means  
2 any physician, dentist, podiatrist, advanced practice nurse,  
3 physician assistant, nurse, or other person providing health  
4 care services of any kind.

5 (d) All information and records held by the Department and  
6 local health authorities pertaining to activities conducted  
7 pursuant to this Section shall be strictly confidential and  
8 exempt from copying and inspection under the Freedom of  
9 Information Act. Such information and records shall not be  
10 released or made public by the Department or local health  
11 authorities, and shall not be admissible as evidence, nor  
12 discoverable in any action of any kind in any court or before  
13 any tribunal, board, agency or person and shall be treated in  
14 the same manner as the information and those records subject to  
15 the provisions of Part 21 of the Code of Civil Procedure except  
16 under the following circumstances:

17 (1) When made with the written consent of all persons  
18 to whom this information pertains;

19 (2) When authorized under Section 8 to be released  
20 under court order or subpoena pursuant to Section 12-5.01  
21 or 12-16.2 of the Criminal Code of 1961; or

22 (3) When made by the Department for the purpose of  
23 seeking a warrant authorized by Sections 6 and 7 of this  
24 Act. Such disclosure shall conform to the requirements of  
25 subsection (a) of Section 8 of this Act.

26 (e) Any person who knowingly or maliciously disseminates

1 any information or report concerning the existence of any  
2 disease under this Section is guilty of a Class A misdemeanor.  
3 (Source: P.A. 93-962, eff. 8-20-04.)

4 Section 950. The Illinois Vehicle Code is amended by  
5 changing Sections 6-106.1 and 6-508 as follows:

6 (625 ILCS 5/6-106.1)

7 Sec. 6-106.1. School bus driver permit.

8 (a) The Secretary of State shall issue a school bus driver  
9 permit to those applicants who have met all the requirements of  
10 the application and screening process under this Section to  
11 insure the welfare and safety of children who are transported  
12 on school buses throughout the State of Illinois. Applicants  
13 shall obtain the proper application required by the Secretary  
14 of State from their prospective or current employer and submit  
15 the completed application to the prospective or current  
16 employer along with the necessary fingerprint submission as  
17 required by the Department of State Police to conduct  
18 fingerprint based criminal background checks on current and  
19 future information available in the state system and current  
20 information available through the Federal Bureau of  
21 Investigation's system. Applicants who have completed the  
22 fingerprinting requirements shall not be subjected to the  
23 fingerprinting process when applying for subsequent permits or  
24 submitting proof of successful completion of the annual



1 refresher course. Individuals who on the effective date of this  
2 Act possess a valid school bus driver permit that has been  
3 previously issued by the appropriate Regional School  
4 Superintendent are not subject to the fingerprinting  
5 provisions of this Section as long as the permit remains valid  
6 and does not lapse. The applicant shall be required to pay all  
7 related application and fingerprinting fees as established by  
8 rule including, but not limited to, the amounts established by  
9 the Department of State Police and the Federal Bureau of  
10 Investigation to process fingerprint based criminal background  
11 investigations. All fees paid for fingerprint processing  
12 services under this Section shall be deposited into the State  
13 Police Services Fund for the cost incurred in processing the  
14 fingerprint based criminal background investigations. All  
15 other fees paid under this Section shall be deposited into the  
16 Road Fund for the purpose of defraying the costs of the  
17 Secretary of State in administering this Section. All  
18 applicants must:

- 19 1. be 21 years of age or older;
- 20 2. possess a valid and properly classified driver's  
21 license issued by the Secretary of State;
- 22 3. possess a valid driver's license, which has not been  
23 revoked, suspended, or canceled for 3 years immediately  
24 prior to the date of application, or have not had his or  
25 her commercial motor vehicle driving privileges  
26 disqualified within the 3 years immediately prior to the

1 date of application;

2 4. successfully pass a written test, administered by  
3 the Secretary of State, on school bus operation, school bus  
4 safety, and special traffic laws relating to school buses  
5 and submit to a review of the applicant's driving habits by  
6 the Secretary of State at the time the written test is  
7 given;

8 5. demonstrate ability to exercise reasonable care in  
9 the operation of school buses in accordance with rules  
10 promulgated by the Secretary of State;

11 6. demonstrate physical fitness to operate school  
12 buses by submitting the results of a medical examination,  
13 including tests for drug use for each applicant not subject  
14 to such testing pursuant to federal law, conducted by a  
15 licensed physician, an advanced practice nurse who has a  
16 written collaborative agreement with a collaborating  
17 physician which authorizes him or her to perform medical  
18 examinations, or a physician assistant who has been  
19 delegated the performance of medical examinations by his or  
20 her supervising physician within 90 days of the date of  
21 application according to standards promulgated by the  
22 Secretary of State;

23 7. affirm under penalties of perjury that he or she has  
24 not made a false statement or knowingly concealed a  
25 material fact in any application for permit;

26 8. have completed an initial classroom course,

1 including first aid procedures, in school bus driver safety  
2 as promulgated by the Secretary of State; and after  
3 satisfactory completion of said initial course an annual  
4 refresher course; such courses and the agency or  
5 organization conducting such courses shall be approved by  
6 the Secretary of State; failure to complete the annual  
7 refresher course, shall result in cancellation of the  
8 permit until such course is completed;

9 9. not have been convicted of 2 or more serious traffic  
10 offenses, as defined by rule, within one year prior to the  
11 date of application that may endanger the life or safety of  
12 any of the driver's passengers within the duration of the  
13 permit period;

14 10. not have been convicted of reckless driving,  
15 aggravated reckless driving, driving while under the  
16 influence of alcohol, other drug or drugs, intoxicating  
17 compound or compounds or any combination thereof, or  
18 reckless homicide resulting from the operation of a motor  
19 vehicle within 3 years of the date of application;

20 11. not have been convicted of committing or attempting  
21 to commit any one or more of the following offenses: (i)  
22 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,  
23 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,  
24 10-5.1, 10-6, 10-7, 10-9, 11-6, 11-6.5, 11-6.6, 11-9,  
25 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-15, 11-15.1,  
26 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1,

1 11-19.2, 11-20, 11-20.1, 11-20.3, 11-21, 11-22, 11-23,  
2 11-24, 11-25, 11-26, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,  
3 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,  
4 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,  
5 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,  
6 12-21.5, 12-21.6, 12-33, 16-16, 16-16.1, 18-1, 18-2, 18-3,  
7 18-4, 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1,  
8 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3,  
9 24-3.5, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection  
10 (b) of Section 8-1, and in subdivisions (a)(1), (a)(2),  
11 (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1) of  
12 Section 12-3.05, and in subsection (a) and subsection (b),  
13 clause (1), of Section 12-4, and in subsection (A), clauses  
14 (a) and (b), of Section 24-3, and those offenses contained  
15 in Article 29D of the Criminal Code of 1961; (ii) those  
16 offenses defined in the Cannabis Control Act except those  
17 offenses defined in subsections (a) and (b) of Section 4,  
18 and subsection (a) of Section 5 of the Cannabis Control  
19 Act; (iii) those offenses defined in the Illinois  
20 Controlled Substances Act; (iv) those offenses defined in  
21 the Methamphetamine Control and Community Protection Act;  
22 (v) any offense committed or attempted in any other state  
23 or against the laws of the United States, which if  
24 committed or attempted in this State would be punishable as  
25 one or more of the foregoing offenses; (vi) the offenses  
26 defined in Section 4.1 and 5.1 of the Wrongs to Children

1 Act; (vii) those offenses defined in Section 6-16 of the  
2 Liquor Control Act of 1934; and (viii) those offenses  
3 defined in the Methamphetamine Precursor Control Act; ~~and~~

4 12. not have been repeatedly involved as a driver in  
5 motor vehicle collisions or been repeatedly convicted of  
6 offenses against laws and ordinances regulating the  
7 movement of traffic, to a degree which indicates lack of  
8 ability to exercise ordinary and reasonable care in the  
9 safe operation of a motor vehicle or disrespect for the  
10 traffic laws and the safety of other persons upon the  
11 highway;

12 13. not have, through the unlawful operation of a motor  
13 vehicle, caused an accident resulting in the death of any  
14 person; and

15 14. not have, within the last 5 years, been adjudged to  
16 be afflicted with or suffering from any mental disability  
17 or disease.

18 (b) A school bus driver permit shall be valid for a period  
19 specified by the Secretary of State as set forth by rule. It  
20 shall be renewable upon compliance with subsection (a) of this  
21 Section.

22 (c) A school bus driver permit shall contain the holder's  
23 driver's license number, legal name, residence address, zip  
24 code, social security number and date of birth, a brief  
25 description of the holder and a space for signature. The  
26 Secretary of State may require a suitable photograph of the

1 holder.

2 (d) The employer shall be responsible for conducting a  
3 pre-employment interview with prospective school bus driver  
4 candidates, distributing school bus driver applications and  
5 medical forms to be completed by the applicant, and submitting  
6 the applicant's fingerprint cards to the Department of State  
7 Police that are required for the criminal background  
8 investigations. The employer shall certify in writing to the  
9 Secretary of State that all pre-employment conditions have been  
10 successfully completed including the successful completion of  
11 an Illinois specific criminal background investigation through  
12 the Department of State Police and the submission of necessary  
13 fingerprints to the Federal Bureau of Investigation for  
14 criminal history information available through the Federal  
15 Bureau of Investigation system. The applicant shall present the  
16 certification to the Secretary of State at the time of  
17 submitting the school bus driver permit application.

18 (e) Permits shall initially be provisional upon receiving  
19 certification from the employer that all pre-employment  
20 conditions have been successfully completed, and upon  
21 successful completion of all training and examination  
22 requirements for the classification of the vehicle to be  
23 operated, the Secretary of State shall provisionally issue a  
24 School Bus Driver Permit. The permit shall remain in a  
25 provisional status pending the completion of the Federal Bureau  
26 of Investigation's criminal background investigation based

1 upon fingerprinting specimens submitted to the Federal Bureau  
2 of Investigation by the Department of State Police. The Federal  
3 Bureau of Investigation shall report the findings directly to  
4 the Secretary of State. The Secretary of State shall remove the  
5 bus driver permit from provisional status upon the applicant's  
6 successful completion of the Federal Bureau of Investigation's  
7 criminal background investigation.

8 (f) A school bus driver permit holder shall notify the  
9 employer and the Secretary of State if he or she is convicted  
10 in another state of an offense that would make him or her  
11 ineligible for a permit under subsection (a) of this Section.  
12 The written notification shall be made within 5 days of the  
13 entry of the conviction. Failure of the permit holder to  
14 provide the notification is punishable as a petty offense for a  
15 first violation and a Class B misdemeanor for a second or  
16 subsequent violation.

17 (g) Cancellation; suspension; notice and procedure.

18 (1) The Secretary of State shall cancel a school bus  
19 driver permit of an applicant whose criminal background  
20 investigation discloses that he or she is not in compliance  
21 with the provisions of subsection (a) of this Section.

22 (2) The Secretary of State shall cancel a school bus  
23 driver permit when he or she receives notice that the  
24 permit holder fails to comply with any provision of this  
25 Section or any rule promulgated for the administration of  
26 this Section.

1           (3) The Secretary of State shall cancel a school bus  
2 driver permit if the permit holder's restricted commercial  
3 or commercial driving privileges are withdrawn or  
4 otherwise invalidated.

5           (4) The Secretary of State may not issue a school bus  
6 driver permit for a period of 3 years to an applicant who  
7 fails to obtain a negative result on a drug test as  
8 required in item 6 of subsection (a) of this Section or  
9 under federal law.

10          (5) The Secretary of State shall forthwith suspend a  
11 school bus driver permit for a period of 3 years upon  
12 receiving notice that the holder has failed to obtain a  
13 negative result on a drug test as required in item 6 of  
14 subsection (a) of this Section or under federal law.

15          (6) The Secretary of State shall suspend a school bus  
16 driver permit for a period of 3 years upon receiving notice  
17 from the employer that the holder failed to perform the  
18 inspection procedure set forth in subsection (a) or (b) of  
19 Section 12-816 of this Code.

20          The Secretary of State shall notify the State  
21 Superintendent of Education and the permit holder's  
22 prospective or current employer that the applicant has (1) has  
23 failed a criminal background investigation or (2) is no longer  
24 eligible for a school bus driver permit; and of the related  
25 cancellation of the applicant's provisional school bus driver  
26 permit. The cancellation shall remain in effect pending the



1 outcome of a hearing pursuant to Section 2-118 of this Code.  
2 The scope of the hearing shall be limited to the issuance  
3 criteria contained in subsection (a) of this Section. A  
4 petition requesting a hearing shall be submitted to the  
5 Secretary of State and shall contain the reason the individual  
6 feels he or she is entitled to a school bus driver permit. The  
7 permit holder's employer shall notify in writing to the  
8 Secretary of State that the employer has certified the removal  
9 of the offending school bus driver from service prior to the  
10 start of that school bus driver's next workshift. An employing  
11 school board that fails to remove the offending school bus  
12 driver from service is subject to the penalties defined in  
13 Section 3-14.23 of the School Code. A school bus contractor who  
14 violates a provision of this Section is subject to the  
15 penalties defined in Section 6-106.11.

16 All valid school bus driver permits issued under this  
17 Section prior to January 1, 1995, shall remain effective until  
18 their expiration date unless otherwise invalidated.

19 (h) When a school bus driver permit holder who is a service  
20 member is called to active duty, the employer of the permit  
21 holder shall notify the Secretary of State, within 30 days of  
22 notification from the permit holder, that the permit holder has  
23 been called to active duty. Upon notification pursuant to this  
24 subsection, (i) the Secretary of State shall characterize the  
25 permit as inactive until a permit holder renews the permit as  
26 provided in subsection (i) of this Section, and (ii) if a

1 permit holder fails to comply with the requirements of this  
2 Section while called to active duty, the Secretary of State  
3 shall not characterize the permit as invalid.

4 (i) A school bus driver permit holder who is a service  
5 member returning from active duty must, within 90 days, renew a  
6 permit characterized as inactive pursuant to subsection (h) of  
7 this Section by complying with the renewal requirements of  
8 subsection (b) of this Section.

9 (j) For purposes of subsections (h) and (i) of this  
10 Section:

11 "Active duty" means active duty pursuant to an executive  
12 order of the President of the United States, an act of the  
13 Congress of the United States, or an order of the Governor.

14 "Service member" means a member of the Armed Services or  
15 reserve forces of the United States or a member of the Illinois  
16 National Guard.

17 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;  
18 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.  
19 7-22-10; revised 9-2-10.)

20 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

21 Sec. 6-508. Commercial Driver's License (CDL) -  
22 qualification standards.

23 (a) Testing.

24 (1) General. No person shall be issued an original or  
25 renewal CDL unless that person is domiciled in this State.

1           The Secretary shall cause to be administered such tests as  
2           the Secretary deems necessary to meet the requirements of  
3           49 C.F.R. Part 383, subparts F, G, H, and J.

4           (2) Third party testing. The Secretary of state may  
5           authorize a "third party tester", pursuant to 49 C.F.R.  
6           Part 383.75, to administer the skills test or tests  
7           specified by Federal Motor Carrier Safety Administration  
8           pursuant to the Commercial Motor Vehicle Safety Act of 1986  
9           and any appropriate federal rule.

10          (b) Waiver of Skills Test. The Secretary of State may waive  
11          the skills test specified in this Section for a driver  
12          applicant for a commercial driver license who meets the  
13          requirements of 49 C.F.R. Part 383.77 and Part 383.123.

14          (c) Limitations on issuance of a CDL. A CDL, or a  
15          commercial driver instruction permit, shall not be issued to a  
16          person while the person is subject to a disqualification from  
17          driving a commercial motor vehicle, or unless otherwise  
18          permitted by this Code, while the person's driver's license is  
19          suspended, revoked or cancelled in any state, or any territory  
20          or province of Canada; nor may a CDL be issued to a person who  
21          has a CDL issued by any other state, or foreign jurisdiction,  
22          unless the person first surrenders all such licenses. No CDL  
23          shall be issued to or renewed for a person who does not meet  
24          the requirement of 49 CFR 391.41(b)(11). The requirement may be  
25          met with the aid of a hearing aid.

26          (c-1) The Secretary may issue a CDL with a school bus

1 driver endorsement to allow a person to drive the type of bus  
2 described in subsection (d-5) of Section 6-104 of this Code.  
3 The CDL with a school bus driver endorsement may be issued only  
4 to a person meeting the following requirements:

5 (1) the person has submitted his or her fingerprints to  
6 the Department of State Police in the form and manner  
7 prescribed by the Department of State Police. These  
8 fingerprints shall be checked against the fingerprint  
9 records now and hereafter filed in the Department of State  
10 Police and Federal Bureau of Investigation criminal  
11 history records databases;

12 (2) the person has passed a written test, administered  
13 by the Secretary of State, on charter bus operation,  
14 charter bus safety, and certain special traffic laws  
15 relating to school buses determined by the Secretary of  
16 State to be relevant to charter buses, and submitted to a  
17 review of the driver applicant's driving habits by the  
18 Secretary of State at the time the written test is given;

19 (3) the person has demonstrated physical fitness to  
20 operate school buses by submitting the results of a medical  
21 examination, including tests for drug use; and

22 (4) the person has not been convicted of committing or  
23 attempting to commit any one or more of the following  
24 offenses: (i) those offenses defined in Sections 8-1.2,  
25 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,  
26 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-6, 11-6.5,

1 11-6.6, 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1,  
2 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1,  
3 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.3, 11-21,  
4 11-22, 11-23, 11-24, 11-25, 11-26, 12-2.6, 12-3.1, 12-4,  
5 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6,  
6 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3,  
7 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1, 12-15,  
8 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 16-16, 16-16.1,  
9 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3,  
10 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7,  
11 24-2.1, 24-3.3, 24-3.5, 31A-1, 31A-1.1, 33A-2, and 33D-1,  
12 and in subsection (b) of Section 8-1, and in subdivisions  
13 (a) (1), (a) (2), (b) (1), (e) (1), (e) (2), (e) (3), (e) (4),  
14 and (f) (1) of Section 12-3.05, and in subsection (a) and  
15 subsection (b), clause (1), of Section 12-4, and in  
16 subsection (A), clauses (a) and (b), of Section 24-3, and  
17 those offenses contained in Article 29D of the Criminal  
18 Code of 1961; (ii) those offenses defined in the Cannabis  
19 Control Act except those offenses defined in subsections  
20 (a) and (b) of Section 4, and subsection (a) of Section 5  
21 of the Cannabis Control Act; (iii) those offenses defined  
22 in the Illinois Controlled Substances Act; (iv) those  
23 offenses defined in the Methamphetamine Control and  
24 Community Protection Act; (v) any offense committed or  
25 attempted in any other state or against the laws of the  
26 United States, which if committed or attempted in this

1 State would be punishable as one or more of the foregoing  
2 offenses; (vi) the offenses defined in Sections 4.1 and 5.1  
3 of the Wrongs to Children Act; (vii) those offenses defined  
4 in Section 6-16 of the Liquor Control Act of 1934; and  
5 (viii) those offenses defined in the Methamphetamine  
6 Precursor Control Act.

7 The Department of State Police shall charge a fee for  
8 conducting the criminal history records check, which shall be  
9 deposited into the State Police Services Fund and may not  
10 exceed the actual cost of the records check.

11 (c-2) The Secretary shall issue a CDL with a school bus  
12 endorsement to allow a person to drive a school bus as defined  
13 in this Section. The CDL shall be issued according to the  
14 requirements outlined in 49 C.F.R. 383. A person may not  
15 operate a school bus as defined in this Section without a  
16 school bus endorsement. The Secretary of State may adopt rules  
17 consistent with Federal guidelines to implement this  
18 subsection (c-2).

19 (d) Commercial driver instruction permit. A commercial  
20 driver instruction permit may be issued to any person holding a  
21 valid Illinois driver's license if such person successfully  
22 passes such tests as the Secretary determines to be necessary.  
23 A commercial driver instruction permit shall not be issued to a  
24 person who does not meet the requirements of 49 CFR 391.41  
25 (b)(11), except for the renewal of a commercial driver  
26 instruction permit for a person who possesses a commercial

1 instruction permit prior to the effective date of this  
2 amendatory Act of 1999.

3 (Source: P.A. 95-331, eff. 8-21-07; 95-382, eff. 8-23-07;  
4 96-1182, eff. 7-22-10.)

5 Section 955. The Juvenile Court Act of 1987 is amended by  
6 changing Sections 2-25, 3-26, 4-23, 5-130, 5-410, and 5-730 as  
7 follows:

8 (705 ILCS 405/2-25) (from Ch. 37, par. 802-25)

9 Sec. 2-25. Order of protection.

10 (1) The court may make an order of protection in assistance  
11 of or as a condition of any other order authorized by this Act.  
12 The order of protection shall be based on the health, safety  
13 and best interests of the minor and may set forth reasonable  
14 conditions of behavior to be observed for a specified period.  
15 Such an order may require a person:

16 (a) to stay away from the home or the minor;

17 (b) to permit a parent to visit the minor at stated  
18 periods;

19 (c) to abstain from offensive conduct against the  
20 minor, his parent or any person to whom custody of the  
21 minor is awarded;

22 (d) to give proper attention to the care of the home;

23 (e) to cooperate in good faith with an agency to which  
24 custody of a minor is entrusted by the court or with an

1 agency or association to which the minor is referred by the  
2 court;

3 (f) to prohibit and prevent any contact whatsoever with  
4 the respondent minor by a specified individual or  
5 individuals who are alleged in either a criminal or  
6 juvenile proceeding to have caused injury to a respondent  
7 minor or a sibling of a respondent minor;

8 (g) to refrain from acts of commission or omission that  
9 tend to make the home not a proper place for the minor;

10 (h) to refrain from contacting the minor and the foster  
11 parents in any manner that is not specified in writing in  
12 the case plan.

13 (2) The court shall enter an order of protection to  
14 prohibit and prevent any contact between a respondent minor or  
15 a sibling of a respondent minor and any person named in a  
16 petition seeking an order of protection who has been convicted  
17 of heinous battery under Section 12-4.1 or aggravated battery  
18 under subdivision (a)(2) of Section 12-3.05, aggravated  
19 battery of a child under Section 12-4.3 or aggravated battery  
20 under subdivision (b)(1) of Section 12-3.05, criminal sexual  
21 assault under Section 12-13, aggravated criminal sexual  
22 assault under Section 12-14, predatory criminal sexual assault  
23 of a child under Section 12-14.1, criminal sexual abuse under  
24 Section 12-15, or aggravated criminal sexual abuse under  
25 Section 12-16 of the Criminal Code of 1961, or has been  
26 convicted of an offense that resulted in the death of a child,



1 or has violated a previous order of protection under this  
2 Section.

3 (3) When the court issues an order of protection against  
4 any person as provided by this Section, the court shall direct  
5 a copy of such order to the Sheriff of that county. The Sheriff  
6 shall furnish a copy of the order of protection to the  
7 Department of State Police within 24 hours of receipt, in the  
8 form and manner required by the Department. The Department of  
9 State Police shall maintain a complete record and index of such  
10 orders of protection and make this data available to all local  
11 law enforcement agencies.

12 (4) After notice and opportunity for hearing afforded to a  
13 person subject to an order of protection, the order may be  
14 modified or extended for a further specified period or both or  
15 may be terminated if the court finds that the health, safety,  
16 and best interests of the minor and the public will be served  
17 thereby.

18 (5) An order of protection may be sought at any time during  
19 the course of any proceeding conducted pursuant to this Act if  
20 such an order is consistent with the health, safety, and best  
21 interests of the minor. Any person against whom an order of  
22 protection is sought may retain counsel to represent him at a  
23 hearing, and has rights to be present at the hearing, to be  
24 informed prior to the hearing in writing of the contents of the  
25 petition seeking a protective order and of the date, place and  
26 time of such hearing, and to cross examine witnesses called by

1 the petitioner and to present witnesses and argument in  
2 opposition to the relief sought in the petition.

3 (6) Diligent efforts shall be made by the petitioner to  
4 serve any person or persons against whom any order of  
5 protection is sought with written notice of the contents of the  
6 petition seeking a protective order and of the date, place and  
7 time at which the hearing on the petition is to be held. When a  
8 protective order is being sought in conjunction with a  
9 temporary custody hearing, if the court finds that the person  
10 against whom the protective order is being sought has been  
11 notified of the hearing or that diligent efforts have been made  
12 to notify such person, the court may conduct a hearing. If a  
13 protective order is sought at any time other than in  
14 conjunction with a temporary custody hearing, the court may not  
15 conduct a hearing on the petition in the absence of the person  
16 against whom the order is sought unless the petitioner has  
17 notified such person by personal service at least 3 days before  
18 the hearing or has sent written notice by first class mail to  
19 such person's last known address at least 5 days before the  
20 hearing.

21 (7) A person against whom an order of protection is being  
22 sought who is neither a parent, guardian, legal custodian or  
23 responsible relative as described in Section 1-5 is not a party  
24 or respondent as defined in that Section and shall not be  
25 entitled to the rights provided therein. Such person does not  
26 have a right to appointed counsel or to be present at any

1 hearing other than the hearing in which the order of protection  
2 is being sought or a hearing directly pertaining to that order.  
3 Unless the court orders otherwise, such person does not have a  
4 right to inspect the court file.

5 (8) All protective orders entered under this Section shall  
6 be in writing. Unless the person against whom the order was  
7 obtained was present in court when the order was issued, the  
8 sheriff, other law enforcement official or special process  
9 server shall promptly serve that order upon that person and  
10 file proof of such service, in the manner provided for service  
11 of process in civil proceedings. The person against whom the  
12 protective order was obtained may seek a modification of the  
13 order by filing a written motion to modify the order within 7  
14 days after actual receipt by the person of a copy of the order.  
15 Any modification of the order granted by the court must be  
16 determined to be consistent with the best interests of the  
17 minor.

18 (9) If a petition is filed charging a violation of a  
19 condition contained in the protective order and if the court  
20 determines that this violation is of a critical service  
21 necessary to the safety and welfare of the minor, the court may  
22 proceed to findings and an order for temporary custody.

23 (Source: P.A. 95-405, eff. 6-1-08.)

24 (705 ILCS 405/3-26) (from Ch. 37, par. 803-26)

25 Sec. 3-26. Order of protection.

1           (1) The court may make an order of protection in assistance  
2 of or as a condition of any other order authorized by this Act.  
3 The order of protection may set forth reasonable conditions of  
4 behavior to be observed for a specified period. Such an order  
5 may require a person:

6           (a) To stay away from the home or the minor;

7           (b) To permit a parent to visit the minor at stated  
8 periods;

9           (c) To abstain from offensive conduct against the  
10 minor, his parent or any person to whom custody of the  
11 minor is awarded;

12           (d) To give proper attention to the care of the home;

13           (e) To cooperate in good faith with an agency to which  
14 custody of a minor is entrusted by the court or with an  
15 agency or association to which the minor is referred by the  
16 court;

17           (f) To prohibit and prevent any contact whatsoever with  
18 the respondent minor by a specified individual or  
19 individuals who are alleged in either a criminal or  
20 juvenile proceeding to have caused injury to a respondent  
21 minor or a sibling of a respondent minor;

22           (g) To refrain from acts of commission or omission that  
23 tend to make the home not a proper place for the minor.

24           (2) The court shall enter an order of protection to  
25 prohibit and prevent any contact between a respondent minor or  
26 a sibling of a respondent minor and any person named in a

1 petition seeking an order of protection who has been convicted  
2 of heinous battery under Section 12-4.1 or aggravated battery  
3 under subdivision (a)(2) of Section 12-3.05, aggravated  
4 battery of a child under Section 12-4.3 or aggravated battery  
5 under subdivision (b)(1) of Section 12-3.05, criminal sexual  
6 assault under Section 12-13, aggravated criminal sexual  
7 assault under Section 12-14, predatory criminal sexual assault  
8 of a child under Section 12-14.1, criminal sexual abuse under  
9 Section 12-15, or aggravated criminal sexual abuse under  
10 Section 12-16 of the Criminal Code of 1961, or has been  
11 convicted of an offense that resulted in the death of a child,  
12 or has violated a previous order of protection under this  
13 Section.

14 (3) When the court issues an order of protection against  
15 any person as provided by this Section, the court shall direct  
16 a copy of such order to the Sheriff of that county. The Sheriff  
17 shall furnish a copy of the order of protection to the  
18 Department of State Police within 24 hours of receipt, in the  
19 form and manner required by the Department. The Department of  
20 State Police shall maintain a complete record and index of such  
21 orders of protection and make this data available to all local  
22 law enforcement agencies.

23 (4) After notice and opportunity for hearing afforded to a  
24 person subject to an order of protection, the order may be  
25 modified or extended for a further specified period or both or  
26 may be terminated if the court finds that the best interests of

1 the minor and the public will be served thereby.

2 (5) An order of protection may be sought at any time during  
3 the course of any proceeding conducted pursuant to this Act.  
4 Any person against whom an order of protection is sought may  
5 retain counsel to represent him at a hearing, and has rights to  
6 be present at the hearing, to be informed prior to the hearing  
7 in writing of the contents of the petition seeking a protective  
8 order and of the date, place and time of such hearing, and to  
9 cross examine witnesses called by the petitioner and to present  
10 witnesses and argument in opposition to the relief sought in  
11 the petition.

12 (6) Diligent efforts shall be made by the petitioner to  
13 serve any person or persons against whom any order of  
14 protection is sought with written notice of the contents of the  
15 petition seeking a protective order and of the date, place and  
16 time at which the hearing on the petition is to be held. When a  
17 protective order is being sought in conjunction with a shelter  
18 care hearing, if the court finds that the person against whom  
19 the protective order is being sought has been notified of the  
20 hearing or that diligent efforts have been made to notify such  
21 person, the court may conduct a hearing. If a protective order  
22 is sought at any time other than in conjunction with a shelter  
23 care hearing, the court may not conduct a hearing on the  
24 petition in the absence of the person against whom the order is  
25 sought unless the petitioner has notified such person by  
26 personal service at least 3 days before the hearing or has sent

1 written notice by first class mail to such person's last known  
2 address at least 5 days before the hearing.

3 (7) A person against whom an order of protection is being  
4 sought who is neither a parent, guardian, legal custodian or  
5 responsible relative as described in Section 1-5 is not a party  
6 or respondent as defined in that Section and shall not be  
7 entitled to the rights provided therein. Such person does not  
8 have a right to appointed counsel or to be present at any  
9 hearing other than the hearing in which the order of protection  
10 is being sought or a hearing directly pertaining to that order.  
11 Unless the court orders otherwise, such person does not have a  
12 right to inspect the court file.

13 (8) All protective orders entered under this Section shall  
14 be in writing. Unless the person against whom the order was  
15 obtained was present in court when the order was issued, the  
16 sheriff, other law enforcement official or special process  
17 server shall promptly serve that order upon that person and  
18 file proof of such service, in the manner provided for service  
19 of process in civil proceedings. The person against whom the  
20 protective order was obtained may seek a modification of the  
21 order by filing a written motion to modify the order within 7  
22 days after actual receipt by the person of a copy of the order.  
23 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;  
24 90-655, eff. 7-30-98.)

25 (705 ILCS 405/4-23) (from Ch. 37, par. 804-23)

1           Sec. 4-23. Order of protection.

2           (1) The court may make an order of protection in assistance  
3 of or as a condition of any other order authorized by this Act.  
4 The order of protection may set forth reasonable conditions of  
5 behavior to be observed for a specified period. Such an order  
6 may require a person:

7           (a) To stay away from the home or the minor;

8           (b) To permit a parent to visit the minor at stated  
9 periods;

10           (c) To abstain from offensive conduct against the  
11 minor, his parent or any person to whom custody of the  
12 minor is awarded;

13           (d) To give proper attention to the care of the home;

14           (e) To cooperate in good faith with an agency to which  
15 custody of a minor is entrusted by the court or with an  
16 agency or association to which the minor is referred by the  
17 court;

18           (f) To prohibit and prevent any contact whatsoever with  
19 the respondent minor by a specified individual or  
20 individuals who are alleged in either a criminal or  
21 juvenile proceeding to have caused injury to a respondent  
22 minor or a sibling of a respondent minor;

23           (g) To refrain from acts of commission or omission that  
24 tend to make the home not a proper place for the minor.

25           (2) The court shall enter an order of protection to  
26 prohibit and prevent any contact between a respondent minor or



1 a sibling of a respondent minor and any person named in a  
2 petition seeking an order of protection who has been convicted  
3 of heinous battery under Section 12-4.1 or aggravated battery  
4 under subdivision (a)(2) of Section 12-3.05, aggravated  
5 battery of a child under Section 12-4.3 or aggravated battery  
6 under subdivision (b)(1) of Section 12-3.05, criminal sexual  
7 assault under Section 12-13, aggravated criminal sexual  
8 assault under Section 12-14, predatory criminal sexual assault  
9 of a child under Section 12-14.1, criminal sexual abuse under  
10 Section 12-15, or aggravated criminal sexual abuse under  
11 Section 12-16 of the Criminal Code of 1961, or has been  
12 convicted of an offense that resulted in the death of a child,  
13 or has violated a previous order of protection under this  
14 Section.

15 (3) When the court issues an order of protection against  
16 any person as provided by this Section, the court shall direct  
17 a copy of such order to the Sheriff of that county. The Sheriff  
18 shall furnish a copy of the order of protection to the  
19 Department of State Police within 24 hours of receipt, in the  
20 form and manner required by the Department. The Department of  
21 State Police shall maintain a complete record and index of such  
22 orders of protection and make this data available to all local  
23 law enforcement agencies.

24 (4) After notice and opportunity for hearing afforded to a  
25 person subject to an order of protection, the order may be  
26 modified or extended for a further specified period or both or

1 may be terminated if the court finds that the best interests of  
2 the minor and the public will be served thereby.

3 (5) An order of protection may be sought at any time during  
4 the course of any proceeding conducted pursuant to this Act.  
5 Any person against whom an order of protection is sought may  
6 retain counsel to represent him at a hearing, and has rights to  
7 be present at the hearing, to be informed prior to the hearing  
8 in writing of the contents of the petition seeking a protective  
9 order and of the date, place and time of such hearing, and to  
10 cross examine witnesses called by the petitioner and to present  
11 witnesses and argument in opposition to the relief sought in  
12 the petition.

13 (6) Diligent efforts shall be made by the petitioner to  
14 serve any person or persons against whom any order of  
15 protection is sought with written notice of the contents of the  
16 petition seeking a protective order and of the date, place and  
17 time at which the hearing on the petition is to be held. When a  
18 protective order is being sought in conjunction with a shelter  
19 care hearing, if the court finds that the person against whom  
20 the protective order is being sought has been notified of the  
21 hearing or that diligent efforts have been made to notify such  
22 person, the court may conduct a hearing. If a protective order  
23 is sought at any time other than in conjunction with a shelter  
24 care hearing, the court may not conduct a hearing on the  
25 petition in the absence of the person against whom the order is  
26 sought unless the petitioner has notified such person by

1 personal service at least 3 days before the hearing or has sent  
2 written notice by first class mail to such person's last known  
3 address at least 5 days before the hearing.

4 (7) A person against whom an order of protection is being  
5 sought who is neither a parent, guardian, legal custodian or  
6 responsible relative as described in Section 1-5 is not a party  
7 or respondent as defined in that Section and shall not be  
8 entitled to the rights provided therein. Such person does not  
9 have a right to appointed counsel or to be present at any  
10 hearing other than the hearing in which the order of protection  
11 is being sought or a hearing directly pertaining to that order.  
12 Unless the court orders otherwise, such person does not have a  
13 right to inspect the court file.

14 (8) All protective orders entered under this Section shall  
15 be in writing. Unless the person against whom the order was  
16 obtained was present in court when the order was issued, the  
17 sheriff, other law enforcement official or special process  
18 server shall promptly serve that order upon that person and  
19 file proof of such service, in the manner provided for service  
20 of process in civil proceedings. The person against whom the  
21 protective order was obtained may seek a modification of the  
22 order by filing a written motion to modify the order within 7  
23 days after actual receipt by the person of a copy of the order.  
24 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;  
25 90-655, eff. 7-30-98.)

1 (705 ILCS 405/5-130)

2 Sec. 5-130. Excluded jurisdiction.

3 (1) (a) The definition of delinquent minor under Section  
4 5-120 of this Article shall not apply to any minor who at the  
5 time of an offense was at least 15 years of age and who is  
6 charged with: (i) first degree murder, (ii) aggravated criminal  
7 sexual assault, (iii) aggravated battery with a firearm as  
8 described in Section 12-4.2 or subdivision (e)(1), (e)(2),  
9 (e)(3), or (e)(4) of Section 12-3.05 where the minor personally  
10 discharged a firearm as defined in Section 2-15.5 of the  
11 Criminal Code of 1961, (iv) armed robbery when the armed  
12 robbery was committed with a firearm, or (v) aggravated  
13 vehicular hijacking when the hijacking was committed with a  
14 firearm.

15 These charges and all other charges arising out of the same  
16 incident shall be prosecuted under the criminal laws of this  
17 State.

18 (b) (i) If before trial or plea an information or  
19 indictment is filed that does not charge an offense specified  
20 in paragraph (a) of this subsection (1) the State's Attorney  
21 may proceed on any lesser charge or charges, but only in  
22 Juvenile Court under the provisions of this Article. The  
23 State's Attorney may proceed under the Criminal Code of 1961 on  
24 a lesser charge if before trial the minor defendant knowingly  
25 and with advice of counsel waives, in writing, his or her right  
26 to have the matter proceed in Juvenile Court.

1           (ii) If before trial or plea an information or indictment  
2 is filed that includes one or more charges specified in  
3 paragraph (a) of this subsection (1) and additional charges  
4 that are not specified in that paragraph, all of the charges  
5 arising out of the same incident shall be prosecuted under the  
6 Criminal Code of 1961.

7           (c) (i) If after trial or plea the minor is convicted of  
8 any offense covered by paragraph (a) of this subsection (1),  
9 then, in sentencing the minor, the court shall have available  
10 any or all dispositions prescribed for that offense under  
11 Chapter V of the Unified Code of Corrections.

12           (ii) If after trial or plea the court finds that the minor  
13 committed an offense not covered by paragraph (a) of this  
14 subsection (1), that finding shall not invalidate the verdict  
15 or the prosecution of the minor under the criminal laws of the  
16 State; however, unless the State requests a hearing for the  
17 purpose of sentencing the minor under Chapter V of the Unified  
18 Code of Corrections, the Court must proceed under Sections  
19 5-705 and 5-710 of this Article. To request a hearing, the  
20 State must file a written motion within 10 days following the  
21 entry of a finding or the return of a verdict. Reasonable  
22 notice of the motion shall be given to the minor or his or her  
23 counsel. If the motion is made by the State, the court shall  
24 conduct a hearing to determine if the minor should be sentenced  
25 under Chapter V of the Unified Code of Corrections. In making  
26 its determination, the court shall consider among other

1 matters: (a) whether there is evidence that the offense was  
2 committed in an aggressive and premeditated manner; (b) the age  
3 of the minor; (c) the previous history of the minor; (d)  
4 whether there are facilities particularly available to the  
5 Juvenile Court or the Department of Juvenile Justice for the  
6 treatment and rehabilitation of the minor; (e) whether the  
7 security of the public requires sentencing under Chapter V of  
8 the Unified Code of Corrections; and (f) whether the minor  
9 possessed a deadly weapon when committing the offense. The  
10 rules of evidence shall be the same as if at trial. If after  
11 the hearing the court finds that the minor should be sentenced  
12 under Chapter V of the Unified Code of Corrections, then the  
13 court shall sentence the minor accordingly having available to  
14 it any or all dispositions so prescribed.

15 (2) (Blank).

16 (3) (a) The definition of delinquent minor under Section  
17 5-120 of this Article shall not apply to any minor who at the  
18 time of the offense was at least 15 years of age and who is  
19 charged with a violation of the provisions of paragraph (1),  
20 (3), (4), or (10) of subsection (a) of Section 24-1 of the  
21 Criminal Code of 1961 while in school, regardless of the time  
22 of day or the time of year, or on the real property comprising  
23 any school, regardless of the time of day or the time of year.  
24 School is defined, for purposes of this Section as any public  
25 or private elementary or secondary school, community college,  
26 college, or university. These charges and all other charges

1 arising out of the same incident shall be prosecuted under the  
2 criminal laws of this State.

3 (b) (i) If before trial or plea an information or  
4 indictment is filed that does not charge an offense specified  
5 in paragraph (a) of this subsection (3) the State's Attorney  
6 may proceed on any lesser charge or charges, but only in  
7 Juvenile Court under the provisions of this Article. The  
8 State's Attorney may proceed under the criminal laws of this  
9 State on a lesser charge if before trial the minor defendant  
10 knowingly and with advice of counsel waives, in writing, his or  
11 her right to have the matter proceed in Juvenile Court.

12 (ii) If before trial or plea an information or indictment  
13 is filed that includes one or more charges specified in  
14 paragraph (a) of this subsection (3) and additional charges  
15 that are not specified in that paragraph, all of the charges  
16 arising out of the same incident shall be prosecuted under the  
17 criminal laws of this State.

18 (c) (i) If after trial or plea the minor is convicted of  
19 any offense covered by paragraph (a) of this subsection (3),  
20 then, in sentencing the minor, the court shall have available  
21 any or all dispositions prescribed for that offense under  
22 Chapter V of the Unified Code of Corrections.

23 (ii) If after trial or plea the court finds that the minor  
24 committed an offense not covered by paragraph (a) of this  
25 subsection (3), that finding shall not invalidate the verdict  
26 or the prosecution of the minor under the criminal laws of the

1 State; however, unless the State requests a hearing for the  
2 purpose of sentencing the minor under Chapter V of the Unified  
3 Code of Corrections, the Court must proceed under Sections  
4 5-705 and 5-710 of this Article. To request a hearing, the  
5 State must file a written motion within 10 days following the  
6 entry of a finding or the return of a verdict. Reasonable  
7 notice of the motion shall be given to the minor or his or her  
8 counsel. If the motion is made by the State, the court shall  
9 conduct a hearing to determine if the minor should be sentenced  
10 under Chapter V of the Unified Code of Corrections. In making  
11 its determination, the court shall consider among other  
12 matters: (a) whether there is evidence that the offense was  
13 committed in an aggressive and premeditated manner; (b) the age  
14 of the minor; (c) the previous history of the minor; (d)  
15 whether there are facilities particularly available to the  
16 Juvenile Court or the Department of Juvenile Justice for the  
17 treatment and rehabilitation of the minor; (e) whether the  
18 security of the public requires sentencing under Chapter V of  
19 the Unified Code of Corrections; and (f) whether the minor  
20 possessed a deadly weapon when committing the offense. The  
21 rules of evidence shall be the same as if at trial. If after  
22 the hearing the court finds that the minor should be sentenced  
23 under Chapter V of the Unified Code of Corrections, then the  
24 court shall sentence the minor accordingly having available to  
25 it any or all dispositions so prescribed.

26 (4) (a) The definition of delinquent minor under Section



1 5-120 of this Article shall not apply to any minor who at the  
2 time of an offense was at least 13 years of age and who is  
3 charged with first degree murder committed during the course of  
4 either aggravated criminal sexual assault, criminal sexual  
5 assault, or aggravated kidnaping. However, this subsection (4)  
6 does not include a minor charged with first degree murder based  
7 exclusively upon the accountability provisions of the Criminal  
8 Code of 1961.

9 (b) (i) If before trial or plea an information or  
10 indictment is filed that does not charge first degree murder  
11 committed during the course of aggravated criminal sexual  
12 assault, criminal sexual assault, or aggravated kidnaping, the  
13 State's Attorney may proceed on any lesser charge or charges,  
14 but only in Juvenile Court under the provisions of this  
15 Article. The State's Attorney may proceed under the criminal  
16 laws of this State on a lesser charge if before trial the minor  
17 defendant knowingly and with advice of counsel waives, in  
18 writing, his or her right to have the matter proceed in  
19 Juvenile Court.

20 (ii) If before trial or plea an information or indictment  
21 is filed that includes first degree murder committed during the  
22 course of aggravated criminal sexual assault, criminal sexual  
23 assault, or aggravated kidnaping, and additional charges that  
24 are not specified in paragraph (a) of this subsection, all of  
25 the charges arising out of the same incident shall be  
26 prosecuted under the criminal laws of this State.

1           (c) (i) If after trial or plea the minor is convicted of  
2 first degree murder committed during the course of aggravated  
3 criminal sexual assault, criminal sexual assault, or  
4 aggravated kidnaping, in sentencing the minor, the court shall  
5 have available any or all dispositions prescribed for that  
6 offense under Chapter V of the Unified Code of Corrections.

7           (ii) If the minor was not yet 15 years of age at the time of  
8 the offense, and if after trial or plea the court finds that  
9 the minor committed an offense other than first degree murder  
10 committed during the course of either aggravated criminal  
11 sexual assault, criminal sexual assault, or aggravated  
12 kidnaping, the finding shall not invalidate the verdict or the  
13 prosecution of the minor under the criminal laws of the State;  
14 however, unless the State requests a hearing for the purpose of  
15 sentencing the minor under Chapter V of the Unified Code of  
16 Corrections, the Court must proceed under Sections 5-705 and  
17 5-710 of this Article. To request a hearing, the State must  
18 file a written motion within 10 days following the entry of a  
19 finding or the return of a verdict. Reasonable notice of the  
20 motion shall be given to the minor or his or her counsel. If  
21 the motion is made by the State, the court shall conduct a  
22 hearing to determine whether the minor should be sentenced  
23 under Chapter V of the Unified Code of Corrections. In making  
24 its determination, the court shall consider among other  
25 matters: (a) whether there is evidence that the offense was  
26 committed in an aggressive and premeditated manner; (b) the age

1 of the minor; (c) the previous delinquent history of the minor;  
2 (d) whether there are facilities particularly available to the  
3 Juvenile Court or the Department of Juvenile Justice for the  
4 treatment and rehabilitation of the minor; (e) whether the best  
5 interest of the minor and the security of the public require  
6 sentencing under Chapter V of the Unified Code of Corrections;  
7 and (f) whether the minor possessed a deadly weapon when  
8 committing the offense. The rules of evidence shall be the same  
9 as if at trial. If after the hearing the court finds that the  
10 minor should be sentenced under Chapter V of the Unified Code  
11 of Corrections, then the court shall sentence the minor  
12 accordingly having available to it any or all dispositions so  
13 prescribed.

14 (5) (a) The definition of delinquent minor under Section  
15 5-120 of this Article shall not apply to any minor who is  
16 charged with a violation of subsection (a) of Section 31-6 or  
17 Section 32-10 of the Criminal Code of 1961 when the minor is  
18 subject to prosecution under the criminal laws of this State as  
19 a result of the application of the provisions of Section 5-125,  
20 or subsection (1) or (2) of this Section. These charges and all  
21 other charges arising out of the same incident shall be  
22 prosecuted under the criminal laws of this State.

23 (b) (i) If before trial or plea an information or  
24 indictment is filed that does not charge an offense specified  
25 in paragraph (a) of this subsection (5), the State's Attorney  
26 may proceed on any lesser charge or charges, but only in

1 Juvenile Court under the provisions of this Article. The  
2 State's Attorney may proceed under the criminal laws of this  
3 State on a lesser charge if before trial the minor defendant  
4 knowingly and with advice of counsel waives, in writing, his or  
5 her right to have the matter proceed in Juvenile Court.

6 (ii) If before trial or plea an information or indictment  
7 is filed that includes one or more charges specified in  
8 paragraph (a) of this subsection (5) and additional charges  
9 that are not specified in that paragraph, all of the charges  
10 arising out of the same incident shall be prosecuted under the  
11 criminal laws of this State.

12 (c) (i) If after trial or plea the minor is convicted of  
13 any offense covered by paragraph (a) of this subsection (5),  
14 then, in sentencing the minor, the court shall have available  
15 any or all dispositions prescribed for that offense under  
16 Chapter V of the Unified Code of Corrections.

17 (ii) If after trial or plea the court finds that the minor  
18 committed an offense not covered by paragraph (a) of this  
19 subsection (5), the conviction shall not invalidate the verdict  
20 or the prosecution of the minor under the criminal laws of this  
21 State; however, unless the State requests a hearing for the  
22 purpose of sentencing the minor under Chapter V of the Unified  
23 Code of Corrections, the Court must proceed under Sections  
24 5-705 and 5-710 of this Article. To request a hearing, the  
25 State must file a written motion within 10 days following the  
26 entry of a finding or the return of a verdict. Reasonable

1 notice of the motion shall be given to the minor or his or her  
2 counsel. If the motion is made by the State, the court shall  
3 conduct a hearing to determine if whether the minor should be  
4 sentenced under Chapter V of the Unified Code of Corrections.  
5 In making its determination, the court shall consider among  
6 other matters: (a) whether there is evidence that the offense  
7 was committed in an aggressive and premeditated manner; (b) the  
8 age of the minor; (c) the previous delinquent history of the  
9 minor; (d) whether there are facilities particularly available  
10 to the Juvenile Court or the Department of Juvenile Justice for  
11 the treatment and rehabilitation of the minor; (e) whether the  
12 security of the public requires sentencing under Chapter V of  
13 the Unified Code of Corrections; and (f) whether the minor  
14 possessed a deadly weapon when committing the offense. The  
15 rules of evidence shall be the same as if at trial. If after  
16 the hearing the court finds that the minor should be sentenced  
17 under Chapter V of the Unified Code of Corrections, then the  
18 court shall sentence the minor accordingly having available to  
19 it any or all dispositions so prescribed.

20 (6) The definition of delinquent minor under Section 5-120  
21 of this Article shall not apply to any minor who, pursuant to  
22 subsection (1) or (3) or Section 5-805 or 5-810, has previously  
23 been placed under the jurisdiction of the criminal court and  
24 has been convicted of a crime under an adult criminal or penal  
25 statute. Such a minor shall be subject to prosecution under the  
26 criminal laws of this State.

1           (7) The procedures set out in this Article for the  
2 investigation, arrest and prosecution of juvenile offenders  
3 shall not apply to minors who are excluded from jurisdiction of  
4 the Juvenile Court, except that minors under 17 years of age  
5 shall be kept separate from confined adults.

6           (8) Nothing in this Act prohibits or limits the prosecution  
7 of any minor for an offense committed on or after his or her  
8 17th birthday even though he or she is at the time of the  
9 offense a ward of the court.

10          (9) If an original petition for adjudication of wardship  
11 alleges the commission by a minor 13 years of age or over of an  
12 act that constitutes a crime under the laws of this State, the  
13 minor, with the consent of his or her counsel, may, at any time  
14 before commencement of the adjudicatory hearing, file with the  
15 court a motion that criminal prosecution be ordered and that  
16 the petition be dismissed insofar as the act or acts involved  
17 in the criminal proceedings are concerned. If such a motion is  
18 filed as herein provided, the court shall enter its order  
19 accordingly.

20          (10) If, prior to August 12, 2005 (the effective date of  
21 Public Act 94-574), a minor is charged with a violation of  
22 Section 401 of the Illinois Controlled Substances Act under the  
23 criminal laws of this State, other than a minor charged with a  
24 Class X felony violation of the Illinois Controlled Substances  
25 Act or the Methamphetamine Control and Community Protection  
26 Act, any party including the minor or the court sua sponte may,

1 before trial, move for a hearing for the purpose of trying and  
2 sentencing the minor as a delinquent minor. To request a  
3 hearing, the party must file a motion prior to trial.  
4 Reasonable notice of the motion shall be given to all parties.  
5 On its own motion or upon the filing of a motion by one of the  
6 parties including the minor, the court shall conduct a hearing  
7 to determine whether the minor should be tried and sentenced as  
8 a delinquent minor under this Article. In making its  
9 determination, the court shall consider among other matters:

10 (a) The age of the minor;

11 (b) Any previous delinquent or criminal history of the  
12 minor;

13 (c) Any previous abuse or neglect history of the minor;

14 (d) Any mental health or educational history of the minor,  
15 or both; and

16 (e) Whether there is probable cause to support the charge,  
17 whether the minor is charged through accountability, and  
18 whether there is evidence the minor possessed a deadly weapon  
19 or caused serious bodily harm during the offense.

20 Any material that is relevant and reliable shall be  
21 admissible at the hearing. In all cases, the judge shall enter  
22 an order permitting prosecution under the criminal laws of  
23 Illinois unless the judge makes a finding based on a  
24 preponderance of the evidence that the minor would be amenable  
25 to the care, treatment, and training programs available through  
26 the facilities of the juvenile court based on an evaluation of

1 the factors listed in this subsection (10).

2 (Source: P.A. 94-556, eff. 9-11-05; 94-574, eff. 8-12-05;  
3 94-696, eff. 6-1-06.)

4 (705 ILCS 405/5-410)

5 Sec. 5-410. Non-secure custody or detention.

6 (1) Any minor arrested or taken into custody pursuant to  
7 this Act who requires care away from his or her home but who  
8 does not require physical restriction shall be given temporary  
9 care in a foster family home or other shelter facility  
10 designated by the court.

11 (2) (a) Any minor 10 years of age or older arrested  
12 pursuant to this Act where there is probable cause to believe  
13 that the minor is a delinquent minor and that (i) secured  
14 custody is a matter of immediate and urgent necessity for the  
15 protection of the minor or of the person or property of  
16 another, (ii) the minor is likely to flee the jurisdiction of  
17 the court, or (iii) the minor was taken into custody under a  
18 warrant, may be kept or detained in an authorized detention  
19 facility. No minor under 12 years of age shall be detained in a  
20 county jail or a municipal lockup for more than 6 hours.

21 (b) The written authorization of the probation officer or  
22 detention officer (or other public officer designated by the  
23 court in a county having 3,000,000 or more inhabitants)  
24 constitutes authority for the superintendent of any juvenile  
25 detention home to detain and keep a minor for up to 40 hours,



1 excluding Saturdays, Sundays and court-designated holidays.  
2 These records shall be available to the same persons and  
3 pursuant to the same conditions as are law enforcement records  
4 as provided in Section 5-905.

5 (b-4) The consultation required by subsection (b-5) shall  
6 not be applicable if the probation officer or detention officer  
7 (or other public officer designated by the court in a county  
8 having 3,000,000 or more inhabitants) utilizes a scorable  
9 detention screening instrument, which has been developed with  
10 input by the State's Attorney, to determine whether a minor  
11 should be detained, however, subsection (b-5) shall still be  
12 applicable where no such screening instrument is used or where  
13 the probation officer, detention officer (or other public  
14 officer designated by the court in a county having 3,000,000 or  
15 more inhabitants) deviates from the screening instrument.

16 (b-5) Subject to the provisions of subsection (b-4), if a  
17 probation officer or detention officer (or other public officer  
18 designated by the court in a county having 3,000,000 or more  
19 inhabitants) does not intend to detain a minor for an offense  
20 which constitutes one of the following offenses he or she shall  
21 consult with the State's Attorney's Office prior to the release  
22 of the minor: first degree murder, second degree murder,  
23 involuntary manslaughter, criminal sexual assault, aggravated  
24 criminal sexual assault, aggravated battery with a firearm as  
25 described in Section 12-4.2 or subdivision (e)(1), (e)(2),  
26 (e)(3), or (e)(4) of Section 12-3.05, aggravated or heinous

1 battery involving permanent disability or disfigurement or  
2 great bodily harm, robbery, aggravated robbery, armed robbery,  
3 vehicular hijacking, aggravated vehicular hijacking, vehicular  
4 invasion, arson, aggravated arson, kidnapping, aggravated  
5 kidnapping, home invasion, burglary, or residential burglary.

6 (c) Except as otherwise provided in paragraph (a), (d), or  
7 (e), no minor shall be detained in a county jail or municipal  
8 lockup for more than 12 hours, unless the offense is a crime of  
9 violence in which case the minor may be detained up to 24  
10 hours. For the purpose of this paragraph, "crime of violence"  
11 has the meaning ascribed to it in Section 1-10 of the  
12 Alcoholism and Other Drug Abuse and Dependency Act.

13 (i) The period of detention is deemed to have begun  
14 once the minor has been placed in a locked room or cell or  
15 handcuffed to a stationary object in a building housing a  
16 county jail or municipal lockup. Time spent transporting a  
17 minor is not considered to be time in detention or secure  
18 custody.

19 (ii) Any minor so confined shall be under periodic  
20 supervision and shall not be permitted to come into or  
21 remain in contact with adults in custody in the building.

22 (iii) Upon placement in secure custody in a jail or  
23 lockup, the minor shall be informed of the purpose of the  
24 detention, the time it is expected to last and the fact  
25 that it cannot exceed the time specified under this Act.

26 (iv) A log shall be kept which shows the offense which

1 is the basis for the detention, the reasons and  
2 circumstances for the decision to detain and the length of  
3 time the minor was in detention.

4 (v) Violation of the time limit on detention in a  
5 county jail or municipal lockup shall not, in and of  
6 itself, render inadmissible evidence obtained as a result  
7 of the violation of this time limit. Minors under 17 years  
8 of age shall be kept separate from confined adults and may  
9 not at any time be kept in the same cell, room or yard with  
10 adults confined pursuant to criminal law. Persons 17 years  
11 of age and older who have a petition of delinquency filed  
12 against them may be confined in an adult detention  
13 facility. In making a determination whether to confine a  
14 person 17 years of age or older who has a petition of  
15 delinquency filed against the person, these factors, among  
16 other matters, shall be considered:

17 (A) The age of the person;

18 (B) Any previous delinquent or criminal history of  
19 the person;

20 (C) Any previous abuse or neglect history of the  
21 person; and

22 (D) Any mental health or educational history of the  
23 person, or both.

24 (d) (i) If a minor 12 years of age or older is confined in a  
25 county jail in a county with a population below 3,000,000  
26 inhabitants, then the minor's confinement shall be implemented

1 in such a manner that there will be no contact by sight, sound  
2 or otherwise between the minor and adult prisoners. Minors 12  
3 years of age or older must be kept separate from confined  
4 adults and may not at any time be kept in the same cell, room,  
5 or yard with confined adults. This paragraph (d)(i) shall only  
6 apply to confinement pending an adjudicatory hearing and shall  
7 not exceed 40 hours, excluding Saturdays, Sundays and court  
8 designated holidays. To accept or hold minors during this time  
9 period, county jails shall comply with all monitoring standards  
10 promulgated by the Department of Corrections and training  
11 standards approved by the Illinois Law Enforcement Training  
12 Standards Board.

13 (ii) To accept or hold minors, 12 years of age or older,  
14 after the time period prescribed in paragraph (d)(i) of this  
15 subsection (2) of this Section but not exceeding 7 days  
16 including Saturdays, Sundays and holidays pending an  
17 adjudicatory hearing, county jails shall comply with all  
18 temporary detention standards promulgated by the Department of  
19 Corrections and training standards approved by the Illinois Law  
20 Enforcement Training Standards Board.

21 (iii) To accept or hold minors 12 years of age or older,  
22 after the time period prescribed in paragraphs (d)(i) and  
23 (d)(ii) of this subsection (2) of this Section, county jails  
24 shall comply with all programmatic and training standards for  
25 juvenile detention homes promulgated by the Department of  
26 Corrections.

1           (e) When a minor who is at least 15 years of age is  
2 prosecuted under the criminal laws of this State, the court may  
3 enter an order directing that the juvenile be confined in the  
4 county jail. However, any juvenile confined in the county jail  
5 under this provision shall be separated from adults who are  
6 confined in the county jail in such a manner that there will be  
7 no contact by sight, sound or otherwise between the juvenile  
8 and adult prisoners.

9           (f) For purposes of appearing in a physical lineup, the  
10 minor may be taken to a county jail or municipal lockup under  
11 the direct and constant supervision of a juvenile police  
12 officer. During such time as is necessary to conduct a lineup,  
13 and while supervised by a juvenile police officer, the sight  
14 and sound separation provisions shall not apply.

15           (g) For purposes of processing a minor, the minor may be  
16 taken to a County Jail or municipal lockup under the direct and  
17 constant supervision of a law enforcement officer or  
18 correctional officer. During such time as is necessary to  
19 process the minor, and while supervised by a law enforcement  
20 officer or correctional officer, the sight and sound separation  
21 provisions shall not apply.

22           (3) If the probation officer or State's Attorney (or such  
23 other public officer designated by the court in a county having  
24 3,000,000 or more inhabitants) determines that the minor may be  
25 a delinquent minor as described in subsection (3) of Section  
26 5-105, and should be retained in custody but does not require

1 physical restriction, the minor may be placed in non-secure  
2 custody for up to 40 hours pending a detention hearing.

3 (4) Any minor taken into temporary custody, not requiring  
4 secure detention, may, however, be detained in the home of his  
5 or her parent or guardian subject to such conditions as the  
6 court may impose.

7 (Source: P.A. 93-255, eff. 1-1-04.)

8 (705 ILCS 405/5-730)

9 Sec. 5-730. Order of protection.

10 (1) The court may make an order of protection in assistance  
11 of or as a condition of any other order authorized by this Act.  
12 The order of protection may set forth reasonable conditions of  
13 behavior to be observed for a specified period. The order may  
14 require a person:

15 (a) to stay away from the home or the minor;

16 (b) to permit a parent to visit the minor at stated  
17 periods;

18 (c) to abstain from offensive conduct against the  
19 minor, his or her parent or any person to whom custody of  
20 the minor is awarded;

21 (d) to give proper attention to the care of the home;

22 (e) to cooperate in good faith with an agency to which  
23 custody of a minor is entrusted by the court or with an  
24 agency or association to which the minor is referred by the  
25 court;

1 (f) to prohibit and prevent any contact whatsoever with  
2 the respondent minor by a specified individual or  
3 individuals who are alleged in either a criminal or  
4 juvenile proceeding to have caused injury to a respondent  
5 minor or a sibling of a respondent minor;

6 (g) to refrain from acts of commission or omission that  
7 tend to make the home not a proper place for the minor.

8 (2) The court shall enter an order of protection to  
9 prohibit and prevent any contact between a respondent minor or  
10 a sibling of a respondent minor and any person named in a  
11 petition seeking an order of protection who has been convicted  
12 of heinous battery under Section 12-4.1 or aggravated battery  
13 under subdivision (a)(2) of Section 12-3.05, aggravated  
14 battery of a child under Section 12-4.3 or aggravated battery  
15 under subdivision (b)(1) of Section 12-3.05, criminal sexual  
16 assault under Section 12-13, aggravated criminal sexual  
17 assault under Section 12-14, predatory criminal sexual assault  
18 of a child under Section 12-14.1, criminal sexual abuse under  
19 Section 12-15, or aggravated criminal sexual abuse under  
20 Section 12-16 of the Criminal Code of 1961, or has been  
21 convicted of an offense that resulted in the death of a child,  
22 or has violated a previous order of protection under this  
23 Section.

24 (3) When the court issues an order of protection against  
25 any person as provided by this Section, the court shall direct  
26 a copy of such order to the sheriff of that county. The sheriff

1 shall furnish a copy of the order of protection to the  
2 Department of State Police within 24 hours of receipt, in the  
3 form and manner required by the Department. The Department of  
4 State Police shall maintain a complete record and index of the  
5 orders of protection and make this data available to all local  
6 law enforcement agencies.

7 (4) After notice and opportunity for hearing afforded to a  
8 person subject to an order of protection, the order may be  
9 modified or extended for a further specified period or both or  
10 may be terminated if the court finds that the best interests of  
11 the minor and the public will be served by the modification,  
12 extension, or termination.

13 (5) An order of protection may be sought at any time during  
14 the course of any proceeding conducted under this Act. Any  
15 person against whom an order of protection is sought may retain  
16 counsel to represent him or her at a hearing, and has rights to  
17 be present at the hearing, to be informed prior to the hearing  
18 in writing of the contents of the petition seeking a protective  
19 order and of the date, place, and time of the hearing, and to  
20 cross-examine witnesses called by the petitioner and to present  
21 witnesses and argument in opposition to the relief sought in  
22 the petition.

23 (6) Diligent efforts shall be made by the petitioner to  
24 serve any person or persons against whom any order of  
25 protection is sought with written notice of the contents of the  
26 petition seeking a protective order and of the date, place and



1 time at which the hearing on the petition is to be held. When a  
2 protective order is being sought in conjunction with a shelter  
3 care or detention hearing, if the court finds that the person  
4 against whom the protective order is being sought has been  
5 notified of the hearing or that diligent efforts have been made  
6 to notify the person, the court may conduct a hearing. If a  
7 protective order is sought at any time other than in  
8 conjunction with a shelter care or detention hearing, the court  
9 may not conduct a hearing on the petition in the absence of the  
10 person against whom the order is sought unless the petitioner  
11 has notified the person by personal service at least 3 days  
12 before the hearing or has sent written notice by first class  
13 mail to the person's last known address at least 5 days before  
14 the hearing.

15 (7) A person against whom an order of protection is being  
16 sought who is neither a parent, guardian, or legal custodian or  
17 responsible relative as described in Section 1-5 of this Act or  
18 is not a party or respondent as defined in that Section shall  
19 not be entitled to the rights provided in that Section. The  
20 person does not have a right to appointed counsel or to be  
21 present at any hearing other than the hearing in which the  
22 order of protection is being sought or a hearing directly  
23 pertaining to that order. Unless the court orders otherwise,  
24 the person does not have a right to inspect the court file.

25 (8) All protective orders entered under this Section shall  
26 be in writing. Unless the person against whom the order was

1 obtained was present in court when the order was issued, the  
2 sheriff, other law enforcement official, or special process  
3 server shall promptly serve that order upon that person and  
4 file proof of that service, in the manner provided for service  
5 of process in civil proceedings. The person against whom the  
6 protective order was obtained may seek a modification of the  
7 order by filing a written motion to modify the order within 7  
8 days after actual receipt by the person of a copy of the order.  
9 (Source: P.A. 90-590, eff. 1-1-99.)

10 Section 960. The Criminal Code of 1961 is amended by  
11 changing Sections 2-10.1, 24-1.7, 33A-2, 33A-3, and 36-1 as  
12 follows:

13 (720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

14 Sec. 2-10.1. "Severely or profoundly mentally retarded  
15 person" means a person (i) whose intelligence quotient does not  
16 exceed 40 or (ii) whose intelligence quotient does not exceed  
17 55 and who suffers from significant mental illness to the  
18 extent that the person's ability to exercise rational judgment  
19 is impaired. In any proceeding in which the defendant is  
20 charged with committing a violation of Section 10-2, 10-5,  
21 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.3, 12-14, or 12-16, or  
22 subdivision (b)(1) of Section 12-3.05, of this Code against a  
23 victim who is alleged to be a severely or profoundly mentally  
24 retarded person, any findings concerning the victim's status as

1 a severely or profoundly mentally retarded person, made by a  
2 court after a judicial admission hearing concerning the victim  
3 under Articles V and VI of Chapter 4 of the Mental Health and  
4 Developmental Disabilities Code shall be admissible.

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

6 (720 ILCS 5/24-1.7)

7 Sec. 24-1.7. Armed habitual criminal.

8 (a) A person commits the offense of being an armed habitual  
9 criminal if he or she receives, sells, possesses, or transfers  
10 any firearm after having been convicted a total of 2 or more  
11 times of any combination of the following offenses:

12 (1) a forcible felony as defined in Section 2-8 of this  
13 Code;

14 (2) unlawful use of a weapon by a felon; aggravated  
15 unlawful use of a weapon; aggravated discharge of a  
16 firearm; vehicular hijacking; aggravated vehicular  
17 hijacking; aggravated battery of a child as described in  
18 Section 12-4.3 or subdivision (b)(1) of Section 12-3.05;  
19 intimidation; aggravated intimidation; gunrunning; home  
20 invasion; or aggravated battery with a firearm as described  
21 in Section 12-4.2 or subdivision (e)(1), (e)(2), (e)(3), or  
22 (e)(4) of Section 12-3.05; or

23 (3) any violation of the Illinois Controlled  
24 Substances Act or the Cannabis Control Act that is  
25 punishable as a Class 3 felony or higher.

1 (b) Sentence. Being an armed habitual criminal is a Class X  
2 felony.

3 (Source: P.A. 94-398, eff. 8-2-05.)

4 (720 ILCS 5/33A-2) (from Ch. 38, par. 33A-2)

5 Sec. 33A-2. Armed violence-Elements of the offense.

6 (a) A person commits armed violence when, while armed with  
7 a dangerous weapon, he commits any felony defined by Illinois  
8 Law, except first degree murder, attempted first degree murder,  
9 intentional homicide of an unborn child, second degree murder,  
10 involuntary manslaughter, reckless homicide, predatory  
11 criminal sexual assault of a child, aggravated battery of a  
12 child as described in Section 12-4.3 or subdivision (b)(1) of  
13 Section 12-3.05, home invasion, or any offense that makes the  
14 possession or use of a dangerous weapon either an element of  
15 the base offense, an aggravated or enhanced version of the  
16 offense, or a mandatory sentencing factor that increases the  
17 sentencing range.

18 (b) A person commits armed violence when he or she  
19 personally discharges a firearm that is a Category I or  
20 Category II weapon while committing any felony defined by  
21 Illinois law, except first degree murder, attempted first  
22 degree murder, intentional homicide of an unborn child, second  
23 degree murder, involuntary manslaughter, reckless homicide,  
24 predatory criminal sexual assault of a child, aggravated  
25 battery of a child as described in Section 12-4.3 or

1 subdivision (b)(1) of Section 12-3.05, home invasion, or any  
2 offense that makes the possession or use of a dangerous weapon  
3 either an element of the base offense, an aggravated or  
4 enhanced version of the offense, or a mandatory sentencing  
5 factor that increases the sentencing range.

6 (c) A person commits armed violence when he or she  
7 personally discharges a firearm that is a Category I or  
8 Category II weapon that proximately causes great bodily harm,  
9 permanent disability, or permanent disfigurement or death to  
10 another person while committing any felony defined by Illinois  
11 law, except first degree murder, attempted first degree murder,  
12 intentional homicide of an unborn child, second degree murder,  
13 involuntary manslaughter, reckless homicide, predatory  
14 criminal sexual assault of a child, aggravated battery of a  
15 child as described in Section 12-4.3 or subdivision (b)(1) of  
16 Section 12-3.05, home invasion, or any offense that makes the  
17 possession or use of a dangerous weapon either an element of  
18 the base offense, an aggravated or enhanced version of the  
19 offense, or a mandatory sentencing factor that increases the  
20 sentencing range.

21 (d) This Section does not apply to violations of the Fish  
22 and Aquatic Life Code or the Wildlife Code.

23 (Source: P.A. 95-688, eff. 10-23-07.)

24 (720 ILCS 5/33A-3) (from Ch. 38, par. 33A-3)

25 Sec. 33A-3. Sentence.

1 (a) Violation of Section 33A-2(a) with a Category I weapon  
2 is a Class X felony for which the defendant shall be sentenced  
3 to a minimum term of imprisonment of 15 years.

4 (a-5) Violation of Section 33A-2(a) with a Category II  
5 weapon is a Class X felony for which the defendant shall be  
6 sentenced to a minimum term of imprisonment of 10 years.

7 (b) Violation of Section 33A-2(a) with a Category III  
8 weapon is a Class 2 felony or the felony classification  
9 provided for the same act while unarmed, whichever permits the  
10 greater penalty. A second or subsequent violation of Section  
11 33A-2(a) with a Category III weapon is a Class 1 felony or the  
12 felony classification provided for the same act while unarmed,  
13 whichever permits the greater penalty.

14 (b-5) Violation of Section 33A-2(b) with a firearm that is  
15 a Category I or Category II weapon is a Class X felony for  
16 which the defendant shall be sentenced to a minimum term of  
17 imprisonment of 20 years.

18 (b-10) Violation of Section 33A-2(c) with a firearm that is  
19 a Category I or Category II weapon is a Class X felony for  
20 which the defendant shall be sentenced to a term of  
21 imprisonment of not less than 25 years nor more than 40 years.

22 (c) Unless sentencing under subsection (a) of Section  
23 5-4.5-95 of the Unified Code of Corrections (730 ILCS  
24 5/5-4.5-95) is applicable, any person who violates subsection  
25 (a) or (b) of Section 33A-2 with a firearm, when that person  
26 has been convicted in any state or federal court of 3 or more

1 of the following offenses: treason, first degree murder, second  
2 degree murder, predatory criminal sexual assault of a child,  
3 aggravated criminal sexual assault, criminal sexual assault,  
4 robbery, burglary, arson, kidnaping, aggravated battery  
5 resulting in great bodily harm or permanent disability or  
6 disfigurement, a violation of the Methamphetamine Control and  
7 Community Protection Act, or a violation of Section 401(a) of  
8 the Illinois Controlled Substances Act, when the third offense  
9 was committed after conviction on the second, the second  
10 offense was committed after conviction on the first, and the  
11 violation of Section 33A-2 was committed after conviction on  
12 the third, shall be sentenced to a term of imprisonment of not  
13 less than 25 years nor more than 50 years.

14 (c-5) Except as otherwise provided in paragraph (b-10) or  
15 (c) of this Section, a person who violates Section 33A-2(a)  
16 with a firearm that is a Category I weapon or Section 33A-2(b)  
17 in any school, in any conveyance owned, leased, or contracted  
18 by a school to transport students to or from school or a school  
19 related activity, or on the real property comprising any school  
20 or public park, and where the offense was related to the  
21 activities of an organized gang, shall be sentenced to a term  
22 of imprisonment of not less than the term set forth in  
23 subsection (a) or (b-5) of this Section, whichever is  
24 applicable, and not more than 30 years. For the purposes of  
25 this subsection (c-5), "organized gang" has the meaning  
26 ascribed to it in Section 10 of the Illinois Streetgang

1 Terrorism Omnibus Prevention Act.

2 (d) For armed violence based upon a predicate offense  
3 listed in this subsection (d) the court shall enter the  
4 sentence for armed violence to run consecutively to the  
5 sentence imposed for the predicate offense. The offenses  
6 covered by this provision are:

7 (i) solicitation of murder,

8 (ii) solicitation of murder for hire,

9 (iii) heinous battery as described in Section 12-4.1 or  
10 subdivision (a) (2) of Section 12-3.05,

11 (iv) aggravated battery of a senior citizen as  
12 described in Section 12-4.6 or subdivision (a) (4) of  
13 Section 12-3.05,

14 (v) (blank),

15 (vi) a violation of subsection (g) of Section 5 of the  
16 Cannabis Control Act,

17 (vii) cannabis trafficking,

18 (viii) a violation of subsection (a) of Section 401 of  
19 the Illinois Controlled Substances Act,

20 (ix) controlled substance trafficking involving a  
21 Class X felony amount of controlled substance under Section  
22 401 of the Illinois Controlled Substances Act,

23 (x) calculated criminal drug conspiracy,

24 (xi) streetgang criminal drug conspiracy, or

25 (xii) a violation of the Methamphetamine Control and  
26 Community Protection Act.



1 (Source: P.A. 94-556, eff. 9-11-05; 95-688, eff. 10-23-07;  
2 95-1052, eff. 7-1-09.)

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, 16-1 if  
10 the theft is of precious metal or of scrap metal, 18-2, 19-1,  
11 19-2, 19-3, 20-1, 20-2, 24-1.2, 24-1.2-5, 24-1.5, 28-1, or  
12 29D-15.2 of this Code, subdivision (a)(1), (a)(2), (a)(4),  
13 (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), (e)(5), (e)(6), or  
14 (e)(7) of Section 12-3.05, paragraph (a) of Section 12-4 of  
15 this Code, paragraph (a) of Section 12-15 or paragraphs (a),  
16 (c) or (d) of Section 12-16 of this Code, or paragraph (a)(6)  
17 or (a)(7) of Section 24-1 of this Code; (b) Section 21, 22, 23,  
18 24 or 26 of the Cigarette Tax Act if the vessel, vehicle or  
19 aircraft contains more than 10 cartons of such cigarettes; (c)  
20 Section 28, 29 or 30 of the Cigarette Use Tax Act if the  
21 vessel, vehicle or aircraft contains more than 10 cartons of  
22 such cigarettes; (d) Section 44 of the Environmental Protection  
23 Act; (e) 11-204.1 of the Illinois Vehicle Code; (f) (1) driving  
24 under the influence of alcohol or other drug or drugs,  
25 intoxicating compound or compounds or any combination thereof

1 under Section 11-501 of the Illinois Vehicle Code during a  
2 period in which his or her driving privileges are revoked or  
3 suspended where the revocation or suspension was for driving  
4 under the influence of alcohol or other drug or drugs,  
5 intoxicating compound or compounds or any combination thereof,  
6 Section 11-501.1, paragraph (b) of Section 11-401, or for  
7 reckless homicide as defined in Section 9-3 of the Criminal  
8 Code of 1961; (2) driving while under the influence of alcohol,  
9 other drug or drugs, intoxicating compound or compounds or any  
10 combination thereof and has been previously convicted of  
11 reckless homicide or a similar provision of a law of another  
12 state relating to reckless homicide in which the person was  
13 determined to have been under the influence of alcohol, other  
14 drug or drugs, or intoxicating compound or compounds as an  
15 element of the offense or the person has previously been  
16 convicted of committing a violation of driving under the  
17 influence of alcohol or other drug or drugs, intoxicating  
18 compound or compounds or any combination thereof and was  
19 involved in a motor vehicle accident that resulted in death,  
20 great bodily harm, or permanent disability or disfigurement to  
21 another, when the violation was a proximate cause of the death  
22 or injuries; (3) the person committed a violation of driving  
23 under the influence of alcohol or other drug or drugs,  
24 intoxicating compound or compounds or any combination thereof  
25 under Section 11-501 of the Illinois Vehicle Code or a similar  
26 provision for the third or subsequent time; (4) the person

1 committed the violation while he or she did not possess a  
2 driver's license or permit or a restricted driving permit or a  
3 judicial driving permit or a monitoring device driving permit;  
4 or (5) the person committed the violation while he or she knew  
5 or should have known that the vehicle he or she was driving was  
6 not covered by a liability insurance policy, ~~or (d) (1) (I)~~; (g)  
7 an offense described in subsection (g) of Section 6-303 of the  
8 Illinois Vehicle Code; or (h) an offense described in  
9 subsection (e) of Section 6-101 of the Illinois Vehicle Code;  
10 may be seized and delivered forthwith to the sheriff of the  
11 county of seizure.

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

1 seizure.

2 In addition, any mobile or portable equipment used in the  
3 commission of an act which is in violation of Section 7g of the  
4 Metropolitan Water Reclamation District Act shall be subject to  
5 seizure and forfeiture under the same procedures provided in  
6 this Article for the seizure and forfeiture of vessels,  
7 vehicles and aircraft, and any such equipment shall be deemed a  
8 vessel, vehicle or aircraft for purposes of this Article.

9 When a person discharges a firearm at another individual  
10 from a vehicle with the knowledge and consent of the owner of  
11 the vehicle and with the intent to cause death or great bodily  
12 harm to that individual and as a result causes death or great  
13 bodily harm to that individual, the vehicle shall be subject to  
14 seizure and forfeiture under the same procedures provided in  
15 this Article for the seizure and forfeiture of vehicles used in  
16 violations of clauses (a), (b), (c), or (d) of this Section.

17 If the spouse of the owner of a vehicle seized for an  
18 offense described in subsection (g) of Section 6-303 of the  
19 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),  
20 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section  
21 11-501 of the Illinois Vehicle Code, or Section 9-3 of this  
22 Code makes a showing that the seized vehicle is the only source  
23 of transportation and it is determined that the financial  
24 hardship to the family as a result of the seizure outweighs the  
25 benefit to the State from the seizure, the vehicle may be  
26 forfeited to the spouse or family member and the title to the

1 vehicle shall be transferred to the spouse or family member who  
2 is properly licensed and who requires the use of the vehicle  
3 for employment or family transportation purposes. A written  
4 declaration of forfeiture of a vehicle under this Section shall  
5 be sufficient cause for the title to be transferred to the  
6 spouse or family member. The provisions of this paragraph shall  
7 apply only to one forfeiture per vehicle. If the vehicle is the  
8 subject of a subsequent forfeiture proceeding by virtue of a  
9 subsequent conviction of either spouse or the family member,  
10 the spouse or family member to whom the vehicle was forfeited  
11 under the first forfeiture proceeding may not utilize the  
12 provisions of this paragraph in another forfeiture proceeding.  
13 If the owner of the vehicle seized owns more than one vehicle,  
14 the procedure set out in this paragraph may be used for only  
15 one vehicle.

16 Property declared contraband under Section 40 of the  
17 Illinois Streetgang Terrorism Omnibus Prevention Act may be  
18 seized and forfeited under this Article.

19 (Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10;  
20 96-1000, eff. 7-2-10; 96-1267, eff. 7-26-10; 96-1289, eff.  
21 1-1-11; revised 9-16-10.)

22 Section 965. The Code of Criminal Procedure of 1963 is  
23 amended by changing Sections 110-5, 110-5.1, 110-6.3, 111-8,  
24 112A-3, 112A-23, 112A-26, 115-7.3, 115-10, and 115-10.3 as  
25 follows:

1 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

2 Sec. 110-5. Determining the amount of bail and conditions  
3 of release.

4 (a) In determining the amount of monetary bail or  
5 conditions of release, if any, which will reasonably assure the  
6 appearance of a defendant as required or the safety of any  
7 other person or the community and the likelihood of compliance  
8 by the defendant with all the conditions of bail, the court  
9 shall, on the basis of available information, take into account  
10 such matters as the nature and circumstances of the offense  
11 charged, whether the evidence shows that as part of the offense  
12 there was a use of violence or threatened use of violence,  
13 whether the offense involved corruption of public officials or  
14 employees, whether there was physical harm or threats of  
15 physical harm to any public official, public employee, judge,  
16 prosecutor, juror or witness, senior citizen, child or  
17 handicapped person, whether evidence shows that during the  
18 offense or during the arrest the defendant possessed or used a  
19 firearm, machine gun, explosive or metal piercing ammunition or  
20 explosive bomb device or any military or paramilitary armament,  
21 whether the evidence shows that the offense committed was  
22 related to or in furtherance of the criminal activities of an  
23 organized gang or was motivated by the defendant's membership  
24 in or allegiance to an organized gang, the condition of the  
25 victim, any written statement submitted by the victim or

1 proffer or representation by the State regarding the impact  
2 which the alleged criminal conduct has had on the victim and  
3 the victim's concern, if any, with further contact with the  
4 defendant if released on bail, whether the offense was based on  
5 racial, religious, sexual orientation or ethnic hatred, the  
6 likelihood of the filing of a greater charge, the likelihood of  
7 conviction, the sentence applicable upon conviction, the  
8 weight of the evidence against such defendant, whether there  
9 exists motivation or ability to flee, whether there is any  
10 verification as to prior residence, education, or family ties  
11 in the local jurisdiction, in another county, state or foreign  
12 country, the defendant's employment, financial resources,  
13 character and mental condition, past conduct, prior use of  
14 alias names or dates of birth, and length of residence in the  
15 community, the consent of the defendant to periodic drug  
16 testing in accordance with Section 110-6.5, whether a foreign  
17 national defendant is lawfully admitted in the United States of  
18 America, whether the government of the foreign national  
19 maintains an extradition treaty with the United States by which  
20 the foreign government will extradite to the United States its  
21 national for a trial for a crime allegedly committed in the  
22 United States, whether the defendant is currently subject to  
23 deportation or exclusion under the immigration laws of the  
24 United States, whether the defendant, although a United States  
25 citizen, is considered under the law of any foreign state a  
26 national of that state for the purposes of extradition or

1 non-extradition to the United States, the amount of unrecovered  
2 proceeds lost as a result of the alleged offense, the source of  
3 bail funds tendered or sought to be tendered for bail, whether  
4 from the totality of the court's consideration, the loss of  
5 funds posted or sought to be posted for bail will not deter the  
6 defendant from flight, whether the evidence shows that the  
7 defendant is engaged in significant possession, manufacture,  
8 or delivery of a controlled substance or cannabis, either  
9 individually or in consort with others, whether at the time of  
10 the offense charged he was on bond or pre-trial release pending  
11 trial, probation, periodic imprisonment or conditional  
12 discharge pursuant to this Code or the comparable Code of any  
13 other state or federal jurisdiction, whether the defendant is  
14 on bond or pre-trial release pending the imposition or  
15 execution of sentence or appeal of sentence for any offense  
16 under the laws of Illinois or any other state or federal  
17 jurisdiction, whether the defendant is under parole or  
18 mandatory supervised release or work release from the Illinois  
19 Department of Corrections or any penal institution or  
20 corrections department of any state or federal jurisdiction,  
21 the defendant's record of convictions, whether the defendant  
22 has been convicted of a misdemeanor or ordinance offense in  
23 Illinois or similar offense in other state or federal  
24 jurisdiction within the 10 years preceding the current charge  
25 or convicted of a felony in Illinois, whether the defendant was  
26 convicted of an offense in another state or federal



1 jurisdiction that would be a felony if committed in Illinois  
2 within the 20 years preceding the current charge or has been  
3 convicted of such felony and released from the penitentiary  
4 within 20 years preceding the current charge if a penitentiary  
5 sentence was imposed in Illinois or other state or federal  
6 jurisdiction, the defendant's records of juvenile adjudication  
7 of delinquency in any jurisdiction, any record of appearance or  
8 failure to appear by the defendant at court proceedings,  
9 whether there was flight to avoid arrest or prosecution,  
10 whether the defendant escaped or attempted to escape to avoid  
11 arrest, whether the defendant refused to identify himself, or  
12 whether there was a refusal by the defendant to be  
13 fingerprinted as required by law. Information used by the court  
14 in its findings or stated in or offered in connection with this  
15 Section may be by way of proffer based upon reliable  
16 information offered by the State or defendant. All evidence  
17 shall be admissible if it is relevant and reliable regardless  
18 of whether it would be admissible under the rules of evidence  
19 applicable at criminal trials. If the State presents evidence  
20 that the offense committed by the defendant was related to or  
21 in furtherance of the criminal activities of an organized gang  
22 or was motivated by the defendant's membership in or allegiance  
23 to an organized gang, and if the court determines that the  
24 evidence may be substantiated, the court shall prohibit the  
25 defendant from associating with other members of the organized  
26 gang as a condition of bail or release. For the purposes of

1 this Section, "organized gang" has the meaning ascribed to it  
2 in Section 10 of the Illinois Streetgang Terrorism Omnibus  
3 Prevention Act.

4 (b) The amount of bail shall be:

5 (1) Sufficient to assure compliance with the  
6 conditions set forth in the bail bond, which shall include  
7 the defendant's current address with a written  
8 admonishment to the defendant that he or she must comply  
9 with the provisions of Section 110-12 regarding any change  
10 in his or her address. The defendant's address shall at all  
11 times remain a matter of public record with the clerk of  
12 the court.

13 (2) Not oppressive.

14 (3) Considerate of the financial ability of the  
15 accused.

16 (4) When a person is charged with a drug related  
17 offense involving possession or delivery of cannabis or  
18 possession or delivery of a controlled substance as defined  
19 in the Cannabis Control Act, the Illinois Controlled  
20 Substances Act, or the Methamphetamine Control and  
21 Community Protection Act, the full street value of the  
22 drugs seized shall be considered. "Street value" shall be  
23 determined by the court on the basis of a proffer by the  
24 State based upon reliable information of a law enforcement  
25 official contained in a written report as to the amount  
26 seized and such proffer may be used by the court as to the

1 current street value of the smallest unit of the drug  
2 seized.

3 (b-5) Upon the filing of a written request demonstrating  
4 reasonable cause, the State's Attorney may request a source of  
5 bail hearing either before or after the posting of any funds.  
6 If the hearing is granted, before the posting of any bail, the  
7 accused must file a written notice requesting that the court  
8 conduct a source of bail hearing. The notice must be  
9 accompanied by justifying affidavits stating the legitimate  
10 and lawful source of funds for bail. At the hearing, the court  
11 shall inquire into any matters stated in any justifying  
12 affidavits, and may also inquire into matters appropriate to  
13 the determination which shall include, but are not limited to,  
14 the following:

15 (1) the background, character, reputation, and  
16 relationship to the accused of any surety; and

17 (2) the source of any money or property deposited by  
18 any surety, and whether any such money or property  
19 constitutes the fruits of criminal or unlawful conduct; and

20 (3) the source of any money posted as cash bail, and  
21 whether any such money constitutes the fruits of criminal  
22 or unlawful conduct; and

23 (4) the background, character, reputation, and  
24 relationship to the accused of the person posting cash  
25 bail.

26 Upon setting the hearing, the court shall examine, under

1 oath, any persons who may possess material information.

2 The State's Attorney has a right to attend the hearing, to  
3 call witnesses and to examine any witness in the proceeding.  
4 The court shall, upon request of the State's Attorney, continue  
5 the proceedings for a reasonable period to allow the State's  
6 Attorney to investigate the matter raised in any testimony or  
7 affidavit. If the hearing is granted after the accused has  
8 posted bail, the court shall conduct a hearing consistent with  
9 this subsection (b-5). At the conclusion of the hearing, the  
10 court must issue an order either approving or disapproving the  
11 bail.

12 (c) When a person is charged with an offense punishable by  
13 fine only the amount of the bail shall not exceed double the  
14 amount of the maximum penalty.

15 (d) When a person has been convicted of an offense and only  
16 a fine has been imposed the amount of the bail shall not exceed  
17 double the amount of the fine.

18 (e) The State may appeal any order granting bail or setting  
19 a given amount for bail.

20 (f) When a person is charged with a violation of an order  
21 of protection under Section 12-3.4 or 12-30 of the Criminal  
22 Code of 1961,

23 (1) whether the alleged incident involved harassment  
24 or abuse, as defined in the Illinois Domestic Violence Act  
25 of 1986;

26 (2) whether the person has a history of domestic

1 violence, as defined in the Illinois Domestic Violence Act,  
2 or a history of other criminal acts;

3 (3) based on the mental health of the person;

4 (4) whether the person has a history of violating the  
5 orders of any court or governmental entity;

6 (5) whether the person has been, or is, potentially a  
7 threat to any other person;

8 (6) whether the person has access to deadly weapons or  
9 a history of using deadly weapons;

10 (7) whether the person has a history of abusing alcohol  
11 or any controlled substance;

12 (8) based on the severity of the alleged incident that  
13 is the basis of the alleged offense, including, but not  
14 limited to, the duration of the current incident, and  
15 whether the alleged incident involved physical injury,  
16 sexual assault, strangulation, abuse during the alleged  
17 victim's pregnancy, abuse of pets, or forcible entry to  
18 gain access to the alleged victim;

19 (9) whether a separation of the person from the alleged  
20 victim or a termination of the relationship between the  
21 person and the alleged victim has recently occurred or is  
22 pending;

23 (10) whether the person has exhibited obsessive or  
24 controlling behaviors toward the alleged victim,  
25 including, but not limited to, stalking, surveillance, or  
26 isolation of the alleged victim or victim's family member

1 or members;

2 (11) whether the person has expressed suicidal or  
3 homicidal ideations;

4 (12) based on any information contained in the  
5 complaint and any police reports, affidavits, or other  
6 documents accompanying the complaint,

7 the court may, in its discretion, order the respondent to  
8 undergo a risk assessment evaluation conducted by an Illinois  
9 Department of Human Services approved partner abuse  
10 intervention program provider, pretrial service, probation, or  
11 parole agency. These agencies shall have access to summaries of  
12 the defendant's criminal history, which shall not include  
13 victim interviews or information, for the risk evaluation.  
14 Based on the information collected from the 12 points to be  
15 considered at a bail hearing for a violation of an order of  
16 protection, the results of any risk evaluation conducted and  
17 the other circumstances of the violation, the court may order  
18 that the person, as a condition of bail, be placed under  
19 electronic surveillance as provided in Section 5-8A-7 of the  
20 Unified Code of Corrections.

21 (Source: P.A. 95-773, eff. 1-1-09; 96-688, eff. 8-25-09.)

22 (725 ILCS 5/110-5.1)

23 Sec. 110-5.1. Bail; certain persons charged with violent  
24 crimes against family or household members.

25 (a) Subject to subsection (c), a person who is charged with

1 a violent crime shall appear before the court for the setting  
2 of bail if the alleged victim was a family or household member  
3 at the time of the alleged offense, and if any of the following  
4 applies:

5 (1) the person charged, at the time of the alleged  
6 offense, was subject to the terms of an order of protection  
7 issued under Section 112A-14 of this Code or Section 214 of  
8 the Illinois Domestic Violence Act of 1986 or previously  
9 was convicted of a violation of an order of protection  
10 under Section 12-3.4 or 12-30 of the Criminal Code of 1961  
11 or a violent crime if the victim was a family or household  
12 member at the time of the offense or a violation of a  
13 substantially similar municipal ordinance or law of this or  
14 any other state or the United States if the victim was a  
15 family or household member at the time of the offense;

16 (2) the arresting officer indicates in a police report  
17 or other document accompanying the complaint any of the  
18 following:

19 (A) that the arresting officer observed on the  
20 alleged victim objective manifestations of physical  
21 harm that the arresting officer reasonably believes  
22 are a result of the alleged offense;

23 (B) that the arresting officer reasonably believes  
24 that the person had on the person's person at the time  
25 of the alleged offense a deadly weapon;

26 (C) that the arresting officer reasonably believes

1           that the person presents a credible threat of serious  
2           physical harm to the alleged victim or to any other  
3           person if released on bail before trial.

4           (b) To the extent that information about any of the  
5           following is available to the court, the court shall consider  
6           all of the following, in addition to any other circumstances  
7           considered by the court, before setting bail for a person who  
8           appears before the court pursuant to subsection (a):

9           (1) whether the person has a history of domestic  
10          violence or a history of other violent acts;

11          (2) the mental health of the person;

12          (3) whether the person has a history of violating the  
13          orders of any court or governmental entity;

14          (4) whether the person is potentially a threat to any  
15          other person;

16          (5) whether the person has access to deadly weapons or  
17          a history of using deadly weapons;

18          (6) whether the person has a history of abusing alcohol  
19          or any controlled substance;

20          (7) the severity of the alleged violence that is the  
21          basis of the alleged offense, including, but not limited  
22          to, the duration of the alleged violent incident, and  
23          whether the alleged violent incident involved serious  
24          physical injury, sexual assault, strangulation, abuse  
25          during the alleged victim's pregnancy, abuse of pets, or  
26          forcible entry to gain access to the alleged victim;



1           (8) whether a separation of the person from the alleged  
2 victim or a termination of the relationship between the  
3 person and the alleged victim has recently occurred or is  
4 pending;

5           (9) whether the person has exhibited obsessive or  
6 controlling behaviors toward the alleged victim,  
7 including, but not limited to, stalking, surveillance, or  
8 isolation of the alleged victim;

9           (10) whether the person has expressed suicidal or  
10 homicidal ideations;

11           (11) any information contained in the complaint and any  
12 police reports, affidavits, or other documents  
13 accompanying the complaint.

14           (c) Upon the court's own motion or the motion of a party  
15 and upon any terms that the court may direct, a court may  
16 permit a person who is required to appear before it by  
17 subsection (a) to appear by video conferencing equipment. If,  
18 in the opinion of the court, the appearance in person or by  
19 video conferencing equipment of a person who is charged with a  
20 misdemeanor and who is required to appear before the court by  
21 subsection (a) is not practicable, the court may waive the  
22 appearance and release the person on bail on one or both of the  
23 following types of bail in an amount set by the court:

24           (1) a bail bond secured by a deposit of 10% of the  
25 amount of the bond in cash;

26           (2) a surety bond, a bond secured by real estate or

1 securities as allowed by law, or the deposit of cash, at  
2 the option of the person.

3 Subsection (a) does not create a right in a person to  
4 appear before the court for the setting of bail or prohibit a  
5 court from requiring any person charged with a violent crime  
6 who is not described in subsection (a) from appearing before  
7 the court for the setting of bail.

8 (d) As used in this Section:

9 (1) "Violent crime" has the meaning ascribed to it in  
10 Section 3 of the Rights of Crime Victims and Witnesses Act.

11 (2) "Family or household member" has the meaning  
12 ascribed to it in Section 112A-3 of this Code.

13 (Source: P.A. 94-878, eff. 1-1-07.)

14 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

15 Sec. 110-6.3. Denial of bail in stalking and aggravated  
16 stalking offenses.

17 (a) Upon verified petition by the State, the court shall  
18 hold a hearing to determine whether bail should be denied to a  
19 defendant who is charged with stalking or aggravated stalking,  
20 when it is alleged that the defendant's admission to bail poses  
21 a real and present threat to the physical safety of the alleged  
22 victim of the offense, and denial of release on bail or  
23 personal recognizance is necessary to prevent fulfillment of  
24 the threat upon which the charge is based.

25 (1) A petition may be filed without prior notice to the

1 defendant at the first appearance before a judge, or within  
2 21 calendar days, except as provided in Section 110-6,  
3 after arrest and release of the defendant upon reasonable  
4 notice to defendant; provided that while the petition is  
5 pending before the court, the defendant if previously  
6 released shall not be detained.

7 (2) The hearing shall be held immediately upon the  
8 defendant's appearance before the court, unless for good  
9 cause shown the defendant or the State seeks a continuance.  
10 A continuance on motion of the defendant may not exceed 5  
11 calendar days, and the defendant may be held in custody  
12 during the continuance. A continuance on the motion of the  
13 State may not exceed 3 calendar days; however, the  
14 defendant may be held in custody during the continuance  
15 under this provision if the defendant has been previously  
16 found to have violated an order of protection or has been  
17 previously convicted of, or granted court supervision for,  
18 any of the offenses set forth in Sections 12-2, 12-3.05,  
19 12-3.2, 12-3.3, 12-4, 12-4.1, 12-7.3, 12-7.4, 12-13,  
20 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of  
21 1961, against the same person as the alleged victim of the  
22 stalking or aggravated stalking offense.

23 (b) The court may deny bail to the defendant when, after  
24 the hearing, it is determined that:

25 (1) the proof is evident or the presumption great that  
26 the defendant has committed the offense of stalking or

1 aggravated stalking; and

2 (2) the defendant poses a real and present threat to  
3 the physical safety of the alleged victim of the offense;  
4 and

5 (3) the denial of release on bail or personal  
6 recognizance is necessary to prevent fulfillment of the  
7 threat upon which the charge is based; and

8 (4) the court finds that no condition or combination of  
9 conditions set forth in subsection (b) of Section 110-10 of  
10 this Code, including mental health treatment at a community  
11 mental health center, hospital, or facility of the  
12 Department of Human Services, can reasonably assure the  
13 physical safety of the alleged victim of the offense.

14 (c) Conduct of the hearings.

15 (1) The hearing on the defendant's culpability and  
16 threat to the alleged victim of the offense shall be  
17 conducted in accordance with the following provisions:

18 (A) Information used by the court in its findings  
19 or stated in or offered at the hearing may be by way of  
20 proffer based upon reliable information offered by the  
21 State or by defendant. Defendant has the right to be  
22 represented by counsel, and if he is indigent, to have  
23 counsel appointed for him. Defendant shall have the  
24 opportunity to testify, to present witnesses in his own  
25 behalf, and to cross-examine witnesses if any are  
26 called by the State. The defendant has the right to

1 present witnesses in his favor. When the ends of  
2 justice so require, the court may exercise its  
3 discretion and compel the appearance of a complaining  
4 witness. The court shall state on the record reasons  
5 for granting a defense request to compel the presence  
6 of a complaining witness. Cross-examination of a  
7 complaining witness at the pretrial detention hearing  
8 for the purpose of impeaching the witness' credibility  
9 is insufficient reason to compel the presence of the  
10 witness. In deciding whether to compel the appearance  
11 of a complaining witness, the court shall be  
12 considerate of the emotional and physical well-being  
13 of the witness. The pretrial detention hearing is not  
14 to be used for the purposes of discovery, and the post  
15 arraignment rules of discovery do not apply. The State  
16 shall tender to the defendant, prior to the hearing,  
17 copies of defendant's criminal history, if any, if  
18 available, and any written or recorded statements and  
19 the substance of any oral statements made by any  
20 person, if relied upon by the State. The rules  
21 concerning the admissibility of evidence in criminal  
22 trials do not apply to the presentation and  
23 consideration of information at the hearing. At the  
24 trial concerning the offense for which the hearing was  
25 conducted neither the finding of the court nor any  
26 transcript or other record of the hearing shall be

1           admissible in the State's case in chief, but shall be  
2           admissible for impeachment, or as provided in Section  
3           115-10.1 of this Code, or in a perjury proceeding.

4           (B) A motion by the defendant to suppress evidence  
5           or to suppress a confession shall not be entertained.  
6           Evidence that proof may have been obtained as the  
7           result of an unlawful search and seizure or through  
8           improper interrogation is not relevant to this state of  
9           the prosecution.

10          (2) The facts relied upon by the court to support a  
11          finding that:

12               (A) the defendant poses a real and present threat  
13               to the physical safety of the alleged victim of the  
14               offense; and

15               (B) the denial of release on bail or personal  
16               recognizance is necessary to prevent fulfillment of  
17               the threat upon which the charge is based;

18          shall be supported by clear and convincing evidence  
19          presented by the State.

20          (d) Factors to be considered in making a determination of  
21          the threat to the alleged victim of the offense. The court may,  
22          in determining whether the defendant poses, at the time of the  
23          hearing, a real and present threat to the physical safety of  
24          the alleged victim of the offense, consider but shall not be  
25          limited to evidence or testimony concerning:

26               (1) The nature and circumstances of the offense

1 charged;

2 (2) The history and characteristics of the defendant  
3 including:

4 (A) Any evidence of the defendant's prior criminal  
5 history indicative of violent, abusive or assaultive  
6 behavior, or lack of that behavior. The evidence may  
7 include testimony or documents received in juvenile  
8 proceedings, criminal, quasi-criminal, civil  
9 commitment, domestic relations or other proceedings;

10 (B) Any evidence of the defendant's psychological,  
11 psychiatric or other similar social history that tends  
12 to indicate a violent, abusive, or assaultive nature,  
13 or lack of any such history.

14 (3) The nature of the threat which is the basis of the  
15 charge against the defendant;

16 (4) Any statements made by, or attributed to the  
17 defendant, together with the circumstances surrounding  
18 them;

19 (5) The age and physical condition of any person  
20 assaulted by the defendant;

21 (6) Whether the defendant is known to possess or have  
22 access to any weapon or weapons;

23 (7) Whether, at the time of the current offense or any  
24 other offense or arrest, the defendant was on probation,  
25 parole, mandatory supervised release or other release from  
26 custody pending trial, sentencing, appeal or completion of

1 sentence for an offense under federal or state law;

2 (8) Any other factors, including those listed in  
3 Section 110-5 of this Code, deemed by the court to have a  
4 reasonable bearing upon the defendant's propensity or  
5 reputation for violent, abusive or assaultive behavior, or  
6 lack of that behavior.

7 (e) The court shall, in any order denying bail to a person  
8 charged with stalking or aggravated stalking:

9 (1) briefly summarize the evidence of the defendant's  
10 culpability and its reasons for concluding that the  
11 defendant should be held without bail;

12 (2) direct that the defendant be committed to the  
13 custody of the sheriff for confinement in the county jail  
14 pending trial;

15 (3) direct that the defendant be given a reasonable  
16 opportunity for private consultation with counsel, and for  
17 communication with others of his choice by visitation, mail  
18 and telephone; and

19 (4) direct that the sheriff deliver the defendant as  
20 required for appearances in connection with court  
21 proceedings.

22 (f) If the court enters an order for the detention of the  
23 defendant under subsection (e) of this Section, the defendant  
24 shall be brought to trial on the offense for which he is  
25 detained within 90 days after the date on which the order for  
26 detention was entered. If the defendant is not brought to trial



1 within the 90 day period required by this subsection (f), he  
2 shall not be held longer without bail. In computing the 90 day  
3 period, the court shall omit any period of delay resulting from  
4 a continuance granted at the request of the defendant. The  
5 court shall immediately notify the alleged victim of the  
6 offense that the defendant has been admitted to bail under this  
7 subsection.

8 (g) Any person shall be entitled to appeal any order  
9 entered under this Section denying bail to the defendant.

10 (h) The State may appeal any order entered under this  
11 Section denying any motion for denial of bail.

12 (i) Nothing in this Section shall be construed as modifying  
13 or limiting in any way the defendant's presumption of innocence  
14 in further criminal proceedings.

15 (Source: P.A. 90-14, eff. 7-1-97; 91-445, eff. 1-1-00.)

16 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

17 Sec. 111-8. Orders of protection to prohibit domestic  
18 violence.

19 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,  
20 10-3.1, 10-4, 10-5, 11-15, 11-15.1, 11-20.1, 11-20a, 12-1,  
21 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3, 12-3.5, 12-4, 12-4.1,  
22 12-4.3, 12-4.6, 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5,  
23 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 19-4, 21-1, 21-2,  
24 or 21-3 of the Criminal Code of 1961 or Section 1-1 of the  
25 Harassing and Obscene Communications Act is alleged in an

1 information, complaint or indictment on file, and the alleged  
2 offender and victim are family or household members, as defined  
3 in the Illinois Domestic Violence Act, as now or hereafter  
4 amended, the People through the respective State's Attorneys  
5 may by separate petition and upon notice to the defendant,  
6 except as provided in subsection (c) herein, request the court  
7 to issue an order of protection.

8 (b) In addition to any other remedies specified in Section  
9 208 of the Illinois Domestic Violence Act, as now or hereafter  
10 amended, the order may direct the defendant to initiate no  
11 contact with the alleged victim or victims who are family or  
12 household members and to refrain from entering the residence,  
13 school or place of business of the alleged victim or victims.

14 (c) The court may grant emergency relief without notice  
15 upon a showing of immediate and present danger of abuse to the  
16 victim or minor children of the victim and may enter a  
17 temporary order pending notice and full hearing on the matter.

18 (Source: P.A. 94-325, eff. 1-1-06.)

19 (725 ILCS 5/112A-3) (from Ch. 38, par. 112A-3)

20 Sec. 112A-3. Definitions. For the purposes of this Article,  
21 the following terms shall have the following meanings:

22 (1) "Abuse" means physical abuse, harassment, intimidation  
23 of a dependent, interference with personal liberty or willful  
24 deprivation but does not include reasonable direction of a  
25 minor child by a parent or person in loco parentis.

1           (2) "Domestic violence" means abuse as described in  
2 paragraph (1).

3           (3) "Family or household members" include spouses, former  
4 spouses, parents, children, stepchildren and other persons  
5 related by blood or by present or prior marriage, persons who  
6 share or formerly shared a common dwelling, persons who have or  
7 allegedly have a child in common, persons who share or  
8 allegedly share a blood relationship through a child, persons  
9 who have or have had a dating or engagement relationship,  
10 persons with disabilities and their personal assistants, and  
11 caregivers as defined in paragraph (3) of subsection (b) of  
12 Section 12-21 or in subsection (e) of Section 12-4.4a of the  
13 Criminal Code of 1961. For purposes of this paragraph, neither  
14 a casual acquaintanceship nor ordinary fraternization between  
15 2 individuals in business or social contexts shall be deemed to  
16 constitute a dating relationship.

17           (4) "Harassment" means knowing conduct which is not  
18 necessary to accomplish a purpose which is reasonable under the  
19 circumstances; would cause a reasonable person emotional  
20 distress; and does cause emotional distress to the petitioner.  
21 Unless the presumption is rebutted by a preponderance of the  
22 evidence, the following types of conduct shall be presumed to  
23 cause emotional distress:

24           (i) creating a disturbance at petitioner's place of  
25 employment or school;

26           (ii) repeatedly telephoning petitioner's place of

1 employment, home or residence;

2 (iii) repeatedly following petitioner about in a  
3 public place or places;

4 (iv) repeatedly keeping petitioner under surveillance  
5 by remaining present outside his or her home, school, place  
6 of employment, vehicle or other place occupied by  
7 petitioner or by peering in petitioner's windows;

8 (v) improperly concealing a minor child from  
9 petitioner, repeatedly threatening to improperly remove a  
10 minor child of petitioner's from the jurisdiction or from  
11 the physical care of petitioner, repeatedly threatening to  
12 conceal a minor child from petitioner, or making a single  
13 such threat following an actual or attempted improper  
14 removal or concealment, unless respondent was fleeing from  
15 an incident or pattern of domestic violence; or

16 (vi) threatening physical force, confinement or  
17 restraint on one or more occasions.

18 (5) "Interference with personal liberty" means committing  
19 or threatening physical abuse, harassment, intimidation or  
20 willful deprivation so as to compel another to engage in  
21 conduct from which she or he has a right to abstain or to  
22 refrain from conduct in which she or he has a right to engage.

23 (6) "Intimidation of a dependent" means subjecting a person  
24 who is dependent because of age, health or disability to  
25 participation in or the witnessing of: physical force against  
26 another or physical confinement or restraint of another which

1 constitutes physical abuse as defined in this Article,  
2 regardless of whether the abused person is a family or  
3 household member.

4 (7) "Order of protection" means an emergency order, interim  
5 order or plenary order, granted pursuant to this Article, which  
6 includes any or all of the remedies authorized by Section  
7 112A-14 of this Code.

8 (8) "Petitioner" may mean not only any named petitioner for  
9 the order of protection and any named victim of abuse on whose  
10 behalf the petition is brought, but also any other person  
11 protected by this Article.

12 (9) "Physical abuse" includes sexual abuse and means any of  
13 the following:

14 (i) knowing or reckless use of physical force,  
15 confinement or restraint;

16 (ii) knowing, repeated and unnecessary sleep  
17 deprivation; or

18 (iii) knowing or reckless conduct which creates an  
19 immediate risk of physical harm.

20 (9.5) "Stay away" means for the respondent to refrain from  
21 both physical presence and nonphysical contact with the  
22 petitioner whether direct, indirect (including, but not  
23 limited to, telephone calls, mail, email, faxes, and written  
24 notes), or through third parties who may or may not know about  
25 the order of protection.

26 (10) "Willful deprivation" means wilfully denying a person

1 who because of age, health or disability requires medication,  
2 medical care, shelter, accessible shelter or services, food,  
3 therapeutic device, or other physical assistance, and thereby  
4 exposing that person to the risk of physical, mental or  
5 emotional harm, except with regard to medical care and  
6 treatment when such dependent person has expressed the intent  
7 to forgo such medical care or treatment. This paragraph does  
8 not create any new affirmative duty to provide support to  
9 dependent persons.

10 (Source: P.A. 92-253, eff. 1-1-02; 93-811, eff. 1-1-05.)

11 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

12 Sec. 112A-23. Enforcement of orders of protection.

13 (a) When violation is crime. A violation of any order of  
14 protection, whether issued in a civil, quasi-criminal  
15 proceeding, shall be enforced by a criminal court when:

16 (1) The respondent commits the crime of violation of an  
17 order of protection pursuant to Section 12-3.4 or 12-30 of  
18 the Criminal Code of 1961, by having knowingly violated:

19 (i) remedies described in paragraphs (1), (2),  
20 (3), (14), or (14.5) of subsection (b) of Section  
21 112A-14,

22 (ii) a remedy, which is substantially similar to  
23 the remedies authorized under paragraphs (1), (2),  
24 (3), (14) or (14.5) of subsection (b) of Section 214 of  
25 the Illinois Domestic Violence Act of 1986, in a valid

1 order of protection, which is authorized under the laws  
2 of another state, tribe or United States territory,  
3 (iii) or any other remedy when the act constitutes  
4 a crime against the protected parties as defined by the  
5 Criminal Code of 1961.

6 Prosecution for a violation of an order of protection shall  
7 not bar concurrent prosecution for any other crime, including  
8 any crime that may have been committed at the time of the  
9 violation of the order of protection; or

10 (2) The respondent commits the crime of child abduction  
11 pursuant to Section 10-5 of the Criminal Code of 1961, by  
12 having knowingly violated:

13 (i) remedies described in paragraphs (5), (6) or  
14 (8) of subsection (b) of Section 112A-14, or

15 (ii) a remedy, which is substantially similar to  
16 the remedies authorized under paragraphs (1), (5),  
17 (6), or (8) of subsection (b) of Section 214 of the  
18 Illinois Domestic Violence Act of 1986, in a valid  
19 order of protection, which is authorized under the laws  
20 of another state, tribe or United States territory.

21 (b) When violation is contempt of court. A violation of any  
22 valid order of protection, whether issued in a civil or  
23 criminal proceeding, may be enforced through civil or criminal  
24 contempt procedures, as appropriate, by any court with  
25 jurisdiction, regardless where the act or acts which violated  
26 the order of protection were committed, to the extent

1 consistent with the venue provisions of this Article. Nothing  
2 in this Article shall preclude any Illinois court from  
3 enforcing any valid order of protection issued in another  
4 state. Illinois courts may enforce orders of protection through  
5 both criminal prosecution and contempt proceedings, unless the  
6 action which is second in time is barred by collateral estoppel  
7 or the constitutional prohibition against double jeopardy.

8 (1) In a contempt proceeding where the petition for a  
9 rule to show cause sets forth facts evidencing an immediate  
10 danger that the respondent will flee the jurisdiction,  
11 conceal a child, or inflict physical abuse on the  
12 petitioner or minor children or on dependent adults in  
13 petitioner's care, the court may order the attachment of  
14 the respondent without prior service of the rule to show  
15 cause or the petition for a rule to show cause. Bond shall  
16 be set unless specifically denied in writing.

17 (2) A petition for a rule to show cause for violation  
18 of an order of protection shall be treated as an expedited  
19 proceeding.

20 (c) Violation of custody or support orders. A violation of  
21 remedies described in paragraphs (5), (6), (8), or (9) of  
22 subsection (b) of Section 112A-14 may be enforced by any remedy  
23 provided by Section 611 of the Illinois Marriage and  
24 Dissolution of Marriage Act. The court may enforce any order  
25 for support issued under paragraph (12) of subsection (b) of  
26 Section 112A-14 in the manner provided for under Parts V and



1 VII of the Illinois Marriage and Dissolution of Marriage Act.

2 (d) Actual knowledge. An order of protection may be  
3 enforced pursuant to this Section if the respondent violates  
4 the order after respondent has actual knowledge of its contents  
5 as shown through one of the following means:

6 (1) By service, delivery, or notice under Section  
7 112A-10.

8 (2) By notice under Section 112A-11.

9 (3) By service of an order of protection under Section  
10 112A-22.

11 (4) By other means demonstrating actual knowledge of  
12 the contents of the order.

13 (e) The enforcement of an order of protection in civil or  
14 criminal court shall not be affected by either of the  
15 following:

16 (1) The existence of a separate, correlative order  
17 entered under Section 112A-15.

18 (2) Any finding or order entered in a conjoined  
19 criminal proceeding.

20 (f) Circumstances. The court, when determining whether or  
21 not a violation of an order of protection has occurred, shall  
22 not require physical manifestations of abuse on the person of  
23 the victim.

24 (g) Penalties.

25 (1) Except as provided in paragraph (3) of this  
26 subsection, where the court finds the commission of a crime

1 or contempt of court under subsections (a) or (b) of this  
2 Section, the penalty shall be the penalty that generally  
3 applies in such criminal or contempt proceedings, and may  
4 include one or more of the following: incarceration,  
5 payment of restitution, a fine, payment of attorneys' fees  
6 and costs, or community service.

7 (2) The court shall hear and take into account evidence  
8 of any factors in aggravation or mitigation before deciding  
9 an appropriate penalty under paragraph (1) of this  
10 subsection.

11 (3) To the extent permitted by law, the court is  
12 encouraged to:

13 (i) increase the penalty for the knowing violation  
14 of any order of protection over any penalty previously  
15 imposed by any court for respondent's violation of any  
16 order of protection or penal statute involving  
17 petitioner as victim and respondent as defendant;

18 (ii) impose a minimum penalty of 24 hours  
19 imprisonment for respondent's first violation of any  
20 order of protection; and

21 (iii) impose a minimum penalty of 48 hours  
22 imprisonment for respondent's second or subsequent  
23 violation of an order of protection

24 unless the court explicitly finds that an increased penalty  
25 or that period of imprisonment would be manifestly unjust.

26 (4) In addition to any other penalties imposed for a

1 violation of an order of protection, a criminal court may  
2 consider evidence of any violations of an order of  
3 protection:

4 (i) to increase, revoke or modify the bail bond on  
5 an underlying criminal charge pursuant to Section  
6 110-6;

7 (ii) to revoke or modify an order of probation,  
8 conditional discharge or supervision, pursuant to  
9 Section 5-6-4 of the Unified Code of Corrections;

10 (iii) to revoke or modify a sentence of periodic  
11 imprisonment, pursuant to Section 5-7-2 of the Unified  
12 Code of Corrections.

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

14 (725 ILCS 5/112A-26) (from Ch. 38, par. 112A-26)

15 Sec. 112A-26. Arrest without warrant.

16 (a) Any law enforcement officer may make an arrest without  
17 warrant if the officer has probable cause to believe that the  
18 person has committed or is committing any crime, including but  
19 not limited to violation of an order of protection, under  
20 Section 12-3.4 or 12-30 of the Criminal Code of 1961, even if  
21 the crime was not committed in the presence of the officer.

22 (b) The law enforcement officer may verify the existence of  
23 an order of protection by telephone or radio communication with  
24 his or her law enforcement agency or by referring to the copy  
25 of the order provided by petitioner or respondent.

1 (Source: P.A. 87-1186.)

2 (725 ILCS 5/115-7.3)

3 Sec. 115-7.3. Evidence in certain cases.

4 (a) This Section applies to criminal cases in which:

5 (1) the defendant is accused of predatory criminal  
6 sexual assault of a child, aggravated criminal sexual  
7 assault, criminal sexual assault, aggravated criminal  
8 sexual abuse, criminal sexual abuse, child pornography,  
9 aggravated child pornography, or criminal transmission of  
10 HIV;

11 (2) the defendant is accused of battery, aggravated  
12 battery, first degree murder, or second degree murder when  
13 the commission of the offense involves sexual penetration  
14 or sexual conduct as defined in Section 12-12 of the  
15 Criminal Code of 1961; or

16 (3) the defendant is tried or retried for any of the  
17 offenses formerly known as rape, deviate sexual assault,  
18 indecent liberties with a child, or aggravated indecent  
19 liberties with a child.

20 (b) If the defendant is accused of an offense set forth in  
21 paragraph (1) or (2) of subsection (a) or the defendant is  
22 tried or retried for any of the offenses set forth in paragraph  
23 (3) of subsection (a), evidence of the defendant's commission  
24 of another offense or offenses set forth in paragraph (1), (2),  
25 or (3) of subsection (a), or evidence to rebut that proof or an

1 inference from that proof, may be admissible (if that evidence  
2 is otherwise admissible under the rules of evidence) and may be  
3 considered for its bearing on any matter to which it is  
4 relevant.

5 (c) In weighing the probative value of the evidence against  
6 undue prejudice to the defendant, the court may consider:

7 (1) the proximity in time to the charged or predicate  
8 offense;

9 (2) the degree of factual similarity to the charged or  
10 predicate offense; or

11 (3) other relevant facts and circumstances.

12 (d) In a criminal case in which the prosecution intends to  
13 offer evidence under this Section, it must disclose the  
14 evidence, including statements of witnesses or a summary of the  
15 substance of any testimony, at a reasonable time in advance of  
16 trial, or during trial if the court excuses pretrial notice on  
17 good cause shown.

18 (e) In a criminal case in which evidence is offered under  
19 this Section, proof may be made by specific instances of  
20 conduct, testimony as to reputation, or testimony in the form  
21 of an expert opinion, except that the prosecution may offer  
22 reputation testimony only after the opposing party has offered  
23 that testimony.

24 (f) In prosecutions for a violation of Section 10-2,  
25 12-3.05, 12-4, 12-13, 12-14, 12-14.1, 12-15, 12-16, or 18-5 of  
26 the Criminal Code of 1961, involving the involuntary delivery

1 of a controlled substance to a victim, no inference may be made  
2 about the fact that a victim did not consent to a test for the  
3 presence of controlled substances.

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

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

6 Sec. 115-10. Certain hearsay exceptions.

7 (a) In a prosecution for a physical or sexual act  
8 perpetrated upon or against a child under the age of 13, or a  
9 person who was a moderately, severely, or profoundly mentally  
10 retarded person as defined in this Code and in Section 2-10.1  
11 of the Criminal Code of 1961 at the time the act was committed,  
12 including but not limited to prosecutions for violations of  
13 Sections 12-13 through 12-16 of the Criminal Code of 1961 and  
14 prosecutions for violations of Sections 10-1 (kidnapping),  
15 10-2 (aggravated kidnapping), 10-3 (unlawful restraint),  
16 10-3.1 (aggravated unlawful restraint), 10-4 (forcible  
17 detention), 10-5 (child abduction), 10-6 (harboring a  
18 runaway), 10-7 (aiding or abetting child abduction), 11-9  
19 (public indecency), 11-11 (sexual relations within families),  
20 11-21 (harmful material), 12-1 (assault), 12-2 (aggravated  
21 assault), 12-3 (battery), 12-3.2 (domestic battery), 12-3.3  
22 (aggravated domestic battery), 12-3.05 or 12-4 (aggravated  
23 battery), 12-4.1 (heinous battery), 12-4.2 (aggravated battery  
24 with a firearm), 12-4.3 (aggravated battery of a child), 12-4.7  
25 (drug induced infliction of great bodily harm), 12-5 (reckless

1 conduct), 12-6 (intimidation), 12-6.1 or 12-6.5 (compelling  
2 organization membership of persons), 12-7.1 (hate crime),  
3 12-7.3 (stalking), 12-7.4 (aggravated stalking), 12-10  
4 (tattooing body of minor), 12-11 (home invasion), 12-21.5  
5 (child abandonment), 12-21.6 (endangering the life or health of  
6 a child) or 12-32 (ritual mutilation) of the Criminal Code of  
7 1961 or any sex offense as defined in subsection (B) of Section  
8 2 of the Sex Offender Registration Act, the following evidence  
9 shall be admitted as an exception to the hearsay rule:

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

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

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

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

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

25 (A) testifies at the proceeding; or

26 (B) is unavailable as a witness and there is

1           corroborative evidence of the act which is the subject  
2           of the statement; and

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

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

17          (d) The proponent of the statement shall give the adverse  
18          party reasonable notice of his intention to offer the statement  
19          and the particulars of the statement.

20          (e) Statements described in paragraphs (1) and (2) of  
21          subsection (a) shall not be excluded on the basis that they  
22          were obtained as a result of interviews conducted pursuant to a  
23          protocol adopted by a Child Advocacy Advisory Board as set  
24          forth in subsections (c), (d), and (e) of Section 3 of the  
25          Children's Advocacy Center Act or that an interviewer or  
26          witness to the interview was or is an employee, agent, or



1 investigator of a State's Attorney's office.

2 (Source: P.A. 95-892, eff. 1-1-09; 96-710, eff. 1-1-10.)

3 (725 ILCS 5/115-10.3)

4 Sec. 115-10.3. Hearsay exception regarding elder adults.

5 (a) In a prosecution for a physical act, abuse, neglect, or  
6 financial exploitation perpetrated upon or against an eligible  
7 adult, as defined in the Elder Abuse and Neglect Act, who has  
8 been diagnosed by a physician to suffer from (i) any form of  
9 dementia, developmental disability, or other form of mental  
10 incapacity or (ii) any physical infirmity, including but not  
11 limited to prosecutions for violations of Sections 10-1, 10-2,  
12 10-3, 10-3.1, 10-4, 11-11, 12-1, 12-2, 12-3, 12-3.05, 12-3.2,  
13 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.5, 12-4.6, 12-4.7, 12-5,  
14 12-6, 12-7.3, 12-7.4, 12-11, 12-11.1, 12-13, 12-14, 12-15,  
15 12-16, 12-21, 16-1, 16-1.3, 17-1, 17-3, 18-1, 18-2, 18-3, 18-4,  
16 18-5, 20-1.1, 24-1.2, and 33A-2, or subsection (b) of Section  
17 12-4.4a, of the Criminal Code of 1961, the following evidence  
18 shall be admitted as an exception to the hearsay rule:

19 (1) testimony by an eligible adult, of an out of court  
20 statement made by the eligible adult, that he or she  
21 complained of such act to another; and

22 (2) testimony of an out of court statement made by the  
23 eligible adult, describing any complaint of such act or  
24 matter or detail pertaining to any act which is an element  
25 of an offense which is the subject of a prosecution for a

1 physical act, abuse, neglect, or financial exploitation  
2 perpetrated upon or against the eligible adult.

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

4 (1) The court finds in a hearing conducted outside the  
5 presence of the jury that the time, content, and  
6 circumstances of the statement provide sufficient  
7 safeguards of reliability; and

8 (2) The eligible adult either:

9 (A) testifies at the proceeding; or

10 (B) is unavailable as a witness and there is  
11 corroborative evidence of the act which is the subject  
12 of the statement.

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 condition of the eligible adult, the nature of the statement,  
18 the circumstances under which the statement was made, and any  
19 other relevant factor.

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

23 (Source: P.A. 92-91, eff. 7-18-01; 93-301, eff. 1-1-04.)

24 Section 970. The Unified Code of Corrections is amended by  
25 changing Sections 3-6-3, 5-3-2, 5-5-3, 5-5-3.2, 5-8-4, 5-8A-2,

1 and 5-9-1.16 as follows:

2 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

3 Sec. 3-6-3. Rules and Regulations for Early Release.

4 (a) (1) The Department of Corrections shall prescribe  
5 rules and regulations for the early release on account of  
6 good conduct of persons committed to the Department which  
7 shall be subject to review by the Prisoner Review Board.

8 (2) The rules and regulations on early release shall  
9 provide, with respect to offenses listed in clause (i),  
10 (ii), or (iii) of this paragraph (2) committed on or after  
11 June 19, 1998 or with respect to the offense listed in  
12 clause (iv) of this paragraph (2) committed on or after  
13 June 23, 2005 (the effective date of Public Act 94-71) or  
14 with respect to offense listed in clause (vi) committed on  
15 or after June 1, 2008 (the effective date of Public Act  
16 95-625) or with respect to the offense of being an armed  
17 habitual criminal committed on or after August 2, 2005 (the  
18 effective date of Public Act 94-398) or with respect to the  
19 offenses listed in clause (v) of this paragraph (2)  
20 committed on or after August 13, 2007 (the effective date  
21 of Public Act 95-134) or with respect to the offense of  
22 aggravated domestic battery committed on or after July 23,  
23 2010 (the effective date of Public Act 96-1224) ~~this~~  
24 ~~amendatory Act of the 96th General Assembly~~, the following:

25 (i) that a prisoner who is serving a term of

1 imprisonment for first degree murder or for the offense  
2 of terrorism shall receive no good conduct credit and  
3 shall serve the entire sentence imposed by the court;

4 (ii) that a prisoner serving a sentence for attempt  
5 to commit first degree murder, solicitation of murder,  
6 solicitation of murder for hire, intentional homicide  
7 of an unborn child, predatory criminal sexual assault  
8 of a child, aggravated criminal sexual assault,  
9 criminal sexual assault, aggravated kidnapping,  
10 aggravated battery with a firearm as described in  
11 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3),  
12 or (e) (4) of Section 12-3.05, heinous battery as  
13 described in Section 12-4.1 or subdivision (a) (2) of  
14 Section 12-3.05, being an armed habitual criminal,  
15 aggravated battery of a senior citizen as described in  
16 Section 12-4.6 or subdivision (a) (4) of Section  
17 12-3.05, or aggravated battery of a child as described  
18 in Section 12-4.3 or subdivision (b) (1) of Section  
19 12-3.05 shall receive no more than 4.5 days of good  
20 conduct credit for each month of his or her sentence of  
21 imprisonment;

22 (iii) that a prisoner serving a sentence for home  
23 invasion, armed robbery, aggravated vehicular  
24 hijacking, aggravated discharge of a firearm, or armed  
25 violence with a category I weapon or category II  
26 weapon, when the court has made and entered a finding,

1           pursuant to subsection (c-1) of Section 5-4-1 of this  
2           Code, that the conduct leading to conviction for the  
3           enumerated offense resulted in great bodily harm to a  
4           victim, shall receive no more than 4.5 days of good  
5           conduct credit for each month of his or her sentence of  
6           imprisonment;

7           (iv) that a prisoner serving a sentence for  
8           aggravated discharge of a firearm, whether or not the  
9           conduct leading to conviction for the offense resulted  
10          in great bodily harm to the victim, shall receive no  
11          more than 4.5 days of good conduct credit for each  
12          month of his or her sentence of imprisonment;

13          (v) that a person serving a sentence for  
14          gunrunning, narcotics racketeering, controlled  
15          substance trafficking, methamphetamine trafficking,  
16          drug-induced homicide, aggravated  
17          methamphetamine-related child endangerment, money  
18          laundering pursuant to clause (c) (4) or (5) of Section  
19          29B-1 of the Criminal Code of 1961, or a Class X felony  
20          conviction for delivery of a controlled substance,  
21          possession of a controlled substance with intent to  
22          manufacture or deliver, calculated criminal drug  
23          conspiracy, criminal drug conspiracy, street gang  
24          criminal drug conspiracy, participation in  
25          methamphetamine manufacturing, aggravated  
26          participation in methamphetamine manufacturing,

1 delivery of methamphetamine, possession with intent to  
2 deliver methamphetamine, aggravated delivery of  
3 methamphetamine, aggravated possession with intent to  
4 deliver methamphetamine, methamphetamine conspiracy  
5 when the substance containing the controlled substance  
6 or methamphetamine is 100 grams or more shall receive  
7 no more than 7.5 days good conduct credit for each  
8 month of his or her sentence of imprisonment;

9 (vi) that a prisoner serving a sentence for a  
10 second or subsequent offense of luring a minor shall  
11 receive no more than 4.5 days of good conduct credit  
12 for each month of his or her sentence of imprisonment;  
13 and

14 (vii) that a prisoner serving a sentence for  
15 aggravated domestic battery shall receive no more than  
16 4.5 days of good conduct credit for each month of his  
17 or her sentence of imprisonment.

18 (2.1) For all offenses, other than those enumerated in  
19 subdivision (a)(2)(i), (ii), or (iii) committed on or after  
20 June 19, 1998 or subdivision (a)(2)(iv) committed on or  
21 after June 23, 2005 (the effective date of Public Act  
22 94-71) or subdivision (a)(2)(v) committed on or after  
23 August 13, 2007 (the effective date of Public Act 95-134)  
24 or subdivision (a)(2)(vi) committed on or after June 1,  
25 2008 (the effective date of Public Act 95-625) or  
26 subdivision (a)(2)(vii) committed on or after July 23, 2010

1        (the effective date of Public Act 96-1224) ~~this amendatory~~  
2        ~~Act of the 96th General Assembly,~~ and other than the  
3        offense of aggravated driving under the influence of  
4        alcohol, other drug or drugs, or intoxicating compound or  
5        compounds, or any combination thereof as defined in  
6        subparagraph (F) of paragraph (1) of subsection (d) of  
7        Section 11-501 of the Illinois Vehicle Code, and other than  
8        the offense of aggravated driving under the influence of  
9        alcohol, other drug or drugs, or intoxicating compound or  
10       compounds, or any combination thereof as defined in  
11       subparagraph (C) of paragraph (1) of subsection (d) of  
12       Section 11-501 of the Illinois Vehicle Code committed on or  
13       after January 1, 2011 (the effective date of Public Act  
14       96-1230) ~~this amendatory Act of the 96th General Assembly,~~  
15       the rules and regulations shall provide that a prisoner who  
16       is serving a term of imprisonment shall receive one day of  
17       good conduct credit for each day of his or her sentence of  
18       imprisonment or recommitment under Section 3-3-9. Each day  
19       of good conduct credit shall reduce by one day the  
20       prisoner's period of imprisonment or recommitment under  
21       Section 3-3-9.

22            (2.2) A prisoner serving a term of natural life  
23       imprisonment or a prisoner who has been sentenced to death  
24       shall receive no good conduct credit.

25            (2.3) The rules and regulations on early release shall  
26       provide that a prisoner who is serving a sentence for

1           aggravated driving under the influence of alcohol, other  
2           drug or drugs, or intoxicating compound or compounds, or  
3           any combination thereof as defined in subparagraph (F) of  
4           paragraph (1) of subsection (d) of Section 11-501 of the  
5           Illinois Vehicle Code, shall receive no more than 4.5 days  
6           of good conduct credit for each month of his or her  
7           sentence of imprisonment.

8           (2.4) The rules and regulations on early release shall  
9           provide with respect to the offenses of aggravated battery  
10          with a machine gun or a firearm equipped with any device or  
11          attachment designed or used for silencing the report of a  
12          firearm or aggravated discharge of a machine gun or a  
13          firearm equipped with any device or attachment designed or  
14          used for silencing the report of a firearm, committed on or  
15          after July 15, 1999 (the effective date of Public Act  
16          91-121), that a prisoner serving a sentence for any of  
17          these offenses shall receive no more than 4.5 days of good  
18          conduct credit for each month of his or her sentence of  
19          imprisonment.

20          (2.5) The rules and regulations on early release shall  
21          provide that a prisoner who is serving a sentence for  
22          aggravated arson committed on or after July 27, 2001 (the  
23          effective date of Public Act 92-176) shall receive no more  
24          than 4.5 days of good conduct credit for each month of his  
25          or her sentence of imprisonment.

26          (2.6) The rules and regulations on early release shall



1 provide that a prisoner who is serving a sentence for  
2 aggravated driving under the influence of alcohol, other  
3 drug or drugs, or intoxicating compound or compounds, or  
4 any combination thereof as defined in subparagraph (C) of  
5 paragraph (1) of subsection (d) of Section 11-501 of the  
6 Illinois Vehicle Code committed on or after January 1, 2011  
7 (the effective date of Public Act 96-1230) ~~this amendatory~~  
8 ~~Act of the 96th General Assembly,~~ shall receive no more  
9 than 4.5 days of good conduct credit for each month of his  
10 or her sentence of imprisonment.

11 (3) The rules and regulations shall also provide that  
12 the Director may award up to 180 days additional good  
13 conduct credit for meritorious service in specific  
14 instances as the Director deems proper; except that no more  
15 than 90 days of good conduct credit for meritorious service  
16 shall be awarded to any prisoner who is serving a sentence  
17 for conviction of first degree murder, reckless homicide  
18 while under the influence of alcohol or any other drug, or  
19 aggravated driving under the influence of alcohol, other  
20 drug or drugs, or intoxicating compound or compounds, or  
21 any combination thereof as defined in subparagraph (F) of  
22 paragraph (1) of subsection (d) of Section 11-501 of the  
23 Illinois Vehicle Code, aggravated kidnapping, kidnapping,  
24 predatory criminal sexual assault of a child, aggravated  
25 criminal sexual assault, criminal sexual assault, deviate  
26 sexual assault, aggravated criminal sexual abuse,

1 aggravated indecent liberties with a child, indecent  
2 liberties with a child, child pornography, heinous battery  
3 as described in Section 12-4.1 or subdivision (a)(2) of  
4 Section 12-3.05, aggravated battery of a spouse,  
5 aggravated battery of a spouse with a firearm, stalking,  
6 aggravated stalking, aggravated battery of a child as  
7 described in Section 12-4.3 or subdivision (b)(1) of  
8 Section 12-3.05, endangering the life or health of a child,  
9 or cruelty to a child. Notwithstanding the foregoing, good  
10 conduct credit for meritorious service shall not be awarded  
11 on a sentence of imprisonment imposed for conviction of:  
12 (i) one of the offenses enumerated in subdivision  
13 (a)(2)(i), (ii), or (iii) when the offense is committed on  
14 or after June 19, 1998 or subdivision (a)(2)(iv) when the  
15 offense is committed on or after June 23, 2005 (the  
16 effective date of Public Act 94-71) or subdivision  
17 (a)(2)(v) when the offense is committed on or after August  
18 13, 2007 (the effective date of Public Act 95-134) or  
19 subdivision (a)(2)(vi) when the offense is committed on or  
20 after June 1, 2008 (the effective date of Public Act  
21 95-625) or subdivision (a)(2)(vii) when the offense is  
22 committed on or after July 23, 2010 (the effective date of  
23 Public Act 96-1224) ~~this amendatory Act of the 96th General~~  
24 ~~Assembly~~, (ii) aggravated driving under the influence of  
25 alcohol, other drug or drugs, or intoxicating compound or  
26 compounds, or any combination thereof as defined in

1        subparagraph (F) of paragraph (1) of subsection (d) of  
2        Section 11-501 of the Illinois Vehicle Code, (iii) one of  
3        the offenses enumerated in subdivision (a)(2.4) when the  
4        offense is committed on or after July 15, 1999 (the  
5        effective date of Public Act 91-121), (iv) aggravated arson  
6        when the offense is committed on or after July 27, 2001  
7        (the effective date of Public Act 92-176), ~~or~~ (v) offenses  
8        that may subject the offender to commitment under the  
9        Sexually Violent Persons Commitment Act, or (vi) ~~(v)~~  
10       aggravated driving under the influence of alcohol, other  
11       drug or drugs, or intoxicating compound or compounds, or  
12       any combination thereof as defined in subparagraph (C) of  
13       paragraph (1) of subsection (d) of Section 11-501 of the  
14       Illinois Vehicle Code committed on or after January 1, 2011  
15       (the effective date of Public Act 96-1230) ~~this amendatory~~  
16       ~~Act of the 96th General Assembly.~~

17        The Director shall not award good conduct credit for  
18        meritorious service under this paragraph (3) to an inmate  
19        unless the inmate has served a minimum of 60 days of the  
20        sentence; except nothing in this paragraph shall be  
21        construed to permit the Director to extend an inmate's  
22        sentence beyond that which was imposed by the court. Prior  
23        to awarding credit under this paragraph (3), the Director  
24        shall make a written determination that the inmate:

25                (A) is eligible for good conduct credit for  
26        meritorious service;

1 (B) has served a minimum of 60 days, or as close to  
2 60 days as the sentence will allow; and

3 (C) has met the eligibility criteria established  
4 by rule.

5 The Director shall determine the form and content of  
6 the written determination required in this subsection.

7 (4) The rules and regulations shall also provide that  
8 the good conduct credit accumulated and retained under  
9 paragraph (2.1) of subsection (a) of this Section by any  
10 inmate during specific periods of time in which such inmate  
11 is engaged full-time in substance abuse programs,  
12 correctional industry assignments, or educational programs  
13 provided by the Department under this paragraph (4) and  
14 satisfactorily completes the assigned program as  
15 determined by the standards of the Department, shall be  
16 multiplied by a factor of 1.25 for program participation  
17 before August 11, 1993 and 1.50 for program participation  
18 on or after that date. However, no inmate shall be eligible  
19 for the additional good conduct credit under this paragraph  
20 (4) or (4.1) of this subsection (a) while assigned to a  
21 boot camp or electronic detention, or if convicted of an  
22 offense enumerated in subdivision (a)(2)(i), (ii), or  
23 (iii) of this Section that is committed on or after June  
24 19, 1998 or subdivision (a)(2)(iv) of this Section that is  
25 committed on or after June 23, 2005 (the effective date of  
26 Public Act 94-71) or subdivision (a)(2)(v) of this Section

1 that is committed on or after August 13, 2007 (the  
2 effective date of Public Act 95-134) or subdivision  
3 (a)(2)(vi) when the offense is committed on or after June  
4 1, 2008 (the effective date of Public Act 95-625) or  
5 subdivision (a)(2)(vii) when the offense is committed on or  
6 after July 23, 2010 (the effective date of Public Act  
7 96-1224) ~~this amendatory Act of the 96th General Assembly,~~  
8 or if convicted of aggravated driving under the influence  
9 of alcohol, other drug or drugs, or intoxicating compound  
10 or compounds, or any combination thereof as defined in  
11 subparagraph (F) of paragraph (1) of subsection (d) of  
12 Section 11-501 of the Illinois Vehicle Code, or if  
13 convicted of aggravated driving under the influence of  
14 alcohol, other drug or drugs, or intoxicating compound or  
15 compounds, or any combination thereof as defined in  
16 subparagraph (C) of paragraph (1) of subsection (d) of  
17 Section 11-501 of the Illinois Vehicle Code committed on or  
18 after January 1, 2011 (the effective date of Public Act  
19 96-1230) ~~this amendatory Act of the 96th General Assembly,~~  
20 or if convicted of an offense enumerated in paragraph  
21 (a)(2.4) of this Section that is committed on or after July  
22 15, 1999 (the effective date of Public Act 91-121), or  
23 first degree murder, a Class X felony, criminal sexual  
24 assault, felony criminal sexual abuse, aggravated criminal  
25 sexual abuse, aggravated battery with a firearm as  
26 described in Section 12-4.2 or subdivision (e)(1), (e)(2),

1       (e) (3), or (e) (4) of Section 12-3.05, or any predecessor or  
2       successor offenses with the same or substantially the same  
3       elements, or any inchoate offenses relating to the  
4       foregoing offenses. No inmate shall be eligible for the  
5       additional good conduct credit under this paragraph (4) who  
6       (i) has previously received increased good conduct credit  
7       under this paragraph (4) and has subsequently been  
8       convicted of a felony, or (ii) has previously served more  
9       than one prior sentence of imprisonment for a felony in an  
10      adult correctional facility.

11       Educational, vocational, substance abuse and  
12      correctional industry programs under which good conduct  
13      credit may be increased under this paragraph (4) and  
14      paragraph (4.1) of this subsection (a) shall be evaluated  
15      by the Department on the basis of documented standards. The  
16      Department shall report the results of these evaluations to  
17      the Governor and the General Assembly by September 30th of  
18      each year. The reports shall include data relating to the  
19      recidivism rate among program participants.

20       Availability of these programs shall be subject to the  
21      limits of fiscal resources appropriated by the General  
22      Assembly for these purposes. Eligible inmates who are  
23      denied immediate admission shall be placed on a waiting  
24      list under criteria established by the Department. The  
25      inability of any inmate to become engaged in any such  
26      programs by reason of insufficient program resources or for

1 any other reason established under the rules and  
2 regulations of the Department shall not be deemed a cause  
3 of action under which the Department or any employee or  
4 agent of the Department shall be liable for damages to the  
5 inmate.

6 (4.1) The rules and regulations shall also provide that  
7 an additional 60 days of good conduct credit shall be  
8 awarded to any prisoner who passes the high school level  
9 Test of General Educational Development (GED) while the  
10 prisoner is incarcerated. The good conduct credit awarded  
11 under this paragraph (4.1) shall be in addition to, and  
12 shall not affect, the award of good conduct under any other  
13 paragraph of this Section, but shall also be pursuant to  
14 the guidelines and restrictions set forth in paragraph (4)  
15 of subsection (a) of this Section. The good conduct credit  
16 provided for in this paragraph shall be available only to  
17 those prisoners who have not previously earned a high  
18 school diploma or a GED. If, after an award of the GED good  
19 conduct credit has been made and the Department determines  
20 that the prisoner was not eligible, then the award shall be  
21 revoked.

22 (4.5) The rules and regulations on early release shall  
23 also provide that when the court's sentencing order  
24 recommends a prisoner for substance abuse treatment and the  
25 crime was committed on or after September 1, 2003 (the  
26 effective date of Public Act 93-354), the prisoner shall

1 receive no good conduct credit awarded under clause (3) of  
2 this subsection (a) unless he or she participates in and  
3 completes a substance abuse treatment program. The  
4 Director may waive the requirement to participate in or  
5 complete a substance abuse treatment program and award the  
6 good conduct credit in specific instances if the prisoner  
7 is not a good candidate for a substance abuse treatment  
8 program for medical, programming, or operational reasons.  
9 Availability of substance abuse treatment shall be subject  
10 to the limits of fiscal resources appropriated by the  
11 General Assembly for these purposes. If treatment is not  
12 available and the requirement to participate and complete  
13 the treatment has not been waived by the Director, the  
14 prisoner shall be placed on a waiting list under criteria  
15 established by the Department. The Director may allow a  
16 prisoner placed on a waiting list to participate in and  
17 complete a substance abuse education class or attend  
18 substance abuse self-help meetings in lieu of a substance  
19 abuse treatment program. A prisoner on a waiting list who  
20 is not placed in a substance abuse program prior to release  
21 may be eligible for a waiver and receive good conduct  
22 credit under clause (3) of this subsection (a) at the  
23 discretion of the Director.

24 (4.6) The rules and regulations on early release shall  
25 also provide that a prisoner who has been convicted of a  
26 sex offense as defined in Section 2 of the Sex Offender



1 Registration Act shall receive no good conduct credit  
2 unless he or she either has successfully completed or is  
3 participating in sex offender treatment as defined by the  
4 Sex Offender Management Board. However, prisoners who are  
5 waiting to receive such treatment, but who are unable to do  
6 so due solely to the lack of resources on the part of the  
7 Department, may, at the Director's sole discretion, be  
8 awarded good conduct credit at such rate as the Director  
9 shall determine.

10 (5) Whenever the Department is to release any inmate  
11 earlier than it otherwise would because of a grant of good  
12 conduct credit for meritorious service given at any time  
13 during the term, the Department shall give reasonable  
14 notice of the impending release not less than 14 days prior  
15 to the date of the release to the State's Attorney of the  
16 county where the prosecution of the inmate took place, and  
17 if applicable, the State's Attorney of the county into  
18 which the inmate will be released. The Department must also  
19 make identification information and a recent photo of the  
20 inmate being released accessible on the Internet by means  
21 of a hyperlink labeled "Community Notification of Inmate  
22 Early Release" on the Department's World Wide Web homepage.  
23 The identification information shall include the inmate's:  
24 name, any known alias, date of birth, physical  
25 characteristics, residence address, commitment offense and  
26 county where conviction was imposed. The identification

1 information shall be placed on the website within 3 days of  
2 the inmate's release and the information may not be removed  
3 until either: completion of the first year of mandatory  
4 supervised release or return of the inmate to custody of  
5 the Department.

6 (b) Whenever a person is or has been committed under  
7 several convictions, with separate sentences, the sentences  
8 shall be construed under Section 5-8-4 in granting and  
9 forfeiting of good time.

10 (c) The Department shall prescribe rules and regulations  
11 for revoking good conduct credit, or suspending or reducing the  
12 rate of accumulation of good conduct credit for specific rule  
13 violations, during imprisonment. These rules and regulations  
14 shall provide that no inmate may be penalized more than one  
15 year of good conduct credit for any one infraction.

16 When the Department seeks to revoke, suspend or reduce the  
17 rate of accumulation of any good conduct credits for an alleged  
18 infraction of its rules, it shall bring charges therefor  
19 against the prisoner sought to be so deprived of good conduct  
20 credits before the Prisoner Review Board as provided in  
21 subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
22 amount of credit at issue exceeds 30 days or when during any 12  
23 month period, the cumulative amount of credit revoked exceeds  
24 30 days except where the infraction is committed or discovered  
25 within 60 days of scheduled release. In those cases, the  
26 Department of Corrections may revoke up to 30 days of good

1 conduct credit. The Board may subsequently approve the  
2 revocation of additional good conduct credit, if the Department  
3 seeks to revoke good conduct credit in excess of 30 days.  
4 However, the Board shall not be empowered to review the  
5 Department's decision with respect to the loss of 30 days of  
6 good conduct credit within any calendar year for any prisoner  
7 or to increase any penalty beyond the length requested by the  
8 Department.

9 The Director of the Department of Corrections, in  
10 appropriate cases, may restore up to 30 days good conduct  
11 credits which have been revoked, suspended or reduced. Any  
12 restoration of good conduct credits in excess of 30 days shall  
13 be subject to review by the Prisoner Review Board. However, the  
14 Board may not restore good conduct credit in excess of the  
15 amount requested by the Director.

16 Nothing contained in this Section shall prohibit the  
17 Prisoner Review Board from ordering, pursuant to Section  
18 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
19 sentence imposed by the court that was not served due to the  
20 accumulation of good conduct credit.

21 (d) If a lawsuit is filed by a prisoner in an Illinois or  
22 federal court against the State, the Department of Corrections,  
23 or the Prisoner Review Board, or against any of their officers  
24 or employees, and the court makes a specific finding that a  
25 pleading, motion, or other paper filed by the prisoner is  
26 frivolous, the Department of Corrections shall conduct a

1 hearing to revoke up to 180 days of good conduct credit by  
2 bringing charges against the prisoner sought to be deprived of  
3 the good conduct credits before the Prisoner Review Board as  
4 provided in subparagraph (a) (8) of Section 3-3-2 of this Code.  
5 If the prisoner has not accumulated 180 days of good conduct  
6 credit at the time of the finding, then the Prisoner Review  
7 Board may revoke all good conduct credit accumulated by the  
8 prisoner.

9 For purposes of this subsection (d):

10 (1) "Frivolous" means that a pleading, motion, or other  
11 filing which purports to be a legal document filed by a  
12 prisoner in his or her lawsuit meets any or all of the  
13 following criteria:

14 (A) it lacks an arguable basis either in law or in  
15 fact;

16 (B) it is being presented for any improper purpose,  
17 such as to harass or to cause unnecessary delay or  
18 needless increase in the cost of litigation;

19 (C) the claims, defenses, and other legal  
20 contentions therein are not warranted by existing law  
21 or by a nonfrivolous argument for the extension,  
22 modification, or reversal of existing law or the  
23 establishment of new law;

24 (D) the allegations and other factual contentions  
25 do not have evidentiary support or, if specifically so  
26 identified, are not likely to have evidentiary support

1 after a reasonable opportunity for further  
2 investigation or discovery; or

3 (E) the denials of factual contentions are not  
4 warranted on the evidence, or if specifically so  
5 identified, are not reasonably based on a lack of  
6 information or belief.

7 (2) "Lawsuit" means a motion pursuant to Section 116-3  
8 of the Code of Criminal Procedure of 1963, a habeas corpus  
9 action under Article X of the Code of Civil Procedure or  
10 under federal law (28 U.S.C. 2254), a petition for claim  
11 under the Court of Claims Act, an action under the federal  
12 Civil Rights Act (42 U.S.C. 1983), or a second or  
13 subsequent petition for post-conviction relief under  
14 Article 122 of the Code of Criminal Procedure of 1963  
15 whether filed with or without leave of court or a second or  
16 subsequent petition for relief from judgment under Section  
17 2-1401 of the Code of Civil Procedure.

18 (e) Nothing in Public Act 90-592 or 90-593 affects the  
19 validity of Public Act 89-404.

20 (f) Whenever the Department is to release any inmate who  
21 has been convicted of a violation of an order of protection  
22 under Section 12-3.4 or 12-30 of the Criminal Code of 1961,  
23 earlier than it otherwise would because of a grant of good  
24 conduct credit, the Department, as a condition of such early  
25 release, shall require that the person, upon release, be placed  
26 under electronic surveillance as provided in Section 5-8A-7 of

1 this Code.

2 (Source: P.A. 95-134, eff. 8-13-07; 95-585, eff. 6-1-08;  
3 95-625, eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09;  
4 95-876, eff. 8-21-08; 96-860, eff. 1-15-10; 96-1110, eff.  
5 7-19-10; 96-1128, eff. 1-1-11; 96-1200, eff. 7-22-10; 96-1224,  
6 eff. 7-23-10; 96-1230, eff. 1-1-11; revised 9-16-10.)

7 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

8 Sec. 5-3-2. Presentence Report.

9 (a) In felony cases, the presentence report shall set  
10 forth:

11 (1) the defendant's history of delinquency or  
12 criminality, physical and mental history and condition,  
13 family situation and background, economic status,  
14 education, occupation and personal habits;

15 (2) information about special resources within the  
16 community which might be available to assist the  
17 defendant's rehabilitation, including treatment centers,  
18 residential facilities, vocational training services,  
19 correctional manpower programs, employment opportunities,  
20 special educational programs, alcohol and drug abuse  
21 programming, psychiatric and marriage counseling, and  
22 other programs and facilities which could aid the  
23 defendant's successful reintegration into society;

24 (3) the effect the offense committed has had upon the  
25 victim or victims thereof, and any compensatory benefit

1 that various sentencing alternatives would confer on such  
2 victim or victims;

3 (4) information concerning the defendant's status  
4 since arrest, including his record if released on his own  
5 recognizance, or the defendant's achievement record if  
6 released on a conditional pre-trial supervision program;

7 (5) when appropriate, a plan, based upon the personal,  
8 economic and social adjustment needs of the defendant,  
9 utilizing public and private community resources as an  
10 alternative to institutional sentencing;

11 (6) any other matters that the investigatory officer  
12 deems relevant or the court directs to be included; and

13 (7) information concerning defendant's eligibility for  
14 a sentence to a county impact incarceration program under  
15 Section 5-8-1.2 of this Code.

16 (b) The investigation shall include a physical and mental  
17 examination of the defendant when so ordered by the court. If  
18 the court determines that such an examination should be made,  
19 it shall issue an order that the defendant submit to  
20 examination at such time and place as designated by the court  
21 and that such examination be conducted by a physician,  
22 psychologist or psychiatrist designated by the court. Such an  
23 examination may be conducted in a court clinic if so ordered by  
24 the court. The cost of such examination shall be paid by the  
25 county in which the trial is held.

26 (b-5) In cases involving felony sex offenses in which the

1 offender is being considered for probation only or any felony  
2 offense that is sexually motivated as defined in the Sex  
3 Offender Management Board Act in which the offender is being  
4 considered for probation only, the investigation shall include  
5 a sex offender evaluation by an evaluator approved by the Board  
6 and conducted in conformance with the standards developed under  
7 the Sex Offender Management Board Act. In cases in which the  
8 offender is being considered for any mandatory prison sentence,  
9 the investigation shall not include a sex offender evaluation.

10 (c) In misdemeanor, business offense or petty offense  
11 cases, except as specified in subsection (d) of this Section,  
12 when a presentence report has been ordered by the court, such  
13 presentence report shall contain information on the  
14 defendant's history of delinquency or criminality and shall  
15 further contain only those matters listed in any of paragraphs  
16 (1) through (6) of subsection (a) or in subsection (b) of this  
17 Section as are specified by the court in its order for the  
18 report.

19 (d) In cases under Section 12-15 and Section 12-3.4 or  
20 12-30 of the Criminal Code of 1961, as amended, the presentence  
21 report shall set forth information about alcohol, drug abuse,  
22 psychiatric, and marriage counseling or other treatment  
23 programs and facilities, information on the defendant's  
24 history of delinquency or criminality, and shall contain those  
25 additional matters listed in any of paragraphs (1) through (6)  
26 of subsection (a) or in subsection (b) of this Section as are



1 specified by the court.

2 (e) Nothing in this Section shall cause the defendant to be  
3 held without bail or to have his bail revoked for the purpose  
4 of preparing the presentence report or making an examination.

5 (Source: P.A. 96-322, eff. 1-1-10.)

6 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

7 Sec. 5-5-3. Disposition.

8 (a) (Blank).

9 (b) (Blank).

10 (c) (1) (Blank).

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

18 (A) First degree murder where the death penalty is  
19 not imposed.

20 (B) Attempted first degree murder.

21 (C) A Class X felony.

22 (D) A violation of Section 401.1 or 407 of the  
23 Illinois Controlled Substances Act, or a violation of  
24 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401  
25 of that Act which relates to more than 5 grams of a

1 substance containing heroin, cocaine, fentanyl, or an  
2 analog thereof.

3 (E) A violation of Section 5.1 or 9 of the Cannabis  
4 Control Act.

5 (F) A Class 2 or greater felony if the offender had  
6 been convicted of a Class 2 or greater felony,  
7 including any state or federal conviction for an  
8 offense that contained, at the time it was committed,  
9 the same elements as an offense now (the date of the  
10 offense committed after the prior Class 2 or greater  
11 felony) classified as a Class 2 or greater felony,  
12 within 10 years of the date on which the offender  
13 committed the offense for which he or she is being  
14 sentenced, except as otherwise provided in Section  
15 40-10 of the Alcoholism and Other Drug Abuse and  
16 Dependency Act.

17 (F-5) A violation of Section 24-1, 24-1.1, or  
18 24-1.6 of the Criminal Code of 1961 for which  
19 imprisonment is prescribed in those Sections.

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

23 (H) Criminal sexual assault.

24 (I) Aggravated battery of a senior citizen as  
25 described in Section 12-4.6 or subdivision (a)(4) of  
26 Section 12-3.05.

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

3           Before July 1, 1994, for the purposes of this  
4           paragraph, "organized gang" means an association of 5  
5           or more persons, with an established hierarchy, that  
6           encourages members of the association to perpetrate  
7           crimes or provides support to the members of the  
8           association who do commit crimes.

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

13          (K) Vehicular hijacking.

14          (L) A second or subsequent conviction for the  
15          offense of hate crime when the underlying offense upon  
16          which the hate crime is based is felony aggravated  
17          assault or felony mob action.

18          (M) A second or subsequent conviction for the  
19          offense of institutional vandalism if the damage to the  
20          property exceeds \$300.

21          (N) A Class 3 felony violation of paragraph (1) of  
22          subsection (a) of Section 2 of the Firearm Owners  
23          Identification Card Act.

24          (O) A violation of Section 12-6.1 or 12-6.5 of the  
25          Criminal Code of 1961.

26          (P) A violation of paragraph (1), (2), (3), (4),

1 (5), or (7) of subsection (a) of Section 11-20.1 of the  
2 Criminal Code of 1961.

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

5 (R) A violation of Section 24-3A of the Criminal  
6 Code of 1961.

7 (S) (Blank).

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

10 (U) A second or subsequent violation of Section  
11 6-303 of the Illinois Vehicle Code committed while his  
12 or her driver's license, permit, or privilege was  
13 revoked because of a violation of Section 9-3 of the  
14 Criminal Code of 1961, relating to the offense of  
15 reckless homicide, or a similar provision of a law of  
16 another state.

17 (V) A violation of paragraph (4) of subsection (c)  
18 of Section 11-20.3 of the Criminal Code of 1961.

19 (W) A violation of Section 24-3.5 of the Criminal  
20 Code of 1961.

21 (X) A violation of subsection (a) of Section 31-1a  
22 of the Criminal Code of 1961.

23 (Y) A conviction for unlawful possession of a  
24 firearm by a street gang member when the firearm was  
25 loaded or contained firearm ammunition.

26 (Z) A Class 1 felony committed while he or she was

1 serving a term of probation or conditional discharge  
2 for a felony.

3 (AA) Theft of property exceeding \$500,000 and not  
4 exceeding \$1,000,000 in value.

5 (BB) Laundering of criminally derived property of  
6 a value exceeding \$500,000.

7 (CC) Knowingly selling, offering for sale, holding  
8 for sale, or using 2,000 or more counterfeit items or  
9 counterfeit items having a retail value in the  
10 aggregate of \$500,000 or more.

11 (3) (Blank).

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

16 (4.1) (Blank).

17 (4.2) Except as provided in paragraphs (4.3) and (4.8)  
18 of this subsection (c), a minimum of 100 hours of community  
19 service shall be imposed for a second violation of Section  
20 6-303 of the Illinois Vehicle Code.

21 (4.3) A minimum term of imprisonment of 30 days or 300  
22 hours of community service, as determined by the court,  
23 shall be imposed for a second violation of subsection (c)  
24 of Section 6-303 of the Illinois Vehicle Code.

25 (4.4) Except as provided in paragraphs (4.5), (4.6),  
26 and (4.9) of this subsection (c), a minimum term of

1 imprisonment of 30 days or 300 hours of community service,  
2 as determined by the court, shall be imposed for a third or  
3 subsequent violation of Section 6-303 of the Illinois  
4 Vehicle Code.

5 (4.5) A minimum term of imprisonment of 30 days shall  
6 be imposed for a third violation of subsection (c) of  
7 Section 6-303 of the Illinois Vehicle Code.

8 (4.6) Except as provided in paragraph (4.10) of this  
9 subsection (c), a minimum term of imprisonment of 180 days  
10 shall be imposed for a fourth or subsequent violation of  
11 subsection (c) of Section 6-303 of the Illinois Vehicle  
12 Code.

13 (4.7) A minimum term of imprisonment of not less than  
14 30 consecutive days, or 300 hours of community service,  
15 shall be imposed for a violation of subsection (a-5) of  
16 Section 6-303 of the Illinois Vehicle Code, as provided in  
17 subsection (b-5) of that Section.

18 (4.8) A mandatory prison sentence shall be imposed for  
19 a second violation of subsection (a-5) of Section 6-303 of  
20 the Illinois Vehicle Code, as provided in subsection (c-5)  
21 of that Section. The person's driving privileges shall be  
22 revoked for a period of not less than 5 years from the date  
23 of his or her release from prison.

24 (4.9) A mandatory prison sentence of not less than 4  
25 and not more than 15 years shall be imposed for a third  
26 violation of subsection (a-5) of Section 6-303 of the

1 Illinois Vehicle Code, as provided in subsection (d-2.5) of  
2 that Section. The person's driving privileges shall be  
3 revoked for the remainder of his or her life.

4 (4.10) A mandatory prison sentence for a Class 1 felony  
5 shall be imposed, and the person shall be eligible for an  
6 extended term sentence, for a fourth or subsequent  
7 violation of subsection (a-5) of Section 6-303 of the  
8 Illinois Vehicle Code, as provided in subsection (d-3.5) of  
9 that Section. The person's driving privileges shall be  
10 revoked for the remainder of his or her life.

11 (5) The court may sentence a corporation or  
12 unincorporated association convicted of any offense to:

13 (A) a period of conditional discharge;

14 (B) a fine;

15 (C) make restitution to the victim under Section  
16 5-5-6 of this Code.

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

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

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

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

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

16 (5.5) In addition to any other penalties imposed, a  
17 person convicted of violating Section 3-707 of the Illinois  
18 Vehicle Code during a period in which his or her driver's  
19 license, permit, or privileges were suspended for a  
20 previous violation of that Section shall have his or her  
21 driver's license, permit, or privileges suspended for an  
22 additional 6 months after the expiration of the original  
23 3-month suspension and until he or she has paid a  
24 reinstatement fee of \$100.

25 (6) (Blank).

26 (7) (Blank).



1           (8) (Blank).

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

5           (10) (Blank).

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

23           (12) A person may not receive a disposition of court  
24 supervision for a violation of Section 5-16 of the Boat  
25 Registration and Safety Act if that person has previously  
26 received a disposition of court supervision for a violation

1 of that Section.

2 (13) A person convicted of or placed on court  
3 supervision for an assault or aggravated assault when the  
4 victim and the offender are family or household members as  
5 defined in Section 103 of the Illinois Domestic Violence  
6 Act of 1986 or convicted of domestic battery or aggravated  
7 domestic battery may be required to attend a Partner Abuse  
8 Intervention Program under protocols set forth by the  
9 Illinois Department of Human Services under such terms and  
10 conditions imposed by the court. The costs of such classes  
11 shall be paid by the offender.

12 (d) In any case in which a sentence originally imposed is  
13 vacated, the case shall be remanded to the trial court. The  
14 trial court shall hold a hearing under Section 5-4-1 of the  
15 Unified Code of Corrections which may include evidence of the  
16 defendant's life, moral character and occupation during the  
17 time since the original sentence was passed. The trial court  
18 shall then impose sentence upon the defendant. The trial court  
19 may impose any sentence which could have been imposed at the  
20 original trial subject to Section 5-5-4 of the Unified Code of  
21 Corrections. If a sentence is vacated on appeal or on  
22 collateral attack due to the failure of the trier of fact at  
23 trial to determine beyond a reasonable doubt the existence of a  
24 fact (other than a prior conviction) necessary to increase the  
25 punishment for the offense beyond the statutory maximum  
26 otherwise applicable, either the defendant may be re-sentenced

1 to a term within the range otherwise provided or, if the State  
2 files notice of its intention to again seek the extended  
3 sentence, the defendant shall be afforded a new trial.

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

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

11 (A) the defendant is willing to undergo a court  
12 approved counseling program for a minimum duration of 2  
13 years; or

14 (B) the defendant is willing to participate in a  
15 court approved plan including but not limited to the  
16 defendant's:

17 (i) removal from the household;

18 (ii) restricted contact with the victim;

19 (iii) continued financial support of the  
20 family;

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

22 and

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

25 (2) the court orders the defendant to pay for the  
26 victim's counseling services, to the extent that the court

1 finds, after considering the defendant's income and  
2 assets, that the defendant is financially capable of paying  
3 for such services, if the victim was under 18 years of age  
4 at the time the offense was committed and requires  
5 counseling as a result of the offense.

6 Probation may be revoked or modified pursuant to Section  
7 5-6-4; except where the court determines at the hearing that  
8 the defendant violated a condition of his or her probation  
9 restricting contact with the victim or other family members or  
10 commits another offense with the victim or other family  
11 members, the court shall revoke the defendant's probation and  
12 impose a term of imprisonment.

13 For the purposes of this Section, "family member" and  
14 "victim" shall have the meanings ascribed to them in Section  
15 12-12 of the Criminal Code of 1961.

16 (f) (Blank).

17 (g) Whenever a defendant is convicted of an offense under  
18 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,  
19 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16  
20 of the Criminal Code of 1961, the defendant shall undergo  
21 medical testing to determine whether the defendant has any  
22 sexually transmissible disease, including a test for infection  
23 with human immunodeficiency virus (HIV) or any other identified  
24 causative agent of acquired immunodeficiency syndrome (AIDS).  
25 Any such medical test shall be performed only by appropriately  
26 licensed medical practitioners and may include an analysis of

1 any bodily fluids as well as an examination of the defendant's  
2 person. Except as otherwise provided by law, the results of  
3 such test shall be kept strictly confidential by all medical  
4 personnel involved in the testing and must be personally  
5 delivered in a sealed envelope to the judge of the court in  
6 which the conviction was entered for the judge's inspection in  
7 camera. Acting in accordance with the best interests of the  
8 victim and the public, the judge shall have the discretion to  
9 determine to whom, if anyone, the results of the testing may be  
10 revealed. The court shall notify the defendant of the test  
11 results. The court shall also notify the victim if requested by  
12 the victim, and if the victim is under the age of 15 and if  
13 requested by the victim's parents or legal guardian, the court  
14 shall notify the victim's parents or legal guardian of the test  
15 results. The court shall provide information on the  
16 availability of HIV testing and counseling at Department of  
17 Public Health facilities to all parties to whom the results of  
18 the testing are revealed and shall direct the State's Attorney  
19 to provide the information to the victim when possible. A  
20 State's Attorney may petition the court to obtain the results  
21 of any HIV test administered under this Section, and the court  
22 shall grant the disclosure if the State's Attorney shows it is  
23 relevant in order to prosecute a charge of criminal  
24 transmission of HIV under Section 12-5.01 or 12-16.2 of the  
25 Criminal Code of 1961 against the defendant. The court shall  
26 order that the cost of any such test shall be paid by the

1 county and may be taxed as costs against the convicted  
2 defendant.

3 (g-5) When an inmate is tested for an airborne communicable  
4 disease, as determined by the Illinois Department of Public  
5 Health including but not limited to tuberculosis, the results  
6 of the test shall be personally delivered by the warden or his  
7 or her designee in a sealed envelope to the judge of the court  
8 in which the inmate must appear for the judge's inspection in  
9 camera if requested by the judge. Acting in accordance with the  
10 best interests of those in the courtroom, the judge shall have  
11 the discretion to determine what if any precautions need to be  
12 taken to prevent transmission of the disease in the courtroom.

13 (h) Whenever a defendant is convicted of an offense under  
14 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
15 defendant shall undergo medical testing to determine whether  
16 the defendant has been exposed to human immunodeficiency virus  
17 (HIV) or any other identified causative agent of acquired  
18 immunodeficiency syndrome (AIDS). Except as otherwise provided  
19 by law, the results of such test shall be kept strictly  
20 confidential by all medical personnel involved in the testing  
21 and must be personally delivered in a sealed envelope to the  
22 judge of the court in which the conviction was entered for the  
23 judge's inspection in camera. Acting in accordance with the  
24 best interests of the public, the judge shall have the  
25 discretion to determine to whom, if anyone, the results of the  
26 testing may be revealed. The court shall notify the defendant

1 of a positive test showing an infection with the human  
2 immunodeficiency virus (HIV). The court shall provide  
3 information on the availability of HIV testing and counseling  
4 at Department of Public Health facilities to all parties to  
5 whom the results of the testing are revealed and shall direct  
6 the State's Attorney to provide the information to the victim  
7 when possible. A State's Attorney may petition the court to  
8 obtain the results of any HIV test administered under this  
9 Section, and the court shall grant the disclosure if the  
10 State's Attorney shows it is relevant in order to prosecute a  
11 charge of criminal transmission of HIV under Section 12-5.01 or  
12 12-16.2 of the Criminal Code of 1961 against the defendant. The  
13 court shall order that the cost of any such test shall be paid  
14 by the county and may be taxed as costs against the convicted  
15 defendant.

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

23 (j) In cases when prosecution for any violation of Section  
24 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,  
25 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
26 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal

1 Code of 1961, any violation of the Illinois Controlled  
2 Substances Act, any violation of the Cannabis Control Act, or  
3 any violation of the Methamphetamine Control and Community  
4 Protection Act results in conviction, a disposition of court  
5 supervision, or an order of probation granted under Section 10  
6 of the Cannabis Control Act, Section 410 of the Illinois  
7 Controlled Substance Act, or Section 70 of the Methamphetamine  
8 Control and Community Protection Act of a defendant, the court  
9 shall determine whether the defendant is employed by a facility  
10 or center as defined under the Child Care Act of 1969, a public  
11 or private elementary or secondary school, or otherwise works  
12 with children under 18 years of age on a daily basis. When a  
13 defendant is so employed, the court shall order the Clerk of  
14 the Court to send a copy of the judgment of conviction or order  
15 of supervision or probation to the defendant's employer by  
16 certified mail. If the employer of the defendant is a school,  
17 the Clerk of the Court shall direct the mailing of a copy of  
18 the judgment of conviction or order of supervision or probation  
19 to the appropriate regional superintendent of schools. The  
20 regional superintendent of schools shall notify the State Board  
21 of Education of any notification under this subsection.

22 (j-5) A defendant at least 17 years of age who is convicted  
23 of a felony and who has not been previously convicted of a  
24 misdemeanor or felony and who is sentenced to a term of  
25 imprisonment in the Illinois Department of Corrections shall as  
26 a condition of his or her sentence be required by the court to



1 attend educational courses designed to prepare the defendant  
2 for a high school diploma and to work toward a high school  
3 diploma or to work toward passing the high school level Test of  
4 General Educational Development (GED) or to work toward  
5 completing a vocational training program offered by the  
6 Department of Corrections. If a defendant fails to complete the  
7 educational training required by his or her sentence during the  
8 term of incarceration, the Prisoner Review Board shall, as a  
9 condition of mandatory supervised release, require the  
10 defendant, at his or her own expense, to pursue a course of  
11 study toward a high school diploma or passage of the GED test.  
12 The Prisoner Review Board shall revoke the mandatory supervised  
13 release of a defendant who wilfully fails to comply with this  
14 subsection (j-5) upon his or her release from confinement in a  
15 penal institution while serving a mandatory supervised release  
16 term; however, the inability of the defendant after making a  
17 good faith effort to obtain financial aid or pay for the  
18 educational training shall not be deemed a wilful failure to  
19 comply. The Prisoner Review Board shall recommit the defendant  
20 whose mandatory supervised release term has been revoked under  
21 this subsection (j-5) as provided in Section 3-3-9. This  
22 subsection (j-5) does not apply to a defendant who has a high  
23 school diploma or has successfully passed the GED test. This  
24 subsection (j-5) does not apply to a defendant who is  
25 determined by the court to be developmentally disabled or  
26 otherwise mentally incapable of completing the educational or

1 vocational program.

2 (k) (Blank).

3 (l) (A) Except as provided in paragraph (C) of subsection  
4 (l), whenever a defendant, who is an alien as defined by  
5 the Immigration and Nationality Act, is convicted of any  
6 felony or misdemeanor offense, the court after sentencing  
7 the defendant may, upon motion of the State's Attorney,  
8 hold sentence in abeyance and remand the defendant to the  
9 custody of the Attorney General of the United States or his  
10 or her designated agent to be deported when:

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

14 (2) the deportation of the defendant would not  
15 deprecate the seriousness of the defendant's conduct  
16 and would not be inconsistent with the ends of justice.

17 Otherwise, the defendant shall be sentenced as  
18 provided in this Chapter V.

19 (B) If the defendant has already been sentenced for a  
20 felony or misdemeanor offense, or has been placed on  
21 probation under Section 10 of the Cannabis Control Act,  
22 Section 410 of the Illinois Controlled Substances Act, or  
23 Section 70 of the Methamphetamine Control and Community  
24 Protection Act, the court may, upon motion of the State's  
25 Attorney to suspend the sentence imposed, commit the  
26 defendant to the custody of the Attorney General of the

1 United States or his or her designated agent when:

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

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

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

11 (D) Upon motion of the State's Attorney, if a defendant  
12 sentenced under this Section returns to the jurisdiction of  
13 the United States, the defendant shall be recommitted to  
14 the custody of the county from which he or she was  
15 sentenced. Thereafter, the defendant shall be brought  
16 before the sentencing court, which may impose any sentence  
17 that was available under Section 5-5-3 at the time of  
18 initial sentencing. In addition, the defendant shall not be  
19 eligible for additional good conduct credit for  
20 meritorious service as provided under Section 3-6-6.

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

1           (n) The court may sentence a person convicted of a  
2 violation of Section 12-19, 12-21, or 16-1.3, or subsection (a)  
3 or (b) of Section 12-4.4a, of the Criminal Code of 1961 (i) to  
4 an impact incarceration program if the person is otherwise  
5 eligible for that program under Section 5-8-1.1, (ii) to  
6 community service, or (iii) if the person is an addict or  
7 alcoholic, as defined in the Alcoholism and Other Drug Abuse  
8 and Dependency Act, to a substance or alcohol abuse program  
9 licensed under that Act.

10           (o) Whenever a person is convicted of a sex offense as  
11 defined in Section 2 of the Sex Offender Registration Act, the  
12 defendant's driver's license or permit shall be subject to  
13 renewal on an annual basis in accordance with the provisions of  
14 license renewal established by the Secretary of State.

15           (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;  
16 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;  
17 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.  
18 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829,  
19 eff. 12-3-09; 96-1200, eff. 7-22-10.)

20           (730 ILCS 5/5-5-3.2)

21           Sec. 5-5-3.2. Factors in Aggravation and Extended-Term  
22 Sentencing.

23           (a) The following factors shall be accorded weight in favor  
24 of imposing a term of imprisonment or may be considered by the  
25 court as reasons to impose a more severe sentence under Section

1 5-8-1 or Article 4.5 of Chapter V:

2 (1) the defendant's conduct caused or threatened  
3 serious harm;

4 (2) the defendant received compensation for committing  
5 the offense;

6 (3) the defendant has a history of prior delinquency or  
7 criminal activity;

8 (4) the defendant, by the duties of his office or by  
9 his position, was obliged to prevent the particular offense  
10 committed or to bring the offenders committing it to  
11 justice;

12 (5) the defendant held public office at the time of the  
13 offense, and the offense related to the conduct of that  
14 office;

15 (6) the defendant utilized his professional reputation  
16 or position in the community to commit the offense, or to  
17 afford him an easier means of committing it;

18 (7) the sentence is necessary to deter others from  
19 committing the same crime;

20 (8) the defendant committed the offense against a  
21 person 60 years of age or older or such person's property;

22 (9) the defendant committed the offense against a  
23 person who is physically handicapped or such person's  
24 property;

25 (10) by reason of another individual's actual or  
26 perceived race, color, creed, religion, ancestry, gender,

1 sexual orientation, physical or mental disability, or  
2 national origin, the defendant committed the offense  
3 against (i) the person or property of that individual; (ii)  
4 the person or property of a person who has an association  
5 with, is married to, or has a friendship with the other  
6 individual; or (iii) the person or property of a relative  
7 (by blood or marriage) of a person described in clause (i)  
8 or (ii). For the purposes of this Section, "sexual  
9 orientation" means heterosexuality, homosexuality, or  
10 bisexuality;

11 (11) the offense took place in a place of worship or on  
12 the grounds of a place of worship, immediately prior to,  
13 during or immediately following worship services. For  
14 purposes of this subparagraph, "place of worship" shall  
15 mean any church, synagogue or other building, structure or  
16 place used primarily for religious worship;

17 (12) the defendant was convicted of a felony committed  
18 while he was released on bail or his own recognizance  
19 pending trial for a prior felony and was convicted of such  
20 prior felony, or the defendant was convicted of a felony  
21 committed while he was serving a period of probation,  
22 conditional discharge, or mandatory supervised release  
23 under subsection (d) of Section 5-8-1 for a prior felony;

24 (13) the defendant committed or attempted to commit a  
25 felony while he was wearing a bulletproof vest. For the  
26 purposes of this paragraph (13), a bulletproof vest is any

1 device which is designed for the purpose of protecting the  
2 wearer from bullets, shot or other lethal projectiles;

3 (14) the defendant held a position of trust or  
4 supervision such as, but not limited to, family member as  
5 defined in Section 12-12 of the Criminal Code of 1961,  
6 teacher, scout leader, baby sitter, or day care worker, in  
7 relation to a victim under 18 years of age, and the  
8 defendant committed an offense in violation of Section  
9 11-6, 11-11, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-13,  
10 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961  
11 against that victim;

12 (15) the defendant committed an offense related to the  
13 activities of an organized gang. For the purposes of this  
14 factor, "organized gang" has the meaning ascribed to it in  
15 Section 10 of the Streetgang Terrorism Omnibus Prevention  
16 Act;

17 (16) the defendant committed an offense in violation of  
18 one of the following Sections while in a school, regardless  
19 of the time of day or time of year; on any conveyance  
20 owned, leased, or contracted by a school to transport  
21 students to or from school or a school related activity; on  
22 the real property of a school; or on a public way within  
23 1,000 feet of the real property comprising any school:  
24 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,  
25 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
26 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,

1 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
2 (a) (4) or (g) (1), of the Criminal Code of 1961;

3 (16.5) the defendant committed an offense in violation  
4 of one of the following Sections while in a day care  
5 center, regardless of the time of day or time of year; on  
6 the real property of a day care center, regardless of the  
7 time of day or time of year; or on a public way within  
8 1,000 feet of the real property comprising any day care  
9 center, regardless of the time of day or time of year:  
10 Section 10-1, 10-2, 10-5, 11-15.1, 11-17.1, 11-18.1,  
11 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
12 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
13 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
14 (a) (4) or (g) (1), of the Criminal Code of 1961;

15 (17) the defendant committed the offense by reason of  
16 any person's activity as a community policing volunteer or  
17 to prevent any person from engaging in activity as a  
18 community policing volunteer. For the purpose of this  
19 Section, "community policing volunteer" has the meaning  
20 ascribed to it in Section 2-3.5 of the Criminal Code of  
21 1961;

22 (18) the defendant committed the offense in a nursing  
23 home or on the real property comprising a nursing home. For  
24 the purposes of this paragraph (18), "nursing home" means a  
25 skilled nursing or intermediate long term care facility  
26 that is subject to license by the Illinois Department of



1 Public Health under the Nursing Home Care Act or the MR/DD  
2 Community Care Act;

3 (19) the defendant was a federally licensed firearm  
4 dealer and was previously convicted of a violation of  
5 subsection (a) of Section 3 of the Firearm Owners  
6 Identification Card Act and has now committed either a  
7 felony violation of the Firearm Owners Identification Card  
8 Act or an act of armed violence while armed with a firearm;

9 (20) the defendant (i) committed the offense of  
10 reckless homicide under Section 9-3 of the Criminal Code of  
11 1961 or the offense of driving under the influence of  
12 alcohol, other drug or drugs, intoxicating compound or  
13 compounds or any combination thereof under Section 11-501  
14 of the Illinois Vehicle Code or a similar provision of a  
15 local ordinance and (ii) was operating a motor vehicle in  
16 excess of 20 miles per hour over the posted speed limit as  
17 provided in Article VI of Chapter 11 of the Illinois  
18 Vehicle Code;

19 (21) the defendant (i) committed the offense of  
20 reckless driving or aggravated reckless driving under  
21 Section 11-503 of the Illinois Vehicle Code and (ii) was  
22 operating a motor vehicle in excess of 20 miles per hour  
23 over the posted speed limit as provided in Article VI of  
24 Chapter 11 of the Illinois Vehicle Code;

25 (22) the defendant committed the offense against a  
26 person that the defendant knew, or reasonably should have

1 known, was a member of the Armed Forces of the United  
2 States serving on active duty. For purposes of this clause  
3 (22), the term "Armed Forces" means any of the Armed Forces  
4 of the United States, including a member of any reserve  
5 component thereof or National Guard unit called to active  
6 duty;

7 (23) the defendant committed the offense against a  
8 person who was elderly, disabled, or infirm by taking  
9 advantage of a family or fiduciary relationship with the  
10 elderly, disabled, or infirm person;

11 (24) the defendant committed any offense under Section  
12 11-20.1 of the Criminal Code of 1961 and possessed 100 or  
13 more images;

14 (25) the defendant committed the offense while the  
15 defendant or the victim was in a train, bus, or other  
16 vehicle used for public transportation; ~~or~~

17 (26) the defendant committed the offense of child  
18 pornography or aggravated child pornography, specifically  
19 including paragraph (1), (2), (3), (4), (5), or (7) of  
20 subsection (a) of Section 11-20.1 of the Criminal Code of  
21 1961 where a child engaged in, solicited for, depicted in,  
22 or posed in any act of sexual penetration or bound,  
23 fettered, or subject to sadistic, masochistic, or  
24 sadomasochistic abuse in a sexual context and specifically  
25 including paragraph (1), (2), (3), (4), (5), or (7) of  
26 subsection (a) of Section 11-20.3 of the Criminal Code of

1 1961 where a child engaged in, solicited for, depicted in,  
2 or posed in any act of sexual penetration or bound,  
3 fettered, or subject to sadistic, masochistic, or  
4 sadomasochistic abuse in a sexual context; or

5 (27) the defendant committed the offense of first  
6 degree murder, assault, aggravated assault, battery,  
7 aggravated battery, robbery, armed robbery, or aggravated  
8 robbery against a person who was a veteran and the  
9 defendant knew, or reasonably should have known, that the  
10 person was a veteran performing duties as a representative  
11 of a veterans' organization. For the purposes of this  
12 paragraph (27), "veteran" means an Illinois resident who  
13 has served as a member of the United States Armed Forces, a  
14 member of the Illinois National Guard, or a member of the  
15 United States Reserve Forces; and "veterans' organization"  
16 means an organization comprised of members of which  
17 substantially all are individuals who are veterans or  
18 spouses, widows, or widowers of veterans, the primary  
19 purpose of which is to promote the welfare of its members  
20 and to provide assistance to the general public in such a  
21 way as to confer a public benefit.

22 For the purposes of this Section:

23 "School" is defined as a public or private elementary or  
24 secondary school, community college, college, or university.

25 "Day care center" means a public or private State certified  
26 and licensed day care center as defined in Section 2.09 of the

1 Child Care Act of 1969 that displays a sign in plain view  
2 stating that the property is a day care center.

3 "Public transportation" means the transportation or  
4 conveyance of persons by means available to the general public,  
5 and includes paratransit services.

6 (b) The following factors, related to all felonies, may be  
7 considered by the court as reasons to impose an extended term  
8 sentence under Section 5-8-2 upon any offender:

9 (1) When a defendant is convicted of any felony, after  
10 having been previously convicted in Illinois or any other  
11 jurisdiction of the same or similar class felony or greater  
12 class felony, when such conviction has occurred within 10  
13 years after the previous conviction, excluding time spent  
14 in custody, and such charges are separately brought and  
15 tried and arise out of different series of acts; or

16 (2) When a defendant is convicted of any felony and the  
17 court finds that the offense was accompanied by  
18 exceptionally brutal or heinous behavior indicative of  
19 wanton cruelty; or

20 (3) When a defendant is convicted of any felony  
21 committed against:

22 (i) a person under 12 years of age at the time of  
23 the offense or such person's property;

24 (ii) a person 60 years of age or older at the time  
25 of the offense or such person's property; or

26 (iii) a person physically handicapped at the time

1 of the offense or such person's property; or

2 (4) When a defendant is convicted of any felony and the  
3 offense involved any of the following types of specific  
4 misconduct committed as part of a ceremony, rite,  
5 initiation, observance, performance, practice or activity  
6 of any actual or ostensible religious, fraternal, or social  
7 group:

8 (i) the brutalizing or torturing of humans or  
9 animals;

10 (ii) the theft of human corpses;

11 (iii) the kidnapping of humans;

12 (iv) the desecration of any cemetery, religious,  
13 fraternal, business, governmental, educational, or  
14 other building or property; or

15 (v) ritualized abuse of a child; or

16 (5) When a defendant is convicted of a felony other  
17 than conspiracy and the court finds that the felony was  
18 committed under an agreement with 2 or more other persons  
19 to commit that offense and the defendant, with respect to  
20 the other individuals, occupied a position of organizer,  
21 supervisor, financier, or any other position of management  
22 or leadership, and the court further finds that the felony  
23 committed was related to or in furtherance of the criminal  
24 activities of an organized gang or was motivated by the  
25 defendant's leadership in an organized gang; or

26 (6) When a defendant is convicted of an offense

1 committed while using a firearm with a laser sight attached  
2 to it. For purposes of this paragraph, "laser sight" has  
3 the meaning ascribed to it in Section 24.6-5 of the  
4 Criminal Code of 1961; or

5 (7) When a defendant who was at least 17 years of age  
6 at the time of the commission of the offense is convicted  
7 of a felony and has been previously adjudicated a  
8 delinquent minor under the Juvenile Court Act of 1987 for  
9 an act that if committed by an adult would be a Class X or  
10 Class 1 felony when the conviction has occurred within 10  
11 years after the previous adjudication, excluding time  
12 spent in custody; or

13 (8) When a defendant commits any felony and the  
14 defendant used, possessed, exercised control over, or  
15 otherwise directed an animal to assault a law enforcement  
16 officer engaged in the execution of his or her official  
17 duties or in furtherance of the criminal activities of an  
18 organized gang in which the defendant is engaged.

19 (c) The following factors may be considered by the court as  
20 reasons to impose an extended term sentence under Section 5-8-2  
21 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

22 (1) When a defendant is convicted of first degree  
23 murder, after having been previously convicted in Illinois  
24 of any offense listed under paragraph (c)(2) of Section  
25 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
26 within 10 years after the previous conviction, excluding

1 time spent in custody, and the charges are separately  
2 brought and tried and arise out of different series of  
3 acts.

4 (1.5) When a defendant is convicted of first degree  
5 murder, after having been previously convicted of domestic  
6 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
7 (720 ILCS 5/12-3.3) committed on the same victim or after  
8 having been previously convicted of violation of an order  
9 of protection (720 ILCS 5/12-30) in which the same victim  
10 was the protected person.

11 (2) When a defendant is convicted of voluntary  
12 manslaughter, second degree murder, involuntary  
13 manslaughter, or reckless homicide in which the defendant  
14 has been convicted of causing the death of more than one  
15 individual.

16 (3) When a defendant is convicted of aggravated  
17 criminal sexual assault or criminal sexual assault, when  
18 there is a finding that aggravated criminal sexual assault  
19 or criminal sexual assault was also committed on the same  
20 victim by one or more other individuals, and the defendant  
21 voluntarily participated in the crime with the knowledge of  
22 the participation of the others in the crime, and the  
23 commission of the crime was part of a single course of  
24 conduct during which there was no substantial change in the  
25 nature of the criminal objective.

26 (4) If the victim was under 18 years of age at the time

1 of the commission of the offense, when a defendant is  
2 convicted of aggravated criminal sexual assault or  
3 predatory criminal sexual assault of a child under  
4 subsection (a)(1) of Section 12-14.1 of the Criminal Code  
5 of 1961 (720 ILCS 5/12-14.1).

6 (5) When a defendant is convicted of a felony violation  
7 of Section 24-1 of the Criminal Code of 1961 (720 ILCS  
8 5/24-1) and there is a finding that the defendant is a  
9 member of an organized gang.

10 (6) When a defendant was convicted of unlawful use of  
11 weapons under Section 24-1 of the Criminal Code of 1961  
12 (720 ILCS 5/24-1) for possessing a weapon that is not  
13 readily distinguishable as one of the weapons enumerated in  
14 Section 24-1 of the Criminal Code of 1961 (720 ILCS  
15 5/24-1).

16 (7) When a defendant is convicted of an offense  
17 involving the illegal manufacture of a controlled  
18 substance under Section 401 of the Illinois Controlled  
19 Substances Act (720 ILCS 570/401), the illegal manufacture  
20 of methamphetamine under Section 25 of the Methamphetamine  
21 Control and Community Protection Act (720 ILCS 646/25), or  
22 the illegal possession of explosives and an emergency  
23 response officer in the performance of his or her duties is  
24 killed or injured at the scene of the offense while  
25 responding to the emergency caused by the commission of the  
26 offense. In this paragraph, "emergency" means a situation



1 in which a person's life, health, or safety is in jeopardy;  
2 and "emergency response officer" means a peace officer,  
3 community policing volunteer, fireman, emergency medical  
4 technician-ambulance, emergency medical  
5 technician-intermediate, emergency medical  
6 technician-paramedic, ambulance driver, other medical  
7 assistance or first aid personnel, or hospital emergency  
8 room personnel.

9 (d) For the purposes of this Section, "organized gang" has  
10 the meaning ascribed to it in Section 10 of the Illinois  
11 Streetgang Terrorism Omnibus Prevention Act.

12 (e) The court may impose an extended term sentence under  
13 Article 4.5 of Chapter V upon an offender who has been  
14 convicted of a felony violation of Section 12-13, 12-14,  
15 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 when the  
16 victim of the offense is under 18 years of age at the time of  
17 the commission of the offense and, during the commission of the  
18 offense, the victim was under the influence of alcohol,  
19 regardless of whether or not the alcohol was supplied by the  
20 offender; and the offender, at the time of the commission of  
21 the offense, knew or should have known that the victim had  
22 consumed alcohol.

23 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,  
24 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;  
25 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;  
26 96-328, eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff.

1 7-2-10; 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390,  
2 eff. 1-1-11; revised 9-16-10.)

3 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

4 Sec. 5-8-4. Concurrent and consecutive terms of  
5 imprisonment.

6 (a) Concurrent terms; multiple or additional sentences.  
7 When an Illinois court (i) imposes multiple sentences of  
8 imprisonment on a defendant at the same time or (ii) imposes a  
9 sentence of imprisonment on a defendant who is already subject  
10 to a sentence of imprisonment imposed by an Illinois court, a  
11 court of another state, or a federal court, then the sentences  
12 shall run concurrently unless otherwise determined by the  
13 Illinois court under this Section.

14 (b) Concurrent terms; misdemeanor and felony. A defendant  
15 serving a sentence for a misdemeanor who is convicted of a  
16 felony and sentenced to imprisonment shall be transferred to  
17 the Department of Corrections, and the misdemeanor sentence  
18 shall be merged in and run concurrently with the felony  
19 sentence.

20 (c) Consecutive terms; permissive. The court may impose  
21 consecutive sentences in any of the following circumstances:

22 (1) If, having regard to the nature and circumstances  
23 of the offense and the history and character of the  
24 defendant, it is the opinion of the court that consecutive  
25 sentences are required to protect the public from further

1 criminal conduct by the defendant, the basis for which the  
2 court shall set forth in the record.

3 (2) If one of the offenses for which a defendant was  
4 convicted was a violation of Section 32-5.2 (aggravated  
5 false personation of a peace officer) of the Criminal Code  
6 of 1961 (720 ILCS 5/32-5.2) and the offense was committed  
7 in attempting or committing a forcible felony.

8 (d) Consecutive terms; mandatory. The court shall impose  
9 consecutive sentences in each of the following circumstances:

10 (1) One of the offenses for which the defendant was  
11 convicted was first degree murder or a Class X or Class 1  
12 felony and the defendant inflicted severe bodily injury.

13 (2) The defendant was convicted of a violation of  
14 Section 12-13 (criminal sexual assault), 12-14 (aggravated  
15 criminal sexual assault), or 12-14.1 (predatory criminal  
16 sexual assault of a child) of the Criminal Code of 1961  
17 (720 ILCS 5/12-13, 5/12-14, or 5/12-14.1).

18 (3) The defendant was convicted of armed violence based  
19 upon the predicate offense of any of the following:  
20 solicitation of murder, solicitation of murder for hire,  
21 heinous battery as described in Section 12-4.1 or  
22 subdivision (a)(2) of Section 12-3.05, aggravated battery  
23 of a senior citizen as described in Section 12-4.6 or  
24 subdivision (a)(4) of Section 12-3.05, criminal sexual  
25 assault, a violation of subsection (g) of Section 5 of the  
26 Cannabis Control Act (720 ILCS 550/5), cannabis

1 trafficking, a violation of subsection (a) of Section 401  
2 of the Illinois Controlled Substances Act (720 ILCS  
3 570/401), controlled substance trafficking involving a  
4 Class X felony amount of controlled substance under Section  
5 401 of the Illinois Controlled Substances Act (720 ILCS  
6 570/401), a violation of the Methamphetamine Control and  
7 Community Protection Act (720 ILCS 646/), calculated  
8 criminal drug conspiracy, or streetgang criminal drug  
9 conspiracy.

10 (4) The defendant was convicted of the offense of  
11 leaving the scene of a motor vehicle accident involving  
12 death or personal injuries under Section 11-401 of the  
13 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)  
14 aggravated driving under the influence of alcohol, other  
15 drug or drugs, or intoxicating compound or compounds, or  
16 any combination thereof under Section 11-501 of the  
17 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
18 homicide under Section 9-3 of the Criminal Code of 1961  
19 (720 ILCS 5/9-3), or (C) both an offense described in item  
20 (A) and an offense described in item (B).

21 (5) The defendant was convicted of a violation of  
22 Section 9-3.1 (concealment of homicidal death) or Section  
23 12-20.5 (dismembering a human body) of the Criminal Code of  
24 1961 (720 ILCS 5/9-3.1 or 5/12-20.5).

25 (5.5) The defendant was convicted of a violation of  
26 Section 24-3.7 (use of a stolen firearm in the commission

1 of an offense) of the Criminal Code of 1961.

2 (6) If the defendant was in the custody of the  
3 Department of Corrections at the time of the commission of  
4 the offense, the sentence shall be served consecutive to  
5 the sentence under which the defendant is held by the  
6 Department of Corrections. If, however, the defendant is  
7 sentenced to punishment by death, the sentence shall be  
8 executed at such time as the court may fix without regard  
9 to the sentence under which the defendant may be held by  
10 the Department.

11 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)  
12 for escape or attempted escape shall be served consecutive  
13 to the terms under which the offender is held by the  
14 Department of Corrections.

15 (8) If a person charged with a felony commits a  
16 separate felony while on pretrial release or in pretrial  
17 detention in a county jail facility or county detention  
18 facility, then the sentences imposed upon conviction of  
19 these felonies shall be served consecutively regardless of  
20 the order in which the judgments of conviction are entered.

21 (8.5) If a person commits a battery against a county  
22 correctional officer or sheriff's employee while serving a  
23 sentence or in pretrial detention in a county jail  
24 facility, then the sentence imposed upon conviction of the  
25 battery shall be served consecutively with the sentence  
26 imposed upon conviction of the earlier misdemeanor or

1 felony, regardless of the order in which the judgments of  
2 conviction are entered.

3 (9) If a person admitted to bail following conviction  
4 of a felony commits a separate felony while free on bond or  
5 if a person detained in a county jail facility or county  
6 detention facility following conviction of a felony  
7 commits a separate felony while in detention, then any  
8 sentence following conviction of the separate felony shall  
9 be consecutive to that of the original sentence for which  
10 the defendant was on bond or detained.

11 (10) If a person is found to be in possession of an  
12 item of contraband, as defined in clause (c)(2) of Section  
13 31A-1.1 of the Criminal Code of 1961, while serving a  
14 sentence in a county jail or while in pre-trial detention  
15 in a county jail, the sentence imposed upon conviction for  
16 the offense of possessing contraband in a penal institution  
17 shall be served consecutively to the sentence imposed for  
18 the offense in which the person is serving sentence in the  
19 county jail or serving pretrial detention, regardless of  
20 the order in which the judgments of conviction are entered.

21 (11) If a person is sentenced for a violation of bail  
22 bond under Section 32-10 of the Criminal Code of 1961, any  
23 sentence imposed for that violation shall be served  
24 consecutive to the sentence imposed for the charge for  
25 which bail had been granted and with respect to which the  
26 defendant has been convicted.

1           (e) Consecutive terms; subsequent non-Illinois term. If an  
2 Illinois court has imposed a sentence of imprisonment on a  
3 defendant and the defendant is subsequently sentenced to a term  
4 of imprisonment by a court of another state or a federal court,  
5 then the Illinois sentence shall run consecutively to the  
6 sentence imposed by the court of the other state or the federal  
7 court. That same Illinois court, however, may order that the  
8 Illinois sentence run concurrently with the sentence imposed by  
9 the court of the other state or the federal court, but only if  
10 the defendant applies to that same Illinois court within 30  
11 days after the sentence imposed by the court of the other state  
12 or the federal court is finalized.

13           (f) Consecutive terms; aggregate maximums and minimums.  
14 The aggregate maximum and aggregate minimum of consecutive  
15 sentences shall be determined as follows:

16           (1) For sentences imposed under law in effect prior to  
17 February 1, 1978, the aggregate maximum of consecutive  
18 sentences shall not exceed the maximum term authorized  
19 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
20 Chapter V for the 2 most serious felonies involved. The  
21 aggregate minimum period of consecutive sentences shall  
22 not exceed the highest minimum term authorized under  
23 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
24 V for the 2 most serious felonies involved. When sentenced  
25 only for misdemeanors, a defendant shall not be  
26 consecutively sentenced to more than the maximum for one

1 Class A misdemeanor.

2 (2) For sentences imposed under the law in effect on or  
3 after February 1, 1978, the aggregate of consecutive  
4 sentences for offenses that were committed as part of a  
5 single course of conduct during which there was no  
6 substantial change in the nature of the criminal objective  
7 shall not exceed the sum of the maximum terms authorized  
8 under Article 4.5 of Chapter V for the 2 most serious  
9 felonies involved, but no such limitation shall apply for  
10 offenses that were not committed as part of a single course  
11 of conduct during which there was no substantial change in  
12 the nature of the criminal objective. When sentenced only  
13 for misdemeanors, a defendant shall not be consecutively  
14 sentenced to more than the maximum for one Class A  
15 misdemeanor.

16 (g) Consecutive terms; manner served. In determining the  
17 manner in which consecutive sentences of imprisonment, one or  
18 more of which is for a felony, will be served, the Department  
19 of Corrections shall treat the defendant as though he or she  
20 had been committed for a single term subject to each of the  
21 following:

22 (1) The maximum period of a term of imprisonment shall  
23 consist of the aggregate of the maximums of the imposed  
24 indeterminate terms, if any, plus the aggregate of the  
25 imposed determinate sentences for felonies, plus the  
26 aggregate of the imposed determinate sentences for



1           misdemeanors, subject to subsection (f) of this Section.

2           (2) The parole or mandatory supervised release term  
3 shall be as provided in paragraph (e) of Section 5-4.5-50  
4 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
5 involved.

6           (3) The minimum period of imprisonment shall be the  
7 aggregate of the minimum and determinate periods of  
8 imprisonment imposed by the court, subject to subsection  
9 (f) of this Section.

10           (4) The defendant shall be awarded credit against the  
11 aggregate maximum term and the aggregate minimum term of  
12 imprisonment for all time served in an institution since  
13 the commission of the offense or offenses and as a  
14 consequence thereof at the rate specified in Section 3-6-3  
15 (730 ILCS 5/3-6-3).

16 (Source: P.A. 95-379, eff. 8-23-07; 95-766, eff. 1-1-09;  
17 95-1052, eff. 7-1-09; 96-190, eff. 1-1-10; 96-1000, eff.  
18 7-2-10; 96-1200, eff. 7-22-10.)

19           (730 ILCS 5/5-8A-2) (from Ch. 38, par. 1005-8A-2)

20           Sec. 5-8A-2. Definitions. As used in this Article:

21           (A) "Approved electronic monitoring device" means a device  
22 approved by the supervising authority which is primarily  
23 intended to record or transmit information as to the  
24 defendant's presence or nonpresence in the home.

25           An approved electronic monitoring device may record or

1 transmit: oral or wire communications or an auditory sound;  
2 visual images; or information regarding the offender's  
3 activities while inside the offender's home. These devices are  
4 subject to the required consent as set forth in Section 5-8A-5  
5 of this Article.

6 An approved electronic monitoring device may be used to  
7 record a conversation between the participant and the  
8 monitoring device, or the participant and the person  
9 supervising the participant solely for the purpose of  
10 identification and not for the purpose of eavesdropping or  
11 conducting any other illegally intrusive monitoring.

12 (B) "Excluded offenses" means first degree murder, escape,  
13 predatory criminal sexual assault of a child, aggravated  
14 criminal sexual assault, criminal sexual assault, aggravated  
15 battery with a firearm as described in Section 12-4.2 or  
16 subdivision (e)(1), (e)(2), (e)(3), or (e)(4) of Section  
17 12-3.05, bringing or possessing a firearm, ammunition or  
18 explosive in a penal institution, any "Super-X" drug offense or  
19 calculated criminal drug conspiracy or streetgang criminal  
20 drug conspiracy, or any predecessor or successor offenses with  
21 the same or substantially the same elements, or any inchoate  
22 offenses relating to the foregoing offenses.

23 (C) "Home detention" means the confinement of a person  
24 convicted or charged with an offense to his or her place of  
25 residence under the terms and conditions established by the  
26 supervising authority.

1 (D) "Participant" means an inmate or offender placed into  
2 an electronic monitoring program.

3 (E) "Supervising authority" means the Department of  
4 Corrections, probation supervisory authority, sheriff,  
5 superintendent of municipal house of corrections or any other  
6 officer or agency charged with authorizing and supervising home  
7 detention.

8 (F) "Super-X drug offense" means a violation of Section  
9 401(a)(1)(B), (C), or (D); Section 401(a)(2)(B), (C), or (D);  
10 Section 401(a)(3)(B), (C), or (D); or Section 401(a)(7)(B),  
11 (C), or (D) of the Illinois Controlled Substances Act.

12 (Source: P.A. 88-311; 89-428, eff. 12-13-95; 89-462, eff.  
13 5-29-96; 89-498, eff. 6-27-96.)

14 (730 ILCS 5/5-9-1.16)

15 Sec. 5-9-1.16. Protective order violation fees.

16 (a) There shall be added to every penalty imposed in  
17 sentencing for a violation of an order of protection under  
18 Section 12-3.4 or 12-30 of the Criminal Code of 1961 an  
19 additional fee to be set in an amount not less than \$200 to be  
20 imposed upon a plea of guilty or finding of guilty resulting in  
21 a judgment of conviction.

22 (b) Such additional amount shall be assessed by the court  
23 imposing sentence and shall be collected by the Circuit Clerk  
24 in addition to the fine, if any, and costs in the case to be  
25 used by the supervising authority in implementing the domestic

1 violence surveillance program. The clerk of the circuit court  
2 shall pay all monies collected from this fee to the county  
3 treasurer for deposit in the probation and court services fund  
4 under Section 15.1 of the Probation and Probations Officers  
5 Act.

6 (c) The supervising authority of a domestic violence  
7 surveillance program under Section 5-8A-7 of this Act shall  
8 assess a person either convicted of, or charged with, the  
9 violation of an order of protection an additional fee to cover  
10 the costs of providing the equipment used and the additional  
11 supervision needed for such domestic violence surveillance  
12 program. If the court finds that the fee would impose an undue  
13 burden on the victim, the court may reduce or waive the fee.  
14 The court shall order that the defendant may not use funds  
15 belonging solely to the victim of the offense for payment of  
16 the fee.

17 When the supervising authority is the court or the  
18 probation and court services department, the fee shall be  
19 collected by the circuit court clerk. The clerk of the circuit  
20 court shall pay all monies collected from this fee and all  
21 other required probation fees that are assessed to the county  
22 treasurer for deposit in the probation and court services fund  
23 under Section 15.1 of the Probation and Probations Officers  
24 Act. In counties with a population of 2 million or more, when  
25 the supervising authority is the court or the probation and  
26 court services department, the fee shall be collected by the

1 supervising authority. In these counties, the supervising  
2 authority shall pay all monies collected from this fee and all  
3 other required probation fees that are assessed, to the county  
4 treasurer for deposit in the probation and court services fund  
5 under Section 15.1 of the Probation and Probation Officers Act.

6 When the supervising authority is the Department of  
7 Corrections, the Department shall collect the fee for deposit  
8 into the Illinois Department of Corrections "fund". The Circuit  
9 Clerk shall retain 10% of such penalty and deposit that  
10 percentage into the Circuit Court Clerk Operation and  
11 Administrative Fund to cover the costs incurred in  
12 administering and enforcing this Section.

13 (d) (Blank).

14 (e) (Blank).

15 (Source: P.A. 95-773, eff. 1-1-09; 96-688, eff. 8-25-09.)

16 Section 975. The Secure Residential Youth Care Facility  
17 Licensing Act is amended by changing Section 45-30 as follows:

18 (730 ILCS 175/45-30)

19 Sec. 45-30. License or employment eligibility.

20 (a) No applicant may receive a license from the Department  
21 and no person may be employed by a licensed facility who  
22 refuses to authorize an investigation as required by Section  
23 45-25.

24 (b) No applicant may receive a license from the Department

1 and no person may be employed by a secure residential youth  
2 care facility licensed by the Department who has been declared  
3 a sexually dangerous person under the Sexually Dangerous  
4 Persons Act or convicted of committing or attempting to commit  
5 any of the following offenses under the Criminal Code of 1961:

6 (1) First degree murder.

7 (2) A sex offense under Article 11, except offenses  
8 described in Sections 11-7, 11-8, 11-12, 11-13 and 11-18.

9 (3) Kidnapping.

10 (4) Aggravated kidnapping.

11 (5) Child abduction.

12 (6) Aggravated battery of a child as described in  
13 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05.

14 (7) Criminal sexual assault.

15 (8) Aggravated criminal sexual assault.

16 (8.1) Predatory criminal sexual assault of a child.

17 (9) Criminal sexual abuse.

18 (10) Aggravated criminal sexual abuse.

19 (11) A federal offense or an offense in any other state  
20 the elements of which are similar to any of the foregoing  
21 offenses.

22 (Source: P.A. 88-680, eff. 1-1-95; 89-428, eff. 12-13-95;  
23 89-462, eff. 5-29-96.)

24 Section 980. The Crime Victims Compensation Act is amended  
25 by changing Section 2 as follows:

1 (740 ILCS 45/2) (from Ch. 70, par. 72)

2 Sec. 2. Definitions. As used in this Act, unless the  
3 context otherwise requires:

4 (a) "Applicant" means any person who applies for  
5 compensation under this Act or any person the Court of Claims  
6 finds is entitled to compensation, including the guardian of a  
7 minor or of a person under legal disability. It includes any  
8 person who was a dependent of a deceased victim of a crime of  
9 violence for his or her support at the time of the death of  
10 that victim.

11 (b) "Court of Claims" means the Court of Claims created by  
12 the Court of Claims Act.

13 (c) "Crime of violence" means and includes any offense  
14 defined in Sections 9-1, 9-2, 9-3, 10-1, 10-2, 11-11, 11-19.2,  
15 11-20.1, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-3.4, 12-4,  
16 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,  
17 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1, or  
18 Section 12-3.05 except for subdivision (a)(4) or (g)(1), of  
19 the Criminal Code of 1961, Sections 1(a) and 1(a-5) of the  
20 Cemetery Protection Act, driving under the influence of  
21 intoxicating liquor or narcotic drugs as defined in Section  
22 11-501 of the Illinois Vehicle Code, and a violation of Section  
23 11-401 of the Illinois Vehicle Code, provided the victim was a  
24 pedestrian or was operating a vehicle moved solely by human  
25 power or a mobility device at the time of contact; so long as

1 the offense did not occur during a civil riot, insurrection or  
2 rebellion. "Crime of violence" does not include any other  
3 offense or accident involving a motor vehicle except those  
4 vehicle offenses specifically provided for in this paragraph.  
5 "Crime of violence" does include all of the offenses  
6 specifically provided for in this paragraph that occur within  
7 this State but are subject to federal jurisdiction and crimes  
8 involving terrorism as defined in 18 U.S.C. 2331.

9 (d) "Victim" means (1) a person killed or injured in this  
10 State as a result of a crime of violence perpetrated or  
11 attempted against him or her, (2) the parent of a person killed  
12 or injured in this State as a result of a crime of violence  
13 perpetrated or attempted against the person, (3) a person  
14 killed or injured in this State while attempting to assist a  
15 person against whom a crime of violence is being perpetrated or  
16 attempted, if that attempt of assistance would be expected of a  
17 reasonable person under the circumstances, (4) a person killed  
18 or injured in this State while assisting a law enforcement  
19 official apprehend a person who has perpetrated a crime of  
20 violence or prevent the perpetration of any such crime if that  
21 assistance was in response to the express request of the law  
22 enforcement official, (5) a person who personally witnessed a  
23 violent crime, (5.1) solely for the purpose of compensating for  
24 pecuniary loss incurred for psychological treatment of a mental  
25 or emotional condition caused or aggravated by the crime, any  
26 other person under the age of 18 who is the brother, sister,



1 half brother, half sister, child, or stepchild of a person  
2 killed or injured in this State as a result of a crime of  
3 violence, (6) an Illinois resident who is a victim of a "crime  
4 of violence" as defined in this Act except, if the crime  
5 occurred outside this State, the resident has the same rights  
6 under this Act as if the crime had occurred in this State upon  
7 a showing that the state, territory, country, or political  
8 subdivision of a country in which the crime occurred does not  
9 have a compensation of victims of crimes law for which that  
10 Illinois resident is eligible, (7) a deceased person whose body  
11 is dismembered or whose remains are desecrated as the result of  
12 a crime of violence, or (8) solely for the purpose of  
13 compensating for pecuniary loss incurred for psychological  
14 treatment of a mental or emotional condition caused or  
15 aggravated by the crime, any parent, spouse, or child under the  
16 age of 18 of a deceased person whose body is dismembered or  
17 whose remains are desecrated as the result of a crime of  
18 violence.

19 (e) "Dependent" means a relative of a deceased victim who  
20 was wholly or partially dependent upon the victim's income at  
21 the time of his or her death and shall include the child of a  
22 victim born after his or her death.

23 (f) "Relative" means a spouse, parent, grandparent,  
24 stepfather, stepmother, child, grandchild, brother,  
25 brother-in-law, sister, sister-in-law, half brother, half  
26 sister, spouse's parent, nephew, niece, uncle or aunt.

1 (g) "Child" means an unmarried son or daughter who is under  
2 18 years of age and includes a stepchild, an adopted child or a  
3 child born out of wedlock.

4 (h) "Pecuniary loss" means, in the case of injury,  
5 appropriate medical expenses and hospital expenses including  
6 expenses of medical examinations, rehabilitation, medically  
7 required nursing care expenses, appropriate psychiatric care  
8 or psychiatric counseling expenses, expenses for care or  
9 counseling by a licensed clinical psychologist, licensed  
10 clinical social worker, or licensed clinical professional  
11 counselor and expenses for treatment by Christian Science  
12 practitioners and nursing care appropriate thereto;  
13 transportation expenses to and from medical and treatment  
14 facilities; prosthetic appliances, eyeglasses, and hearing  
15 aids necessary or damaged as a result of the crime; replacement  
16 costs for clothing and bedding used as evidence; costs  
17 associated with temporary lodging or relocation necessary as a  
18 result of the crime, including, but not limited to, the first  
19 month's rent and security deposit of the dwelling that the  
20 claimant relocated to and other reasonable relocation expenses  
21 incurred as a result of the violent crime; locks or windows  
22 necessary or damaged as a result of the crime; the purchase,  
23 lease, or rental of equipment necessary to create usability of  
24 and accessibility to the victim's real and personal property,  
25 or the real and personal property which is used by the victim,  
26 necessary as a result of the crime; the costs of appropriate

1 crime scene clean-up; replacement services loss, to a maximum  
2 of \$1000 per month; dependents replacement services loss, to a  
3 maximum of \$1000 per month; loss of tuition paid to attend  
4 grammar school or high school when the victim had been enrolled  
5 as a student prior to the injury, or college or graduate school  
6 when the victim had been enrolled as a day or night student  
7 prior to the injury when the victim becomes unable to continue  
8 attendance at school as a result of the crime of violence  
9 perpetrated against him or her; loss of earnings, loss of  
10 future earnings because of disability resulting from the  
11 injury, and, in addition, in the case of death, expenses for  
12 funeral, burial, and travel and transport for survivors of  
13 homicide victims to secure bodies of deceased victims and to  
14 transport bodies for burial all of which may not exceed a  
15 maximum of \$5,000 and loss of support of the dependents of the  
16 victim; in the case of dismemberment or desecration of a body,  
17 expenses for funeral and burial, all of which may not exceed a  
18 maximum of \$5,000. Loss of future earnings shall be reduced by  
19 any income from substitute work actually performed by the  
20 victim or by income he or she would have earned in available  
21 appropriate substitute work he or she was capable of performing  
22 but unreasonably failed to undertake. Loss of earnings, loss of  
23 future earnings and loss of support shall be determined on the  
24 basis of the victim's average net monthly earnings for the 6  
25 months immediately preceding the date of the injury or on \$1000  
26 per month, whichever is less. If a divorced or legally

1 separated applicant is claiming loss of support for a minor  
2 child of the deceased, the amount of support for each child  
3 shall be based either on the amount of support pursuant to the  
4 judgment prior to the date of the deceased victim's injury or  
5 death, or, if the subject of pending litigation filed by or on  
6 behalf of the divorced or legally separated applicant prior to  
7 the injury or death, on the result of that litigation. Real and  
8 personal property includes, but is not limited to, vehicles,  
9 houses, apartments, town houses, or condominiums. Pecuniary  
10 loss does not include pain and suffering or property loss or  
11 damage.

12 (i) "Replacement services loss" means expenses reasonably  
13 incurred in obtaining ordinary and necessary services in lieu  
14 of those the injured person would have performed, not for  
15 income, but for the benefit of himself or herself or his or her  
16 family, if he or she had not been injured.

17 (j) "Dependents replacement services loss" means loss  
18 reasonably incurred by dependents or private legal guardians of  
19 minor dependents after a victim's death in obtaining ordinary  
20 and necessary services in lieu of those the victim would have  
21 performed, not for income, but for their benefit, if he or she  
22 had not been fatally injured.

23 (k) "Survivor" means immediate family including a parent,  
24 step-father, step-mother, child, brother, sister, or spouse.

25 (Source: P.A. 96-267, eff. 8-11-09; 96-863, eff. 3-1-10.)

1           Section 985. The Illinois Marriage and Dissolution of  
2 Marriage Act is amended by changing Section 503 as follows:

3           (750 ILCS 5/503) (from Ch. 40, par. 503)

4           Sec. 503. Disposition of property.

5           (a) For purposes of this Act, "marital property" means all  
6 property acquired by either spouse subsequent to the marriage,  
7 except the following, which is known as "non-marital property":

8                 (1) property acquired by gift, legacy or descent;

9                 (2) property acquired in exchange for property  
10 acquired before the marriage or in exchange for property  
11 acquired by gift, legacy or descent;

12                (3) property acquired by a spouse after a judgment of  
13 legal separation;

14                (4) property excluded by valid agreement of the  
15 parties;

16                (5) any judgment or property obtained by judgment  
17 awarded to a spouse from the other spouse;

18                (6) property acquired before the marriage;

19                (7) the increase in value of property acquired by a  
20 method listed in paragraphs (1) through (6) of this  
21 subsection, irrespective of whether the increase results  
22 from a contribution of marital property, non-marital  
23 property, the personal effort of a spouse, or otherwise,  
24 subject to the right of reimbursement provided in  
25 subsection (c) of this Section; and

1           (8) income from property acquired by a method listed in  
2           paragraphs (1) through (7) of this subsection if the income  
3           is not attributable to the personal effort of a spouse.

4           (b) (1) For purposes of distribution of property pursuant to  
5           this Section, all property acquired by either spouse after the  
6           marriage and before a judgment of dissolution of marriage or  
7           declaration of invalidity of marriage, including non-marital  
8           property transferred into some form of co-ownership between the  
9           spouses, is presumed to be marital property, regardless of  
10          whether title is held individually or by the spouses in some  
11          form of co-ownership such as joint tenancy, tenancy in common,  
12          tenancy by the entirety, or community property. The presumption  
13          of marital property is overcome by a showing that the property  
14          was acquired by a method listed in subsection (a) of this  
15          Section.

16          (2) For purposes of distribution of property pursuant to  
17          this Section, all pension benefits (including pension benefits  
18          under the Illinois Pension Code) acquired by either spouse  
19          after the marriage and before a judgment of dissolution of  
20          marriage or declaration of invalidity of the marriage are  
21          presumed to be marital property, regardless of which spouse  
22          participates in the pension plan. The presumption that these  
23          pension benefits are marital property is overcome by a showing  
24          that the pension benefits were acquired by a method listed in  
25          subsection (a) of this Section. The right to a division of  
26          pension benefits in just proportions under this Section is

1 enforceable under Section 1-119 of the Illinois Pension Code.

2 The value of pension benefits in a retirement system  
3 subject to the Illinois Pension Code shall be determined in  
4 accordance with the valuation procedures established by the  
5 retirement system.

6 The recognition of pension benefits as marital property and  
7 the division of those benefits pursuant to a Qualified Illinois  
8 Domestic Relations Order shall not be deemed to be a  
9 diminishment, alienation, or impairment of those benefits. The  
10 division of pension benefits is an allocation of property in  
11 which each spouse has a species of common ownership.

12 (3) For purposes of distribution of property under this  
13 Section, all stock options granted to either spouse after the  
14 marriage and before a judgment of dissolution of marriage or  
15 declaration of invalidity of marriage, whether vested or  
16 non-vested or whether their value is ascertainable, are  
17 presumed to be marital property. This presumption of marital  
18 property is overcome by a showing that the stock options were  
19 acquired by a method listed in subsection (a) of this Section.  
20 The court shall allocate stock options between the parties at  
21 the time of the judgment of dissolution of marriage or  
22 declaration of invalidity of marriage recognizing that the  
23 value of the stock options may not be then determinable and  
24 that the actual division of the options may not occur until a  
25 future date. In making the allocation between the parties, the  
26 court shall consider, in addition to the factors set forth in

1 subsection (d) of this Section, the following:

2 (i) All circumstances underlying the grant of the stock  
3 option including but not limited to whether the grant was  
4 for past, present, or future efforts, or any combination  
5 thereof.

6 (ii) The length of time from the grant of the option to  
7 the time the option is exercisable.

8 (c) Commingled marital and non-marital property shall be  
9 treated in the following manner, unless otherwise agreed by the  
10 spouses:

11 (1) When marital and non-marital property are  
12 commingled by contributing one estate of property into  
13 another resulting in a loss of identity of the contributed  
14 property, the classification of the contributed property  
15 is transmuted to the estate receiving the contribution,  
16 subject to the provisions of paragraph (2) of this  
17 subsection; provided that if marital and non-marital  
18 property are commingled into newly acquired property  
19 resulting in a loss of identity of the contributing  
20 estates, the commingled property shall be deemed  
21 transmuted to marital property, subject to the provisions  
22 of paragraph (2) of this subsection.

23 (2) When one estate of property makes a contribution to  
24 another estate of property, or when a spouse contributes  
25 personal effort to non-marital property, the contributing  
26 estate shall be reimbursed from the estate receiving the



1 contribution notwithstanding any transmutation; provided,  
2 that no such reimbursement shall be made with respect to a  
3 contribution which is not retraceable by clear and  
4 convincing evidence, or was a gift, or, in the case of a  
5 contribution of personal effort of a spouse to non-marital  
6 property, unless the effort is significant and results in  
7 substantial appreciation of the non-marital property.  
8 Personal effort of a spouse shall be deemed a contribution  
9 by the marital estate. The court may provide for  
10 reimbursement out of the marital property to be divided or  
11 by imposing a lien against the non-marital property which  
12 received the contribution.

13 (d) In a proceeding for dissolution of marriage or  
14 declaration of invalidity of marriage, or in a proceeding for  
15 disposition of property following dissolution of marriage by a  
16 court which lacked personal jurisdiction over the absent spouse  
17 or lacked jurisdiction to dispose of the property, the court  
18 shall assign each spouse's non-marital property to that spouse.  
19 It also shall divide the marital property without regard to  
20 marital misconduct in just proportions considering all  
21 relevant factors, including:

22 (1) the contribution of each party to the acquisition,  
23 preservation, or increase or decrease in value of the  
24 marital or non-marital property, including (i) any such  
25 decrease attributable to a payment deemed to have been an  
26 advance from the parties' marital estate under subsection

1 (c-1) (2) of Section 501 and (ii) the contribution of a  
2 spouse as a homemaker or to the family unit;

3 (2) the dissipation by each party of the marital or  
4 non-marital property;

5 (3) the value of the property assigned to each spouse;

6 (4) the duration of the marriage;

7 (5) the relevant economic circumstances of each spouse  
8 when the division of property is to become effective,  
9 including the desirability of awarding the family home, or  
10 the right to live therein for reasonable periods, to the  
11 spouse having custody of the children;

12 (6) any obligations and rights arising from a prior  
13 marriage of either party;

14 (7) any antenuptial agreement of the parties;

15 (8) the age, health, station, occupation, amount and  
16 sources of income, vocational skills, employability,  
17 estate, liabilities, and needs of each of the parties;

18 (9) the custodial provisions for any children;

19 (10) whether the apportionment is in lieu of or in  
20 addition to maintenance;

21 (11) the reasonable opportunity of each spouse for  
22 future acquisition of capital assets and income; and

23 (12) the tax consequences of the property division upon  
24 the respective economic circumstances of the parties.

25 (e) Each spouse has a species of common ownership in the  
26 marital property which vests at the time dissolution

1 proceedings are commenced and continues only during the  
2 pendency of the action. Any such interest in marital property  
3 shall not encumber that property so as to restrict its  
4 transfer, assignment or conveyance by the title holder unless  
5 such title holder is specifically enjoined from making such  
6 transfer, assignment or conveyance.

7 (f) In a proceeding for dissolution of marriage or  
8 declaration of invalidity of marriage or in a proceeding for  
9 disposition of property following dissolution of marriage by a  
10 court that lacked personal jurisdiction over the absent spouse  
11 or lacked jurisdiction to dispose of the property, the court,  
12 in determining the value of the marital and non-marital  
13 property for purposes of dividing the property, shall value the  
14 property as of the date of trial or some other date as close to  
15 the date of trial as is practicable.

16 (g) The court if necessary to protect and promote the best  
17 interests of the children may set aside a portion of the  
18 jointly or separately held estates of the parties in a separate  
19 fund or trust for the support, maintenance, education, physical  
20 and mental health, and general welfare of any minor, dependent,  
21 or incompetent child of the parties. In making a determination  
22 under this subsection, the court may consider, among other  
23 things, the conviction of a party of any of the offenses set  
24 forth in Section 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13,  
25 12-14, 12-14.1, 12-15, or 12-16, or Section 12-3.05 except for  
26 subdivision (a) (4) or (g) (1), of the Criminal Code of 1961 if

1 the victim is a child of one or both of the parties, and there  
2 is a need for, and cost of, care, healing and counseling for  
3 the child who is the victim of the crime.

4 (h) Unless specifically directed by a reviewing court, or  
5 upon good cause shown, the court shall not on remand consider  
6 any increase or decrease in the value of any "marital" or  
7 "non-marital" property occurring since the assessment of such  
8 property at the original trial or hearing, but shall use only  
9 that assessment made at the original trial or hearing.

10 (i) The court may make such judgments affecting the marital  
11 property as may be just and may enforce such judgments by  
12 ordering a sale of marital property, with proceeds therefrom to  
13 be applied as determined by the court.

14 (j) After proofs have closed in the final hearing on all  
15 other issues between the parties (or in conjunction with the  
16 final hearing, if all parties so stipulate) and before judgment  
17 is entered, a party's petition for contribution to fees and  
18 costs incurred in the proceeding shall be heard and decided, in  
19 accordance with the following provisions:

20 (1) A petition for contribution, if not filed before  
21 the final hearing on other issues between the parties,  
22 shall be filed no later than 30 days after the closing of  
23 proofs in the final hearing or within such other period as  
24 the court orders.

25 (2) Any award of contribution to one party from the  
26 other party shall be based on the criteria for division of

1 marital property under this Section 503 and, if maintenance  
2 has been awarded, on the criteria for an award of  
3 maintenance under Section 504.

4 (3) The filing of a petition for contribution shall not  
5 be deemed to constitute a waiver of the attorney-client  
6 privilege between the petitioning party and current or  
7 former counsel; and such a waiver shall not constitute a  
8 prerequisite to a hearing for contribution. If either  
9 party's presentation on contribution, however, includes  
10 evidence within the scope of the attorney-client  
11 privilege, the disclosure or disclosures shall be narrowly  
12 construed and shall not be deemed by the court to  
13 constitute a general waiver of the privilege as to matters  
14 beyond the scope of the presentation.

15 (4) No finding on which a contribution award is based  
16 or denied shall be asserted against counsel or former  
17 counsel for purposes of any hearing under subsection (c) or  
18 (e) of Section 508.

19 (5) A contribution award (payable to either the  
20 petitioning party or the party's counsel, or jointly, as  
21 the court determines) may be in the form of either a set  
22 dollar amount or a percentage of fees and costs (or a  
23 portion of fees and costs) to be subsequently agreed upon  
24 by the petitioning party and counsel or, alternatively,  
25 thereafter determined in a hearing pursuant to subsection  
26 (c) of Section 508 or previously or thereafter determined

1 in an independent proceeding under subsection (e) of  
2 Section 508.

3 (6) The changes to this Section 503 made by this  
4 amendatory Act of 1996 apply to cases pending on or after  
5 June 1, 1997, except as otherwise provided in Section 508.

6 (Source: P.A. 95-374, eff. 1-1-08; 96-583, eff. 1-1-10.)

7 Section 990. The Illinois Domestic Violence Act of 1986 is  
8 amended by changing Sections 103, 223, and 301 as follows:

9 (750 ILCS 60/103) (from Ch. 40, par. 2311-3)

10 Sec. 103. Definitions. For the purposes of this Act, the  
11 following terms shall have the following meanings:

12 (1) "Abuse" means physical abuse, harassment, intimidation  
13 of a dependent, interference with personal liberty or willful  
14 deprivation but does not include reasonable direction of a  
15 minor child by a parent or person in loco parentis.

16 (2) "Adult with disabilities" means an elder adult with  
17 disabilities or a high-risk adult with disabilities. A person  
18 may be an adult with disabilities for purposes of this Act even  
19 though he or she has never been adjudicated an incompetent  
20 adult. However, no court proceeding may be initiated or  
21 continued on behalf of an adult with disabilities over that  
22 adult's objection, unless such proceeding is approved by his or  
23 her legal guardian, if any.

24 (3) "Domestic violence" means abuse as defined in paragraph

1 (1).

2 (4) "Elder adult with disabilities" means an adult  
3 prevented by advanced age from taking appropriate action to  
4 protect himself or herself from abuse by a family or household  
5 member.

6 (5) "Exploitation" means the illegal, including tortious,  
7 use of a high-risk adult with disabilities or of the assets or  
8 resources of a high-risk adult with disabilities. Exploitation  
9 includes, but is not limited to, the misappropriation of assets  
10 or resources of a high-risk adult with disabilities by undue  
11 influence, by breach of a fiduciary relationship, by fraud,  
12 deception, or extortion, or the use of such assets or resources  
13 in a manner contrary to law.

14 (6) "Family or household members" include spouses, former  
15 spouses, parents, children, stepchildren and other persons  
16 related by blood or by present or prior marriage, persons who  
17 share or formerly shared a common dwelling, persons who have or  
18 allegedly have a child in common, persons who share or  
19 allegedly share a blood relationship through a child, persons  
20 who have or have had a dating or engagement relationship,  
21 persons with disabilities and their personal assistants, and  
22 caregivers as defined in Section 12-4.4a or paragraph (3) of  
23 subsection (b) of Section 12-21 of the Criminal Code of 1961.  
24 For purposes of this paragraph, neither a casual  
25 acquaintanceship nor ordinary fraternization between 2  
26 individuals in business or social contexts shall be deemed to

1 constitute a dating relationship. In the case of a high-risk  
2 adult with disabilities, "family or household members"  
3 includes any person who has the responsibility for a high-risk  
4 adult as a result of a family relationship or who has assumed  
5 responsibility for all or a portion of the care of a high-risk  
6 adult with disabilities voluntarily, or by express or implied  
7 contract, or by court order.

8 (7) "Harassment" means knowing conduct which is not  
9 necessary to accomplish a purpose that is reasonable under the  
10 circumstances; would cause a reasonable person emotional  
11 distress; and does cause emotional distress to the petitioner.  
12 Unless the presumption is rebutted by a preponderance of the  
13 evidence, the following types of conduct shall be presumed to  
14 cause emotional distress:

15 (i) creating a disturbance at petitioner's place of  
16 employment or school;

17 (ii) repeatedly telephoning petitioner's place of  
18 employment, home or residence;

19 (iii) repeatedly following petitioner about in a  
20 public place or places;

21 (iv) repeatedly keeping petitioner under surveillance  
22 by remaining present outside his or her home, school, place  
23 of employment, vehicle or other place occupied by  
24 petitioner or by peering in petitioner's windows;

25 (v) improperly concealing a minor child from  
26 petitioner, repeatedly threatening to improperly remove a



1 minor child of petitioner's from the jurisdiction or from  
2 the physical care of petitioner, repeatedly threatening to  
3 conceal a minor child from petitioner, or making a single  
4 such threat following an actual or attempted improper  
5 removal or concealment, unless respondent was fleeing an  
6 incident or pattern of domestic violence; or

7 (vi) threatening physical force, confinement or  
8 restraint on one or more occasions.

9 (8) "High-risk adult with disabilities" means a person aged  
10 18 or over whose physical or mental disability impairs his or  
11 her ability to seek or obtain protection from abuse, neglect,  
12 or exploitation.

13 (9) "Interference with personal liberty" means committing  
14 or threatening physical abuse, harassment, intimidation or  
15 willful deprivation so as to compel another to engage in  
16 conduct from which she or he has a right to abstain or to  
17 refrain from conduct in which she or he has a right to engage.

18 (10) "Intimidation of a dependent" means subjecting a  
19 person who is dependent because of age, health or disability to  
20 participation in or the witnessing of: physical force against  
21 another or physical confinement or restraint of another which  
22 constitutes physical abuse as defined in this Act, regardless  
23 of whether the abused person is a family or household member.

24 (11) (A) "Neglect" means the failure to exercise that  
25 degree of care toward a high-risk adult with disabilities which  
26 a reasonable person would exercise under the circumstances and

1 includes but is not limited to:

2 (i) the failure to take reasonable steps to protect a  
3 high-risk adult with disabilities from acts of abuse;

4 (ii) the repeated, careless imposition of unreasonable  
5 confinement;

6 (iii) the failure to provide food, shelter, clothing,  
7 and personal hygiene to a high-risk adult with disabilities  
8 who requires such assistance;

9 (iv) the failure to provide medical and rehabilitative  
10 care for the physical and mental health needs of a  
11 high-risk adult with disabilities; or

12 (v) the failure to protect a high-risk adult with  
13 disabilities from health and safety hazards.

14 (B) Nothing in this subsection (10) shall be construed to  
15 impose a requirement that assistance be provided to a high-risk  
16 adult with disabilities over his or her objection in the  
17 absence of a court order, nor to create any new affirmative  
18 duty to provide support to a high-risk adult with disabilities.

19 (12) "Order of protection" means an emergency order,  
20 interim order or plenary order, granted pursuant to this Act,  
21 which includes any or all of the remedies authorized by Section  
22 214 of this Act.

23 (13) "Petitioner" may mean not only any named petitioner  
24 for the order of protection and any named victim of abuse on  
25 whose behalf the petition is brought, but also any other person  
26 protected by this Act.

1           (14) "Physical abuse" includes sexual abuse and means any  
2 of the following:

3           (i) knowing or reckless use of physical force,  
4 confinement or restraint;

5           (ii) knowing, repeated and unnecessary sleep  
6 deprivation; or

7           (iii) knowing or reckless conduct which creates an  
8 immediate risk of physical harm.

9           (14.5) "Stay away" means for the respondent to refrain from  
10 both physical presence and nonphysical contact with the  
11 petitioner whether direct, indirect (including, but not  
12 limited to, telephone calls, mail, email, faxes, and written  
13 notes), or through third parties who may or may not know about  
14 the order of protection.

15           (15) "Willful deprivation" means wilfully denying a person  
16 who because of age, health or disability requires medication,  
17 medical care, shelter, accessible shelter or services, food,  
18 therapeutic device, or other physical assistance, and thereby  
19 exposing that person to the risk of physical, mental or  
20 emotional harm, except with regard to medical care or treatment  
21 when the dependent person has expressed an intent to forgo such  
22 medical care or treatment. This paragraph does not create any  
23 new affirmative duty to provide support to dependent persons.

24           (Source: P.A. 92-253, eff. 1-1-02; 93-811, eff. 1-1-05.)

25           (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

1           Sec. 223. Enforcement of orders of protection.

2           (a) When violation is crime. A violation of any order of  
3 protection, whether issued in a civil or criminal proceeding,  
4 shall be enforced by a criminal court when:

5           (1) The respondent commits the crime of violation of an  
6 order of protection pursuant to Section 12-3.4 or 12-30 of  
7 the Criminal Code of 1961, by having knowingly violated:

8           (i) remedies described in paragraphs (1), (2),  
9 (3), (14), or (14.5) of subsection (b) of Section 214  
10 of this Act; or

11           (ii) a remedy, which is substantially similar to  
12 the remedies authorized under paragraphs (1), (2),  
13 (3), (14), and (14.5) of subsection (b) of Section 214  
14 of this Act, in a valid order of protection which is  
15 authorized under the laws of another state, tribe, or  
16 United States territory; or

17           (iii) any other remedy when the act constitutes a  
18 crime against the protected parties as defined by the  
19 Criminal Code of 1961.

20           Prosecution for a violation of an order of protection  
21 shall not bar concurrent prosecution for any other crime,  
22 including any crime that may have been committed at the  
23 time of the violation of the order of protection; or

24           (2) The respondent commits the crime of child abduction  
25 pursuant to Section 10-5 of the Criminal Code of 1961, by  
26 having knowingly violated:

1 (i) remedies described in paragraphs (5), (6) or  
2 (8) of subsection (b) of Section 214 of this Act; or

3 (ii) a remedy, which is substantially similar to  
4 the remedies authorized under paragraphs (5), (6), or  
5 (8) of subsection (b) of Section 214 of this Act, in a  
6 valid order of protection which is authorized under the  
7 laws of another state, tribe, or United States  
8 territory.

9 (b) When violation is contempt of court. A violation of any  
10 valid Illinois order of protection, whether issued in a civil  
11 or criminal proceeding, may be enforced through civil or  
12 criminal contempt procedures, as appropriate, by any court with  
13 jurisdiction, regardless where the act or acts which violated  
14 the order of protection were committed, to the extent  
15 consistent with the venue provisions of this Act. Nothing in  
16 this Act shall preclude any Illinois court from enforcing any  
17 valid order of protection issued in another state. Illinois  
18 courts may enforce orders of protection through both criminal  
19 prosecution and contempt proceedings, unless the action which  
20 is second in time is barred by collateral estoppel or the  
21 constitutional prohibition against double jeopardy.

22 (1) In a contempt proceeding where the petition for a  
23 rule to show cause sets forth facts evidencing an immediate  
24 danger that the respondent will flee the jurisdiction,  
25 conceal a child, or inflict physical abuse on the  
26 petitioner or minor children or on dependent adults in

1 petitioner's care, the court may order the attachment of  
2 the respondent without prior service of the rule to show  
3 cause or the petition for a rule to show cause. Bond shall  
4 be set unless specifically denied in writing.

5 (2) A petition for a rule to show cause for violation  
6 of an order of protection shall be treated as an expedited  
7 proceeding.

8 (c) Violation of custody or support orders. A violation of  
9 remedies described in paragraphs (5), (6), (8), or (9) of  
10 subsection (b) of Section 214 of this Act may be enforced by  
11 any remedy provided by Section 611 of the Illinois Marriage and  
12 Dissolution of Marriage Act. The court may enforce any order  
13 for support issued under paragraph (12) of subsection (b) of  
14 Section 214 in the manner provided for under Parts V and VII of  
15 the Illinois Marriage and Dissolution of Marriage Act.

16 (d) Actual knowledge. An order of protection may be  
17 enforced pursuant to this Section if the respondent violates  
18 the order after the respondent has actual knowledge of its  
19 contents as shown through one of the following means:

20 (1) By service, delivery, or notice under Section 210.

21 (2) By notice under Section 210.1 or 211.

22 (3) By service of an order of protection under Section  
23 222.

24 (4) By other means demonstrating actual knowledge of  
25 the contents of the order.

26 (e) The enforcement of an order of protection in civil or

1 criminal court shall not be affected by either of the  
2 following:

3 (1) The existence of a separate, correlative order,  
4 entered under Section 215.

5 (2) Any finding or order entered in a conjoined  
6 criminal proceeding.

7 (f) Circumstances. The court, when determining whether or  
8 not a violation of an order of protection has occurred, shall  
9 not require physical manifestations of abuse on the person of  
10 the victim.

11 (g) Penalties.

12 (1) Except as provided in paragraph (3) of this  
13 subsection, where the court finds the commission of a crime  
14 or contempt of court under subsections (a) or (b) of this  
15 Section, the penalty shall be the penalty that generally  
16 applies in such criminal or contempt proceedings, and may  
17 include one or more of the following: incarceration,  
18 payment of restitution, a fine, payment of attorneys' fees  
19 and costs, or community service.

20 (2) The court shall hear and take into account evidence  
21 of any factors in aggravation or mitigation before deciding  
22 an appropriate penalty under paragraph (1) of this  
23 subsection.

24 (3) To the extent permitted by law, the court is  
25 encouraged to:

26 (i) increase the penalty for the knowing violation

1 of any order of protection over any penalty previously  
2 imposed by any court for respondent's violation of any  
3 order of protection or penal statute involving  
4 petitioner as victim and respondent as defendant;

5 (ii) impose a minimum penalty of 24 hours  
6 imprisonment for respondent's first violation of any  
7 order of protection; and

8 (iii) impose a minimum penalty of 48 hours  
9 imprisonment for respondent's second or subsequent  
10 violation of an order of protection

11 unless the court explicitly finds that an increased penalty  
12 or that period of imprisonment would be manifestly unjust.

13 (4) In addition to any other penalties imposed for a  
14 violation of an order of protection, a criminal court may  
15 consider evidence of any violations of an order of  
16 protection:

17 (i) to increase, revoke or modify the bail bond on  
18 an underlying criminal charge pursuant to Section  
19 110-6 of the Code of Criminal Procedure of 1963;

20 (ii) to revoke or modify an order of probation,  
21 conditional discharge or supervision, pursuant to  
22 Section 5-6-4 of the Unified Code of Corrections;

23 (iii) to revoke or modify a sentence of periodic  
24 imprisonment, pursuant to Section 5-7-2 of the Unified  
25 Code of Corrections.

26 (5) In addition to any other penalties, the court shall



1           impose an additional fine of \$20 as authorized by Section  
2           5-9-1.11 of the Unified Code of Corrections upon any person  
3           convicted of or placed on supervision for a violation of an  
4           order of protection. The additional fine shall be imposed  
5           for each violation of this Section.

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

7           (750 ILCS 60/301) (from Ch. 40, par. 2313-1)

8           Sec. 301. Arrest without warrant.

9           (a) Any law enforcement officer may make an arrest without  
10          warrant if the officer has probable cause to believe that the  
11          person has committed or is committing any crime, including but  
12          not limited to violation of an order of protection, under  
13          Section 12-3.4 or 12-30 of the Criminal Code of 1961, even if  
14          the crime was not committed in the presence of the officer.

15          (b) The law enforcement officer may verify the existence of  
16          an order of protection by telephone or radio communication with  
17          his or her law enforcement agency or by referring to the copy  
18          of the order provided by the petitioner or respondent.

19          (c) Any law enforcement officer may make an arrest without  
20          warrant if the officer has reasonable grounds to believe a  
21          defendant at liberty under the provisions of subdivision (d) (1)  
22          or (d) (2) of Section 110-10 of the Code of Criminal Procedure  
23          of 1963 has violated a condition of his or her bail bond or  
24          recognizance.

25          (Source: P.A. 88-624, eff. 1-1-95.)

1 Section 995. The Probate Act of 1975 is amended by changing  
2 Sections 2-6.2 and 2-6.6 as follows:

3 (755 ILCS 5/2-6.2)

4 Sec. 2-6.2. Financial exploitation, abuse, or neglect of an  
5 elderly person or a person with a disability.

6 (a) In this Section:

7 "Abuse" means any offense described in Section 12-21 or  
8 subsection (b) of Section 12-4.4a of the Criminal Code of 1961.

9 "Financial exploitation" means any offense described in  
10 Section 16-1.3 of the Criminal Code of 1961.

11 "Neglect" means any offense described in Section 12-19 or  
12 subsection (a) of Section 12-4.4a of the Criminal Code of 1961.

13 (b) Persons convicted of financial exploitation, abuse, or  
14 neglect of an elderly person or a person with a disability  
15 shall not receive any property, benefit, or other interest by  
16 reason of the death of that elderly person or person with a  
17 disability, whether as heir, legatee, beneficiary, survivor,  
18 appointee, claimant under Section 18-1.1, or in any other  
19 capacity and whether the property, benefit, or other interest  
20 passes pursuant to any form of title registration, testamentary  
21 or nontestamentary instrument, intestacy, renunciation, or any  
22 other circumstance. The property, benefit, or other interest  
23 shall pass as if the person convicted of the financial  
24 exploitation, abuse, or neglect died before the decedent,

1 provided that with respect to joint tenancy property the  
2 interest possessed prior to the death by the person convicted  
3 of the financial exploitation, abuse, or neglect shall not be  
4 diminished by the application of this Section. Notwithstanding  
5 the foregoing, a person convicted of financial exploitation,  
6 abuse, or neglect of an elderly person or a person with a  
7 disability shall be entitled to receive property, a benefit, or  
8 an interest in any capacity and under any circumstances  
9 described in this subsection (b) if it is demonstrated by clear  
10 and convincing evidence that the victim of that offense knew of  
11 the conviction and subsequent to the conviction expressed or  
12 ratified his or her intent to transfer the property, benefit,  
13 or interest to the person convicted of financial exploitation,  
14 abuse, or neglect of an elderly person or a person with a  
15 disability in any manner contemplated by this subsection (b).

16 (c) (1) The holder of any property subject to the  
17 provisions of this Section shall not be liable for  
18 distributing or releasing the property to the person  
19 convicted of financial exploitation, abuse, or neglect of  
20 an elderly person or a person with a disability if the  
21 distribution or release occurs prior to the conviction.

22 (2) If the holder is a financial institution, trust  
23 company, trustee, or similar entity or person, the holder  
24 shall not be liable for any distribution or release of the  
25 property, benefit, or other interest to the person  
26 convicted of a violation of Section 12-19, 12-21, or

1           16-1.3, or subsection (a) or (b) of Section 12-4.4a, of the  
2           Criminal Code of 1961 unless the holder knowingly  
3           distributes or releases the property, benefit, or other  
4           interest to the person so convicted after first having  
5           received actual written notice of the conviction in  
6           sufficient time to act upon the notice.

7           (d) If the holder of any property subject to the provisions  
8           of this Section knows that a potential beneficiary has been  
9           convicted of financial exploitation, abuse, or neglect of an  
10          elderly person or a person with a disability within the scope  
11          of this Section, the holder shall fully cooperate with law  
12          enforcement authorities and judicial officers in connection  
13          with any investigation of the financial exploitation, abuse, or  
14          neglect. If the holder is a person or entity that is subject to  
15          regulation by a regulatory agency pursuant to the laws of this  
16          or any other state or pursuant to the laws of the United  
17          States, including but not limited to the business of a  
18          financial institution, corporate fiduciary, or insurance  
19          company, then such person or entity shall not be deemed to be  
20          in violation of this Section to the extent that privacy laws  
21          and regulations applicable to such person or entity prevent it  
22          from voluntarily providing law enforcement authorities or  
23          judicial officers with information.

24          (Source: P.A. 95-315, eff. 1-1-08.)

1           Sec. 2-6.6. Person convicted of certain offenses against  
2 the elderly or disabled. A person who is convicted of a  
3 violation of Section 12-19, 12-21, or 16-1.3, or subsection (a)  
4 or (b) of Section 12-4.4a, of the Criminal Code of 1961 may not  
5 receive any property, benefit, or other interest by reason of  
6 the death of the victim of that offense, whether as heir,  
7 legatee, beneficiary, joint tenant, tenant by the entirety,  
8 survivor, appointee, or in any other capacity and whether the  
9 property, benefit, or other interest passes pursuant to any  
10 form of title registration, testamentary or nontestamentary  
11 instrument, intestacy, renunciation, or any other  
12 circumstance. The property, benefit, or other interest shall  
13 pass as if the person convicted of a violation of Section  
14 12-19, 12-21, or 16-1.3, or subsection (a) or (b) of Section  
15 12-4.4a, of the Criminal Code of 1961 died before the decedent;  
16 provided that with respect to joint tenancy property or  
17 property held in tenancy by the entirety, the interest  
18 possessed prior to the death by the person convicted may not be  
19 diminished by the application of this Section. Notwithstanding  
20 the foregoing, a person convicted of a violation of Section  
21 12-19, 12-21, or 16-1.3, or subsection (a) or (b) of Section  
22 12-4.4a, of the Criminal Code of 1961 shall be entitled to  
23 receive property, a benefit, or an interest in any capacity and  
24 under any circumstances described in this Section if it is  
25 demonstrated by clear and convincing evidence that the victim  
26 of that offense knew of the conviction and subsequent to the

1 conviction expressed or ratified his or her intent to transfer  
2 the property, benefit, or interest to the person convicted of a  
3 violation of Section 12-19, 12-21, or 16-1.3, or subsection (a)  
4 or (b) of Section 12-4.4a, of the Criminal Code of 1961 in any  
5 manner contemplated by this Section.

6 The holder of any property subject to the provisions of  
7 this Section is not liable for distributing or releasing the  
8 property to the person convicted of violating Section 12-19,  
9 12-21, or 16-1.3, or subsection (a) or (b) of Section 12-4.4a,  
10 of the Criminal Code of 1961.

11 If the holder is a financial institution, trust company,  
12 trustee, or similar entity or person, the holder shall not be  
13 liable for any distribution or release of the property,  
14 benefit, or other interest to the person convicted of a  
15 violation of Section 12-19, 12-21, or 16-1.3, or subsection (a)  
16 or (b) of Section 12-4.4a, of the Criminal Code of 1961 unless  
17 the holder knowingly distributes or releases the property,  
18 benefit, or other interest to the person so convicted after  
19 first having received actual written notice of the conviction  
20 in sufficient time to act upon the notice.

21 The Department of State Police shall have access to State  
22 of Illinois databases containing information that may help in  
23 the identification or location of persons convicted of the  
24 offenses enumerated in this Section. Interagency agreements  
25 shall be implemented, consistent with security and procedures  
26 established by the State agency and consistent with the laws

1 governing the confidentiality of the information in the  
2 databases. Information shall be used only for administration of  
3 this Section.

4 (Source: P.A. 93-301, eff. 1-1-04.)

5 Article 2.

6 Section 5. The Criminal Code of 1961 is amended by adding  
7 the headings of Subdivisions 1, 5, 10, 15, 20, and 25 of  
8 Article 11, by adding Article 36.5, by adding Sections 11-0.1,  
9 11-9.1A, 11-14.3, and 11-14.4, by changing Sections 11-6,  
10 11-6.5, 11-9.1, 11-9.2, 11-9.3, 11-9.5, 11-11, 11-14, 11-14.1,  
11 11-18, 11-18.1, 11-20, 11-20.1, 11-20.2, 11-21, 11-23, and  
12 11-24, and by renumbering and changing Sections 11-7, 11-8,  
13 11-9, 11-12, 11-20.3, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
14 12-17, 12-18, and 12-18.1 as follows:

15 (720 ILCS 5/Art. 11 Subdiv. 1 heading new)

16 SUBDIVISION 1. GENERAL DEFINITIONS

17 (720 ILCS 5/11-0.1 new)

18 Sec. 11-0.1. Definitions. In this Article, unless the  
19 context clearly requires otherwise, the following terms are  
20 defined as indicated:

21 "Accused" means a person accused of an offense prohibited  
22 by Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of

1 this Code or a person for whose conduct the accused is legally  
2 responsible under Article 5 of this Code.

3 "Adult obscenity or child pornography Internet site". See  
4 Section 11-23.

5 "Advance prostitution" means:

6 (1) Soliciting for a prostitute by performing any of  
7 the following acts when acting other than as a prostitute  
8 or a patron of a prostitute:

9 (A) Soliciting another for the purpose of  
10 prostitution.

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

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

15 (2) Keeping a place of prostitution by controlling or  
16 exercising control over the use of any place that could  
17 offer seclusion or shelter for the practice of prostitution  
18 and performing any of the following acts when acting other  
19 than as a prostitute or a patron of a prostitute:

20 (A) Knowingly granting or permitting the use of the  
21 place for the purpose of prostitution.

22 (B) Granting or permitting the use of the place  
23 under circumstances from which he or she could  
24 reasonably know that the place is used or is to be used  
25 for purposes of prostitution.

26 (C) Permitting the continued use of the place after



1           becoming aware of facts or circumstances from which he  
2           or she should reasonably know that the place is being  
3           used for purposes of prostitution.

4           "Agency". See Section 11-9.5.

5           "Arranges". See Section 11-6.5.

6           "Bodily harm" means physical harm, and includes, but is not  
7           limited to, sexually transmitted disease, pregnancy, and  
8           impotence.

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

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

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

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

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

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

15          "Consent". See Section 11-1.70.

16          "Custody". See Section 11-9.2.

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

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

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

20          "Disseminate". See Section 11-20.1.

21          "Distribute". See Section 11-21.

22          "Family member" means a parent, grandparent, child, aunt,  
23          uncle, great-aunt, or great-uncle, whether by whole blood,  
24          half-blood, or adoption, and includes a step-grandparent,  
25          step-parent, or step-child. "Family member" also means, if the  
26          victim is a child under 18 years of age, an accused who has

1 resided in the household with the child continuously for at  
2 least 6 months.

3 "Force or threat of force" means the use of force or  
4 violence or the threat of force or violence, including, but not  
5 limited to, the following situations:

6 (1) when the accused threatens to use force or violence  
7 on the victim or on any other person, and the victim under  
8 the circumstances reasonably believes that the accused has  
9 the ability to execute that threat; or

10 (2) when the accused overcomes the victim by use of  
11 superior strength or size, physical restraint, or physical  
12 confinement.

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

14 "Loiter". See Section 9.3.

15 "Material". See Section 11-21.

16 "Minor". See Section 11-21.

17 "Nudity". See Section 11-21.

18 "Obscene". See Section 11-20.

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

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

21 "Person responsible for the child's welfare". See Section  
22 11-9.1A.

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

24 "Playground". See Section 11-9.3.

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

26 "Produce". See Section 11-20.1.

1       "Profit from prostitution" means, when acting other than as  
2 a prostitute, to receive anything of value for personally  
3 rendered prostitution services or to receive anything of value  
4 from a prostitute, if the thing received is not for lawful  
5 consideration and the person knows it was earned in whole or in  
6 part from the practice of prostitution.

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

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

9       "Reproduce". See Section 11-20.1.

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

11      "School". See Section 11-9.3.

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

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

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

15      "Sexual conduct" means any knowing touching or fondling by  
16 the victim or the accused, either directly or through clothing,  
17 of the sex organs, anus, or breast of the victim or the  
18 accused, or any part of the body of a child under 13 years of  
19 age, or any transfer or transmission of semen by the accused  
20 upon any part of the clothed or unclothed body of the victim,  
21 for the purpose of sexual gratification or arousal of the  
22 victim or the accused.

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

24      "Sexual penetration" means any contact, however slight,  
25 between the sex organ or anus of one person and an object or  
26 the sex organ, mouth, or anus of another person, or any

1 intrusion, however slight, of any part of the body of one  
2 person or of any animal or object into the sex organ or anus of  
3 another person, including, but not limited to, cunnilingus,  
4 fellatio, or anal penetration. Evidence of emission of semen is  
5 not required to prove sexual penetration.

6 "Solicit". See Section 11-6.

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

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

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

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

11 "Victim" means a person alleging to have been subjected to  
12 an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40,  
13 11-1.50, or 11-1.60 of this Code.

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

15 SUBDIVISION 5. MAJOR SEX OFFENSES

16 (720 ILCS 5/11-1.10) (was 720 ILCS 5/12-18)

17 Sec. 11-1.10. ~~12-18.~~ General provisions concerning  
18 offenses described in Sections 11-1.20 through 11-1.60.  
19 Provisions.

20 (a) No person accused of violating Section 11-1.20,  
21 11-1.30, 11-1.40, 11-1.50, or 11-1.60 ~~Sections 12-13, 12-14,~~  
22 ~~12-15 or 12-16~~ of this Code shall be presumed to be incapable  
23 of committing an offense prohibited by Section 11-1.20,  
24 11-1.30, 11-1.40, 11-1.50, or 11-1.60 ~~Sections 12-13, 12-14,~~

1 ~~12-14.1, 12-15 or 12-16~~ of this Code because of age, physical  
2 condition or relationship to the victim, ~~except as otherwise~~  
3 ~~provided in subsection (c) of this Section~~. Nothing in this  
4 Section shall be construed to modify or abrogate the  
5 affirmative defense of infancy under Section 6-1 of this Code  
6 or the provisions of Section 5-805 of the Juvenile Court Act of  
7 1987.

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

14 (c) (Blank).

15 (d) (Blank).

16 (e) After a finding at a preliminary hearing that there is  
17 probable cause to believe that an accused has committed a  
18 violation of Section 11-1.20, 11-1.30, or 11-1.40 ~~12-13, 12-14,~~  
19 ~~or 12-14.1~~ of this Code, or after an indictment is returned  
20 charging an accused with a violation of Section 11-1.20,  
21 11-1.30, or 11-1.40 ~~12-13, 12-14, or 12-14.1~~ of this Code, or  
22 after a finding that a defendant charged with a violation of  
23 Section 11-1.20, 11-1.30, or 11-1.40 ~~12-13, 12-14, or 12-14.1~~  
24 of this Code is unfit to stand trial pursuant to Section 104-16  
25 of the Code of Criminal Procedure of 1963 where the finding is  
26 made prior to preliminary hearing, at the request of the person

1 who was the victim of the violation of Section 11-1.20,  
2 11-1.30, or 11-1.40 ~~12-13, 12-14, or 12-14.1~~, the prosecuting  
3 State's attorney shall seek an order from the court to compel  
4 the accused to be tested within 48 hours for any sexually  
5 transmissible disease, including a test for infection with  
6 human immunodeficiency virus (HIV). The medical tests shall be  
7 performed only by appropriately licensed medical  
8 practitioners. The test for infection with human  
9 immunodeficiency virus (HIV) shall consist of an enzyme-linked  
10 immunosorbent assay (ELISA) test, or such other test as may be  
11 approved by the Illinois Department of Public Health; in the  
12 event of a positive result, the Western Blot Assay or a more  
13 reliable confirmatory test shall be administered. The results  
14 of the tests and any follow-up tests shall be kept strictly  
15 confidential by all medical personnel involved in the testing  
16 and must be personally delivered in a sealed envelope to the  
17 victim, to the defendant, to the State's Attorney, and to the  
18 judge who entered the order, for the judge's inspection in  
19 camera. The judge shall provide to the victim a referral to the  
20 Illinois Department of Public Health HIV/AIDS toll-free  
21 hotline for counseling and information in connection with the  
22 test result. Acting in accordance with the best interests of  
23 the victim and the public, the judge shall have the discretion  
24 to determine to whom, if anyone, the result of the testing may  
25 be revealed; however, in no case shall the identity of the  
26 victim be disclosed. The court shall order that the cost of the

1 tests shall be paid by the county, and shall be taxed as costs  
2 against the accused if convicted.

3 (f) Whenever any law enforcement officer has reasonable  
4 cause to believe that a person has been delivered a controlled  
5 substance without his or her consent, the law enforcement  
6 officer shall advise the victim about seeking medical treatment  
7 and preserving evidence.

8 (g) Every hospital providing emergency hospital services  
9 to an alleged sexual assault survivor, when there is reasonable  
10 cause to believe that a person has been delivered a controlled  
11 substance without his or her consent, shall designate personnel  
12 to provide:

13 (1) An explanation to the victim about the nature and  
14 effects of commonly used controlled substances and how such  
15 controlled substances are administered.

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

18 (3) A disclosure to the victim that all controlled  
19 substances or alcohol ingested by the victim will be  
20 disclosed by the test.

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

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

25 A physician licensed to practice medicine in all its  
26 branches may agree to be a designated person under this

1 subsection.

2 No sample analysis may be performed unless the victim  
3 returns a signed written authorization within 30 days after the  
4 sample was collected.

5 Any medical treatment or care under this subsection shall  
6 be only in accordance with the order of a physician licensed to  
7 practice medicine in all of its branches. Any testing under  
8 this subsection shall be only in accordance with the order of a  
9 licensed individual authorized to order the testing.

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

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

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

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

15 (1) uses force or threat of force;

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

18 (3) is a family member of the victim, and the victim is  
19 under 18 years of age; or

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

25 ~~(1) commits an act of sexual penetration by the use of~~



1 ~~force or threat of force; or~~

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

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

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

13 (b) Sentence.

14 (1) Criminal sexual assault is a Class 1 felony, except  
15 that:

16 (A) ~~(2)~~ A person who is convicted of the offense of  
17 criminal sexual assault as defined in paragraph (a) (1)  
18 or (a) (2) after having previously been convicted of the  
19 offense of criminal sexual assault or the offense of  
20 exploitation of a child, or who is convicted of the  
21 offense of criminal sexual assault as defined in  
22 paragraph (a) (1) or (a) (2) after having previously  
23 been convicted under the laws of this State or any  
24 other state of an offense that is substantially  
25 equivalent to the offense of criminal sexual assault or  
26 to the offense of exploitation of a child, commits a

1 Class X felony for which the person shall be sentenced  
2 to a term of imprisonment of not less than 30 years and  
3 not more than 60 years. The commission of the second or  
4 subsequent offense is required to have been after the  
5 initial conviction for this paragraph (A) ~~(2)~~ to apply.

6 (B) ~~(3)~~ A person who is convicted of the offense of  
7 criminal sexual assault as defined in paragraph (a) (1)  
8 or (a) (2) after having previously been convicted of the  
9 offense of aggravated criminal sexual assault or the  
10 offense of predatory criminal sexual assault of a  
11 child, or who is convicted of the offense of criminal  
12 sexual assault as defined in paragraph (a) (1) or (a) (2)  
13 after having previously been convicted under the laws  
14 of this State or any other state of an offense that is  
15 substantially equivalent to the offense of aggravated  
16 criminal sexual assault or the offense of ~~criminal~~  
17 predatory criminal sexual assault of a child shall be  
18 sentenced to a term of natural life imprisonment. The  
19 commission of the second or subsequent offense is  
20 required to have been after the initial conviction for  
21 this paragraph (B) ~~(3)~~ to apply.

22 (C) ~~(4)~~ A second or subsequent conviction for a  
23 violation of paragraph (a) (3) or (a) (4) or under any  
24 similar statute of this State or any other state for  
25 any offense involving criminal sexual assault that is  
26 substantially equivalent to or more serious than the

1 sexual assault prohibited under paragraph (a)(3) or  
2 (a)(4) is a Class X felony.

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

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

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

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

14 (a) A person commits aggravated criminal sexual assault if  
15 that person commits criminal sexual assault and any of the  
16 following aggravating circumstances exist during the  
17 commission of the offense or, for purposes of paragraph (7),  
18 occur as part of the same course of conduct as the commission  
19 of the offense:

20 (1) the person displays, threatens to use, or uses a  
21 dangerous weapon, other than a firearm, or any other object  
22 fashioned or used in a manner that leads the victim, under  
23 the circumstances, reasonably to believe that the object is  
24 a dangerous weapon;

25 (2) the person causes bodily harm to the victim, except

1 as provided in paragraph (10);

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

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

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

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

9 (7) the person delivers (by injection, inhalation,  
10 ingestion, transfer of possession, or any other means) any  
11 controlled substance to the victim without the victim's  
12 consent or by threat or deception for other than medical  
13 purposes;

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

15 (9) the person personally discharges a firearm during  
16 the commission of the offense; or

17 (10) the person personally discharges a firearm during  
18 the commission of the offense, and that discharge  
19 proximately causes great bodily harm, permanent  
20 disability, permanent disfigurement, or death to another  
21 person. ~~The accused commits aggravated criminal sexual~~  
22 ~~assault if he or she commits criminal sexual assault and~~  
23 ~~any of the following aggravating circumstances existed~~  
24 ~~during, or for the purposes of paragraph (7) of this~~  
25 ~~subsection (a) as part of the same course of conduct as,~~  
26 ~~the commission of the offense.~~

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

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

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

10           ~~(4) the criminal sexual assault was perpetrated during~~  
11           ~~the course of the commission or attempted commission of any~~  
12           ~~other felony by the accused; or~~

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

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

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

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

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

24           ~~(10) the accused, during the commission of the offense,~~  
25           ~~personally discharged a firearm that proximately caused~~  
26           ~~great bodily harm, permanent disability, permanent~~

1 ~~disfigurement, or death to another person.~~

2 (b) A person ~~The accused~~ commits aggravated criminal sexual  
3 assault if that person is ~~the accused was~~ under 17 years of age  
4 and: (i) commits an act of sexual penetration with a victim who  
5 is ~~was~~ under 9 years of age ~~when the act was committed~~; or (ii)  
6 commits an act of sexual penetration with a victim who is ~~was~~  
7 at least 9 years of age but under 13 years of age ~~when the act~~  
8 ~~was committed~~ and the person uses ~~accused used~~ force or threat  
9 of force to commit the act.

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

14 (d) Sentence.

15 (1) Aggravated criminal sexual assault in violation of  
16 paragraph (2), (3), (4), (5), (6), or (7) of subsection (a)  
17 or in violation of subsection (b) or (c) is a Class X  
18 felony. A violation of subsection (a)(1) is a Class X  
19 felony for which 10 years shall be added to the term of  
20 imprisonment imposed by the court. A violation of  
21 subsection (a)(8) is a Class X felony for which 15 years  
22 shall be added to the term of imprisonment imposed by the  
23 court. A violation of subsection (a)(9) is a Class X felony  
24 for which 20 years shall be added to the term of  
25 imprisonment imposed by the court. A violation of  
26 subsection (a)(10) is a Class X felony for which 25 years

1 or up to a term of natural life imprisonment shall be added  
2 to the term of imprisonment imposed by the court.

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

19 (Source: P.A. 91-404, eff. 1-1-00; 92-434, eff. 1-1-02; 92-502,  
20 eff. 12-19-01; 92-721, eff. 1-1-03.)

21 (720 ILCS 5/11-1.40) (was 720 ILCS 5/12-14.1)

22 Sec. 11-1.40 ~~12-14.1~~. Predatory criminal sexual assault of  
23 a child.

24 (a) A person commits predatory criminal sexual assault of a  
25 child if that person commits an act of sexual penetration, is

1 17 years of age or older, and:

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

3 (2) the victim is under 13 years of age and that  
4 person:

5 (A) is armed with a firearm;

6 (B) personally discharges a firearm during the  
7 commission of the offense;

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

9 (i) results in permanent disability; or

10 (ii) is life threatening; or

11 (D) delivers (by injection, inhalation, ingestion,  
12 transfer of possession, or any other means) any  
13 controlled substance to the victim without the  
14 victim's consent or by threat or deception, for other  
15 than medical purposes. The accused commits predatory  
16 criminal sexual assault of a child if:

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

20 ~~(1.1) the accused was 17 years of age or over and,~~  
21 ~~while armed with a firearm, commits an act of sexual~~  
22 ~~penetration with a victim who was under 13 years of age~~  
23 ~~when the act was committed; or~~

24 ~~(1.2) the accused was 17 years of age or over and~~  
25 ~~commits an act of sexual penetration with a victim who was~~  
26 ~~under 13 years of age when the act was committed and,~~



1 ~~during the commission of the offense, the accused~~  
2 ~~personally discharged a firearm; or~~

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

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

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

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

16 (b) Sentence.

17 (1) A person convicted of a violation of subsection  
18 (a) (1) commits a Class X felony, for which the person shall  
19 be sentenced to a term of imprisonment of not less than 6  
20 years and not more than 60 years. A person convicted of a  
21 violation of subsection (a) (2) (A) ~~(a) (1.1)~~ commits a Class  
22 X felony for which 15 years shall be added to the term of  
23 imprisonment imposed by the court. A person convicted of a  
24 violation of subsection (a) (2) (B) ~~(a) (1.2)~~ commits a Class  
25 X felony for which 20 years shall be added to the term of  
26 imprisonment imposed by the court. A person convicted of a

1 violation of subsection (a) (2) (C) ~~(a) (2)~~ commits a Class X  
2 felony for which the person shall be sentenced to a term of  
3 imprisonment of not less than 50 years or up to a term of  
4 natural life imprisonment.

5 (1.1) A person convicted of a violation of subsection  
6 (a) (2) (D) ~~(a) (3)~~ commits a Class X felony for which the  
7 person shall be sentenced to a term of imprisonment of not  
8 less than 50 years and not more than 60 years.

9 (1.2) A person convicted of predatory criminal sexual  
10 assault of a child committed against 2 or more persons  
11 regardless of whether the offenses occurred as the result  
12 of the same act or of several related or unrelated acts  
13 shall be sentenced to a term of natural life imprisonment.

14 (2) A person who is convicted of a second or subsequent  
15 offense of predatory criminal sexual assault of a child, or  
16 who is convicted of the offense of predatory criminal  
17 sexual assault of a child after having previously been  
18 convicted of the offense of criminal sexual assault or the  
19 offense of aggravated criminal sexual assault, or who is  
20 convicted of the offense of predatory criminal sexual  
21 assault of a child after having previously been convicted  
22 under the laws of this State or any other state of an  
23 offense that is substantially equivalent to the offense of  
24 predatory criminal sexual assault of a child, the offense  
25 of aggravated criminal sexual assault or the offense of  
26 criminal sexual assault, shall be sentenced to a term of

1 natural life imprisonment. The commission of the second or  
2 subsequent offense is required to have been after the  
3 initial conviction for this paragraph (2) to apply.

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

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

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

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

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

11 (2) commits an act of sexual conduct and knows ~~the~~  
12 ~~accused knew~~ that the victim is ~~was~~ unable to understand  
13 the nature of the act or is ~~was~~ unable to give knowing  
14 consent.

15 (b) A person ~~The accused~~ commits criminal sexual abuse if  
16 that person is ~~the accused was~~ under 17 years of age and  
17 commits an act of sexual penetration or sexual conduct with a  
18 victim who is ~~was~~ at least 9 years of age but under 17 years of  
19 age ~~when the act was committed~~.

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

25 (d) Sentence. Criminal sexual abuse for a violation of

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

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

13 (720 ILCS 5/11-1.60) (was 720 ILCS 5/12-16)

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

15 (a) A person commits aggravated criminal sexual abuse if  
16 that person commits criminal sexual abuse and any of the  
17 following aggravating circumstances exist (i) during the  
18 commission of the offense or (ii) for purposes of paragraph  
19 (7), as part of the same course of conduct as the commission of  
20 the offense:

21 (1) the person displays, threatens to use, or uses a  
22 dangerous weapon or any other object fashioned or used in a  
23 manner that leads the victim, under the circumstances,  
24 reasonably to believe that the object is a dangerous  
25 weapon;

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

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

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

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

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

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

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

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

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

1           ~~(4) the victim was a physically handicapped person; or~~  
2           ~~(5) the accused acted in such a manner as to threaten~~  
3           ~~or endanger the life of the victim or any other person; or~~  
4           ~~(6) the criminal sexual abuse was perpetrated during~~  
5           ~~the course of the commission or attempted commission of any~~  
6           ~~other felony by the accused; or~~  
7           ~~(7) the accused delivered (by injection, inhalation,~~  
8           ~~ingestion, transfer of possession, or any other means) to~~  
9           ~~the victim without his or her consent, or by threat or~~  
10           ~~deception, and for other than medical purposes, any~~  
11           ~~controlled substance.~~

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

16           (c) A person ~~The accused~~ commits aggravated criminal sexual  
17           abuse if:

18           (1) that person is ~~the accused was~~ 17 years of age or  
19           over and: (i) commits an act of sexual conduct with a  
20           victim who is ~~was~~ under 13 years of age ~~when the act was~~  
21           ~~committed~~; or (ii) commits an act of sexual conduct with a  
22           victim who is ~~was~~ at least 13 years of age but under 17  
23           years of age ~~when the act was committed~~ and the person uses  
24           ~~accused used~~ force or threat of force to commit the act; or

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

1 who is ~~was~~ under 9 years of age ~~when the act was committed~~;  
2 or (ii) commits an act of sexual conduct with a victim who  
3 is ~~was~~ at least 9 years of age but under 17 years of age  
4 ~~when the act was committed~~ and the person uses ~~accused used~~  
5 force or threat of force to commit the act.

6 (d) A person ~~The accused~~ commits aggravated criminal sexual  
7 abuse if that person ~~he or she~~ commits an act of sexual  
8 penetration or sexual conduct with a victim who is ~~was~~ at least  
9 13 years of age but under 17 years of age and the person is  
10 ~~accused was~~ at least 5 years older than the victim.

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

15 (f) A person ~~The accused~~ commits aggravated criminal sexual  
16 abuse if that person ~~he or she~~ commits an act of sexual conduct  
17 with a victim who is ~~was~~ at least 13 years of age but under 18  
18 years of age ~~when the act was committed~~ and the person is  
19 ~~accused was~~ 17 years of age or over and holds ~~held~~ a position  
20 of trust, authority, or supervision in relation to the victim.

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

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

24 (720 ILCS 5/11-1.70) (was 720 ILCS 5/12-17)

25 Sec. 11-1.70 ~~12-17~~. Defenses with respect to offenses

1 described in Sections 11-1.20 through 11-1.60.

2 (a) It shall be a defense to any offense under Section  
3 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 ~~12-13 through~~  
4 ~~12-16~~ of this Code where force or threat of force is an element  
5 of the offense that the victim consented. "Consent" means a  
6 freely given agreement to the act of sexual penetration or  
7 sexual conduct in question. Lack of verbal or physical  
8 resistance or submission by the victim resulting from the use  
9 of force or threat of force by the accused shall not constitute  
10 consent. The manner of dress of the victim at the time of the  
11 offense shall not constitute consent.

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

16 (c) A person who initially consents to sexual penetration  
17 or sexual conduct is not deemed to have consented to any sexual  
18 penetration or sexual conduct that occurs after he or she  
19 withdraws consent during the course of that sexual penetration  
20 or sexual conduct.

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

22 (720 ILCS 5/11-1.80) (was 720 ILCS 5/12-18.1)

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

24 (a) If any person has been convicted of any offense defined  
25 in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,



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

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

22 (1) actual damages incurred by the victim, including  
23 medical costs;

24 (2) court costs and reasonable attorneys fees;

25 (3) infliction of emotional distress;

26 (4) pain and suffering; and

1 (5) loss of consortium.

2 (c) Every action under this Section shall be commenced  
3 within 3 years after the conviction of the defendant for a  
4 violation of Section 11-1.20, 11-1.30, 11-1.50, 11-1.60,  
5 12-13, 12-14, 12-15 or 12-16 of this Code. However, if the  
6 victim was under the age of 18 years at the time of the  
7 conviction of the defendant for a violation of Section 11-1.20,  
8 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1,  
9 12-15 or 12-16 of this Code, an action under this Section shall  
10 be commenced within 3 years after the victim attains the age of  
11 18 years.

12 (d) For the purposes of this Section:

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

15 (2) "wholesale distributor" means any individual,  
16 partnership, corporation, association, or other legal entity  
17 which stands between the manufacturer and the retail seller in  
18 purchases, consignments, contracts for sale or rental of the  
19 obscene material;

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

24 (4) "manufacturer" means any individual, partnership,  
25 corporation, association, or other legal entity which  
26 manufacturers, assembles or produces obscene material.

1 (Source: P.A. 86-857.)

2 (720 ILCS 5/11-6) (from Ch. 38, par. 11-6)

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

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

13 (a-5) A person of the age of 17 years and upwards commits  
14 ~~the offense of~~ indecent solicitation of a child if the person  
15 knowingly discusses an act of sexual conduct or sexual  
16 penetration with a child or with one whom he or she believes to  
17 be a child by means of the Internet with the intent that the  
18 offense of aggravated criminal sexual assault, predatory  
19 criminal sexual assault of a child, or aggravated criminal  
20 sexual abuse be committed.

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

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

25 "Solicit" means to command, authorize, urge, incite,

1 request, or advise another to perform an act by any means  
2 including, but not limited to, in person, over the phone,  
3 in writing, by computer, or by advertisement of any kind.

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

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

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

19 (c) Sentence. Indecent solicitation of a child under  
20 subsection (a) is:

21 (1) a Class 1 felony when the act, if done, would be  
22 predatory criminal sexual assault of a child or aggravated  
23 criminal sexual assault;

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

26 (3) a Class 3 felony when the act, if done, would be

1 aggravated criminal sexual abuse.

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

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

5 (720 ILCS 5/11-6.5)

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

7 (a) A person commits indecent solicitation of an adult if  
8 the person knowingly:

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

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

13 (ii) Thirteen years of age or over but under the  
14 age of 17 years; or

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

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

19 (ii) Thirteen years of age or older but under the  
20 age of 17 years.

21 (b) Sentence.

22 (1) Violation of paragraph (a)(1)(i) is a Class X  
23 felony.

24 (2) Violation of paragraph (a)(1)(ii) is a Class 1  
25 felony.

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

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

5 (c) For the purposes of this Section, "arranges" includes  
6 but is not limited to oral or written communication and  
7 communication by telephone, computer, or other electronic  
8 means. "Computer" has the meaning ascribed to it in Section  
9 16D-2 of this Code.

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

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

12 SUBDIVISION 10. VULNERABLE VICTIM OFFENSES

13 (720 ILCS 5/11-9.1) (from Ch. 38, par. 11-9.1)

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

15 (a) ~~A Any~~ person commits sexual exploitation of a child if  
16 in the presence or virtual presence, or both, of a child and  
17 with ~~intent or~~ knowledge that a child or one whom he or she  
18 believes to be a child would view his or her acts, that person:

19 (1) engages in a sexual act; or

20 (2) exposes his or her sex organs, anus or breast for  
21 the purpose of sexual arousal or gratification of such  
22 person or the child or one whom he or she believes to be a  
23 child.

24 (a-5) A person commits sexual exploitation of a child who

1 knowingly entices, coerces, or persuades a child to remove the  
2 child's clothing for the purpose of sexual arousal or  
3 gratification of the person or the child, or both.

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

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

7 "Sex offense" means any violation of Article 11 of this  
8 Code or ~~a violation of Section 12-13, 12-14, 12-14.1, 12-15,~~  
9 ~~12-16, or~~ 12-16.2 of this Code.

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

11 "Virtual presence" means an environment that is created  
12 with software and presented to the user and or receiver via the  
13 Internet, in such a way that the user appears in front of the  
14 receiver on the computer monitor or screen or hand held  
15 portable electronic device, usually through a web camming  
16 program. "Virtual presence" includes primarily experiencing  
17 through sight or sound, or both, a video image that can be  
18 explored interactively at a personal computer or hand held  
19 communication device, or both.

20 "Webcam" means a video capturing device connected to a  
21 computer or computer network that is designed to take digital  
22 photographs or live or recorded video which allows for the live  
23 transmission to an end user over the Internet.

24 (c) Sentence.

25 (1) Sexual exploitation of a child is a Class A  
26 misdemeanor. A second or subsequent violation of this

1 Section or a substantially similar law of another state is  
2 a Class 4 felony.

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

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

9 (4) Sexual exploitation of a child is a Class 4 felony  
10 if committed by a person 18 years of age or older who is on  
11 or within 500 feet of elementary or secondary school  
12 grounds when children are present on the grounds.

13 (Source: P.A. 96-1090, eff. 1-1-11; 96-1098, eff. 1-1-11;  
14 revised 9-16-10.)

15 (720 ILCS 5/11-9.1A new)

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

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

22 (b) In this Section:

23 "Actual knowledge" includes credible allegations made by  
24 the child.

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



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

5       "Prostitution" means prostitution as defined in Section  
6 11-14 of the Criminal Code of 1961.

7       "Sexual abuse" includes criminal sexual abuse or criminal  
8 sexual assault as defined in Section 11-1.20, 11-1.30, 11-1.40,  
9 11-1.50, or 11-1.60 of the Criminal Code of 1961.

10       (c) This Section does not apply to a person responsible for  
11 the child's welfare who, having reason to believe that sexual  
12 abuse has occurred, makes timely and reasonable efforts to stop  
13 the sexual abuse by reporting the sexual abuse in conformance  
14 with the Abused and Neglected Child Reporting Act or by  
15 reporting the sexual abuse, or causing a report to be made, to  
16 medical or law enforcement authorities or anyone who is a  
17 mandated reporter under Section 4 of the Abused and Neglected  
18 Child Reporting Act.

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

26       (e) An order of protection under Section 111-8 of the Code

1 of Criminal Procedure of 1963 shall be sought in all cases  
2 where there is reason to believe that a child has been sexually  
3 abused by a family or household member. In considering  
4 appropriate available remedies, it shall be presumed that  
5 awarding physical care or custody to the abuser is not in the  
6 child's best interest.

7 (f) A person may not be charged with the offense of  
8 permitting sexual abuse of a child under this Section until the  
9 person who committed the offense is charged with criminal  
10 sexual assault, aggravated criminal sexual assault, predatory  
11 criminal sexual assault of a child, criminal sexual abuse,  
12 aggravated criminal sexual abuse, or prostitution.

13 (g) A person convicted of permitting the sexual abuse of a  
14 child is guilty of a Class 1 felony. As a condition of any  
15 sentence of supervision, probation, conditional discharge, or  
16 mandatory supervised release, any person convicted under this  
17 Section shall be ordered to undergo child sexual abuse,  
18 domestic violence, or other appropriate counseling for a  
19 specified duration with a qualified social or mental health  
20 worker.

21 (h) It is an affirmative defense to a charge of permitting  
22 sexual abuse of a child under this Section that the person  
23 responsible for the child's welfare had a reasonable  
24 apprehension that timely action to stop the abuse or  
25 prostitution would result in the imminent infliction of death,  
26 great bodily harm, permanent disfigurement, or permanent

1 disability to that person or another in retaliation for  
2 reporting.

3 (720 ILCS 5/11-9.2)

4 Sec. 11-9.2. Custodial sexual misconduct.

5 (a) A person commits ~~the offense of~~ custodial sexual  
6 misconduct when: (1) he or she is an employee of a penal system  
7 and engages in sexual conduct or sexual penetration with a  
8 person who is in the custody of that penal system or (2) he or  
9 she is an employee of a treatment and detention facility and  
10 engages in sexual conduct or sexual penetration with a person  
11 who is in the custody of that treatment and detention facility.

12 (b) A probation or supervising officer or surveillance  
13 agent commits ~~the offense of~~ custodial sexual misconduct when  
14 the probation or supervising officer or surveillance agent  
15 engages in sexual conduct or sexual penetration with a  
16 probationer, parolee, or releasee or person serving a term of  
17 conditional release who is under the supervisory,  
18 disciplinary, or custodial authority of the officer or agent so  
19 engaging in the sexual conduct or sexual penetration.

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

21 (d) Any person convicted of violating this Section  
22 immediately shall forfeit his or her employment with a penal  
23 system, treatment and detention facility, or conditional  
24 release program.

25 (e) For purposes of this Section, the consent of the

1 probationer, parolee, releasee, or inmate in custody of the  
2 penal system or person detained or civilly committed under the  
3 Sexually Violent Persons Commitment Act shall not be a defense  
4 to a prosecution under this Section. A person is deemed  
5 incapable of consent, for purposes of this Section, when he or  
6 she is a probationer, parolee, releasee, or inmate in custody  
7 of a penal system or person detained or civilly committed under  
8 the Sexually Violent Persons Commitment Act.

9 (f) This Section does not apply to:

10 (1) Any employee, probation or supervising officer, or  
11 surveillance agent who is lawfully married to a person in  
12 custody if the marriage occurred before the date of  
13 custody.

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

19 (g) In this Section:

20 (1) "Custody" means:

21 (i) pretrial incarceration or detention;

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

24 (iii) parole or mandatory supervised release;

25 (iv) electronic home detention;

26 (v) probation;

1           (vi) detention or civil commitment either in  
2           secure care or in the community under the Sexually  
3           Violent Persons Commitment Act.

4           (2) "Penal system" means any system which includes  
5           institutions as defined in Section 2-14 of this Code or a  
6           county shelter care or detention home established under  
7           Section 1 of the County Shelter Care and Detention Home  
8           Act.

9           (2.1) "Treatment and detention facility" means any  
10          Department of Human Services facility established for the  
11          detention or civil commitment of persons under the Sexually  
12          Violent Persons Commitment Act.

13          (2.2) "Conditional release" means a program of  
14          treatment and services, vocational services, and alcohol  
15          or other drug abuse treatment provided to any person  
16          civilly committed and conditionally released to the  
17          community under the Sexually Violent Persons Commitment  
18          Act;

19          (3) "Employee" means:

20               (i) an employee of any governmental agency of this  
21               State or any county or municipal corporation that has  
22               by statute, ordinance, or court order the  
23               responsibility for the care, control, or supervision  
24               of pretrial or sentenced persons in a penal system or  
25               persons detained or civilly committed under the  
26               Sexually Violent Persons Commitment Act;

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

5           (iii) a contractual employee of a "treatment and  
6 detention facility" as defined in paragraph (g)(2.1)  
7 of this Code or a contractual employee of the  
8 Department of Human Services who provides supervision  
9 of persons serving a term of conditional release as  
10 defined in paragraph (g)(2.2) of this Code.

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

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

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

21           (7) "Surveillance agent" means any person employed or  
22 contracted to supervise persons placed on conditional  
23 release in the community under the Sexually Violent Persons  
24 Commitment Act.

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

1 (720 ILCS 5/11-9.3)

2 Sec. 11-9.3. Presence within school zone by child sex  
3 offenders prohibited; approaching, contacting, residing with,  
4 or communicating with a child within certain places by child  
5 sex offenders prohibited.

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

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

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

17 (a-10) It is unlawful for a child sex offender to knowingly  
18 be present in any public park building or on real property  
19 comprising any public park when persons under the age of 18 are  
20 present in the building or on the grounds and to approach,  
21 contact, or communicate with a child under 18 years of age,  
22 unless the offender is a parent or guardian of a person under  
23 18 years of age present in the building or on the grounds.

24 (b) It is unlawful for a child sex offender to knowingly  
25 loiter within 500 feet of a school building or real property  
26 comprising any school while persons under the age of 18 are



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

26 (b-2) It is unlawful for a child sex offender to knowingly

1 loiter on a public way within 500 feet of a public park  
2 building or real property comprising any public park while  
3 persons under the age of 18 are present in the building or on  
4 the grounds and to approach, contact, or communicate with a  
5 child under 18 years of age, unless the offender is a parent or  
6 guardian of a person under 18 years of age present in the  
7 building or on the grounds.

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

17 (b-10) It is unlawful for a child sex offender to knowingly  
18 reside within 500 feet of a playground, child care institution,  
19 day care center, part day child care facility, day care home,  
20 group day care home, or a facility providing programs or  
21 services exclusively directed toward persons under 18 years of  
22 age. Nothing in this subsection (b-10) prohibits a child sex  
23 offender from residing within 500 feet of a playground or a  
24 facility providing programs or services exclusively directed  
25 toward persons under 18 years of age if the property is owned  
26 by the child sex offender and was purchased before July 7,

1 2000. Nothing in this subsection (b-10) prohibits a child sex  
2 offender from residing within 500 feet of a child care  
3 institution, day care center, or part day child care facility  
4 if the property is owned by the child sex offender and was  
5 purchased before June 26, 2006. Nothing in this subsection  
6 (b-10) prohibits a child sex offender from residing within 500  
7 feet of a day care home or group day care home if the property  
8 is owned by the child sex offender and was purchased before  
9 August 14, 2008 (the effective date of Public Act 95-821).

10 (b-15) It is unlawful for a child sex offender to knowingly  
11 reside within 500 feet of the victim of the sex offense.  
12 Nothing in this subsection (b-15) prohibits a child sex  
13 offender from residing within 500 feet of the victim if the  
14 property in which the child sex offender resides is owned by  
15 the child sex offender and was purchased before August 22,  
16 2002.

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

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

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

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

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

23 (c-6) It is unlawful for a child sex offender who owns and  
24 resides at residential real estate to knowingly rent any  
25 residential unit within the same building in which he or she  
26 resides to a person who is the parent or guardian of a child or

1 children under 18 years of age. This subsection shall apply  
2 only to leases or other rental arrangements entered into after  
3 January 1, 2009 (the effective date of Public Act 95-820).

4 (c-7) It is unlawful for a child sex offender to knowingly  
5 offer or provide any programs or services to persons under 18  
6 years of age in his or her residence or the residence of  
7 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 (c-8) It is unlawful for a child sex offender to knowingly  
12 operate, whether authorized to do so or not, any of the  
13 following vehicles: (1) a vehicle which is specifically  
14 designed, constructed or modified and equipped to be used for  
15 the retail sale of food or beverages, including but not limited  
16 to an ice cream truck; (2) an authorized emergency vehicle; or  
17 (3) a rescue vehicle.

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

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

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

25 (A) is convicted of such offense or an attempt  
26 to commit such offense; or

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

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

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

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

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

1 of such offense; or

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

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

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

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

18 (i) A violation of any of the following Sections of  
19 the Criminal Code of 1961: 10-7 (aiding or abetting  
20 child abduction under Section 10-5(b)(10)),  
21 10-5(b)(10) (child luring), 11-1.40 (predatory  
22 criminal sexual assault of a child), 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), 11-14.4 (promoting juvenile  
4 prostitution), ~~11-15.1 (soliciting for a juvenile~~  
5 ~~prostitute),~~ ~~11-17.1 (keeping a place of juvenile~~  
6 ~~prostitution),~~ 11-18.1 (patronizing a juvenile  
7 prostitute), ~~11-19.1 (juvenile pimping),~~ ~~11-19.2~~  
8 ~~(exploitation of a child),~~ 11-20.1 (child  
9 pornography), 11-20.1B ~~11-20.3~~ (aggravated child  
10 pornography), 11-21 (harmful material), ~~12-14.1~~  
11 ~~(predatory criminal sexual assault of a child),~~ 12-33  
12 (ritualized abuse of a child), 11-20 (obscenity) (when  
13 that offense was committed in any school, on real  
14 property comprising any school, in any conveyance  
15 owned, leased, or contracted by a school to transport  
16 students to or from school or a school related  
17 activity, or in a public park), 11-30 (public  
18 indecentcy) (when committed in a school, on real  
19 property comprising a school, in any conveyance owned,  
20 leased, or contracted by a school to transport students  
21 to or from school or a school related activity, or in a  
22 public park). 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: 11-1.20 ~~12-13~~ (criminal



1 sexual assault), 11-1.30 ~~12-14~~ (aggravated criminal  
2 sexual assault), 11-1.50 ~~12-15~~ (criminal sexual  
3 abuse), 11-1.60 ~~12-16~~ (aggravated 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  
16 clause (2) (i) of subsection (d) ~~(e)~~ of this Section.

17 (2.5) For the purposes of subsections ~~subsection~~ (b-5)  
18 and (b-10) only, a sex offense means:

19 (i) A violation of any of the following Sections of  
20 the Criminal Code of 1961:

21 10-5(b)(10) (child luring), 10-7 (aiding or  
22 abetting child abduction under Section 10-5(b)(10)),  
23 11-1.40 (predatory criminal sexual assault of a  
24 child), 11-6 (indecent solicitation of a child),  
25 11-6.5 (indecent solicitation of an adult), 11-14.4  
26 (promoting juvenile prostitution), ~~11-15.1 (soliciting~~

1 ~~for a juvenile prostitute), 11-17.1 (keeping a place of~~  
2 ~~juvenile prostitution),~~ 11-18.1 (patronizing a  
3 juvenile prostitute), ~~11-19.1 (juvenile pimping),~~  
4 ~~11-19.2 (exploitation of a child),~~ 11-20.1 (child  
5 pornography), 11-20.1B ~~11-20.3~~ (aggravated child  
6 pornography), ~~12-14.1 (predatory criminal sexual~~  
7 ~~assault of a child),~~ or 12-33 (ritualized abuse of a  
8 child). 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: 11-1.20 ~~12-13~~ (criminal  
12 sexual assault), 11-1.30 ~~12-14~~ (aggravated criminal  
13 sexual assault), 11-1.60 ~~12-16~~ (aggravated criminal  
14 sexual abuse), and subsection (a) of Section 11-1.50  
15 ~~12-15~~ (criminal sexual abuse). An attempt to commit any  
16 of these offenses.

17 (iii) 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 and the defendant is not a  
20 parent of the victim:

21 10-1 (kidnapping),

22 10-2 (aggravated kidnapping),

23 10-3 (unlawful restraint),

24 10-3.1 (aggravated unlawful restraint).

25 An attempt to commit any of these offenses.

26 (iv) A violation of any former law of this State

1 substantially equivalent to any offense listed in this  
2 paragraph (2.5) of this subsection.

3 (3) A conviction for an offense of federal law or the  
4 law of another state that is substantially equivalent to  
5 any offense listed in paragraph (2) of subsection (d) ~~(e)~~  
6 of this Section shall constitute a conviction for the  
7 purpose of this Section ~~Article~~. A finding or adjudication  
8 as a sexually dangerous person under any federal law or law  
9 of another state that is substantially equivalent to the  
10 Sexually Dangerous Persons Act shall constitute an  
11 adjudication for the purposes of this Section.

12 (4) "Authorized emergency vehicle", "rescue vehicle",  
13 and "vehicle" have the meanings ascribed to them in  
14 Sections 1-105, 1-171.8 and 1-217, respectively, of the  
15 Illinois Vehicle Code.

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

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

20 (7) "Day care home" has the meaning ascribed to it in  
21 Section 2.18 of the Child Care Act of 1969.

22 (8) "Facility providing programs or services directed  
23 towards persons under the age of 18" means any facility  
24 providing programs or services exclusively directed  
25 towards persons under the age of 18.

26 (9) "Group day care home" has the meaning ascribed to

1 it in Section 2.20 of the Child Care Act of 1969.

2 (10) "Internet" has the meaning set forth in Section  
3 16J-5 of this Code.

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

6 (11) ~~(5)~~ "Loiter" means:

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

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

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

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

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

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

1           (15) "School" means a public or private preschool or  
2           elementary or secondary school.

3           (16) ~~(6)~~ "School official" means the principal, a  
4           teacher, or any other certified employee of the school, the  
5           superintendent of schools or a member of the school board.

6           (e) ~~(e-5)~~ For the purposes of this Section, the 500 feet  
7           distance shall be measured from: (1) the edge of the property  
8           of the school building or the real property comprising the  
9           school that is closest to the edge of the property of the child  
10          sex offender's residence or where he or she is loitering, and  
11          (2) the edge of the property comprising the public park  
12          building or the real property comprising the public park,  
13          playground, child care institution, day care center, part day  
14          child care facility, or facility providing programs or services  
15          exclusively directed toward persons under 18 years of age, or a  
16          victim of the sex offense who is under 21 years of age, to the  
17          edge of the child sex offender's place of residence or place  
18          where he or she is loitering.

19          (f) ~~(d)~~ Sentence. A person who violates this Section is  
20          guilty of a Class 4 felony.

21          (Source: P.A. 95-331, eff. 8-21-07; 95-440, eff. 8-27-07;  
22          95-640, eff. 6-1-08; 95-819, eff. 1-1-09; 95-876, eff. 8-21-08;  
23          96-328, eff. 8-11-09; 96-710, eff. 1-1-10.)

24               (720 ILCS 5/11-9.5)

25               Sec. 11-9.5. Sexual misconduct with a person with a

1 disability.

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

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

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

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

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

11 (i) a developmental disability facility as defined  
12 in the Mental Health and Developmental Disabilities  
13 Code; or

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

16 (3) "Community agency" or "agency" means any community  
17 entity or program providing residential mental health or  
18 developmental disabilities services that is licensed,  
19 certified, or funded by the Department of Human Services  
20 and not licensed or certified by any other human service  
21 agency of the State such as the Departments of Public  
22 Health, Healthcare and Family Services, and Children and  
23 Family Services.

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

26 (5) "Employee" means:

1 (i) any person employed by the Illinois Department  
2 of Human Services;

3 (ii) any person employed by a community agency  
4 providing services at the direction of the owner or  
5 operator of the agency on or off site; or

6 (iii) any person who is a contractual employee or  
7 contractual agent of the Department of Human Services  
8 or the community agency. This includes but is not  
9 limited to payroll personnel, contractors,  
10 subcontractors, and volunteers.

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

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

16 (1) he or she is an employee and knowingly engages in  
17 sexual conduct or sexual penetration with a person with a  
18 disability who is under the care and custody of the  
19 Department of Human Services at a State-operated facility;  
20 or

21 (2) he or she is an employee of a community agency  
22 funded by the Department of Human Services and knowingly  
23 engages in sexual conduct or sexual penetration with a  
24 person with a disability who is in a residential program  
25 operated or supervised by a community agency.

26 (c) For purposes of this Section, the consent of a person

1 with a disability in custody of the Department of Human  
2 Services residing at a State-operated facility or receiving  
3 services from a community agency shall not be a defense to a  
4 prosecution under this Section. A person is deemed incapable of  
5 consent, for purposes of this Section, when he or she is a  
6 person with a disability and is receiving services at a  
7 State-operated facility or is a person with a disability who is  
8 in a residential program operated or supervised by a community  
9 agency.

10 (d) This Section does not apply to:

11 (1) any State employee or any community agency employee  
12 who is lawfully married to a person with a disability in  
13 custody of the Department of Human Services or receiving  
14 services from a community agency if the marriage occurred  
15 before the date of custody or the initiation of services at  
16 a community agency; or

17 (2) any State employee or community agency employee who  
18 has no knowledge, and would have no reason to believe, that  
19 the person with whom he or she engaged in sexual misconduct  
20 was a person with a disability in custody of the Department  
21 of Human Services or was receiving services from a  
22 community agency.

23 (e) Sentence. Sexual misconduct with a person with a  
24 disability is a Class 3 felony.

25 (f) Any person convicted of violating this Section shall  
26 immediately forfeit his or her employment with the State or the



1 community agency.

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

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

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

5 (a) A person commits sexual relations within families if he  
6 or she:

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

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

24 (b) Sentence. Sexual relations within families is a Class 3  
25 felony.

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

2 (720 ILCS 5/Art. 11 Subdiv. 15 heading new)

3 SUBDIVISION 15. PROSTITUTION OFFENSES

4 (720 ILCS 5/11-14) (from Ch. 38, par. 11-14)

5 Sec. 11-14. Prostitution.

6 (a) Any person who knowingly performs, offers or agrees to  
7 perform any act of sexual penetration as defined in Section  
8 11-0.1 ~~12-12~~ of this Code for ~~any money, property, token,~~  
9 ~~object, or article or~~ anything of value, or any touching or  
10 fondling of the sex organs of one person by another person, for  
11 ~~any money, property, token, object, or article or~~ anything of  
12 value, for the purpose of sexual arousal or gratification  
13 commits an act of prostitution.

14 (b) Sentence.

15 A violation of this Section is a Class A misdemeanor,  
16 unless committed within 1,000 feet of real property comprising  
17 a school, in which case it is a Class 4 felony. A second or  
18 subsequent violation of this Section, or any combination of  
19 convictions under this Section and Section 11-14.1  
20 (solicitation of a sexual act), 11-14.3 (promoting  
21 prostitution), 11-14.4 (promoting juvenile prostitution),  
22 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a  
23 juvenile prostitute), 11-16 (pandering), 11-17 (keeping a  
24 place of prostitution), 11-17.1 (keeping a place of juvenile

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

18 (c) First offender; felony prostitution.

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

26 (2) When a person is placed on probation, the court

1       shall enter an order specifying a period of probation of 24  
2       months and shall defer further proceedings in the case  
3       until the conclusion of the period or until the filing of a  
4       petition alleging violation of a term or condition of  
5       probation.

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

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

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

23              (B) pay a fine and costs;

24              (C) work or pursue a course of study or vocational  
25              training;

26              (D) undergo medical or psychiatric treatment; or

1           treatment or rehabilitation by a provider approved by  
2           the Illinois Department of Human Services;

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

6           (F) support his or her dependents;

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

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

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

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

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

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

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

8           (d) Notwithstanding the foregoing, if it is determined,  
9           after a reasonable detention for investigative purposes, that a  
10          person suspected of or charged with a violation of this Section  
11          is a person under the age of 18, that person shall be immune  
12          from prosecution for a prostitution offense under this Section,  
13          and shall be subject to the temporary protective custody  
14          provisions of Sections 2-5 and 2-6 of the Juvenile Court Act of  
15          1987. Pursuant to the provisions of Section 2-6 of the Juvenile  
16          Court Act of 1987, a law enforcement officer who takes a person  
17          under 18 years of age into custody under this Section shall  
18          immediately report an allegation of a violation of Section 10-9  
19          of this Code to the Illinois Department of Children and Family  
20          Services State Central Register, which shall commence an  
21          initial investigation into child abuse or child neglect within  
22          24 hours pursuant to Section 7.4 of the Abused and Neglected  
23          Child Reporting Act.

24          (Source: P.A. 96-1464, eff. 8-20-10.)

25                   (720 ILCS 5/11-14.1)

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

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

10           (b) Sentence. Solicitation of a sexual act is a Class A  
11 misdemeanor. Solicitation of a sexual act from a person who is  
12 under the age of 18 or who is severely or profoundly mentally  
13 retarded is a Class 4 felony.

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

21           (Source: P.A. 96-1464, eff. 8-20-10.)

22           (720 ILCS 5/11-14.3 new)

23           Sec. 11-14.3. Promoting prostitution.

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

1           (1) advances prostitution as defined in Section  
2           11-0.1;

3           (2) profits from prostitution by:

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

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

7                   (C) any means other than those described in  
8                   subparagraph (A) or (B), including from a person who  
9                   patronizes a prostitute. This paragraph (C) does not  
10                   apply to a person engaged in prostitution who is under  
11                   18 years of age. A person cannot be convicted of  
12                   promoting prostitution under this paragraph (C) if the  
13                   practice of prostitution underlying the offense  
14                   consists exclusively of the accused's own acts of  
15                   prostitution under Section 11-14 of this Code.

16           (b) Sentence.

17                   (1) A violation of subdivision (a)(1) is a Class 4  
18                   felony, unless committed within 1,000 feet of real property  
19                   comprising a school, in which case it is a Class 3 felony.  
20                   A second or subsequent violation of subdivision (a)(1), or  
21                   any combination of convictions under subdivision (a)(1),  
22                   (a)(2)(A), or (a)(2)(B) and Section 11-14 (prostitution),  
23                   11-14.1 (solicitation of a sexual act), 11-14.4 (promoting  
24                   juvenile prostitution), 11-15 (soliciting for a  
25                   prostitute), 11-15.1 (soliciting for a juvenile  
26                   prostitute), 11-16 (pandering), 11-17 (keeping a place of



1 prostitution), 11-17.1 (keeping a place of juvenile  
2 prostitution), 11-18 (patronizing a prostitute), 11-18.1  
3 (patronizing a juvenile prostitute), 11-19 (pimping),  
4 11-19.1 (juvenile pimping or aggravated juvenile pimping),  
5 or 11-19.2 (exploitation of a child), is a Class 3 felony.

6 (2) A violation of subdivision (a) (2) (A) or (a) (2) (B)  
7 is a Class 4 felony, unless committed within 1,000 feet of  
8 real property comprising a school, in which case it is a  
9 Class 3 felony.

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

13 A second or subsequent violation of subdivision (a) (2) (C),  
14 or any combination of convictions under subdivision  
15 (a) (2) (C) and subdivision (a) (1), (a) (2) (A), or (a) (2) (B)  
16 of this Section (promoting prostitution), 11-14  
17 (prostitution), 11-14.1 (solicitation of a sexual act),  
18 11-14.4 (promoting juvenile prostitution), 11-15  
19 (soliciting for a prostitute), 11-15.1 (soliciting for a  
20 juvenile prostitute), 11-16 (pandering), 11-17 (keeping a  
21 place of prostitution), 11-17.1 (keeping a place of  
22 juvenile prostitution), 11-18 (patronizing a prostitute),  
23 11-18.1 (patronizing a juvenile prostitute), 11-19  
24 (pimping), 11-19.1 (juvenile pimping or aggravated  
25 juvenile pimping), or 11-19.2 (exploitation of a child), is  
26 a Class 3 felony.

1 (720 ILCS 5/11-14.4 new)

2 Sec. 11-14.4. Promoting juvenile prostitution.

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

5 (1) advances prostitution as defined in Section  
6 11-0.1, where the minor engaged in prostitution, or any  
7 person engaged in prostitution in the place, is under 18  
8 years of age or is severely or profoundly mentally retarded  
9 at the time of the offense;

10 (2) profits from prostitution by any means where the  
11 prostituted person is under 18 years of age or is severely  
12 or profoundly mentally retarded at the time of the offense;

13 (3) profits from prostitution by any means where the  
14 prostituted person is under 13 years of age at the time of  
15 the offense;

16 (4) confines a child under the age of 18 or a severely  
17 or profoundly mentally retarded person against his or her  
18 will by the infliction or threat of imminent infliction of  
19 great bodily harm or permanent disability or disfigurement  
20 or by administering to the child or severely or profoundly  
21 mentally retarded person, without his or her consent or by  
22 threat or deception and for other than medical purposes,  
23 any alcoholic intoxicant or a drug as defined in the  
24 Illinois Controlled Substances Act or the Cannabis Control  
25 Act or methamphetamine as defined in the Methamphetamine

1           Control and Community Protection Act and:

2                   (A) compels the child or severely or profoundly  
3                   mentally retarded person to engage in prostitution;

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

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

9           (b) For purposes of this Section, administering drugs, as  
10           defined in subdivision (a) (4), or an alcoholic intoxicant to a  
11           child under the age of 13 or a severely or profoundly mentally  
12           retarded person shall be deemed to be without consent if the  
13           administering is done without the consent of the parents or  
14           legal guardian or if the administering is performed by the  
15           parents or legal guardian for other than medical purposes.

16           (c) If the accused did not have a reasonable opportunity to  
17           observe the prostituted person, it is an affirmative defense to  
18           a charge of promoting juvenile prostitution, except for a  
19           charge under subdivision (a) (4), that the accused reasonably  
20           believed the person was of the age of 18 years or over or was  
21           not a severely or profoundly mentally retarded person at the  
22           time of the act giving rise to the charge.

23           (d) Sentence. A violation of subdivision (a) (1) is a Class  
24           1 felony, unless committed within 1,000 feet of real property  
25           comprising a school, in which case it is a Class X felony. A  
26           violation of subdivision (a) (2) is a Class 1 felony. A

1 violation of subdivision (a)(3) is a Class X felony. A  
2 violation of subdivision (a)(4) is a Class X felony, for which  
3 the person shall be sentenced to a term of imprisonment of not  
4 less than 6 years and not more than 60 years. A second or  
5 subsequent violation of subdivision (a)(1), (a)(2), or (a)(3),  
6 or any combination of convictions under subdivision (a)(1),  
7 (a)(2), or (a)(3) and Sections 11-14 (prostitution), 11-14.1  
8 (solicitation of a sexual act), 11-14.3 (promoting  
9 prostitution), 11-15 (soliciting for a prostitute), 11-15.1  
10 (soliciting for a juvenile prostitute), 11-16 (pandering),  
11 11-17 (keeping a place of prostitution), 11-17.1 (keeping a  
12 place of juvenile prostitution), 11-18 (patronizing a  
13 prostitute), 11-18.1 (patronizing a juvenile prostitute),  
14 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated  
15 juvenile pimping), or 11-19.2 (exploitation of a child) of this  
16 Code, is a Class X felony.

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

23 (f) For the purposes of this Section, "prostituted person"  
24 means any person who engages in, or agrees or offers to engage  
25 in, any act of sexual penetration as defined in Section 11-0.1  
26 of this Code for any money, property, token, object, or article

1 or anything of value, or any touching or fondling of the sex  
2 organs of one person by another person, for any money,  
3 property, token, object, or article or anything of value, for  
4 the purpose of sexual arousal or gratification.

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

6 Sec. 11-18. Patronizing a prostitute.

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

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

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

15 (3) Engages in any touching or fondling with a  
16 prostitute of the sex organs of one person by the other  
17 person, with the intent to achieve sexual arousal or  
18 gratification.

19 (b) Sentence.

20 Patronizing a prostitute is a Class 4 felony, unless  
21 committed within 1,000 feet of real property comprising a  
22 school, in which case it is a Class 3 felony. A person  
23 convicted of a second or subsequent violation of this Section,  
24 or of any combination of such number of convictions under this  
25 Section and Sections 11-14 (prostitution), 11-14.1

1 (solicitation of a sexual act), 11-14.3 (promoting  
2 prostitution), 11-14.4 (promoting juvenile prostitution),  
3 11-15 (soliciting for a prostitute), 11-15.1 (soliciting for a  
4 juvenile prostitute), 11-16 (pandering), 11-17 (keeping a  
5 place of prostitution), 11-17.1 (keeping a place of juvenile  
6 prostitution), 11-18.1 (patronizing a juvenile prostitute),  
7 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated  
8 juvenile pimping), or 11-19.2 (exploitation of a child) of this  
9 Code, is guilty of a Class 3 felony. ~~The fact of such~~  
10 ~~conviction is not an element of the offense and may not be~~  
11 ~~disclosed to the jury during trial unless otherwise permitted~~  
12 ~~by issues properly raised during such trial.~~

13 (c) (Blank). ~~A person who violates this Section within~~  
14 ~~1,000 feet of real property comprising a school commits a Class~~  
15 ~~3 felony.~~

16 (Source: P.A. 96-1464, eff. 8-20-10.)

17 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

18 Sec. 11-18.1. Patronizing a minor engaged in prostitution.

19 (a) Any person who engages in an act of sexual penetration  
20 as defined in Section 11-0.1 ~~12-12~~ of this Code with a person  
21 engaged in prostitution who is under 18 years of age or is a  
22 severely or profoundly mentally retarded person commits ~~the~~  
23 ~~offense of~~ patronizing a minor engaged in prostitution.

24 (a-5) Any person who engages in any touching or fondling,  
25 with a person engaged in prostitution who either is under 18

1 years of age or is a severely or profoundly mentally retarded  
2 person, of the sex organs of one person by the other person,  
3 with the intent to achieve sexual arousal or gratification,  
4 commits patronizing a minor engaged in prostitution.

5 (b) It is an affirmative defense to the charge of  
6 patronizing a minor engaged in prostitution that the accused  
7 reasonably believed that the person was of the age of 18 years  
8 or over or was not a severely or profoundly mentally retarded  
9 person at the time of the act giving rise to the charge.

10 (c) Sentence. A person who commits patronizing a juvenile  
11 prostitute is guilty of a Class 3 felony, unless committed  
12 within 1,000 feet of real property comprising a school, in  
13 which case it is a Class 2 felony. A person convicted of a  
14 second or subsequent violation of this Section, or of any  
15 combination of such number of convictions under this Section  
16 and Sections 11-14 (prostitution), 11-14.1 (solicitation of a  
17 sexual act), 11-14.3 (promoting prostitution), 11-14.4  
18 (promoting juvenile prostitution), 11-15 (soliciting for a  
19 prostitute), 11-15.1 (soliciting for a juvenile prostitute),  
20 11-16 (pandering), 11-17 (keeping a place of prostitution),  
21 11-17.1 (keeping a place of juvenile prostitution), 11-18  
22 (patronizing a prostitute), 11-19 (pimping), 11-19.1 (juvenile  
23 pimping or aggravated juvenile pimping), or 11-19.2  
24 (exploitation of a child) of this Code, is guilty of a Class 2  
25 felony. The fact of such conviction is not an element of the  
26 offense and may not be disclosed to the jury during trial

1 unless otherwise permitted by issues properly raised during  
2 such trial. ~~A person who violates this Section within 1,000~~  
3 ~~feet of real property comprising a school commits a Class 2~~  
4 ~~felony.~~

5 (Source: P.A. 96-1464, eff. 8-20-10.)

6 (720 ILCS 5/Art. 11 Subdiv. 20 heading new)

7 SUBDIVISION 20. PORNOGRAPHY OFFENSES

8 (720 ILCS 5/11-20) (from Ch. 38, par. 11-20)

9 Sec. 11-20. Obscenity.

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

14 (1) Sells, delivers or provides, or offers or agrees to  
15 sell, deliver or provide any obscene writing, picture,  
16 record or other representation or embodiment of the  
17 obscene; or

18 (2) Presents or directs an obscene play, dance or other  
19 performance or participates directly in that portion  
20 thereof which makes it obscene; or

21 (3) Publishes, exhibits or otherwise makes available  
22 anything obscene; or

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



1           (5) Creates, buys, procures or possesses obscene  
2 matter or material with intent to disseminate it in  
3 violation of this Section, or of the penal laws or  
4 regulations of any other jurisdiction; or

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

8           (b) Obscene Defined.

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

20           (c) Interpretation of Evidence.

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

1           Where circumstances of production, presentation, sale,  
2 dissemination, distribution, or publicity indicate that  
3 material is being commercially exploited for the sake of its  
4 prurient appeal, such evidence is probative with respect to the  
5 nature of the matter and can justify the conclusion that the  
6 matter is lacking in serious literary, artistic, political or  
7 scientific value.

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

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

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

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

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

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

22           (6) Purpose of the author, creator, publisher or  
23 disseminator.

24           (d) Sentence.

25           Obscenity is a Class A misdemeanor. A second or subsequent  
26 offense is a Class 4 felony.

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

2 The trier of fact may infer an intent to disseminate from  
3 the creation, purchase, procurement or possession of a mold,  
4 engraved plate or other embodiment of obscenity specially  
5 adapted for reproducing multiple copies, or the possession of  
6 more than 3 copies of obscene material ~~shall be prima facie~~  
7 ~~evidence of an intent to disseminate.~~

8 (f) Affirmative Defenses.

9 It shall be an affirmative defense to obscenity that the  
10 dissemination:

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

13 (2) Was to institutions or individuals having  
14 scientific or other special justification for possession  
15 of such material.

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

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

22 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

23 Sec. 11-20.1. Child pornography.

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

25 (1) films, videotapes, photographs, or otherwise

1 depicts or portrays by means of any similar visual medium  
2 or reproduction or depicts by computer any child whom he or  
3 she knows or reasonably should know to be under the age of  
4 18 and at least 13 years of age or any severely or  
5 profoundly mentally retarded person where such child or  
6 severely or profoundly mentally retarded person is:

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

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

18 (iii) actually or by simulation engaged in any act  
19 of masturbation; or

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

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

26 (vi) actually or by simulation portrayed or

1 depicted as bound, fettered, or subject to sadistic,  
2 masochistic, or sadomasochistic abuse in any sexual  
3 context; or

4 (vii) depicted or portrayed in any pose, posture or  
5 setting involving a lewd exhibition of the unclothed or  
6 transparently clothed genitals, pubic area, buttocks,  
7 or, if such person is female, a fully or partially  
8 developed breast of the child or other person; or

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

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

1           subparagraphs (i) through (vii) of paragraph (1) of this  
2           subsection; or

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

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

26          (6) with knowledge of the nature or content thereof,

1 possesses any film, videotape, photograph or other similar  
2 visual reproduction or depiction by computer of any child  
3 or severely or profoundly mentally retarded person whom the  
4 person knows or reasonably should know to be under the age  
5 of 18 and at least 13 years of age or to be a severely or  
6 profoundly mentally retarded person, engaged in any  
7 activity described in subparagraphs (i) through (vii) of  
8 paragraph (1) of this subsection; or

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

20 (b) (1) It shall be an affirmative defense to a charge of  
21 child pornography that the defendant reasonably believed,  
22 under all of the circumstances, that the child was 18 years  
23 of age or older or that the person was not a severely or  
24 profoundly mentally retarded person but only where, prior  
25 to the act or acts giving rise to a prosecution under this  
26 Section, he or she took some affirmative action or made a

1 bonafide inquiry designed to ascertain whether the child  
2 was 18 years of age or older or that the person was not a  
3 severely or profoundly mentally retarded person and his or  
4 her reliance upon the information so obtained was clearly  
5 reasonable.

6 (2) (Blank).

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

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

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



1 possession.

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

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

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

23 (e) Any film, videotape, photograph or other similar visual  
24 reproduction or depiction by computer which includes a child  
25 under the age of 18 and at least 13 years of age or a severely  
26 or profoundly mentally retarded person engaged in any activity

1 described in subparagraphs (i) through (vii) or paragraph 1 of  
2 subsection (a), and any material or equipment used or intended  
3 for use in photographing, filming, printing, producing,  
4 reproducing, manufacturing, projecting, exhibiting, depiction  
5 by computer, or disseminating such material shall be seized and  
6 forfeited in the manner, method and procedure provided by  
7 Section 36-1 of this Code for the seizure and forfeiture of  
8 vessels, vehicles and aircraft.

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

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

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

24 (1) "Disseminate" means (i) to sell, distribute,  
25 exchange or transfer possession, whether with or without  
26 consideration or (ii) to make a depiction by computer

1 available for distribution or downloading through the  
2 facilities of any telecommunications network or through  
3 any other means of transferring computer programs or data  
4 to a computer.

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

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

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

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

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

22 (7) For the purposes of this Section, "child  
23 pornography ~~Child~~" includes a film, videotape, photograph,  
24 or other similar visual medium or reproduction or depiction  
25 by computer that is, or appears to be, that of a person,  
26 either in part, or in total, under the age of 18 and at

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

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

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

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

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

24               (ii) In addition, Public Act 88-680 was entitled  
25               "AN ACT to create a Safe Neighborhoods Law". (A)  
26               Article 5 was entitled JUVENILE JUSTICE and amended the

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

25 (iii) On September 22, 1998, the Third District  
26 Appellate Court in *People v. Dainty*, 701 N.E. 2d 118,

1 ruled that Public Act 88-680 violates the single  
2 subject clause of the Illinois Constitution (Article  
3 IV, Section 8 (d)) and was unconstitutional in its  
4 entirety. As of the time this amendatory Act of 1999  
5 was prepared, People v. Dainty was still subject to  
6 appeal.

7 (iv) Child pornography is a vital concern to the  
8 people of this State and the validity of future  
9 prosecutions under the child pornography statute of  
10 the Criminal Code of 1961 is in grave doubt.

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

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

1           (4) The re-enactment by this amendatory Act of 1999 of  
2           Section 11-20.1 of the Criminal Code of 1961 relating to  
3           child pornography that was amended by Public Act 88-680 is  
4           not intended, and shall not be construed, to imply that  
5           Public Act 88-680 is invalid or to limit or impair any  
6           legal argument concerning whether those provisions were  
7           substantially re-enacted by other Public Acts.

8           (Source: P.A. ; 96-292, eff. 1-1-10; 96-712, eff. 1-1-10;  
9           96-1000, eff. 7-2-10.)

10           (720 ILCS 5/11-20.1B) (was 720 ILCS 5/11-20.3)

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

12           (a) A person commits ~~the offense of~~ aggravated child  
13           pornography who:

14           (1) films, videotapes, photographs, or otherwise  
15           depicts or portrays by means of any similar visual medium  
16           or reproduction or depicts by computer any child whom he or  
17           she knows or reasonably should know to be under the age of  
18           13 years where such child is:

19           (i) actually or by simulation engaged in any act of  
20           sexual penetration or sexual conduct with any person or  
21           animal; or

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

1 the mouth, anus or sex organs of the child and the sex  
2 organs of another person or animal; or

3 (iii) actually or by simulation engaged in any act  
4 of masturbation; or

5 (iv) actually or by simulation portrayed as being  
6 the object of, or otherwise engaged in, any act of lewd  
7 fondling, touching, or caressing involving another  
8 person or animal; or

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

11 (vi) actually or by simulation portrayed or  
12 depicted as bound, fettered, or subject to sadistic,  
13 masochistic, or sadomasochistic abuse in any sexual  
14 context; or

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

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



1 (vii) of paragraph (1) of this subsection; or

2 (3) with knowledge of the subject matter or theme  
3 thereof, produces any stage play, live performance, film,  
4 videotape or other similar visual portrayal or depiction by  
5 computer which includes a child whom the person knows or  
6 reasonably should know to be under the age of 13 engaged in  
7 any activity described in subparagraphs (i) through (vii)  
8 of paragraph (1) of this subsection; or

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

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

1 subsection; or

2 (6) with knowledge of the nature or content thereof,  
3 possesses any film, videotape, photograph or other similar  
4 visual reproduction or depiction by computer of any child  
5 whom the person knows or reasonably should know to be under  
6 the age of 13 engaged in any activity described in  
7 subparagraphs (i) through (vii) of paragraph (1) of this  
8 subsection; or

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

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

26 (2) The charge of aggravated child pornography shall not

1 apply to the performance of official duties by law enforcement  
2 or prosecuting officers or persons employed by law enforcement  
3 or prosecuting agencies, court personnel or attorneys, nor to  
4 bonafide treatment or professional education programs  
5 conducted by licensed physicians, psychologists or social  
6 workers.

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

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

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

25 (c) Sentence: (1) A person who commits a violation of  
26 paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) is

1 guilty of a Class X felony with a mandatory minimum fine of  
2 \$2,000 and a maximum fine of \$100,000.

3 (2) A person who commits a violation of paragraph (6) of  
4 subsection (a) is guilty of a Class 2 felony with a mandatory  
5 minimum fine of \$1000 and a maximum fine of \$100,000.

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

20 (4) A person who commits a violation of paragraph (6) of  
21 subsection (a) where the defendant has previously been  
22 convicted under the laws of this State or any other state of  
23 the offense of child pornography, aggravated child  
24 pornography, aggravated criminal sexual abuse, aggravated  
25 criminal sexual assault, predatory criminal sexual assault of a  
26 child, or any of the offenses formerly known as rape, deviate

1 sexual assault, indecent liberties with a child, or aggravated  
2 indecent liberties with a child where the victim was under the  
3 age of 18 years or an offense that is substantially equivalent  
4 to those offenses, is guilty of a Class 1 felony with a  
5 mandatory minimum fine of \$1000 and a maximum fine of \$100,000.

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

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

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

25 (e-5) Upon the conclusion of a case brought under this  
26 Section, the court shall seal all evidence depicting a victim

1 or witness that is sexually explicit. The evidence may be  
2 unsealed and viewed, on a motion of the party seeking to unseal  
3 and view the evidence, only for good cause shown and in the  
4 discretion of the court. The motion must expressly set forth  
5 the purpose for viewing the material. The State's attorney and  
6 the victim, if possible, shall be provided reasonable notice of  
7 the hearing on the motion to unseal the evidence. Any person  
8 entitled to notice of a hearing under this subsection (e-5) may  
9 object to the motion.

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

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

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

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

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

1           (5) "Depiction by computer" means a computer program or  
2 data that, after being processed by a computer either alone  
3 or in conjunction with one or more computer programs,  
4 results in a visual depiction on a computer monitor,  
5 screen, or display.

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

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

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

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

23           (Source: P.A. 95-579, eff. 6-1-08; 96-292, eff. 1-1-10; 96-712,  
24 eff. 1-1-10; 96-1000, eff. 7-2-10.)

1           Sec. 11-20.2. Duty of commercial film and photographic  
2 print processors or computer technicians to report sexual  
3 depiction of children. ~~Duty to report child pornography.~~

4           (a) Any commercial film and photographic print processor or  
5 computer technician who has knowledge of or observes, within  
6 the scope of his professional capacity or employment, any film,  
7 photograph, videotape, negative, slide, computer hard drive or  
8 any other magnetic or optical media which depicts a child whom  
9 the processor or computer technician knows or reasonably should  
10 know to be under the age of 18 where such child is:

11           (i) actually or by simulation engaged in any act of  
12 sexual penetration or sexual conduct with any person or  
13 animal; or

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

20           (iii) actually or by simulation engaged in any act of  
21 masturbation; or

22           (iv) actually or by simulation portrayed as being the  
23 object of, or otherwise engaged in, any act of lewd  
24 fondling, touching, or caressing involving another person  
25 or animal; or

26           (v) actually or by simulation engaged in any act of



1 excretion or urination within a sexual context; or

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

5 (vii) depicted or portrayed in any pose, posture or  
6 setting involving a lewd exhibition of the unclothed or  
7 transparently clothed genitals, pubic area, buttocks, or,  
8 if such person is female, a fully or partially developed  
9 breast of the child or other person;

10 shall report or cause a report to be made pursuant to  
11 subsections (b) and (c) as soon as reasonably possible. Failure  
12 to make such report shall be a business offense with a fine of  
13 \$1,000.

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

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

23 (d) Reports required by this Act shall include the  
24 following information: (i) name, address, and telephone number  
25 of the person filing the report; (ii) the employer of the  
26 person filing the report, if any; (iii) the name, address and

1 telephone number of the person whose property is the subject of  
2 the report, if known; (iv) the circumstances which led to the  
3 filing of the report, including a description of the reported  
4 content.

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

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

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

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

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

22 Sec. 11-21. Harmful material.

23 (a) As used in this Section:

24 "Distribute" means to transfer possession of, whether  
25 with or without consideration.

1 "Harmful to minors" means that quality of any  
2 description or representation, in whatever form, of  
3 nudity, sexual conduct, sexual excitement, or  
4 sado-masochistic abuse, when, taken as a whole, it (i)  
5 predominately appeals to the prurient interest in sex of  
6 minors, (ii) is patently offensive to prevailing standards  
7 in the adult community in the State as a whole with respect  
8 to what is suitable material for minors, and (iii) lacks  
9 serious literary, artistic, political, or scientific value  
10 for minors.

11 "Knowingly" means having knowledge of the contents of  
12 the subject matter, or recklessly failing to exercise  
13 reasonable inspection which would have disclosed the  
14 contents.

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

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

22 "Nudity" means the showing of the human male or female  
23 genitals, pubic area or buttocks with less than a fully  
24 ~~full~~ opaque covering, or the showing of the female breast  
25 with less than a fully opaque covering of any portion below  
26 the top of the nipple, or the depiction of covered male

1           genitals in a discernably turgid state.

2           "Sado-masochistic abuse" means flagellation or torture  
3           by or upon a person clad in undergarments, a mask or  
4           bizarre costume, or the condition of being fettered, bound  
5           or otherwise physically restrained on the part of one  
6           clothed for sexual gratification or stimulation.

7           "Sexual conduct" means acts of masturbation, sexual  
8           intercourse, or physical contact with a person's clothed or  
9           unclothed genitals, pubic area, buttocks or, if such person  
10          be a female, breast.

11          "Sexual excitement" means the condition of human male  
12          or female genitals when in a state of sexual stimulation or  
13          arousal.

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

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

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

26                       (B) a motion picture, show, or other presentation

1           which depicts nudity, sexual conduct or  
2           sado-masochistic abuse and is harmful to minors; or

3           (C) an admission ticket or pass to premises where  
4           there is exhibited or to be exhibited such a motion  
5           picture, show, or other presentation; or

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

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

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

19           (2) that the defendant was in a parental or  
20           guardianship relationship with the minor or that the minor  
21           was accompanied by a parent or legal guardian;

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

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

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

24           (d) The predominant appeal to prurient interest of the  
25 material shall be judged with reference to average children of  
26 the same general age of the child to whom such material was

1 sold, lent, distributed or given, unless it appears from the  
2 nature of the matter or the circumstances of its dissemination  
3 or distribution that it is designed for specially susceptible  
4 groups, in which case the predominant appeal of the material  
5 shall be judged with reference to its intended or probable  
6 recipient group.

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

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

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

1 (h) Telecommunications carriers, commercial mobile service  
2 providers, and providers of information services, including,  
3 but not limited to, Internet service providers and hosting  
4 service providers, are not liable under this Section, except  
5 for willful and wanton misconduct, by virtue of the  
6 transmission, storage, or caching of electronic communications  
7 or messages of others or by virtue of the provision of other  
8 related telecommunications, commercial mobile services, or  
9 information services used by others in violation of this  
10 Section.

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

12 (720 ILCS 5/11-23)

13 Sec. 11-23. Posting of identifying or graphic information  
14 on a pornographic Internet site or possessing graphic  
15 information with pornographic material.

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

24 (a-5) Any person who knowingly places, posts, reproduces,  
25 or maintains on an adult obscenity or child pornography



1 Internet site a photograph, video, or digital image of a person  
2 under 18 years of age that is not child pornography under  
3 Section 11-20.1, without the knowledge and consent of the  
4 person under 18 years of age, is guilty of ~~the offense of~~  
5 posting of graphic information on a pornographic Internet site.  
6 This provision applies even if the person under 18 years of age  
7 is fully or properly clothed in the photograph, video, or  
8 digital image.

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

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

1 is guilty of a Class 4 felony. A person who violates subsection  
2 (a-10) of this Section is guilty of a Class 3 felony.

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

4 (1) "Adult obscenity or child pornography Internet  
5 site" means a site on the Internet that contains material  
6 that is obscene as defined in Section 11-20 of this Code or  
7 that is child pornography as defined in Section 11-20.1 of  
8 this Code.

9 (2) "Internet" has the meaning set forth in Section  
10 16J-5 of this Code ~~includes the World Wide Web, electronic~~  
11 ~~mail, a news group posting, or Internet file transfer.~~

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

13 (720 ILCS 5/11-24)

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

15 (a) In this Section:

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

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

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

20 (1) conduct or operate any type of business in which he  
21 or she photographs, videotapes, or takes a digital image of  
22 a child; or

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

1 (3) photograph, videotape, or take a digital image of a  
2 child, or instruct or direct another person to photograph,  
3 videotape, or take a digital image of a child without the  
4 consent of the parent or guardian.

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

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

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

12 SUBDIVISION 25. OTHER OFFENSES

13 (720 ILCS 5/11-30) (was 720 ILCS 5/11-9)

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

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

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

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

22 Breast-feeding of infants is not an act of public  
23 indecency.

24 (b) "Public place" for purposes of this Section means any

1 place where the conduct may reasonably be expected to be viewed  
2 by others.

3 (c) Sentence.

4 Public indecency is a Class A misdemeanor. A person  
5 convicted of a third or subsequent violation for public  
6 indecency is guilty of a Class 4 felony. Public indecency is a  
7 Class 4 felony if committed by a person 18 years of age or  
8 older who is on or within 500 feet of elementary or secondary  
9 school grounds when children are present on the grounds.

10 (Source: P.A. 96-1098, eff. 1-1-11.)

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

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

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

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

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

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

25 (b) Sentence.

1 Adultery is a Class A misdemeanor.

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

3 (720 ILCS 5/11-40) (was 720 ILCS 5/11-8)

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

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

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

14 (b) Sentence.

15 Fornication is a Class B misdemeanor.

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

17 (720 ILCS 5/11-45) (was 720 ILCS 5/11-12)

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

19 (a) Bigamy. A person commits bigamy when that person has  
20 ~~Any person having~~ a husband or wife and who subsequently  
21 knowingly marries another ~~or cohabits in this State after such~~  
22 ~~marriage commits bigamy.~~

23 (a-5) Marrying a bigamist. An unmarried person commits  
24 marrying a bigamist when that person knowingly marries another

1 under circumstances known to him or her which would render the  
2 other person guilty of bigamy under the laws of this State.

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

5 (1) The prior marriage was dissolved or declared  
6 invalid; or

7 (2) The accused reasonably believed the prior spouse to  
8 be dead; or

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

12 (4) The accused reasonably believed that he or she or  
13 the person he or she marries was legally eligible to be  
14 married ~~remarry~~.

15 (c) Sentence.

16 Bigamy is a Class 4 felony. Marrying a bigamist is a Class  
17 A misdemeanor.

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

19 (720 ILCS 5/Art. 36.5 heading new)

20 ARTICLE 36.5. VEHICLE IMPOUNDMENT

21 (720 ILCS 5/36.5-5 new)

22 Sec. 36.5-5. Vehicle impoundment.

23 (a) In addition to any other penalty provided by law, a  
24 peace officer who arrests a person for a violation of Section

1 10-9, 10-14, 11-14.1, 11-14.3, 11-14.4, 11-18, or 11-18.1 of  
2 this Code, may tow and impound any vehicle used by the person  
3 in the commission of the offense. The person arrested for one  
4 or more such violations shall be charged a \$1,000 fee, to be  
5 paid to the unit of government that made the arrest. The person  
6 may recover the vehicle from the impound after a minimum of 2  
7 hours after arrest upon payment of the fee.

8 (b) \$500 of the fee shall be distributed to the unit of  
9 government whose peace officers made the arrest, for the costs  
10 incurred by the unit of government to tow and impound the  
11 vehicle. Upon the defendant's conviction of one or more of the  
12 offenses in connection with which the vehicle was impounded and  
13 the fee imposed under this Section, the remaining \$500 of the  
14 fee shall be deposited into the Violent Crime Victims  
15 Assistance Fund and shall be used by the Department of Human  
16 Services to make grants to non-governmental organizations to  
17 provide services for persons encountered during the course of  
18 an investigation into any violation of Section 10-9, 11-14,  
19 11-14.1, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
20 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, or 11-19.2 of this  
21 Code, provided such persons constitute prostituted persons or  
22 other victims of human trafficking.

23 (c) Upon the presentation by the defendant of a signed  
24 court order showing that the defendant has been acquitted of  
25 all of the offenses in connection with which a vehicle was  
26 impounded and a fee imposed under this Section, or that the

1 charges against the defendant for those offenses have been  
2 dismissed, the unit of government shall refund the \$1,000 fee  
3 to the defendant.

4 (720 ILCS 5/11-9.4 rep.)

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

6 (720 ILCS 5/11-14.2 rep.)

7 (720 ILCS 5/11-15 rep.)

8 (720 ILCS 5/11-15.1 rep.)

9 (720 ILCS 5/11-16 rep.)

10 (720 ILCS 5/11-17 rep.)

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

12 (720 ILCS 5/11-19 rep.)

13 (720 ILCS 5/11-19.1 rep.)

14 (720 ILCS 5/11-19.2 rep.)

15 (720 ILCS 5/11-19.3 rep.)

16 (720 ILCS 5/12-12 rep.)

17 Section 6. The Criminal Code of 1961 is amended by  
18 repealing Sections 11-9.4, 11-13, 11-14.2, 11-15, 11-15.1,  
19 11-16, 11-17, 11-17.1, 11-19, 11-19.1, 11-19.2, 11-19.3, and  
20 12-12.

21 (720 ILCS 150/5.1 rep.)

22 Section 10. The Wrongs to Children Act is amended by  
23 repealing Section 5.1.



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

3 (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

4 Sec. 10b.1. Competitive examinations.

5 (a) For open competitive examinations to test the relative  
6 fitness of applicants for the respective positions. Tests shall  
7 be designed to eliminate those who are not qualified for  
8 entrance into the Office of the Secretary of State and to  
9 discover the relative fitness of those who are qualified. The  
10 Director may use any one of or any combination of the following  
11 examination methods which in his judgment best serves this end:  
12 investigation of education and experience; test of cultural  
13 knowledge; test of capacity; test of knowledge; test of manual  
14 skill; test of linguistic ability; test of character; test of  
15 physical skill; test of psychological fitness. No person with a  
16 record of misdemeanor convictions except those under Sections  
17 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19,  
18 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1,  
19 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3,  
20 32-4, and 32-8, subdivisions (a)(1) and (a)(2)(C) of Section  
21 11-14.3, and sub-sections 1, 6 and 8 of Section 24-1 of the  
22 Criminal Code of 1961, or arrested for any cause but not  
23 convicted thereon shall be disqualified from taking such  
24 examinations or subsequent appointment unless the person is  
25 attempting to qualify for a position which would give him the

1 powers of a peace officer, in which case the person's  
2 conviction or arrest record may be considered as a factor in  
3 determining the person's fitness for the position. All  
4 examinations shall be announced publicly at least 2 weeks in  
5 advance of the date of examinations and may be advertised  
6 through the press, radio or other media.

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

24 (b) The Director of Personnel may require that each person  
25 seeking employment with the Secretary of State, as part of the  
26 application process, authorize an investigation to determine

1 if the applicant has ever been convicted of a crime and if so,  
2 the disposition of those convictions; this authorization shall  
3 indicate the scope of the inquiry and the agencies which may be  
4 contacted. Upon this authorization, the Director of Personnel  
5 may request and receive information and assistance from any  
6 federal, state or local governmental agency as part of the  
7 authorized investigation. The investigation shall be  
8 undertaken after the fingerprinting of an applicant in the form  
9 and manner prescribed by the Department of State Police. The  
10 investigation shall consist of a criminal history records check  
11 performed by the Department of State Police and the Federal  
12 Bureau of Investigation, or some other entity that has the  
13 ability to check the applicant's fingerprints against the  
14 fingerprint records now and hereafter filed in the Department  
15 of State Police and Federal Bureau of Investigation criminal  
16 history records databases. If the Department of State Police  
17 and the Federal Bureau of Investigation conduct an  
18 investigation directly for the Secretary of State's Office,  
19 then the Department of State Police shall charge a fee for  
20 conducting the criminal history records check, which shall be  
21 deposited in the State Police Services Fund and shall not  
22 exceed the actual cost of the records check. The Department of  
23 State Police shall provide information concerning any criminal  
24 convictions, and their disposition, brought against the  
25 applicant or prospective employee of the Secretary of State  
26 upon request of the Department of Personnel when the request is

1 made in the form and manner required by the Department of State  
2 Police. The information derived from this investigation,  
3 including the source of this information, and any conclusions  
4 or recommendations derived from this information by the  
5 Director of Personnel shall be provided to the applicant or  
6 prospective employee, or his designee, upon request to the  
7 Director of Personnel prior to any final action by the Director  
8 of Personnel on the application. No information obtained from  
9 such investigation may be placed in any automated information  
10 system. Any criminal convictions and their disposition  
11 information obtained by the Director of Personnel shall be  
12 confidential and may not be transmitted outside the Office of  
13 the Secretary of State, except as required herein, and may not  
14 be transmitted to anyone within the Office of the Secretary of  
15 State except as needed for the purpose of evaluating the  
16 application. The only physical identity materials which the  
17 applicant or prospective employee can be required to provide  
18 the Director of Personnel are photographs or fingerprints;  
19 these shall be returned to the applicant or prospective  
20 employee upon request to the Director of Personnel, after the  
21 investigation has been completed and no copy of these materials  
22 may be kept by the Director of Personnel or any agency to which  
23 such identity materials were transmitted. Only information and  
24 standards which bear a reasonable and rational relation to the  
25 performance of an employee shall be used by the Director of  
26 Personnel. The Secretary of State shall adopt rules and

1 regulations for the administration of this Section. Any  
2 employee of the Secretary of State who gives or causes to be  
3 given away any confidential information concerning any  
4 criminal convictions and their disposition of an applicant or  
5 prospective employee shall be guilty of a Class A misdemeanor  
6 unless release of such information is authorized by this  
7 Section.

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

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

11 (15 ILCS 410/10b.1) (from Ch. 15, par. 426)

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

1 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,  
2 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,  
3 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
4 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
5 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of  
6 1961, or arrested for any cause but not convicted thereon shall  
7 be disqualified from taking such examinations or subsequent  
8 appointment unless the person is attempting to qualify for a  
9 position which entails financial responsibilities, in which  
10 case the person's conviction or arrest record may be considered  
11 as a factor in determining the person's fitness for the  
12 position. All examinations shall be announced publicly at least  
13 2 weeks in advance of the date of examinations and may be  
14 advertised through the press, radio or other media.

15 The Director may, at his or her discretion, accept the  
16 results of competitive examinations conducted by any merit  
17 system established by Federal law or by the law of any State,  
18 and may compile eligible lists therefrom or may add the names  
19 of successful candidates in examinations conducted by those  
20 merit systems to existing eligible lists in accordance with  
21 their respective ratings. No person who is a non-resident of  
22 the State of Illinois may be appointed from those eligible  
23 lists, however, unless the requirement that applicants be  
24 residents of the State of Illinois is waived by the Director of  
25 Human Resources and unless there are less than 3 Illinois  
26 residents available for appointment from the appropriate

1 eligible list. The results of the examinations conducted by  
2 other merit systems may not be used unless they are comparable  
3 in difficulty and comprehensiveness to examinations conducted  
4 by the Department of Human Resources for similar positions.  
5 Special linguistic options may also be established where deemed  
6 appropriate.

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

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

10 (20 ILCS 415/8b.1) (from Ch. 127, par. 63b108b.1)

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

13 Tests shall be designed to eliminate those who are not  
14 qualified for entrance into or promotion within the service,  
15 and to discover the relative fitness of those who are  
16 qualified. The Director may use any one of or any combination  
17 of the following examination methods which in his judgment best  
18 serves this end: investigation of education; investigation of  
19 experience; test of cultural knowledge; test of capacity; test  
20 of knowledge; test of manual skill; test of linguistic ability;  
21 test of character; test of physical fitness; test of  
22 psychological fitness. No person with a record of misdemeanor  
23 convictions except those under Sections 11-1.50, 11-6, 11-7,  
24 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,

1 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,  
2 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
3 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
4 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of  
5 1961 or arrested for any cause but not convicted thereon shall  
6 be disqualified from taking such examinations or subsequent  
7 appointment, unless the person is attempting to qualify for a  
8 position which would give him the powers of a peace officer, in  
9 which case the person's conviction or arrest record may be  
10 considered as a factor in determining the person's fitness for  
11 the position. The eligibility conditions specified for the  
12 position of Assistant Director of Healthcare and Family  
13 Services in the Department of Healthcare and Family Services in  
14 Section 5-230 of the Departments of State Government Law (20  
15 ILCS 5/5-230) shall be applied to that position in addition to  
16 other standards, tests or criteria established by the Director.  
17 All examinations shall be announced publicly at least 2 weeks  
18 in advance of the date of the examinations and may be  
19 advertised through the press, radio and other media. The  
20 Director may, however, in his discretion, continue to receive  
21 applications and examine candidates long enough to assure a  
22 sufficient number of eligibles to meet the needs of the service  
23 and may add the names of successful candidates to existing  
24 eligible lists in accordance with their respective ratings.

25 The Director may, in his discretion, accept the results of  
26 competitive examinations conducted by any merit system



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

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

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

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

21 Sec. 7. Placement of children; considerations.

22 (a) In placing any child under this Act, the Department  
23 shall place such child, as far as possible, in the care and  
24 custody of some individual holding the same religious belief as

1 the parents of the child, or with some child care facility  
2 which is operated by persons of like religious faith as the  
3 parents of such child.

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

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

21 If the Department determines that a placement with any  
22 identified relative is not in the child's best interests or  
23 that the relative does not meet the requirements to be a  
24 relative caregiver, as set forth in Department rules or by  
25 statute, the Department must document the basis for that  
26 decision and maintain the documentation in the child's case

1 file.

2 If, pursuant to the Department's rules, any person files an  
3 administrative appeal of the Department's decision not to place  
4 a child with a relative, it is the Department's burden to prove  
5 that the decision is consistent with the child's best  
6 interests.

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

14 If the Department determines that efforts to identify and  
15 locate relatives would be futile or inconsistent with the  
16 child's best interests, the Department shall document the basis  
17 of its determination and maintain the documentation in the  
18 child's case file.

19 If the Department determines that an individual or a group  
20 of relatives are inappropriate to serve as visitation resources  
21 or possible placement resources, the Department shall document  
22 the basis of its determination and maintain the documentation  
23 in the child's case file.

24 When the Department determines that an individual or a  
25 group of relatives are appropriate to serve as visitation  
26 resources or possible future placement resources, the

1 Department shall document the basis of its determination,  
2 maintain the documentation in the child's case file, create a  
3 visitation or transition plan, or both, and incorporate the  
4 visitation or transition plan, or both, into the child's case  
5 plan. For the purpose of this subsection, any determination as  
6 to the child's best interests shall include consideration of  
7 the factors set out in subsection (4.05) of Section 1-3 of the  
8 Juvenile Court Act of 1987.

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

16 (1) murder;

17 (1.1) solicitation of murder;

18 (1.2) solicitation of murder for hire;

19 (1.3) intentional homicide of an unborn child;

20 (1.4) voluntary manslaughter of an unborn child;

21 (1.5) involuntary manslaughter;

22 (1.6) reckless homicide;

23 (1.7) concealment of a homicidal death;

24 (1.8) involuntary manslaughter of an unborn child;

25 (1.9) reckless homicide of an unborn child;

26 (1.10) drug-induced homicide;

1           (2) a sex offense under Article 11, except offenses  
2 described in Sections 11-7, 11-8, 11-12, ~~and 11-13,~~ 11-35,  
3 11-40, and 11-45;

4           (3) kidnapping;

5           (3.1) aggravated unlawful restraint;

6           (3.2) forcible detention;

7           (3.3) aiding and abetting child abduction;

8           (4) aggravated kidnapping;

9           (5) child abduction;

10          (6) aggravated battery of a child;

11          (7) criminal sexual assault;

12          (8) aggravated criminal sexual assault;

13          (8.1) predatory criminal sexual assault of a child;

14          (9) criminal sexual abuse;

15          (10) aggravated sexual abuse;

16          (11) heinous battery;

17          (12) aggravated battery with a firearm;

18          (13) tampering with food, drugs, or cosmetics;

19          (14) drug-induced infliction of great bodily harm;

20          (15) aggravated stalking;

21          (16) home invasion;

22          (17) vehicular invasion;

23          (18) criminal transmission of HIV;

24          (19) criminal abuse or neglect of an elderly or  
25 disabled person;

26          (20) child abandonment;

- 1           (21) endangering the life or health of a child;  
2           (22) ritual mutilation;  
3           (23) ritualized abuse of a child;  
4           (24) an offense in any other state the elements of  
5           which are similar and bear a substantial relationship to  
6           any of the foregoing offenses.

7           For the purpose of this subsection, "relative" shall include  
8           any person, 21 years of age or over, other than the parent, who  
9           (i) is currently related to the child in any of the following  
10          ways by blood or adoption: grandparent, sibling,  
11          great-grandparent, uncle, aunt, nephew, niece, first cousin,  
12          second cousin, godparent, great-uncle, or great-aunt; or (ii)  
13          is the spouse of such a relative; or (iii) is the child's  
14          step-father, step-mother, or adult step-brother or  
15          step-sister; "relative" also includes a person related in any  
16          of the foregoing ways to a sibling of a child, even though the  
17          person is not related to the child, when the child and its  
18          sibling are placed together with that person. For children who  
19          have been in the guardianship of the Department, have been  
20          adopted, and are subsequently returned to the temporary custody  
21          or guardianship of the Department, a "relative" may also  
22          include any person who would have qualified as a relative under  
23          this paragraph prior to the adoption, but only if the  
24          Department determines, and documents, that it would be in the  
25          child's best interests to consider this person a relative,  
26          based upon the factors for determining best interests set forth

1 in subsection (4.05) of Section 1-3 of the Juvenile Court Act  
2 of 1987. A relative with whom a child is placed pursuant to  
3 this subsection may, but is not required to, apply for  
4 licensure as a foster family home pursuant to the Child Care  
5 Act of 1969; provided, however, that as of July 1, 1995, foster  
6 care payments shall be made only to licensed foster family  
7 homes pursuant to the terms of Section 5 of this Act.

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

16 The Department shall consider the individual needs of the  
17 child and the capacity of the prospective foster or adoptive  
18 parents to meet the needs of the child. When a child must be  
19 placed outside his or her home and cannot be immediately  
20 returned to his or her parents or guardian, a comprehensive,  
21 individualized assessment shall be performed of that child at  
22 which time the needs of the child shall be determined. Only if  
23 race, color, or national origin is identified as a legitimate  
24 factor in advancing the child's best interests shall it be  
25 considered. Race, color, or national origin shall not be  
26 routinely considered in making a placement decision. The

1 Department shall make special efforts for the diligent  
2 recruitment of potential foster and adoptive families that  
3 reflect the ethnic and racial diversity of the children for  
4 whom foster and adoptive homes are needed. "Special efforts"  
5 shall include contacting and working with community  
6 organizations and religious organizations and may include  
7 contracting with those organizations, utilizing local media  
8 and other local resources, and conducting outreach activities.

9 (c-1) At the time of placement, the Department shall  
10 consider concurrent planning, as described in subsection (1-1)  
11 of Section 5, so that permanency may occur at the earliest  
12 opportunity. Consideration should be given so that if  
13 reunification fails or is delayed, the placement made is the  
14 best available placement to provide permanency for the child.

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

18 (e) The Department in placing children in adoptive or  
19 foster care homes may not, in any policy or practice relating  
20 to the placement of children for adoption or foster care,  
21 discriminate against any child or prospective adoptive or  
22 foster parent on the basis of race.

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

24 Section 925. The Criminal Identification Act is amended by  
25 changing Section 5.2 as follows:



1 (20 ILCS 2630/5.2)

2 Sec. 5.2. Expungement and sealing.

3 (a) General Provisions.

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

7 (A) The following terms shall have the meanings  
8 ascribed to them in the Unified Code of Corrections,  
9 730 ILCS 5/5-1-2 through 5/5-1-22:

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

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

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

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

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

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

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

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

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

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

20 (xi) Petty Offense (730 ILCS 5/5-1-17),

21 (xii) Probation (730 ILCS 5/5-1-18),

22 (xiii) Sentence (730 ILCS 5/5-1-19),

23 (xiv) Supervision (730 ILCS 5/5-1-21), and

24 (xv) Victim (730 ILCS 5/5-1-22).

25 (B) As used in this Section, "charge not initiated

1 by arrest" means a charge (as defined by 730 ILCS  
2 5/5-1-3) brought against a defendant where the  
3 defendant is not arrested prior to or as a direct  
4 result of the charge.

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

20 (D) "Criminal offense" means a petty offense,  
21 business offense, misdemeanor, felony, or municipal  
22 ordinance violation (as defined in subsection  
23 (a)(1)(H)). As used in this Section, a minor traffic  
24 offense (as defined in subsection (a)(1)(G)) shall not  
25 be considered a criminal offense.

26 (E) "Expunge" means to physically destroy the

1 records or return them to the petitioner and to  
2 obliterate the petitioner's name from any official  
3 index or public record, or both. Nothing in this Act  
4 shall require the physical destruction of the circuit  
5 court file, but such records relating to arrests or  
6 charges, or both, ordered expunged shall be impounded  
7 as required by subsections (d)(9)(A)(ii) and  
8 (d)(9)(B)(ii).

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

23 (G) "Minor traffic offense" means a petty offense,  
24 business offense, or Class C misdemeanor under the  
25 Illinois Vehicle Code or a similar provision of a  
26 municipal or local ordinance.

1           (H) "Municipal ordinance violation" means an  
2 offense defined by a municipal or local ordinance that  
3 is criminal in nature and with which the petitioner was  
4 charged or for which the petitioner was arrested and  
5 released without charging.

6           (I) "Petitioner" means an adult or a minor  
7 prosecuted as an adult who has applied for relief under  
8 this Section.

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

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

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

15           (M) "Terminate" as it relates to a sentence or  
16 order of supervision or qualified probation includes  
17 either satisfactory or unsatisfactory termination of  
18 the sentence, unless otherwise specified in this  
19 Section.

20           (2) Minor Traffic Offenses. Orders of supervision or  
21 convictions for minor traffic offenses shall not affect a  
22 petitioner's eligibility to expunge or seal records  
23 pursuant to this Section.

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

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

9 (B) the sealing or expungement of records of minor  
10 traffic offenses (as defined in subsection (a)(1)(G)),  
11 unless the petitioner was arrested and released  
12 without charging.

13 (C) the sealing of the records of arrests or  
14 charges not initiated by arrest which result in an  
15 order of supervision, an order of qualified probation  
16 (as defined in subsection (a)(1)(J)), or a conviction  
17 for the following offenses:

18 (i) offenses included in Article 11 of the  
19 Criminal Code of 1961 or a similar provision of a  
20 local ordinance, except Section 11-14 of the  
21 Criminal Code of 1961 or a similar provision of a  
22 local ordinance;

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

26 (iii) offenses defined as "crimes of violence"

1 in Section 2 of the Crime Victims Compensation Act  
2 or a similar provision of a local ordinance;

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

5 (v) any offense or attempted offense that  
6 would subject a person to registration under the  
7 Sex Offender Registration Act.

8 (D) the sealing of the records of an arrest which  
9 results in the petitioner being charged with a felony  
10 offense or records of a charge not initiated by arrest  
11 for a felony offense, regardless of the disposition,  
12 unless:

13 (i) the charge is amended to a misdemeanor and  
14 is otherwise eligible to be sealed pursuant to  
15 subsection (c);

16 (ii) the charge is brought along with another  
17 charge as a part of one case and the charge results  
18 in acquittal, dismissal, or conviction when the  
19 conviction was reversed or vacated, and another  
20 charge brought in the same case results in a  
21 disposition for a misdemeanor offense that is  
22 eligible to be sealed pursuant to subsection (c) or  
23 a disposition listed in paragraph (i), (iii) or  
24 (iv) of this subsection;

25 (iii) the charge results in first offender  
26 probation as set forth in subsection (c) (2) (E); or

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

14 (b) Expungement.

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

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

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



1 completed by the petitioner, unless excluded by  
2 subsection (a) (3) (A) or (a) (3) (B); or (iv) an order of  
3 qualified probation (as defined in subsection  
4 (a) (1) (J)) and such probation was successfully  
5 completed by the petitioner.

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

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

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

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

26 (ii) Those arrests or charges that resulted in

1 orders of supervision for any other offenses shall  
2 not be eligible for expungement until 2 years have  
3 passed following the satisfactory termination of  
4 the supervision.

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

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

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

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

17 (5) Whenever a person has been convicted of criminal  
18 sexual assault, aggravated criminal sexual assault,  
19 predatory criminal sexual assault of a child, criminal  
20 sexual abuse, or aggravated criminal sexual abuse, the  
21 victim of that offense may request that the State's  
22 Attorney of the county in which the conviction occurred  
23 file a verified petition with the presiding trial judge at  
24 the petitioner's trial to have a court order entered to  
25 seal the records of the circuit court clerk in connection  
26 with the proceedings of the trial court concerning that

1 offense. However, the records of the arresting authority  
2 and the Department of State Police concerning the offense  
3 shall not be sealed. The court, upon good cause shown,  
4 shall make the records of the circuit court clerk in  
5 connection with the proceedings of the trial court  
6 concerning the offense available for public inspection.

7 (6) If a conviction has been set aside on direct review  
8 or on collateral attack and the court determines by clear  
9 and convincing evidence that the petitioner was factually  
10 innocent of the charge, the court shall enter an  
11 expungement order as provided in subsection (b) of Section  
12 5-5-4 of the Unified Code of Corrections.

13 (7) Nothing in this Section shall prevent the  
14 Department of State Police from maintaining all records of  
15 any person who is admitted to probation upon terms and  
16 conditions and who fulfills those terms and conditions  
17 pursuant to Section 10 of the Cannabis Control Act, Section  
18 410 of the Illinois Controlled Substances Act, Section 70  
19 of the Methamphetamine Control and Community Protection  
20 Act, Section 12-4.3 of the Criminal Code of 1961, Section  
21 10-102 of the Illinois Alcoholism and Other Drug Dependency  
22 Act, Section 40-10 of the Alcoholism and Other Drug Abuse  
23 and Dependency Act, or Section 10 of the Steroid Control  
24 Act.

25 (c) Sealing.

26 (1) Applicability. Notwithstanding any other provision

1 of this Act to the contrary, and cumulative with any rights  
2 to expungement of criminal records, this subsection  
3 authorizes the sealing of criminal records of adults and of  
4 minors prosecuted as adults.

5 (2) Eligible Records. The following records may be  
6 sealed:

7 (A) All arrests resulting in release without  
8 charging;

9 (B) Arrests or charges not initiated by arrest  
10 resulting in acquittal, dismissal, or conviction when  
11 the conviction was reversed or vacated, except as  
12 excluded by subsection (a) (3) (B) or (a) (3) (D);

13 (C) Arrests or charges not initiated by arrest  
14 resulting in orders of supervision successfully  
15 completed by the petitioner, unless excluded by  
16 subsection (a) (3);

17 (D) Arrests or charges not initiated by arrest  
18 resulting in convictions unless excluded by subsection  
19 (a) (3);

20 (E) Arrests or charges not initiated by arrest  
21 resulting in orders of first offender probation under  
22 Section 10 of the Cannabis Control Act, Section 410 of  
23 the Illinois Controlled Substances Act, or Section 70  
24 of the Methamphetamine Control and Community  
25 Protection Act; and

26 (F) Arrests or charges not initiated by arrest

1 resulting in Class 4 felony convictions for the  
2 following offenses:

3 (i) Section 11-14 of the Criminal Code of 1961;

4 (ii) Section 4 of the Cannabis Control Act;

5 (iii) Section 402 of the Illinois Controlled  
6 Substances Act;

7 (iv) the Methamphetamine Precursor Control  
8 Act; and

9 (v) the Steroid Control Act.

10 (3) When Records Are Eligible to Be Sealed. Records  
11 identified as eligible under subsection (c)(2) may be  
12 sealed as follows:

13 (A) Records identified as eligible under  
14 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
15 time.

16 (B) Records identified as eligible under  
17 subsection (c)(2)(C) may be sealed (i) 3 years after  
18 the termination of petitioner's last sentence (as  
19 defined in subsection (a)(1)(F)) if the petitioner has  
20 never been convicted of a criminal offense (as defined  
21 in subsection (a)(1)(D)); or (ii) 4 years after the  
22 termination of the petitioner's last sentence (as  
23 defined in subsection (a)(1)(F)) if the petitioner has  
24 ever been convicted of a criminal offense (as defined  
25 in subsection (a)(1)(D)).

26 (C) Records identified as eligible under

1 subsections (c) (2) (D), (c) (2) (E), and (c) (2) (F) may be  
2 sealed 4 years after the termination of the  
3 petitioner's last sentence (as defined in subsection  
4 (a) (1) (F)).

5 (4) Subsequent felony convictions. A person may not  
6 have subsequent felony conviction records sealed as  
7 provided in this subsection (c) if he or she is convicted  
8 of any felony offense after the date of the sealing of  
9 prior felony convictions as provided in this subsection  
10 (c). The court may, upon conviction for a subsequent felony  
11 offense, order the unsealing of prior felony conviction  
12 records previously ordered sealed by the court.

13 (5) Notice of eligibility for sealing. Upon entry of a  
14 disposition for an eligible record under this subsection  
15 (c), the petitioner shall be informed by the court of the  
16 right to have the records sealed and the procedures for the  
17 sealing of the records.

18 (d) Procedure. The following procedures apply to  
19 expungement under subsections (b) and (e), and sealing under  
20 subsection (c):

21 (1) Filing the petition. Upon becoming eligible to  
22 petition for the expungement or sealing of records under  
23 this Section, the petitioner shall file a petition  
24 requesting the expungement or sealing of records with the  
25 clerk of the court where the arrests occurred or the  
26 charges were brought, or both. If arrests occurred or

1 charges were brought in multiple jurisdictions, a petition  
2 must be filed in each such jurisdiction. The petitioner  
3 shall pay the applicable fee, if not waived.

4 (2) Contents of petition. The petition shall be  
5 verified and shall contain the petitioner's name, date of  
6 birth, current address and, for each arrest or charge not  
7 initiated by arrest sought to be sealed or expunged, the  
8 case number, the date of arrest (if any), the identity of  
9 the arresting authority, and such other information as the  
10 court may require. During the pendency of the proceeding,  
11 the petitioner shall promptly notify the circuit court  
12 clerk of any change of his or her address.

13 (3) Drug test. The petitioner must attach to the  
14 petition proof that the petitioner has passed a test taken  
15 within 30 days before the filing of the petition showing  
16 the absence within his or her body of all illegal  
17 substances as defined by the Illinois Controlled  
18 Substances Act, the Methamphetamine Control and Community  
19 Protection Act, and the Cannabis Control Act if he or she  
20 is petitioning to seal felony records pursuant to clause  
21 (c)(2)(E) or (c)(2)(F)(ii)-(v) or if he or she is  
22 petitioning to expunge felony records of a qualified  
23 probation pursuant to clause (b)(1)(B)(iv).

24 (4) Service of petition. The circuit court clerk shall  
25 promptly serve a copy of the petition on the State's  
26 Attorney or prosecutor charged with the duty of prosecuting



1 the offense, the Department of State Police, the arresting  
2 agency and the chief legal officer of the unit of local  
3 government effecting the arrest.

4 (5) Objections.

5 (A) Any party entitled to notice of the petition  
6 may file an objection to the petition. All objections  
7 shall be in writing, shall be filed with the circuit  
8 court clerk, and shall state with specificity the basis  
9 of the objection.

10 (B) Objections to a petition to expunge or seal  
11 must be filed within 60 days of the date of service of  
12 the petition.

13 (6) Entry of order.

14 (A) The Chief Judge of the circuit wherein the  
15 charge was brought, any judge of that circuit  
16 designated by the Chief Judge, or in counties of less  
17 than 3,000,000 inhabitants, the presiding trial judge  
18 at the petitioner's trial, if any, shall rule on the  
19 petition to expunge or seal as set forth in this  
20 subsection (d)(6).

21 (B) Unless the State's Attorney or prosecutor, the  
22 Department of State Police, the arresting agency, or  
23 the chief legal officer files an objection to the  
24 petition to expunge or seal within 60 days from the  
25 date of service of the petition, the court shall enter  
26 an order granting or denying the petition.

1           (7) Hearings. If an objection is filed, the court shall  
2 set a date for a hearing and notify the petitioner and all  
3 parties entitled to notice of the petition of the hearing  
4 date at least 30 days prior to the hearing, and shall hear  
5 evidence on whether the petition should or should not be  
6 granted, and shall grant or deny the petition to expunge or  
7 seal the records based on the evidence presented at the  
8 hearing.

9           (8) Service of order. After entering an order to  
10 expunge or seal records, the court must provide copies of  
11 the order to the Department, in a form and manner  
12 prescribed by the Department, to the petitioner, to the  
13 State's Attorney or prosecutor charged with the duty of  
14 prosecuting the offense, to the arresting agency, to the  
15 chief legal officer of the unit of local government  
16 effecting the arrest, and to such other criminal justice  
17 agencies as may be ordered by the court.

18           (9) Effect of order.

19           (A) Upon entry of an order to expunge records  
20 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

21                   (i) the records shall be expunged (as defined  
22 in subsection (a) (1) (E)) by the arresting agency,  
23 the Department, and any other agency as ordered by  
24 the court, within 60 days of the date of service of  
25 the order, unless a motion to vacate, modify, or  
26 reconsider the order is filed pursuant to

1 paragraph (12) of subsection (d) of this Section;

2 (ii) the records of the circuit court clerk  
3 shall be impounded until further order of the court  
4 upon good cause shown and the name of the  
5 petitioner obliterated on the official index  
6 required to be kept by the circuit court clerk  
7 under Section 16 of the Clerks of Courts Act, but  
8 the order shall not affect any index issued by the  
9 circuit court clerk before the entry of the order;  
10 and

11 (iii) in response to an inquiry for expunged  
12 records, the court, the Department, or the agency  
13 receiving such inquiry, shall reply as it does in  
14 response to inquiries when no records ever  
15 existed.

16 (B) Upon entry of an order to expunge records  
17 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

18 (i) the records shall be expunged (as defined  
19 in subsection (a) (1) (E)) by the arresting agency  
20 and any other agency as ordered by the court,  
21 within 60 days of the date of service of the order,  
22 unless a motion to vacate, modify, or reconsider  
23 the order is filed pursuant to paragraph (12) of  
24 subsection (d) of this Section;

25 (ii) the records of the circuit court clerk  
26 shall be impounded until further order of the court

1           upon good cause shown and the name of the  
2           petitioner obliterated on the official index  
3           required to be kept by the circuit court clerk  
4           under Section 16 of the Clerks of Courts Act, but  
5           the order shall not affect any index issued by the  
6           circuit court clerk before the entry of the order;

7           (iii) the records shall be impounded by the  
8           Department within 60 days of the date of service of  
9           the order as ordered by the court, unless a motion  
10          to vacate, modify, or reconsider the order is filed  
11          pursuant to paragraph (12) of subsection (d) of  
12          this Section;

13          (iv) records impounded by the Department may  
14          be disseminated by the Department only as required  
15          by law or to the arresting authority, the State's  
16          Attorney, and the court upon a later arrest for the  
17          same or a similar offense or for the purpose of  
18          sentencing for any subsequent felony, and to the  
19          Department of Corrections upon conviction for any  
20          offense; and

21          (v) in response to an inquiry for such records  
22          from anyone not authorized by law to access such  
23          records the court, the Department, or the agency  
24          receiving such inquiry shall reply as it does in  
25          response to inquiries when no records ever  
26          existed.

1           (C) Upon entry of an order to seal records under  
2           subsection (c), the arresting agency, any other agency  
3           as ordered by the court, the Department, and the court  
4           shall seal the records (as defined in subsection  
5           (a)(1)(K)). In response to an inquiry for such records  
6           from anyone not authorized by law to access such  
7           records the court, the Department, or the agency  
8           receiving such inquiry shall reply as it does in  
9           response to inquiries when no records ever existed.

10          (10) Fees. The Department may charge the petitioner a  
11          fee equivalent to the cost of processing any order to  
12          expunge or seal records. Notwithstanding any provision of  
13          the Clerks of Courts Act to the contrary, the circuit court  
14          clerk may charge a fee equivalent to the cost associated  
15          with the sealing or expungement of records by the circuit  
16          court clerk. From the total filing fee collected for the  
17          petition to seal or expunge, the circuit court clerk shall  
18          deposit \$10 into the Circuit Court Clerk Operation and  
19          Administrative Fund, to be used to offset the costs  
20          incurred by the circuit court clerk in performing the  
21          additional duties required to serve the petition to seal or  
22          expunge on all parties. The circuit court clerk shall  
23          collect and forward the Department of State Police portion  
24          of the fee to the Department and it shall be deposited in  
25          the State Police Services Fund.

26          (11) Final Order. No court order issued under the

1 expungement or sealing provisions of this Section shall  
2 become final for purposes of appeal until 30 days after  
3 service of the order on the petitioner and all parties  
4 entitled to notice of the petition.

5 (12) Motion to Vacate, Modify, or Reconsider. The  
6 petitioner or any party entitled to notice may file a  
7 motion to vacate, modify, or reconsider the order granting  
8 or denying the petition to expunge or seal within 60 days  
9 of service of the order.

10 (e) Whenever a person who has been convicted of an offense  
11 is granted a pardon by the Governor which specifically  
12 authorizes expungement, he or she may, upon verified petition  
13 to the Chief Judge of the circuit where the person had been  
14 convicted, any judge of the circuit designated by the Chief  
15 Judge, or in counties of less than 3,000,000 inhabitants, the  
16 presiding trial judge at the defendant's trial, have a court  
17 order entered expunging the record of arrest from the official  
18 records of the arresting authority and order that the records  
19 of the circuit court clerk and the Department be sealed until  
20 further order of the court upon good cause shown or as  
21 otherwise provided herein, and the name of the defendant  
22 obliterated from the official index requested to be kept by the  
23 circuit court clerk under Section 16 of the Clerks of Courts  
24 Act in connection with the arrest and conviction for the  
25 offense for which he or she had been pardoned but the order  
26 shall not affect any index issued by the circuit court clerk

1 before the entry of the order. All records sealed by the  
2 Department may be disseminated by the Department only as  
3 required by law or to the arresting authority, the State's  
4 Attorney, and the court upon a later arrest for the same or  
5 similar offense or for the purpose of sentencing for any  
6 subsequent felony. Upon conviction for any subsequent offense,  
7 the Department of Corrections shall have access to all sealed  
8 records of the Department pertaining to that individual. Upon  
9 entry of the order of expungement, the circuit court clerk  
10 shall promptly mail a copy of the order to the person who was  
11 pardoned.

12 (f) Subject to available funding, the Illinois Department  
13 of Corrections shall conduct a study of the impact of sealing,  
14 especially on employment and recidivism rates, utilizing a  
15 random sample of those who apply for the sealing of their  
16 criminal records under Public Act 93-211. At the request of the  
17 Illinois Department of Corrections, records of the Illinois  
18 Department of Employment Security shall be utilized as  
19 appropriate to assist in the study. The study shall not  
20 disclose any data in a manner that would allow the  
21 identification of any particular individual or employing unit.  
22 The study shall be made available to the General Assembly no  
23 later than September 1, 2010.

24 (Source: P.A. 96-409, eff. 1-1-10; 96-1401, eff. 7-29-10.)

25 Section 930. The Sex Offender Management Board Act is

1 amended by changing Section 10 as follows:

2 (20 ILCS 4026/10)

3 Sec. 10. Definitions. In this Act, unless the context  
4 otherwise requires:

5 (a) "Board" means the Sex Offender Management Board created  
6 in Section 15.

7 (b) "Sex offender" means any person who is convicted or  
8 found delinquent in the State of Illinois, or under any  
9 substantially similar federal law or law of another state, of  
10 any sex offense or attempt of a sex offense as defined in  
11 subsection (c) of this Section, or any former statute of this  
12 State that defined a felony sex offense, or who has been  
13 certified as a sexually dangerous person under the Sexually  
14 Dangerous Persons Act or declared a sexually violent person  
15 under the Sexually Violent Persons Commitment Act, or any  
16 substantially similar federal law or law of another state.

17 (c) "Sex offense" means any felony or misdemeanor offense  
18 described in this subsection (c) as follows:

19 (1) Indecent solicitation of a child, in violation of  
20 Section 11-6 of the Criminal Code of 1961;

21 (2) Indecent solicitation of an adult, in violation of  
22 Section 11-6.5 of the Criminal Code of 1961;

23 (3) Public indecency, in violation of Section 11-9 or  
24 11-30 of the Criminal Code of 1961;

25 (4) Sexual exploitation of a child, in violation of



1 Section 11-9.1 of the Criminal Code of 1961;

2 (5) Sexual relations within families, in violation of  
3 Section 11-11 of the Criminal Code of 1961;

4 (6) Promoting juvenile prostitution or soliciting  
5 ~~Soliciting~~ for a juvenile prostitute, in violation of  
6 Section 11-14.4 or 11-15.1 of the Criminal Code of 1961;

7 (7) Promoting juvenile prostitution or keeping ~~Keeping~~  
8 a place of juvenile prostitution, in violation of Section  
9 11-14.4 or 11-17.1 of the Criminal Code of 1961;

10 (8) Patronizing a juvenile prostitute, in violation of  
11 Section 11-18.1 of the Criminal Code of 1961;

12 (9) Promoting juvenile prostitution or juvenile  
13 ~~Juvenile~~ pimping, in violation of Section 11-14.4 or  
14 11-19.1 of the Criminal Code of 1961;

15 (10) promoting juvenile prostitution or exploitation  
16 ~~Exploitation~~ of a child, in violation of Section 11-14.4 or  
17 11-19.2 of the Criminal Code of 1961;

18 (11) Child pornography, in violation of Section  
19 11-20.1 of the Criminal Code of 1961;

20 (11.5) Aggravated child pornography, in violation of  
21 Section 11-20.1B or 11-20.3 of the Criminal Code of 1961;

22 (12) Harmful material, in violation of Section 11-21 of  
23 the Criminal Code of 1961;

24 (13) Criminal sexual assault, in violation of Section  
25 11-1.20 or 12-13 of the Criminal Code of 1961;

26 (14) Aggravated criminal sexual assault, in violation

1 of Section 11-1.30 or 12-14 of the Criminal Code of 1961;

2 (15) Predatory criminal sexual assault of a child, in  
3 violation of Section 11-1.40 or 12-14.1 of the Criminal  
4 Code of 1961;

5 (16) Criminal sexual abuse, in violation of Section  
6 11-1.50 or 12-15 of the Criminal Code of 1961;

7 (17) Aggravated criminal sexual abuse, in violation of  
8 Section 11-1.60 or 12-16 of the Criminal Code of 1961;

9 (18) Ritualized abuse of a child, in violation of  
10 Section 12-33 of the Criminal Code of 1961;

11 (19) An attempt to commit any of the offenses  
12 enumerated in this subsection (c); or

13 (20) Any felony offense under Illinois law that is  
14 sexually motivated.

15 (d) "Management" means counseling, monitoring, and  
16 supervision of any sex offender that conforms to the standards  
17 created by the Board under Section 15.

18 (e) "Sexually motivated" means one or more of the facts of  
19 the underlying offense indicates conduct that is of a sexual  
20 nature or that shows an intent to engage in behavior of a  
21 sexual nature.

22 (Source: P.A. 93-616, eff. 1-1-04.)

23 Section 935. The Illinois Police Training Act is amended by  
24 changing Sections 6 and 6.1 as follows:

1 (50 ILCS 705/6) (from Ch. 85, par. 506)

2 Sec. 6. Selection and certification of schools. The Board  
3 shall select and certify schools within the State of Illinois  
4 for the purpose of providing basic training for probationary  
5 police officers, probationary county corrections officers, and  
6 court security officers and of providing advanced or in-service  
7 training for permanent police officers or permanent county  
8 corrections officers, which schools may be either publicly or  
9 privately owned and operated. In addition, the Board has the  
10 following power and duties:

11 a. To require local governmental units to furnish such  
12 reports and information as the Board deems necessary to  
13 fully implement this Act.

14 b. To establish appropriate mandatory minimum  
15 standards relating to the training of probationary local  
16 law enforcement officers or probationary county  
17 corrections officers.

18 c. To provide appropriate certification to those  
19 probationary officers who successfully complete the  
20 prescribed minimum standard basic training course.

21 d. To review and approve annual training curriculum for  
22 county sheriffs.

23 e. To review and approve applicants to ensure no  
24 applicant is admitted to a certified academy unless the  
25 applicant is a person of good character and has not been  
26 convicted of a felony offense, any of the misdemeanors in

1 Sections 11-1.50, 11-6, 11-9.1, 11-14, 11-17, 11-19, 12-2,  
2 12-15, 16-1, 17-1, 17-2, 28-3, 29-1, 31-1, 31-6, 31-7,  
3 32-4a, or 32-7 of the Criminal Code of 1961, subdivision  
4 (a) (1) or (a) (2) (C) of Section 11-14.3 of the Criminal Code  
5 of 1961, or Section 5 or 5.2 of the Cannabis Control Act,  
6 or a crime involving moral turpitude under the laws of this  
7 State or any other state which if committed in this State  
8 would be punishable as a felony or a crime of moral  
9 turpitude. The Board may appoint investigators who shall  
10 enforce the duties conferred upon the Board by this Act.

11 (Source: P.A. 91-495, eff. 1-1-00.)

12 (50 ILCS 705/6.1)

13 Sec. 6.1. Decertification of full-time and part-time  
14 police officers.

15 (a) The Board must review police officer conduct and  
16 records to ensure that no police officer is certified or  
17 provided a valid waiver if that police officer has been  
18 convicted of a felony offense under the laws of this State or  
19 any other state which if committed in this State would be  
20 punishable as a felony. The Board must also ensure that no  
21 police officer is certified or provided a valid waiver if that  
22 police officer has been convicted on or after the effective  
23 date of this amendatory Act of 1999 of any misdemeanor  
24 specified in this Section or if committed in any other state  
25 would be an offense similar to Section 11-1.50, 11-6, 11-9.1,

1 11-14, 11-17, 11-19, 12-2, 12-15, 16-1, 17-1, 17-2, 28-3, 29-1,  
2 31-1, 31-6, 31-7, 32-4a, or 32-7 of the Criminal Code of 1961,  
3 to subdivision (a) (1) or (a) (2) (C) of Section 11-14.3 of the  
4 Criminal Code of 1961, or to Section 5 or 5.2 of the Cannabis  
5 Control Act. The Board must appoint investigators to enforce  
6 the duties conferred upon the Board by this Act.

7 (b) It is the responsibility of the sheriff or the chief  
8 executive officer of every local law enforcement agency or  
9 department within this State to report to the Board any arrest  
10 or conviction of any officer for an offense identified in this  
11 Section.

12 (c) It is the duty and responsibility of every full-time  
13 and part-time police officer in this State to report to the  
14 Board within 30 days, and the officer's sheriff or chief  
15 executive officer, of his or her arrest or conviction for an  
16 offense identified in this Section. Any full-time or part-time  
17 police officer who knowingly makes, submits, causes to be  
18 submitted, or files a false or untruthful report to the Board  
19 must have his or her certificate or waiver immediately  
20 decertified or revoked.

21 (d) Any person, or a local or State agency, or the Board is  
22 immune from liability for submitting, disclosing, or releasing  
23 information of arrests or convictions in this Section as long  
24 as the information is submitted, disclosed, or released in good  
25 faith and without malice. The Board has qualified immunity for  
26 the release of the information.

1           (e) Any full-time or part-time police officer with a  
2 certificate or waiver issued by the Board who is convicted of  
3 any offense described in this Section immediately becomes  
4 decertified or no longer has a valid waiver. The  
5 decertification and invalidity of waivers occurs as a matter of  
6 law. Failure of a convicted person to report to the Board his  
7 or her conviction as described in this Section or any continued  
8 law enforcement practice after receiving a conviction is a  
9 Class 4 felony.

10          (f) The Board's investigators are peace officers and have  
11 all the powers possessed by policemen in cities and by  
12 sheriff's, provided that the investigators may exercise those  
13 powers anywhere in the State, only after contact and  
14 cooperation with the appropriate local law enforcement  
15 authorities.

16          (g) The Board must request and receive information and  
17 assistance from any federal, state, or local governmental  
18 agency as part of the authorized criminal background  
19 investigation. The Department of State Police must process,  
20 retain, and additionally provide and disseminate information  
21 to the Board concerning criminal charges, arrests,  
22 convictions, and their disposition, that have been filed  
23 before, on, or after the effective date of this amendatory Act  
24 of the 91st General Assembly against a basic academy applicant,  
25 law enforcement applicant, or law enforcement officer whose  
26 fingerprint identification cards are on file or maintained by

1 the Department of State Police. The Federal Bureau of  
2 Investigation must provide the Board any criminal history  
3 record information contained in its files pertaining to law  
4 enforcement officers or any applicant to a Board certified  
5 basic law enforcement academy as described in this Act based on  
6 fingerprint identification. The Board must make payment of fees  
7 to the Department of State Police for each fingerprint card  
8 submission in conformance with the requirements of paragraph 22  
9 of Section 55a of the Civil Administrative Code of Illinois.

10 (h) A police officer who has been certified or granted a  
11 valid waiver shall also be decertified or have his or her  
12 waiver revoked upon a determination by the Illinois Labor  
13 Relations Board State Panel that he or she, while under oath,  
14 has knowingly and willfully made false statements as to a  
15 material fact going to an element of the offense of murder. If  
16 an appeal is filed, the determination shall be stayed.

17 (1) In the case of an acquittal on a charge of murder,  
18 a verified complaint may be filed:

19 (A) by the defendant; or

20 (B) by a police officer with personal knowledge of  
21 perjured testimony.

22 The complaint must allege that a police officer, while  
23 under oath, knowingly and willfully made false statements  
24 as to a material fact going to an element of the offense of  
25 murder. The verified complaint must be filed with the  
26 Executive Director of the Illinois Law Enforcement

1 Training Standards Board within 2 years of the judgment of  
2 acquittal.

3 (2) Within 30 days, the Executive Director of the  
4 Illinois Law Enforcement Training Standards Board shall  
5 review the verified complaint and determine whether the  
6 verified complaint is frivolous and without merit, or  
7 whether further investigation is warranted. The Illinois  
8 Law Enforcement Training Standards Board shall notify the  
9 officer and the Executive Director of the Illinois Labor  
10 Relations Board State Panel of the filing of the complaint  
11 and any action taken thereon. If the Executive Director of  
12 the Illinois Law Enforcement Training Standards Board  
13 determines that the verified complaint is frivolous and  
14 without merit, it shall be dismissed. The Executive  
15 Director of the Illinois Law Enforcement Training  
16 Standards Board has sole discretion to make this  
17 determination and this decision is not subject to appeal.

18 (i) If the Executive Director of the Illinois Law  
19 Enforcement Training Standards Board determines that the  
20 verified complaint warrants further investigation, he or she  
21 shall refer the matter to a task force of investigators created  
22 for this purpose. This task force shall consist of 8 sworn  
23 police officers: 2 from the Illinois State Police, 2 from the  
24 City of Chicago Police Department, 2 from county police  
25 departments, and 2 from municipal police departments. These  
26 investigators shall have a minimum of 5 years of experience in



1 conducting criminal investigations. The investigators shall be  
2 appointed by the Executive Director of the Illinois Law  
3 Enforcement Training Standards Board. Any officer or officers  
4 acting in this capacity pursuant to this statutory provision  
5 will have statewide police authority while acting in this  
6 investigative capacity. Their salaries and expenses for the  
7 time spent conducting investigations under this paragraph  
8 shall be reimbursed by the Illinois Law Enforcement Training  
9 Standards Board.

10 (j) Once the Executive Director of the Illinois Law  
11 Enforcement Training Standards Board has determined that an  
12 investigation is warranted, the verified complaint shall be  
13 assigned to an investigator or investigators. The investigator  
14 or investigators shall conduct an investigation of the verified  
15 complaint and shall write a report of his or her findings. This  
16 report shall be submitted to the Executive Director of the  
17 Illinois Labor Relations Board State Panel.

18 Within 30 days, the Executive Director of the Illinois  
19 Labor Relations Board State Panel shall review the  
20 investigative report and determine whether sufficient evidence  
21 exists to conduct an evidentiary hearing on the verified  
22 complaint. If the Executive Director of the Illinois Labor  
23 Relations Board State Panel determines upon his or her review  
24 of the investigatory report that a hearing should not be  
25 conducted, the complaint shall be dismissed. This decision is  
26 in the Executive Director's sole discretion, and this dismissal

1 may not be appealed.

2 If the Executive Director of the Illinois Labor Relations  
3 Board State Panel determines that there is sufficient evidence  
4 to warrant a hearing, a hearing shall be ordered on the  
5 verified complaint, to be conducted by an administrative law  
6 judge employed by the Illinois Labor Relations Board State  
7 Panel. The Executive Director of the Illinois Labor Relations  
8 Board State Panel shall inform the Executive Director of the  
9 Illinois Law Enforcement Training Standards Board and the  
10 person who filed the complaint of either the dismissal of the  
11 complaint or the issuance of the complaint for hearing. The  
12 Executive Director shall assign the complaint to the  
13 administrative law judge within 30 days of the decision  
14 granting a hearing.

15 (k) In the case of a finding of guilt on the offense of  
16 murder, if a new trial is granted on direct appeal, or a state  
17 post-conviction evidentiary hearing is ordered, based on a  
18 claim that a police officer, under oath, knowingly and  
19 willfully made false statements as to a material fact going to  
20 an element of the offense of murder, the Illinois Labor  
21 Relations Board State Panel shall hold a hearing to determine  
22 whether the officer should be decertified if an interested  
23 party requests such a hearing within 2 years of the court's  
24 decision. The complaint shall be assigned to an administrative  
25 law judge within 30 days so that a hearing can be scheduled.

26 At the hearing, the accused officer shall be afforded the

1 opportunity to:

2 (1) Be represented by counsel of his or her own  
3 choosing;

4 (2) Be heard in his or her own defense;

5 (3) Produce evidence in his or her defense;

6 (4) Request that the Illinois Labor Relations Board  
7 State Panel compel the attendance of witnesses and  
8 production of related documents including but not limited  
9 to court documents and records.

10 Once a case has been set for hearing, the verified  
11 complaint shall be referred to the Department of Professional  
12 Regulation. That office shall prosecute the verified complaint  
13 at the hearing before the administrative law judge. The  
14 Department of Professional Regulation shall have the  
15 opportunity to produce evidence to support the verified  
16 complaint and to request the Illinois Labor Relations Board  
17 State Panel to compel the attendance of witnesses and the  
18 production of related documents, including, but not limited to,  
19 court documents and records. The Illinois Labor Relations Board  
20 State Panel shall have the power to issue subpoenas requiring  
21 the attendance of and testimony of witnesses and the production  
22 of related documents including, but not limited to, court  
23 documents and records and shall have the power to administer  
24 oaths.

25 The administrative law judge shall have the responsibility  
26 of receiving into evidence relevant testimony and documents,

1 including court records, to support or disprove the allegations  
2 made by the person filing the verified complaint and, at the  
3 close of the case, hear arguments. If the administrative law  
4 judge finds that there is not clear and convincing evidence to  
5 support the verified complaint that the police officer has,  
6 while under oath, knowingly and willfully made false statements  
7 as to a material fact going to an element of the offense of  
8 murder, the administrative law judge shall make a written  
9 recommendation of dismissal to the Illinois Labor Relations  
10 Board State Panel. If the administrative law judge finds that  
11 there is clear and convincing evidence that the police officer  
12 has, while under oath, knowingly and willfully made false  
13 statements as to a material fact that goes to an element of the  
14 offense of murder, the administrative law judge shall make a  
15 written recommendation so concluding to the Illinois Labor  
16 Relations Board State Panel. The hearings shall be transcribed.  
17 The Executive Director of the Illinois Law Enforcement Training  
18 Standards Board shall be informed of the administrative law  
19 judge's recommended findings and decision and the Illinois  
20 Labor Relations Board State Panel's subsequent review of the  
21 recommendation.

22 (1) An officer named in any complaint filed pursuant to  
23 this Act shall be indemnified for his or her reasonable  
24 attorney's fees and costs by his or her employer. These fees  
25 shall be paid in a regular and timely manner. The State, upon  
26 application by the public employer, shall reimburse the public

1 employer for the accused officer's reasonable attorney's fees  
2 and costs. At no time and under no circumstances will the  
3 accused officer be required to pay his or her own reasonable  
4 attorney's fees or costs.

5 (m) The accused officer shall not be placed on unpaid  
6 status because of the filing or processing of the verified  
7 complaint until there is a final non-appealable order  
8 sustaining his or her guilt and his or her certification is  
9 revoked. Nothing in this Act, however, restricts the public  
10 employer from pursuing discipline against the officer in the  
11 normal course and under procedures then in place.

12 (n) The Illinois Labor Relations Board State Panel shall  
13 review the administrative law judge's recommended decision and  
14 order and determine by a majority vote whether or not there was  
15 clear and convincing evidence that the accused officer, while  
16 under oath, knowingly and willfully made false statements as to  
17 a material fact going to the offense of murder. Within 30 days  
18 of service of the administrative law judge's recommended  
19 decision and order, the parties may file exceptions to the  
20 recommended decision and order and briefs in support of their  
21 exceptions with the Illinois Labor Relations Board State Panel.  
22 The parties may file responses to the exceptions and briefs in  
23 support of the responses no later than 15 days after the  
24 service of the exceptions. If exceptions are filed by any of  
25 the parties, the Illinois Labor Relations Board State Panel  
26 shall review the matter and make a finding to uphold, vacate,

1 or modify the recommended decision and order. If the Illinois  
2 Labor Relations Board State Panel concludes that there is clear  
3 and convincing evidence that the accused officer, while under  
4 oath, knowingly and willfully made false statements as to a  
5 material fact going to an element of the offense murder, the  
6 Illinois Labor Relations Board State Panel shall inform the  
7 Illinois Law Enforcement Training Standards Board and the  
8 Illinois Law Enforcement Training Standards Board shall revoke  
9 the accused officer's certification. If the accused officer  
10 appeals that determination to the Appellate Court, as provided  
11 by this Act, he or she may petition the Appellate Court to stay  
12 the revocation of his or her certification pending the court's  
13 review of the matter.

14 (o) None of the Illinois Labor Relations Board State  
15 Panel's findings or determinations shall set any precedent in  
16 any of its decisions decided pursuant to the Illinois Public  
17 Labor Relations Act by the Illinois Labor Relations Board State  
18 Panel or the courts.

19 (p) A party aggrieved by the final order of the Illinois  
20 Labor Relations Board State Panel may apply for and obtain  
21 judicial review of an order of the Illinois Labor Relations  
22 Board State Panel, in accordance with the provisions of the  
23 Administrative Review Law, except that such judicial review  
24 shall be afforded directly in the Appellate Court for the  
25 district in which the accused officer resides. Any direct  
26 appeal to the Appellate Court shall be filed within 35 days

1 from the date that a copy of the decision sought to be reviewed  
2 was served upon the party affected by the decision.

3 (q) Interested parties. Only interested parties to the  
4 criminal prosecution in which the police officer allegedly,  
5 while under oath, knowingly and willfully made false statements  
6 as to a material fact going to an element of the offense of  
7 murder may file a verified complaint pursuant to this Section.  
8 For purposes of this Section, "interested parties" shall be  
9 limited to the defendant and any police officer who has  
10 personal knowledge that the police officer who is the subject  
11 of the complaint has, while under oath, knowingly and willfully  
12 made false statements as to a material fact going to an element  
13 of the offense of murder.

14 (r) Semi-annual reports. The Executive Director of the  
15 Illinois Labor Relations Board shall submit semi-annual  
16 reports to the Governor, President, and Minority Leader of the  
17 Senate, and to the Speaker and Minority Leader of the House of  
18 Representatives beginning on June 30, 2004, indicating:

19 (1) the number of verified complaints received since  
20 the date of the last report;

21 (2) the number of investigations initiated since the  
22 date of the last report;

23 (3) the number of investigations concluded since the  
24 date of the last report;

25 (4) the number of investigations pending as of the  
26 reporting date;

1           (5) the number of hearings held since the date of the  
2           last report; and

3           (6) the number of officers decertified since the date  
4           of the last report.

5           (Source: P.A. 93-605, eff. 11-19-03; 93-655, eff. 1-20-04.)

6           Section 940. The Illinois Municipal Code is amended by  
7           changing Sections 10-1-7 and 10-2.1-6 as follows:

8           (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

9           Sec. 10-1-7. Examination of applicants; disqualifications.

10          (a) All applicants for offices or places in the classified  
11          service, except those mentioned in Section 10-1-17, are subject  
12          to examination. The examination shall be public, competitive,  
13          and open to all citizens of the United States, with specified  
14          limitations as to residence, age, health, habits and moral  
15          character.

16          (b) Residency requirements in effect at the time an  
17          individual enters the fire or police service of a municipality  
18          (other than a municipality that has more than 1,000,000  
19          inhabitants) cannot be made more restrictive for that  
20          individual during his or her period of service for that  
21          municipality, or be made a condition of promotion, except for  
22          the rank or position of Fire or Police Chief.

23          (c) No person with a record of misdemeanor convictions  
24          except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,



1 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,  
2 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,  
3 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a)(1) and  
4 (a)(2)(C) of Section 11-14.3, and subsections (1), (6) and (8)  
5 of Section 24-1 of the Criminal Code of 1961 or arrested for  
6 any cause but not convicted on that cause shall be disqualified  
7 from taking the examination on grounds of habits or moral  
8 character, unless the person is attempting to qualify for a  
9 position on the police department, in which case the conviction  
10 or arrest may be considered as a factor in determining the  
11 person's habits or moral character.

12 (d) Persons entitled to military preference under Section  
13 10-1-16 shall not be subject to limitations specifying age  
14 unless they are applicants for a position as a fireman or a  
15 policeman having no previous employment status as a fireman or  
16 policeman in the regularly constituted fire or police  
17 department of the municipality, in which case they must not  
18 have attained their 35th birthday, except any person who has  
19 served as an auxiliary police officer under Section 3.1-30-20  
20 for at least 5 years and is under 40 years of age.

21 (e) All employees of a municipality of less than 500,000  
22 population (except those who would be excluded from the  
23 classified service as provided in this Division 1) who are  
24 holding that employment as of the date a municipality adopts  
25 this Division 1, or as of July 17, 1959, whichever date is the  
26 later, and who have held that employment for at least 2 years

1 immediately before that later date, and all firemen and  
2 policemen regardless of length of service who were either  
3 appointed to their respective positions by the board of fire  
4 and police commissioners under the provisions of Division 2 of  
5 this Article or who are serving in a position (except as a  
6 temporary employee) in the fire or police department in the  
7 municipality on the date a municipality adopts this Division 1,  
8 or as of July 17, 1959, whichever date is the later, shall  
9 become members of the classified civil service of the  
10 municipality without examination.

11 (f) The examinations shall be practical in their character,  
12 and shall relate to those matters that will fairly test the  
13 relative capacity of the persons examined to discharge the  
14 duties of the positions to which they seek to be appointed. The  
15 examinations shall include tests of physical qualifications,  
16 health, and (when appropriate) manual skill. If an applicant is  
17 unable to pass the physical examination solely as the result of  
18 an injury received by the applicant as the result of the  
19 performance of an act of duty while working as a temporary  
20 employee in the position for which he or she is being examined,  
21 however, the physical examination shall be waived and the  
22 applicant shall be considered to have passed the examination.  
23 No questions in any examination shall relate to political or  
24 religious opinions or affiliations. Results of examinations  
25 and the eligible registers prepared from the results shall be  
26 published by the commission within 60 days after any

1 examinations are held.

2 (g) The commission shall control all examinations, and may,  
3 whenever an examination is to take place, designate a suitable  
4 number of persons, either in or not in the official service of  
5 the municipality, to be examiners. The examiners shall conduct  
6 the examinations as directed by the commission and shall make a  
7 return or report of the examinations to the commission. If the  
8 appointed examiners are in the official service of the  
9 municipality, the examiners shall not receive extra  
10 compensation for conducting the examinations. The commission  
11 may at any time substitute any other person, whether or not in  
12 the service of the municipality, in the place of any one  
13 selected as an examiner. The commission members may themselves  
14 at any time act as examiners without appointing examiners. The  
15 examiners at any examination shall not all be members of the  
16 same political party.

17 (h) In municipalities of 500,000 or more population, no  
18 person who has attained his or her 35th birthday shall be  
19 eligible to take an examination for a position as a fireman or  
20 a policeman unless the person has had previous employment  
21 status as a policeman or fireman in the regularly constituted  
22 police or fire department of the municipality, except as  
23 provided in this Section.

24 (i) In municipalities of more than 5,000 but not more than  
25 200,000 inhabitants, no person who has attained his or her 35th  
26 birthday shall be eligible to take an examination for a

1 position as a fireman or a policeman unless the person has had  
2 previous employment status as a policeman or fireman in the  
3 regularly constituted police or fire department of the  
4 municipality, except as provided in this Section.

5 (j) In all municipalities, applicants who are 20 years of  
6 age and who have successfully completed 2 years of law  
7 enforcement studies at an accredited college or university may  
8 be considered for appointment to active duty with the police  
9 department. An applicant described in this subsection (j) who  
10 is appointed to active duty shall not have power of arrest, nor  
11 shall the applicant be permitted to carry firearms, until he or  
12 she reaches 21 years of age.

13 (k) In municipalities of more than 500,000 population,  
14 applications for examination for and appointment to positions  
15 as firefighters or police shall be made available at various  
16 branches of the public library of the municipality.

17 (l) No municipality having a population less than 1,000,000  
18 shall require that any fireman appointed to the lowest rank  
19 serve a probationary employment period of longer than one year.  
20 The limitation on periods of probationary employment provided  
21 in this amendatory Act of 1989 is an exclusive power and  
22 function of the State. Pursuant to subsection (h) of Section 6  
23 of Article VII of the Illinois Constitution, a home rule  
24 municipality having a population less than 1,000,000 must  
25 comply with this limitation on periods of probationary  
26 employment, which is a denial and limitation of home rule

1 powers. Notwithstanding anything to the contrary in this  
2 Section, the probationary employment period limitation may be  
3 extended for a firefighter who is required, as a condition of  
4 employment, to be a certified paramedic, during which time the  
5 sole reason that a firefighter may be discharged without a  
6 hearing is for failing to meet the requirements for paramedic  
7 certification.

8 (Source: P.A. 94-135, eff. 7-7-05; 94-984, eff. 6-30-06.)

9 (65 ILCS 5/10-2.1-6) (from Ch. 24, par. 10-2.1-6)

10 Sec. 10-2.1-6. Examination of applicants;  
11 disqualifications.

12 (a) All applicants for a position in either the fire or  
13 police department of the municipality shall be under 35 years  
14 of age, shall be subject to an examination that shall be  
15 public, competitive, and open to all applicants (unless the  
16 council or board of trustees by ordinance limit applicants to  
17 electors of the municipality, county, state or nation) and  
18 shall be subject to reasonable limitations as to residence,  
19 health, habits, and moral character. The municipality may not  
20 charge or collect any fee from an applicant who has met all  
21 prequalification standards established by the municipality for  
22 any such position. With respect to a police department, a  
23 veteran shall be allowed to exceed the maximum age provision of  
24 this Section by the number of years served on active military  
25 duty, but by no more than 10 years of active military duty.

1 (b) Residency requirements in effect at the time an  
2 individual enters the fire or police service of a municipality  
3 (other than a municipality that has more than 1,000,000  
4 inhabitants) cannot be made more restrictive for that  
5 individual during his period of service for that municipality,  
6 or be made a condition of promotion, except for the rank or  
7 position of Fire or Police Chief.

8 (c) No person with a record of misdemeanor convictions  
9 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,  
10 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,  
11 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,  
12 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a)(1) and  
13 (a)(2)(C) of Section 11-14.3, and subsections (1), (6) and (8)  
14 of Section 24-1 of the Criminal Code of 1961 or arrested for  
15 any cause but not convicted on that cause shall be disqualified  
16 from taking the examination to qualify for a position in the  
17 fire department on grounds of habits or moral character.

18 (d) The age limitation in subsection (a) does not apply (i)  
19 to any person previously employed as a policeman or fireman in  
20 a regularly constituted police or fire department of (I) any  
21 municipality, regardless of whether the municipality is  
22 located in Illinois or in another state, or (II) a fire  
23 protection district whose obligations were assumed by a  
24 municipality under Section 21 of the Fire Protection District  
25 Act, (ii) to any person who has served a municipality as a  
26 regularly enrolled volunteer fireman for 5 years immediately

1 preceding the time that municipality begins to use full time  
2 firemen to provide all or part of its fire protection service,  
3 or (iii) to any person who has served as an auxiliary police  
4 officer under Section 3.1-30-20 for at least 5 years and is  
5 under 40 years of age, (iv) to any person who has served as a  
6 deputy under Section 3-6008 of the Counties Code and otherwise  
7 meets necessary training requirements, or (v) to any person who  
8 has served as a sworn officer as a member of the Illinois  
9 Department of State Police.

10 (e) Applicants who are 20 years of age and who have  
11 successfully completed 2 years of law enforcement studies at an  
12 accredited college or university may be considered for  
13 appointment to active duty with the police department. An  
14 applicant described in this subsection (e) who is appointed to  
15 active duty shall not have power of arrest, nor shall the  
16 applicant be permitted to carry firearms, until he or she  
17 reaches 21 years of age.

18 (f) Applicants who are 18 years of age and who have  
19 successfully completed 2 years of study in fire techniques,  
20 amounting to a total of 4 high school credits, within the cadet  
21 program of a municipality may be considered for appointment to  
22 active duty with the fire department of any municipality.

23 (g) The council or board of trustees may by ordinance  
24 provide that persons residing outside the municipality are  
25 eligible to take the examination.

26 (h) The examinations shall be practical in character and

1 relate to those matters that will fairly test the capacity of  
2 the persons examined to discharge the duties of the positions  
3 to which they seek appointment. No person shall be appointed to  
4 the police or fire department if he or she does not possess a  
5 high school diploma or an equivalent high school education. A  
6 board of fire and police commissioners may, by its rules,  
7 require police applicants to have obtained an associate's  
8 degree or a bachelor's degree as a prerequisite for employment.  
9 The examinations shall include tests of physical  
10 qualifications and health. A board of fire and police  
11 commissioners may, by its rules, waive portions of the required  
12 examination for police applicants who have previously been  
13 full-time sworn officers of a regular police department in any  
14 municipal, county, university, or State law enforcement  
15 agency, provided they are certified by the Illinois Law  
16 Enforcement Training Standards Board and have been with their  
17 respective law enforcement agency within the State for at least  
18 2 years. No person shall be appointed to the police or fire  
19 department if he or she has suffered the amputation of any limb  
20 unless the applicant's duties will be only clerical or as a  
21 radio operator. No applicant shall be examined concerning his  
22 or her political or religious opinions or affiliations. The  
23 examinations shall be conducted by the board of fire and police  
24 commissioners of the municipality as provided in this Division  
25 2.1.

26 (i) No person who is classified by his local selective



1 service draft board as a conscientious objector, or who has  
2 ever been so classified, may be appointed to the police  
3 department.

4 (j) No person shall be appointed to the police or fire  
5 department unless he or she is a person of good character and  
6 not an habitual drunkard, gambler, or a person who has been  
7 convicted of a felony or a crime involving moral turpitude. No  
8 person, however, shall be disqualified from appointment to the  
9 fire department because of his or her record of misdemeanor  
10 convictions except those under Sections 11-1.50, 11-6, 11-7,  
11 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2,  
12 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,  
13 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8,  
14 subdivisions (a)(1) and (a)(2)(C) of Section 11-14.3, and  
15 subsections (1), (6) and (8) of Section 24-1 of the Criminal  
16 Code of 1961 or arrest for any cause without conviction on that  
17 cause. Any such person who is in the department may be removed  
18 on charges brought and after a trial as provided in this  
19 Division 2.1.

20 (Source: P.A. 95-165, eff. 1-1-08; 95-931, eff. 1-1-09; 96-472,  
21 eff. 8-14-09.)

22 Section 945. The Fire Protection District Act is amended by  
23 changing Section 16.06 as follows:

24 (70 ILCS 705/16.06) (from Ch. 127 1/2, par. 37.06)

1           Sec. 16.06. Eligibility for positions in fire department;  
2           disqualifications.

3           (a) All applicants for a position in the fire department of  
4           the fire protection district shall be under 35 years of age and  
5           shall be subjected to examination, which shall be public,  
6           competitive, and free to all applicants, subject to reasonable  
7           limitations as to health, habits, and moral character; provided  
8           that the foregoing age limitation shall not apply in the case  
9           of any person having previous employment status as a fireman in  
10          a regularly constituted fire department of any fire protection  
11          district, and further provided that each fireman or fire chief  
12          who is a member in good standing in a regularly constituted  
13          fire department of any municipality which shall be or shall  
14          have subsequently been included within the boundaries of any  
15          fire protection district now or hereafter organized shall be  
16          given a preference for original appointment in the same class,  
17          grade or employment over all other applicants. The examinations  
18          shall be practical in their character and shall relate to those  
19          matters which will fairly test the persons examined as to their  
20          relative capacity to discharge the duties of the positions to  
21          which they seek appointment. The examinations shall include  
22          tests of physical qualifications and health. No applicant,  
23          however, shall be examined concerning his political or  
24          religious opinions or affiliations. The examinations shall be  
25          conducted by the board of fire commissioners.

26          In any fire protection district that employs full-time

1 firefighters and is subject to a collective bargaining  
2 agreement, a person who has not qualified for regular  
3 appointment under the provisions of this Section shall not be  
4 used as a temporary or permanent substitute for certificated  
5 members of a fire district's fire department or for regular  
6 appointment as a certificated member of a fire district's fire  
7 department unless mutually agreed to by the employee's  
8 certified bargaining agent. Such agreement shall be considered  
9 a permissive subject of bargaining. Fire protection districts  
10 covered by the changes made by this amendatory Act of the 95th  
11 General Assembly that are using non-certificated employees as  
12 substitutes immediately prior to the effective date of this  
13 amendatory Act of the 95th General Assembly may, by mutual  
14 agreement with the certified bargaining agent, continue the  
15 existing practice or a modified practice and that agreement  
16 shall be considered a permissive subject of bargaining.

17 (b) No person shall be appointed to the fire department  
18 unless he or she is a person of good character and not a person  
19 who has been convicted of a felony in Illinois or convicted in  
20 another jurisdiction for conduct that would be a felony under  
21 Illinois law, or convicted of a crime involving moral  
22 turpitude. No person, however, shall be disqualified from  
23 appointment to the fire department because of his or her record  
24 of misdemeanor convictions, except those under Sections  
25 11-1.50, 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19,  
26 11-30, 11-35, 12-2, 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1,

1 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3,  
2 32-4, and 32-8, subdivisions (a)(1) and (a)(2)(C) of Section  
3 11-14.3, and subsections (1), (6), and (8) of Section 24-1 of  
4 the Criminal Code of 1961.

5 (Source: P.A. 95-490, eff. 6-1-08.)

6 Section 950. The Park District Code is amended by changing  
7 Section 8-23 as follows:

8 (70 ILCS 1205/8-23)

9 Sec. 8-23. Criminal background investigations.

10 (a) An applicant for employment with a park district is  
11 required as a condition of employment to authorize an  
12 investigation to determine if the applicant has been convicted  
13 of any of the enumerated criminal or drug offenses in  
14 subsection (c) of this Section or has been convicted, within 7  
15 years of the application for employment with the park district,  
16 of any other felony under the laws of this State or of any  
17 offense committed or attempted in any other state or against  
18 the laws of the United States that, if committed or attempted  
19 in this State, would have been punishable as a felony under the  
20 laws of this State. Authorization for the investigation shall  
21 be furnished by the applicant to the park district. Upon  
22 receipt of this authorization, the park district shall submit  
23 the applicant's name, sex, race, date of birth, and social  
24 security number to the Department of State Police on forms

1 prescribed by the Department of State Police. The Department of  
2 State Police shall conduct a search of the Illinois criminal  
3 history records database to ascertain if the applicant being  
4 considered for employment has been convicted of committing or  
5 attempting to commit any of the enumerated criminal or drug  
6 offenses in subsection (c) of this Section or has been  
7 convicted of committing or attempting to commit, within 7 years  
8 of the application for employment with the park district, any  
9 other felony under the laws of this State. The Department of  
10 State Police shall charge the park district a fee for  
11 conducting the investigation, which fee shall be deposited in  
12 the State Police Services Fund and shall not exceed the cost of  
13 the inquiry. The applicant shall not be charged a fee by the  
14 park district for the investigation.

15 (b) If the search of the Illinois criminal history record  
16 database indicates that the applicant has been convicted of  
17 committing or attempting to commit any of the enumerated  
18 criminal or drug offenses in subsection (c) or has been  
19 convicted of committing or attempting to commit, within 7 years  
20 of the application for employment with the park district, any  
21 other felony under the laws of this State, the Department of  
22 State Police and the Federal Bureau of Investigation shall  
23 furnish, pursuant to a fingerprint based background check,  
24 records of convictions, until expunged, to the president of the  
25 park district. Any information concerning the record of  
26 convictions obtained by the president shall be confidential and

1 may only be transmitted to those persons who are necessary to  
2 the decision on whether to hire the applicant for employment. A  
3 copy of the record of convictions obtained from the Department  
4 of State Police shall be provided to the applicant for  
5 employment. Any person who releases any confidential  
6 information concerning any criminal convictions of an  
7 applicant for employment shall be guilty of a Class A  
8 misdemeanor, unless the release of such information is  
9 authorized by this Section.

10 (c) No park district shall knowingly employ a person who  
11 has been convicted for committing attempted first degree murder  
12 or for committing or attempting to commit first degree murder,  
13 a Class X felony, or any one or more of the following offenses:  
14 (i) those defined in Sections 11-1.20, 11-1.30, 11-1.40,  
15 11-1.50, 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15,  
16 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,  
17 11-20.1, 11-20.1B, 11-20.3, 11-21, 11-30, 12-13, 12-14,  
18 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961; (ii)  
19 those defined in the Cannabis Control Act, except those defined  
20 in Sections 4(a), 4(b), and 5(a) of that Act; (iii) those  
21 defined in the Illinois Controlled Substances Act; (iv) those  
22 defined in the Methamphetamine Control and Community  
23 Protection Act; and (v) any offense committed or attempted in  
24 any other state or against the laws of the United States,  
25 which, if committed or attempted in this State, would have been  
26 punishable as one or more of the foregoing offenses. Further,

1 no park district shall knowingly employ a person who has been  
2 found to be the perpetrator of sexual or physical abuse of any  
3 minor under 18 years of age pursuant to proceedings under  
4 Article II of the Juvenile Court Act of 1987. No park district  
5 shall knowingly employ a person for whom a criminal background  
6 investigation has not been initiated.

7 (Source: P.A. 93-418, eff. 1-1-04; 94-556, eff. 9-11-05.)

8 Section 955. The Chicago Park District Act is amended by  
9 changing Section 16a-5 as follows:

10 (70 ILCS 1505/16a-5)

11 Sec. 16a-5. Criminal background investigations.

12 (a) An applicant for employment with the Chicago Park  
13 District is required as a condition of employment to authorize  
14 an investigation to determine if the applicant has been  
15 convicted of any of the enumerated criminal or drug offenses in  
16 subsection (c) of this Section or has been convicted, within 7  
17 years of the application for employment with the Chicago Park  
18 District, of any other felony under the laws of this State or  
19 of any offense committed or attempted in any other state or  
20 against the laws of the United States that, if committed or  
21 attempted in this State, would have been punishable as a felony  
22 under the laws of this State. Authorization for the  
23 investigation shall be furnished by the applicant to the  
24 Chicago Park District. Upon receipt of this authorization, the

1 Chicago Park District shall submit the applicant's name, sex,  
2 race, date of birth, and social security number to the  
3 Department of State Police on forms prescribed by the  
4 Department of State Police. The Department of State Police  
5 shall conduct a search of the Illinois criminal history record  
6 information database to ascertain if the applicant being  
7 considered for employment has been convicted of committing or  
8 attempting to commit any of the enumerated criminal or drug  
9 offenses in subsection (c) of this Section or has been  
10 convicted, of committing or attempting to commit within 7 years  
11 of the application for employment with the Chicago Park  
12 District, any other felony under the laws of this State. The  
13 Department of State Police shall charge the Chicago Park  
14 District a fee for conducting the investigation, which fee  
15 shall be deposited in the State Police Services Fund and shall  
16 not exceed the cost of the inquiry. The applicant shall not be  
17 charged a fee by the Chicago Park District for the  
18 investigation.

19 (b) If the search of the Illinois criminal history record  
20 database indicates that the applicant has been convicted of  
21 committing or attempting to commit any of the enumerated  
22 criminal or drug offenses in subsection (c) or has been  
23 convicted of committing or attempting to commit, within 7 years  
24 of the application for employment with the Chicago Park  
25 District, any other felony under the laws of this State, the  
26 Department of State Police and the Federal Bureau of



1 Investigation shall furnish, pursuant to a fingerprint based  
2 background check, records of convictions, until expunged, to  
3 the General Superintendent and Chief Executive Officer of the  
4 Chicago Park District. Any information concerning the record of  
5 convictions obtained by the General Superintendent and Chief  
6 Executive Officer shall be confidential and may only be  
7 transmitted to those persons who are necessary to the decision  
8 on whether to hire the applicant for employment. A copy of the  
9 record of convictions obtained from the Department of State  
10 Police shall be provided to the applicant for employment. Any  
11 person who releases any confidential information concerning  
12 any criminal convictions of an applicant for employment shall  
13 be guilty of a Class A misdemeanor, unless the release of such  
14 information is authorized by this Section.

15 (c) The Chicago Park District may not knowingly employ a  
16 person who has been convicted for committing attempted first  
17 degree murder or for committing or attempting to commit first  
18 degree murder, a Class X felony, or any one or more of the  
19 following offenses: (i) those defined in Sections 11-1.20,  
20 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-9, 11-14,  
21 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19,  
22 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3, 11-21,  
23 11-30, 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal  
24 Code of 1961; (ii) those defined in the Cannabis Control Act,  
25 except those defined in Sections 4(a), 4(b), and 5(a) of that  
26 Act; (iii) those defined in the Illinois Controlled Substances

1 Act; (iv) those defined in the Methamphetamine Control and  
2 Community Protection Act; and (v) any offense committed or  
3 attempted in any other state or against the laws of the United  
4 States, which, if committed or attempted in this State, would  
5 have been punishable as one or more of the foregoing offenses.  
6 Further, the Chicago Park District may not knowingly employ a  
7 person who has been found to be the perpetrator of sexual or  
8 physical abuse of any minor under 18 years of age pursuant to  
9 proceedings under Article II of the Juvenile Court Act of 1987.  
10 The Chicago Park District may not knowingly employ a person for  
11 whom a criminal background investigation has not been  
12 initiated.

13 (Source: P.A. 93-418, eff. 1-1-04; 94-556, eff. 9-11-05.)

14 Section 960. The Metropolitan Transit Authority Act is  
15 amended by changing Section 28b as follows:

16 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

17 Sec. 28b. Any person applying for a position as a driver of  
18 a vehicle owned by a private carrier company which provides  
19 public transportation pursuant to an agreement with the  
20 Authority shall be required to authorize an investigation by  
21 the private carrier company to determine if the applicant has  
22 been convicted of any of the following offenses: (i) those  
23 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,  
24 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50,

1 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,  
2 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
3 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-4.3, 12-4.4,  
4 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15,  
5 12-16, 12-16.1, 18-1, 18-2, 20-1, 20-1.1, 31A-1, 31A-1.1, and  
6 33A-2, and in subsection (a) and subsection (b), clause (1), of  
7 Section 12-4 of the Criminal Code of 1961; (ii) those offenses  
8 defined in the Cannabis Control Act except those offenses  
9 defined in subsections (a) and (b) of Section 4, and subsection  
10 (a) of Section 5 of the Cannabis Control Act (iii) those  
11 offenses defined in the Illinois Controlled Substances Act;  
12 (iv) those offenses defined in the Methamphetamine Control and  
13 Community Protection Act; and (v) any offense committed or  
14 attempted in any other state or against the laws of the United  
15 States, which if committed or attempted in this State would be  
16 punishable as one or more of the foregoing offenses. Upon  
17 receipt of this authorization, the private carrier company  
18 shall submit the applicant's name, sex, race, date of birth,  
19 fingerprints and social security number to the Department of  
20 State Police on forms prescribed by the Department. The  
21 Department of State Police shall conduct an investigation to  
22 ascertain if the applicant has been convicted of any of the  
23 above enumerated offenses. The Department shall charge the  
24 private carrier company a fee for conducting the investigation,  
25 which fee shall be deposited in the State Police Services Fund  
26 and shall not exceed the cost of the inquiry; and the applicant

1 shall not be charged a fee for such investigation by the  
2 private carrier company. The Department of State Police shall  
3 furnish, pursuant to positive identification, records of  
4 convictions, until expunged, to the private carrier company  
5 which requested the investigation. A copy of the record of  
6 convictions obtained from the Department shall be provided to  
7 the applicant. Any record of conviction received by the private  
8 carrier company shall be confidential. Any person who releases  
9 any confidential information concerning any criminal  
10 convictions of an applicant shall be guilty of a Class A  
11 misdemeanor, unless authorized by this Section.

12 (Source: P.A. 94-556, eff. 9-11-05.)

13 Section 965. The School Code is amended by changing  
14 Sections 2-3.147, 10-22.39, 21-23a, 34-2.1, and 34-84b as  
15 follows:

16 (105 ILCS 5/2-3.147)

17 Sec. 2-3.147. The Ensuring Success in School Task Force.

18 (a) In this Section:

19 "Domestic violence" means abuse by a family or household  
20 member, as "abuse" and "family or household members" are  
21 defined in Section 103 of the Illinois Domestic Violence Act of  
22 1986.

23 "Sexual violence" means sexual assault, abuse, or stalking  
24 of an adult or minor child proscribed in the Criminal Code of

1 1961 in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
2 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14, 12-14.1, 12-15,  
3 and 12-16, including sexual violence committed by perpetrators  
4 who are strangers to the victim and sexual violence committed  
5 by perpetrators who are known or related by blood or marriage  
6 to the victim.

7 (b) The State Board of Education shall convene an Ensuring  
8 Success in School Task Force to develop policies, procedures,  
9 and protocols to be adopted by school districts for addressing  
10 the educational and related needs of children and youth who are  
11 parents, expectant parents, or victims of domestic or sexual  
12 violence to ensure their ability to stay in school, stay safe  
13 while in school, and successfully complete their education. The  
14 State Board of Education shall be the agency responsible for  
15 providing staff and administrative support to the task force.

16 (c) The Ensuring Success in School Task Force shall do all  
17 of the following:

18 (1) Conduct a thorough examination of the barriers to  
19 school attendance, safety, and completion for children and  
20 youth who are parents, expectant parents, or victims of  
21 domestic or sexual violence.

22 (2) Conduct a discovery process that includes relevant  
23 research and the identification of effective policies,  
24 protocols, and programs within this State and elsewhere.

25 (3) Conduct meetings and public hearings in  
26 geographically diverse locations throughout the State to

1 ensure the maximum input from area advocates and service  
2 providers, from local education agencies, and from  
3 children and youth who are parents, expectant parents, or  
4 victims of domestic or sexual violence and their parents or  
5 guardians.

6 (4) Establish and adhere to procedures and protocols to  
7 allow children and youth who are parents, expectant  
8 parents, or victims of domestic or sexual violence, their  
9 parents or guardians, and advocates who work on behalf of  
10 such children and youth to participate in the task force  
11 anonymously and confidentially.

12 (5) Invite the testimony of and confer with experts on  
13 relevant topics.

14 (6) Produce a report of the task force's findings on  
15 best practices and policies, which shall include a plan  
16 with a phased and prioritized implementation timetable  
17 with focus on ensuring the successful and safe completion  
18 of school for children and youth who are parents, expectant  
19 parents, or victims of domestic or sexual violence. The  
20 task force shall submit a report to the General Assembly on  
21 or before December 1, 2009 on its findings,  
22 recommendations, and implementation plan. Any task force  
23 reports shall be published on the State Board of  
24 Education's Internet website on the date the report is  
25 delivered to the General Assembly.

26 (7) Recommend new legislation or proposed rules

1 developed by the task force.

2 (d) The President of the Senate and the Speaker of the  
3 House of Representatives shall each appoint one co-chairperson  
4 of the Ensuring Success in School Task Force. In addition to  
5 the 2 co-chairpersons, the task force shall be comprised of  
6 each of the following members, appointed by the State Board of  
7 Education, and shall be representative of the geographic,  
8 racial, ethnic, and cultural diversity of this State:

9 (1) A representative of a statewide nonprofit,  
10 nongovernmental domestic violence organization.

11 (2) A domestic violence victims' advocate or service  
12 provider from a different nonprofit, nongovernmental  
13 domestic violence organization.

14 (3) A representative of a statewide nonprofit,  
15 nongovernmental sexual assault organization.

16 (4) A sexual assault victims' advocate or service  
17 provider from a different nonprofit, nongovernmental  
18 sexual assault organization.

19 (5) A teen parent advocate or service provider from a  
20 nonprofit, nongovernmental organization.

21 (6) A school social worker.

22 (7) A school psychologist.

23 (8) A school counselor.

24 (9) A representative of a statewide professional  
25 teachers' organization.

26 (10) A representative of a different statewide

1 professional teachers' organization.

2 (11) A representative of a statewide organization that  
3 represents school boards.

4 (12) A representative of a statewide organization  
5 representing principals.

6 (13) A representative of City of Chicago School  
7 District 299.

8 (14) A representative of a nonprofit, nongovernmental  
9 youth services provider.

10 (15) A representative of a statewide nonprofit,  
11 nongovernmental multi-issue advocacy organization with  
12 expertise in a cross-section of relevant issues.

13 (16) An alternative education service provider.

14 (17) A representative from a regional office of  
15 education.

16 (18) A truancy intervention services provider.

17 (19) A youth who is a parent or expectant parent  
18 directly affected by the issues, problems, and concerns of  
19 staying in school and successfully completing his or her  
20 education through high school.

21 (20) A youth who is a victim of domestic or sexual  
22 violence directly affected by the issues, problems, and  
23 concerns of staying in school and successfully completing  
24 his or her education.

25 (21) A parent or guardian of a child or youth who is a  
26 parent or expectant parent directly affected by the issues,



1 problems, and concerns of staying in school and  
2 successfully completing his or her education.

3 (22) A parent or guardian of a child or youth who is a  
4 victim of domestic or sexual violence directly affected by  
5 the issues, problems, and concerns of staying in school and  
6 successfully completing his or her education.

7 The task force shall also consist of one member appointed by  
8 the Minority Leader of the Senate, one member appointed by the  
9 Minority Leader of the House of Representatives, the State  
10 Superintendent of Education, the Secretary of Human Services,  
11 the Director of Healthcare and Family Services, the Director of  
12 Children and Family Services, and the Director of Public Health  
13 or their designees.

14 (e) Members of the Ensuring Success in School Task Force  
15 shall receive no compensation for their participation, but may  
16 be reimbursed by the State Board of Education for expenses in  
17 connection with their participation, including travel, if  
18 funds are available. However, members of the task force who are  
19 youth who are parents, expectant parents, or victims of  
20 domestic or sexual violence and the parents or guardians of  
21 such youth shall be reimbursed for their travel expenses  
22 connected to their participation in the task force.

23 (Source: P.A. 95-558, eff. 8-30-07; 95-876, eff. 8-21-08;  
24 96-364, eff. 8-13-09.)

25 (105 ILCS 5/10-22.39)

1           Sec. 10-22.39. In-service training programs.

2           (a) To conduct in-service training programs for teachers.

3           (b) In addition to other topics at in-service training  
4 programs, school guidance counselors, teachers, school social  
5 workers, and other school personnel who work with pupils in  
6 grades 7 through 12 shall be trained to identify the warning  
7 signs of suicidal behavior in adolescents and teens and shall  
8 be taught appropriate intervention and referral techniques.

9           (c) School guidance counselors, nurses, teachers and other  
10 school personnel who work with pupils may be trained to have a  
11 basic knowledge of matters relating to acquired  
12 immunodeficiency syndrome (AIDS), including the nature of the  
13 disease, its causes and effects, the means of detecting it and  
14 preventing its transmission, and the availability of  
15 appropriate sources of counseling and referral, and any other  
16 information that may be appropriate considering the age and  
17 grade level of such pupils. The School Board shall supervise  
18 such training. The State Board of Education and the Department  
19 of Public Health shall jointly develop standards for such  
20 training.

21           (d) In this subsection (d):

22           "Domestic violence" means abuse by a family or household  
23 member, as "abuse" and "family or household members" are  
24 defined in Section 103 of the Illinois Domestic Violence Act of  
25 1986.

26           "Sexual violence" means sexual assault, abuse, or stalking

1 of an adult or minor child proscribed in the Criminal Code of  
2 1961 in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
3 12-7.3, 12-7.4, 12-7.5, 12-12, 12-13, 12-14, 12-14.1, 12-15,  
4 and 12-16, including sexual violence committed by perpetrators  
5 who are strangers to the victim and sexual violence committed  
6 by perpetrators who are known or related by blood or marriage  
7 to the victim.

8 At least once every 2 years, an in-service training program  
9 for school personnel who work with pupils, including, but not  
10 limited to, school and school district administrators,  
11 teachers, school guidance counselors, school social workers,  
12 school counselors, school psychologists, and school nurses,  
13 must be conducted by persons with expertise in domestic and  
14 sexual violence and the needs of expectant and parenting youth  
15 and shall include training concerning (i) communicating with  
16 and listening to youth victims of domestic or sexual violence  
17 and expectant and parenting youth, (ii) connecting youth  
18 victims of domestic or sexual violence and expectant and  
19 parenting youth to appropriate in-school services and other  
20 agencies, programs, and services as needed, and (iii)  
21 implementing the school district's policies, procedures, and  
22 protocols with regard to such youth, including  
23 confidentiality. At a minimum, school personnel must be trained  
24 to understand, provide information and referrals, and address  
25 issues pertaining to youth who are parents, expectant parents,  
26 or victims of domestic or sexual violence.

1 (e) At least every 2 years, an in-service training program  
2 for school personnel who work with pupils must be conducted by  
3 persons with expertise in anaphylactic reactions and  
4 management.

5 (f) At least once every 2 years, a school board shall  
6 conduct in-service training on educator ethics,  
7 teacher-student conduct, and school employee-student conduct  
8 for all personnel.

9 (Source: P.A. 95-558, eff. 8-30-07; 96-349, eff. 8-13-09;  
10 96-431, eff. 8-13-09; 96-951, eff. 6-28-10; 96-1000, eff.  
11 7-2-10.)

12 (105 ILCS 5/21-23a) (from Ch. 122, par. 21-23a)

13 Sec. 21-23a. Conviction of certain offenses as grounds for  
14 revocation of certificate.

15 (a) Whenever the holder of any certificate issued pursuant  
16 to this Article has been convicted of any sex offense or  
17 narcotics offense as defined in this Section, the State  
18 Superintendent of Education shall forthwith suspend the  
19 certificate. If the conviction is reversed and the holder is  
20 acquitted of the offense in a new trial or the charges against  
21 him are dismissed, the suspending authority shall forthwith  
22 terminate the suspension of the certificate. When the  
23 conviction becomes final, the State Superintendent of  
24 Education shall forthwith revoke the certificate. "Sex  
25 offense" as used in this Section means any one or more of the

1 following offenses: (1) any offense defined in Sections 11-6,  
2 ~~and~~ 11-9 through 11-9.5, inclusive, and 11-30, Sections 11-14  
3 through 11-21, inclusive, Sections 11-23 (if punished as a  
4 Class 3 felony), 11-24, 11-25, and 11-26, and Sections 11-1.20,  
5 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14,  
6 12-14.1, 12-15, 12-16, 12-32, and 12-33 of the Criminal Code of  
7 1961; (2) any attempt to commit any of the foregoing offenses,  
8 and (3) any offense committed or attempted in any other state  
9 which, if committed or attempted in this State, would have been  
10 punishable as one or more of the foregoing offenses. "Narcotics  
11 offense" as used in this Section means any one or more of the  
12 following offenses: (1) any offense defined in the Cannabis  
13 Control Act, except those defined in Sections 4(a), 4(b) and  
14 5(a) of that Act and any offense for which the holder of any  
15 certificate is placed on probation under the provisions of  
16 Section 10 of that Act, provided that if the terms and  
17 conditions of probation required by the court are not  
18 fulfilled, the offense is not eligible for this exception; (2)  
19 any offense defined in the Illinois Controlled Substances Act,  
20 except any offense for which the holder of any certificate is  
21 placed on probation under the provisions of Section 410 of that  
22 Act, provided that if the terms and conditions of probation  
23 required by the court are not fulfilled, the offense is not  
24 eligible for this exception; (3) any offense defined in the  
25 Methamphetamine Control and Community Protection Act, except  
26 any offense for which the holder of any certificate is placed

1 on probation under the provision of Section 70 of that Act,  
2 provided that if the terms and conditions of probation required  
3 by the court are not fulfilled, the offense is not eligible for  
4 this exception; (4) any attempt to commit any of the foregoing  
5 offenses; and (5) any offense committed or attempted in any  
6 other state or against the laws of the United States which, if  
7 committed or attempted in this State, would have been  
8 punishable as one or more of the foregoing offenses. The  
9 changes made by this amendatory Act of the 96th General  
10 Assembly to the definition of "narcotics offense" in this  
11 subsection (a) are declaratory of existing law.

12 (b) Whenever the holder of a certificate issued pursuant to  
13 this Article has been convicted of first degree murder,  
14 attempted first degree murder, conspiracy to commit first  
15 degree murder, attempted conspiracy to commit first degree  
16 murder, or a Class X felony or any offense committed or  
17 attempted in any other state or against the laws of the United  
18 States that, if committed or attempted in this State, would  
19 have been punishable as one or more of the foregoing offenses,  
20 the State Superintendent of Education shall forthwith suspend  
21 the certificate. If the conviction is reversed and the holder  
22 is acquitted of that offense in a new trial or the charges that  
23 he or she committed that offense are dismissed, the State  
24 Superintendent of Education shall forthwith terminate the  
25 suspension of the certificate. When the conviction becomes  
26 final, the State Superintendent of Education shall forthwith

1 revoke the certificate.

2 (Source: P.A. 96-431, eff. 8-13-09.)

3 (105 ILCS 5/34-2.1) (from Ch. 122, par. 34-2.1)

4 Sec. 34-2.1. Local School Councils - Composition -  
5 Voter-Eligibility - Elections - Terms.

6 (a) A local school council shall be established for each  
7 attendance center within the school district. Each local school  
8 council shall consist of the following 12 voting members: the  
9 principal of the attendance center, 2 teachers employed and  
10 assigned to perform the majority of their employment duties at  
11 the attendance center, 6 parents of students currently enrolled  
12 at the attendance center, one employee of the school district  
13 employed and assigned to perform the majority of his or her  
14 employment duties at the attendance center who is not a  
15 teacher, and 2 community residents. Neither the parents nor the  
16 community residents who serve as members of the local school  
17 council shall be employees of the Board of Education. In each  
18 secondary attendance center, the local school council shall  
19 consist of 13 voting members -- the 12 voting members described  
20 above and one full-time student member, appointed as provided  
21 in subsection (m) below. In the event that the chief executive  
22 officer of the Chicago School Reform Board of Trustees  
23 determines that a local school council is not carrying out its  
24 financial duties effectively, the chief executive officer is  
25 authorized to appoint a representative of the business

1 community with experience in finance and management to serve as  
2 an advisor to the local school council for the purpose of  
3 providing advice and assistance to the local school council on  
4 fiscal matters. The advisor shall have access to relevant  
5 financial records of the local school council. The advisor may  
6 attend executive sessions. The chief executive officer shall  
7 issue a written policy defining the circumstances under which a  
8 local school council is not carrying out its financial duties  
9 effectively.

10 (b) Within 7 days of January 11, 1991, the Mayor shall  
11 appoint the members and officers (a Chairperson who shall be a  
12 parent member and a Secretary) of each local school council who  
13 shall hold their offices until their successors shall be  
14 elected and qualified. Members so appointed shall have all the  
15 powers and duties of local school councils as set forth in this  
16 amendatory Act of 1991. The Mayor's appointments shall not  
17 require approval by the City Council.

18 The membership of each local school council shall be  
19 encouraged to be reflective of the racial and ethnic  
20 composition of the student population of the attendance center  
21 served by the local school council.

22 (c) Beginning with the 1995-1996 school year and in every  
23 even-numbered year thereafter, the Board shall set second  
24 semester Parent Report Card Pick-up Day for Local School  
25 Council elections and may schedule elections at year-round  
26 schools for the same dates as the remainder of the school



1 system. Elections shall be conducted as provided herein by the  
2 Board of Education in consultation with the local school  
3 council at each attendance center.

4 (d) Beginning with the 1995-96 school year, the following  
5 procedures shall apply to the election of local school council  
6 members at each attendance center:

7 (i) The elected members of each local school council  
8 shall consist of the 6 parent members and the 2 community  
9 resident members.

10 (ii) Each elected member shall be elected by the  
11 eligible voters of that attendance center to serve for a  
12 two-year term commencing on July 1 immediately following  
13 the election described in subsection (c). Eligible voters  
14 for each attendance center shall consist of the parents and  
15 community residents for that attendance center.

16 (iii) Each eligible voter shall be entitled to cast one  
17 vote for up to a total of 5 candidates, irrespective of  
18 whether such candidates are parent or community resident  
19 candidates.

20 (iv) Each parent voter shall be entitled to vote in the  
21 local school council election at each attendance center in  
22 which he or she has a child currently enrolled. Each  
23 community resident voter shall be entitled to vote in the  
24 local school council election at each attendance center for  
25 which he or she resides in the applicable attendance area  
26 or voting district, as the case may be.

1           (v) Each eligible voter shall be entitled to vote once,  
2           but not more than once, in the local school council  
3           election at each attendance center at which the voter is  
4           eligible to vote.

5           (vi) The 2 teacher members and the non-teacher employee  
6           member of each local school council shall be appointed as  
7           provided in subsection (l) below each to serve for a  
8           two-year term coinciding with that of the elected parent  
9           and community resident members.

10          (vii) At secondary attendance centers, the voting  
11          student member shall be appointed as provided in subsection  
12          (m) below to serve for a one-year term coinciding with the  
13          beginning of the terms of the elected parent and community  
14          members of the local school council.

15          (e) The Council shall publicize the date and place of the  
16          election by posting notices at the attendance center, in public  
17          places within the attendance boundaries of the attendance  
18          center and by distributing notices to the pupils at the  
19          attendance center, and shall utilize such other means as it  
20          deems necessary to maximize the involvement of all eligible  
21          voters.

22          (f) Nomination. The Council shall publicize the opening of  
23          nominations by posting notices at the attendance center, in  
24          public places within the attendance boundaries of the  
25          attendance center and by distributing notices to the pupils at  
26          the attendance center, and shall utilize such other means as it

1 deems necessary to maximize the involvement of all eligible  
2 voters. Not less than 2 weeks before the election date, persons  
3 eligible to run for the Council shall submit their name, date  
4 of birth, social security number, if available, and some  
5 evidence of eligibility to the Council. The Council shall  
6 encourage nomination of candidates reflecting the  
7 racial/ethnic population of the students at the attendance  
8 center. Each person nominated who runs as a candidate shall  
9 disclose, in a manner determined by the Board, any economic  
10 interest held by such person, by such person's spouse or  
11 children, or by each business entity in which such person has  
12 an ownership interest, in any contract with the Board, any  
13 local school council or any public school in the school  
14 district. Each person nominated who runs as a candidate shall  
15 also disclose, in a manner determined by the Board, if he or  
16 she ever has been convicted of any of the offenses specified in  
17 subsection (c) of Section 34-18.5; provided that neither this  
18 provision nor any other provision of this Section shall be  
19 deemed to require the disclosure of any information that is  
20 contained in any law enforcement record or juvenile court  
21 record that is confidential or whose accessibility or  
22 disclosure is restricted or prohibited under Section 5-901 or  
23 5-905 of the Juvenile Court Act of 1987. Failure to make such  
24 disclosure shall render a person ineligible for election or to  
25 serve on the local school council. The same disclosure shall be  
26 required of persons under consideration for appointment to the

1 Council pursuant to subsections (l) and (m) of this Section.

2 (f-5) Notwithstanding disclosure, a person who has been  
3 convicted of any of the following offenses at any time shall be  
4 ineligible for election or appointment to a local school  
5 council and ineligible for appointment to a local school  
6 council pursuant to subsections (l) and (m) of this Section:  
7 (i) those defined in Section 11-1.20, 11-1.30, 11-1.40,  
8 11-1.50, 11-1.60, 11-6, 11-9.1, 11-14.4, 11-16, 11-17.1,  
9 11-19, 11-19.1, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13,  
10 12-14, 12-14.1, 12-15, or 12-16, or subdivision (a)(2) of  
11 Section 11-14.3, of the Criminal Code of 1961 or (ii) any  
12 offense committed or attempted in any other state or against  
13 the laws of the United States, which, if committed or attempted  
14 in this State, would have been punishable as one or more of the  
15 foregoing offenses. Notwithstanding disclosure, a person who  
16 has been convicted of any of the following offenses within the  
17 10 years previous to the date of nomination or appointment  
18 shall be ineligible for election or appointment to a local  
19 school council: (i) those defined in Section 401.1, 405.1, or  
20 405.2 of the Illinois Controlled Substances Act or (ii) any  
21 offense committed or attempted in any other state or against  
22 the laws of the United States, which, if committed or attempted  
23 in this State, would have been punishable as one or more of the  
24 foregoing offenses.

25 Immediately upon election or appointment, incoming local  
26 school council members shall be required to undergo a criminal

1 background investigation, to be completed prior to the member  
2 taking office, in order to identify any criminal convictions  
3 under the offenses enumerated in Section 34-18.5. The  
4 investigation shall be conducted by the Department of State  
5 Police in the same manner as provided for in Section 34-18.5.  
6 However, notwithstanding Section 34-18.5, the social security  
7 number shall be provided only if available. If it is determined  
8 at any time that a local school council member or member-elect  
9 has been convicted of any of the offenses enumerated in this  
10 Section or failed to disclose a conviction of any of the  
11 offenses enumerated in Section 34-18.5, the general  
12 superintendent shall notify the local school council member or  
13 member-elect of such determination and the local school council  
14 member or member-elect shall be removed from the local school  
15 council by the Board, subject to a hearing, convened pursuant  
16 to Board rule, prior to removal.

17 (g) At least one week before the election date, the Council  
18 shall publicize, in the manner provided in subsection (e), the  
19 names of persons nominated for election.

20 (h) Voting shall be in person by secret ballot at the  
21 attendance center between the hours of 6:00 a.m. and 7:00 p.m.

22 (i) Candidates receiving the highest number of votes shall  
23 be declared elected by the Council. In cases of a tie, the  
24 Council shall determine the winner by lot.

25 (j) The Council shall certify the results of the election  
26 and shall publish the results in the minutes of the Council.

1           (k) The general superintendent shall resolve any disputes  
2 concerning election procedure or results and shall ensure that,  
3 except as provided in subsections (e) and (g), no resources of  
4 any attendance center shall be used to endorse or promote any  
5 candidate.

6           (l) Beginning with the 1995-1996 school year and in every  
7 even numbered year thereafter, the Board shall appoint 2  
8 teacher members to each local school council. These  
9 appointments shall be made in the following manner:

10           (i) The Board shall appoint 2 teachers who are employed  
11 and assigned to perform the majority of their employment  
12 duties at the attendance center to serve on the local  
13 school council of the attendance center for a two-year term  
14 coinciding with the terms of the elected parent and  
15 community members of that local school council. These  
16 appointments shall be made from among those teachers who  
17 are nominated in accordance with subsection (f).

18           (ii) A non-binding, advisory poll to ascertain the  
19 preferences of the school staff regarding appointments of  
20 teachers to the local school council for that attendance  
21 center shall be conducted in accordance with the procedures  
22 used to elect parent and community Council  
23 representatives. At such poll, each member of the school  
24 staff shall be entitled to indicate his or her preference  
25 for up to 2 candidates from among those who submitted  
26 statements of candidacy as described above. These

1 preferences shall be advisory only and the Board shall  
2 maintain absolute discretion to appoint teacher members to  
3 local school councils, irrespective of the preferences  
4 expressed in any such poll.

5 (iii) In the event that a teacher representative is  
6 unable to perform his or her employment duties at the  
7 school due to illness, disability, leave of absence,  
8 disciplinary action, or any other reason, the Board shall  
9 declare a temporary vacancy and appoint a replacement  
10 teacher representative to serve on the local school council  
11 until such time as the teacher member originally appointed  
12 pursuant to this subsection (l) resumes service at the  
13 attendance center or for the remainder of the term. The  
14 replacement teacher representative shall be appointed in  
15 the same manner and by the same procedures as teacher  
16 representatives are appointed in subdivisions (i) and (ii)  
17 of this subsection (l).

18 (m) Beginning with the 1995-1996 school year, and in every  
19 year thereafter, the Board shall appoint one student member to  
20 each secondary attendance center. These appointments shall be  
21 made in the following manner:

22 (i) Appointments shall be made from among those  
23 students who submit statements of candidacy to the  
24 principal of the attendance center, such statements to be  
25 submitted commencing on the first day of the twentieth week  
26 of school and continuing for 2 weeks thereafter. The form

1 and manner of such candidacy statements shall be determined  
2 by the Board.

3 (ii) During the twenty-second week of school in every  
4 year, the principal of each attendance center shall conduct  
5 a non-binding, advisory poll to ascertain the preferences  
6 of the school students regarding the appointment of a  
7 student to the local school council for that attendance  
8 center. At such poll, each student shall be entitled to  
9 indicate his or her preference for up to one candidate from  
10 among those who submitted statements of candidacy as  
11 described above. The Board shall promulgate rules to ensure  
12 that these non-binding, advisory polls are conducted in a  
13 fair and equitable manner and maximize the involvement of  
14 all school students. The preferences expressed in these  
15 non-binding, advisory polls shall be transmitted by the  
16 principal to the Board. However, these preferences shall be  
17 advisory only and the Board shall maintain absolute  
18 discretion to appoint student members to local school  
19 councils, irrespective of the preferences expressed in any  
20 such poll.

21 (iii) For the 1995-96 school year only, appointments  
22 shall be made from among those students who submitted  
23 statements of candidacy to the principal of the attendance  
24 center during the first 2 weeks of the school year. The  
25 principal shall communicate the results of any nonbinding,  
26 advisory poll to the Board. These results shall be advisory



1           only, and the Board shall maintain absolute discretion to  
2           appoint student members to local school councils,  
3           irrespective of the preferences expressed in any such poll.

4           (n) The Board may promulgate such other rules and  
5           regulations for election procedures as may be deemed necessary  
6           to ensure fair elections.

7           (o) In the event that a vacancy occurs during a member's  
8           term, the Council shall appoint a person eligible to serve on  
9           the Council, to fill the unexpired term created by the vacancy,  
10          except that any teacher vacancy shall be filled by the Board  
11          after considering the preferences of the school staff as  
12          ascertained through a non-binding advisory poll of school  
13          staff.

14          (p) If less than the specified number of persons is elected  
15          within each candidate category, the newly elected local school  
16          council shall appoint eligible persons to serve as members of  
17          the Council for two-year terms.

18          (q) The Board shall promulgate rules regarding conflicts of  
19          interest and disclosure of economic interests which shall apply  
20          to local school council members and which shall require reports  
21          or statements to be filed by Council members at regular  
22          intervals with the Secretary of the Board. Failure to comply  
23          with such rules or intentionally falsifying such reports shall  
24          be grounds for disqualification from local school council  
25          membership. A vacancy on the Council for disqualification may  
26          be so declared by the Secretary of the Board. Rules regarding

1 conflicts of interest and disclosure of economic interests  
2 promulgated by the Board shall apply to local school council  
3 members. No less than 45 days prior to the deadline, the  
4 general superintendent shall provide notice, by mail, to each  
5 local school council member of all requirements and forms for  
6 compliance with economic interest statements.

7 (r) (1) If a parent member of a local school council ceases  
8 to have any child enrolled in the attendance center governed by  
9 the Local School Council due to the graduation or voluntary  
10 transfer of a child or children from the attendance center, the  
11 parent's membership on the Local School Council and all voting  
12 rights are terminated immediately as of the date of the child's  
13 graduation or voluntary transfer. If the child of a parent  
14 member of a local school council dies during the member's term  
15 in office, the member may continue to serve on the local school  
16 council for the balance of his or her term. Further, a local  
17 school council member may be removed from the Council by a  
18 majority vote of the Council as provided in subsection (c) of  
19 Section 34-2.2 if the Council member has missed 3 consecutive  
20 regular meetings, not including committee meetings, or 5  
21 regular meetings in a 12 month period, not including committee  
22 meetings. If a parent member of a local school council ceases  
23 to be eligible to serve on the Council for any other reason, he  
24 or she shall be removed by the Board subject to a hearing,  
25 convened pursuant to Board rule, prior to removal. A vote to  
26 remove a Council member by the local school council shall only

1 be valid if the Council member has been notified personally or  
2 by certified mail, mailed to the person's last known address,  
3 of the Council's intent to vote on the Council member's removal  
4 at least 7 days prior to the vote. The Council member in  
5 question shall have the right to explain his or her actions and  
6 shall be eligible to vote on the question of his or her removal  
7 from the Council. The provisions of this subsection shall be  
8 contained within the petitions used to nominate Council  
9 candidates.

10 (2) A person may continue to serve as a community resident  
11 member of a local school council as long as he or she resides  
12 in the attendance area served by the school and is not employed  
13 by the Board nor is a parent of a student enrolled at the  
14 school. If a community resident member ceases to be eligible to  
15 serve on the Council, he or she shall be removed by the Board  
16 subject to a hearing, convened pursuant to Board rule, prior to  
17 removal.

18 (3) A person may continue to serve as a teacher member of a  
19 local school council as long as he or she is employed and  
20 assigned to perform a majority of his or her duties at the  
21 school, provided that if the teacher representative resigns  
22 from employment with the Board or voluntarily transfers to  
23 another school, the teacher's membership on the local school  
24 council and all voting rights are terminated immediately as of  
25 the date of the teacher's resignation or upon the date of the  
26 teacher's voluntary transfer to another school. If a teacher

1 member of a local school council ceases to be eligible to serve  
2 on a local school council for any other reason, that member  
3 shall be removed by the Board subject to a hearing, convened  
4 pursuant to Board rule, prior to removal.

5 (Source: P.A. 95-1015, eff. 12-15-08; 96-1412, eff. 1-1-11.)

6 (105 ILCS 5/34-84b) (from Ch. 122, par. 34-84b)

7 Sec. 34-84b. Conviction of sex or narcotics offense, first  
8 degree murder, attempted first degree murder, or Class X felony  
9 as grounds for revocation of certificate.

10 (a) Whenever the holder of any certificate issued by the  
11 board of education has been convicted of any sex offense or  
12 narcotics offense as defined in this Section, the board of  
13 education shall forthwith suspend the certificate. If the  
14 conviction is reversed and the holder is acquitted of the  
15 offense in a new trial or the charges against him are  
16 dismissed, the board shall forthwith terminate the suspension  
17 of the certificate. When the conviction becomes final, the  
18 board shall forthwith revoke the certificate. "Sex offense" as  
19 used in this Section means any one or more of the following  
20 offenses: (1) any offense defined in Sections 11-6, ~~and~~ 11-9,  
21 and 11-30, ~~and~~ Sections 11-14 through 11-21, inclusive, and  
22 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,  
23 12-14, 12-14.1, 12-15 and 12-16 of the Criminal Code of 1961;  
24 (2) any attempt to commit any of the foregoing offenses, and  
25 (3) any offense committed or attempted in any other state

1 which, if committed or attempted in this State, would have been  
2 punishable as one or more of the foregoing offenses. "Narcotics  
3 offense" as used in this Section means any one or more of the  
4 following offenses: (1) any offense defined in the Cannabis  
5 Control Act except those defined in Sections 4(a), 4(b) and  
6 5(a) of that Act and any offense for which the holder of any  
7 certificate is placed on probation under the provisions of  
8 Section 10 of that Act and fulfills the terms and conditions of  
9 probation as may be required by the court; (2) any offense  
10 defined in the Illinois Controlled Substances Act except any  
11 offense for which the holder of any certificate is placed on  
12 probation under the provisions of Section 410 of that Act and  
13 fulfills the terms and conditions of probation as may be  
14 required by the court; (3) any offense defined in the  
15 Methamphetamine Control and Community Protection Act except  
16 any offense for which the holder of any certificate is placed  
17 on probation under the provision of Section 70 of that Act and  
18 fulfills the terms and conditions of probation as may be  
19 required by the court; (4) any attempt to commit any of the  
20 foregoing offenses; and (5) any offense committed or attempted  
21 in any other state or against the laws of the United States  
22 which, if committed or attempted in this State, would have been  
23 punishable as one or more of the foregoing offenses.

24 (b) Whenever the holder of any certificate issued by the  
25 board of education or pursuant to Article 21 or any other  
26 provisions of the School Code has been convicted of first

1 degree murder, attempted first degree murder, or a Class X  
2 felony, the board of education or the State Superintendent of  
3 Education shall forthwith suspend the certificate. If the  
4 conviction is reversed and the holder is acquitted of that  
5 offense in a new trial or the charges that he or she committed  
6 that offense are dismissed, the suspending authority shall  
7 forthwith terminate the suspension of the certificate. When the  
8 conviction becomes final, the State Superintendent of  
9 Education shall forthwith revoke the certificate. The stated  
10 offenses of "first degree murder", "attempted first degree  
11 murder", and "Class X felony" referred to in this Section  
12 include any offense committed in another state that, if  
13 committed in this State, would have been punishable as any one  
14 of the stated offenses.

15 (Source: P.A. 94-556, eff. 9-11-05.)

16 Section 970. The Medical School Matriculant Criminal  
17 History Records Check Act is amended by changing Section 5 as  
18 follows:

19 (110 ILCS 57/5)

20 Sec. 5. Definitions.

21 "Matriculant" means an individual who is conditionally  
22 admitted as a student to a medical school located in Illinois,  
23 pending the medical school's consideration of his or her  
24 criminal history records check under this Act.

1 "Sex offender" means any person who is convicted pursuant  
2 to Illinois law or any substantially similar federal, Uniform  
3 Code of Military Justice, sister state, or foreign country law  
4 with any of the following sex offenses set forth in the  
5 Criminal Code of 1961:

6 (1) Indecent solicitation of a child.

7 (2) Sexual exploitation of a child.

8 (3) Custodial sexual misconduct.

9 (4) Exploitation of a child.

10 (5) Child pornography.

11 (6) Aggravated child pornography.

12 "Violent felony" means any of the following offenses, as  
13 defined by the Criminal Code of 1961:

14 (1) First degree murder.

15 (2) Second degree murder.

16 (3) Predatory criminal sexual assault of a child.

17 (4) Aggravated criminal sexual assault.

18 (5) Criminal sexual assault.

19 (6) Aggravated arson.

20 (7) Aggravated kidnapping.

21 (8) Kidnapping.

22 (9) Aggravated battery resulting in great bodily harm  
23 or permanent disability or disfigurement.

24 (Source: P.A. 94-709, eff. 12-5-05.)

25 Section 975. The Illinois Insurance Code is amended by

1 changing Sections 356e and 367 as follows:

2 (215 ILCS 5/356e) (from Ch. 73, par. 968e)

3 Sec. 356e. Victims of certain offenses.

4 (1) No policy of accident and health insurance, which  
5 provides benefits for hospital or medical expenses based upon  
6 the actual expenses incurred, delivered or issued for delivery  
7 to any person in this State shall contain any specific  
8 exception to coverage which would preclude the payment under  
9 that policy of actual expenses incurred in the examination and  
10 testing of a victim of an offense defined in Sections 11-1.20  
11 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of  
12 1961, as now or hereafter amended, or an attempt to commit such  
13 offense to establish that sexual contact did occur or did not  
14 occur, and to establish the presence or absence of sexually  
15 transmitted disease or infection, and examination and  
16 treatment of injuries and trauma sustained by a victim of such  
17 offense arising out of the offense. Every policy of accident  
18 and health insurance which specifically provides benefits for  
19 routine physical examinations shall provide full coverage for  
20 expenses incurred in the examination and testing of a victim of  
21 an offense defined in Sections 11-1.20 through 11-1.60 or 12-13  
22 through 12-16 of the Criminal Code of 1961, as now or hereafter  
23 amended, or an attempt to commit such offense as set forth in  
24 this Section. This Section shall not apply to a policy which  
25 covers hospital and medical expenses for specified illnesses or



1 injuries only.

2 (2) For purposes of enabling the recovery of State funds,  
3 any insurance carrier subject to this Section shall upon  
4 reasonable demand by the Department of Public Health disclose  
5 the names and identities of its insureds entitled to benefits  
6 under this provision to the Department of Public Health  
7 whenever the Department of Public Health has determined that it  
8 has paid, or is about to pay, hospital or medical expenses for  
9 which an insurance carrier is liable under this Section. All  
10 information received by the Department of Public Health under  
11 this provision shall be held on a confidential basis and shall  
12 not be subject to subpoena and shall not be made public by the  
13 Department of Public Health or used for any purpose other than  
14 that authorized by this Section.

15 (3) Whenever the Department of Public Health finds that it  
16 has paid all or part of any hospital or medical expenses which  
17 an insurance carrier is obligated to pay under this Section,  
18 the Department of Public Health shall be entitled to receive  
19 reimbursement for its payments from such insurance carrier  
20 provided that the Department of Public Health has notified the  
21 insurance carrier of its claims before the carrier has paid  
22 such benefits to its insureds or in behalf of its insureds.

23 (Source: P.A. 89-187, eff. 7-19-95.)

24 (215 ILCS 5/367) (from Ch. 73, par. 979)

25 Sec. 367. Group accident and health insurance.

1           (1) Group accident and health insurance is hereby declared  
2 to be that form of accident and health insurance covering not  
3 less than 2 employees, members, or employees of members,  
4 written under a master policy issued to any governmental  
5 corporation, unit, agency or department thereof, or to any  
6 corporation, copartnership, individual employer, or to any  
7 association upon application of an executive officer or trustee  
8 of such association having a constitution or bylaws and formed  
9 in good faith for purposes other than that of obtaining  
10 insurance, where officers, members, employees, employees of  
11 members or classes or department thereof, may be insured for  
12 their individual benefit. In addition a group accident and  
13 health policy may be written to insure any group which may be  
14 insured under a group life insurance policy. The term  
15 "employees" shall include the officers, managers and employees  
16 of subsidiary or affiliated corporations, and the individual  
17 proprietors, partners and employees of affiliated individuals  
18 and firms, when the business of such subsidiary or affiliated  
19 corporations, firms or individuals, is controlled by a common  
20 employer through stock ownership, contract or otherwise.

21           (2) Any insurance company authorized to write accident and  
22 health insurance in this State shall have power to issue group  
23 accident and health policies. No policy of group accident and  
24 health insurance may be issued or delivered in this State  
25 unless a copy of the form thereof shall have been filed with  
26 the department and approved by it in accordance with Section

1 355, and it contains in substance those provisions contained in  
2 Sections 357.1 through 357.30 as may be applicable to group  
3 accident and health insurance and the following provisions:

4 (a) A provision that the policy, the application of the  
5 employer, or executive officer or trustee of any  
6 association, and the individual applications, if any, of  
7 the employees, members or employees of members insured  
8 shall constitute the entire contract between the parties,  
9 and that all statements made by the employer, or the  
10 executive officer or trustee, or by the individual  
11 employees, members or employees of members shall (in the  
12 absence of fraud) be deemed representations and not  
13 warranties, and that no such statement shall be used in  
14 defense to a claim under the policy, unless it is contained  
15 in a written application.

16 (b) A provision that the insurer will issue to the  
17 employer, or to the executive officer or trustee of the  
18 association, for delivery to the employee, member or  
19 employee of a member, who is insured under such policy, an  
20 individual certificate setting forth a statement as to the  
21 insurance protection to which he is entitled and to whom  
22 payable.

23 (c) A provision that to the group or class thereof  
24 originally insured shall be added from time to time all new  
25 employees of the employer, members of the association or  
26 employees of members eligible to and applying for insurance

1           in such group or class.

2           (3) Anything in this code to the contrary notwithstanding,  
3 any group accident and health policy may provide that all or  
4 any portion of any indemnities provided by any such policy on  
5 account of hospital, nursing, medical or surgical services,  
6 may, at the insurer's option, be paid directly to the hospital  
7 or person rendering such services; but the policy may not  
8 require that the service be rendered by a particular hospital  
9 or person. Payment so made shall discharge the insurer's  
10 obligation with respect to the amount of insurance so paid.  
11 Nothing in this subsection (3) shall prohibit an insurer from  
12 providing incentives for insureds to utilize the services of a  
13 particular hospital or person.

14           (4) Special group policies may be issued to school  
15 districts providing medical or hospital service, or both, for  
16 pupils of the district injured while participating in any  
17 athletic activity under the jurisdiction of or sponsored or  
18 controlled by the district or the authorities of any school  
19 thereof. The provisions of this Section governing the issuance  
20 of group accident and health insurance shall, insofar as  
21 applicable, control the issuance of such policies issued to  
22 schools.

23           (5) No policy of group accident and health insurance may be  
24 issued or delivered in this State unless it provides that upon  
25 the death of the insured employee or group member the  
26 dependents' coverage, if any, continues for a period of at

1 least 90 days subject to any other policy provisions relating  
2 to termination of dependents' coverage.

3 (6) No group hospital policy covering miscellaneous  
4 hospital expenses issued or delivered in this State shall  
5 contain any exception or exclusion from coverage which would  
6 preclude the payment of expenses incurred for the processing  
7 and administration of blood and its components.

8 (7) No policy of group accident and health insurance,  
9 delivered in this State more than 120 days after the effective  
10 day of the Section, which provides inpatient hospital coverage  
11 for sicknesses shall exclude from such coverage the treatment  
12 of alcoholism. This subsection shall not apply to a policy  
13 which covers only specified sicknesses.

14 (8) No policy of group accident and health insurance, which  
15 provides benefits for hospital or medical expenses based upon  
16 the actual expenses incurred, issued or delivered in this State  
17 shall contain any specific exception to coverage which would  
18 preclude the payment of actual expenses incurred in the  
19 examination and testing of a victim of an offense defined in  
20 Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the  
21 Criminal Code of 1961, or an attempt to commit such offense, to  
22 establish that sexual contact did occur or did not occur, and  
23 to establish the presence or absence of sexually transmitted  
24 disease or infection, and examination and treatment of injuries  
25 and trauma sustained by the victim of such offense, arising out  
26 of the offense. Every group policy of accident and health

1 insurance which specifically provides benefits for routine  
2 physical examinations shall provide full coverage for expenses  
3 incurred in the examination and testing of a victim of an  
4 offense defined in Sections 11-1.20 through 11-1.60 or 12-13  
5 through 12-16 of the Criminal Code of 1961, or an attempt to  
6 commit such offense, as set forth in this Section. This  
7 subsection shall not apply to a policy which covers hospital  
8 and medical expenses for specified illnesses and injuries only.

9 (9) For purposes of enabling the recovery of State funds,  
10 any insurance carrier subject to this Section shall upon  
11 reasonable demand by the Department of Public Health disclose  
12 the names and identities of its insureds entitled to benefits  
13 under this provision to the Department of Public Health  
14 whenever the Department of Public Health has determined that it  
15 has paid, or is about to pay, hospital or medical expenses for  
16 which an insurance carrier is liable under this Section. All  
17 information received by the Department of Public Health under  
18 this provision shall be held on a confidential basis and shall  
19 not be subject to subpoena and shall not be made public by the  
20 Department of Public Health or used for any purpose other than  
21 that authorized by this Section.

22 (10) Whenever the Department of Public Health finds that it  
23 has paid all or part of any hospital or medical expenses which  
24 an insurance carrier is obligated to pay under this Section,  
25 the Department of Public Health shall be entitled to receive  
26 reimbursement for its payments from such insurance carrier

1 provided that the Department of Public Health has notified the  
2 insurance carrier of its claim before the carrier has paid the  
3 benefits to its insureds or the insureds' assignees.

4 (11) (a) No group hospital, medical or surgical expense  
5 policy shall contain any provision whereby benefits  
6 otherwise payable thereunder are subject to reduction  
7 solely on account of the existence of similar benefits  
8 provided under other group or group-type accident and  
9 sickness insurance policies where such reduction would  
10 operate to reduce total benefits payable under these  
11 policies below an amount equal to 100% of total allowable  
12 expenses provided under these policies.

13 (b) When dependents of insureds are covered under 2  
14 policies, both of which contain coordination of benefits  
15 provisions, benefits of the policy of the insured whose  
16 birthday falls earlier in the year are determined before  
17 those of the policy of the insured whose birthday falls  
18 later in the year. Birthday, as used herein, refers only to  
19 the month and day in a calendar year, not the year in which  
20 the person was born. The Department of Insurance shall  
21 promulgate rules defining the order of benefit  
22 determination pursuant to this paragraph (b).

23 (12) Every group policy under this Section shall be subject  
24 to the provisions of Sections 356g and 356n of this Code.

25 (13) No accident and health insurer providing coverage for  
26 hospital or medical expenses on an expense incurred basis shall

1 deny reimbursement for an otherwise covered expense incurred  
2 for any organ transplantation procedure solely on the basis  
3 that such procedure is deemed experimental or investigational  
4 unless supported by the determination of the Office of Health  
5 Care Technology Assessment within the Agency for Health Care  
6 Policy and Research within the federal Department of Health and  
7 Human Services that such procedure is either experimental or  
8 investigational or that there is insufficient data or  
9 experience to determine whether an organ transplantation  
10 procedure is clinically acceptable. If an accident and health  
11 insurer has made written request, or had one made on its behalf  
12 by a national organization, for determination by the Office of  
13 Health Care Technology Assessment within the Agency for Health  
14 Care Policy and Research within the federal Department of  
15 Health and Human Services as to whether a specific organ  
16 transplantation procedure is clinically acceptable and said  
17 organization fails to respond to such a request within a period  
18 of 90 days, the failure to act may be deemed a determination  
19 that the procedure is deemed to be experimental or  
20 investigational.

21 (14) Whenever a claim for benefits by an insured under a  
22 dental prepayment program is denied or reduced, based on the  
23 review of x-ray films, such review must be performed by a  
24 dentist.

25 (Source: P.A. 91-549, eff. 8-14-99.)



1 Section 980. The Health Maintenance Organization Act is  
2 amended by changing Section 4-4 as follows:

3 (215 ILCS 125/4-4) (from Ch. 111 1/2, par. 1408.4)

4 Sec. 4-4. Sexual assault or abuse victims; coverage of  
5 expenses; recovery of State funds; reimbursement of Department  
6 of Public Health.

7 (1) Contracts or evidences of coverage issued by a health  
8 maintenance organization, which provide benefits for health  
9 care services, shall to the full extent of coverage provided  
10 for any other emergency or accident care, provide for the  
11 payment of actual expenses incurred, without offset or  
12 reduction for benefit deductibles or co-insurance amounts, in  
13 the examination and testing of a victim of an offense defined  
14 in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of  
15 the Criminal Code of 1961, as now or hereafter amended, or an  
16 attempt to commit such offense, to establish that sexual  
17 contact did occur or did not occur, and to establish the  
18 presence or absence of sexually transmitted disease or  
19 infection, and examination and treatment of injuries and trauma  
20 sustained by a victim of such offense.

21 (2) For purposes of enabling the recovery of State funds,  
22 any health maintenance organization subject to this Section  
23 shall upon reasonable demand by the Department of Public Health  
24 disclose the names and identities of its enrollees entitled to  
25 benefits under this provision to the Department of Public

1 Health whenever the Department of Public Health has determined  
2 that it has paid, or is about to pay for, health care services  
3 for which a health maintenance organization is liable under  
4 this Section. All information received by the Department of  
5 Public Health under this provision shall be held on a  
6 confidential basis and shall not be subject to subpoena and  
7 shall not be made public by the Department of Public Health or  
8 used for any purpose other than that authorized by this  
9 Section.

10 (3) Whenever the Department of Public Health finds that it  
11 has paid for all or part of any health care services for which  
12 a health maintenance organization is obligated to pay under  
13 this Section, the Department of Public Health shall be entitled  
14 to receive reimbursement for its payments from such  
15 organization provided that the Department of Public Health has  
16 notified the organization of its claims before the organization  
17 has paid such benefits to its enrollees or in behalf of its  
18 enrollees.

19 (Source: P.A. 91-357, eff. 7-29-99.)

20 Section 985. The Voluntary Health Services Plans Act is  
21 amended by changing Section 15.8 as follows:

22 (215 ILCS 165/15.8) (from Ch. 32, par. 609.8)

23 Sec. 15.8. Sexual assault or abuse victims.

24 (1) Policies, contracts or subscription certificates

1 issued by a health services plan corporation, which provide  
2 benefits for hospital or medical expenses based upon the actual  
3 expenses incurred, shall to the full extent of coverage  
4 provided for any other emergency or accident care, provide for  
5 the payment of actual expenses incurred, without offset or  
6 reduction for benefit deductibles or co-insurance amounts, in  
7 the examination and testing of a victim of an offense defined  
8 in Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of  
9 the Criminal Code of 1961, as now or hereafter amended, or  
10 attempt to commit such offense, to establish that sexual  
11 contact did occur or did not occur, and to establish the  
12 presence or absence of sexually transmitted disease or  
13 infection, and examination and treatment of injuries and trauma  
14 sustained by a victim of such offense.

15 (2) For purposes of enabling the recovery of State Funds,  
16 any health services plan corporation subject to this Section  
17 shall upon reasonable demand by the Department of Public Health  
18 disclose the names and identities of its insureds or  
19 subscribers entitled to benefits under this provision to the  
20 Department of Public Health whenever the Department of Public  
21 Health has determined that it has paid, or is about to pay,  
22 hospital or medical expenses for which a health care service  
23 corporation is liable under this Section. All information  
24 received by the Department of Public Health under this  
25 provision shall be held on a confidential basis and shall not  
26 be subject to subpoena and shall not be made public by the

1 Department of Public Health or used for any purpose other than  
2 that authorized by this Section.

3 (3) Whenever the Department of Public Health finds that it  
4 has paid all or part of any hospital or medical expenses which  
5 a health services plan corporation is obligated to pay under  
6 this Section, the Department of Public Health shall be entitled  
7 to receive reimbursement for its payments from such corporation  
8 provided that the Department of Public Health has notified the  
9 corporation of its claims before the corporation has paid such  
10 benefits to its subscribers or in behalf of its subscribers.

11 (Source: P.A. 89-187, eff. 7-19-95.)

12 Section 990. The Child Care Act of 1969 is amended by  
13 changing Section 4.2 as follows:

14 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

15 Sec. 4.2. (a) No applicant may receive a license from the  
16 Department and no person may be employed by a licensed child  
17 care facility who refuses to authorize an investigation as  
18 required by Section 4.1.

19 (b) In addition to the other provisions of this Section, no  
20 applicant may receive a license from the Department and no  
21 person may be employed by a child care facility licensed by the  
22 Department who has been declared a sexually dangerous person  
23 under "An Act in relation to sexually dangerous persons, and  
24 providing for their commitment, detention and supervision",

1 approved July 6, 1938, as amended, or convicted of committing  
2 or attempting to commit any of the following offenses  
3 stipulated under the Criminal Code of 1961:

4 (1) murder;

5 (1.1) solicitation of murder;

6 (1.2) solicitation of murder for hire;

7 (1.3) intentional homicide of an unborn child;

8 (1.4) voluntary manslaughter of an unborn child;

9 (1.5) involuntary manslaughter;

10 (1.6) reckless homicide;

11 (1.7) concealment of a homicidal death;

12 (1.8) involuntary manslaughter of an unborn child;

13 (1.9) reckless homicide of an unborn child;

14 (1.10) drug-induced homicide;

15 (2) a sex offense under Article 11, except offenses  
16 described in Sections 11-7, 11-8, 11-12, ~~and 11-13~~, 11-35,  
17 11-40, and 11-45;

18 (3) kidnapping;

19 (3.1) aggravated unlawful restraint;

20 (3.2) forcible detention;

21 (3.3) harboring a runaway;

22 (3.4) aiding and abetting child abduction;

23 (4) aggravated kidnapping;

24 (5) child abduction;

25 (6) aggravated battery of a child;

26 (7) criminal sexual assault;

- 1 (8) aggravated criminal sexual assault;
- 2 (8.1) predatory criminal sexual assault of a child;
- 3 (9) criminal sexual abuse;
- 4 (10) aggravated sexual abuse;
- 5 (11) heinous battery;
- 6 (12) aggravated battery with a firearm;
- 7 (13) tampering with food, drugs, or cosmetics;
- 8 (14) drug induced infliction of great bodily harm;
- 9 (15) hate crime;
- 10 (16) stalking;
- 11 (17) aggravated stalking;
- 12 (18) threatening public officials;
- 13 (19) home invasion;
- 14 (20) vehicular invasion;
- 15 (21) criminal transmission of HIV;
- 16 (22) criminal abuse or neglect of an elderly or
- 17 disabled person;
- 18 (23) child abandonment;
- 19 (24) endangering the life or health of a child;
- 20 (25) ritual mutilation;
- 21 (26) ritualized abuse of a child;
- 22 (27) an offense in any other jurisdiction the elements
- 23 of which are similar and bear a substantial relationship to
- 24 any of the foregoing offenses.

25 (b-1) In addition to the other provisions of this Section,  
26 beginning January 1, 2004, no new applicant and, on the date of

1 licensure renewal, no current licensee may operate or receive a  
2 license from the Department to operate, no person may be  
3 employed by, and no adult person may reside in a child care  
4 facility licensed by the Department who has been convicted of  
5 committing or attempting to commit any of the following  
6 offenses or an offense in any other jurisdiction the elements  
7 of which are similar and bear a substantial relationship to any  
8 of the following offenses:

9 (I) BODILY HARM

- 10 (1) Felony aggravated assault.  
11 (2) Vehicular endangerment.  
12 (3) Felony domestic battery.  
13 (4) Aggravated battery.  
14 (5) Heinous battery.  
15 (6) Aggravated battery with a firearm.  
16 (7) Aggravated battery of an unborn child.  
17 (8) Aggravated battery of a senior citizen.  
18 (9) Intimidation.  
19 (10) Compelling organization membership of persons.  
20 (11) Abuse and gross neglect of a long term care  
21 facility resident.  
22 (12) Felony violation of an order of protection.

23 (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 1 (1) Felony unlawful use of weapons.
- 2 (2) Aggravated discharge of a firearm.
- 3 (3) Reckless discharge of a firearm.
- 4 (4) Unlawful use of metal piercing bullets.
- 5 (5) Unlawful sale or delivery of firearms on the
- 6 premises of any school.
- 7 (6) Disarming a police officer.
- 8 (7) Obstructing justice.
- 9 (8) Concealing or aiding a fugitive.
- 10 (9) Armed violence.
- 11 (10) Felony contributing to the criminal delinquency
- 12 of a juvenile.

13 (III) DRUG OFFENSES

- 14 (1) Possession of more than 30 grams of cannabis.
- 15 (2) Manufacture of more than 10 grams of cannabis.
- 16 (3) Cannabis trafficking.
- 17 (4) Delivery of cannabis on school grounds.
- 18 (5) Unauthorized production of more than 5 cannabis
- 19 sativa plants.
- 20 (6) Calculated criminal cannabis conspiracy.
- 21 (7) Unauthorized manufacture or delivery of controlled
- 22 substances.
- 23 (8) Controlled substance trafficking.



1           (9) Manufacture, distribution, or advertisement of  
2 look-alike substances.

3           (10) Calculated criminal drug conspiracy.

4           (11) Street gang criminal drug conspiracy.

5           (12) Permitting unlawful use of a building.

6           (13) Delivery of controlled, counterfeit, or  
7 look-alike substances to persons under age 18, or at truck  
8 stops, rest stops, or safety rest areas, or on school  
9 property.

10          (14) Using, engaging, or employing persons under 18 to  
11 deliver controlled, counterfeit, or look-alike substances.

12          (15) Delivery of controlled substances.

13          (16) Sale or delivery of drug paraphernalia.

14          (17) Felony possession, sale, or exchange of  
15 instruments adapted for use of a controlled substance,  
16 methamphetamine, or cannabis by subcutaneous injection.

17          (18) Felony possession of a controlled substance.

18          (19) Any violation of the Methamphetamine Control and  
19 Community Protection Act.

20          (b-2) For child care facilities other than foster family  
21 homes, the Department may issue a new child care facility  
22 license to or renew the existing child care facility license of  
23 an applicant, a person employed by a child care facility, or an  
24 applicant who has an adult residing in a home child care  
25 facility who was convicted of an offense described in  
26 subsection (b-1), provided that all of the following

1 requirements are met:

2 (1) The relevant criminal offense occurred more than 5  
3 years prior to the date of application or renewal, except  
4 for drug offenses. The relevant drug offense must have  
5 occurred more than 10 years prior to the date of  
6 application or renewal, unless the applicant passed a drug  
7 test, arranged and paid for by the child care facility, no  
8 less than 5 years after the offense.

9 (2) The Department must conduct a background check and  
10 assess all convictions and recommendations of the child  
11 care facility to determine if waiver shall apply in  
12 accordance with Department administrative rules and  
13 procedures.

14 (3) The applicant meets all other requirements and  
15 qualifications to be licensed as the pertinent type of  
16 child care facility under this Act and the Department's  
17 administrative rules.

18 (c) In addition to the other provisions of this Section, no  
19 applicant may receive a license from the Department to operate  
20 a foster family home, and no adult person may reside in a  
21 foster family home licensed by the Department, who has been  
22 convicted of committing or attempting to commit any of the  
23 following offenses stipulated under the Criminal Code of 1961,  
24 the Cannabis Control Act, the Methamphetamine Control and  
25 Community Protection Act, and the Illinois Controlled  
26 Substances Act:

1 (I) OFFENSES DIRECTED AGAINST THE PERSON

2 (A) KIDNAPPING AND RELATED OFFENSES

3 (1) Unlawful restraint.

4 (B) BODILY HARM

5 (2) Felony aggravated assault.

6 (3) Vehicular endangerment.

7 (4) Felony domestic battery.

8 (5) Aggravated battery.

9 (6) Heinous battery.

10 (7) Aggravated battery with a firearm.

11 (8) Aggravated battery of an unborn child.

12 (9) Aggravated battery of a senior citizen.

13 (10) Intimidation.

14 (11) Compelling organization membership of persons.

15 (12) Abuse and gross neglect of a long term care  
16 facility resident.

17 (13) Felony violation of an order of protection.

18 (II) OFFENSES DIRECTED AGAINST PROPERTY

19 (14) Felony theft.

20 (15) Robbery.

21 (16) Armed robbery.

- 1 (17) Aggravated robbery.
- 2 (18) Vehicular hijacking.
- 3 (19) Aggravated vehicular hijacking.
- 4 (20) Burglary.
- 5 (21) Possession of burglary tools.
- 6 (22) Residential burglary.
- 7 (23) Criminal fortification of a residence or
- 8 building.
- 9 (24) Arson.
- 10 (25) Aggravated arson.
- 11 (26) Possession of explosive or explosive incendiary
- 12 devices.

13 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

- 14 (27) Felony unlawful use of weapons.
- 15 (28) Aggravated discharge of a firearm.
- 16 (29) Reckless discharge of a firearm.
- 17 (30) Unlawful use of metal piercing bullets.
- 18 (31) Unlawful sale or delivery of firearms on the
- 19 premises of any school.
- 20 (32) Disarming a police officer.
- 21 (33) Obstructing justice.
- 22 (34) Concealing or aiding a fugitive.
- 23 (35) Armed violence.
- 24 (36) Felony contributing to the criminal delinquency

1 of a juvenile.

2 (IV) DRUG OFFENSES

3 (37) Possession of more than 30 grams of cannabis.

4 (38) Manufacture of more than 10 grams of cannabis.

5 (39) Cannabis trafficking.

6 (40) Delivery of cannabis on school grounds.

7 (41) Unauthorized production of more than 5 cannabis  
8 sativa plants.

9 (42) Calculated criminal cannabis conspiracy.

10 (43) Unauthorized manufacture or delivery of  
11 controlled substances.

12 (44) Controlled substance trafficking.

13 (45) Manufacture, distribution, or advertisement of  
14 look-alike substances.

15 (46) Calculated criminal drug conspiracy.

16 (46.5) Streetgang criminal drug conspiracy.

17 (47) Permitting unlawful use of a building.

18 (48) Delivery of controlled, counterfeit, or  
19 look-alike substances to persons under age 18, or at truck  
20 stops, rest stops, or safety rest areas, or on school  
21 property.

22 (49) Using, engaging, or employing persons under 18 to  
23 deliver controlled, counterfeit, or look-alike substances.

24 (50) Delivery of controlled substances.

1 (51) Sale or delivery of drug paraphernalia.

2 (52) Felony possession, sale, or exchange of  
3 instruments adapted for use of a controlled substance,  
4 methamphetamine, or cannabis by subcutaneous injection.

5 (53) Any violation of the Methamphetamine Control and  
6 Community Protection Act.

7 (d) Notwithstanding subsection (c), the Department may  
8 issue a new foster family home license or may renew an existing  
9 foster family home license of an applicant who was convicted of  
10 an offense described in subsection (c), provided all of the  
11 following requirements are met:

12 (1) The relevant criminal offense or offenses occurred  
13 more than 10 years prior to the date of application or  
14 renewal.

15 (2) The applicant had previously disclosed the  
16 conviction or convictions to the Department for purposes of  
17 a background check.

18 (3) After the disclosure, the Department either placed  
19 a child in the home or the foster family home license was  
20 issued.

21 (4) During the background check, the Department had  
22 assessed and waived the conviction in compliance with the  
23 existing statutes and rules in effect at the time of the  
24 waiver.

25 (5) The applicant meets all other requirements and  
26 qualifications to be licensed as a foster family home under

1 this Act and the Department's administrative rules.

2 (6) The applicant has a history of providing a safe,  
3 stable home environment and appears able to continue to  
4 provide a safe, stable home environment.

5 (Source: P.A. 93-151, eff. 7-10-03; 94-556, eff. 9-11-05.)

6 Section 995. The Health Care Worker Background Check Act is  
7 amended by changing Section 25 as follows:

8 (225 ILCS 46/25)

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

11 (a) In the discretion of the Director of Public Health, as  
12 soon after January 1, 1996, January 1, 1997, January 1, 2006,  
13 or October 1, 2007, as applicable, and as is reasonably  
14 practical, no health care employer shall knowingly hire,  
15 employ, or retain any individual in a position with duties  
16 involving direct care for clients, patients, or residents, and  
17 no long-term care facility shall knowingly hire, employ, or  
18 retain any individual in a position with duties that involve or  
19 may involve contact with residents or access to the living  
20 quarters or the financial, medical, or personal records of  
21 residents, who has been convicted of committing or attempting  
22 to commit one or more of the following offenses: those defined  
23 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,  
24 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,

1 10-5, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,  
2 11-9.1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,  
3 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
4 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13, 12-14,  
5 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32, 12-33,  
6 16-1, 16-1.3, 16A-3, 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1,  
7 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2, or  
8 subdivision (a)(4) of Section 11-14.4, of the Criminal Code of  
9 1961; those provided in Section 4 of the Wrongs to Children  
10 Act; those provided in Section 53 of the Criminal Jurisprudence  
11 Act; those defined in Section 5, 5.1, 5.2, 7, or 9 of the  
12 Cannabis Control Act; those defined in the Methamphetamine  
13 Control and Community Protection Act; or those defined in  
14 Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1 of the  
15 Illinois Controlled Substances Act, unless the applicant or  
16 employee obtains a waiver pursuant to Section 40.

17 (a-1) In the discretion of the Director of Public Health,  
18 as soon after January 1, 2004 or October 1, 2007, as  
19 applicable, and as is reasonably practical, no health care  
20 employer shall knowingly hire any individual in a position with  
21 duties involving direct care for clients, patients, or  
22 residents, and no long-term care facility shall knowingly hire  
23 any individual in a position with duties that involve or may  
24 involve contact with residents or access to the living quarters  
25 or the financial, medical, or personal records of residents,  
26 who has (i) been convicted of committing or attempting to



1 commit one or more of the offenses defined in Section 12-3.3,  
2 12-4.2-5, 16-2, 16G-15, 16G-20, 18-5, 20-1.2, 24-1.1,  
3 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3 of the Criminal Code of  
4 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card  
5 and Debit Card Act; or Section 11-9.1A of the Criminal Code of  
6 1961 or Section 5.1 of the Wrongs to Children Act; or (ii)  
7 violated Section 50-50 of the Nurse Practice Act, unless the  
8 applicant or employee obtains a waiver pursuant to Section 40  
9 of this Act.

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

19 (b) A health care employer shall not hire, employ, or  
20 retain any individual in a position with duties involving  
21 direct care of clients, patients, or residents, and no  
22 long-term care facility shall knowingly hire, employ, or retain  
23 any individual in a position with duties that involve or may  
24 involve contact with residents or access to the living quarters  
25 or the financial, medical, or personal records of residents, if  
26 the health care employer becomes aware that the individual has

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

10 (Source: P.A. 95-120, eff. 8-13-07; 95-639, eff. 10-5-07;  
11 95-876, eff. 8-21-08; 96-710, eff. 1-1-10.)

12 Section 1000. The Liquor Control Act of 1934 is amended by  
13 changing Section 6-2 as follows:

14 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

15 Sec. 6-2. Issuance of licenses to certain persons  
16 prohibited.

17 (a) Except as otherwise provided in subsection (b) of this  
18 Section and in paragraph (1) of subsection (a) of Section 3-12,  
19 no license of any kind issued by the State Commission or any  
20 local commission shall be issued to:

21 (1) A person who is not a resident of any city, village  
22 or county in which the premises covered by the license are  
23 located; except in case of railroad or boat licenses.

24 (2) A person who is not of good character and

1 reputation in the community in which he resides.

2 (3) A person who is not a citizen of the United States.

3 (4) A person who has been convicted of a felony under  
4 any Federal or State law, unless the Commission determines  
5 that such person has been sufficiently rehabilitated to  
6 warrant the public trust after considering matters set  
7 forth in such person's application and the Commission's  
8 investigation. The burden of proof of sufficient  
9 rehabilitation shall be on the applicant.

10 (5) A person who has been convicted of keeping a place  
11 of prostitution or keeping a place of juvenile  
12 prostitution, promoting prostitution that involves keeping  
13 a place of prostitution, or promoting juvenile  
14 prostitution that involves keeping a place of juvenile  
15 prostitution ~~being the keeper or is keeping a house of ill~~  
16 ~~fame.~~

17 (6) A person who has been convicted of pandering or  
18 other crime or misdemeanor opposed to decency and morality.

19 (7) A person whose license issued under this Act has  
20 been revoked for cause.

21 (8) A person who at the time of application for renewal  
22 of any license issued hereunder would not be eligible for  
23 such license upon a first application.

24 (9) A copartnership, if any general partnership  
25 thereof, or any limited partnership thereof, owning more  
26 than 5% of the aggregate limited partner interest in such

1 copartnership would not be eligible to receive a license  
2 hereunder for any reason other than residence within the  
3 political subdivision, unless residency is required by  
4 local ordinance.

5 (10) A corporation or limited liability company, if any  
6 member, officer, manager or director thereof, or any  
7 stockholder or stockholders owning in the aggregate more  
8 than 5% of the stock of such corporation, would not be  
9 eligible to receive a license hereunder for any reason  
10 other than citizenship and residence within the political  
11 subdivision.

12 (10a) A corporation or limited liability company  
13 unless it is incorporated or organized in Illinois, or  
14 unless it is a foreign corporation or foreign limited  
15 liability company which is qualified under the Business  
16 Corporation Act of 1983 or the Limited Liability Company  
17 Act to transact business in Illinois. The Commission shall  
18 permit and accept from an applicant for a license under  
19 this Act proof prepared from the Secretary of State's  
20 website that the corporation or limited liability company  
21 is in good standing and is qualified under the Business  
22 Corporation Act of 1983 or the Limited Liability Company  
23 Act to transact business in Illinois.

24 (11) A person whose place of business is conducted by a  
25 manager or agent unless the manager or agent possesses the  
26 same qualifications required by the licensee.

1           (12) A person who has been convicted of a violation of  
2 any Federal or State law concerning the manufacture,  
3 possession or sale of alcoholic liquor, subsequent to the  
4 passage of this Act or has forfeited his bond to appear in  
5 court to answer charges for any such violation.

6           (13) A person who does not beneficially own the  
7 premises for which a license is sought, or does not have a  
8 lease thereon for the full period for which the license is  
9 to be issued.

10          (14) Any law enforcing public official, including  
11 members of local liquor control commissions, any mayor,  
12 alderman, or member of the city council or commission, any  
13 president of the village board of trustees, any member of a  
14 village board of trustees, or any president or member of a  
15 county board; and no such official shall have a direct  
16 interest in the manufacture, sale, or distribution of  
17 alcoholic liquor, except that a license may be granted to  
18 such official in relation to premises that are not located  
19 within the territory subject to the jurisdiction of that  
20 official if the issuance of such license is approved by the  
21 State Liquor Control Commission and except that a license  
22 may be granted, in a city or village with a population of  
23 50,000 or less, to any alderman, member of a city council,  
24 or member of a village board of trustees in relation to  
25 premises that are located within the territory subject to  
26 the jurisdiction of that official if (i) the sale of

1 alcoholic liquor pursuant to the license is incidental to  
2 the selling of food, (ii) the issuance of the license is  
3 approved by the State Commission, (iii) the issuance of the  
4 license is in accordance with all applicable local  
5 ordinances in effect where the premises are located, and  
6 (iv) the official granted a license does not vote on  
7 alcoholic liquor issues pending before the board or council  
8 to which the license holder is elected. Notwithstanding any  
9 provision of this paragraph (14) to the contrary, an  
10 alderman or member of a city council or commission, a  
11 member of a village board of trustees other than the  
12 president of the village board of trustees, or a member of  
13 a county board other than the president of a county board  
14 may have a direct interest in the manufacture, sale, or  
15 distribution of alcoholic liquor as long as he or she is  
16 not a law enforcing public official, a mayor, a village  
17 board president, or president of a county board. To prevent  
18 any conflict of interest, the elected official with the  
19 direct interest in the manufacture, sale, or distribution  
20 of alcoholic liquor cannot participate in any meetings,  
21 hearings, or decisions on matters impacting the  
22 manufacture, sale, or distribution of alcoholic liquor.

23 (15) A person who is not a beneficial owner of the  
24 business to be operated by the licensee.

25 (16) A person who has been convicted of a gambling  
26 offense as proscribed by any of subsections (a) (3) through

1 (a) (11) of Section 28-1 of, or as proscribed by Section  
2 28-1.1 or 28-3 of, the Criminal Code of 1961, or as  
3 proscribed by a statute replaced by any of the aforesaid  
4 statutory provisions.

5 (17) A person or entity to whom a federal wagering  
6 stamp has been issued by the federal government, unless the  
7 person or entity is eligible to be issued a license under  
8 the Raffles Act or the Illinois Pull Tabs and Jar Games  
9 Act.

10 (18) A person who intends to sell alcoholic liquors for  
11 use or consumption on his or her licensed retail premises  
12 who does not have liquor liability insurance coverage for  
13 that premises in an amount that is at least equal to the  
14 maximum liability amounts set out in subsection (a) of  
15 Section 6-21.

16 (b) A criminal conviction of a corporation is not grounds  
17 for the denial, suspension, or revocation of a license applied  
18 for or held by the corporation if the criminal conviction was  
19 not the result of a violation of any federal or State law  
20 concerning the manufacture, possession or sale of alcoholic  
21 liquor, the offense that led to the conviction did not result  
22 in any financial gain to the corporation and the corporation  
23 has terminated its relationship with each director, officer,  
24 employee, or controlling shareholder whose actions directly  
25 contributed to the conviction of the corporation. The  
26 Commission shall determine if all provisions of this subsection

1 (b) have been met before any action on the corporation's  
2 license is initiated.

3 (Source: P.A. 94-5, eff. 6-3-05; 94-289, eff. 1-1-06; 94-381,  
4 eff. 7-29-05; 95-331, eff. 8-21-07.)

5 Section 1005. The Illinois Public Aid Code is amended by  
6 changing Section 4-1.7 as follows:

7 (305 ILCS 5/4-1.7) (from Ch. 23, par. 4-1.7)

8 Sec. 4-1.7. Enforcement of Parental Child Support  
9 Obligation. If the parent or parents of the child are failing  
10 to meet or are delinquent in their legal obligation to support  
11 the child, the parent or other person having custody of the  
12 child or the Department of Healthcare and Family Services may  
13 request the law enforcement officer authorized or directed by  
14 law to so act to file action for the enforcement of such  
15 remedies as the law provides for the fulfillment of the child  
16 support obligation.

17 If a parent has a judicial remedy against the other parent  
18 to compel child support, or if, as the result of an action  
19 initiated by or in behalf of one parent against the other, a  
20 child support order has been entered in respect to which there  
21 is noncompliance or delinquency, or where the order so entered  
22 may be changed upon petition to the court to provide additional  
23 support, the parent or other person having custody of the child  
24 or the Department of Healthcare and Family Services may request



1 the appropriate law enforcement officer to seek enforcement of  
2 the remedy, or of the support order, or a change therein to  
3 provide additional support. If the law enforcement officer is  
4 not authorized by law to so act in these instances, the parent,  
5 or if so authorized by law the other person having custody of  
6 the child, or the Department of Healthcare and Family Services  
7 may initiate an action to enforce these remedies.

8 A parent or other person having custody of the child must  
9 comply with the requirements of Title IV of the federal Social  
10 Security Act, and the regulations duly promulgated thereunder,  
11 and any rules promulgated by the Illinois Department regarding  
12 enforcement of the child support obligation. The Department of  
13 Healthcare and Family Services and the Department of Human  
14 Services may provide by rule for the grant or continuation of  
15 aid to the person for a temporary period if he or she accepts  
16 counseling or other services designed to increase his or her  
17 motivation to seek enforcement of the child support obligation.

18 In addition to any other definition of failure or refusal  
19 to comply with the requirements of Title IV of the federal  
20 Social Security Act, or Illinois Department rule, in the case  
21 of failure to attend court hearings, the parent or other person  
22 can show cooperation by attending a court hearing or, if a  
23 court hearing cannot be scheduled within 14 days following the  
24 court hearing that was missed, by signing a statement that the  
25 parent or other person is now willing to cooperate in the child  
26 support enforcement process and will appear at any later

1 scheduled court date. The parent or other person can show  
2 cooperation by signing such a statement only once. If failure  
3 to attend the court hearing or other failure to cooperate  
4 results in the case being dismissed, such a statement may be  
5 signed after 2 months.

6 No denial or termination of medical assistance pursuant to  
7 this Section shall commence during pregnancy of the parent or  
8 other person having custody of the child or for 30 days after  
9 the termination of such pregnancy. The termination of medical  
10 assistance may commence thereafter if the Department of  
11 Healthcare and Family Services determines that the failure or  
12 refusal to comply with this Section persists. Postponement of  
13 denial or termination of medical assistance during pregnancy  
14 under this paragraph shall be effective only to the extent it  
15 does not conflict with federal law or regulation.

16 Any evidence a parent or other person having custody of the  
17 child gives in order to comply with the requirements of this  
18 Section shall not render him or her liable to prosecution under  
19 Section 11-35 or 11-40 ~~Sections 11-7 or 11-8~~ of the "Criminal  
20 Code of 1961", approved July 28, 1961, as amended.

21 When so requested, the Department of Healthcare and Family  
22 Services and the Department of Human Services shall provide  
23 such services and assistance as the law enforcement officer may  
24 require in connection with the filing of any action hereunder.

25 The Department of Healthcare and Family Services and the  
26 Department of Human Services, as an expense of administration,

1 may also provide applicants for and recipients of aid with such  
2 services and assistance, including assumption of the  
3 reasonable costs of prosecuting any action or proceeding, as  
4 may be necessary to enable them to enforce the child support  
5 liability required hereunder.

6 Nothing in this Section shall be construed as a requirement  
7 that an applicant or recipient file an action for dissolution  
8 of marriage against his or her spouse.

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

10 Section 1008. The Abused and Neglected Child Reporting Act  
11 is amended by changing Section 4.5 as follows:

12 (325 ILCS 5/4.5)

13 Sec. 4.5. Electronic and information technology workers;  
14 reporting child pornography.

15 (a) In this Section:

16 "Child pornography" means child pornography as described  
17 in Section 11-20.1 of the Criminal Code of 1961 or aggravated  
18 child pornography as described in Section 11-20.1B ~~11-20.3~~ of  
19 the Criminal Code of 1961.

20 "Electronic and information technology equipment" means  
21 equipment used in the creation, manipulation, storage,  
22 display, or transmission of data, including internet and  
23 intranet systems, software applications, operating systems,  
24 video and multimedia, telecommunications products, kiosks,

1 information transaction machines, copiers, printers, and  
2 desktop and portable computers.

3 "Electronic and information technology equipment worker"  
4 means a person who in the scope and course of his or her  
5 employment or business installs, repairs, or otherwise  
6 services electronic and information technology equipment for a  
7 fee but does not include (i) an employee, independent  
8 contractor, or other agent of a telecommunications carrier or  
9 telephone or telecommunications cooperative, as those terms  
10 are defined in the Public Utilities Act, or (ii) an employee,  
11 independent contractor, or other agent of a provider of  
12 commercial mobile radio service, as defined in 47 C.F.R. 20.3.

13 (b) If an electronic and information technology equipment  
14 worker discovers any depiction of child pornography while  
15 installing, repairing, or otherwise servicing an item of  
16 electronic and information technology equipment, that worker  
17 or the worker's employer shall immediately report the discovery  
18 to the local law enforcement agency or to the Cyber Tipline at  
19 the National Center for Missing & Exploited Children.

20 (c) If a report is filed in accordance with the  
21 requirements of 42 U.S.C. 13032, the requirements of this  
22 Section 4.5 will be deemed to have been met.

23 (d) An electronic and information technology equipment  
24 worker or electronic and information technology equipment  
25 worker's employer who reports a discovery of child pornography  
26 as required under this Section is immune from any criminal,

1 civil, or administrative liability in connection with making  
2 the report, except for willful or wanton misconduct.

3 (e) Failure to report a discovery of child pornography as  
4 required under this Section is a business offense subject to a  
5 fine of \$1,001.

6 (Source: P.A. 95-944, eff. 8-29-08.)

7 Section 1010. The Intergovernmental Missing Child Recovery  
8 Act of 1984 is amended by changing Section 2 as follows:

9 (325 ILCS 40/2) (from Ch. 23, par. 2252)

10 Sec. 2. As used in this Act: (a) "Department" means the  
11 Department of State Police.

12 (b) "Director" means the Director of the Department of  
13 State Police.

14 (c) "Unit of Local Government" is defined as in Article  
15 VII, Section 1 of the Illinois Constitution and includes both  
16 home rule units and units which are not home rule units. The  
17 term is also defined to include all public school districts  
18 subject to the provisions of The School Code.

19 (d) "Child" means a person under 21 years of age.

20 (e) A "LEADS terminal" is an interactive computerized  
21 communication and processing unit which permits a direct  
22 on-line communication with the Department of State Police's  
23 central data repository, the Law Enforcement Agencies Data  
24 System (LEADS).

1 (f) A "Primary contact agency" means a law enforcement  
2 agency which maintains a LEADS terminal, or has immediate  
3 access to one on a 24-hour-per-day, 7-day-per-week basis by  
4 written agreement with another law enforcement agency, and is  
5 designated by the I SEARCH policy board to be the agency  
6 responsible for coordinating the joint efforts between the  
7 Department of State Police and the I SEARCH program  
8 participants.

9 (g) "Illinois State Enforcement Agencies to Recover  
10 Children Unit" or "I SEARCH Unit" means a combination of units  
11 of local government within a contiguous geographical area  
12 served by one or more LEADS terminals and established to  
13 collectively address the missing and exploited children  
14 problem in their respective geographical areas.

15 (h) "Missing child" means any person under 21 years of age  
16 whose whereabouts are unknown to his or her parents or legal  
17 guardian.

18 (i) "Exploitation" means activities and actions which  
19 include, but are not limited to, child pornography, aggravated  
20 child pornography, child prostitution, child sexual abuse,  
21 drug and substance abuse by children, and child suicide.

22 (j) "Participating agency" means a law enforcement agency  
23 that does not receive State funding, but signs an agreement of  
24 intergovernmental cooperation with the Department to perform  
25 the duties of an I SEARCH Unit.

26 (Source: P.A. 85-1209.)

1           Section 1015. The Sexual Assault Survivors Emergency  
2 Treatment Act is amended by changing Section 1a as follows:

3           (410 ILCS 70/1a) (from Ch. 111 1/2, par. 87-1a)

4           Sec. 1a. Definitions. In this Act:

5           "Ambulance provider" means an individual or entity that  
6 owns and operates a business or service using ambulances or  
7 emergency medical services vehicles to transport emergency  
8 patients.

9           "Areawide sexual assault treatment plan" means a plan,  
10 developed by the hospitals in the community or area to be  
11 served, which provides for hospital emergency services to  
12 sexual assault survivors that shall be made available by each  
13 of the participating hospitals.

14           "Department" means the Department of Public Health.

15           "Emergency contraception" means medication as approved by  
16 the federal Food and Drug Administration (FDA) that can  
17 significantly reduce the risk of pregnancy if taken within 72  
18 hours after sexual assault.

19           "Follow-up healthcare" means healthcare services related  
20 to a sexual assault, including laboratory services and pharmacy  
21 services, rendered within 90 days of the initial visit for  
22 hospital emergency services.

23           "Forensic services" means the collection of evidence  
24 pursuant to a statewide sexual assault evidence collection

1 program administered by the Department of State Police, using  
2 the Illinois State Police Sexual Assault Evidence Collection  
3 Kit.

4 "Health care professional" means a physician, a physician  
5 assistant, or an advanced practice nurse.

6 "Hospital" has the meaning given to that term in the  
7 Hospital Licensing Act.

8 "Hospital emergency services" means healthcare delivered  
9 to outpatients within or under the care and supervision of  
10 personnel working in a designated emergency department of a  
11 hospital, including, but not limited to, care ordered by such  
12 personnel for a sexual assault survivor in the emergency  
13 department.

14 "Illinois State Police Sexual Assault Evidence Collection  
15 Kit" means a prepackaged set of materials and forms to be used  
16 for the collection of evidence relating to sexual assault. The  
17 standardized evidence collection kit for the State of Illinois  
18 shall be the Illinois State Police Sexual Assault Evidence  
19 Collection Kit.

20 "Nurse" means a nurse licensed under the Nurse Practice  
21 Act.

22 "Physician" means a person licensed to practice medicine in  
23 all its branches.

24 "Sexual assault" means an act of nonconsensual sexual  
25 conduct or sexual penetration, as defined in Section 11-0.1  
26 ~~12-12~~ of the Criminal Code of 1961, including, without



1 limitation, acts prohibited under Sections 11-1.20 through  
2 11-1.60 ~~12-13 through 12-16~~ of the Criminal Code of 1961.

3 "Sexual assault survivor" means a person who presents for  
4 hospital emergency services in relation to injuries or trauma  
5 resulting from a sexual assault.

6 "Sexual assault transfer plan" means a written plan  
7 developed by a hospital and approved by the Department, which  
8 describes the hospital's procedures for transferring sexual  
9 assault survivors to another hospital in order to receive  
10 emergency treatment.

11 "Sexual assault treatment plan" means a written plan  
12 developed by a hospital that describes the hospital's  
13 procedures and protocols for providing hospital emergency  
14 services and forensic services to sexual assault survivors who  
15 present themselves for such services, either directly or  
16 through transfer from another hospital.

17 "Transfer services" means the appropriate medical  
18 screening examination and necessary stabilizing treatment  
19 prior to the transfer of a sexual assault survivor to a  
20 hospital that provides hospital emergency services and  
21 forensic services to sexual assault survivors pursuant to a  
22 sexual assault treatment plan or areawide sexual assault  
23 treatment plan.

24 (Source: P.A. 95-432, eff. 1-1-08; 96-328, eff. 8-11-09.)

25 Section 1020. The Consent by Minors to Medical Procedures

1 Act is amended by changing Section 3 as follows:

2 (410 ILCS 210/3) (from Ch. 111, par. 4503)

3 Sec. 3. (a) Where a hospital, a physician licensed to  
4 practice medicine or surgery, an advanced practice nurse who  
5 has a written collaborative agreement with a collaborating  
6 physician that authorizes provision of services for minors, or  
7 a physician assistant who has been delegated authority to  
8 provide services for minors renders emergency treatment or  
9 first aid or a licensed dentist renders emergency dental  
10 treatment to a minor, consent of the minor's parent or legal  
11 guardian need not be obtained if, in the sole opinion of the  
12 physician, advanced practice nurse, physician assistant,  
13 dentist, or hospital, the obtaining of consent is not  
14 reasonably feasible under the circumstances without adversely  
15 affecting the condition of such minor's health.

16 (b) Where a minor is the victim of a predatory criminal  
17 sexual assault of a child, aggravated criminal sexual assault,  
18 criminal sexual assault, aggravated criminal sexual abuse or  
19 criminal sexual abuse, as provided in Sections 11-1.20 through  
20 11-1.60 ~~12-13 through 12-16~~ of the Criminal Code of 1961, as  
21 now or hereafter amended, the consent of the minor's parent or  
22 legal guardian need not be obtained to authorize a hospital,  
23 physician, advanced practice nurse, physician assistant, or  
24 other medical personnel to furnish medical care or counseling  
25 related to the diagnosis or treatment of any disease or injury

1 arising from such offense. The minor may consent to such  
2 counseling, diagnosis or treatment as if the minor had reached  
3 his or her age of majority. Such consent shall not be voidable,  
4 nor subject to later disaffirmance, because of minority.

5 (Source: P.A. 93-962, eff. 8-20-04.)

6 Section 1025. The Illinois Vehicle Code is amended by  
7 changing Sections 6-106.1, 6-206, and 6-508 as follows:

8 (625 ILCS 5/6-106.1)

9 Sec. 6-106.1. School bus driver permit.

10 (a) The Secretary of State shall issue a school bus driver  
11 permit to those applicants who have met all the requirements of  
12 the application and screening process under this Section to  
13 insure the welfare and safety of children who are transported  
14 on school buses throughout the State of Illinois. Applicants  
15 shall obtain the proper application required by the Secretary  
16 of State from their prospective or current employer and submit  
17 the completed application to the prospective or current  
18 employer along with the necessary fingerprint submission as  
19 required by the Department of State Police to conduct  
20 fingerprint based criminal background checks on current and  
21 future information available in the state system and current  
22 information available through the Federal Bureau of  
23 Investigation's system. Applicants who have completed the  
24 fingerprinting requirements shall not be subjected to the

1 fingerprinting process when applying for subsequent permits or  
2 submitting proof of successful completion of the annual  
3 refresher course. Individuals who on the effective date of this  
4 Act possess a valid school bus driver permit that has been  
5 previously issued by the appropriate Regional School  
6 Superintendent are not subject to the fingerprinting  
7 provisions of this Section as long as the permit remains valid  
8 and does not lapse. The applicant shall be required to pay all  
9 related application and fingerprinting fees as established by  
10 rule including, but not limited to, the amounts established by  
11 the Department of State Police and the Federal Bureau of  
12 Investigation to process fingerprint based criminal background  
13 investigations. All fees paid for fingerprint processing  
14 services under this Section shall be deposited into the State  
15 Police Services Fund for the cost incurred in processing the  
16 fingerprint based criminal background investigations. All  
17 other fees paid under this Section shall be deposited into the  
18 Road Fund for the purpose of defraying the costs of the  
19 Secretary of State in administering this Section. All  
20 applicants must:

- 21 1. be 21 years of age or older;
- 22 2. possess a valid and properly classified driver's  
23 license issued by the Secretary of State;
- 24 3. possess a valid driver's license, which has not been  
25 revoked, suspended, or canceled for 3 years immediately  
26 prior to the date of application, or have not had his or

1 her commercial motor vehicle driving privileges  
2 disqualified within the 3 years immediately prior to the  
3 date of application;

4 4. successfully pass a written test, administered by  
5 the Secretary of State, on school bus operation, school bus  
6 safety, and special traffic laws relating to school buses  
7 and submit to a review of the applicant's driving habits by  
8 the Secretary of State at the time the written test is  
9 given;

10 5. demonstrate ability to exercise reasonable care in  
11 the operation of school buses in accordance with rules  
12 promulgated by the Secretary of State;

13 6. demonstrate physical fitness to operate school  
14 buses by submitting the results of a medical examination,  
15 including tests for drug use for each applicant not subject  
16 to such testing pursuant to federal law, conducted by a  
17 licensed physician, an advanced practice nurse who has a  
18 written collaborative agreement with a collaborating  
19 physician which authorizes him or her to perform medical  
20 examinations, or a physician assistant who has been  
21 delegated the performance of medical examinations by his or  
22 her supervising physician within 90 days of the date of  
23 application according to standards promulgated by the  
24 Secretary of State;

25 7. affirm under penalties of perjury that he or she has  
26 not made a false statement or knowingly concealed a

1 material fact in any application for permit;

2 8. have completed an initial classroom course,  
3 including first aid procedures, in school bus driver safety  
4 as promulgated by the Secretary of State; and after  
5 satisfactory completion of said initial course an annual  
6 refresher course; such courses and the agency or  
7 organization conducting such courses shall be approved by  
8 the Secretary of State; failure to complete the annual  
9 refresher course, shall result in cancellation of the  
10 permit until such course is completed;

11 9. not have been convicted of 2 or more serious traffic  
12 offenses, as defined by rule, within one year prior to the  
13 date of application that may endanger the life or safety of  
14 any of the driver's passengers within the duration of the  
15 permit period;

16 10. not have been convicted of reckless driving,  
17 aggravated reckless driving, driving while under the  
18 influence of alcohol, other drug or drugs, intoxicating  
19 compound or compounds or any combination thereof, or  
20 reckless homicide resulting from the operation of a motor  
21 vehicle within 3 years of the date of application;

22 11. not have been convicted of committing or attempting  
23 to commit any one or more of the following offenses: (i)  
24 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,  
25 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,  
26 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,

1       11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,  
2       11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,  
3       11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,  
4       11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,  
5       11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,  
6       12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,  
7       12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-6, 12-6.2, 12-7.1,  
8       12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14, 12-14.1,  
9       12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33, 16-16,  
10       16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1,  
11       20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5,  
12       24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 31A-1, 31A-1.1,  
13       33A-2, and 33D-1, and in subsection (b) of Section 8-1, and  
14       in subsection (a) and subsection (b), clause (1), of  
15       Section 12-4, and in subsection (A), clauses (a) and (b),  
16       of Section 24-3, and those offenses contained in Article  
17       29D of the Criminal Code of 1961; (ii) those offenses  
18       defined in the Cannabis Control Act except those offenses  
19       defined in subsections (a) and (b) of Section 4, and  
20       subsection (a) of Section 5 of the Cannabis Control Act;  
21       (iii) those offenses defined in the Illinois Controlled  
22       Substances Act; (iv) those offenses defined in the  
23       Methamphetamine Control and Community Protection Act; (v)  
24       any offense committed or attempted in any other state or  
25       against the laws of the United States, which if committed  
26       or attempted in this State would be punishable as one or

1 more of the foregoing offenses; (vi) the offenses defined  
2 in Section 4.1 and 5.1 of the Wrongs to Children Act or  
3 Section 11-9.1A of the Criminal Code of 1961; (vii) those  
4 offenses defined in Section 6-16 of the Liquor Control Act  
5 of 1934; and (viii) those offenses defined in the  
6 Methamphetamine Precursor Control Act; ~~;~~

7 12. not have been repeatedly involved as a driver in  
8 motor vehicle collisions or been repeatedly convicted of  
9 offenses against laws and ordinances regulating the  
10 movement of traffic, to a degree which indicates lack of  
11 ability to exercise ordinary and reasonable care in the  
12 safe operation of a motor vehicle or disrespect for the  
13 traffic laws and the safety of other persons upon the  
14 highway;

15 13. not have, through the unlawful operation of a motor  
16 vehicle, caused an accident resulting in the death of any  
17 person; and

18 14. not have, within the last 5 years, been adjudged to  
19 be afflicted with or suffering from any mental disability  
20 or disease.

21 (b) A school bus driver permit shall be valid for a period  
22 specified by the Secretary of State as set forth by rule. It  
23 shall be renewable upon compliance with subsection (a) of this  
24 Section.

25 (c) A school bus driver permit shall contain the holder's  
26 driver's license number, legal name, residence address, zip



1 code, social security number and date of birth, a brief  
2 description of the holder and a space for signature. The  
3 Secretary of State may require a suitable photograph of the  
4 holder.

5 (d) The employer shall be responsible for conducting a  
6 pre-employment interview with prospective school bus driver  
7 candidates, distributing school bus driver applications and  
8 medical forms to be completed by the applicant, and submitting  
9 the applicant's fingerprint cards to the Department of State  
10 Police that are required for the criminal background  
11 investigations. The employer shall certify in writing to the  
12 Secretary of State that all pre-employment conditions have been  
13 successfully completed including the successful completion of  
14 an Illinois specific criminal background investigation through  
15 the Department of State Police and the submission of necessary  
16 fingerprints to the Federal Bureau of Investigation for  
17 criminal history information available through the Federal  
18 Bureau of Investigation system. The applicant shall present the  
19 certification to the Secretary of State at the time of  
20 submitting the school bus driver permit application.

21 (e) Permits shall initially be provisional upon receiving  
22 certification from the employer that all pre-employment  
23 conditions have been successfully completed, and upon  
24 successful completion of all training and examination  
25 requirements for the classification of the vehicle to be  
26 operated, the Secretary of State shall provisionally issue a

1 School Bus Driver Permit. The permit shall remain in a  
2 provisional status pending the completion of the Federal Bureau  
3 of Investigation's criminal background investigation based  
4 upon fingerprinting specimens submitted to the Federal Bureau  
5 of Investigation by the Department of State Police. The Federal  
6 Bureau of Investigation shall report the findings directly to  
7 the Secretary of State. The Secretary of State shall remove the  
8 bus driver permit from provisional status upon the applicant's  
9 successful completion of the Federal Bureau of Investigation's  
10 criminal background investigation.

11 (f) A school bus driver permit holder shall notify the  
12 employer and the Secretary of State if he or she is convicted  
13 in another state of an offense that would make him or her  
14 ineligible for a permit under subsection (a) of this Section.  
15 The written notification shall be made within 5 days of the  
16 entry of the conviction. Failure of the permit holder to  
17 provide the notification is punishable as a petty offense for a  
18 first violation and a Class B misdemeanor for a second or  
19 subsequent violation.

20 (g) Cancellation; suspension; notice and procedure.

21 (1) The Secretary of State shall cancel a school bus  
22 driver permit of an applicant whose criminal background  
23 investigation discloses that he or she is not in compliance  
24 with the provisions of subsection (a) of this Section.

25 (2) The Secretary of State shall cancel a school bus  
26 driver permit when he or she receives notice that the

1 permit holder fails to comply with any provision of this  
2 Section or any rule promulgated for the administration of  
3 this Section.

4 (3) The Secretary of State shall cancel a school bus  
5 driver permit if the permit holder's restricted commercial  
6 or commercial driving privileges are withdrawn or  
7 otherwise invalidated.

8 (4) The Secretary of State may not issue a school bus  
9 driver permit for a period of 3 years to an applicant who  
10 fails to obtain a negative result on a drug test as  
11 required in item 6 of subsection (a) of this Section or  
12 under federal law.

13 (5) The Secretary of State shall forthwith suspend a  
14 school bus driver permit for a period of 3 years upon  
15 receiving notice that the holder has failed to obtain a  
16 negative result on a drug test as required in item 6 of  
17 subsection (a) of this Section or under federal law.

18 (6) The Secretary of State shall suspend a school bus  
19 driver permit for a period of 3 years upon receiving notice  
20 from the employer that the holder failed to perform the  
21 inspection procedure set forth in subsection (a) or (b) of  
22 Section 12-816 of this Code.

23 The Secretary of State shall notify the State  
24 Superintendent of Education and the permit holder's  
25 prospective or current employer that the applicant has (1) has  
26 failed a criminal background investigation or (2) is no longer

1 eligible for a school bus driver permit; and of the related  
2 cancellation of the applicant's provisional school bus driver  
3 permit. The cancellation shall remain in effect pending the  
4 outcome of a hearing pursuant to Section 2-118 of this Code.  
5 The scope of the hearing shall be limited to the issuance  
6 criteria contained in subsection (a) of this Section. A  
7 petition requesting a hearing shall be submitted to the  
8 Secretary of State and shall contain the reason the individual  
9 feels he or she is entitled to a school bus driver permit. The  
10 permit holder's employer shall notify in writing to the  
11 Secretary of State that the employer has certified the removal  
12 of the offending school bus driver from service prior to the  
13 start of that school bus driver's next workshift. An employing  
14 school board that fails to remove the offending school bus  
15 driver from service is subject to the penalties defined in  
16 Section 3-14.23 of the School Code. A school bus contractor who  
17 violates a provision of this Section is subject to the  
18 penalties defined in Section 6-106.11.

19 All valid school bus driver permits issued under this  
20 Section prior to January 1, 1995, shall remain effective until  
21 their expiration date unless otherwise invalidated.

22 (h) When a school bus driver permit holder who is a service  
23 member is called to active duty, the employer of the permit  
24 holder shall notify the Secretary of State, within 30 days of  
25 notification from the permit holder, that the permit holder has  
26 been called to active duty. Upon notification pursuant to this

1 subsection, (i) the Secretary of State shall characterize the  
2 permit as inactive until a permit holder renews the permit as  
3 provided in subsection (i) of this Section, and (ii) if a  
4 permit holder fails to comply with the requirements of this  
5 Section while called to active duty, the Secretary of State  
6 shall not characterize the permit as invalid.

7 (i) A school bus driver permit holder who is a service  
8 member returning from active duty must, within 90 days, renew a  
9 permit characterized as inactive pursuant to subsection (h) of  
10 this Section by complying with the renewal requirements of  
11 subsection (b) of this Section.

12 (j) For purposes of subsections (h) and (i) of this  
13 Section:

14 "Active duty" means active duty pursuant to an executive  
15 order of the President of the United States, an act of the  
16 Congress of the United States, or an order of the Governor.

17 "Service member" means a member of the Armed Services or  
18 reserve forces of the United States or a member of the Illinois  
19 National Guard.

20 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;  
21 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.  
22 7-22-10; revised 9-2-10.)

23 (625 ILCS 5/6-206)

24 (Text of Section before amendment by P.A. 96-1344)

25 Sec. 6-206. Discretionary authority to suspend or revoke

1 license or permit; Right to a hearing.

2 (a) The Secretary of State is authorized to suspend or  
3 revoke the driving privileges of any person without preliminary  
4 hearing upon a showing of the person's records or other  
5 sufficient evidence that the person:

6 1. Has committed an offense for which mandatory  
7 revocation of a driver's license or permit is required upon  
8 conviction;

9 2. Has been convicted of not less than 3 offenses  
10 against traffic regulations governing the movement of  
11 vehicles committed within any 12 month period. No  
12 revocation or suspension shall be entered more than 6  
13 months after the date of last conviction;

14 3. Has been repeatedly involved as a driver in motor  
15 vehicle collisions or has been repeatedly convicted of  
16 offenses against laws and ordinances regulating the  
17 movement of traffic, to a degree that indicates lack of  
18 ability to exercise ordinary and reasonable care in the  
19 safe operation of a motor vehicle or disrespect for the  
20 traffic laws and the safety of other persons upon the  
21 highway;

22 4. Has by the unlawful operation of a motor vehicle  
23 caused or contributed to an accident resulting in injury  
24 requiring immediate professional treatment in a medical  
25 facility or doctor's office to any person, except that any  
26 suspension or revocation imposed by the Secretary of State

1 under the provisions of this subsection shall start no  
2 later than 6 months after being convicted of violating a  
3 law or ordinance regulating the movement of traffic, which  
4 violation is related to the accident, or shall start not  
5 more than one year after the date of the accident,  
6 whichever date occurs later;

7 5. Has permitted an unlawful or fraudulent use of a  
8 driver's license, identification card, or permit;

9 6. Has been lawfully convicted of an offense or  
10 offenses in another state, including the authorization  
11 contained in Section 6-203.1, which if committed within  
12 this State would be grounds for suspension or revocation;

13 7. Has refused or failed to submit to an examination  
14 provided for by Section 6-207 or has failed to pass the  
15 examination;

16 8. Is ineligible for a driver's license or permit under  
17 the provisions of Section 6-103;

18 9. Has made a false statement or knowingly concealed a  
19 material fact or has used false information or  
20 identification in any application for a license,  
21 identification card, or permit;

22 10. Has possessed, displayed, or attempted to  
23 fraudulently use any license, identification card, or  
24 permit not issued to the person;

25 11. Has operated a motor vehicle upon a highway of this  
26 State when the person's driving privilege or privilege to

1 obtain a driver's license or permit was revoked or  
2 suspended unless the operation was authorized by a  
3 monitoring device driving permit, judicial driving permit  
4 issued prior to January 1, 2009, probationary license to  
5 drive, or a restricted driving permit issued under this  
6 Code;

7 12. Has submitted to any portion of the application  
8 process for another person or has obtained the services of  
9 another person to submit to any portion of the application  
10 process for the purpose of obtaining a license,  
11 identification card, or permit for some other person;

12 13. Has operated a motor vehicle upon a highway of this  
13 State when the person's driver's license or permit was  
14 invalid under the provisions of Sections 6-107.1 and 6-110;

15 14. Has committed a violation of Section 6-301,  
16 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
17 of the Illinois Identification Card Act;

18 15. Has been convicted of violating Section 21-2 of the  
19 Criminal Code of 1961 relating to criminal trespass to  
20 vehicles in which case, the suspension shall be for one  
21 year;

22 16. Has been convicted of violating Section 11-204 of  
23 this Code relating to fleeing from a peace officer;

24 17. Has refused to submit to a test, or tests, as  
25 required under Section 11-501.1 of this Code and the person  
26 has not sought a hearing as provided for in Section



1 11-501.1;

2 18. Has, since issuance of a driver's license or  
3 permit, been adjudged to be afflicted with or suffering  
4 from any mental disability or disease;

5 19. Has committed a violation of paragraph (a) or (b)  
6 of Section 6-101 relating to driving without a driver's  
7 license;

8 20. Has been convicted of violating Section 6-104  
9 relating to classification of driver's license;

10 21. Has been convicted of violating Section 11-402 of  
11 this Code relating to leaving the scene of an accident  
12 resulting in damage to a vehicle in excess of \$1,000, in  
13 which case the suspension shall be for one year;

14 22. Has used a motor vehicle in violating paragraph  
15 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
16 the Criminal Code of 1961 relating to unlawful use of  
17 weapons, in which case the suspension shall be for one  
18 year;

19 23. Has, as a driver, been convicted of committing a  
20 violation of paragraph (a) of Section 11-502 of this Code  
21 for a second or subsequent time within one year of a  
22 similar violation;

23 24. Has been convicted by a court-martial or punished  
24 by non-judicial punishment by military authorities of the  
25 United States at a military installation in Illinois of or  
26 for a traffic related offense that is the same as or

1 similar to an offense specified under Section 6-205 or  
2 6-206 of this Code;

3 25. Has permitted any form of identification to be used  
4 by another in the application process in order to obtain or  
5 attempt to obtain a license, identification card, or  
6 permit;

7 26. Has altered or attempted to alter a license or has  
8 possessed an altered license, identification card, or  
9 permit;

10 27. Has violated Section 6-16 of the Liquor Control Act  
11 of 1934;

12 28. Has been convicted of the illegal possession, while  
13 operating or in actual physical control, as a driver, of a  
14 motor vehicle, of any controlled substance prohibited  
15 under the Illinois Controlled Substances Act, any cannabis  
16 prohibited under the Cannabis Control Act, or any  
17 methamphetamine prohibited under the Methamphetamine  
18 Control and Community Protection Act, in which case the  
19 person's driving privileges shall be suspended for one  
20 year, and any driver who is convicted of a second or  
21 subsequent offense, within 5 years of a previous  
22 conviction, for the illegal possession, while operating or  
23 in actual physical control, as a driver, of a motor  
24 vehicle, of any controlled substance prohibited under the  
25 Illinois Controlled Substances Act, any cannabis  
26 prohibited under the Cannabis Control Act, or any

1 methamphetamine prohibited under the Methamphetamine  
2 Control and Community Protection Act shall be suspended for  
3 5 years. Any defendant found guilty of this offense while  
4 operating a motor vehicle, shall have an entry made in the  
5 court record by the presiding judge that this offense did  
6 occur while the defendant was operating a motor vehicle and  
7 order the clerk of the court to report the violation to the  
8 Secretary of State;

9 29. Has been convicted of the following offenses that  
10 were committed while the person was operating or in actual  
11 physical control, as a driver, of a motor vehicle: criminal  
12 sexual assault, predatory criminal sexual assault of a  
13 child, aggravated criminal sexual assault, criminal sexual  
14 abuse, aggravated criminal sexual abuse, juvenile pimping,  
15 soliciting for a juvenile prostitute, promoting juvenile  
16 prostitution as described in subdivision (a) (1), (a) (2),  
17 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961,  
18 and the manufacture, sale or delivery of controlled  
19 substances or instruments used for illegal drug use or  
20 abuse in which case the driver's driving privileges shall  
21 be suspended for one year;

22 30. Has been convicted a second or subsequent time for  
23 any combination of the offenses named in paragraph 29 of  
24 this subsection, in which case the person's driving  
25 privileges shall be suspended for 5 years;

26 31. Has refused to submit to a test as required by

1 Section 11-501.6 or has submitted to a test resulting in an  
2 alcohol concentration of 0.08 or more or any amount of a  
3 drug, substance, or compound resulting from the unlawful  
4 use or consumption of cannabis as listed in the Cannabis  
5 Control Act, a controlled substance as listed in the  
6 Illinois Controlled Substances Act, an intoxicating  
7 compound as listed in the Use of Intoxicating Compounds  
8 Act, or methamphetamine as listed in the Methamphetamine  
9 Control and Community Protection Act, in which case the  
10 penalty shall be as prescribed in Section 6-208.1;

11 32. Has been convicted of Section 24-1.2 of the  
12 Criminal Code of 1961 relating to the aggravated discharge  
13 of a firearm if the offender was located in a motor vehicle  
14 at the time the firearm was discharged, in which case the  
15 suspension shall be for 3 years;

16 33. Has as a driver, who was less than 21 years of age  
17 on the date of the offense, been convicted a first time of  
18 a violation of paragraph (a) of Section 11-502 of this Code  
19 or a similar provision of a local ordinance;

20 34. Has committed a violation of Section 11-1301.5 of  
21 this Code;

22 35. Has committed a violation of Section 11-1301.6 of  
23 this Code;

24 36. Is under the age of 21 years at the time of arrest  
25 and has been convicted of not less than 2 offenses against  
26 traffic regulations governing the movement of vehicles

1 committed within any 24 month period. No revocation or  
2 suspension shall be entered more than 6 months after the  
3 date of last conviction;

4 37. Has committed a violation of subsection (c) of  
5 Section 11-907 of this Code that resulted in damage to the  
6 property of another or the death or injury of another;

7 38. Has been convicted of a violation of Section 6-20  
8 of the Liquor Control Act of 1934 or a similar provision of  
9 a local ordinance;

10 39. Has committed a second or subsequent violation of  
11 Section 11-1201 of this Code;

12 40. Has committed a violation of subsection (a-1) of  
13 Section 11-908 of this Code;

14 41. Has committed a second or subsequent violation of  
15 Section 11-605.1 of this Code within 2 years of the date of  
16 the previous violation, in which case the suspension shall  
17 be for 90 days;

18 42. Has committed a violation of subsection (a-1) of  
19 Section 11-1301.3 of this Code;

20 43. Has received a disposition of court supervision for  
21 a violation of subsection (a), (d), or (e) of Section 6-20  
22 of the Liquor Control Act of 1934 or a similar provision of  
23 a local ordinance, in which case the suspension shall be  
24 for a period of 3 months;

25 44. Is under the age of 21 years at the time of arrest  
26 and has been convicted of an offense against traffic

1 regulations governing the movement of vehicles after  
2 having previously had his or her driving privileges  
3 suspended or revoked pursuant to subparagraph 36 of this  
4 Section; or

5 45. Has, in connection with or during the course of a  
6 formal hearing conducted under Section 2-118 of this Code:  
7 (i) committed perjury; (ii) submitted fraudulent or  
8 falsified documents; (iii) submitted documents that have  
9 been materially altered; or (iv) submitted, as his or her  
10 own, documents that were in fact prepared or composed for  
11 another person.

12 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
13 and 27 of this subsection, license means any driver's license,  
14 any traffic ticket issued when the person's driver's license is  
15 deposited in lieu of bail, a suspension notice issued by the  
16 Secretary of State, a duplicate or corrected driver's license,  
17 a probationary driver's license or a temporary driver's  
18 license.

19 (b) If any conviction forming the basis of a suspension or  
20 revocation authorized under this Section is appealed, the  
21 Secretary of State may rescind or withhold the entry of the  
22 order of suspension or revocation, as the case may be, provided  
23 that a certified copy of a stay order of a court is filed with  
24 the Secretary of State. If the conviction is affirmed on  
25 appeal, the date of the conviction shall relate back to the  
26 time the original judgment of conviction was entered and the 6

1 month limitation prescribed shall not apply.

2 (c) 1. Upon suspending or revoking the driver's license or  
3 permit of any person as authorized in this Section, the  
4 Secretary of State shall immediately notify the person in  
5 writing of the revocation or suspension. The notice to be  
6 deposited in the United States mail, postage prepaid, to the  
7 last known address of the person.

8 2. If the Secretary of State suspends the driver's  
9 license of a person under subsection 2 of paragraph (a) of  
10 this Section, a person's privilege to operate a vehicle as  
11 an occupation shall not be suspended, provided an affidavit  
12 is properly completed, the appropriate fee received, and a  
13 permit issued prior to the effective date of the  
14 suspension, unless 5 offenses were committed, at least 2 of  
15 which occurred while operating a commercial vehicle in  
16 connection with the driver's regular occupation. All other  
17 driving privileges shall be suspended by the Secretary of  
18 State. Any driver prior to operating a vehicle for  
19 occupational purposes only must submit the affidavit on  
20 forms to be provided by the Secretary of State setting  
21 forth the facts of the person's occupation. The affidavit  
22 shall also state the number of offenses committed while  
23 operating a vehicle in connection with the driver's regular  
24 occupation. The affidavit shall be accompanied by the  
25 driver's license. Upon receipt of a properly completed  
26 affidavit, the Secretary of State shall issue the driver a

1 permit to operate a vehicle in connection with the driver's  
2 regular occupation only. Unless the permit is issued by the  
3 Secretary of State prior to the date of suspension, the  
4 privilege to drive any motor vehicle shall be suspended as  
5 set forth in the notice that was mailed under this Section.  
6 If an affidavit is received subsequent to the effective  
7 date of this suspension, a permit may be issued for the  
8 remainder of the suspension period.

9 The provisions of this subparagraph shall not apply to  
10 any driver required to possess a CDL for the purpose of  
11 operating a commercial motor vehicle.

12 Any person who falsely states any fact in the affidavit  
13 required herein shall be guilty of perjury under Section  
14 6-302 and upon conviction thereof shall have all driving  
15 privileges revoked without further rights.

16 3. At the conclusion of a hearing under Section 2-118  
17 of this Code, the Secretary of State shall either rescind  
18 or continue an order of revocation or shall substitute an  
19 order of suspension; or, good cause appearing therefor,  
20 rescind, continue, change, or extend the order of  
21 suspension. If the Secretary of State does not rescind the  
22 order, the Secretary may upon application, to relieve undue  
23 hardship (as defined by the rules of the Secretary of  
24 State), issue a restricted driving permit granting the  
25 privilege of driving a motor vehicle between the  
26 petitioner's residence and petitioner's place of



1 employment or within the scope of the petitioner's  
2 employment related duties, or to allow the petitioner to  
3 transport himself or herself, or a family member of the  
4 petitioner's household to a medical facility, to receive  
5 necessary medical care, to allow the petitioner to  
6 transport himself or herself to and from alcohol or drug  
7 remedial or rehabilitative activity recommended by a  
8 licensed service provider, or to allow the petitioner to  
9 transport himself or herself or a family member of the  
10 petitioner's household to classes, as a student, at an  
11 accredited educational institution, or to allow the  
12 petitioner to transport children, elderly persons, or  
13 disabled persons who do not hold driving privileges and are  
14 living in the petitioner's household to and from daycare.  
15 The petitioner must demonstrate that no alternative means  
16 of transportation is reasonably available and that the  
17 petitioner will not endanger the public safety or welfare.  
18 Those multiple offenders identified in subdivision (b)4 of  
19 Section 6-208 of this Code, however, shall not be eligible  
20 for the issuance of a restricted driving permit.

21 (A) If a person's license or permit is revoked or  
22 suspended due to 2 or more convictions of violating  
23 Section 11-501 of this Code or a similar provision of a  
24 local ordinance or a similar out-of-state offense, or  
25 Section 9-3 of the Criminal Code of 1961, where the use  
26 of alcohol or other drugs is recited as an element of

1 the offense, or a similar out-of-state offense, or a  
2 combination of these offenses, arising out of separate  
3 occurrences, that person, if issued a restricted  
4 driving permit, may not operate a vehicle unless it has  
5 been equipped with an ignition interlock device as  
6 defined in Section 1-129.1.

7 (B) If a person's license or permit is revoked or  
8 suspended 2 or more times within a 10 year period due  
9 to any combination of:

10 (i) a single conviction of violating Section  
11 11-501 of this Code or a similar provision of a  
12 local ordinance or a similar out-of-state offense  
13 or Section 9-3 of the Criminal Code of 1961, where  
14 the use of alcohol or other drugs is recited as an  
15 element of the offense, or a similar out-of-state  
16 offense; or

17 (ii) a statutory summary suspension under  
18 Section 11-501.1; or

19 (iii) a suspension under Section 6-203.1;  
20 arising out of separate occurrences; that person, if  
21 issued a restricted driving permit, may not operate a  
22 vehicle unless it has been equipped with an ignition  
23 interlock device as defined in Section 1-129.1.

24 (C) The person issued a permit conditioned upon the  
25 use of an ignition interlock device must pay to the  
26 Secretary of State DUI Administration Fund an amount

1 not to exceed \$30 per month. The Secretary shall  
2 establish by rule the amount and the procedures, terms,  
3 and conditions relating to these fees.

4 (D) If the restricted driving permit is issued for  
5 employment purposes, then the prohibition against  
6 operating a motor vehicle that is not equipped with an  
7 ignition interlock device does not apply to the  
8 operation of an occupational vehicle owned or leased by  
9 that person's employer when used solely for employment  
10 purposes.

11 (E) In each case the Secretary may issue a  
12 restricted driving permit for a period deemed  
13 appropriate, except that all permits shall expire  
14 within one year from the date of issuance. The  
15 Secretary may not, however, issue a restricted driving  
16 permit to any person whose current revocation is the  
17 result of a second or subsequent conviction for a  
18 violation of Section 11-501 of this Code or a similar  
19 provision of a local ordinance or any similar  
20 out-of-state offense, or Section 9-3 of the Criminal  
21 Code of 1961, where the use of alcohol or other drugs  
22 is recited as an element of the offense, or any similar  
23 out-of-state offense, or any combination of those  
24 offenses, until the expiration of at least one year  
25 from the date of the revocation. A restricted driving  
26 permit issued under this Section shall be subject to

1 cancellation, revocation, and suspension by the  
2 Secretary of State in like manner and for like cause as  
3 a driver's license issued under this Code may be  
4 cancelled, revoked, or suspended; except that a  
5 conviction upon one or more offenses against laws or  
6 ordinances regulating the movement of traffic shall be  
7 deemed sufficient cause for the revocation,  
8 suspension, or cancellation of a restricted driving  
9 permit. The Secretary of State may, as a condition to  
10 the issuance of a restricted driving permit, require  
11 the applicant to participate in a designated driver  
12 remedial or rehabilitative program. The Secretary of  
13 State is authorized to cancel a restricted driving  
14 permit if the permit holder does not successfully  
15 complete the program.

16 (c-3) In the case of a suspension under paragraph 43 of  
17 subsection (a), reports received by the Secretary of State  
18 under this Section shall, except during the actual time the  
19 suspension is in effect, be privileged information and for use  
20 only by the courts, police officers, prosecuting authorities,  
21 the driver licensing administrator of any other state, the  
22 Secretary of State, or the parent or legal guardian of a driver  
23 under the age of 18. However, beginning January 1, 2008, if the  
24 person is a CDL holder, the suspension shall also be made  
25 available to the driver licensing administrator of any other  
26 state, the U.S. Department of Transportation, and the affected

1 driver or motor carrier or prospective motor carrier upon  
2 request.

3 (c-4) In the case of a suspension under paragraph 43 of  
4 subsection (a), the Secretary of State shall notify the person  
5 by mail that his or her driving privileges and driver's license  
6 will be suspended one month after the date of the mailing of  
7 the notice.

8 (c-5) The Secretary of State may, as a condition of the  
9 reissuance of a driver's license or permit to an applicant  
10 whose driver's license or permit has been suspended before he  
11 or she reached the age of 21 years pursuant to any of the  
12 provisions of this Section, require the applicant to  
13 participate in a driver remedial education course and be  
14 retested under Section 6-109 of this Code.

15 (d) This Section is subject to the provisions of the  
16 Drivers License Compact.

17 (e) The Secretary of State shall not issue a restricted  
18 driving permit to a person under the age of 16 years whose  
19 driving privileges have been suspended or revoked under any  
20 provisions of this Code.

21 (f) In accordance with 49 C.F.R. 384, the Secretary of  
22 State may not issue a restricted driving permit for the  
23 operation of a commercial motor vehicle to a person holding a  
24 CDL whose driving privileges have been suspended, revoked,  
25 cancelled, or disqualified under any provisions of this Code.

26 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,

1 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,  
2 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,  
3 eff. 8-11-09; 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11;  
4 96-1305, eff. 1-1-11; revised 9-2-10.)

5 (Text of Section after amendment by P.A. 96-1344)

6 Sec. 6-206. Discretionary authority to suspend or revoke  
7 license or permit; Right to a hearing.

8 (a) The Secretary of State is authorized to suspend or  
9 revoke the driving privileges of any person without preliminary  
10 hearing upon a showing of the person's records or other  
11 sufficient evidence that the person:

12 1. Has committed an offense for which mandatory  
13 revocation of a driver's license or permit is required upon  
14 conviction;

15 2. Has been convicted of not less than 3 offenses  
16 against traffic regulations governing the movement of  
17 vehicles committed within any 12 month period. No  
18 revocation or suspension shall be entered more than 6  
19 months after the date of last conviction;

20 3. Has been repeatedly involved as a driver in motor  
21 vehicle collisions or has been repeatedly convicted of  
22 offenses against laws and ordinances regulating the  
23 movement of traffic, to a degree that indicates lack of  
24 ability to exercise ordinary and reasonable care in the  
25 safe operation of a motor vehicle or disrespect for the

1 traffic laws and the safety of other persons upon the  
2 highway;

3 4. Has by the unlawful operation of a motor vehicle  
4 caused or contributed to an accident resulting in injury  
5 requiring immediate professional treatment in a medical  
6 facility or doctor's office to any person, except that any  
7 suspension or revocation imposed by the Secretary of State  
8 under the provisions of this subsection shall start no  
9 later than 6 months after being convicted of violating a  
10 law or ordinance regulating the movement of traffic, which  
11 violation is related to the accident, or shall start not  
12 more than one year after the date of the accident,  
13 whichever date occurs later;

14 5. Has permitted an unlawful or fraudulent use of a  
15 driver's license, identification card, or permit;

16 6. Has been lawfully convicted of an offense or  
17 offenses in another state, including the authorization  
18 contained in Section 6-203.1, which if committed within  
19 this State would be grounds for suspension or revocation;

20 7. Has refused or failed to submit to an examination  
21 provided for by Section 6-207 or has failed to pass the  
22 examination;

23 8. Is ineligible for a driver's license or permit under  
24 the provisions of Section 6-103;

25 9. Has made a false statement or knowingly concealed a  
26 material fact or has used false information or

1 identification in any application for a license,  
2 identification card, or permit;

3 10. Has possessed, displayed, or attempted to  
4 fraudulently use any license, identification card, or  
5 permit not issued to the person;

6 11. Has operated a motor vehicle upon a highway of this  
7 State when the person's driving privilege or privilege to  
8 obtain a driver's license or permit was revoked or  
9 suspended unless the operation was authorized by a  
10 monitoring device driving permit, judicial driving permit  
11 issued prior to January 1, 2009, probationary license to  
12 drive, or a restricted driving permit issued under this  
13 Code;

14 12. Has submitted to any portion of the application  
15 process for another person or has obtained the services of  
16 another person to submit to any portion of the application  
17 process for the purpose of obtaining a license,  
18 identification card, or permit for some other person;

19 13. Has operated a motor vehicle upon a highway of this  
20 State when the person's driver's license or permit was  
21 invalid under the provisions of Sections 6-107.1 and 6-110;

22 14. Has committed a violation of Section 6-301,  
23 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
24 of the Illinois Identification Card Act;

25 15. Has been convicted of violating Section 21-2 of the  
26 Criminal Code of 1961 relating to criminal trespass to



1 vehicles in which case, the suspension shall be for one  
2 year;

3 16. Has been convicted of violating Section 11-204 of  
4 this Code relating to fleeing from a peace officer;

5 17. Has refused to submit to a test, or tests, as  
6 required under Section 11-501.1 of this Code and the person  
7 has not sought a hearing as provided for in Section  
8 11-501.1;

9 18. Has, since issuance of a driver's license or  
10 permit, been adjudged to be afflicted with or suffering  
11 from any mental disability or disease;

12 19. Has committed a violation of paragraph (a) or (b)  
13 of Section 6-101 relating to driving without a driver's  
14 license;

15 20. Has been convicted of violating Section 6-104  
16 relating to classification of driver's license;

17 21. Has been convicted of violating Section 11-402 of  
18 this Code relating to leaving the scene of an accident  
19 resulting in damage to a vehicle in excess of \$1,000, in  
20 which case the suspension shall be for one year;

21 22. Has used a motor vehicle in violating paragraph  
22 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
23 the Criminal Code of 1961 relating to unlawful use of  
24 weapons, in which case the suspension shall be for one  
25 year;

26 23. Has, as a driver, been convicted of committing a

1 violation of paragraph (a) of Section 11-502 of this Code  
2 for a second or subsequent time within one year of a  
3 similar violation;

4 24. Has been convicted by a court-martial or punished  
5 by non-judicial punishment by military authorities of the  
6 United States at a military installation in Illinois of or  
7 for a traffic related offense that is the same as or  
8 similar to an offense specified under Section 6-205 or  
9 6-206 of this Code;

10 25. Has permitted any form of identification to be used  
11 by another in the application process in order to obtain or  
12 attempt to obtain a license, identification card, or  
13 permit;

14 26. Has altered or attempted to alter a license or has  
15 possessed an altered license, identification card, or  
16 permit;

17 27. Has violated Section 6-16 of the Liquor Control Act  
18 of 1934;

19 28. Has been convicted of the illegal possession, while  
20 operating or in actual physical control, as a driver, of a  
21 motor vehicle, of any controlled substance prohibited  
22 under the Illinois Controlled Substances Act, any cannabis  
23 prohibited under the Cannabis Control Act, or any  
24 methamphetamine prohibited under the Methamphetamine  
25 Control and Community Protection Act, in which case the  
26 person's driving privileges shall be suspended for one

1 year, and any driver who is convicted of a second or  
2 subsequent offense, within 5 years of a previous  
3 conviction, for the illegal possession, while operating or  
4 in actual physical control, as a driver, of a motor  
5 vehicle, of any controlled substance prohibited under the  
6 Illinois Controlled Substances Act, any cannabis  
7 prohibited under the Cannabis Control Act, or any  
8 methamphetamine prohibited under the Methamphetamine  
9 Control and Community Protection Act shall be suspended for  
10 5 years. Any defendant found guilty of this offense while  
11 operating a motor vehicle, shall have an entry made in the  
12 court record by the presiding judge that this offense did  
13 occur while the defendant was operating a motor vehicle and  
14 order the clerk of the court to report the violation to the  
15 Secretary of State;

16 29. Has been convicted of the following offenses that  
17 were committed while the person was operating or in actual  
18 physical control, as a driver, of a motor vehicle: criminal  
19 sexual assault, predatory criminal sexual assault of a  
20 child, aggravated criminal sexual assault, criminal sexual  
21 abuse, aggravated criminal sexual abuse, juvenile pimping,  
22 soliciting for a juvenile prostitute, promoting juvenile  
23 prostitution as described in subdivision (a) (1), (a) (2),  
24 or (a) (3) of Section 11-14.4 of the Criminal Code of 1961,  
25 and the manufacture, sale or delivery of controlled  
26 substances or instruments used for illegal drug use or

1 abuse in which case the driver's driving privileges shall  
2 be suspended for one year;

3 30. Has been convicted a second or subsequent time for  
4 any combination of the offenses named in paragraph 29 of  
5 this subsection, in which case the person's driving  
6 privileges shall be suspended for 5 years;

7 31. Has refused to submit to a test as required by  
8 Section 11-501.6 or has submitted to a test resulting in an  
9 alcohol concentration of 0.08 or more or any amount of a  
10 drug, substance, or compound resulting from the unlawful  
11 use or consumption of cannabis as listed in the Cannabis  
12 Control Act, a controlled substance as listed in the  
13 Illinois Controlled Substances Act, an intoxicating  
14 compound as listed in the Use of Intoxicating Compounds  
15 Act, or methamphetamine as listed in the Methamphetamine  
16 Control and Community Protection Act, in which case the  
17 penalty shall be as prescribed in Section 6-208.1;

18 32. Has been convicted of Section 24-1.2 of the  
19 Criminal Code of 1961 relating to the aggravated discharge  
20 of a firearm if the offender was located in a motor vehicle  
21 at the time the firearm was discharged, in which case the  
22 suspension shall be for 3 years;

23 33. Has as a driver, who was less than 21 years of age  
24 on the date of the offense, been convicted a first time of  
25 a violation of paragraph (a) of Section 11-502 of this Code  
26 or a similar provision of a local ordinance;

1           34. Has committed a violation of Section 11-1301.5 of  
2 this Code;

3           35. Has committed a violation of Section 11-1301.6 of  
4 this Code;

5           36. Is under the age of 21 years at the time of arrest  
6 and has been convicted of not less than 2 offenses against  
7 traffic regulations governing the movement of vehicles  
8 committed within any 24 month period. No revocation or  
9 suspension shall be entered more than 6 months after the  
10 date of last conviction;

11           37. Has committed a violation of subsection (c) of  
12 Section 11-907 of this Code that resulted in damage to the  
13 property of another or the death or injury of another;

14           38. Has been convicted of a violation of Section 6-20  
15 of the Liquor Control Act of 1934 or a similar provision of  
16 a local ordinance;

17           39. Has committed a second or subsequent violation of  
18 Section 11-1201 of this Code;

19           40. Has committed a violation of subsection (a-1) of  
20 Section 11-908 of this Code;

21           41. Has committed a second or subsequent violation of  
22 Section 11-605.1 of this Code within 2 years of the date of  
23 the previous violation, in which case the suspension shall  
24 be for 90 days;

25           42. Has committed a violation of subsection (a-1) of  
26 Section 11-1301.3 of this Code;

1           43. Has received a disposition of court supervision for  
2 a violation of subsection (a), (d), or (e) of Section 6-20  
3 of the Liquor Control Act of 1934 or a similar provision of  
4 a local ordinance, in which case the suspension shall be  
5 for a period of 3 months;

6           44. Is under the age of 21 years at the time of arrest  
7 and has been convicted of an offense against traffic  
8 regulations governing the movement of vehicles after  
9 having previously had his or her driving privileges  
10 suspended or revoked pursuant to subparagraph 36 of this  
11 Section; or

12           45. Has, in connection with or during the course of a  
13 formal hearing conducted under Section 2-118 of this Code:  
14 (i) committed perjury; (ii) submitted fraudulent or  
15 falsified documents; (iii) submitted documents that have  
16 been materially altered; or (iv) submitted, as his or her  
17 own, documents that were in fact prepared or composed for  
18 another person.

19           For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
20 and 27 of this subsection, license means any driver's license,  
21 any traffic ticket issued when the person's driver's license is  
22 deposited in lieu of bail, a suspension notice issued by the  
23 Secretary of State, a duplicate or corrected driver's license,  
24 a probationary driver's license or a temporary driver's  
25 license.

26           (b) If any conviction forming the basis of a suspension or

1 revocation authorized under this Section is appealed, the  
2 Secretary of State may rescind or withhold the entry of the  
3 order of suspension or revocation, as the case may be, provided  
4 that a certified copy of a stay order of a court is filed with  
5 the Secretary of State. If the conviction is affirmed on  
6 appeal, the date of the conviction shall relate back to the  
7 time the original judgment of conviction was entered and the 6  
8 month limitation prescribed shall not apply.

9 (c) 1. Upon suspending or revoking the driver's license or  
10 permit of any person as authorized in this Section, the  
11 Secretary of State shall immediately notify the person in  
12 writing of the revocation or suspension. The notice to be  
13 deposited in the United States mail, postage prepaid, to the  
14 last known address of the person.

15 2. If the Secretary of State suspends the driver's  
16 license of a person under subsection 2 of paragraph (a) of  
17 this Section, a person's privilege to operate a vehicle as  
18 an occupation shall not be suspended, provided an affidavit  
19 is properly completed, the appropriate fee received, and a  
20 permit issued prior to the effective date of the  
21 suspension, unless 5 offenses were committed, at least 2 of  
22 which occurred while operating a commercial vehicle in  
23 connection with the driver's regular occupation. All other  
24 driving privileges shall be suspended by the Secretary of  
25 State. Any driver prior to operating a vehicle for  
26 occupational purposes only must submit the affidavit on

1 forms to be provided by the Secretary of State setting  
2 forth the facts of the person's occupation. The affidavit  
3 shall also state the number of offenses committed while  
4 operating a vehicle in connection with the driver's regular  
5 occupation. The affidavit shall be accompanied by the  
6 driver's license. Upon receipt of a properly completed  
7 affidavit, the Secretary of State shall issue the driver a  
8 permit to operate a vehicle in connection with the driver's  
9 regular occupation only. Unless the permit is issued by the  
10 Secretary of State prior to the date of suspension, the  
11 privilege to drive any motor vehicle shall be suspended as  
12 set forth in the notice that was mailed under this Section.  
13 If an affidavit is received subsequent to the effective  
14 date of this suspension, a permit may be issued for the  
15 remainder of the suspension period.

16 The provisions of this subparagraph shall not apply to  
17 any driver required to possess a CDL for the purpose of  
18 operating a commercial motor vehicle.

19 Any person who falsely states any fact in the affidavit  
20 required herein shall be guilty of perjury under Section  
21 6-302 and upon conviction thereof shall have all driving  
22 privileges revoked without further rights.

23 3. At the conclusion of a hearing under Section 2-118  
24 of this Code, the Secretary of State shall either rescind  
25 or continue an order of revocation or shall substitute an  
26 order of suspension; or, good cause appearing therefor,



1 rescind, continue, change, or extend the order of  
2 suspension. If the Secretary of State does not rescind the  
3 order, the Secretary may upon application, to relieve undue  
4 hardship (as defined by the rules of the Secretary of  
5 State), issue a restricted driving permit granting the  
6 privilege of driving a motor vehicle between the  
7 petitioner's residence and petitioner's place of  
8 employment or within the scope of the petitioner's  
9 employment related duties, or to allow the petitioner to  
10 transport himself or herself, or a family member of the  
11 petitioner's household to a medical facility, to receive  
12 necessary medical care, to allow the petitioner to  
13 transport himself or herself to and from alcohol or drug  
14 remedial or rehabilitative activity recommended by a  
15 licensed service provider, or to allow the petitioner to  
16 transport himself or herself or a family member of the  
17 petitioner's household to classes, as a student, at an  
18 accredited educational institution, or to allow the  
19 petitioner to transport children, elderly persons, or  
20 disabled persons who do not hold driving privileges and are  
21 living in the petitioner's household to and from daycare.  
22 The petitioner must demonstrate that no alternative means  
23 of transportation is reasonably available and that the  
24 petitioner will not endanger the public safety or welfare.  
25 Those multiple offenders identified in subdivision (b)4 of  
26 Section 6-208 of this Code, however, shall not be eligible

1 for the issuance of a restricted driving permit.

2 (A) If a person's license or permit is revoked or  
3 suspended due to 2 or more convictions of violating  
4 Section 11-501 of this Code or a similar provision of a  
5 local ordinance or a similar out-of-state offense, or  
6 Section 9-3 of the Criminal Code of 1961, where the use  
7 of alcohol or other drugs is recited as an element of  
8 the offense, or a similar out-of-state offense, or a  
9 combination of these offenses, arising out of separate  
10 occurrences, that person, if issued a restricted  
11 driving permit, may not operate a vehicle unless it has  
12 been equipped with an ignition interlock device as  
13 defined in Section 1-129.1.

14 (B) If a person's license or permit is revoked or  
15 suspended 2 or more times within a 10 year period due  
16 to any combination of:

17 (i) a single conviction of violating Section  
18 11-501 of this Code or a similar provision of a  
19 local ordinance or a similar out-of-state offense  
20 or Section 9-3 of the Criminal Code of 1961, where  
21 the use of alcohol or other drugs is recited as an  
22 element of the offense, or a similar out-of-state  
23 offense; or

24 (ii) a statutory summary suspension or  
25 revocation under Section 11-501.1; or

26 (iii) a suspension under Section 6-203.1;

1            arising out of separate occurrences; that person, if  
2            issued a restricted driving permit, may not operate a  
3            vehicle unless it has been equipped with an ignition  
4            interlock device as defined in Section 1-129.1.

5            (C) The person issued a permit conditioned upon the  
6            use of an ignition interlock device must pay to the  
7            Secretary of State DUI Administration Fund an amount  
8            not to exceed \$30 per month. The Secretary shall  
9            establish by rule the amount and the procedures, terms,  
10           and conditions relating to these fees.

11           (D) If the restricted driving permit is issued for  
12           employment purposes, then the prohibition against  
13           operating a motor vehicle that is not equipped with an  
14           ignition interlock device does not apply to the  
15           operation of an occupational vehicle owned or leased by  
16           that person's employer when used solely for employment  
17           purposes.

18           (E) In each case the Secretary may issue a  
19           restricted driving permit for a period deemed  
20           appropriate, except that all permits shall expire  
21           within one year from the date of issuance. The  
22           Secretary may not, however, issue a restricted driving  
23           permit to any person whose current revocation is the  
24           result of a second or subsequent conviction for a  
25           violation of Section 11-501 of this Code or a similar  
26           provision of a local ordinance or any similar

1 out-of-state offense, or Section 9-3 of the Criminal  
2 Code of 1961, where the use of alcohol or other drugs  
3 is recited as an element of the offense, or any similar  
4 out-of-state offense, or any combination of those  
5 offenses, until the expiration of at least one year  
6 from the date of the revocation. A restricted driving  
7 permit issued under this Section shall be subject to  
8 cancellation, revocation, and suspension by the  
9 Secretary of State in like manner and for like cause as  
10 a driver's license issued under this Code may be  
11 cancelled, revoked, or suspended; except that a  
12 conviction upon one or more offenses against laws or  
13 ordinances regulating the movement of traffic shall be  
14 deemed sufficient cause for the revocation,  
15 suspension, or cancellation of a restricted driving  
16 permit. The Secretary of State may, as a condition to  
17 the issuance of a restricted driving permit, require  
18 the applicant to participate in a designated driver  
19 remedial or rehabilitative program. The Secretary of  
20 State is authorized to cancel a restricted driving  
21 permit if the permit holder does not successfully  
22 complete the program.

23 (c-3) In the case of a suspension under paragraph 43 of  
24 subsection (a), reports received by the Secretary of State  
25 under this Section shall, except during the actual time the  
26 suspension is in effect, be privileged information and for use

1 only by the courts, police officers, prosecuting authorities,  
2 the driver licensing administrator of any other state, the  
3 Secretary of State, or the parent or legal guardian of a driver  
4 under the age of 18. However, beginning January 1, 2008, if the  
5 person is a CDL holder, the suspension shall also be made  
6 available to the driver licensing administrator of any other  
7 state, the U.S. Department of Transportation, and the affected  
8 driver or motor carrier or prospective motor carrier upon  
9 request.

10 (c-4) In the case of a suspension under paragraph 43 of  
11 subsection (a), the Secretary of State shall notify the person  
12 by mail that his or her driving privileges and driver's license  
13 will be suspended one month after the date of the mailing of  
14 the notice.

15 (c-5) The Secretary of State may, as a condition of the  
16 reissuance of a driver's license or permit to an applicant  
17 whose driver's license or permit has been suspended before he  
18 or she reached the age of 21 years pursuant to any of the  
19 provisions of this Section, require the applicant to  
20 participate in a driver remedial education course and be  
21 retested under Section 6-109 of this Code.

22 (d) This Section is subject to the provisions of the  
23 Drivers License Compact.

24 (e) The Secretary of State shall not issue a restricted  
25 driving permit to a person under the age of 16 years whose  
26 driving privileges have been suspended or revoked under any

1 provisions of this Code.

2 (f) In accordance with 49 C.F.R. 384, the Secretary of  
3 State may not issue a restricted driving permit for the  
4 operation of a commercial motor vehicle to a person holding a  
5 CDL whose driving privileges have been suspended, revoked,  
6 cancelled, or disqualified under any provisions of this Code.

7 (Source: P.A. 95-166, eff. 1-1-08; 95-310, eff. 1-1-08; 95-382,  
8 eff. 8-23-07; 95-400, eff. 1-1-09; 95-627, eff. 6-1-08; 95-848,  
9 eff. 1-1-09; 95-876, eff. 8-21-08; 95-894, eff. 1-1-09; 96-328,  
10 eff. 8-11-09; 96-607, eff. 8-24-09; 96-1180, eff. 1-1-11;  
11 96-1305, eff. 1-1-11; 96-1344, eff. 7-1-11; revised 9-2-10.)

12 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

13 Sec. 6-508. Commercial Driver's License (CDL) -  
14 qualification standards.

15 (a) Testing.

16 (1) General. No person shall be issued an original or  
17 renewal CDL unless that person is domiciled in this State.  
18 The Secretary shall cause to be administered such tests as  
19 the Secretary deems necessary to meet the requirements of  
20 49 C.F.R. Part 383, subparts F, G, H, and J.

21 (2) Third party testing. The Secretary of state may  
22 authorize a "third party tester", pursuant to 49 C.F.R.  
23 Part 383.75, to administer the skills test or tests  
24 specified by Federal Motor Carrier Safety Administration  
25 pursuant to the Commercial Motor Vehicle Safety Act of 1986

1 and any appropriate federal rule.

2 (b) Waiver of Skills Test. The Secretary of State may waive  
3 the skills test specified in this Section for a driver  
4 applicant for a commercial driver license who meets the  
5 requirements of 49 C.F.R. Part 383.77 and Part 383.123.

6 (c) Limitations on issuance of a CDL. A CDL, or a  
7 commercial driver instruction permit, shall not be issued to a  
8 person while the person is subject to a disqualification from  
9 driving a commercial motor vehicle, or unless otherwise  
10 permitted by this Code, while the person's driver's license is  
11 suspended, revoked or cancelled in any state, or any territory  
12 or province of Canada; nor may a CDL be issued to a person who  
13 has a CDL issued by any other state, or foreign jurisdiction,  
14 unless the person first surrenders all such licenses. No CDL  
15 shall be issued to or renewed for a person who does not meet  
16 the requirement of 49 CFR 391.41(b)(11). The requirement may be  
17 met with the aid of a hearing aid.

18 (c-1) The Secretary may issue a CDL with a school bus  
19 driver endorsement to allow a person to drive the type of bus  
20 described in subsection (d-5) of Section 6-104 of this Code.  
21 The CDL with a school bus driver endorsement may be issued only  
22 to a person meeting the following requirements:

23 (1) the person has submitted his or her fingerprints to  
24 the Department of State Police in the form and manner  
25 prescribed by the Department of State Police. These  
26 fingerprints shall be checked against the fingerprint

1 records now and hereafter filed in the Department of State  
2 Police and Federal Bureau of Investigation criminal  
3 history records databases;

4 (2) the person has passed a written test, administered  
5 by the Secretary of State, on charter bus operation,  
6 charter bus safety, and certain special traffic laws  
7 relating to school buses determined by the Secretary of  
8 State to be relevant to charter buses, and submitted to a  
9 review of the driver applicant's driving habits by the  
10 Secretary of State at the time the written test is given;

11 (3) the person has demonstrated physical fitness to  
12 operate school buses by submitting the results of a medical  
13 examination, including tests for drug use; and

14 (4) the person has not been convicted of committing or  
15 attempting to commit any one or more of the following  
16 offenses: (i) those offenses defined in Sections 8-1.2,  
17 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,  
18 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,  
19 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,  
20 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,  
21 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,  
22 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
23 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,  
24 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,  
25 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,  
26 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11,



1 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5,  
2 12-21.6, 12-33, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4,  
3 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1,  
4 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5,  
5 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of  
6 Section 8-1, and in subsection (a) and subsection (b),  
7 clause (1), of Section 12-4, and in subsection (A), clauses  
8 (a) and (b), of Section 24-3, and those offenses contained  
9 in Article 29D of the Criminal Code of 1961; (ii) those  
10 offenses defined in the Cannabis Control Act except those  
11 offenses defined in subsections (a) and (b) of Section 4,  
12 and subsection (a) of Section 5 of the Cannabis Control  
13 Act; (iii) those offenses defined in the Illinois  
14 Controlled Substances Act; (iv) those offenses defined in  
15 the Methamphetamine Control and Community Protection Act;  
16 (v) any offense committed or attempted in any other state  
17 or against the laws of the United States, which if  
18 committed or attempted in this State would be punishable as  
19 one or more of the foregoing offenses; (vi) the offenses  
20 defined in Sections 4.1 and 5.1 of the Wrongs to Children  
21 Act or Section 11-9.1A of the Criminal Code of 1961; (vii)  
22 those offenses defined in Section 6-16 of the Liquor  
23 Control Act of 1934; and (viii) those offenses defined in  
24 the Methamphetamine Precursor Control Act.

25 The Department of State Police shall charge a fee for  
26 conducting the criminal history records check, which shall be

1 deposited into the State Police Services Fund and may not  
2 exceed the actual cost of the records check.

3 (c-2) The Secretary shall issue a CDL with a school bus  
4 endorsement to allow a person to drive a school bus as defined  
5 in this Section. The CDL shall be issued according to the  
6 requirements outlined in 49 C.F.R. 383. A person may not  
7 operate a school bus as defined in this Section without a  
8 school bus endorsement. The Secretary of State may adopt rules  
9 consistent with Federal guidelines to implement this  
10 subsection (c-2).

11 (d) Commercial driver instruction permit. A commercial  
12 driver instruction permit may be issued to any person holding a  
13 valid Illinois driver's license if such person successfully  
14 passes such tests as the Secretary determines to be necessary.  
15 A commercial driver instruction permit shall not be issued to a  
16 person who does not meet the requirements of 49 CFR 391.41  
17 (b)(11), except for the renewal of a commercial driver  
18 instruction permit for a person who possesses a commercial  
19 instruction permit prior to the effective date of this  
20 amendatory Act of 1999.

21 (Source: P.A. 95-331, eff. 8-21-07; 95-382, eff. 8-23-07;  
22 96-1182, eff. 7-22-10.)

23 Section 1030. The Juvenile Court Act of 1987 is amended by  
24 changing Sections 1-8, 2-17, 2-25, 3-19, 3-26, 4-16, 4-23,  
25 5-170, and 5-730 as follows:

1 (705 ILCS 405/1-8) (from Ch. 37, par. 801-8)

2 Sec. 1-8. Confidentiality and accessibility of juvenile  
3 court records.

4 (A) Inspection and copying of juvenile court records  
5 relating to a minor who is the subject of a proceeding under  
6 this Act shall be restricted to the following:

7 (1) The minor who is the subject of record, his  
8 parents, guardian and counsel.

9 (2) Law enforcement officers and law enforcement  
10 agencies when such information is essential to executing an  
11 arrest or search warrant or other compulsory process, or to  
12 conducting an ongoing investigation or relating to a minor  
13 who has been adjudicated delinquent and there has been a  
14 previous finding that the act which constitutes the  
15 previous offense was committed in furtherance of criminal  
16 activities by a criminal street gang.

17 Before July 1, 1994, for the purposes of this Section,  
18 "criminal street gang" means any ongoing organization,  
19 association, or group of 3 or more persons, whether formal  
20 or informal, having as one of its primary activities the  
21 commission of one or more criminal acts and that has a  
22 common name or common identifying sign, symbol or specific  
23 color apparel displayed, and whose members individually or  
24 collectively engage in or have engaged in a pattern of  
25 criminal activity.

1           Beginning July 1, 1994, for purposes of this Section,  
2 "criminal street gang" has the meaning ascribed to it in  
3 Section 10 of the Illinois Streetgang Terrorism Omnibus  
4 Prevention Act.

5           (3) Judges, hearing officers, prosecutors, probation  
6 officers, social workers or other individuals assigned by  
7 the court to conduct a pre-adjudication or predisposition  
8 investigation, and individuals responsible for supervising  
9 or providing temporary or permanent care and custody for  
10 minors pursuant to the order of the juvenile court when  
11 essential to performing their responsibilities.

12           (4) Judges, prosecutors and probation officers:

13           (a) in the course of a trial when institution of  
14 criminal proceedings has been permitted or required  
15 under Section 5-805; or

16           (b) when criminal proceedings have been permitted  
17 or required under Section 5-805 and a minor is the  
18 subject of a proceeding to determine the amount of  
19 bail; or

20           (c) when criminal proceedings have been permitted  
21 or required under Section 5-805 and a minor is the  
22 subject of a pre-trial investigation, pre-sentence  
23 investigation or fitness hearing, or proceedings on an  
24 application for probation; or

25           (d) when a minor becomes 17 years of age or older,  
26 and is the subject of criminal proceedings, including a

1 hearing to determine the amount of bail, a pre-trial  
2 investigation, a pre-sentence investigation, a fitness  
3 hearing, or proceedings on an application for  
4 probation.

5 (5) Adult and Juvenile Prisoner Review Boards.

6 (6) Authorized military personnel.

7 (7) Victims, their subrogees and legal  
8 representatives; however, such persons shall have access  
9 only to the name and address of the minor and information  
10 pertaining to the disposition or alternative adjustment  
11 plan of the juvenile court.

12 (8) Persons engaged in bona fide research, with the  
13 permission of the presiding judge of the juvenile court and  
14 the chief executive of the agency that prepared the  
15 particular records; provided that publication of such  
16 research results in no disclosure of a minor's identity and  
17 protects the confidentiality of the record.

18 (9) The Secretary of State to whom the Clerk of the  
19 Court shall report the disposition of all cases, as  
20 required in Section 6-204 of the Illinois Vehicle Code.  
21 However, information reported relative to these offenses  
22 shall be privileged and available only to the Secretary of  
23 State, courts, and police officers.

24 (10) The administrator of a bonafide substance abuse  
25 student assistance program with the permission of the  
26 presiding judge of the juvenile court.

1           (11) Mental health professionals on behalf of the  
2 Illinois Department of Corrections or the Department of  
3 Human Services or prosecutors who are evaluating,  
4 prosecuting, or investigating a potential or actual  
5 petition brought under the Sexually Persons Commitment Act  
6 relating to a person who is the subject of juvenile court  
7 records or the respondent to a petition brought under the  
8 Sexually Violent Persons Commitment Act, who is the subject  
9 of juvenile court records sought. Any records and any  
10 information obtained from those records under this  
11 paragraph (11) may be used only in sexually violent persons  
12 commitment proceedings.

13           (A-1) Findings and exclusions of paternity entered in  
14 proceedings occurring under Article II of this Act shall be  
15 disclosed, in a manner and form approved by the Presiding Judge  
16 of the Juvenile Court, to the Department of Healthcare and  
17 Family Services when necessary to discharge the duties of the  
18 Department of Healthcare and Family Services under Article X of  
19 the Illinois Public Aid Code.

20           (B) A minor who is the victim in a juvenile proceeding  
21 shall be provided the same confidentiality regarding  
22 disclosure of identity as the minor who is the subject of  
23 record.

24           (C) Except as otherwise provided in this subsection (C),  
25 juvenile court records shall not be made available to the  
26 general public but may be inspected by representatives of

1 agencies, associations and news media or other properly  
2 interested persons by general or special order of the court  
3 presiding over matters pursuant to this Act.

4 (0.1) In cases where the records concern a pending  
5 juvenile court case, the party seeking to inspect the  
6 juvenile court records shall provide actual notice to the  
7 attorney or guardian ad litem of the minor whose records  
8 are sought.

9 (0.2) In cases where the records concern a juvenile  
10 court case that is no longer pending, the party seeking to  
11 inspect the juvenile court records shall provide actual  
12 notice to the minor or the minor's parent or legal  
13 guardian, and the matter shall be referred to the chief  
14 judge presiding over matters pursuant to this Act.

15 (0.3) In determining whether the records should be  
16 available for inspection, the court shall consider the  
17 minor's interest in confidentiality and rehabilitation  
18 over the moving party's interest in obtaining the  
19 information. The State's Attorney, the minor, and the  
20 minor's parents, guardian, and counsel shall at all times  
21 have the right to examine court files and records. For  
22 purposes of obtaining documents pursuant to this Section, a  
23 civil subpoena is not an order of the court.

24 (0.4) Any records obtained in violation of this  
25 subsection (C) shall not be admissible in any criminal or  
26 civil proceeding, or operate to disqualify a minor from

1 subsequently holding public office, or operate as a  
2 forfeiture of any public benefit, right, privilege, or  
3 right to receive any license granted by public authority.

4 (1) The court shall allow the general public to have  
5 access to the name, address, and offense of a minor who is  
6 adjudicated a delinquent minor under this Act under either  
7 of the following circumstances:

8 (A) The adjudication of delinquency was based upon  
9 the minor's commission of first degree murder, attempt  
10 to commit first degree murder, aggravated criminal  
11 sexual assault, or criminal sexual assault; or

12 (B) The court has made a finding that the minor was  
13 at least 13 years of age at the time the act was  
14 committed and the adjudication of delinquency was  
15 based upon the minor's commission of: (i) an act in  
16 furtherance of the commission of a felony as a member  
17 of or on behalf of a criminal street gang, (ii) an act  
18 involving the use of a firearm in the commission of a  
19 felony, (iii) an act that would be a Class X felony  
20 offense under or the minor's second or subsequent Class  
21 2 or greater felony offense under the Cannabis Control  
22 Act if committed by an adult, (iv) an act that would be  
23 a second or subsequent offense under Section 402 of the  
24 Illinois Controlled Substances Act if committed by an  
25 adult, (v) an act that would be an offense under  
26 Section 401 of the Illinois Controlled Substances Act



1 if committed by an adult, (vi) an act that would be a  
2 second or subsequent offense under Section 60 of the  
3 Methamphetamine Control and Community Protection Act,  
4 or (vii) an act that would be an offense under another  
5 Section of the Methamphetamine Control and Community  
6 Protection Act.

7 (2) The court shall allow the general public to have  
8 access to the name, address, and offense of a minor who is  
9 at least 13 years of age at the time the offense is  
10 committed and who is convicted, in criminal proceedings  
11 permitted or required under Section 5-4, under either of  
12 the following circumstances:

13 (A) The minor has been convicted of first degree  
14 murder, attempt to commit first degree murder,  
15 aggravated criminal sexual assault, or criminal sexual  
16 assault,

17 (B) The court has made a finding that the minor was  
18 at least 13 years of age at the time the offense was  
19 committed and the conviction was based upon the minor's  
20 commission of: (i) an offense in furtherance of the  
21 commission of a felony as a member of or on behalf of a  
22 criminal street gang, (ii) an offense involving the use  
23 of a firearm in the commission of a felony, (iii) a  
24 Class X felony offense under or a second or subsequent  
25 Class 2 or greater felony offense under the Cannabis  
26 Control Act, (iv) a second or subsequent offense under

1 Section 402 of the Illinois Controlled Substances Act,  
2 (v) an offense under Section 401 of the Illinois  
3 Controlled Substances Act, (vi) an act that would be a  
4 second or subsequent offense under Section 60 of the  
5 Methamphetamine Control and Community Protection Act,  
6 or (vii) an act that would be an offense under another  
7 Section of the Methamphetamine Control and Community  
8 Protection Act.

9 (D) Pending or following any adjudication of delinquency  
10 for any offense defined in Sections 11-1.20 through 11-1.60 or  
11 12-13 through 12-16 of the Criminal Code of 1961, the victim of  
12 any such offense shall receive the rights set out in Sections 4  
13 and 6 of the Bill of Rights for Victims and Witnesses of  
14 Violent Crime Act; and the juvenile who is the subject of the  
15 adjudication, notwithstanding any other provision of this Act,  
16 shall be treated as an adult for the purpose of affording such  
17 rights to the victim.

18 (E) Nothing in this Section shall affect the right of a  
19 Civil Service Commission or appointing authority of any state,  
20 county or municipality examining the character and fitness of  
21 an applicant for employment with a law enforcement agency,  
22 correctional institution, or fire department to ascertain  
23 whether that applicant was ever adjudicated to be a delinquent  
24 minor and, if so, to examine the records of disposition or  
25 evidence which were made in proceedings under this Act.

26 (F) Following any adjudication of delinquency for a crime

1 which would be a felony if committed by an adult, or following  
2 any adjudication of delinquency for a violation of Section  
3 24-1, 24-3, 24-3.1, or 24-5 of the Criminal Code of 1961, the  
4 State's Attorney shall ascertain whether the minor respondent  
5 is enrolled in school and, if so, shall provide a copy of the  
6 dispositional order to the principal or chief administrative  
7 officer of the school. Access to such juvenile records shall be  
8 limited to the principal or chief administrative officer of the  
9 school and any guidance counselor designated by him.

10 (G) Nothing contained in this Act prevents the sharing or  
11 disclosure of information or records relating or pertaining to  
12 juveniles subject to the provisions of the Serious Habitual  
13 Offender Comprehensive Action Program when that information is  
14 used to assist in the early identification and treatment of  
15 habitual juvenile offenders.

16 (H) When a Court hearing a proceeding under Article II of  
17 this Act becomes aware that an earlier proceeding under Article  
18 II had been heard in a different county, that Court shall  
19 request, and the Court in which the earlier proceedings were  
20 initiated shall transmit, an authenticated copy of the Court  
21 record, including all documents, petitions, and orders filed  
22 therein and the minute orders, transcript of proceedings, and  
23 docket entries of the Court.

24 (I) The Clerk of the Circuit Court shall report to the  
25 Department of State Police, in the form and manner required by  
26 the Department of State Police, the final disposition of each

1 minor who has been arrested or taken into custody before his or  
2 her 17th birthday for those offenses required to be reported  
3 under Section 5 of the Criminal Identification Act. Information  
4 reported to the Department under this Section may be maintained  
5 with records that the Department files under Section 2.1 of the  
6 Criminal Identification Act.

7 (Source: P.A. 95-123, eff. 8-13-07; 96-212, eff. 8-10-09.)

8 (705 ILCS 405/2-17) (from Ch. 37, par. 802-17)

9 Sec. 2-17. Guardian ad litem.

10 (1) Immediately upon the filing of a petition alleging that  
11 the minor is a person described in Sections 2-3 or 2-4 of this  
12 Article, the court shall appoint a guardian ad litem for the  
13 minor if:

14 (a) such petition alleges that the minor is an abused  
15 or neglected child; or

16 (b) such petition alleges that charges alleging the  
17 commission of any of the sex offenses defined in Article 11  
18 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
19 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the  
20 Criminal Code of 1961, as amended, have been filed against  
21 a defendant in any court and that such minor is the alleged  
22 victim of the acts of defendant in the commission of such  
23 offense.

24 Unless the guardian ad litem appointed pursuant to this  
25 paragraph (1) is an attorney at law he shall be represented in

1 the performance of his duties by counsel. The guardian ad litem  
2 shall represent the best interests of the minor and shall  
3 present recommendations to the court consistent with that duty.

4 (2) Before proceeding with the hearing, the court shall  
5 appoint a guardian ad litem for the minor if

6 (a) no parent, guardian, custodian or relative of the  
7 minor appears at the first or any subsequent hearing of the  
8 case;

9 (b) the petition prays for the appointment of a  
10 guardian with power to consent to adoption; or

11 (c) the petition for which the minor is before the  
12 court resulted from a report made pursuant to the Abused  
13 and Neglected Child Reporting Act.

14 (3) The court may appoint a guardian ad litem for the minor  
15 whenever it finds that there may be a conflict of interest  
16 between the minor and his parents or other custodian or that it  
17 is otherwise in the minor's best interest to do so.

18 (4) Unless the guardian ad litem is an attorney, he shall  
19 be represented by counsel.

20 (5) The reasonable fees of a guardian ad litem appointed  
21 under this Section shall be fixed by the court and charged to  
22 the parents of the minor, to the extent they are able to pay.  
23 If the parents are unable to pay those fees, they shall be paid  
24 from the general fund of the county.

25 (6) A guardian ad litem appointed under this Section, shall  
26 receive copies of any and all classified reports of child abuse

1 and neglect made under the Abused and Neglected Child Reporting  
2 Act in which the minor who is the subject of a report under the  
3 Abused and Neglected Child Reporting Act, is also the minor for  
4 whom the guardian ad litem is appointed under this Section.

5 (7) The appointed guardian ad litem shall remain the  
6 child's guardian ad litem throughout the entire juvenile trial  
7 court proceedings, including permanency hearings and  
8 termination of parental rights proceedings, unless there is a  
9 substitution entered by order of the court.

10 (8) The guardian ad litem or an agent of the guardian ad  
11 litem shall have a minimum of one in-person contact with the  
12 minor and one contact with one of the current foster parents or  
13 caregivers prior to the adjudicatory hearing, and at least one  
14 additional in-person contact with the child and one contact  
15 with one of the current foster parents or caregivers after the  
16 adjudicatory hearing but prior to the first permanency hearing  
17 and one additional in-person contact with the child and one  
18 contact with one of the current foster parents or caregivers  
19 each subsequent year. For good cause shown, the judge may  
20 excuse face-to-face interviews required in this subsection.

21 (9) In counties with a population of 100,000 or more but  
22 less than 3,000,000, each guardian ad litem must successfully  
23 complete a training program approved by the Department of  
24 Children and Family Services. The Department of Children and  
25 Family Services shall provide training materials and documents  
26 to guardians ad litem who are not mandated to attend the

1 training program. The Department of Children and Family  
2 Services shall develop and distribute to all guardians ad litem  
3 a bibliography containing information including but not  
4 limited to the juvenile court process, termination of parental  
5 rights, child development, medical aspects of child abuse, and  
6 the child's need for safety and permanence.

7 (Source: P.A. 89-462, eff. 5-29-96; 90-27, eff. 1-1-98; 90-28,  
8 eff. 1-1-98.)

9 (705 ILCS 405/2-25) (from Ch. 37, par. 802-25)

10 Sec. 2-25. Order of protection.

11 (1) The court may make an order of protection in assistance  
12 of or as a condition of any other order authorized by this Act.  
13 The order of protection shall be based on the health, safety  
14 and best interests of the minor and may set forth reasonable  
15 conditions of behavior to be observed for a specified period.  
16 Such an order may require a person:

17 (a) to stay away from the home or the minor;

18 (b) to permit a parent to visit the minor at stated  
19 periods;

20 (c) to abstain from offensive conduct against the  
21 minor, his parent or any person to whom custody of the  
22 minor is awarded;

23 (d) to give proper attention to the care of the home;

24 (e) to cooperate in good faith with an agency to which  
25 custody of a minor is entrusted by the court or with an

1 agency or association to which the minor is referred by the  
2 court;

3 (f) to prohibit and prevent any contact whatsoever with  
4 the respondent minor by a specified individual or  
5 individuals who are alleged in either a criminal or  
6 juvenile proceeding to have caused injury to a respondent  
7 minor or a sibling of a respondent minor;

8 (g) to refrain from acts of commission or omission that  
9 tend to make the home not a proper place for the minor;

10 (h) to refrain from contacting the minor and the foster  
11 parents in any manner that is not specified in writing in  
12 the case plan.

13 (2) The court shall enter an order of protection to  
14 prohibit and prevent any contact between a respondent minor or  
15 a sibling of a respondent minor and any person named in a  
16 petition seeking an order of protection who has been convicted  
17 of heinous battery ~~under Section 12-4.1~~, aggravated battery of  
18 a child ~~under Section 12-4.3~~, criminal sexual assault ~~under~~  
19 ~~Section 12-13~~, aggravated criminal sexual assault ~~under~~  
20 ~~Section 12-14~~, predatory criminal sexual assault of a child  
21 ~~under Section 12-14.1~~, criminal sexual abuse ~~under Section~~  
22 ~~12-15~~, or aggravated criminal sexual abuse as described in  
23 ~~under Section 12-16~~ of the Criminal Code of 1961, or has been  
24 convicted of an offense that resulted in the death of a child,  
25 or has violated a previous order of protection under this  
26 Section.



1           (3) When the court issues an order of protection against  
2 any person as provided by this Section, the court shall direct  
3 a copy of such order to the Sheriff of that county. The Sheriff  
4 shall furnish a copy of the order of protection to the  
5 Department of State Police within 24 hours of receipt, in the  
6 form and manner required by the Department. The Department of  
7 State Police shall maintain a complete record and index of such  
8 orders of protection and make this data available to all local  
9 law enforcement agencies.

10          (4) After notice and opportunity for hearing afforded to a  
11 person subject to an order of protection, the order may be  
12 modified or extended for a further specified period or both or  
13 may be terminated if the court finds that the health, safety,  
14 and best interests of the minor and the public will be served  
15 thereby.

16          (5) An order of protection may be sought at any time during  
17 the course of any proceeding conducted pursuant to this Act if  
18 such an order is consistent with the health, safety, and best  
19 interests of the minor. Any person against whom an order of  
20 protection is sought may retain counsel to represent him at a  
21 hearing, and has rights to be present at the hearing, to be  
22 informed prior to the hearing in writing of the contents of the  
23 petition seeking a protective order and of the date, place and  
24 time of such hearing, and to cross examine witnesses called by  
25 the petitioner and to present witnesses and argument in  
26 opposition to the relief sought in the petition.

1           (6) Diligent efforts shall be made by the petitioner to  
2     serve any person or persons against whom any order of  
3     protection is sought with written notice of the contents of the  
4     petition seeking a protective order and of the date, place and  
5     time at which the hearing on the petition is to be held. When a  
6     protective order is being sought in conjunction with a  
7     temporary custody hearing, if the court finds that the person  
8     against whom the protective order is being sought has been  
9     notified of the hearing or that diligent efforts have been made  
10    to notify such person, the court may conduct a hearing. If a  
11    protective order is sought at any time other than in  
12    conjunction with a temporary custody hearing, the court may not  
13    conduct a hearing on the petition in the absence of the person  
14    against whom the order is sought unless the petitioner has  
15    notified such person by personal service at least 3 days before  
16    the hearing or has sent written notice by first class mail to  
17    such person's last known address at least 5 days before the  
18    hearing.

19           (7) A person against whom an order of protection is being  
20    sought who is neither a parent, guardian, legal custodian or  
21    responsible relative as described in Section 1-5 is not a party  
22    or respondent as defined in that Section and shall not be  
23    entitled to the rights provided therein. Such person does not  
24    have a right to appointed counsel or to be present at any  
25    hearing other than the hearing in which the order of protection  
26    is being sought or a hearing directly pertaining to that order.

1 Unless the court orders otherwise, such person does not have a  
2 right to inspect the court file.

3 (8) All protective orders entered under this Section shall  
4 be in writing. Unless the person against whom the order was  
5 obtained was present in court when the order was issued, the  
6 sheriff, other law enforcement official or special process  
7 server shall promptly serve that order upon that person and  
8 file proof of such service, in the manner provided for service  
9 of process in civil proceedings. The person against whom the  
10 protective order was obtained may seek a modification of the  
11 order by filing a written motion to modify the order within 7  
12 days after actual receipt by the person of a copy of the order.  
13 Any modification of the order granted by the court must be  
14 determined to be consistent with the best interests of the  
15 minor.

16 (9) If a petition is filed charging a violation of a  
17 condition contained in the protective order and if the court  
18 determines that this violation is of a critical service  
19 necessary to the safety and welfare of the minor, the court may  
20 proceed to findings and an order for temporary custody.

21 (Source: P.A. 95-405, eff. 6-1-08.)

22 (705 ILCS 405/3-19) (from Ch. 37, par. 803-19)  
23 Sec. 3-19. Guardian ad litem.

24 (1) Immediately upon the filing of a petition alleging that  
25 the minor requires authoritative intervention, the court may

1 appoint a guardian ad litem for the minor if

2 (a) such petition alleges that the minor is the victim  
3 of sexual abuse or misconduct; or

4 (b) such petition alleges that charges alleging the  
5 commission of any of the sex offenses defined in Article 11  
6 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
7 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the  
8 Criminal Code of 1961, as amended, have been filed against  
9 a defendant in any court and that such minor is the alleged  
10 victim of the acts of the defendant in the commission of  
11 such offense.

12 (2) Unless the guardian ad litem appointed pursuant to  
13 paragraph (1) is an attorney at law he shall be represented in  
14 the performance of his duties by counsel.

15 (3) Before proceeding with the hearing, the court shall  
16 appoint a guardian ad litem for the minor if

17 (a) no parent, guardian, custodian or relative of the  
18 minor appears at the first or any subsequent hearing of the  
19 case;

20 (b) the petition prays for the appointment of a  
21 guardian with power to consent to adoption; or

22 (c) the petition for which the minor is before the  
23 court resulted from a report made pursuant to the Abused  
24 and Neglected Child Reporting Act.

25 (4) The court may appoint a guardian ad litem for the minor  
26 whenever it finds that there may be a conflict of interest

1 between the minor and his parents or other custodian or that it  
2 is otherwise in the minor's interest to do so.

3 (5) The reasonable fees of a guardian ad litem appointed  
4 under this Section shall be fixed by the court and charged to  
5 the parents of the minor, to the extent they are able to pay.  
6 If the parents are unable to pay those fees, they shall be paid  
7 from the general fund of the county.

8 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

9 (705 ILCS 405/3-26) (from Ch. 37, par. 803-26)

10 Sec. 3-26. Order of protection.

11 (1) The court may make an order of protection in assistance  
12 of or as a condition of any other order authorized by this Act.  
13 The order of protection may set forth reasonable conditions of  
14 behavior to be observed for a specified period. Such an order  
15 may require a person:

16 (a) To stay away from the home or the minor;

17 (b) To permit a parent to visit the minor at stated  
18 periods;

19 (c) To abstain from offensive conduct against the  
20 minor, his parent or any person to whom custody of the  
21 minor is awarded;

22 (d) To give proper attention to the care of the home;

23 (e) To cooperate in good faith with an agency to which  
24 custody of a minor is entrusted by the court or with an  
25 agency or association to which the minor is referred by the

1 court;

2 (f) To prohibit and prevent any contact whatsoever with  
3 the respondent minor by a specified individual or  
4 individuals who are alleged in either a criminal or  
5 juvenile proceeding to have caused injury to a respondent  
6 minor or a sibling of a respondent minor;

7 (g) To refrain from acts of commission or omission that  
8 tend to make the home not a proper place for the minor.

9 (2) The court shall enter an order of protection to  
10 prohibit and prevent any contact between a respondent minor or  
11 a sibling of a respondent minor and any person named in a  
12 petition seeking an order of protection who has been convicted  
13 of heinous battery ~~under Section 12-4.1~~, aggravated battery of  
14 a child ~~under Section 12-4.3~~, criminal sexual assault ~~under~~  
15 ~~Section 12-13~~, aggravated criminal sexual assault ~~under~~  
16 ~~Section 12-14~~, predatory criminal sexual assault of a child  
17 ~~under Section 12-14.1~~, criminal sexual abuse ~~under Section~~  
18 ~~12-15~~, or aggravated criminal sexual abuse as described in  
19 ~~under Section 12-16~~ of the Criminal Code of 1961, or has been  
20 convicted of an offense that resulted in the death of a child,  
21 or has violated a previous order of protection under this  
22 Section.

23 (3) When the court issues an order of protection against  
24 any person as provided by this Section, the court shall direct  
25 a copy of such order to the Sheriff of that county. The Sheriff  
26 shall furnish a copy of the order of protection to the

1 Department of State Police within 24 hours of receipt, in the  
2 form and manner required by the Department. The Department of  
3 State Police shall maintain a complete record and index of such  
4 orders of protection and make this data available to all local  
5 law enforcement agencies.

6 (4) After notice and opportunity for hearing afforded to a  
7 person subject to an order of protection, the order may be  
8 modified or extended for a further specified period or both or  
9 may be terminated if the court finds that the best interests of  
10 the minor and the public will be served thereby.

11 (5) An order of protection may be sought at any time during  
12 the course of any proceeding conducted pursuant to this Act.  
13 Any person against whom an order of protection is sought may  
14 retain counsel to represent him at a hearing, and has rights to  
15 be present at the hearing, to be informed prior to the hearing  
16 in writing of the contents of the petition seeking a protective  
17 order and of the date, place and time of such hearing, and to  
18 cross examine witnesses called by the petitioner and to present  
19 witnesses and argument in opposition to the relief sought in  
20 the petition.

21 (6) Diligent efforts shall be made by the petitioner to  
22 serve any person or persons against whom any order of  
23 protection is sought with written notice of the contents of the  
24 petition seeking a protective order and of the date, place and  
25 time at which the hearing on the petition is to be held. When a  
26 protective order is being sought in conjunction with a shelter

1 care hearing, if the court finds that the person against whom  
2 the protective order is being sought has been notified of the  
3 hearing or that diligent efforts have been made to notify such  
4 person, the court may conduct a hearing. If a protective order  
5 is sought at any time other than in conjunction with a shelter  
6 care hearing, the court may not conduct a hearing on the  
7 petition in the absence of the person against whom the order is  
8 sought unless the petitioner has notified such person by  
9 personal service at least 3 days before the hearing or has sent  
10 written notice by first class mail to such person's last known  
11 address at least 5 days before the hearing.

12 (7) A person against whom an order of protection is being  
13 sought who is neither a parent, guardian, legal custodian or  
14 responsible relative as described in Section 1-5 is not a party  
15 or respondent as defined in that Section and shall not be  
16 entitled to the rights provided therein. Such person does not  
17 have a right to appointed counsel or to be present at any  
18 hearing other than the hearing in which the order of protection  
19 is being sought or a hearing directly pertaining to that order.  
20 Unless the court orders otherwise, such person does not have a  
21 right to inspect the court file.

22 (8) All protective orders entered under this Section shall  
23 be in writing. Unless the person against whom the order was  
24 obtained was present in court when the order was issued, the  
25 sheriff, other law enforcement official or special process  
26 server shall promptly serve that order upon that person and



1 file proof of such service, in the manner provided for service  
2 of process in civil proceedings. The person against whom the  
3 protective order was obtained may seek a modification of the  
4 order by filing a written motion to modify the order within 7  
5 days after actual receipt by the person of a copy of the order.  
6 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;  
7 90-655, eff. 7-30-98.)

8 (705 ILCS 405/4-16) (from Ch. 37, par. 804-16)

9 Sec. 4-16. Guardian ad litem.

10 (1) Immediately upon the filing of a petition alleging that  
11 the minor is a person described in Section 4-3 of this Act, the  
12 court may appoint a guardian ad litem for the minor if:

13 (a) such petition alleges that the minor is the victim  
14 of sexual abuse or misconduct; or

15 (b) such petition alleges that charges alleging the  
16 commission of any of the sex offenses defined in Article 11  
17 or in Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
18 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the  
19 Criminal Code of 1961, as amended, have been filed against  
20 a defendant in any court and that such minor is the alleged  
21 victim of the acts of the defendant in the commission of  
22 such offense.

23 Unless the guardian ad litem appointed pursuant to this  
24 paragraph (1) is an attorney at law he shall be represented in  
25 the performance of his duties by counsel.

1           (2) Before proceeding with the hearing, the court shall  
2 appoint a guardian ad litem for the minor if

3           (a) no parent, guardian, custodian or relative of the  
4 minor appears at the first or any subsequent hearing of the  
5 case;

6           (b) the petition prays for the appointment of a  
7 guardian with power to consent to adoption; or

8           (c) the petition for which the minor is before the  
9 court resulted from a report made pursuant to the Abused  
10 and Neglected Child Reporting Act.

11           (3) The court may appoint a guardian ad litem for the minor  
12 whenever it finds that there may be a conflict of interest  
13 between the minor and his parents or other custodian or that it  
14 is otherwise in the minor's interest to do so.

15           (4) Unless the guardian ad litem is an attorney, he shall  
16 be represented by counsel.

17           (5) The reasonable fees of a guardian ad litem appointed  
18 under this Section shall be fixed by the court and charged to  
19 the parents of the minor, to the extent they are able to pay.  
20 If the parents are unable to pay those fees, they shall be paid  
21 from the general fund of the county.

22           (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

23           (705 ILCS 405/4-23) (from Ch. 37, par. 804-23)

24           Sec. 4-23. Order of protection.

25           (1) The court may make an order of protection in assistance

1 of or as a condition of any other order authorized by this Act.  
2 The order of protection may set forth reasonable conditions of  
3 behavior to be observed for a specified period. Such an order  
4 may require a person:

5 (a) To stay away from the home or the minor;

6 (b) To permit a parent to visit the minor at stated  
7 periods;

8 (c) To abstain from offensive conduct against the  
9 minor, his parent or any person to whom custody of the  
10 minor is awarded;

11 (d) To give proper attention to the care of the home;

12 (e) To cooperate in good faith with an agency to which  
13 custody of a minor is entrusted by the court or with an  
14 agency or association to which the minor is referred by the  
15 court;

16 (f) To prohibit and prevent any contact whatsoever with  
17 the respondent minor by a specified individual or  
18 individuals who are alleged in either a criminal or  
19 juvenile proceeding to have caused injury to a respondent  
20 minor or a sibling of a respondent minor;

21 (g) To refrain from acts of commission or omission that  
22 tend to make the home not a proper place for the minor.

23 (2) The court shall enter an order of protection to  
24 prohibit and prevent any contact between a respondent minor or  
25 a sibling of a respondent minor and any person named in a  
26 petition seeking an order of protection who has been convicted

1 of heinous battery ~~under Section 12-4.1~~, aggravated battery of  
2 a child ~~under Section 12-4.3~~, criminal sexual assault ~~under~~  
3 ~~Section 12-13~~, aggravated criminal sexual assault ~~under~~  
4 ~~Section 12-14~~, predatory criminal sexual assault of a child  
5 ~~under Section 12-14.1~~, criminal sexual abuse ~~under Section~~  
6 ~~12-15~~, or aggravated criminal sexual abuse as described in  
7 ~~under Section 12-16~~ of the Criminal Code of 1961, or has been  
8 convicted of an offense that resulted in the death of a child,  
9 or has violated a previous order of protection under this  
10 Section.

11 (3) When the court issues an order of protection against  
12 any person as provided by this Section, the court shall direct  
13 a copy of such order to the Sheriff of that county. The Sheriff  
14 shall furnish a copy of the order of protection to the  
15 Department of State Police within 24 hours of receipt, in the  
16 form and manner required by the Department. The Department of  
17 State Police shall maintain a complete record and index of such  
18 orders of protection and make this data available to all local  
19 law enforcement agencies.

20 (4) After notice and opportunity for hearing afforded to a  
21 person subject to an order of protection, the order may be  
22 modified or extended for a further specified period or both or  
23 may be terminated if the court finds that the best interests of  
24 the minor and the public will be served thereby.

25 (5) An order of protection may be sought at any time during  
26 the course of any proceeding conducted pursuant to this Act.

1 Any person against whom an order of protection is sought may  
2 retain counsel to represent him at a hearing, and has rights to  
3 be present at the hearing, to be informed prior to the hearing  
4 in writing of the contents of the petition seeking a protective  
5 order and of the date, place and time of such hearing, and to  
6 cross examine witnesses called by the petitioner and to present  
7 witnesses and argument in opposition to the relief sought in  
8 the petition.

9 (6) Diligent efforts shall be made by the petitioner to  
10 serve any person or persons against whom any order of  
11 protection is sought with written notice of the contents of the  
12 petition seeking a protective order and of the date, place and  
13 time at which the hearing on the petition is to be held. When a  
14 protective order is being sought in conjunction with a shelter  
15 care hearing, if the court finds that the person against whom  
16 the protective order is being sought has been notified of the  
17 hearing or that diligent efforts have been made to notify such  
18 person, the court may conduct a hearing. If a protective order  
19 is sought at any time other than in conjunction with a shelter  
20 care hearing, the court may not conduct a hearing on the  
21 petition in the absence of the person against whom the order is  
22 sought unless the petitioner has notified such person by  
23 personal service at least 3 days before the hearing or has sent  
24 written notice by first class mail to such person's last known  
25 address at least 5 days before the hearing.

26 (7) A person against whom an order of protection is being

1 sought who is neither a parent, guardian, legal custodian or  
2 responsible relative as described in Section 1-5 is not a party  
3 or respondent as defined in that Section and shall not be  
4 entitled to the rights provided therein. Such person does not  
5 have a right to appointed counsel or to be present at any  
6 hearing other than the hearing in which the order of protection  
7 is being sought or a hearing directly pertaining to that order.  
8 Unless the court orders otherwise, such person does not have a  
9 right to inspect the court file.

10 (8) All protective orders entered under this Section shall  
11 be in writing. Unless the person against whom the order was  
12 obtained was present in court when the order was issued, the  
13 sheriff, other law enforcement official or special process  
14 server shall promptly serve that order upon that person and  
15 file proof of such service, in the manner provided for service  
16 of process in civil proceedings. The person against whom the  
17 protective order was obtained may seek a modification of the  
18 order by filing a written motion to modify the order within 7  
19 days after actual receipt by the person of a copy of the order.

20 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;  
21 90-655, eff. 7-30-98.)

22 (705 ILCS 405/5-170)

23 Sec. 5-170. Representation by counsel.

24 (a) In a proceeding under this Article, a minor who was  
25 under 13 years of age at the time of the commission of an act

1 that if committed by an adult would be a violation of Section  
2 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 11-1.20, 11-1.30,  
3 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
4 12-16 of the Criminal Code of 1961 must be represented by  
5 counsel during the entire custodial interrogation of the minor.

6 (b) In a judicial proceeding under this Article, a minor  
7 may not waive the right to the assistance of counsel in his or  
8 her defense.

9 (Source: P.A. 94-345, eff. 7-26-05.)

10 (705 ILCS 405/5-730)

11 Sec. 5-730. Order of protection.

12 (1) The court may make an order of protection in assistance  
13 of or as a condition of any other order authorized by this Act.  
14 The order of protection may set forth reasonable conditions of  
15 behavior to be observed for a specified period. The order may  
16 require a person:

17 (a) to stay away from the home or the minor;

18 (b) to permit a parent to visit the minor at stated  
19 periods;

20 (c) to abstain from offensive conduct against the  
21 minor, his or her parent or any person to whom custody of  
22 the minor is awarded;

23 (d) to give proper attention to the care of the home;

24 (e) to cooperate in good faith with an agency to which  
25 custody of a minor is entrusted by the court or with an

1 agency or association to which the minor is referred by the  
2 court;

3 (f) to prohibit and prevent any contact whatsoever with  
4 the respondent minor by a specified individual or  
5 individuals who are alleged in either a criminal or  
6 juvenile proceeding to have caused injury to a respondent  
7 minor or a sibling of a respondent minor;

8 (g) to refrain from acts of commission or omission that  
9 tend to make the home not a proper place for the minor.

10 (2) The court shall enter an order of protection to  
11 prohibit and prevent any contact between a respondent minor or  
12 a sibling of a respondent minor and any person named in a  
13 petition seeking an order of protection who has been convicted  
14 of heinous battery ~~under Section 12-4.1~~, aggravated battery of  
15 a child ~~under Section 12-4.3~~, criminal sexual assault ~~under~~  
16 ~~Section 12-13~~, aggravated criminal sexual assault ~~under~~  
17 ~~Section 12-14~~, predatory criminal sexual assault of a child  
18 ~~under Section 12-14.1~~, criminal sexual abuse ~~under Section~~  
19 ~~12-15~~, or aggravated criminal sexual abuse as described in  
20 ~~under Section 12-16~~ of the Criminal Code of 1961, or has been  
21 convicted of an offense that resulted in the death of a child,  
22 or has violated a previous order of protection under this  
23 Section.

24 (3) When the court issues an order of protection against  
25 any person as provided by this Section, the court shall direct  
26 a copy of such order to the sheriff of that county. The sheriff



1 shall furnish a copy of the order of protection to the  
2 Department of State Police within 24 hours of receipt, in the  
3 form and manner required by the Department. The Department of  
4 State Police shall maintain a complete record and index of the  
5 orders of protection and make this data available to all local  
6 law enforcement agencies.

7 (4) After notice and opportunity for hearing afforded to a  
8 person subject to an order of protection, the order may be  
9 modified or extended for a further specified period or both or  
10 may be terminated if the court finds that the best interests of  
11 the minor and the public will be served by the modification,  
12 extension, or termination.

13 (5) An order of protection may be sought at any time during  
14 the course of any proceeding conducted under this Act. Any  
15 person against whom an order of protection is sought may retain  
16 counsel to represent him or her at a hearing, and has rights to  
17 be present at the hearing, to be informed prior to the hearing  
18 in writing of the contents of the petition seeking a protective  
19 order and of the date, place, and time of the hearing, and to  
20 cross-examine witnesses called by the petitioner and to present  
21 witnesses and argument in opposition to the relief sought in  
22 the petition.

23 (6) Diligent efforts shall be made by the petitioner to  
24 serve any person or persons against whom any order of  
25 protection is sought with written notice of the contents of the  
26 petition seeking a protective order and of the date, place and

1 time at which the hearing on the petition is to be held. When a  
2 protective order is being sought in conjunction with a shelter  
3 care or detention hearing, if the court finds that the person  
4 against whom the protective order is being sought has been  
5 notified of the hearing or that diligent efforts have been made  
6 to notify the person, the court may conduct a hearing. If a  
7 protective order is sought at any time other than in  
8 conjunction with a shelter care or detention hearing, the court  
9 may not conduct a hearing on the petition in the absence of the  
10 person against whom the order is sought unless the petitioner  
11 has notified the person by personal service at least 3 days  
12 before the hearing or has sent written notice by first class  
13 mail to the person's last known address at least 5 days before  
14 the hearing.

15 (7) A person against whom an order of protection is being  
16 sought who is neither a parent, guardian, or legal custodian or  
17 responsible relative as described in Section 1-5 of this Act or  
18 is not a party or respondent as defined in that Section shall  
19 not be entitled to the rights provided in that Section. The  
20 person does not have a right to appointed counsel or to be  
21 present at any hearing other than the hearing in which the  
22 order of protection is being sought or a hearing directly  
23 pertaining to that order. Unless the court orders otherwise,  
24 the person does not have a right to inspect the court file.

25 (8) All protective orders entered under this Section shall  
26 be in writing. Unless the person against whom the order was

1 obtained was present in court when the order was issued, the  
2 sheriff, other law enforcement official, or special process  
3 server shall promptly serve that order upon that person and  
4 file proof of that service, in the manner provided for service  
5 of process in civil proceedings. The person against whom the  
6 protective order was obtained may seek a modification of the  
7 order by filing a written motion to modify the order within 7  
8 days after actual receipt by the person of a copy of the order.  
9 (Source: P.A. 90-590, eff. 1-1-99.)

10 Section 1035. The Criminal Code of 1961 is amended by  
11 changing Sections 1-6, 2-10.1, 3-5, 3-6, 8-2, 12-3.2, 12-11,  
12 12-18.1, 12-30, 36-1, and 37-1 as follows:

13 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

14 Sec. 1-6. Place of trial.

15 (a) Generally.

16 Criminal actions shall be tried in the county where the  
17 offense was committed, except as otherwise provided by law. The  
18 State is not required to prove during trial that the alleged  
19 offense occurred in any particular county in this State. When a  
20 defendant contests the place of trial under this Section, all  
21 proceedings regarding this issue shall be conducted under  
22 Section 114-1 of the Code of Criminal Procedure of 1963. All  
23 objections of improper place of trial are waived by a defendant  
24 unless made before trial.

1 (b) Assailant and Victim in Different Counties.

2 If a person committing an offense upon the person of  
3 another is located in one county and his victim is located in  
4 another county at the time of the commission of the offense,  
5 trial may be had in either of said counties.

6 (c) Death and Cause of Death in Different Places or  
7 Undetermined.

8 If cause of death is inflicted in one county and death  
9 ensues in another county, the offender may be tried in either  
10 county. If neither the county in which the cause of death was  
11 inflicted nor the county in which death ensued are known before  
12 trial, the offender may be tried in the county where the body  
13 was found.

14 (d) Offense Commenced Outside the State.

15 If the commission of an offense commenced outside the State  
16 is consummated within this State, the offender shall be tried  
17 in the county where the offense is consummated.

18 (e) Offenses Committed in Bordering Navigable Waters.

19 If an offense is committed on any of the navigable waters  
20 bordering on this State, the offender may be tried in any  
21 county adjacent to such navigable water.

22 (f) Offenses Committed while in Transit.

23 If an offense is committed upon any railroad car, vehicle,  
24 watercraft or aircraft passing within this State, and it cannot  
25 readily be determined in which county the offense was  
26 committed, the offender may be tried in any county through

1 which such railroad car, vehicle, watercraft or aircraft has  
2 passed.

3 (g) Theft.

4 A person who commits theft of property may be tried in any  
5 county in which he exerted control over such property.

6 (h) Bigamy.

7 A person who commits the offense of bigamy may be tried in  
8 any county where the bigamous marriage or bigamous cohabitation  
9 has occurred.

10 (i) Kidnaping.

11 A person who commits the offense of kidnaping may be tried  
12 in any county in which his victim has traveled or has been  
13 confined during the course of the offense.

14 (j) Pandering.

15 A person who commits the offense of pandering as set forth  
16 in Section 11-14.3 may be tried in any county in which the  
17 prostitution was practiced or in any county in which any act in  
18 furtherance of the offense shall have been committed.

19 (k) Treason.

20 A person who commits the offense of treason may be tried in  
21 any county.

22 (l) Criminal Defamation.

23 If criminal defamation is spoken, printed or written in one  
24 county and is received or circulated in another or other  
25 counties, the offender shall be tried in the county where the  
26 defamation is spoken, printed or written. If the defamation is

1 spoken, printed or written outside this state, or the offender  
2 resides outside this state, the offender may be tried in any  
3 county in this state in which the defamation was circulated or  
4 received.

5 (m) Inchoate Offenses.

6 A person who commits an inchoate offense may be tried in  
7 any county in which any act which is an element of the offense,  
8 including the agreement in conspiracy, is committed.

9 (n) Accountability for Conduct of Another.

10 Where a person in one county solicits, aids, abets, agrees,  
11 or attempts to aid another in the planning or commission of an  
12 offense in another county, he may be tried for the offense in  
13 either county.

14 (o) Child Abduction.

15 A person who commits the offense of child abduction may be  
16 tried in any county in which his victim has traveled, been  
17 detained, concealed or removed to during the course of the  
18 offense. Notwithstanding the foregoing, unless for good cause  
19 shown, the preferred place of trial shall be the county of the  
20 residence of the lawful custodian.

21 (p) A person who commits the offense of narcotics  
22 racketeering may be tried in any county where cannabis or a  
23 controlled substance which is the basis for the charge of  
24 narcotics racketeering was used; acquired; transferred or  
25 distributed to, from or through; or any county where any act  
26 was performed to further the use; acquisition, transfer or

1 distribution of said cannabis or controlled substance; any  
2 money, property, property interest, or any other asset  
3 generated by narcotics activities was acquired, used, sold,  
4 transferred or distributed to, from or through; or, any  
5 enterprise interest obtained as a result of narcotics  
6 racketeering was acquired, used, transferred or distributed  
7 to, from or through, or where any activity was conducted by the  
8 enterprise or any conduct to further the interests of such an  
9 enterprise.

10 (q) A person who commits the offense of money laundering  
11 may be tried in any county where any part of a financial  
12 transaction in criminally derived property took place or in any  
13 county where any money or monetary instrument which is the  
14 basis for the offense was acquired, used, sold, transferred or  
15 distributed to, from or through.

16 (r) A person who commits the offense of cannabis  
17 trafficking or controlled substance trafficking may be tried in  
18 any county.

19 (s) A person who commits the offense of online sale of  
20 stolen property, online theft by deception, or electronic  
21 fencing may be tried in any county where any one or more  
22 elements of the offense took place, regardless of whether the  
23 element of the offense was the result of acts by the accused,  
24 the victim or by another person, and regardless of whether the  
25 defendant was ever physically present within the boundaries of  
26 the county.

1 (t) A person who commits the offense of identity theft or  
2 aggravated identity theft may be tried in any one of the  
3 following counties in which: (1) the offense occurred; (2) the  
4 information used to commit the offense was illegally used; or  
5 (3) the victim resides.

6 If a person is charged with more than one violation of  
7 identity theft or aggravated identity theft and those  
8 violations may be tried in more than one county, any of those  
9 counties is a proper venue for all of the violations.

10 (Source: P.A. 94-51, eff. 1-1-06; 94-179, eff. 7-12-05; 95-331,  
11 eff. 8-21-07.)

12 (720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

13 Sec. 2-10.1. "Severely or profoundly mentally retarded  
14 person" means a person (i) whose intelligence quotient does not  
15 exceed 40 or (ii) whose intelligence quotient does not exceed  
16 55 and who suffers from significant mental illness to the  
17 extent that the person's ability to exercise rational judgment  
18 is impaired. In any proceeding in which the defendant is  
19 charged with committing a violation of Section 10-2, 10-5,  
20 11-1.30, 11-1.60, 11-14.4, 11-15.1, 11-19.1, 11-19.2, 11-20.1,  
21 11-20.1B, 11-20.3, 12-4.3, 12-14, or 12-16 of this Code against  
22 a victim who is alleged to be a severely or profoundly mentally  
23 retarded person, any findings concerning the victim's status as  
24 a severely or profoundly mentally retarded person, made by a  
25 court after a judicial admission hearing concerning the victim



1 under Articles V and VI of Chapter 4 of the Mental Health and  
2 Developmental Disabilities Code shall be admissible.

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

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

5 Sec. 3-5. General Limitations.

6 (a) A prosecution for: (1) first degree murder, attempt to  
7 commit first degree murder, second degree murder, involuntary  
8 manslaughter, reckless homicide, leaving the scene of a motor  
9 vehicle accident involving death or personal injuries under  
10 Section 11-401 of the Illinois Vehicle Code, failing to give  
11 information and render aid under Section 11-403 of the Illinois  
12 Vehicle Code, concealment of homicidal death, treason, arson,  
13 aggravated arson, forgery, child pornography under paragraph  
14 (1) of subsection (a) of Section 11-20.1, aggravated child  
15 pornography under paragraph (1) of subsection (a) of Section  
16 11-20.1B ~~11-20.3~~, or (2) any offense involving sexual conduct  
17 or sexual penetration, as defined by Section 11-0.1 ~~12-12~~ of  
18 this Code in which the DNA profile of the offender is obtained  
19 and entered into a DNA database within 10 years after the  
20 commission of the offense, may be commenced at any time. Clause  
21 (2) of this subsection (a) applies if either: (i) the victim  
22 reported the offense to law enforcement authorities within 3  
23 years after the commission of the offense unless a longer  
24 period for reporting the offense to law enforcement authorities  
25 is provided in Section 3-6 or (ii) the victim is murdered

1 during the course of the offense or within 2 years after the  
2 commission of the offense.

3 (b) Unless the statute describing the offense provides  
4 otherwise, or the period of limitation is extended by Section  
5 3-6, a prosecution for any offense not designated in Subsection  
6 (a) must be commenced within 3 years after the commission of  
7 the offense if it is a felony, or within one year and 6 months  
8 after its commission if it is a misdemeanor.

9 (Source: P.A. 95-899, eff. 1-1-09; 96-292, eff. 1-1-10.)

10 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

11 Sec. 3-6. Extended limitations. The period within which a  
12 prosecution must be commenced under the provisions of Section  
13 3-5 or other applicable statute is extended under the following  
14 conditions:

15 (a) A prosecution for theft involving a breach of a  
16 fiduciary obligation to the aggrieved person may be commenced  
17 as follows:

18 (1) If the aggrieved person is a minor or a person  
19 under legal disability, then during the minority or legal  
20 disability or within one year after the termination  
21 thereof.

22 (2) In any other instance, within one year after the  
23 discovery of the offense by an aggrieved person, or by a  
24 person who has legal capacity to represent an aggrieved  
25 person or has a legal duty to report the offense, and is

1 not himself or herself a party to the offense; or in the  
2 absence of such discovery, within one year after the proper  
3 prosecuting officer becomes aware of the offense. However,  
4 in no such case is the period of limitation so extended  
5 more than 3 years beyond the expiration of the period  
6 otherwise applicable.

7 (b) A prosecution for any offense based upon misconduct in  
8 office by a public officer or employee may be commenced within  
9 one year after discovery of the offense by a person having a  
10 legal duty to report such offense, or in the absence of such  
11 discovery, within one year after the proper prosecuting officer  
12 becomes aware of the offense. However, in no such case is the  
13 period of limitation so extended more than 3 years beyond the  
14 expiration of the period otherwise applicable.

15 (c) (Blank).

16 (d) A prosecution for child pornography, aggravated child  
17 pornography, indecent solicitation of a child, soliciting for a  
18 juvenile prostitute, juvenile pimping, ~~or~~ exploitation of a  
19 child, or promoting juvenile prostitution except for keeping a  
20 place of juvenile prostitution may be commenced within one year  
21 of the victim attaining the age of 18 years. However, in no  
22 such case shall the time period for prosecution expire sooner  
23 than 3 years after the commission of the offense. When the  
24 victim is under 18 years of age, a prosecution for criminal  
25 sexual abuse may be commenced within one year of the victim  
26 attaining the age of 18 years. However, in no such case shall

1 the time period for prosecution expire sooner than 3 years  
2 after the commission of the offense.

3 (e) Except as otherwise provided in subdivision (j), a  
4 prosecution for any offense involving sexual conduct or sexual  
5 penetration, as defined in Section 11-0.1 ~~12-12~~ of this Code,  
6 where the defendant was within a professional or fiduciary  
7 relationship or a purported professional or fiduciary  
8 relationship with the victim at the time of the commission of  
9 the offense may be commenced within one year after the  
10 discovery of the offense by the victim.

11 (f) A prosecution for any offense set forth in Section 44  
12 of the "Environmental Protection Act", approved June 29, 1970,  
13 as amended, may be commenced within 5 years after the discovery  
14 of such an offense by a person or agency having the legal duty  
15 to report the offense or in the absence of such discovery,  
16 within 5 years after the proper prosecuting officer becomes  
17 aware of the offense.

18 (f-5) A prosecution for any offense set forth in Section  
19 16G-15 or 16G-20 of this Code may be commenced within 5 years  
20 after the discovery of the offense by the victim of that  
21 offense.

22 (g) (Blank).

23 (h) (Blank).

24 (i) Except as otherwise provided in subdivision (j), a  
25 prosecution for criminal sexual assault, aggravated criminal  
26 sexual assault, or aggravated criminal sexual abuse may be

1 commenced within 10 years of the commission of the offense if  
2 the victim reported the offense to law enforcement authorities  
3 within 3 years after the commission of the offense.

4 Nothing in this subdivision (i) shall be construed to  
5 shorten a period within which a prosecution must be commenced  
6 under any other provision of this Section.

7 (j) When the victim is under 18 years of age at the time of  
8 the offense, a prosecution for criminal sexual assault,  
9 aggravated criminal sexual assault, predatory criminal sexual  
10 assault of a child, aggravated criminal sexual abuse, or felony  
11 criminal sexual abuse, or a prosecution for failure of a person  
12 who is required to report an alleged or suspected commission of  
13 any of these offenses under the Abused and Neglected Child  
14 Reporting Act may be commenced within 20 years after the child  
15 victim attains 18 years of age. When the victim is under 18  
16 years of age at the time of the offense, a prosecution for  
17 misdemeanor criminal sexual abuse may be commenced within 10  
18 years after the child victim attains 18 years of age.

19 Nothing in this subdivision (j) shall be construed to  
20 shorten a period within which a prosecution must be commenced  
21 under any other provision of this Section.

22 (k) A prosecution for theft involving real property  
23 exceeding \$100,000 in value under Section 16-1, identity theft  
24 under Section 16G-15, aggravated identity theft under Section  
25 16G-20, or any offense set forth in Article 16H may be  
26 commenced within 7 years of the last act committed in

1 furtherance of the crime.

2 (Source: P.A. 95-548, eff. 8-30-07; 96-233, eff. 1-1-10.)

3 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

4 Sec. 8-2. Conspiracy.

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

12 (b) Co-conspirators. It is not a defense to conspiracy that  
13 the person or persons with whom the accused is alleged to have  
14 conspired:

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

20 (c) Sentence.

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

23 (A) a Class X felony shall be sentenced for a Class  
24 1 felony;

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

1           2 felony;

2           (C) a Class 2 felony shall be sentenced for a Class  
3           3 felony;

4           (D) a Class 3 felony shall be sentenced for a Class  
5           4 felony;

6           (E) a Class 4 felony shall be sentenced for a Class  
7           4 felony; and

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

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

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

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

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

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

24                (B) aggravated insurance fraud (720 ILCS 5/46-3)  
25          or aggravated governmental insurance fraud (720 ILCS  
26          5/46-3).

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

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

8           (A) soliciting for a prostitute (720 ILCS  
9 5/11-14.3(a)(1) ~~5/11-15~~);

10           (B) pandering (720 ILCS 5/11-14.3(a)(2)(A) or  
11 5/11-14.3(a)(2)(B) ~~5/11-16~~);

12           (C) keeping a place of prostitution (720 ILCS  
13 5/11-14.3(a)(1) ~~5/11-17~~);

14           (D) pimping (720 ILCS 5/11-14.3(a)(2)(C) ~~5/11-19~~);

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

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

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

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

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

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

25           (K) miscellaneous controlled substance violation  
26 under Section 406(b) (720 ILCS 570/406(b)); or



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

3 (Source: P.A. 96-710, eff. 1-1-10.)

4 (720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)

5 Sec. 12-3.2. Domestic Battery.

6 (a) A person commits domestic battery if he intentionally  
7 or knowingly without legal justification by any means:

8 (1) Causes bodily harm to any family or household  
9 member as defined in subsection (3) of Section 112A-3 of  
10 the Code of Criminal Procedure of 1963, as amended;

11 (2) Makes physical contact of an insulting or provoking  
12 nature with any family or household member as defined in  
13 subsection (3) of Section 112A-3 of the Code of Criminal  
14 Procedure of 1963, as amended.

15 (b) Sentence. Domestic battery is a Class A misdemeanor.  
16 Domestic battery is a Class 4 felony if the defendant has any  
17 prior conviction under this Code for domestic battery (Section  
18 12-3.2) or violation of an order of protection (Section 12-30),  
19 or any prior conviction under the law of another jurisdiction  
20 for an offense which is substantially similar. Domestic battery  
21 is a Class 4 felony if the defendant has any prior conviction  
22 under this Code for first degree murder (Section 9-1), attempt  
23 to commit first degree murder (Section 8-4), aggravated  
24 domestic battery (Section 12-3.3), aggravated battery (Section  
25 12-4), heinous battery (Section 12-4.1), aggravated battery

1 with a firearm (Section 12-4.2), aggravated battery of a child  
2 (Section 12-4.3), aggravated battery of an unborn child  
3 (Section 12-4.4), aggravated battery of a senior citizen  
4 (Section 12-4.6), stalking (Section 12-7.3), aggravated  
5 stalking (Section 12-7.4), criminal sexual assault (Section  
6 11-1.20 or 12-13), aggravated criminal sexual assault (Section  
7 11-1.30 or 12-14), kidnapping (Section 10-1), aggravated  
8 kidnapping (Section 10-2), predatory criminal sexual assault  
9 of a child (Section 11-1.40 or 12-14.1), aggravated criminal  
10 sexual abuse (Section 11-1.60 or 12-16), unlawful restraint  
11 (Section 10-3), aggravated unlawful restraint (Section  
12 10-3.1), aggravated arson (Section 20-1.1), or aggravated  
13 discharge of a firearm (Section 24-1.2), or any prior  
14 conviction under the law of another jurisdiction for any  
15 offense that is substantially similar to the offenses listed in  
16 this Section, when any of these offenses have been committed  
17 against a family or household member as defined in Section  
18 112A-3 of the Code of Criminal Procedure of 1963. In addition  
19 to any other sentencing alternatives, for any second or  
20 subsequent conviction of violating this Section, the offender  
21 shall be mandatorily sentenced to a minimum of 72 consecutive  
22 hours of imprisonment. The imprisonment shall not be subject to  
23 suspension, nor shall the person be eligible for probation in  
24 order to reduce the sentence.

25 (c) Domestic battery committed in the presence of a child.  
26 In addition to any other sentencing alternatives, a defendant

1 who commits, in the presence of a child, a felony domestic  
2 battery (enhanced under subsection (b)), aggravated domestic  
3 battery (Section 12-3.3), aggravated battery (Section 12-4),  
4 unlawful restraint (Section 10-3), or aggravated unlawful  
5 restraint (Section 10-3.1) against a family or household  
6 member, as defined in Section 112A-3 of the Code of Criminal  
7 Procedure of 1963, shall be required to serve a mandatory  
8 minimum imprisonment of 10 days or perform 300 hours of  
9 community service, or both. The defendant shall further be  
10 liable for the cost of any counseling required for the child at  
11 the discretion of the court in accordance with subsection (b)  
12 of Section 5-5-6 of the Unified Code of Corrections. For  
13 purposes of this Section, "child" means a person under 18 years  
14 of age who is the defendant's or victim's child or step-child  
15 or who is a minor child residing within or visiting the  
16 household of the defendant or victim. For purposes of this  
17 Section, "in the presence of a child" means in the physical  
18 presence of a child or knowing or having reason to know that a  
19 child is present and may see or hear an act constituting one of  
20 the offenses listed in this subsection.

21 (d) Upon conviction of domestic battery, the court shall  
22 advise the defendant orally or in writing, substantially as  
23 follows: "An individual convicted of domestic battery may be  
24 subject to federal criminal penalties for possessing,  
25 transporting, shipping, or receiving any firearm or ammunition  
26 in violation of the federal Gun Control Act of 1968 (18 U.S.C.

1 922(g) (8) and (9))." A notation shall be made in the court file  
2 that the admonition was given.

3 (Source: P.A. 96-287, eff. 8-11-09.)

4 (720 ILCS 5/12-11) (from Ch. 38, par. 12-11)

5 Sec. 12-11. Home Invasion.

6 (a) A person who is not a peace officer acting in the line  
7 of duty commits home invasion when without authority he or she  
8 knowingly enters the dwelling place of another when he or she  
9 knows or has reason to know that one or more persons is present  
10 or he or she knowingly enters the dwelling place of another and  
11 remains in such dwelling place until he or she knows or has  
12 reason to know that one or more persons is present or who  
13 falsely represents himself or herself, including but not  
14 limited to, falsely representing himself or herself to be a  
15 representative of any unit of government or a construction,  
16 telecommunications, or utility company, for the purpose of  
17 gaining entry to the dwelling place of another when he or she  
18 knows or has reason to know that one or more persons are  
19 present and

20 (1) While armed with a dangerous weapon, other than a  
21 firearm, uses force or threatens the imminent use of force  
22 upon any person or persons within such dwelling place  
23 whether or not injury occurs, or

24 (2) Intentionally causes any injury, except as  
25 provided in subsection (a) (5), to any person or persons

1 within such dwelling place, or

2 (3) While armed with a firearm uses force or threatens  
3 the imminent use of force upon any person or persons within  
4 such dwelling place whether or not injury occurs, or

5 (4) Uses force or threatens the imminent use of force  
6 upon any person or persons within such dwelling place  
7 whether or not injury occurs and during the commission of  
8 the offense personally discharges a firearm, or

9 (5) Personally discharges a firearm that proximately  
10 causes great bodily harm, permanent disability, permanent  
11 disfigurement, or death to another person within such  
12 dwelling place, or

13 (6) Commits, against any person or persons within that  
14 dwelling place, a violation of Section 11-1.20, 11-1.30,  
15 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15,  
16 or 12-16 of the Criminal Code of 1961.

17 (b) It is an affirmative defense to a charge of home  
18 invasion that the accused who knowingly enters the dwelling  
19 place of another and remains in such dwelling place until he or  
20 she knows or has reason to know that one or more persons is  
21 present either immediately leaves such premises or surrenders  
22 to the person or persons lawfully present therein without  
23 either attempting to cause or causing serious bodily injury to  
24 any person present therein.

25 (c) Sentence. Home invasion in violation of subsection  
26 (a) (1), (a) (2) or (a) (6) is a Class X felony. A violation of

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

8 (d) For purposes of this Section, "dwelling place of  
9 another" includes a dwelling place where the defendant  
10 maintains a tenancy interest but from which the defendant has  
11 been barred by a divorce decree, judgment of dissolution of  
12 marriage, order of protection, or other court order.

13 (Source: P.A. 96-1113, eff. 1-1-11.)

14 (720 ILCS 5/12-18.1) (from Ch. 38, par. 12-18.1)

15 Sec. 12-18.1. Civil Liability. (a) If any person has been  
16 convicted of any offense defined in Section 11-1.20, 11-1.30,  
17 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-15, or 12-16 of  
18 this Act, a victim of such offense has a cause of action for  
19 damages against any person or entity who, by the manufacture,  
20 production, or wholesale distribution of any obscene material  
21 which was possessed or viewed by the person convicted of the  
22 offense, proximately caused such person, through his or her  
23 reading or viewing of the obscene material, to commit the  
24 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
25 11-1.60, 12-13, 12-14, 12-15, or 12-16. No victim may recover

1 in any such action unless he or she proves by a preponderance  
2 of the evidence that: (1) the reading or viewing of the  
3 specific obscene material manufactured, produced, or  
4 distributed wholesale by the defendant proximately caused the  
5 person convicted of the violation of Section 11-1.20, 11-1.30,  
6 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-15, or 12-16 to  
7 commit such violation and (2) the defendant knew or had reason  
8 to know that the manufacture, production, or wholesale  
9 distribution of such material was likely to cause a violation  
10 of an offense substantially of the type enumerated.

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

13 (1) actual damages incurred by the victim, including  
14 medical costs;

15 (2) court costs and reasonable attorneys fees;

16 (3) infliction of emotional distress;

17 (4) pain and suffering; and

18 (5) loss of consortium.

19 (c) Every action under this Section shall be commenced  
20 within 3 years after the conviction of the defendant for a  
21 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
22 11-1.60, 12-13, 12-14, 12-15 or 12-16 of this Code. However, if  
23 the victim was under the age of 18 years at the time of the  
24 conviction of the defendant for a violation of Section 11-1.20,  
25 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-15 or  
26 12-16 of this Code, an action under this Section shall be

1 commenced within 3 years after the victim attains the age of 18  
2 years.

3 (d) For the purposes of this Section:

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

6 (2) "wholesale distributor" means any individual,  
7 partnership, corporation, association, or other legal entity  
8 which stands between the manufacturer and the retail seller in  
9 purchases, consignments, contracts for sale or rental of the  
10 obscene material;

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

15 (4) "manufacturer" means any individual, partnership,  
16 corporation, association, or other legal entity which  
17 manufactures, assembles or produces obscene material.

18 (Source: P.A. 86-857.)

19 (720 ILCS 5/12-30) (from Ch. 38, par. 12-30)

20 Sec. 12-30. Violation of an order of protection.

21 (a) A person commits violation of an order of protection  
22 if:

23 (1) He or she commits an act which was prohibited by a  
24 court or fails to commit an act which was ordered by a  
25 court in violation of:



1 (i) a remedy in a valid order of protection  
2 authorized under paragraphs (1), (2), (3), (14), or  
3 (14.5) of subsection (b) of Section 214 of the Illinois  
4 Domestic Violence Act of 1986,

5 (ii) a remedy, which is substantially similar to  
6 the remedies authorized under paragraphs (1), (2),  
7 (3), (14) or (14.5) of subsection (b) of Section 214 of  
8 the Illinois Domestic Violence Act of 1986, in a valid  
9 order of protection, which is authorized under the laws  
10 of another state, tribe or United States territory,

11 (iii) any other remedy when the act constitutes a  
12 crime against the protected parties as the term  
13 protected parties is defined in Section 112A-4 of the  
14 Code of Criminal Procedure of 1963; and

15 (2) Such violation occurs after the offender has been  
16 served notice of the contents of the order, pursuant to the  
17 Illinois Domestic Violence Act of 1986 or any substantially  
18 similar statute of another state, tribe or United States  
19 territory, or otherwise has acquired actual knowledge of  
20 the contents of the order.

21 An order of protection issued by a state, tribal or  
22 territorial court related to domestic or family violence shall  
23 be deemed valid if the issuing court had jurisdiction over the  
24 parties and matter under the law of the state, tribe or  
25 territory. There shall be a presumption of validity where an  
26 order is certified and appears authentic on its face.

1 (a-5) Failure to provide reasonable notice and opportunity  
2 to be heard shall be an affirmative defense to any charge or  
3 process filed seeking enforcement of a foreign order of  
4 protection.

5 (b) For purposes of this Section, an "order of protection"  
6 may have been issued in a criminal or civil proceeding.

7 (c) Nothing in this Section shall be construed to diminish  
8 the inherent authority of the courts to enforce their lawful  
9 orders through civil or criminal contempt proceedings.

10 (d) Violation of an order of protection under subsection  
11 (a) of this Section is a Class A misdemeanor. Violation of an  
12 order of protection under subsection (a) of this Section is a  
13 Class 4 felony if the defendant has any prior conviction under  
14 this Code for domestic battery (Section 12-3.2) or violation of  
15 an order of protection (Section 12-30). Violation of an order  
16 of protection is a Class 4 felony if the defendant has any  
17 prior conviction under this Code for first degree murder  
18 (Section 9-1), attempt to commit first degree murder (Section  
19 8-4), aggravated domestic battery (Section 12-3.3), aggravated  
20 battery (Section 12-4), heinous battery (Section 12-4.1),  
21 aggravated battery with a firearm (Section 12-4.2), aggravated  
22 battery of a child (Section 12-4.3), aggravated battery of an  
23 unborn child (Section 12-4.4), aggravated battery of a senior  
24 citizen (Section 12-4.6), stalking (Section 12-7.3),  
25 aggravated stalking (Section 12-7.4), criminal sexual assault  
26 (Section 11-1.20 or 12-13), aggravated criminal sexual assault

1     (Section 11-1.30 or 12-14), kidnapping (Section 10-1),  
2     aggravated kidnapping (Section 10-2), predatory criminal  
3     sexual assault of a child (Section 11-1.40 or 12-14.1),  
4     aggravated criminal sexual abuse (Section 11-1.60 or 12-16),  
5     unlawful restraint (Section 10-3), aggravated unlawful  
6     restraint (Section 10-3.1), aggravated arson (Section 20-1.1),  
7     or aggravated discharge of a firearm (Section 24-1.2), when any  
8     of these offenses have been committed against a family or  
9     household member as defined in Section 112A-3 of the Code of  
10    Criminal Procedure of 1963. The court shall impose a minimum  
11    penalty of 24 hours imprisonment for defendant's second or  
12    subsequent violation of any order of protection; unless the  
13    court explicitly finds that an increased penalty or such period  
14    of imprisonment would be manifestly unjust. In addition to any  
15    other penalties, the court may order the defendant to pay a  
16    fine as authorized under Section 5-9-1 of the Unified Code of  
17    Corrections or to make restitution to the victim under Section  
18    5-5-6 of the Unified Code of Corrections. In addition to any  
19    other penalties, including those imposed by Section 5-9-1.5 of  
20    the Unified Code of Corrections, the court shall impose an  
21    additional fine of \$20 as authorized by Section 5-9-1.11 of the  
22    Unified Code of Corrections upon any person convicted of or  
23    placed on supervision for a violation of this Section. The  
24    additional fine shall be imposed for each violation of this  
25    Section.

26           (e) The limitations placed on law enforcement liability by

1 Section 305 of the Illinois Domestic Violence Act of 1986 apply  
2 to actions taken under this Section.

3 (Source: P.A. 91-112, eff. 10-1-99; 91-357, eff. 7-29-99;  
4 92-827, eff. 8-22-02.)

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

6 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used  
7 with the knowledge and consent of the owner in the commission  
8 of, or in the attempt to commit as defined in Section 8-4 of  
9 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,  
10 11-1.20, 11-1.30, 11-1.40, 11-6, 11-14.4 except for keeping a  
11 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
12 11-20.1, 11-20.1B, 11-20.3, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3,  
13 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 16-1 if the theft is of  
14 precious metal or of scrap metal, 18-2, 19-1, 19-2, 19-3, 20-1,  
15 20-2, 24-1.2, 24-1.2-5, 24-1.5, 28-1, or 29D-15.2 of this Code,  
16 paragraph (a) of Section 12-4 of this Code, paragraph (a) of  
17 Section 11-1.50, paragraph (a) of Section 12-15, paragraph (a),  
18 (c), or (d) of Section 11-1.60, or paragraphs (a), (c) or (d)  
19 of Section 12-16 of this Code, or paragraph (a)(6) or (a)(7) of  
20 Section 24-1 of this Code; (b) Section 21, 22, 23, 24 or 26 of  
21 the Cigarette Tax Act if the vessel, vehicle or aircraft  
22 contains more than 10 cartons of such cigarettes; (c) Section  
23 28, 29 or 30 of the Cigarette Use Tax Act if the vessel,  
24 vehicle or aircraft contains more than 10 cartons of such  
25 cigarettes; (d) Section 44 of the Environmental Protection Act;

1 (e) 11-204.1 of the Illinois Vehicle Code; (f) (1) driving  
2 under the influence of alcohol or other drug or drugs,  
3 intoxicating compound or compounds or any combination thereof  
4 under Section 11-501 of the Illinois Vehicle Code during a  
5 period in which his or her driving privileges are revoked or  
6 suspended where the revocation or suspension was for driving  
7 under the influence of alcohol or other drug or drugs,  
8 intoxicating compound or compounds or any combination thereof,  
9 Section 11-501.1, paragraph (b) of Section 11-401, or for  
10 reckless homicide as defined in Section 9-3 of the Criminal  
11 Code of 1961; (2) driving while under the influence of alcohol,  
12 other drug or drugs, intoxicating compound or compounds or any  
13 combination thereof and has been previously convicted of  
14 reckless homicide or a similar provision of a law of another  
15 state relating to reckless homicide in which the person was  
16 determined to have been under the influence of alcohol, other  
17 drug or drugs, or intoxicating compound or compounds as an  
18 element of the offense or the person has previously been  
19 convicted of committing a violation of driving under the  
20 influence of alcohol or other drug or drugs, intoxicating  
21 compound or compounds or any combination thereof and was  
22 involved in a motor vehicle accident that resulted in death,  
23 great bodily harm, or permanent disability or disfigurement to  
24 another, when the violation was a proximate cause of the death  
25 or injuries; (3) the person committed a violation of driving  
26 under the influence of alcohol or other drug or drugs,

1 intoxicating compound or compounds or any combination thereof  
2 under Section 11-501 of the Illinois Vehicle Code or a similar  
3 provision for the third or subsequent time; (4) the person  
4 committed the violation while he or she did not possess a  
5 driver's license or permit or a restricted driving permit or a  
6 judicial driving permit or a monitoring device driving permit;  
7 or (5) the person committed the violation while he or she knew  
8 or should have known that the vehicle he or she was driving was  
9 not covered by a liability insurance policy, ~~or (d) (1) (I)~~; (g)  
10 an offense described in subsection (g) of Section 6-303 of the  
11 Illinois Vehicle Code; or (h) an offense described in  
12 subsection (e) of Section 6-101 of the Illinois Vehicle Code;  
13 may be seized and delivered forthwith to the sheriff of the  
14 county of seizure.

15       Within 15 days after such delivery the sheriff shall give  
16 notice of seizure to each person according to the following  
17 method: Upon each such person whose right, title or interest is  
18 of record in the office of the Secretary of State, the  
19 Secretary of Transportation, the Administrator of the Federal  
20 Aviation Agency, or any other Department of this State, or any  
21 other state of the United States if such vessel, vehicle or  
22 aircraft is required to be so registered, as the case may be,  
23 by mailing a copy of the notice by certified mail to the  
24 address as given upon the records of the Secretary of State,  
25 the Department of Aeronautics, Department of Public Works and  
26 Buildings or any other Department of this State or the United

1 States if such vessel, vehicle or aircraft is required to be so  
2 registered. Within that 15 day period the sheriff shall also  
3 notify the State's Attorney of the county of seizure about the  
4 seizure.

5 In addition, any mobile or portable equipment used in the  
6 commission of an act which is in violation of Section 7g of the  
7 Metropolitan Water Reclamation District Act shall be subject to  
8 seizure and forfeiture under the same procedures provided in  
9 this Article for the seizure and forfeiture of vessels,  
10 vehicles and aircraft, and any such equipment shall be deemed a  
11 vessel, vehicle or aircraft for purposes of this Article.

12 When a person discharges a firearm at another individual  
13 from a vehicle with the knowledge and consent of the owner of  
14 the vehicle and with the intent to cause death or great bodily  
15 harm to that individual and as a result causes death or great  
16 bodily harm to that individual, the vehicle shall be subject to  
17 seizure and forfeiture under the same procedures provided in  
18 this Article for the seizure and forfeiture of vehicles used in  
19 violations of clauses (a), (b), (c), or (d) of this Section.

20 If the spouse of the owner of a vehicle seized for an  
21 offense described in subsection (g) of Section 6-303 of the  
22 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),  
23 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section  
24 11-501 of the Illinois Vehicle Code, or Section 9-3 of this  
25 Code makes a showing that the seized vehicle is the only source  
26 of transportation and it is determined that the financial

1 hardship to the family as a result of the seizure outweighs the  
2 benefit to the State from the seizure, the vehicle may be  
3 forfeited to the spouse or family member and the title to the  
4 vehicle shall be transferred to the spouse or family member who  
5 is properly licensed and who requires the use of the vehicle  
6 for employment or family transportation purposes. A written  
7 declaration of forfeiture of a vehicle under this Section shall  
8 be sufficient cause for the title to be transferred to the  
9 spouse or family member. The provisions of this paragraph shall  
10 apply only to one forfeiture per vehicle. If the vehicle is the  
11 subject of a subsequent forfeiture proceeding by virtue of a  
12 subsequent conviction of either spouse or the family member,  
13 the spouse or family member to whom the vehicle was forfeited  
14 under the first forfeiture proceeding may not utilize the  
15 provisions of this paragraph in another forfeiture proceeding.  
16 If the owner of the vehicle seized owns more than one vehicle,  
17 the procedure set out in this paragraph may be used for only  
18 one vehicle.

19 Property declared contraband under Section 40 of the  
20 Illinois Streetgang Terrorism Omnibus Prevention Act may be  
21 seized and forfeited under this Article.

22 (Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10;  
23 96-1000, eff. 7-2-10; 96-1267, eff. 7-26-10; 96-1289, eff.  
24 1-1-11; revised 9-16-10.)



1           Sec. 37-1. Maintaining Public Nuisance. Any building used  
2 in the commission of offenses prohibited by Sections 9-1, 10-1,  
3 10-2, 11-14, 11-15, 11-16, 11-17, 11-20, 11-20.1, 11-20.1B,  
4 11-20.3, 11-21, 11-22, 12-5.1, 16-1, 20-2, 23-1, 23-1(a)(1),  
5 24-1(a)(7), 24-3, 28-1, 28-3, 31-5 or 39A-1, or subdivision  
6 (a)(1), (a)(2)(A), or (a)(2)(B) of Section 11-14.3, of the  
7 Criminal Code of 1961, or prohibited by the Illinois Controlled  
8 Substances Act, the Methamphetamine Control and Community  
9 Protection Act, or the Cannabis Control Act, or used in the  
10 commission of an inchoate offense relative to any of the  
11 aforesaid principal offenses, or any real property erected,  
12 established, maintained, owned, leased, or used by a streetgang  
13 for the purpose of conducting streetgang related activity as  
14 defined in Section 10 of the Illinois Streetgang Terrorism  
15 Omnibus Prevention Act is a public nuisance.

16           (b) Sentence. A person convicted of knowingly maintaining  
17 such a public nuisance commits a Class A misdemeanor. Each  
18 subsequent offense under this Section is a Class 4 felony.

19           (Source: P.A. 94-556, eff. 9-11-05.)

20           Section 1040. The Code of Criminal Procedure of 1963 is  
21 amended by changing Sections 110-6.3, 110-10, 111-8, 114-4,  
22 115-7, 115-7.2, 115-7.3, 115-10, 115-10.3, 115-11, 115-11.1,  
23 115-13, 115-16, 116-4, 124B-10, 124B-100, 124B-420, and  
24 124B-500 as follows:

1 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

2 Sec. 110-6.3. Denial of bail in stalking and aggravated  
3 stalking offenses.

4 (a) Upon verified petition by the State, the court shall  
5 hold a hearing to determine whether bail should be denied to a  
6 defendant who is charged with stalking or aggravated stalking,  
7 when it is alleged that the defendant's admission to bail poses  
8 a real and present threat to the physical safety of the alleged  
9 victim of the offense, and denial of release on bail or  
10 personal recognizance is necessary to prevent fulfillment of  
11 the threat upon which the charge is based.

12 (1) A petition may be filed without prior notice to the  
13 defendant at the first appearance before a judge, or within  
14 21 calendar days, except as provided in Section 110-6,  
15 after arrest and release of the defendant upon reasonable  
16 notice to defendant; provided that while the petition is  
17 pending before the court, the defendant if previously  
18 released shall not be detained.

19 (2) The hearing shall be held immediately upon the  
20 defendant's appearance before the court, unless for good  
21 cause shown the defendant or the State seeks a continuance.  
22 A continuance on motion of the defendant may not exceed 5  
23 calendar days, and the defendant may be held in custody  
24 during the continuance. A continuance on the motion of the  
25 State may not exceed 3 calendar days; however, the  
26 defendant may be held in custody during the continuance

1 under this provision if the defendant has been previously  
2 found to have violated an order of protection or has been  
3 previously convicted of, or granted court supervision for,  
4 any of the offenses set forth in Sections 11-1.20, 11-1.30,  
5 11-1.40, 11-1.50, 11-1.60, 12-2, 12-3.2, 12-3.3, 12-4,  
6 12-4.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15 or  
7 12-16 of the Criminal Code of 1961, against the same person  
8 as the alleged victim of the stalking or aggravated  
9 stalking offense.

10 (b) The court may deny bail to the defendant when, after  
11 the hearing, it is determined that:

12 (1) the proof is evident or the presumption great that  
13 the defendant has committed the offense of stalking or  
14 aggravated stalking; and

15 (2) the defendant poses a real and present threat to  
16 the physical safety of the alleged victim of the offense;  
17 and

18 (3) the denial of release on bail or personal  
19 recognizance is necessary to prevent fulfillment of the  
20 threat upon which the charge is based; and

21 (4) the court finds that no condition or combination of  
22 conditions set forth in subsection (b) of Section 110-10 of  
23 this Code, including mental health treatment at a community  
24 mental health center, hospital, or facility of the  
25 Department of Human Services, can reasonably assure the  
26 physical safety of the alleged victim of the offense.

1 (c) Conduct of the hearings.

2 (1) The hearing on the defendant's culpability and  
3 threat to the alleged victim of the offense shall be  
4 conducted in accordance with the following provisions:

5 (A) Information used by the court in its findings  
6 or stated in or offered at the hearing may be by way of  
7 proffer based upon reliable information offered by the  
8 State or by defendant. Defendant has the right to be  
9 represented by counsel, and if he is indigent, to have  
10 counsel appointed for him. Defendant shall have the  
11 opportunity to testify, to present witnesses in his own  
12 behalf, and to cross-examine witnesses if any are  
13 called by the State. The defendant has the right to  
14 present witnesses in his favor. When the ends of  
15 justice so require, the court may exercise its  
16 discretion and compel the appearance of a complaining  
17 witness. The court shall state on the record reasons  
18 for granting a defense request to compel the presence  
19 of a complaining witness. Cross-examination of a  
20 complaining witness at the pretrial detention hearing  
21 for the purpose of impeaching the witness' credibility  
22 is insufficient reason to compel the presence of the  
23 witness. In deciding whether to compel the appearance  
24 of a complaining witness, the court shall be  
25 considerate of the emotional and physical well-being  
26 of the witness. The pretrial detention hearing is not

1 to be used for the purposes of discovery, and the post  
2 arraignment rules of discovery do not apply. The State  
3 shall tender to the defendant, prior to the hearing,  
4 copies of defendant's criminal history, if any, if  
5 available, and any written or recorded statements and  
6 the substance of any oral statements made by any  
7 person, if relied upon by the State. The rules  
8 concerning the admissibility of evidence in criminal  
9 trials do not apply to the presentation and  
10 consideration of information at the hearing. At the  
11 trial concerning the offense for which the hearing was  
12 conducted neither the finding of the court nor any  
13 transcript or other record of the hearing shall be  
14 admissible in the State's case in chief, but shall be  
15 admissible for impeachment, or as provided in Section  
16 115-10.1 of this Code, or in a perjury proceeding.

17 (B) A motion by the defendant to suppress evidence  
18 or to suppress a confession shall not be entertained.  
19 Evidence that proof may have been obtained as the  
20 result of an unlawful search and seizure or through  
21 improper interrogation is not relevant to this state of  
22 the prosecution.

23 (2) The facts relied upon by the court to support a  
24 finding that:

25 (A) the defendant poses a real and present threat  
26 to the physical safety of the alleged victim of the

1 offense; and

2 (B) the denial of release on bail or personal  
3 recognizance is necessary to prevent fulfillment of  
4 the threat upon which the charge is based;

5 shall be supported by clear and convincing evidence  
6 presented by the State.

7 (d) Factors to be considered in making a determination of  
8 the threat to the alleged victim of the offense. The court may,  
9 in determining whether the defendant poses, at the time of the  
10 hearing, a real and present threat to the physical safety of  
11 the alleged victim of the offense, consider but shall not be  
12 limited to evidence or testimony concerning:

13 (1) The nature and circumstances of the offense  
14 charged;

15 (2) The history and characteristics of the defendant  
16 including:

17 (A) Any evidence of the defendant's prior criminal  
18 history indicative of violent, abusive or assaultive  
19 behavior, or lack of that behavior. The evidence may  
20 include testimony or documents received in juvenile  
21 proceedings, criminal, quasi-criminal, civil  
22 commitment, domestic relations or other proceedings;

23 (B) Any evidence of the defendant's psychological,  
24 psychiatric or other similar social history that tends  
25 to indicate a violent, abusive, or assaultive nature,  
26 or lack of any such history.

1           (3) The nature of the threat which is the basis of the  
2 charge against the defendant;

3           (4) Any statements made by, or attributed to the  
4 defendant, together with the circumstances surrounding  
5 them;

6           (5) The age and physical condition of any person  
7 assaulted by the defendant;

8           (6) Whether the defendant is known to possess or have  
9 access to any weapon or weapons;

10           (7) Whether, at the time of the current offense or any  
11 other offense or arrest, the defendant was on probation,  
12 parole, mandatory supervised release or other release from  
13 custody pending trial, sentencing, appeal or completion of  
14 sentence for an offense under federal or state law;

15           (8) Any other factors, including those listed in  
16 Section 110-5 of this Code, deemed by the court to have a  
17 reasonable bearing upon the defendant's propensity or  
18 reputation for violent, abusive or assaultive behavior, or  
19 lack of that behavior.

20           (e) The court shall, in any order denying bail to a person  
21 charged with stalking or aggravated stalking:

22           (1) briefly summarize the evidence of the defendant's  
23 culpability and its reasons for concluding that the  
24 defendant should be held without bail;

25           (2) direct that the defendant be committed to the  
26 custody of the sheriff for confinement in the county jail

1 pending trial;

2 (3) direct that the defendant be given a reasonable  
3 opportunity for private consultation with counsel, and for  
4 communication with others of his choice by visitation, mail  
5 and telephone; and

6 (4) direct that the sheriff deliver the defendant as  
7 required for appearances in connection with court  
8 proceedings.

9 (f) If the court enters an order for the detention of the  
10 defendant under subsection (e) of this Section, the defendant  
11 shall be brought to trial on the offense for which he is  
12 detained within 90 days after the date on which the order for  
13 detention was entered. If the defendant is not brought to trial  
14 within the 90 day period required by this subsection (f), he  
15 shall not be held longer without bail. In computing the 90 day  
16 period, the court shall omit any period of delay resulting from  
17 a continuance granted at the request of the defendant. The  
18 court shall immediately notify the alleged victim of the  
19 offense that the defendant has been admitted to bail under this  
20 subsection.

21 (g) Any person shall be entitled to appeal any order  
22 entered under this Section denying bail to the defendant.

23 (h) The State may appeal any order entered under this  
24 Section denying any motion for denial of bail.

25 (i) Nothing in this Section shall be construed as modifying  
26 or limiting in any way the defendant's presumption of innocence



1 in further criminal proceedings.

2 (Source: P.A. 90-14, eff. 7-1-97; 91-445, eff. 1-1-00.)

3 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

4 Sec. 110-10. Conditions of bail bond.

5 (a) If a person is released prior to conviction, either  
6 upon payment of bail security or on his or her own  
7 recognizance, the conditions of the bail bond shall be that he  
8 or she will:

9 (1) Appear to answer the charge in the court having  
10 jurisdiction on a day certain and thereafter as ordered by  
11 the court until discharged or final order of the court;

12 (2) Submit himself or herself to the orders and process  
13 of the court;

14 (3) Not depart this State without leave of the court;

15 (4) Not violate any criminal statute of any  
16 jurisdiction;

17 (5) At a time and place designated by the court,  
18 surrender all firearms in his or her possession to a law  
19 enforcement officer designated by the court to take custody  
20 of and impound the firearms and physically surrender his or  
21 her Firearm Owner's Identification Card to the clerk of the  
22 circuit court when the offense the person has been charged  
23 with is a forcible felony, stalking, aggravated stalking,  
24 domestic battery, any violation of the Illinois Controlled  
25 Substances Act, the Methamphetamine Control and Community

1 Protection Act, or the Cannabis Control Act that is  
2 classified as a Class 2 or greater felony, or any felony  
3 violation of Article 24 of the Criminal Code of 1961; the  
4 court may, however, forgo the imposition of this condition  
5 when the circumstances of the case clearly do not warrant  
6 it or when its imposition would be impractical; all legally  
7 possessed firearms shall be returned to the person upon the  
8 charges being dismissed, or if the person is found not  
9 guilty, unless the finding of not guilty is by reason of  
10 insanity; and

11 (6) At a time and place designated by the court, submit  
12 to a psychological evaluation when the person has been  
13 charged with a violation of item (4) of subsection (a) of  
14 Section 24-1 of the Criminal Code of 1961 and that  
15 violation occurred in a school or in any conveyance owned,  
16 leased, or contracted by a school to transport students to  
17 or from school or a school-related activity, or on any  
18 public way within 1,000 feet of real property comprising  
19 any school.

20 Psychological evaluations ordered pursuant to this Section  
21 shall be completed promptly and made available to the State,  
22 the defendant, and the court. As a further condition of bail  
23 under these circumstances, the court shall order the defendant  
24 to refrain from entering upon the property of the school,  
25 including any conveyance owned, leased, or contracted by a  
26 school to transport students to or from school or a

1 school-related activity, or on any public way within 1,000 feet  
2 of real property comprising any school. Upon receipt of the  
3 psychological evaluation, either the State or the defendant may  
4 request a change in the conditions of bail, pursuant to Section  
5 110-6 of this Code. The court may change the conditions of bail  
6 to include a requirement that the defendant follow the  
7 recommendations of the psychological evaluation, including  
8 undergoing psychiatric treatment. The conclusions of the  
9 psychological evaluation and any statements elicited from the  
10 defendant during its administration are not admissible as  
11 evidence of guilt during the course of any trial on the charged  
12 offense, unless the defendant places his or her mental  
13 competency in issue.

14 (b) The court may impose other conditions, such as the  
15 following, if the court finds that such conditions are  
16 reasonably necessary to assure the defendant's appearance in  
17 court, protect the public from the defendant, or prevent the  
18 defendant's unlawful interference with the orderly  
19 administration of justice:

20 (1) Report to or appear in person before such person or  
21 agency as the court may direct;

22 (2) Refrain from possessing a firearm or other  
23 dangerous weapon;

24 (3) Refrain from approaching or communicating with  
25 particular persons or classes of persons;

26 (4) Refrain from going to certain described

1 geographical areas or premises;

2 (5) Refrain from engaging in certain activities or  
3 indulging in intoxicating liquors or in certain drugs;

4 (6) Undergo treatment for drug addiction or  
5 alcoholism;

6 (7) Undergo medical or psychiatric treatment;

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

9 (9) Attend or reside in a facility designated by the  
10 court;

11 (10) Support his or her dependents;

12 (11) If a minor resides with his or her parents or in a  
13 foster home, attend school, attend a non-residential  
14 program for youths, and contribute to his or her own  
15 support at home or in a foster home;

16 (12) Observe any curfew ordered by the court;

17 (13) Remain in the custody of such designated person or  
18 organization agreeing to supervise his release. Such third  
19 party custodian shall be responsible for notifying the  
20 court if the defendant fails to observe the conditions of  
21 release which the custodian has agreed to monitor, and  
22 shall be subject to contempt of court for failure so to  
23 notify the court;

24 (14) Be placed under direct supervision of the Pretrial  
25 Services Agency, Probation Department or Court Services  
26 Department in a pretrial bond home supervision capacity

1 with or without the use of an approved electronic  
2 monitoring device subject to Article 8A of Chapter V of the  
3 Unified Code of Corrections;

4 (14.1) The court shall impose upon a defendant who is  
5 charged with any alcohol, cannabis, methamphetamine, or  
6 controlled substance violation and is placed under direct  
7 supervision of the Pretrial Services Agency, Probation  
8 Department or Court Services Department in a pretrial bond  
9 home supervision capacity with the use of an approved  
10 monitoring device, as a condition of such bail bond, a fee  
11 that represents costs incidental to the electronic  
12 monitoring for each day of such bail supervision ordered by  
13 the court, unless after determining the inability of the  
14 defendant to pay the fee, the court assesses a lesser fee  
15 or no fee as the case may be. The fee shall be collected by  
16 the clerk of the circuit court. The clerk of the circuit  
17 court shall pay all monies collected from this fee to the  
18 county treasurer for deposit in the substance abuse  
19 services fund under Section 5-1086.1 of the Counties Code;

20 (14.2) The court shall impose upon all defendants,  
21 including those defendants subject to paragraph (14.1)  
22 above, placed under direct supervision of the Pretrial  
23 Services Agency, Probation Department or Court Services  
24 Department in a pretrial bond home supervision capacity  
25 with the use of an approved monitoring device, as a  
26 condition of such bail bond, a fee which shall represent

1 costs incidental to such electronic monitoring for each day  
2 of such bail supervision ordered by the court, unless after  
3 determining the inability of the defendant to pay the fee,  
4 the court assesses a lesser fee or no fee as the case may  
5 be. The fee shall be collected by the clerk of the circuit  
6 court. The clerk of the circuit court shall pay all monies  
7 collected from this fee to the county treasurer who shall  
8 use the monies collected to defray the costs of  
9 corrections. The county treasurer shall deposit the fee  
10 collected in the county working cash fund under Section  
11 6-27001 or Section 6-29002 of the Counties Code, as the  
12 case may be;

13 (14.3) The Chief Judge of the Judicial Circuit may  
14 establish reasonable fees to be paid by a person receiving  
15 pretrial services while under supervision of a pretrial  
16 services agency, probation department, or court services  
17 department. Reasonable fees may be charged for pretrial  
18 services including, but not limited to, pretrial  
19 supervision, diversion programs, electronic monitoring,  
20 victim impact services, drug and alcohol testing, DNA  
21 testing, GPS electronic monitoring, assessments and  
22 evaluations related to domestic violence and other  
23 victims, and victim mediation services. The person  
24 receiving pretrial services may be ordered to pay all costs  
25 incidental to pretrial services in accordance with his or  
26 her ability to pay those costs;

1           (14.4) For persons charged with violating Section  
2           11-501 of the Illinois Vehicle Code, refrain from operating  
3           a motor vehicle not equipped with an ignition interlock  
4           device, as defined in Section 1-129.1 of the Illinois  
5           Vehicle Code, pursuant to the rules promulgated by the  
6           Secretary of State for the installation of ignition  
7           interlock devices. Under this condition the court may allow  
8           a defendant who is not self-employed to operate a vehicle  
9           owned by the defendant's employer that is not equipped with  
10          an ignition interlock device in the course and scope of the  
11          defendant's employment;

12          (15) Comply with the terms and conditions of an order  
13          of protection issued by the court under the Illinois  
14          Domestic Violence Act of 1986 or an order of protection  
15          issued by the court of another state, tribe, or United  
16          States territory;

17          (16) Under Section 110-6.5 comply with the conditions  
18          of the drug testing program; and

19          (17) Such other reasonable conditions as the court may  
20          impose.

21          (c) When a person is charged with an offense under Section  
22          11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
23          12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961",  
24          involving a victim who is a minor under 18 years of age living  
25          in the same household with the defendant at the time of the  
26          offense, in granting bail or releasing the defendant on his own

1 recognizance, the judge shall impose conditions to restrict the  
2 defendant's access to the victim which may include, but are not  
3 limited to conditions that he will:

4 1. Vacate the Household.

5 2. Make payment of temporary support to his dependents.

6 3. Refrain from contact or communication with the child  
7 victim, except as ordered by the court.

8 (d) When a person is charged with a criminal offense and  
9 the victim is a family or household member as defined in  
10 Article 112A, conditions shall be imposed at the time of the  
11 defendant's release on bond that restrict the defendant's  
12 access to the victim. Unless provided otherwise by the court,  
13 the restrictions shall include requirements that the defendant  
14 do the following:

15 (1) refrain from contact or communication with the  
16 victim for a minimum period of 72 hours following the  
17 defendant's release; and

18 (2) refrain from entering or remaining at the victim's  
19 residence for a minimum period of 72 hours following the  
20 defendant's release.

21 (e) Local law enforcement agencies shall develop  
22 standardized bond forms for use in cases involving family or  
23 household members as defined in Article 112A, including  
24 specific conditions of bond as provided in subsection (d).  
25 Failure of any law enforcement department to develop or use  
26 those forms shall in no way limit the applicability and



1 enforcement of subsections (d) and (f).

2 (f) If the defendant is admitted to bail after conviction  
3 the conditions of the bail bond shall be that he will, in  
4 addition to the conditions set forth in subsections (a) and (b)  
5 hereof:

6 (1) Duly prosecute his appeal;

7 (2) Appear at such time and place as the court may  
8 direct;

9 (3) Not depart this State without leave of the court;

10 (4) Comply with such other reasonable conditions as the  
11 court may impose; and

12 (5) If the judgment is affirmed or the cause reversed  
13 and remanded for a new trial, forthwith surrender to the  
14 officer from whose custody he was bailed.

15 (g) Upon a finding of guilty for any felony offense, the  
16 defendant shall physically surrender, at a time and place  
17 designated by the court, any and all firearms in his or her  
18 possession and his or her Firearm Owner's Identification Card  
19 as a condition of remaining on bond pending sentencing.

20 (Source: P.A. 95-331, eff. 8-21-07; 96-340, eff. 8-11-09.)

21 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

22 Sec. 111-8. Orders of protection to prohibit domestic  
23 violence.

24 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,  
25 10-3.1, 10-4, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50,

1 11-1.60, 11-14.3 that involves soliciting for a prostitute,  
2 11-14.4 that involves soliciting for a juvenile prostitute,  
3 11-15, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, 11-20a, 12-1,  
4 12-2, 12-3, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.3, 12-4.6, 12-5,  
5 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,  
6 12-14.1, 12-15, 12-16, 19-4, 21-1, 21-2, or 21-3 of the  
7 Criminal Code of 1961 or Section 1-1 of the Harassing and  
8 Obscene Communications Act is alleged in an information,  
9 complaint or indictment on file, and the alleged offender and  
10 victim are family or household members, as defined in the  
11 Illinois Domestic Violence Act, as now or hereafter amended,  
12 the People through the respective State's Attorneys may by  
13 separate petition and upon notice to the defendant, except as  
14 provided in subsection (c) herein, request the court to issue  
15 an order of protection.

16 (b) In addition to any other remedies specified in Section  
17 208 of the Illinois Domestic Violence Act, as now or hereafter  
18 amended, the order may direct the defendant to initiate no  
19 contact with the alleged victim or victims who are family or  
20 household members and to refrain from entering the residence,  
21 school or place of business of the alleged victim or victims.

22 (c) The court may grant emergency relief without notice  
23 upon a showing of immediate and present danger of abuse to the  
24 victim or minor children of the victim and may enter a  
25 temporary order pending notice and full hearing on the matter.

26 (Source: P.A. 94-325, eff. 1-1-06.)

1 (725 ILCS 5/114-4) (from Ch. 38, par. 114-4)

2 Sec. 114-4. Motion for continuance.

3 (a) The defendant or the State may move for a continuance.  
4 If the motion is made more than 30 days after arraignment the  
5 court shall require that it be in writing and supported by  
6 affidavit.

7 (b) A written motion for continuance made by defendant more  
8 than 30 days after arraignment may be granted when:

9 (1) Counsel for the defendant is ill, has died, or is  
10 held to trial in another cause; or

11 (2) Counsel for the defendant has been unable to  
12 prepare for trial because of illness or because he has been  
13 held to trial in another cause; or

14 (3) A material witness is unavailable and the defense  
15 will be prejudiced by the absence of his testimony;  
16 however, this shall not be a ground for continuance if the  
17 State will stipulate that the testimony of the witness  
18 would be as alleged; or

19 (4) The defendant cannot stand trial because of  
20 physical or mental incompetency; or

21 (5) Pre-trial publicity concerning the case has caused  
22 a prejudice against defendant on the part of the community;  
23 or

24 (6) The amendment of a charge or a bill of particulars  
25 has taken the defendant by surprise and he cannot fairly

1 defend against such an amendment without a continuance.

2 (c) A written motion for continuance made by the State more  
3 than 30 days after arraignment may be granted when:

4 (1) The prosecutor assigned to the case is ill, has  
5 died, or is held to trial in another cause; or

6 (2) A material witness is unavailable and the  
7 prosecution will be prejudiced by the absence of his  
8 testimony; however this shall not be a ground for  
9 continuance if the defendant will stipulate that the  
10 testimony of the witness would be as alleged; or

11 (3) Pre-trial publicity concerning the case has caused  
12 a prejudice against the prosecution on the part of the  
13 community.

14 (d) The court may upon the written motion of either party  
15 or upon the court's own motion order a continuance for grounds  
16 not stated in subsections (b) and (c) of this Section if he  
17 finds that the interests of justice so require.

18 (e) All motions for continuance are addressed to the  
19 discretion of the trial court and shall be considered in the  
20 light of the diligence shown on the part of the movant. Where 1  
21 year has expired since the filing of an information or  
22 indictments, filed after January 1, 1980, if the court finds  
23 that the State has failed to use due diligence in bringing the  
24 case to trial, the court may, after a hearing had on the cause,  
25 on its own motion, dismiss the information or indictment. Any  
26 demand that the defendant had made for a speedy trial under

1 Section 103-5 of this code shall not abate if the State files a  
2 new information or the grand jury reindicts in the cause.

3 After a hearing has been held upon the issue of the State's  
4 diligence and the court has found that the State has failed to  
5 use due diligence in pursuing the prosecution, the court may  
6 not dismiss the indictment or information without granting the  
7 State one more court date upon which to proceed. Such date  
8 shall be not less than 14 nor more than 30 days from the date of  
9 the court's finding. If the State is not prepared to proceed  
10 upon that date, the court shall dismiss the indictment or  
11 information, as provided in this Section.

12 (f) After trial has begun a reasonably brief continuance  
13 may be granted to either side in the interests of justice.

14 (g) During the time the General Assembly is in session, the  
15 court shall, on motion of either party or on its own motion,  
16 grant a continuance where the party or his attorney is a member  
17 of either house of the General Assembly whose presence is  
18 necessary for the full, fair trial of the cause and, in the  
19 case of an attorney, where the attorney was retained by the  
20 party before the cause was set for trial.

21 (h) This Section shall be construed to the end that  
22 criminal cases are tried with due diligence consonant with the  
23 rights of the defendant and the State to a speedy, fair and  
24 impartial trial.

25 (i) Physical incapacity of a defendant may be grounds for a  
26 continuance at any time. If, upon written motion of the

1 defendant or the State or upon the court's own motion, and  
2 after presentation of affidavits or evidence, the court  
3 determines that the defendant is physically unable to appear in  
4 court or to assist in his defense, or that such appearance  
5 would endanger his health or result in substantial prejudice, a  
6 continuance shall be granted. If such continuance precedes the  
7 appearance of counsel for such defendant the court shall  
8 simultaneously appoint counsel in the manner prescribed by  
9 Section 113-3 of this Act. Such continuance shall suspend the  
10 provisions of Section 103-5 of this Act, which periods of time  
11 limitation shall commence anew when the court, after  
12 presentation of additional affidavits or evidence, has  
13 determined that such physical incapacity has been  
14 substantially removed.

15 (j) In actions arising out of building code violations or  
16 violations of municipal ordinances caused by the failure of a  
17 building or structure to conform to the minimum standards of  
18 health and safety, the court shall grant a continuance only  
19 upon a written motion by the party seeking the continuance  
20 specifying the reason why such continuance should be granted.

21 (k) In prosecutions for violations of Section 10-1, 10-2,  
22 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
23 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961"  
24 involving a victim or witness who is a minor under 18 years of  
25 age, the court shall, in ruling on any motion or other request  
26 for a delay or continuance of proceedings, consider and give

1 weight to the adverse impact the delay or continuance may have  
2 on the well-being of a child or witness.

3 (1) The court shall consider the age of the victim and the  
4 condition of the victim's health when ruling on a motion for a  
5 continuance.

6 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

7 (725 ILCS 5/115-7) (from Ch. 38, par. 115-7)

8 Sec. 115-7. a. In prosecutions for predatory criminal  
9 sexual assault of a child, aggravated criminal sexual assault,  
10 criminal sexual assault, aggravated criminal sexual abuse,  
11 criminal sexual abuse, or criminal transmission of HIV; and in  
12 prosecutions for battery and aggravated battery, when the  
13 commission of the offense involves sexual penetration or sexual  
14 conduct as defined in Section 11-0.1 ~~12-12~~ of the Criminal Code  
15 of 1961; and with the trial or retrial of the offenses formerly  
16 known as rape, deviate sexual assault, indecent liberties with  
17 a child, and aggravated indecent liberties with a child, the  
18 prior sexual activity or the reputation of the alleged victim  
19 or corroborating witness under Section 115-7.3 of this Code is  
20 inadmissible except (1) as evidence concerning the past sexual  
21 conduct of the alleged victim or corroborating witness under  
22 Section 115-7.3 of this Code with the accused when this  
23 evidence is offered by the accused upon the issue of whether  
24 the alleged victim or corroborating witness under Section  
25 115-7.3 of this Code consented to the sexual conduct with

1 respect to which the offense is alleged; or (2) when  
2 constitutionally required to be admitted.

3 b. No evidence admissible under this Section shall be  
4 introduced unless ruled admissible by the trial judge after an  
5 offer of proof has been made at a hearing to be held in camera  
6 in order to determine whether the defense has evidence to  
7 impeach the witness in the event that prior sexual activity  
8 with the defendant is denied. Such offer of proof shall include  
9 reasonably specific information as to the date, time and place  
10 of the past sexual conduct between the alleged victim or  
11 corroborating witness under Section 115-7.3 of this Code and  
12 the defendant. Unless the court finds that reasonably specific  
13 information as to date, time or place, or some combination  
14 thereof, has been offered as to prior sexual activity with the  
15 defendant, counsel for the defendant shall be ordered to  
16 refrain from inquiring into prior sexual activity between the  
17 alleged victim or corroborating witness under Section 115-7.3  
18 of this Code and the defendant. The court shall not admit  
19 evidence under this Section unless it determines at the hearing  
20 that the evidence is relevant and the probative value of the  
21 evidence outweighs the danger of unfair prejudice. The evidence  
22 shall be admissible at trial to the extent an order made by the  
23 court specifies the evidence that may be admitted and areas  
24 with respect to which the alleged victim or corroborating  
25 witness under Section 115-7.3 of this Code may be examined or  
26 cross examined.



1 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96;  
2 90-132, eff. 1-1-98.)

3 (725 ILCS 5/115-7.2) (from Ch. 38, par. 115-7.2)

4 Sec. 115-7.2. In a prosecution for an illegal sexual act  
5 perpetrated upon a victim, including but not limited to  
6 prosecutions for violations of Sections 11-1.20 through  
7 11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961, or  
8 ritualized abuse of a child under Section 12-33 of the Criminal  
9 Code of 1961, testimony by an expert, qualified by the court  
10 relating to any recognized and accepted form of post-traumatic  
11 stress syndrome shall be admissible as evidence.

12 (Source: P.A. 87-1167.)

13 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

14 Sec. 115-10. Certain hearsay exceptions.

15 (a) In a prosecution for a physical or sexual act  
16 perpetrated upon or against a child under the age of 13, or a  
17 person who was a moderately, severely, or profoundly mentally  
18 retarded person as defined in this Code and in Section 2-10.1  
19 of the Criminal Code of 1961 at the time the act was committed,  
20 including but not limited to prosecutions for violations of  
21 Sections 11-1.20 through 11-1.60 or 12-13 through 12-16 of the  
22 Criminal Code of 1961 and prosecutions for violations of  
23 Sections 10-1 (kidnapping), 10-2 (aggravated kidnapping), 10-3  
24 (unlawful restraint), 10-3.1 (aggravated unlawful restraint),

1 10-4 (forcible detention), 10-5 (child abduction), 10-6  
2 (harboring a runaway), 10-7 (aiding or abetting child  
3 abduction), 11-9 (public indecency), 11-11 (sexual relations  
4 within families), 11-21 (harmful material), 12-1 (assault),  
5 12-2 (aggravated assault), 12-3 (battery), 12-3.2 (domestic  
6 battery), 12-4 (aggravated battery), 12-4.1 (heinous battery),  
7 12-4.2 (aggravated battery with a firearm), 12-4.3 (aggravated  
8 battery of a child), 12-4.7 (drug induced infliction of great  
9 bodily harm), 12-5 (reckless conduct), 12-6 (intimidation),  
10 12-6.1 (compelling organization membership of persons), 12-7.1  
11 (hate crime), 12-7.3 (stalking), 12-7.4 (aggravated stalking),  
12 12-10 (tattooing body of minor), 12-11 (home invasion), 12-21.5  
13 (child abandonment), 12-21.6 (endangering the life or health of  
14 a child) or 12-32 (ritual mutilation) of the Criminal Code of  
15 1961 or any sex offense as defined in subsection (B) of Section  
16 2 of the Sex Offender Registration Act, the following evidence  
17 shall be admitted as an exception to the hearsay rule:

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

21 (2) testimony of an out of court statement made by the  
22 victim describing any complaint of such act or matter or  
23 detail pertaining to any act which is an element of an  
24 offense which is the subject of a prosecution for a sexual  
25 or physical act against that victim.

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

1           (1) The court finds in a hearing conducted outside the  
2 presence of the jury that the time, content, and  
3 circumstances of the statement provide sufficient  
4 safeguards of reliability; and

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

7                 (A) testifies at the proceeding; or

8                 (B) is unavailable as a witness and there is  
9 corroborative evidence of the act which is the subject  
10 of the statement; and

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

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

25           (d) The proponent of the statement shall give the adverse  
26 party reasonable notice of his intention to offer the statement

1 and the particulars of the statement.

2 (e) Statements described in paragraphs (1) and (2) of  
3 subsection (a) shall not be excluded on the basis that they  
4 were obtained as a result of interviews conducted pursuant to a  
5 protocol adopted by a Child Advocacy Advisory Board as set  
6 forth in subsections (c), (d), and (e) of Section 3 of the  
7 Children's Advocacy Center Act or that an interviewer or  
8 witness to the interview was or is an employee, agent, or  
9 investigator of a State's Attorney's office.

10 (Source: P.A. 95-892, eff. 1-1-09; 96-710, eff. 1-1-10.)

11 (725 ILCS 5/115-10.3)

12 Sec. 115-10.3. Hearsay exception regarding elder adults.

13 (a) In a prosecution for a physical act, abuse, neglect, or  
14 financial exploitation perpetrated upon or against an eligible  
15 adult, as defined in the Elder Abuse and Neglect Act, who has  
16 been diagnosed by a physician to suffer from (i) any form of  
17 dementia, developmental disability, or other form of mental  
18 incapacity or (ii) any physical infirmity, including but not  
19 limited to prosecutions for violations of Sections 10-1, 10-2,  
20 10-3, 10-3.1, 10-4, 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
21 11-1.60, 11-11, 12-1, 12-2, 12-3, 12-3.2, 12-4, 12-4.1, 12-4.2,  
22 12-4.5, 12-4.6, 12-4.7, 12-5, 12-6, 12-7.3, 12-7.4, 12-11,  
23 12-11.1, 12-13, 12-14, 12-15, 12-16, 12-21, 16-1, 16-1.3, 17-1,  
24 17-3, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1.1, 24-1.2, and 33A-2  
25 of the Criminal Code of 1961, the following evidence shall be

1 admitted as an exception to the hearsay rule:

2 (1) testimony by an eligible adult, of an out of court  
3 statement made by the eligible adult, that he or she  
4 complained of such act to another; and

5 (2) testimony of an out of court statement made by the  
6 eligible adult, describing any complaint of such act or  
7 matter or detail pertaining to any act which is an element  
8 of an offense which is the subject of a prosecution for a  
9 physical act, abuse, neglect, or financial exploitation  
10 perpetrated upon or against the eligible adult.

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

12 (1) The court finds in a hearing conducted outside the  
13 presence of the jury that the time, content, and  
14 circumstances of the statement provide sufficient  
15 safeguards of reliability; and

16 (2) The eligible adult either:

17 (A) testifies at the proceeding; or

18 (B) is unavailable as a witness and there is  
19 corroborative evidence of the act which is the subject  
20 of the statement.

21 (c) If a statement is admitted pursuant to this Section,  
22 the court shall instruct the jury that it is for the jury to  
23 determine the weight and credibility to be given the statement  
24 and that, in making the determination, it shall consider the  
25 condition of the eligible adult, the nature of the statement,  
26 the circumstances under which the statement was made, and any

1 other relevant factor.

2 (d) The proponent of the statement shall give the adverse  
3 party reasonable notice of his or her intention to offer the  
4 statement and the particulars of the statement.

5 (Source: P.A. 92-91, eff. 7-18-01; 93-301, eff. 1-1-04.)

6 (725 ILCS 5/115-11) (from Ch. 38, par. 115-11)

7 Sec. 115-11. In a prosecution for a criminal offense  
8 defined in Article 11 or in Section 11-1.20, 11-1.30, 11-1.40,  
9 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the  
10 "Criminal Code of 1961", where the alleged victim of the  
11 offense is a minor under 18 years of age, the court may exclude  
12 from the proceedings while the victim is testifying, all  
13 persons, who, in the opinion of the court, do not have a direct  
14 interest in the case, except the media.

15 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

16 (725 ILCS 5/115-11.1) (from Ch. 38, par. 115-11.1)

17 Sec. 115-11.1. Use of "Rape". The use of the word "rape",  
18 "rapist", or any derivative of "rape" by any victim, witness,  
19 State's Attorney, defense attorney, judge or other court  
20 personnel in any prosecutions of offenses in Sections 11-1.20  
21 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of  
22 1961, as amended, is not inadmissible.

23 (Source: P.A. 83-1117.)

1 (725 ILCS 5/115-13) (from Ch. 38, par. 115-13)

2 Sec. 115-13. In a prosecution for violation of Section  
3 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
4 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961",  
5 statements made by the victim to medical personnel for purposes  
6 of medical diagnosis or treatment including descriptions of the  
7 cause of symptom, pain or sensations, or the inception or  
8 general character of the cause or external source thereof  
9 insofar as reasonably pertinent to diagnosis or treatment shall  
10 be admitted as an exception to the hearsay rule.

11 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

12 (725 ILCS 5/115-16)

13 Sec. 115-16. Witness disqualification. No person shall be  
14 disqualified as a witness in a criminal case or proceeding by  
15 reason of his or her interest in the event of the case or  
16 proceeding, as a party or otherwise, or by reason of his or her  
17 having been convicted of a crime; but the interest or  
18 conviction may be shown for the purpose of affecting the  
19 credibility of the witness. A defendant in a criminal case or  
20 proceeding shall only at his or her own request be deemed a  
21 competent witness, and the person's neglect to testify shall  
22 not create a presumption against the person, nor shall the  
23 court permit a reference or comment to be made to or upon that  
24 neglect.

25 In criminal cases, husband and wife may testify for or

1 against each other. Neither, however, may testify as to any  
2 communication or admission made by either of them to the other  
3 or as to any conversation between them during marriage, except  
4 in cases in which either is charged with an offense against the  
5 person or property of the other, in case of spouse abandonment,  
6 when the interests of their child or children or of any child  
7 or children in either spouse's care, custody, or control are  
8 directly involved, when either is charged with or under  
9 investigation for an offense under Section 11-1.20, 11-1.30,  
10 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
11 12-16 of the Criminal Code of 1961 and the victim is a minor  
12 under 18 years of age in either spouse's care, custody, or  
13 control at the time of the offense, or as to matters in which  
14 either has acted as agent of the other.

15 (Source: P.A. 96-1242, eff. 7-23-10.)

16 (725 ILCS 5/116-4)

17 Sec. 116-4. Preservation of evidence for forensic testing.

18 (a) Before or after the trial in a prosecution for a  
19 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
20 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
21 Code of 1961 or in a prosecution for an offense defined in  
22 Article 9 of that Code, or in a prosecution for an attempt in  
23 violation of Section 8-4 of that Code of any of the  
24 above-enumerated offenses, unless otherwise provided herein  
25 under subsection (b) or (c), a law enforcement agency or an



1 agent acting on behalf of the law enforcement agency shall  
2 preserve, subject to a continuous chain of custody, any  
3 physical evidence in their possession or control that is  
4 reasonably likely to contain forensic evidence, including, but  
5 not limited to, fingerprints or biological material secured in  
6 relation to a trial and with sufficient documentation to locate  
7 that evidence.

8 (b) After a judgment of conviction is entered, the evidence  
9 shall either be impounded with the Clerk of the Circuit Court  
10 or shall be securely retained by a law enforcement agency.  
11 Retention shall be permanent in cases where a sentence of death  
12 is imposed. Retention shall be until the completion of the  
13 sentence, including the period of mandatory supervised release  
14 for the offense, or January 1, 2006, whichever is later, for  
15 any conviction for an offense or an attempt of an offense  
16 defined in Article 9 of the Criminal Code of 1961 or in Section  
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
18 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or for 7  
19 years following any conviction for any other felony for which  
20 the defendant's genetic profile may be taken by a law  
21 enforcement agency and submitted for comparison in a forensic  
22 DNA database for unsolved offenses.

23 (c) After a judgment of conviction is entered, the law  
24 enforcement agency required to retain evidence described in  
25 subsection (a) may petition the court with notice to the  
26 defendant or, in cases where the defendant has died, his

1 estate, his attorney of record, or an attorney appointed for  
2 that purpose by the court for entry of an order allowing it to  
3 dispose of evidence if, after a hearing, the court determines  
4 by a preponderance of the evidence that:

5 (1) it has no significant value for forensic science  
6 analysis and should be returned to its rightful owner,  
7 destroyed, used for training purposes, or as otherwise  
8 provided by law; or

9 (2) it has no significant value for forensic science  
10 analysis and is of a size, bulk, or physical character not  
11 usually retained by the law enforcement agency and cannot  
12 practicably be retained by the law enforcement agency; or

13 (3) there no longer exists a reasonable basis to  
14 require the preservation of the evidence because of the  
15 death of the defendant; however, this paragraph (3) does  
16 not apply if a sentence of death was imposed.

17 (d) The court may order the disposition of the evidence if  
18 the defendant is allowed the opportunity to take reasonable  
19 measures to remove or preserve portions of the evidence in  
20 question for future testing.

21 (d-5) Any order allowing the disposition of evidence  
22 pursuant to subsection (c) or (d) shall be a final and  
23 appealable order. No evidence shall be disposed of until 30  
24 days after the order is entered, and if a notice of appeal is  
25 filed, no evidence shall be disposed of until the mandate has  
26 been received by the circuit court from the appellate court.

1 (d-10) All records documenting the possession, control,  
2 storage, and destruction of evidence and all police reports,  
3 evidence control or inventory records, and other reports cited  
4 in this Section, including computer records, must be retained  
5 for as long as the evidence exists and may not be disposed of  
6 without the approval of the Local Records Commission.

7 (e) In this Section, "law enforcement agency" includes any  
8 of the following or an agent acting on behalf of any of the  
9 following: a municipal police department, county sheriff's  
10 office, any prosecuting authority, the Department of State  
11 Police, or any other State, university, county, federal, or  
12 municipal police unit or police force.

13 "Biological material" includes, but is not limited to, any  
14 blood, hair, saliva, or semen from which genetic marker  
15 groupings may be obtained.

16 (Source: P.A. 91-871, eff. 1-1-01; 92-459, eff. 8-22-01.)

17 (725 ILCS 5/124B-10)

18 Sec. 124B-10. Applicability; offenses. This Article  
19 applies to forfeiture of property in connection with the  
20 following:

21 (1) A violation of Section 10A-10 of the Criminal Code  
22 of 1961 (involuntary servitude; involuntary servitude of a  
23 minor; trafficking of persons for forced labor or  
24 services).

25 (2) A violation of subdivision (a)(1) of Section

1       11-14.4 of the Criminal Code of 1961 (promoting juvenile  
2       prostitution) or a violation of Section 11-17.1 of the  
3       Criminal Code of 1961 (keeping a place of juvenile  
4       prostitution).

5           (3) A violation of subdivision (a)(4) of Section  
6       11-14.4 of the Criminal Code of 1961 (promoting juvenile  
7       prostitution) or a violation of Section 11-19.2 of the  
8       Criminal Code of 1961 (exploitation of a child).

9           (4) A violation of Section 11-20 of the Criminal Code  
10       of 1961 (obscenity).

11          (5) A second or subsequent violation of Section 11-20.1  
12       of the Criminal Code of 1961 (child pornography).

13          (6) A violation of Section 11-20.1B or 11-20.3 of the  
14       Criminal Code of 1961 (aggravated child pornography).

15          (7) A violation of Section 16D-5 of the Criminal Code  
16       of 1961 (computer fraud).

17          (8) A felony violation of Article 17B of the Criminal  
18       Code of 1961 (WIC fraud).

19          (9) A felony violation of Section 26-5 of the Criminal  
20       Code of 1961 (dog fighting).

21          (10) A violation of Article 29D of the Criminal Code of  
22       1961 (terrorism).

23          (11) A felony violation of Section 4.01 of the Humane  
24       Care for Animals Act (animals in entertainment).

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

1 (725 ILCS 5/124B-100)

2 Sec. 124B-100. Definition; "offense". For purposes of this  
3 Article, "offense" is defined as follows:

4 (1) In the case of forfeiture authorized under Section  
5 10A-15 of the Criminal Code of 1961, "offense" means the  
6 offense of involuntary servitude, involuntary servitude of  
7 a minor, or trafficking of persons for forced labor or  
8 services in violation of Section 10A-10 of that Code.

9 (2) In the case of forfeiture authorized under  
10 subdivision (a)(1) of Section 11-14.4, or Section 11-17.1,  
11 of the Criminal Code of 1961, "offense" means the offense  
12 of promoting juvenile prostitution or keeping a place of  
13 juvenile prostitution in violation of subdivision (a)(1)  
14 of Section 11-14.4, or Section 11-17.1, of that Code.

15 (3) In the case of forfeiture authorized under  
16 subdivision (a)(4) of Section 11-14.4, or Section 11-19.2,  
17 of the Criminal Code of 1961, "offense" means the offense  
18 of promoting juvenile prostitution or exploitation of a  
19 child in violation of subdivision (a)(4) of Section  
20 11-14.4, or Section 11-19.2, of that Code.

21 (4) In the case of forfeiture authorized under Section  
22 11-20 of the Criminal Code of 1961, "offense" means the  
23 offense of obscenity in violation of that Section.

24 (5) In the case of forfeiture authorized under Section  
25 11-20.1 of the Criminal Code of 1961, "offense" means the  
26 offense of child pornography in violation of Section

1 11-20.1 of that Code.

2 (6) In the case of forfeiture authorized under Section  
3 11-20.1B or 11-20.3 of the Criminal Code of 1961, "offense"  
4 means the offense of aggravated child pornography in  
5 violation of Section 11-20.1B or 11-20.3 of that Code.

6 (7) In the case of forfeiture authorized under Section  
7 16D-6 of the Criminal Code of 1961, "offense" means the  
8 offense of computer fraud in violation of Section 16D-5 of  
9 that Code.

10 (8) In the case of forfeiture authorized under Section  
11 17B-25 of the Criminal Code of 1961, "offense" means any  
12 felony violation of Article 17B of that Code.

13 (9) In the case of forfeiture authorized under Section  
14 29D-65 of the Criminal Code of 1961, "offense" means any  
15 offense under Article 29D of that Code.

16 (10) In the case of forfeiture authorized under Section  
17 4.01 of the Humane Care for Animals Act or Section 26-5 of  
18 the Criminal Code of 1961, "offense" means any felony  
19 offense under either of those Sections.

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

21 (725 ILCS 5/124B-420)

22 Sec. 124B-420. Distribution of property and sale proceeds.

23 (a) All moneys and the sale proceeds of all other property  
24 forfeited and seized under this Part 400 shall be distributed  
25 as follows:

1           (1) 50% shall be distributed to the unit of local  
2 government whose officers or employees conducted the  
3 investigation into the offense and caused the arrest or  
4 arrests and prosecution leading to the forfeiture, except  
5 that if the investigation, arrest or arrests, and  
6 prosecution leading to the forfeiture were undertaken by  
7 the sheriff, this portion shall be distributed to the  
8 county for deposit into a special fund in the county  
9 treasury appropriated to the sheriff. Amounts distributed  
10 to the county for the sheriff or to units of local  
11 government under this paragraph shall be used for  
12 enforcement of laws or ordinances governing obscenity and  
13 child pornography. If the investigation, arrest or  
14 arrests, and prosecution leading to the forfeiture were  
15 undertaken solely by a State agency, however, the portion  
16 designated in this paragraph shall be paid into the State  
17 treasury to be used for enforcement of laws governing  
18 obscenity and child pornography.

19           (2) 25% shall be distributed to the county in which the  
20 prosecution resulting in the forfeiture was instituted,  
21 deposited into a special fund in the county treasury, and  
22 appropriated to the State's Attorney for use in the  
23 enforcement of laws governing obscenity and child  
24 pornography.

25           (3) 25% shall be distributed to the Office of the  
26 State's Attorneys Appellate Prosecutor and deposited into

1 the Obscenity Profits Forfeiture Fund, which is hereby  
2 created in the State treasury, to be used by the Office of  
3 the State's Attorneys Appellate Prosecutor for additional  
4 expenses incurred in prosecuting appeals arising under  
5 Sections 11-20, 11-20.1, 11-20.1B, and 11-20.3 of the  
6 Criminal Code of 1961. Any amounts remaining in the Fund  
7 after all additional expenses have been paid shall be used  
8 by the Office to reduce the participating county  
9 contributions to the Office on a pro-rated basis as  
10 determined by the board of governors of the Office of the  
11 State's Attorneys Appellate Prosecutor based on the  
12 populations of the participating counties.

13 (b) Before any distribution under subsection (a), the  
14 Attorney General or State's Attorney shall retain from the  
15 forfeited moneys or sale proceeds, or both, sufficient moneys  
16 to cover expenses related to the administration and sale of the  
17 forfeited property.

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

19 (725 ILCS 5/124B-500)

20 Sec. 124B-500. Persons and property subject to forfeiture.  
21 A person who commits the offense of promoting juvenile  
22 prostitution, keeping a place of juvenile prostitution,  
23 exploitation of a child, child pornography, or aggravated child  
24 pornography under subdivision (a)(1) or (a)(4) of Section  
25 11-14.4 or under Section 11-17.1, 11-19.2, 11-20.1, 11-20.1B,



1 or 11-20.3 of the Criminal Code of 1961 shall forfeit the  
2 following property to the State of Illinois:

3 (1) Any profits or proceeds and any property the person  
4 has acquired or maintained in violation of subdivision  
5 (a)(1) or (a)(4) of Section 11-14.4 or in violation of  
6 Section 11-17.1, 11-19.2, 11-20.1, 11-20.1B, or 11-20.3 of  
7 the Criminal Code of 1961 that the sentencing court  
8 determines, after a forfeiture hearing under this Article,  
9 to have been acquired or maintained as a result of keeping  
10 a place of juvenile prostitution, exploitation of a child,  
11 child pornography, or aggravated child pornography.

12 (2) Any interest in, securities of, claim against, or  
13 property or contractual right of any kind affording a  
14 source of influence over any enterprise that the person has  
15 established, operated, controlled, or conducted in  
16 violation of subdivision (a)(1) or (a)(4) of Section  
17 11-14.4 or in violation of Section 11-17.1, 11-19.2,  
18 11-20.1, 11-20.1B, or 11-20.3 of the Criminal Code of 1961  
19 that the sentencing court determines, after a forfeiture  
20 hearing under this Article, to have been acquired or  
21 maintained as a result of keeping a place of juvenile  
22 prostitution, exploitation of a child, child pornography,  
23 or aggravated child pornography.

24 (3) Any computer that contains a depiction of child  
25 pornography in any encoded or decoded format in violation  
26 of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal

1 Code of 1961. For purposes of this paragraph (3),  
2 "computer" has the meaning ascribed to it in Section 16D-2  
3 of the Criminal Code of 1961.  
4 (Source: P.A. 96-712, eff. 1-1-10.)

5 Section 1045. The Bill of Rights for Children is amended by  
6 changing Section 3 as follows:

7 (725 ILCS 115/3) (from Ch. 38, par. 1353)

8 Sec. 3. Rights to present child impact statement.

9 (a) In any case where a defendant has been convicted of a  
10 violent crime involving a child or a juvenile has been  
11 adjudicated a delinquent for any offense defined in Sections  
12 11-6, 11-20.1, 11-20.1B, and 11-20.3 and in Sections 11-1.20  
13 through 11-1.60 or 12-13 through 12-16 of the Criminal Code of  
14 1961, except those in which both parties have agreed to the  
15 imposition of a specific sentence, and a parent or legal  
16 guardian of the child involved is present in the courtroom at  
17 the time of the sentencing or the disposition hearing, the  
18 parent or legal guardian upon his or her request shall have the  
19 right to address the court regarding the impact which the  
20 defendant's criminal conduct or the juvenile's delinquent  
21 conduct has had upon the child. If the parent or legal guardian  
22 chooses to exercise this right, the impact statement must have  
23 been prepared in writing in conjunction with the Office of the  
24 State's Attorney prior to the initial hearing or sentencing,

1 before it can be presented orally at the sentencing hearing.  
2 The court shall consider any statements made by the parent or  
3 legal guardian, along with all other appropriate factors in  
4 determining the sentence of the defendant or disposition of  
5 such juvenile.

6 (b) The crime victim has the right to prepare a victim  
7 impact statement and present it to the office of the State's  
8 Attorney at any time during the proceedings.

9 (c) This Section shall apply to any child victims of any  
10 offense defined in Sections 11-1.20 through 11-1.60 or 12-13  
11 through 12-16 of the Criminal Code of 1961 during any  
12 dispositional hearing under Section 5-705 of the Juvenile Court  
13 Act of 1987 which takes place pursuant to an adjudication of  
14 delinquency for any such offense.

15 (Source: P.A. 96-292, eff. 1-1-10.)

16 Section 1047. The Rights of Crime Victims and Witnesses Act  
17 is amended by changing Section 3 as follows:

18 (725 ILCS 120/3) (from Ch. 38, par. 1403)

19 Sec. 3. The terms used in this Act, unless the context  
20 clearly requires otherwise, shall have the following meanings:

21 (a) "Crime victim" and "victim" mean (1) a person  
22 physically injured in this State as a result of a violent crime  
23 perpetrated or attempted against that person or (2) a person  
24 who suffers injury to or loss of property as a result of a

1 violent crime perpetrated or attempted against that person or  
2 (3) a single representative who may be the spouse, parent,  
3 child or sibling of a person killed as a result of a violent  
4 crime perpetrated against the person killed or the spouse,  
5 parent, child or sibling of any person granted rights under  
6 this Act who is physically or mentally incapable of exercising  
7 such rights, except where the spouse, parent, child or sibling  
8 is also the defendant or prisoner or (4) any person against  
9 whom a violent crime has been committed or (5) any person who  
10 has suffered personal injury as a result of a violation of  
11 Section 11-501 of the Illinois Vehicle Code, or of a similar  
12 provision of a local ordinance, or of Section 9-3 of the  
13 Criminal Code of 1961, as amended or (6) in proceedings under  
14 the Juvenile Court Act of 1987, both parents, legal guardians,  
15 foster parents, or a single adult representative of a minor or  
16 disabled person who is a crime victim.

17 (b) "Witness" means any person who personally observed the  
18 commission of a violent crime and who will testify on behalf of  
19 the State of Illinois in the criminal prosecution of the  
20 violent crime.

21 (c) "Violent Crime" means any felony in which force or  
22 threat of force was used against the victim, or any offense  
23 involving sexual exploitation, sexual conduct or sexual  
24 penetration, or a violation of Section 11-20.1, 11-20.1B, or  
25 11-20.3 of the Criminal Code of 1961, domestic battery,  
26 violation of an order of protection, stalking, or any

1 misdemeanor which results in death or great bodily harm to the  
2 victim or any violation of Section 9-3 of the Criminal Code of  
3 1961, or Section 11-501 of the Illinois Vehicle Code, or a  
4 similar provision of a local ordinance, if the violation  
5 resulted in personal injury or death, and includes any action  
6 committed by a juvenile that would be a violent crime if  
7 committed by an adult. For the purposes of this paragraph,  
8 "personal injury" shall include any Type A injury as indicated  
9 on the traffic accident report completed by a law enforcement  
10 officer that requires immediate professional attention in  
11 either a doctor's office or medical facility. A type A injury  
12 shall include severely bleeding wounds, distorted extremities,  
13 and injuries that require the injured party to be carried from  
14 the scene.

15 (d) "Sentencing Hearing" means any hearing where a sentence  
16 is imposed by the court on a convicted defendant and includes  
17 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2  
18 and 5-7-7 of the Unified Code of Corrections except those cases  
19 in which both parties have agreed to the imposition of a  
20 specific sentence.

21 (e) "Court proceedings" includes the preliminary hearing,  
22 any hearing the effect of which may be the release of the  
23 defendant from custody or to alter the conditions of bond, the  
24 trial, sentencing hearing, notice of appeal, any modification  
25 of sentence, probation revocation hearings or parole hearings.

26 (f) "Concerned citizen" includes relatives of the victim,

1 friends of the victim, witnesses to the crime, or any other  
2 person associated with the victim or prisoner.

3 (Source: P.A. 95-591, eff. 6-1-08; 95-876, eff. 8-21-08;  
4 96-292, eff. 1-1-10; 96-875, eff. 1-22-10.)

5 Section 1050. The Sex Offense Victim Polygraph Act is  
6 amended by changing Section 1 as follows:

7 (725 ILCS 200/1) (from Ch. 38, par. 1551)

8 Sec. 1. Lie Detector Tests.

9 (a) No law enforcement officer, State's Attorney or other  
10 official shall ask or require an alleged victim of an offense  
11 described in Sections 11-1.20 through 11-1.60 or 12-13 through  
12 12-16 of the Criminal Code of 1961, as amended, to submit to a  
13 polygraph examination or any form of a mechanical or electrical  
14 lie detector test.

15 (b) A victim's refusal to submit to a polygraph or any form  
16 of a mechanical or electrical lie detector test shall not  
17 mitigate against the investigation, charging or prosecution of  
18 the pending case as originally charged.

19 (Source: P.A. 96-1273, eff. 1-1-11.)

20 Section 1055. The Sexually Violent Persons Commitment Act  
21 is amended by changing Section 5 as follows:

22 (725 ILCS 207/5)

1           Sec. 5. Definitions. As used in this Act, the term:

2           (a) "Department" means the Department of Human Services.

3           (b) "Mental disorder" means a congenital or acquired  
4 condition affecting the emotional or volitional capacity that  
5 predisposes a person to engage in acts of sexual violence.

6           (c) "Secretary" means the Secretary of Human Services.

7           (d) "Sexually motivated" means that one of the purposes for  
8 an act is for the actor's sexual arousal or gratification.

9           (e) "Sexually violent offense" means any of the following:

10           (1) Any crime specified in Section 11-1.20, 11-1.30,  
11 11-1.40, 11-1.60, 11-6, 11-20.1, 11-20.3, 12-13, 12-14,  
12 12-14.1, or 12-16 of the Criminal Code of 1961; or

13           (1.5) Any former law of this State specified in Section  
14 11-1 (rape), 11-3 (deviate sexual assault), 11-4 (indecent  
15 liberties with a child) or 11-4.1 (aggravated indecent  
16 liberties with a child) of the Criminal Code of 1961; or

17           (2) First degree murder, if it is determined by the  
18 agency with jurisdiction to have been sexually motivated;  
19 or

20           (3) Any solicitation, conspiracy or attempt to commit a  
21 crime under paragraph (e) (1) or (e) (2) of this Section.

22           (f) "Sexually violent person" means a person who has been  
23 convicted of a sexually violent offense, has been adjudicated  
24 delinquent for a sexually violent offense, or has been found  
25 not guilty of a sexually violent offense by reason of insanity  
26 and who is dangerous because he or she suffers from a mental

1 disorder that makes it substantially probable that the person  
2 will engage in acts of sexual violence.

3 (Source: P.A. 96-292, eff. 1-1-10; 96-328, eff. 8-11-09.)

4 Section 1060. The Statewide Grand Jury Act is amended by  
5 changing Sections 2 and 3 as follows:

6 (725 ILCS 215/2) (from Ch. 38, par. 1702)

7 Sec. 2. (a) County grand juries and State's Attorneys have  
8 always had and shall continue to have primary responsibility  
9 for investigating, indicting, and prosecuting persons who  
10 violate the criminal laws of the State of Illinois. However, in  
11 recent years organized terrorist activity directed against  
12 innocent civilians and certain criminal enterprises have  
13 developed that require investigation, indictment, and  
14 prosecution on a statewide or multicounty level. The criminal  
15 enterprises exist as a result of the allure of profitability  
16 present in narcotic activity, the unlawful sale and transfer of  
17 firearms, and streetgang related felonies and organized  
18 terrorist activity is supported by the contribution of money  
19 and expert assistance from geographically diverse sources. In  
20 order to shut off the life blood of terrorism and weaken or  
21 eliminate the criminal enterprises, assets, and property used  
22 to further these offenses must be frozen, and any profit must  
23 be removed. State statutes exist that can accomplish that goal.  
24 Among them are the offense of money laundering, the Cannabis



1 and Controlled Substances Tax Act, violations of Article 29D of  
2 the Criminal Code of 1961, the Narcotics Profit Forfeiture Act,  
3 and gunrunning. Local prosecutors need investigative personnel  
4 and specialized training to attack and eliminate these profits.  
5 In light of the transitory and complex nature of conduct that  
6 constitutes these criminal activities, the many diverse  
7 property interests that may be used, acquired directly or  
8 indirectly as a result of these criminal activities, and the  
9 many places that illegally obtained property may be located, it  
10 is the purpose of this Act to create a limited, multicounty  
11 Statewide Grand Jury with authority to investigate, indict, and  
12 prosecute: narcotic activity, including cannabis and  
13 controlled substance trafficking, narcotics racketeering,  
14 money laundering, violations of the Cannabis and Controlled  
15 Substances Tax Act, and violations of Article 29D of the  
16 Criminal Code of 1961; the unlawful sale and transfer of  
17 firearms; gunrunning; and streetgang related felonies.

18 (b) A Statewide Grand Jury may also investigate, indict,  
19 and prosecute violations facilitated by the use of a computer  
20 of any of the following offenses: indecent solicitation of a  
21 child, sexual exploitation of a child, soliciting for a  
22 juvenile prostitute, keeping a place of juvenile prostitution,  
23 juvenile pimping, ~~or~~ child pornography, aggravated child  
24 pornography, or promoting juvenile prostitution except as  
25 described in subdivision (a)(4) of Section 11-14.4 of the  
26 Criminal Code of 1961.

1 (Source: P.A. 91-225, eff. 1-1-00; 92-854, eff. 12-5-02.)

2 (725 ILCS 215/3) (from Ch. 38, par. 1703)

3 Sec. 3. Written application for the appointment of a  
4 Circuit Judge to convene and preside over a Statewide Grand  
5 Jury, with jurisdiction extending throughout the State, shall  
6 be made to the Chief Justice of the Supreme Court. Upon such  
7 written application, the Chief Justice of the Supreme Court  
8 shall appoint a Circuit Judge from the circuit where the  
9 Statewide Grand Jury is being sought to be convened, who shall  
10 make a determination that the convening of a Statewide Grand  
11 Jury is necessary.

12 In such application the Attorney General shall state that  
13 the convening of a Statewide Grand Jury is necessary because of  
14 an alleged offense or offenses set forth in this Section  
15 involving more than one county of the State and identifying any  
16 such offense alleged; and

17 (a) that he or she believes that the grand jury  
18 function for the investigation and indictment of the  
19 offense or offenses cannot effectively be performed by a  
20 county grand jury together with the reasons for such  
21 belief, and

22 (b) (1) that each State's Attorney with jurisdiction  
23 over an offense or offenses to be investigated has  
24 consented to the impaneling of the Statewide Grand  
25 Jury, or

1           (2) if one or more of the State's Attorneys having  
2           jurisdiction over an offense or offenses to be  
3           investigated fails to consent to the impaneling of the  
4           Statewide Grand Jury, the Attorney General shall set  
5           forth good cause for impaneling the Statewide Grand  
6           Jury.

7           If the Circuit Judge determines that the convening of a  
8           Statewide Grand Jury is necessary, he or she shall convene and  
9           impanel the Statewide Grand Jury with jurisdiction extending  
10          throughout the State to investigate and return indictments:

11          (a) For violations of any of the following or for any  
12          other criminal offense committed in the course of violating  
13          any of the following: Article 29D of the Criminal Code of  
14          1961, the Illinois Controlled Substances Act, the Cannabis  
15          Control Act, the Methamphetamine Control and Community  
16          Protection Act, the Narcotics Profit Forfeiture Act, or the  
17          Cannabis and Controlled Substances Tax Act; a streetgang  
18          related felony offense; Section 24-2.1, 24-2.2, 24-3,  
19          24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection  
20          24-1(a)(4), 24-1(a)(6), 24-1(a)(7), 24-1(a)(9),  
21          24-1(a)(10), or 24-1(c) of the Criminal Code of 1961; or a  
22          money laundering offense; provided that the violation or  
23          offense involves acts occurring in more than one county of  
24          this State; and

25          (a-5) For violations facilitated by the use of a  
26          computer, including the use of the Internet, the World Wide

1 Web, electronic mail, message board, newsgroup, or any  
2 other commercial or noncommercial on-line service, of any  
3 of the following offenses: indecent solicitation of a  
4 child, sexual exploitation of a child, soliciting for a  
5 juvenile prostitute, keeping a place of juvenile  
6 prostitution, juvenile pimping, ~~or~~ child pornography,  
7 aggravated child pornography, or promoting juvenile  
8 prostitution except as described in subdivision (a)(4) of  
9 Section 11-14.4 of the Criminal Code of 1961; and

10 (b) For the offenses of perjury, subornation of  
11 perjury, communicating with jurors and witnesses, and  
12 harassment of jurors and witnesses, as they relate to  
13 matters before the Statewide Grand Jury.

14 "Streetgang related" has the meaning ascribed to it in  
15 Section 10 of the Illinois Streetgang Terrorism Omnibus  
16 Prevention Act.

17 Upon written application by the Attorney General for the  
18 convening of an additional Statewide Grand Jury, the Chief  
19 Justice of the Supreme Court shall appoint a Circuit Judge from  
20 the circuit for which the additional Statewide Grand Jury is  
21 sought. The Circuit Judge shall determine the necessity for an  
22 additional Statewide Grand Jury in accordance with the  
23 provisions of this Section. No more than 2 Statewide Grand  
24 Juries may be empaneled at any time.

25 (Source: P.A. 94-556, eff. 9-11-05.)

1 Section 1065. The Unified Code of Corrections is amended by  
2 changing Sections 3-1-2, 3-3-7, 5-3-2, 5-4-1, 5-4-3, 5-4-3.2,  
3 5-5-3, 5-5-3.2, 5-5-6, 5-6-1, 5-6-3, 5-6-3.1, 5-8-1, 5-8-4, and  
4 5-9-1.7 as follows:

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

6 Sec. 3-1-2. Definitions.

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

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

16 (i) A violation of any of the following Sections of the  
17 Criminal Code of 1961: 10-7 (aiding or abetting child  
18 abduction under Section 10-5(b)(10)), 10-5(b)(10) (child  
19 luring), 11-6 (indecent solicitation of a child), 11-6.5  
20 (indecent solicitation of an adult), 11-14.4 (promoting  
21 juvenile prostitution), 11-15.1 (soliciting for a juvenile  
22 prostitute), 11-17.1 (keeping a place of juvenile  
23 prostitution), 11-18.1 (patronizing a juvenile  
24 prostitute), 11-19.1 (juvenile pimping), 11-19.2  
25 (exploitation of a child), 11-20.1 (child pornography),

1       11-20.1B or 11-20.3 (aggravated child pornography),  
2       11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
3       child), or 12-33 (ritualized abuse of a child). An attempt  
4       to commit any of these offenses.

5           (ii) A violation of any of the following Sections of  
6       the Criminal Code of 1961: 11-1.20 or 12-13 (criminal  
7       sexual assault), 11-1.30 or 12-14 (aggravated criminal  
8       sexual assault), 11-1.60 or 12-16 (aggravated criminal  
9       sexual abuse), and subsection (a) of Section 11-1.50 or  
10       subsection (a) of Section 12-15 (criminal sexual abuse). An  
11       attempt to commit any of these offenses.

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

- 15               10-1 (kidnapping),  
16               10-2 (aggravated kidnapping),  
17               10-3 (unlawful restraint),  
18               10-3.1 (aggravated unlawful restraint).

19           An attempt to commit any of these offenses.

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

23       An offense violating federal law or the law of another  
24       state that is substantially equivalent to any offense listed in  
25       this subsection (a-5) shall constitute a sex offense for the  
26       purpose of this subsection (a-5). A finding or adjudication as

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

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

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

14 (c-5) "Computer scrub software" means any third-party  
15 added software, designed to delete information from the  
16 computer unit, the hard drive, or other software, which would  
17 eliminate and prevent discovery of browser activity, including  
18 but not limited to Internet history, address bar or bars, cache  
19 or caches, and/or cookies, and which would over-write files in  
20 a way so as to make previous computer activity, including but  
21 not limited to website access, more difficult to discover.

22 (d) "Correctional Institution or Facility" means any  
23 building or part of a building where committed persons are kept  
24 in a secured manner.

25 (e) In the case of functions performed before the effective  
26 date of this amendatory Act of the 94th General Assembly,

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

6 (f) In the case of functions performed before the effective  
7 date of this amendatory Act of the 94th General Assembly,  
8 "Director" means the Director of the Department of Corrections.  
9 In the case of functions performed on or after the effective  
10 date of this amendatory Act of the 94th General Assembly,  
11 "Director" has the meaning ascribed to it in subsection (f-5).

12 (f-5) In the case of functions performed on or after the  
13 effective date of this amendatory Act of the 94th General  
14 Assembly, references to "Department" or "Director" refer to  
15 either the Department of Corrections or the Director of  
16 Corrections or to the Department of Juvenile Justice or the  
17 Director of Juvenile Justice unless the context is specific to  
18 the Department of Juvenile Justice or the Director of Juvenile  
19 Justice.

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

22 (h) "Discipline" means the rules and regulations for the  
23 maintenance of order and the protection of persons and property  
24 within the institutions and facilities of the Department and  
25 their enforcement.

26 (i) "Escape" means the intentional and unauthorized



1 absence of a committed person from the custody of the  
2 Department.

3 (j) "Furlough" means an authorized leave of absence from  
4 the Department of Corrections for a designated purpose and  
5 period of time.

6 (k) "Parole" means the conditional and revocable release of  
7 a committed person under the supervision of a parole officer.

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

22 (m) Whenever medical treatment, service, counseling, or  
23 care is referred to in this Unified Code of Corrections, such  
24 term may be construed by the Department or Court, within its  
25 discretion, to include treatment, service or counseling by a  
26 Christian Science practitioner or nursing care appropriate

1 therewith whenever request therefor is made by a person subject  
2 to the provisions of this Act.

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

6 (Source: P.A. 96-362, eff. 1-1-10; 96-710, eff. 1-1-10;  
7 96-1000, eff. 7-2-10.)

8 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

9 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised  
10 Release.

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

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

18 (2) refrain from possessing a firearm or other  
19 dangerous weapon;

20 (3) report to an agent of the Department of  
21 Corrections;

22 (4) permit the agent to visit him or her at his or her  
23 home, employment, or elsewhere to the extent necessary for  
24 the agent to discharge his or her duties;

25 (5) attend or reside in a facility established for the

1 instruction or residence of persons on parole or mandatory  
2 supervised release;

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

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

10 (7.5) if convicted of a sex offense as defined in the  
11 Sex Offender Management Board Act, the individual shall  
12 undergo and successfully complete sex offender treatment  
13 conducted in conformance with the standards developed by  
14 the Sex Offender Management Board Act by a treatment  
15 provider approved by the Board;

16 (7.6) if convicted of a sex offense as defined in the  
17 Sex Offender Management Board Act, refrain from residing at  
18 the same address or in the same condominium unit or  
19 apartment unit or in the same condominium complex or  
20 apartment complex with another person he or she knows or  
21 reasonably should know is a convicted sex offender or has  
22 been placed on supervision for a sex offense; the  
23 provisions of this paragraph do not apply to a person  
24 convicted of a sex offense who is placed in a Department of  
25 Corrections licensed transitional housing facility for sex  
26 offenders, or is in any facility operated or licensed by

1 the Department of Children and Family Services or by the  
2 Department of Human Services, or is in any licensed medical  
3 facility;

4 (7.7) if convicted for an offense that would qualify  
5 the accused as a sexual predator under the Sex Offender  
6 Registration Act on or after the effective date of this  
7 amendatory Act of the 94th General Assembly, wear an  
8 approved electronic monitoring device as defined in  
9 Section 5-8A-2 for the duration of the person's parole,  
10 mandatory supervised release term, or extended mandatory  
11 supervised release term and if convicted for an offense of  
12 criminal sexual assault, aggravated criminal sexual  
13 assault, predatory criminal sexual assault of a child,  
14 criminal sexual abuse, aggravated criminal sexual abuse,  
15 or ritualized abuse of a child committed on or after August  
16 11, 2009 (the effective date of Public Act 96-236) when the  
17 victim was under 18 years of age at the time of the  
18 commission of the offense and the defendant used force or  
19 the threat of force in the commission of the offense wear  
20 an approved electronic monitoring device as defined in  
21 Section 5-8A-2 that has Global Positioning System (GPS)  
22 capability for the duration of the person's parole,  
23 mandatory supervised release term, or extended mandatory  
24 supervised release term;

25 (7.8) if convicted for an offense committed on or after  
26 the effective date of this amendatory Act of the 95th

1 General Assembly that would qualify the accused as a child  
2 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
3 Criminal Code of 1961, refrain from communicating with or  
4 contacting, by means of the Internet, a person who is not  
5 related to the accused and whom the accused reasonably  
6 believes to be under 18 years of age; for purposes of this  
7 paragraph (7.8), "Internet" has the meaning ascribed to it  
8 in Section 16J-5 of the Criminal Code of 1961; and a person  
9 is not related to the accused if the person is not: (i) the  
10 spouse, brother, or sister of the accused; (ii) a  
11 descendant of the accused; (iii) a first or second cousin  
12 of the accused; or (iv) a step-child or adopted child of  
13 the accused;

14 (7.9) if convicted under Section 11-6, 11-20.1,  
15 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961,  
16 consent to search of computers, PDAs, cellular phones, and  
17 other devices under his or her control that are capable of  
18 accessing the Internet or storing electronic files, in  
19 order to confirm Internet protocol addresses reported in  
20 accordance with the Sex Offender Registration Act and  
21 compliance with conditions in this Act;

22 (7.10) if convicted for an offense that would qualify  
23 the accused as a sex offender or sexual predator under the  
24 Sex Offender Registration Act on or after the effective  
25 date of this amendatory Act of the 95th General Assembly,  
26 not possess prescription drugs for erectile dysfunction;

1           (7.11) if convicted for an offense under Section 11-6,  
2           11-9.1, 11-14.4 that involves soliciting for a juvenile  
3           prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
4           of the Criminal Code of 1961, or any attempt to commit any  
5           of these offenses, committed on or after June 1, 2009 (the  
6           effective date of Public Act 95-983):

7                   (i) not access or use a computer or any other  
8                   device with Internet capability without the prior  
9                   written approval of the Department;

10                   (ii) submit to periodic unannounced examinations  
11                   of the offender's computer or any other device with  
12                   Internet capability by the offender's supervising  
13                   agent, a law enforcement officer, or assigned computer  
14                   or information technology specialist, including the  
15                   retrieval and copying of all data from the computer or  
16                   device and any internal or external peripherals and  
17                   removal of such information, equipment, or device to  
18                   conduct a more thorough inspection;

19                   (iii) submit to the installation on the offender's  
20                   computer or device with Internet capability, at the  
21                   offender's expense, of one or more hardware or software  
22                   systems to monitor the Internet use; and

23                   (iv) submit to any other appropriate restrictions  
24                   concerning the offender's use of or access to a  
25                   computer or any other device with Internet capability  
26                   imposed by the Board, the Department or the offender's

1 supervising agent;

2 (7.12) if convicted of a sex offense as defined in the  
3 Sex Offender Registration Act committed on or after January  
4 1, 2010 (the effective date of Public Act 96-262), refrain  
5 from accessing or using a social networking website as  
6 defined in Section 16D-2 of the Criminal Code of 1961;

7 (7.13) if convicted of a sex offense as defined in  
8 Section 2 of the Sex Offender Registration Act committed on  
9 or after January 1, 2010 (the effective date of Public Act  
10 96-362) that requires the person to register as a sex  
11 offender under that Act, may not knowingly use any computer  
12 scrub software on any computer that the sex offender uses;

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

15 (9) obtain permission of an agent of the Department of  
16 Corrections before changing his or her residence or  
17 employment;

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

20 (11) refrain from the use or possession of narcotics or  
21 other controlled substances in any form, or both, or any  
22 paraphernalia related to those substances and submit to a  
23 urinalysis test as instructed by a parole agent of the  
24 Department of Corrections;

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

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

7           (14) provide true and accurate information, as it  
8 relates to his or her adjustment in the community while on  
9 parole or mandatory supervised release or to his or her  
10 conduct while incarcerated, in response to inquiries by his  
11 or her parole agent or of the Department of Corrections;

12           (15) follow any specific instructions provided by the  
13 parole agent that are consistent with furthering  
14 conditions set and approved by the Prisoner Review Board or  
15 by law, exclusive of placement on electronic detention, to  
16 achieve the goals and objectives of his or her parole or  
17 mandatory supervised release or to protect the public.  
18 These instructions by the parole agent may be modified at  
19 any time, as the agent deems appropriate;

20           (16) if convicted of a sex offense as defined in  
21 subsection (a-5) of Section 3-1-2 of this Code, unless the  
22 offender is a parent or guardian of the person under 18  
23 years of age present in the home and no non-familial minors  
24 are present, not participate in a holiday event involving  
25 children under 18 years of age, such as distributing candy  
26 or other items to children on Halloween, wearing a Santa



1 Claus costume on or preceding Christmas, being employed as  
2 a department store Santa Claus, or wearing an Easter Bunny  
3 costume on or preceding Easter; and

4 (17) if convicted of a violation of an order of  
5 protection under Section 12-30 of the Criminal Code of  
6 1961, be placed under electronic surveillance as provided  
7 in Section 5-8A-7 of this Code.

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

10 (1) work or pursue a course of study or vocational  
11 training;

12 (2) undergo medical or psychiatric treatment, or  
13 treatment for drug addiction or alcoholism;

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

16 (4) support his dependents;

17 (5) (blank);

18 (6) (blank);

19 (7) comply with the terms and conditions of an order of  
20 protection issued pursuant to the Illinois Domestic  
21 Violence Act of 1986, enacted by the 84th General Assembly,  
22 or an order of protection issued by the court of another  
23 state, tribe, or United States territory;

24 (7.5) if convicted for an offense committed on or after  
25 the effective date of this amendatory Act of the 95th  
26 General Assembly that would qualify the accused as a child

1 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
2 Criminal Code of 1961, refrain from communicating with or  
3 contacting, by means of the Internet, a person who is  
4 related to the accused and whom the accused reasonably  
5 believes to be under 18 years of age; for purposes of this  
6 paragraph (7.5), "Internet" has the meaning ascribed to it  
7 in Section 16J-5 of the Criminal Code of 1961; and a person  
8 is related to the accused if the person is: (i) the spouse,  
9 brother, or sister of the accused; (ii) a descendant of the  
10 accused; (iii) a first or second cousin of the accused; or  
11 (iv) a step-child or adopted child of the accused;

12 (7.6) if convicted for an offense committed on or after  
13 June 1, 2009 (the effective date of Public Act 95-983) that  
14 would qualify as a sex offense as defined in the Sex  
15 Offender Registration Act:

16 (i) not access or use a computer or any other  
17 device with Internet capability without the prior  
18 written approval of the Department;

19 (ii) submit to periodic unannounced examinations  
20 of the offender's computer or any other device with  
21 Internet capability by the offender's supervising  
22 agent, a law enforcement officer, or assigned computer  
23 or information technology specialist, including the  
24 retrieval and copying of all data from the computer or  
25 device and any internal or external peripherals and  
26 removal of such information, equipment, or device to

1           conduct a more thorough inspection;

2           (iii) submit to the installation on the offender's  
3           computer or device with Internet capability, at the  
4           offender's expense, of one or more hardware or software  
5           systems to monitor the Internet use; and

6           (iv) submit to any other appropriate restrictions  
7           concerning the offender's use of or access to a  
8           computer or any other device with Internet capability  
9           imposed by the Board, the Department or the offender's  
10          supervising agent; and

11          (8) in addition, if a minor:

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

13           (ii) attend school;

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

15          or

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

18          (b-1) In addition to the conditions set forth in  
19          subsections (a) and (b), persons required to register as sex  
20          offenders pursuant to the Sex Offender Registration Act, upon  
21          release from the custody of the Illinois Department of  
22          Corrections, may be required by the Board to comply with the  
23          following specific conditions of release:

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

25           (2) comply with all requirements of the Sex Offender  
26          Registration Act;

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

3           (4) obtain the approval of an agent of the Department  
4 of Corrections prior to accepting employment or pursuing a  
5 course of study or vocational training and notify the  
6 Department prior to any change in employment, study, or  
7 training;

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

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

14           (7) refrain from entering into a designated geographic  
15 area except upon terms approved in advance by an agent of  
16 the Department of Corrections. The terms may include  
17 consideration of the purpose of the entry, the time of day,  
18 and others accompanying the person;

19           (8) refrain from having any contact, including written  
20 or oral communications, directly or indirectly, personally  
21 or by telephone, letter, or through a third party with  
22 certain specified persons including, but not limited to,  
23 the victim or the victim's family without the prior written  
24 approval of an agent of the Department of Corrections;

25           (9) refrain from all contact, directly or indirectly,  
26 personally, by telephone, letter, or through a third party,

1 with minor children without prior identification and  
2 approval of an agent of the Department of Corrections;

3 (10) neither possess or have under his or her control  
4 any material that is sexually oriented, sexually  
5 stimulating, or that shows male or female sex organs or any  
6 pictures depicting children under 18 years of age nude or  
7 any written or audio material describing sexual  
8 intercourse or that depicts or alludes to sexual activity,  
9 including but not limited to visual, auditory, telephonic,  
10 or electronic media, or any matter obtained through access  
11 to any computer or material linked to computer access use;

12 (11) not patronize any business providing sexually  
13 stimulating or sexually oriented entertainment nor utilize  
14 "900" or adult telephone numbers;

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

21 (13) not possess or have under his or her control  
22 certain specified items of contraband related to the  
23 incidence of sexually offending as determined by an agent  
24 of the Department of Corrections;

25 (14) may be required to provide a written daily log of  
26 activities if directed by an agent of the Department of

1 Corrections;

2 (15) comply with all other special conditions that the  
3 Department may impose that restrict the person from  
4 high-risk situations and limit access to potential  
5 victims;

6 (16) take an annual polygraph exam;

7 (17) maintain a log of his or her travel; or

8 (18) obtain prior approval of his or her parole officer  
9 before driving alone in a motor vehicle.

10 (c) The conditions under which the parole or mandatory  
11 supervised release is to be served shall be communicated to the  
12 person in writing prior to his release, and he shall sign the  
13 same before release. A signed copy of these conditions,  
14 including a copy of an order of protection where one had been  
15 issued by the criminal court, shall be retained by the person  
16 and another copy forwarded to the officer in charge of his  
17 supervision.

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

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

25 (f) When the subject is in compliance with all conditions  
26 of his or her parole or mandatory supervised release, the

1 subject shall receive a reduction of the period of his or her  
2 parole or mandatory supervised release of 90 days upon passage  
3 of the high school level Test of General Educational  
4 Development during the period of his or her parole or mandatory  
5 supervised release. This reduction in the period of a subject's  
6 term of parole or mandatory supervised release shall be  
7 available only to subjects who have not previously earned a  
8 high school diploma or who have not previously passed the high  
9 school level Test of General Educational Development.

10 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,  
11 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,  
12 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;  
13 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;  
14 96-1000, eff. 7-2-10.)

15 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

16 Sec. 5-3-2. Presentence Report.

17 (a) In felony cases, the presentence report shall set  
18 forth:

19 (1) the defendant's history of delinquency or  
20 criminality, physical and mental history and condition,  
21 family situation and background, economic status,  
22 education, occupation and personal habits;

23 (2) information about special resources within the  
24 community which might be available to assist the  
25 defendant's rehabilitation, including treatment centers,

1 residential facilities, vocational training services,  
2 correctional manpower programs, employment opportunities,  
3 special educational programs, alcohol and drug abuse  
4 programming, psychiatric and marriage counseling, and  
5 other programs and facilities which could aid the  
6 defendant's successful reintegration into society;

7 (3) the effect the offense committed has had upon the  
8 victim or victims thereof, and any compensatory benefit  
9 that various sentencing alternatives would confer on such  
10 victim or victims;

11 (4) information concerning the defendant's status  
12 since arrest, including his record if released on his own  
13 recognizance, or the defendant's achievement record if  
14 released on a conditional pre-trial supervision program;

15 (5) when appropriate, a plan, based upon the personal,  
16 economic and social adjustment needs of the defendant,  
17 utilizing public and private community resources as an  
18 alternative to institutional sentencing;

19 (6) any other matters that the investigatory officer  
20 deems relevant or the court directs to be included; and

21 (7) information concerning defendant's eligibility for  
22 a sentence to a county impact incarceration program under  
23 Section 5-8-1.2 of this Code.

24 (b) The investigation shall include a physical and mental  
25 examination of the defendant when so ordered by the court. If  
26 the court determines that such an examination should be made,



1 it shall issue an order that the defendant submit to  
2 examination at such time and place as designated by the court  
3 and that such examination be conducted by a physician,  
4 psychologist or psychiatrist designated by the court. Such an  
5 examination may be conducted in a court clinic if so ordered by  
6 the court. The cost of such examination shall be paid by the  
7 county in which the trial is held.

8 (b-5) In cases involving felony sex offenses in which the  
9 offender is being considered for probation only or any felony  
10 offense that is sexually motivated as defined in the Sex  
11 Offender Management Board Act in which the offender is being  
12 considered for probation only, the investigation shall include  
13 a sex offender evaluation by an evaluator approved by the Board  
14 and conducted in conformance with the standards developed under  
15 the Sex Offender Management Board Act. In cases in which the  
16 offender is being considered for any mandatory prison sentence,  
17 the investigation shall not include a sex offender evaluation.

18 (c) In misdemeanor, business offense or petty offense  
19 cases, except as specified in subsection (d) of this Section,  
20 when a presentence report has been ordered by the court, such  
21 presentence report shall contain information on the  
22 defendant's history of delinquency or criminality and shall  
23 further contain only those matters listed in any of paragraphs  
24 (1) through (6) of subsection (a) or in subsection (b) of this  
25 Section as are specified by the court in its order for the  
26 report.

1           (d) In cases under Sections 11-1.50, Section 12-15, and  
2 ~~Section~~ 12-30 of the Criminal Code of 1961, as amended, the  
3 presentence report shall set forth information about alcohol,  
4 drug abuse, psychiatric, and marriage counseling or other  
5 treatment programs and facilities, information on the  
6 defendant's history of delinquency or criminality, and shall  
7 contain those additional matters listed in any of paragraphs  
8 (1) through (6) of subsection (a) or in subsection (b) of this  
9 Section as are specified by the court.

10           (e) Nothing in this Section shall cause the defendant to be  
11 held without bail or to have his bail revoked for the purpose  
12 of preparing the presentence report or making an examination.

13           (Source: P.A. 96-322, eff. 1-1-10.)

14           (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

15           Sec. 5-4-1. Sentencing Hearing.

16           (a) Except when the death penalty is sought under hearing  
17 procedures otherwise specified, after a determination of  
18 guilt, a hearing shall be held to impose the sentence. However,  
19 prior to the imposition of sentence on an individual being  
20 sentenced for an offense based upon a charge for a violation of  
21 Section 11-501 of the Illinois Vehicle Code or a similar  
22 provision of a local ordinance, the individual must undergo a  
23 professional evaluation to determine if an alcohol or other  
24 drug abuse problem exists and the extent of such a problem.  
25 Programs conducting these evaluations shall be licensed by the

1 Department of Human Services. However, if the individual is not  
2 a resident of Illinois, the court may, in its discretion,  
3 accept an evaluation from a program in the state of such  
4 individual's residence. The court may in its sentencing order  
5 approve an eligible defendant for placement in a Department of  
6 Corrections impact incarceration program as provided in  
7 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing  
8 order recommend a defendant for placement in a Department of  
9 Corrections substance abuse treatment program as provided in  
10 paragraph (a) of subsection (1) of Section 3-2-2 conditioned  
11 upon the defendant being accepted in a program by the  
12 Department of Corrections. At the hearing the court shall:

13 (1) consider the evidence, if any, received upon the  
14 trial;

15 (2) consider any presentence reports;

16 (3) consider the financial impact of incarceration  
17 based on the financial impact statement filed with the  
18 clerk of the court by the Department of Corrections;

19 (4) consider evidence and information offered by the  
20 parties in aggravation and mitigation;

21 (4.5) consider substance abuse treatment, eligibility  
22 screening, and an assessment, if any, of the defendant by  
23 an agent designated by the State of Illinois to provide  
24 assessment services for the Illinois courts;

25 (5) hear arguments as to sentencing alternatives;

26 (6) afford the defendant the opportunity to make a

1 statement in his own behalf;

2 (7) afford the victim of a violent crime or a violation  
3 of Section 11-501 of the Illinois Vehicle Code, or a  
4 similar provision of a local ordinance, or a qualified  
5 individual affected by: (i) a violation of Section 405,  
6 405.1, 405.2, or 407 of the Illinois Controlled Substances  
7 Act or a violation of Section 55 or Section 65 of the  
8 Methamphetamine Control and Community Protection Act, or  
9 (ii) a Class 4 felony violation of Section 11-14, 11-14.3  
10 except as described in subdivisions (a)(2)(A) and  
11 (a)(2)(B), 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the  
12 Criminal Code of 1961, committed by the defendant the  
13 opportunity to make a statement concerning the impact on  
14 the victim and to offer evidence in aggravation or  
15 mitigation; provided that the statement and evidence  
16 offered in aggravation or mitigation must first be prepared  
17 in writing in conjunction with the State's Attorney before  
18 it may be presented orally at the hearing. Any sworn  
19 testimony offered by the victim is subject to the  
20 defendant's right to cross-examine. All statements and  
21 evidence offered under this paragraph (7) shall become part  
22 of the record of the court. For the purpose of this  
23 paragraph (7), "qualified individual" means any person who  
24 (i) lived or worked within the territorial jurisdiction  
25 where the offense took place when the offense took place;  
26 and (ii) is familiar with various public places within the

1 territorial jurisdiction where the offense took place when  
2 the offense took place. For the purposes of this paragraph  
3 (7), "qualified individual" includes any peace officer, or  
4 any member of any duly organized State, county, or  
5 municipal peace unit assigned to the territorial  
6 jurisdiction where the offense took place when the offense  
7 took place;

8 (8) in cases of reckless homicide afford the victim's  
9 spouse, guardians, parents or other immediate family  
10 members an opportunity to make oral statements;

11 (9) in cases involving a felony sex offense as defined  
12 under the Sex Offender Management Board Act, consider the  
13 results of the sex offender evaluation conducted pursuant  
14 to Section 5-3-2 of this Act; and

15 (10) make a finding of whether a motor vehicle was used  
16 in the commission of the offense for which the defendant is  
17 being sentenced.

18 (b) All sentences shall be imposed by the judge based upon  
19 his independent assessment of the elements specified above and  
20 any agreement as to sentence reached by the parties. The judge  
21 who presided at the trial or the judge who accepted the plea of  
22 guilty shall impose the sentence unless he is no longer sitting  
23 as a judge in that court. Where the judge does not impose  
24 sentence at the same time on all defendants who are convicted  
25 as a result of being involved in the same offense, the  
26 defendant or the State's Attorney may advise the sentencing

1 court of the disposition of any other defendants who have been  
2 sentenced.

3 (c) In imposing a sentence for a violent crime or for an  
4 offense of operating or being in physical control of a vehicle  
5 while under the influence of alcohol, any other drug or any  
6 combination thereof, or a similar provision of a local  
7 ordinance, when such offense resulted in the personal injury to  
8 someone other than the defendant, the trial judge shall specify  
9 on the record the particular evidence, information, factors in  
10 mitigation and aggravation or other reasons that led to his  
11 sentencing determination. The full verbatim record of the  
12 sentencing hearing shall be filed with the clerk of the court  
13 and shall be a public record.

14 (c-1) In imposing a sentence for the offense of aggravated  
15 kidnapping for ransom, home invasion, armed robbery,  
16 aggravated vehicular hijacking, aggravated discharge of a  
17 firearm, or armed violence with a category I weapon or category  
18 II weapon, the trial judge shall make a finding as to whether  
19 the conduct leading to conviction for the offense resulted in  
20 great bodily harm to a victim, and shall enter that finding and  
21 the basis for that finding in the record.

22 (c-2) If the defendant is sentenced to prison, other than  
23 when a sentence of natural life imprisonment or a sentence of  
24 death is imposed, at the time the sentence is imposed the judge  
25 shall state on the record in open court the approximate period  
26 of time the defendant will serve in custody according to the

1 then current statutory rules and regulations for early release  
2 found in Section 3-6-3 and other related provisions of this  
3 Code. This statement is intended solely to inform the public,  
4 has no legal effect on the defendant's actual release, and may  
5 not be relied on by the defendant on appeal.

6 The judge's statement, to be given after pronouncing the  
7 sentence, other than when the sentence is imposed for one of  
8 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,  
9 shall include the following:

10 "The purpose of this statement is to inform the public of  
11 the actual period of time this defendant is likely to spend in  
12 prison as a result of this sentence. The actual period of  
13 prison time served is determined by the statutes of Illinois as  
14 applied to this sentence by the Illinois Department of  
15 Corrections and the Illinois Prisoner Review Board. In this  
16 case, assuming the defendant receives all of his or her good  
17 conduct credit, the period of estimated actual custody is ...  
18 years and ... months, less up to 180 days additional good  
19 conduct credit for meritorious service. If the defendant,  
20 because of his or her own misconduct or failure to comply with  
21 the institutional regulations, does not receive those credits,  
22 the actual time served in prison will be longer. The defendant  
23 may also receive an additional one-half day good conduct credit  
24 for each day of participation in vocational, industry,  
25 substance abuse, and educational programs as provided for by  
26 Illinois statute."

1           When the sentence is imposed for one of the offenses  
2 enumerated in paragraph (a)(3) of Section 3-6-3, other than  
3 when the sentence is imposed for one of the offenses enumerated  
4 in paragraph (a)(2) of Section 3-6-3 committed on or after June  
5 19, 1998, and other than when the sentence is imposed for  
6 reckless homicide as defined in subsection (e) of Section 9-3  
7 of the Criminal Code of 1961 if the offense was committed on or  
8 after January 1, 1999, and other than when the sentence is  
9 imposed for aggravated arson if the offense was committed on or  
10 after July 27, 2001 (the effective date of Public Act 92-176),  
11 and other than when the sentence is imposed for aggravated  
12 driving under the influence of alcohol, other drug or drugs, or  
13 intoxicating compound or compounds, or any combination thereof  
14 as defined in subparagraph (C) of paragraph (1) of subsection  
15 (d) of Section 11-501 of the Illinois Vehicle Code committed on  
16 or after January 1, 2011 (the effective date of Public Act  
17 96-1230) ~~this amendatory Act of the 96th General Assembly~~, the  
18 judge's statement, to be given after pronouncing the sentence,  
19 shall include the following:

20           "The purpose of this statement is to inform the public of  
21 the actual period of time this defendant is likely to spend in  
22 prison as a result of this sentence. The actual period of  
23 prison time served is determined by the statutes of Illinois as  
24 applied to this sentence by the Illinois Department of  
25 Corrections and the Illinois Prisoner Review Board. In this  
26 case, assuming the defendant receives all of his or her good



1 conduct credit, the period of estimated actual custody is ...  
2 years and ... months, less up to 90 days additional good  
3 conduct credit for meritorious service. If the defendant,  
4 because of his or her own misconduct or failure to comply with  
5 the institutional regulations, does not receive those credits,  
6 the actual time served in prison will be longer. The defendant  
7 may also receive an additional one-half day good conduct credit  
8 for each day of participation in vocational, industry,  
9 substance abuse, and educational programs as provided for by  
10 Illinois statute."

11 When the sentence is imposed for one of the offenses  
12 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
13 first degree murder, and the offense was committed on or after  
14 June 19, 1998, and when the sentence is imposed for reckless  
15 homicide as defined in subsection (e) of Section 9-3 of the  
16 Criminal Code of 1961 if the offense was committed on or after  
17 January 1, 1999, and when the sentence is imposed for  
18 aggravated driving under the influence of alcohol, other drug  
19 or drugs, or intoxicating compound or compounds, or any  
20 combination thereof as defined in subparagraph (F) of paragraph  
21 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
22 Code, and when the sentence is imposed for aggravated arson if  
23 the offense was committed on or after July 27, 2001 (the  
24 effective date of Public Act 92-176), and when the sentence is  
25 imposed for aggravated driving under the influence of alcohol,  
26 other drug or drugs, or intoxicating compound or compounds, or

1 any combination thereof as defined in subparagraph (C) of  
2 paragraph (1) of subsection (d) of Section 11-501 of the  
3 Illinois Vehicle Code committed on or after January 1, 2011  
4 (the effective date of Public Act 96-1230) ~~this amendatory Act~~  
5 ~~of the 96th General Assembly~~, the judge's statement, to be  
6 given after pronouncing the sentence, shall include the  
7 following:

8 "The purpose of this statement is to inform the public of  
9 the actual period of time this defendant is likely to spend in  
10 prison as a result of this sentence. The actual period of  
11 prison time served is determined by the statutes of Illinois as  
12 applied to this sentence by the Illinois Department of  
13 Corrections and the Illinois Prisoner Review Board. In this  
14 case, the defendant is entitled to no more than 4 1/2 days of  
15 good conduct credit for each month of his or her sentence of  
16 imprisonment. Therefore, this defendant will serve at least 85%  
17 of his or her sentence. Assuming the defendant receives 4 1/2  
18 days credit for each month of his or her sentence, the period  
19 of estimated actual custody is ... years and ... months. If the  
20 defendant, because of his or her own misconduct or failure to  
21 comply with the institutional regulations receives lesser  
22 credit, the actual time served in prison will be longer."

23 When a sentence of imprisonment is imposed for first degree  
24 murder and the offense was committed on or after June 19, 1998,  
25 the judge's statement, to be given after pronouncing the  
26 sentence, shall include the following:

1           "The purpose of this statement is to inform the public of  
2 the actual period of time this defendant is likely to spend in  
3 prison as a result of this sentence. The actual period of  
4 prison time served is determined by the statutes of Illinois as  
5 applied to this sentence by the Illinois Department of  
6 Corrections and the Illinois Prisoner Review Board. In this  
7 case, the defendant is not entitled to good conduct credit.  
8 Therefore, this defendant will serve 100% of his or her  
9 sentence."

10           When the sentencing order recommends placement in a  
11 substance abuse program for any offense that results in  
12 incarceration in a Department of Corrections facility and the  
13 crime was committed on or after September 1, 2003 (the  
14 effective date of Public Act 93-354), the judge's statement, in  
15 addition to any other judge's statement required under this  
16 Section, to be given after pronouncing the sentence, shall  
17 include the following:

18           "The purpose of this statement is to inform the public of  
19 the actual period of time this defendant is likely to spend in  
20 prison as a result of this sentence. The actual period of  
21 prison time served is determined by the statutes of Illinois as  
22 applied to this sentence by the Illinois Department of  
23 Corrections and the Illinois Prisoner Review Board. In this  
24 case, the defendant shall receive no good conduct credit under  
25 clause (3) of subsection (a) of Section 3-6-3 until he or she  
26 participates in and completes a substance abuse treatment

1 program or receives a waiver from the Director of Corrections  
2 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

3 (c-4) Before the sentencing hearing and as part of the  
4 presentence investigation under Section 5-3-1, the court shall  
5 inquire of the defendant whether the defendant is currently  
6 serving in or is a veteran of the Armed Forces of the United  
7 States. If the defendant is currently serving in the Armed  
8 Forces of the United States or is a veteran of the Armed Forces  
9 of the United States and has been diagnosed as having a mental  
10 illness by a qualified psychiatrist or clinical psychologist or  
11 physician, the court may:

12 (1) order that the officer preparing the presentence  
13 report consult with the United States Department of  
14 Veterans Affairs, Illinois Department of Veterans'  
15 Affairs, or another agency or person with suitable  
16 knowledge or experience for the purpose of providing the  
17 court with information regarding treatment options  
18 available to the defendant, including federal, State, and  
19 local programming; and

20 (2) consider the treatment recommendations of any  
21 diagnosing or treating mental health professionals  
22 together with the treatment options available to the  
23 defendant in imposing sentence.

24 For the purposes of this subsection (c-4), "qualified  
25 psychiatrist" means a reputable physician licensed in Illinois  
26 to practice medicine in all its branches, who has specialized

1 in the diagnosis and treatment of mental and nervous disorders  
2 for a period of not less than 5 years.

3 (c-6) In imposing a sentence, the trial judge shall  
4 specify, on the record, the particular evidence and other  
5 reasons which led to his or her determination that a motor  
6 vehicle was used in the commission of the offense.

7 (d) When the defendant is committed to the Department of  
8 Corrections, the State's Attorney shall and counsel for the  
9 defendant may file a statement with the clerk of the court to  
10 be transmitted to the department, agency or institution to  
11 which the defendant is committed to furnish such department,  
12 agency or institution with the facts and circumstances of the  
13 offense for which the person was committed together with all  
14 other factual information accessible to them in regard to the  
15 person prior to his commitment relative to his habits,  
16 associates, disposition and reputation and any other facts and  
17 circumstances which may aid such department, agency or  
18 institution during its custody of such person. The clerk shall  
19 within 10 days after receiving any such statements transmit a  
20 copy to such department, agency or institution and a copy to  
21 the other party, provided, however, that this shall not be  
22 cause for delay in conveying the person to the department,  
23 agency or institution to which he has been committed.

24 (e) The clerk of the court shall transmit to the  
25 department, agency or institution, if any, to which the  
26 defendant is committed, the following:

- 1 (1) the sentence imposed;
- 2 (2) any statement by the court of the basis for  
3 imposing the sentence;
- 4 (3) any presentence reports;
- 5 (3.5) any sex offender evaluations;
- 6 (3.6) any substance abuse treatment eligibility  
7 screening and assessment of the defendant by an agent  
8 designated by the State of Illinois to provide assessment  
9 services for the Illinois courts;
- 10 (4) the number of days, if any, which the defendant has  
11 been in custody and for which he is entitled to credit  
12 against the sentence, which information shall be provided  
13 to the clerk by the sheriff;
- 14 (4.1) any finding of great bodily harm made by the  
15 court with respect to an offense enumerated in subsection  
16 (c-1);
- 17 (5) all statements filed under subsection (d) of this  
18 Section;
- 19 (6) any medical or mental health records or summaries  
20 of the defendant;
- 21 (7) the municipality where the arrest of the offender  
22 or the commission of the offense has occurred, where such  
23 municipality has a population of more than 25,000 persons;
- 24 (8) all statements made and evidence offered under  
25 paragraph (7) of subsection (a) of this Section; and
- 26 (9) all additional matters which the court directs the

1 clerk to transmit.

2 (f) In cases in which the court finds that a motor vehicle  
3 was used in the commission of the offense for which the  
4 defendant is being sentenced, the clerk of the court shall,  
5 within 5 days thereafter, forward a report of such conviction  
6 to the Secretary of State.

7 (Source: P.A. 95-331, eff. 8-21-07; 96-86, eff. 1-1-10;  
8 96-1180, eff. 1-1-11; 96-1230, eff. 1-1-11; revised 9-16-10.)

9 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

10 Sec. 5-4-3. Persons convicted of, or found delinquent for,  
11 certain offenses or institutionalized as sexually dangerous;  
12 specimens; genetic marker groups.

13 (a) Any person convicted of, found guilty under the  
14 Juvenile Court Act of 1987 for, or who received a disposition  
15 of court supervision for, a qualifying offense or attempt of a  
16 qualifying offense, convicted or found guilty of any offense  
17 classified as a felony under Illinois law, convicted or found  
18 guilty of any offense requiring registration under the Sex  
19 Offender Registration Act, found guilty or given supervision  
20 for any offense classified as a felony under the Juvenile Court  
21 Act of 1987, convicted or found guilty of, under the Juvenile  
22 Court Act of 1987, any offense requiring registration under the  
23 Sex Offender Registration Act, or institutionalized as a  
24 sexually dangerous person under the Sexually Dangerous Persons  
25 Act, or committed as a sexually violent person under the

1 Sexually Violent Persons Commitment Act shall, regardless of  
2 the sentence or disposition imposed, be required to submit  
3 specimens of blood, saliva, or tissue to the Illinois  
4 Department of State Police in accordance with the provisions of  
5 this Section, provided such person is:

6 (1) convicted of a qualifying offense or attempt of a  
7 qualifying offense on or after July 1, 1990 and sentenced  
8 to a term of imprisonment, periodic imprisonment, fine,  
9 probation, conditional discharge or any other form of  
10 sentence, or given a disposition of court supervision for  
11 the offense;

12 (1.5) found guilty or given supervision under the  
13 Juvenile Court Act of 1987 for a qualifying offense or  
14 attempt of a qualifying offense on or after January 1,  
15 1997;

16 (2) ordered institutionalized as a sexually dangerous  
17 person on or after July 1, 1990;

18 (3) convicted of a qualifying offense or attempt of a  
19 qualifying offense before July 1, 1990 and is presently  
20 confined as a result of such conviction in any State  
21 correctional facility or county jail or is presently  
22 serving a sentence of probation, conditional discharge or  
23 periodic imprisonment as a result of such conviction;

24 (3.5) convicted or found guilty of any offense  
25 classified as a felony under Illinois law or found guilty  
26 or given supervision for such an offense under the Juvenile



1 Court Act of 1987 on or after August 22, 2002;

2 (4) presently institutionalized as a sexually  
3 dangerous person or presently institutionalized as a  
4 person found guilty but mentally ill of a sexual offense or  
5 attempt to commit a sexual offense;

6 (4.5) ordered committed as a sexually violent person on  
7 or after the effective date of the Sexually Violent Persons  
8 Commitment Act; or

9 (5) seeking transfer to or residency in Illinois under  
10 Sections 3-3-11.05 through 3-3-11.5 of the Unified Code of  
11 Corrections and the Interstate Compact for Adult Offender  
12 Supervision or the Interstate Agreements on Sexually  
13 Dangerous Persons Act.

14 Notwithstanding other provisions of this Section, any  
15 person incarcerated in a facility of the Illinois Department of  
16 Corrections or the Illinois Department of Juvenile Justice on  
17 or after August 22, 2002, whether for a term of years, natural  
18 life, or a sentence of death, who has not yet submitted a  
19 sample of blood, saliva, or tissue shall be required to submit  
20 a specimen of blood, saliva, or tissue prior to his or her  
21 final discharge, or release on parole or mandatory supervised  
22 release, as a condition of his or her parole or mandatory  
23 supervised release, or within 6 months from August 13, 2009  
24 (the effective date of Public Act 96-426), whichever is sooner.  
25 A person incarcerated on or after August 13, 2009 (the  
26 effective date of Public Act 96-426) shall be required to

1 submit a sample within 45 days of incarceration, or prior to  
2 his or her final discharge, or release on parole or mandatory  
3 supervised release, as a condition of his or her parole or  
4 mandatory supervised release, whichever is sooner. These  
5 specimens shall be placed into the State or national DNA  
6 database, to be used in accordance with other provisions of  
7 this Section, by the Illinois State Police.

8 Notwithstanding other provisions of this Section, any  
9 person sentenced to life imprisonment in a facility of the  
10 Illinois Department of Corrections after the effective date of  
11 this amendatory Act of the 94th General Assembly or sentenced  
12 to death after the effective date of this amendatory Act of the  
13 94th General Assembly shall be required to provide a specimen  
14 of blood, saliva, or tissue within 45 days after sentencing or  
15 disposition at a collection site designated by the Illinois  
16 Department of State Police. Any person serving a sentence of  
17 life imprisonment in a facility of the Illinois Department of  
18 Corrections on the effective date of this amendatory Act of the  
19 94th General Assembly or any person who is under a sentence of  
20 death on the effective date of this amendatory Act of the 94th  
21 General Assembly shall be required to provide a specimen of  
22 blood, saliva, or tissue upon request at a collection site  
23 designated by the Illinois Department of State Police.

24 (a-5) Any person who was otherwise convicted of or received  
25 a disposition of court supervision for any other offense under  
26 the Criminal Code of 1961 or who was found guilty or given

1 supervision for such a violation under the Juvenile Court Act  
2 of 1987, may, regardless of the sentence imposed, be required  
3 by an order of the court to submit specimens of blood, saliva,  
4 or tissue to the Illinois Department of State Police in  
5 accordance with the provisions of this Section.

6 (b) Any person required by paragraphs (a)(1), (a)(1.5),  
7 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,  
8 saliva, or tissue shall provide specimens of blood, saliva, or  
9 tissue within 45 days after sentencing or disposition at a  
10 collection site designated by the Illinois Department of State  
11 Police.

12 (c) Any person required by paragraphs (a)(3), (a)(4), and  
13 (a)(4.5) to provide specimens of blood, saliva, or tissue shall  
14 be required to provide such samples prior to final discharge or  
15 within 6 months from August 13, 2009 (the effective date of  
16 Public Act 96-426), whichever is sooner. These specimens shall  
17 be placed into the State or national DNA database, to be used  
18 in accordance with other provisions of this Act, by the  
19 Illinois State Police.

20 (c-5) Any person required by paragraph (a)(5) to provide  
21 specimens of blood, saliva, or tissue shall, where feasible, be  
22 required to provide the specimens before being accepted for  
23 conditioned residency in Illinois under the interstate compact  
24 or agreement, but no later than 45 days after arrival in this  
25 State.

26 (c-6) The Illinois Department of State Police may determine

1 which type of specimen or specimens, blood, saliva, or tissue,  
2 is acceptable for submission to the Division of Forensic  
3 Services for analysis.

4 (d) The Illinois Department of State Police shall provide  
5 all equipment and instructions necessary for the collection of  
6 blood samples. The collection of samples shall be performed in  
7 a medically approved manner. Only a physician authorized to  
8 practice medicine, a registered nurse or other qualified person  
9 trained in venipuncture may withdraw blood for the purposes of  
10 this Act. The samples shall thereafter be forwarded to the  
11 Illinois Department of State Police, Division of Forensic  
12 Services, for analysis and categorizing into genetic marker  
13 groupings.

14 (d-1) The Illinois Department of State Police shall provide  
15 all equipment and instructions necessary for the collection of  
16 saliva samples. The collection of saliva samples shall be  
17 performed in a medically approved manner. Only a person trained  
18 in the instructions promulgated by the Illinois State Police on  
19 collecting saliva may collect saliva for the purposes of this  
20 Section. The samples shall thereafter be forwarded to the  
21 Illinois Department of State Police, Division of Forensic  
22 Services, for analysis and categorizing into genetic marker  
23 groupings.

24 (d-2) The Illinois Department of State Police shall provide  
25 all equipment and instructions necessary for the collection of  
26 tissue samples. The collection of tissue samples shall be

1 performed in a medically approved manner. Only a person trained  
2 in the instructions promulgated by the Illinois State Police on  
3 collecting tissue may collect tissue for the purposes of this  
4 Section. The samples shall thereafter be forwarded to the  
5 Illinois Department of State Police, Division of Forensic  
6 Services, for analysis and categorizing into genetic marker  
7 groupings.

8 (d-5) To the extent that funds are available, the Illinois  
9 Department of State Police shall contract with qualified  
10 personnel and certified laboratories for the collection,  
11 analysis, and categorization of known samples, except as  
12 provided in subsection (n) of this Section.

13 (d-6) Agencies designated by the Illinois Department of  
14 State Police and the Illinois Department of State Police may  
15 contract with third parties to provide for the collection or  
16 analysis of DNA, or both, of an offender's blood, saliva, and  
17 tissue samples, except as provided in subsection (n) of this  
18 Section.

19 (e) The genetic marker groupings shall be maintained by the  
20 Illinois Department of State Police, Division of Forensic  
21 Services.

22 (f) The genetic marker grouping analysis information  
23 obtained pursuant to this Act shall be confidential and shall  
24 be released only to peace officers of the United States, of  
25 other states or territories, of the insular possessions of the  
26 United States, of foreign countries duly authorized to receive

1 the same, to all peace officers of the State of Illinois and to  
2 all prosecutorial agencies, and to defense counsel as provided  
3 by Section 116-5 of the Code of Criminal Procedure of 1963. The  
4 genetic marker grouping analysis information obtained pursuant  
5 to this Act shall be used only for (i) valid law enforcement  
6 identification purposes and as required by the Federal Bureau  
7 of Investigation for participation in the National DNA  
8 database, (ii) technology validation purposes, (iii) a  
9 population statistics database, (iv) quality assurance  
10 purposes if personally identifying information is removed, (v)  
11 assisting in the defense of the criminally accused pursuant to  
12 Section 116-5 of the Code of Criminal Procedure of 1963, or  
13 (vi) identifying and assisting in the prosecution of a person  
14 who is suspected of committing a sexual assault as defined in  
15 Section 1a of the Sexual Assault Survivors Emergency Treatment  
16 Act. Notwithstanding any other statutory provision to the  
17 contrary, all information obtained under this Section shall be  
18 maintained in a single State data base, which may be uploaded  
19 into a national database, and which information may be subject  
20 to expungement only as set forth in subsection (f-1).

21 (f-1) Upon receipt of notification of a reversal of a  
22 conviction based on actual innocence, or of the granting of a  
23 pardon pursuant to Section 12 of Article V of the Illinois  
24 Constitution, if that pardon document specifically states that  
25 the reason for the pardon is the actual innocence of an  
26 individual whose DNA record has been stored in the State or

1 national DNA identification index in accordance with this  
2 Section by the Illinois Department of State Police, the DNA  
3 record shall be expunged from the DNA identification index, and  
4 the Department shall by rule prescribe procedures to ensure  
5 that the record and any samples, analyses, or other documents  
6 relating to such record, whether in the possession of the  
7 Department or any law enforcement or police agency, or any  
8 forensic DNA laboratory, including any duplicates or copies  
9 thereof, are destroyed and a letter is sent to the court  
10 verifying the expungement is completed.

11 (f-5) Any person who intentionally uses genetic marker  
12 grouping analysis information, or any other information  
13 derived from a DNA sample, beyond the authorized uses as  
14 provided under this Section, or any other Illinois law, is  
15 guilty of a Class 4 felony, and shall be subject to a fine of  
16 not less than \$5,000.

17 (f-6) The Illinois Department of State Police may contract  
18 with third parties for the purposes of implementing this  
19 amendatory Act of the 93rd General Assembly, except as provided  
20 in subsection (n) of this Section. Any other party contracting  
21 to carry out the functions of this Section shall be subject to  
22 the same restrictions and requirements of this Section insofar  
23 as applicable, as the Illinois Department of State Police, and  
24 to any additional restrictions imposed by the Illinois  
25 Department of State Police.

26 (g) For the purposes of this Section, "qualifying offense"

1 means any of the following:

2 (1) any violation or inchoate violation of Section  
3 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or  
4 12-16 of the Criminal Code of 1961;

5 (1.1) any violation or inchoate violation of Section  
6 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,  
7 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which  
8 persons are convicted on or after July 1, 2001;

9 (2) any former statute of this State which defined a  
10 felony sexual offense;

11 (3) (blank);

12 (4) any inchoate violation of Section 9-3.1, 11-9.3,  
13 12-7.3, or 12-7.4 of the Criminal Code of 1961; or

14 (5) any violation or inchoate violation of Article 29D  
15 of the Criminal Code of 1961.

16 (g-5) (Blank).

17 (h) The Illinois Department of State Police shall be the  
18 State central repository for all genetic marker grouping  
19 analysis information obtained pursuant to this Act. The  
20 Illinois Department of State Police may promulgate rules for  
21 the form and manner of the collection of blood, saliva, or  
22 tissue samples and other procedures for the operation of this  
23 Act. The provisions of the Administrative Review Law shall  
24 apply to all actions taken under the rules so promulgated.

25 (i) (1) A person required to provide a blood, saliva, or  
26 tissue specimen shall cooperate with the collection of the



1 specimen and any deliberate act by that person intended to  
2 impede, delay or stop the collection of the blood, saliva,  
3 or tissue specimen is a Class A misdemeanor.

4 (2) In the event that a person's DNA sample is not  
5 adequate for any reason, the person shall provide another  
6 DNA sample for analysis. Duly authorized law enforcement  
7 and corrections personnel may employ reasonable force in  
8 cases in which an individual refuses to provide a DNA  
9 sample required under this Act.

10 (j) Any person required by subsection (a) to submit  
11 specimens of blood, saliva, or tissue to the Illinois  
12 Department of State Police for analysis and categorization into  
13 genetic marker grouping, in addition to any other disposition,  
14 penalty, or fine imposed, shall pay an analysis fee of \$200. If  
15 the analysis fee is not paid at the time of sentencing, the  
16 court shall establish a fee schedule by which the entire amount  
17 of the analysis fee shall be paid in full, such schedule not to  
18 exceed 24 months from the time of conviction. The inability to  
19 pay this analysis fee shall not be the sole ground to  
20 incarcerate the person.

21 (k) All analysis and categorization fees provided for by  
22 subsection (j) shall be regulated as follows:

23 (1) The State Offender DNA Identification System Fund  
24 is hereby created as a special fund in the State Treasury.

25 (2) All fees shall be collected by the clerk of the  
26 court and forwarded to the State Offender DNA

1 Identification System Fund for deposit. The clerk of the  
2 circuit court may retain the amount of \$10 from each  
3 collected analysis fee to offset administrative costs  
4 incurred in carrying out the clerk's responsibilities  
5 under this Section.

6 (3) Fees deposited into the State Offender DNA  
7 Identification System Fund shall be used by Illinois State  
8 Police crime laboratories as designated by the Director of  
9 State Police. These funds shall be in addition to any  
10 allocations made pursuant to existing laws and shall be  
11 designated for the exclusive use of State crime  
12 laboratories. These uses may include, but are not limited  
13 to, the following:

14 (A) Costs incurred in providing analysis and  
15 genetic marker categorization as required by  
16 subsection (d).

17 (B) Costs incurred in maintaining genetic marker  
18 groupings as required by subsection (e).

19 (C) Costs incurred in the purchase and maintenance  
20 of equipment for use in performing analyses.

21 (D) Costs incurred in continuing research and  
22 development of new techniques for analysis and genetic  
23 marker categorization.

24 (E) Costs incurred in continuing education,  
25 training, and professional development of forensic  
26 scientists regularly employed by these laboratories.

1           (1) The failure of a person to provide a specimen, or of  
2 any person or agency to collect a specimen, within the 45 day  
3 period shall in no way alter the obligation of the person to  
4 submit such specimen, or the authority of the Illinois  
5 Department of State Police or persons designated by the  
6 Department to collect the specimen, or the authority of the  
7 Illinois Department of State Police to accept, analyze and  
8 maintain the specimen or to maintain or upload results of  
9 genetic marker grouping analysis information into a State or  
10 national database.

11           (m) If any provision of this amendatory Act of the 93rd  
12 General Assembly is held unconstitutional or otherwise  
13 invalid, the remainder of this amendatory Act of the 93rd  
14 General Assembly is not affected.

15           (n) Neither the Department of State Police, the Division of  
16 Forensic Services, nor any laboratory of the Division of  
17 Forensic Services may contract out forensic testing for the  
18 purpose of an active investigation or a matter pending before a  
19 court of competent jurisdiction without the written consent of  
20 the prosecuting agency. For the purposes of this subsection  
21 (n), "forensic testing" includes the analysis of physical  
22 evidence in an investigation or other proceeding for the  
23 prosecution of a violation of the Criminal Code of 1961 or for  
24 matters adjudicated under the Juvenile Court Act of 1987, and  
25 includes the use of forensic databases and databanks, including  
26 DNA, firearm, and fingerprint databases, and expert testimony.

1 (Source: P.A. 96-426, eff. 8-13-09; 96-642, eff. 8-24-09;  
2 96-1000, eff. 7-2-10.)

3 (730 ILCS 5/5-4-3.2)

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

6 (a) Cyber-crimes Location Database. The Attorney General  
7 is hereby authorized to establish and maintain the "Illinois  
8 Cyber-crimes Location Database" (ICLD) to collect, store, and  
9 use Internet protocol (IP) addresses for purposes of  
10 investigating and prosecuting child exploitation crimes on the  
11 Internet.

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

15 (c) Collection of Internet Protocol addresses.

16 (1) Collection upon commitment under the Sexually  
17 Dangerous Persons Act. Upon motion for a defendant's  
18 confinement under the Sexually Dangerous Persons Act for  
19 criminal charges under Section 11-6, 11-20.1, 11-20.1B,  
20 11-20.3, or 11-21 of the Criminal Code of 1961, the State's  
21 Attorney or Attorney General shall record all Internet  
22 protocol (IP) addresses which the defendant may access from  
23 his or her residence or place of employment, registered in  
24 his or her name, or otherwise has under his or her control  
25 or custody.

1           (2) Collection upon conviction. Upon conviction for  
2 crimes under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or  
3 11-21 of the Criminal Code of 1961, a State's Attorney  
4 shall record from defendants all Internet protocol (IP)  
5 addresses which the defendant may access from his or her  
6 residence or place of employment, registered in his or her  
7 name, or otherwise has under his or her control or custody,  
8 regardless of the sentence or disposition imposed.

9           (d) Storage and use of the Database. Internet protocol (IP)  
10 addresses recorded pursuant to this Section shall be submitted  
11 to the Attorney General for storage and use in the Illinois  
12 Cyber-crimes Location Database. The Attorney General and its  
13 designated agents may access the database for the purpose of  
14 investigation and prosecution of crimes listed in this Section.  
15 In addition, the Attorney General is authorized to share  
16 information stored in the database with the National Center for  
17 Missing and Exploited Children (NCMEC) and any federal, state,  
18 or local law enforcement agencies for the investigation or  
19 prosecution of child exploitation crimes.

20           (Source: P.A. 95-579, eff. 8-31-07.)

21           (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

22           Sec. 5-5-3. Disposition.

23           (a) (Blank).

24           (b) (Blank).

25           (c) (1) (Blank).

1           (2) A period of probation, a term of periodic  
2 imprisonment or conditional discharge shall not be imposed  
3 for the following offenses. The court shall sentence the  
4 offender to not less than the minimum term of imprisonment  
5 set forth in this Code for the following offenses, and may  
6 order a fine or restitution or both in conjunction with  
7 such term of imprisonment:

8           (A) First degree murder where the death penalty is  
9 not imposed.

10          (B) Attempted first degree murder.

11          (C) A Class X felony.

12          (D) A violation of Section 401.1 or 407 of the  
13 Illinois Controlled Substances Act, or a violation of  
14 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401  
15 of that Act which relates to more than 5 grams of a  
16 substance containing heroin, cocaine, fentanyl, or an  
17 analog thereof.

18          (E) A violation of Section 5.1 or 9 of the Cannabis  
19 Control Act.

20          (F) A Class 2 or greater felony if the offender had  
21 been convicted of a Class 2 or greater felony,  
22 including any state or federal conviction for an  
23 offense that contained, at the time it was committed,  
24 the same elements as an offense now (the date of the  
25 offense committed after the prior Class 2 or greater  
26 felony) classified as a Class 2 or greater felony,

1           within 10 years of the date on which the offender  
2           committed the offense for which he or she is being  
3           sentenced, except as otherwise provided in Section  
4           40-10 of the Alcoholism and Other Drug Abuse and  
5           Dependency Act.

6           (F-5) A violation of Section 24-1, 24-1.1, or  
7           24-1.6 of the Criminal Code of 1961 for which  
8           imprisonment is prescribed in those Sections.

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

12          (H) Criminal sexual assault.

13          (I) Aggravated battery of a senior citizen.

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

16          Before July 1, 1994, for the purposes of this  
17          paragraph, "organized gang" means an association of 5  
18          or more persons, with an established hierarchy, that  
19          encourages members of the association to perpetrate  
20          crimes or provides support to the members of the  
21          association who do commit crimes.

22          Beginning July 1, 1994, for the purposes of this  
23          paragraph, "organized gang" has the meaning ascribed  
24          to it in Section 10 of the Illinois Streetgang  
25          Terrorism Omnibus Prevention Act.

26          (K) Vehicular hijacking.

1           (L) A second or subsequent conviction for the  
2 offense of hate crime when the underlying offense upon  
3 which the hate crime is based is felony aggravated  
4 assault or felony mob action.

5           (M) A second or subsequent conviction for the  
6 offense of institutional vandalism if the damage to the  
7 property exceeds \$300.

8           (N) A Class 3 felony violation of paragraph (1) of  
9 subsection (a) of Section 2 of the Firearm Owners  
10 Identification Card Act.

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

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

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

18           (R) A violation of Section 24-3A of the Criminal  
19 Code of 1961.

20           (S) (Blank).

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

23           (U) A second or subsequent violation of Section  
24 6-303 of the Illinois Vehicle Code committed while his  
25 or her driver's license, permit, or privilege was  
26 revoked because of a violation of Section 9-3 of the



1 Criminal Code of 1961, relating to the offense of  
2 reckless homicide, or a similar provision of a law of  
3 another state.

4 (V) A violation of paragraph (4) of subsection (c)  
5 of Section 11-20.1B or paragraph (4) of subsection (c)  
6 of Section 11-20.3 of the Criminal Code of 1961.

7 (W) A violation of Section 24-3.5 of the Criminal  
8 Code of 1961.

9 (X) A violation of subsection (a) of Section 31-1a  
10 of the Criminal Code of 1961.

11 (Y) A conviction for unlawful possession of a  
12 firearm by a street gang member when the firearm was  
13 loaded or contained firearm ammunition.

14 (Z) A Class 1 felony committed while he or she was  
15 serving a term of probation or conditional discharge  
16 for a felony.

17 (AA) Theft of property exceeding \$500,000 and not  
18 exceeding \$1,000,000 in value.

19 (BB) Laundering of criminally derived property of  
20 a value exceeding \$500,000.

21 (CC) Knowingly selling, offering for sale, holding  
22 for sale, or using 2,000 or more counterfeit items or  
23 counterfeit items having a retail value in the  
24 aggregate of \$500,000 or more.

25 (3) (Blank).

26 (4) A minimum term of imprisonment of not less than 10

1 consecutive days or 30 days of community service shall be  
2 imposed for a violation of paragraph (c) of Section 6-303  
3 of the Illinois Vehicle Code.

4 (4.1) (Blank).

5 (4.2) Except as provided in paragraphs (4.3) and (4.8)  
6 of this subsection (c), a minimum of 100 hours of community  
7 service shall be imposed for a second violation of Section  
8 6-303 of the Illinois Vehicle Code.

9 (4.3) A minimum term of imprisonment of 30 days or 300  
10 hours of community service, as determined by the court,  
11 shall be imposed for a second violation of subsection (c)  
12 of Section 6-303 of the Illinois Vehicle Code.

13 (4.4) Except as provided in paragraphs (4.5), (4.6),  
14 and (4.9) of this subsection (c), a minimum term of  
15 imprisonment of 30 days or 300 hours of community service,  
16 as determined by the court, shall be imposed for a third or  
17 subsequent violation of Section 6-303 of the Illinois  
18 Vehicle Code.

19 (4.5) A minimum term of imprisonment of 30 days shall  
20 be imposed for a third violation of subsection (c) of  
21 Section 6-303 of the Illinois Vehicle Code.

22 (4.6) Except as provided in paragraph (4.10) of this  
23 subsection (c), a minimum term of imprisonment of 180 days  
24 shall be imposed for a fourth or subsequent violation of  
25 subsection (c) of Section 6-303 of the Illinois Vehicle  
26 Code.

1           (4.7) A minimum term of imprisonment of not less than  
2           30 consecutive days, or 300 hours of community service,  
3           shall be imposed for a violation of subsection (a-5) of  
4           Section 6-303 of the Illinois Vehicle Code, as provided in  
5           subsection (b-5) of that Section.

6           (4.8) A mandatory prison sentence shall be imposed for  
7           a second violation of subsection (a-5) of Section 6-303 of  
8           the Illinois Vehicle Code, as provided in subsection (c-5)  
9           of that Section. The person's driving privileges shall be  
10          revoked for a period of not less than 5 years from the date  
11          of his or her release from prison.

12          (4.9) A mandatory prison sentence of not less than 4  
13          and not more than 15 years shall be imposed for a third  
14          violation of subsection (a-5) of Section 6-303 of the  
15          Illinois Vehicle Code, as provided in subsection (d-2.5) of  
16          that Section. The person's driving privileges shall be  
17          revoked for the remainder of his or her life.

18          (4.10) A mandatory prison sentence for a Class 1 felony  
19          shall be imposed, and the person shall be eligible for an  
20          extended term sentence, for a fourth or subsequent  
21          violation of subsection (a-5) of Section 6-303 of the  
22          Illinois Vehicle Code, as provided in subsection (d-3.5) of  
23          that Section. The person's driving privileges shall be  
24          revoked for the remainder of his or her life.

25          (5) The court may sentence a corporation or  
26          unincorporated association convicted of any offense to:

- 1 (A) a period of conditional discharge;
- 2 (B) a fine;
- 3 (C) make restitution to the victim under Section
- 4 5-5-6 of this Code.

5 (5.1) In addition to any other penalties imposed, and

6 except as provided in paragraph (5.2) or (5.3), a person

7 convicted of violating subsection (c) of Section 11-907 of

8 the Illinois Vehicle Code shall have his or her driver's

9 license, permit, or privileges suspended for at least 90

10 days but not more than one year, if the violation resulted

11 in damage to the property of another person.

12 (5.2) In addition to any other penalties imposed, and

13 except as provided in paragraph (5.3), a person convicted

14 of violating subsection (c) of Section 11-907 of the

15 Illinois Vehicle Code shall have his or her driver's

16 license, permit, or privileges suspended for at least 180

17 days but not more than 2 years, if the violation resulted

18 in injury to another person.

19 (5.3) In addition to any other penalties imposed, a

20 person convicted of violating subsection (c) of Section

21 11-907 of the Illinois Vehicle Code shall have his or her

22 driver's license, permit, or privileges suspended for 2

23 years, if the violation resulted in the death of another

24 person.

25 (5.4) In addition to any other penalties imposed, a

26 person convicted of violating Section 3-707 of the Illinois

1 Vehicle Code shall have his or her driver's license,  
2 permit, or privileges suspended for 3 months and until he  
3 or she has paid a reinstatement fee of \$100.

4 (5.5) In addition to any other penalties imposed, a  
5 person convicted of violating Section 3-707 of the Illinois  
6 Vehicle Code during a period in which his or her driver's  
7 license, permit, or privileges were suspended for a  
8 previous violation of that Section shall have his or her  
9 driver's license, permit, or privileges suspended for an  
10 additional 6 months after the expiration of the original  
11 3-month suspension and until he or she has paid a  
12 reinstatement fee of \$100.

13 (6) (Blank).

14 (7) (Blank).

15 (8) (Blank).

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

19 (10) (Blank).

20 (11) The court shall impose a minimum fine of \$1,000  
21 for a first offense and \$2,000 for a second or subsequent  
22 offense upon a person convicted of or placed on supervision  
23 for battery when the individual harmed was a sports  
24 official or coach at any level of competition and the act  
25 causing harm to the sports official or coach occurred  
26 within an athletic facility or within the immediate

1 vicinity of the athletic facility at which the sports  
2 official or coach was an active participant of the athletic  
3 contest held at the athletic facility. For the purposes of  
4 this paragraph (11), "sports official" means a person at an  
5 athletic contest who enforces the rules of the contest,  
6 such as an umpire or referee; "athletic facility" means an  
7 indoor or outdoor playing field or recreational area where  
8 sports activities are conducted; and "coach" means a person  
9 recognized as a coach by the sanctioning authority that  
10 conducted the sporting event.

11 (12) A person may not receive a disposition of court  
12 supervision for a violation of Section 5-16 of the Boat  
13 Registration and Safety Act if that person has previously  
14 received a disposition of court supervision for a violation  
15 of that Section.

16 (13) A person convicted of or placed on court  
17 supervision for an assault or aggravated assault when the  
18 victim and the offender are family or household members as  
19 defined in Section 103 of the Illinois Domestic Violence  
20 Act of 1986 or convicted of domestic battery or aggravated  
21 domestic battery may be required to attend a Partner Abuse  
22 Intervention Program under protocols set forth by the  
23 Illinois Department of Human Services under such terms and  
24 conditions imposed by the court. The costs of such classes  
25 shall be paid by the offender.

26 (d) In any case in which a sentence originally imposed is

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

18 (e) In cases where prosecution for aggravated criminal  
19 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
20 Code of 1961 results in conviction of a defendant who was a  
21 family member of the victim at the time of the commission of  
22 the offense, the court shall consider the safety and welfare of  
23 the victim and may impose a sentence of probation only where:

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

25 (A) the defendant is willing to undergo a court  
26 approved counseling program for a minimum duration of 2

1           years; or

2                   (B) the defendant is willing to participate in a  
3           court approved plan including but not limited to the  
4           defendant's:

5                           (i) removal from the household;

6                           (ii) restricted contact with the victim;

7                           (iii) continued financial support of the  
8           family;

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

10                   and

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

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

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



1 For the purposes of this Section, "family member" and  
2 "victim" shall have the meanings ascribed to them in Section  
3 11-0.1 ~~12-12~~ of the Criminal Code of 1961.

4 (f) (Blank).

5 (g) Whenever a defendant is convicted of an offense under  
6 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
7 11-14.3, 11-14.4 except for an offense that involves keeping a  
8 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
9 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
10 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the  
11 defendant shall undergo medical testing to determine whether  
12 the defendant has any sexually transmissible disease,  
13 including a test for infection with human immunodeficiency  
14 virus (HIV) or any other identified causative agent of acquired  
15 immunodeficiency syndrome (AIDS). Any such medical test shall  
16 be performed only by appropriately licensed medical  
17 practitioners and may include an analysis of any bodily fluids  
18 as well as an examination of the defendant's person. Except as  
19 otherwise provided by law, the results of such test shall be  
20 kept strictly confidential by all medical personnel involved in  
21 the testing and must be personally delivered in a sealed  
22 envelope to the judge of the court in which the conviction was  
23 entered for the judge's inspection in camera. Acting in  
24 accordance with the best interests of the victim and the  
25 public, the judge shall have the discretion to determine to  
26 whom, if anyone, the results of the testing may be revealed.

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

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

1 the discretion to determine what if any precautions need to be  
2 taken to prevent transmission of the disease in the courtroom.

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

1 charge of criminal transmission of HIV under Section 12-16.2 of  
2 the Criminal Code of 1961 against the defendant. The court  
3 shall order that the cost of any such test shall be paid by the  
4 county and may be taxed as costs against the convicted  
5 defendant.

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

13 (j) In cases when prosecution for any violation of Section  
14 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
15 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
16 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
17 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
18 12-15, or 12-16 of the Criminal Code of 1961, any violation of  
19 the Illinois Controlled Substances Act, any violation of the  
20 Cannabis Control Act, or any violation of the Methamphetamine  
21 Control and Community Protection Act results in conviction, a  
22 disposition of court supervision, or an order of probation  
23 granted under Section 10 of the Cannabis Control Act, Section  
24 410 of the Illinois Controlled Substance Act, or Section 70 of  
25 the Methamphetamine Control and Community Protection Act of a  
26 defendant, the court shall determine whether the defendant is

1 employed by a facility or center as defined under the Child  
2 Care Act of 1969, a public or private elementary or secondary  
3 school, or otherwise works with children under 18 years of age  
4 on a daily basis. When a defendant is so employed, the court  
5 shall order the Clerk of the Court to send a copy of the  
6 judgment of conviction or order of supervision or probation to  
7 the defendant's employer by certified mail. If the employer of  
8 the defendant is a school, the Clerk of the Court shall direct  
9 the mailing of a copy of the judgment of conviction or order of  
10 supervision or probation to the appropriate regional  
11 superintendent of schools. The regional superintendent of  
12 schools shall notify the State Board of Education of any  
13 notification under this subsection.

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

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

20 (k) (Blank).

21 (l) (A) Except as provided in paragraph (C) of subsection  
22 (l), whenever a defendant, who is an alien as defined by  
23 the Immigration and Nationality Act, is convicted of any  
24 felony or misdemeanor offense, the court after sentencing  
25 the defendant may, upon motion of the State's Attorney,  
26 hold sentence in abeyance and remand the defendant to the

1 custody of the Attorney General of the United States or his  
2 or her designated agent to be deported when:

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

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

9 Otherwise, the defendant shall be sentenced as  
10 provided in this Chapter V.

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

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

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

26 (C) This subsection (1) does not apply to offenders who

1 are subject to the provisions of paragraph (2) of  
2 subsection (a) of Section 3-6-3.

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

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

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



1 (o) Whenever a person is convicted of a sex offense as  
2 defined in Section 2 of the Sex Offender Registration Act, the  
3 defendant's driver's license or permit shall be subject to  
4 renewal on an annual basis in accordance with the provisions of  
5 license renewal established by the Secretary of State.

6 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;  
7 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;  
8 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.  
9 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829,  
10 eff. 12-3-09; 96-1200, eff. 7-22-10.)

11 (730 ILCS 5/5-5-3.2)

12 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term  
13 Sentencing.

14 (a) The following factors shall be accorded weight in favor  
15 of imposing a term of imprisonment or may be considered by the  
16 court as reasons to impose a more severe sentence under Section  
17 5-8-1 or Article 4.5 of Chapter V:

18 (1) the defendant's conduct caused or threatened  
19 serious harm;

20 (2) the defendant received compensation for committing  
21 the offense;

22 (3) the defendant has a history of prior delinquency or  
23 criminal activity;

24 (4) the defendant, by the duties of his office or by  
25 his position, was obliged to prevent the particular offense

1 committed or to bring the offenders committing it to  
2 justice;

3 (5) the defendant held public office at the time of the  
4 offense, and the offense related to the conduct of that  
5 office;

6 (6) the defendant utilized his professional reputation  
7 or position in the community to commit the offense, or to  
8 afford him an easier means of committing it;

9 (7) the sentence is necessary to deter others from  
10 committing the same crime;

11 (8) the defendant committed the offense against a  
12 person 60 years of age or older or such person's property;

13 (9) the defendant committed the offense against a  
14 person who is physically handicapped or such person's  
15 property;

16 (10) by reason of another individual's actual or  
17 perceived race, color, creed, religion, ancestry, gender,  
18 sexual orientation, physical or mental disability, or  
19 national origin, the defendant committed the offense  
20 against (i) the person or property of that individual; (ii)  
21 the person or property of a person who has an association  
22 with, is married to, or has a friendship with the other  
23 individual; or (iii) the person or property of a relative  
24 (by blood or marriage) of a person described in clause (i)  
25 or (ii). For the purposes of this Section, "sexual  
26 orientation" means heterosexuality, homosexuality, or

1           bisexuality;

2           (11) the offense took place in a place of worship or on  
3 the grounds of a place of worship, immediately prior to,  
4 during or immediately following worship services. For  
5 purposes of this subparagraph, "place of worship" shall  
6 mean any church, synagogue or other building, structure or  
7 place used primarily for religious worship;

8           (12) the defendant was convicted of a felony committed  
9 while he was released on bail or his own recognizance  
10 pending trial for a prior felony and was convicted of such  
11 prior felony, or the defendant was convicted of a felony  
12 committed while he was serving a period of probation,  
13 conditional discharge, or mandatory supervised release  
14 under subsection (d) of Section 5-8-1 for a prior felony;

15           (13) the defendant committed or attempted to commit a  
16 felony while he was wearing a bulletproof vest. For the  
17 purposes of this paragraph (13), a bulletproof vest is any  
18 device which is designed for the purpose of protecting the  
19 wearer from bullets, shot or other lethal projectiles;

20           (14) the defendant held a position of trust or  
21 supervision such as, but not limited to, family member as  
22 defined in Section 11-0.1 ~~12-12~~ of the Criminal Code of  
23 1961, teacher, scout leader, baby sitter, or day care  
24 worker, in relation to a victim under 18 years of age, and  
25 the defendant committed an offense in violation of Section  
26 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,

1        11-14.4 except for an offense that involves keeping a place  
2        of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
3        11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
4        or 12-16 of the Criminal Code of 1961 against that victim;

5        (15) the defendant committed an offense related to the  
6        activities of an organized gang. For the purposes of this  
7        factor, "organized gang" has the meaning ascribed to it in  
8        Section 10 of the Streetgang Terrorism Omnibus Prevention  
9        Act;

10        (16) the defendant committed an offense in violation of  
11        one of the following Sections while in a school, regardless  
12        of the time of day or time of year; on any conveyance  
13        owned, leased, or contracted by a school to transport  
14        students to or from school or a school related activity; on  
15        the real property of a school; or on a public way within  
16        1,000 feet of the real property comprising any school:  
17        Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
18        11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
19        11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
20        12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or  
21        33A-2 of the Criminal Code of 1961;

22        (16.5) the defendant committed an offense in violation  
23        of one of the following Sections while in a day care  
24        center, regardless of the time of day or time of year; on  
25        the real property of a day care center, regardless of the  
26        time of day or time of year; or on a public way within

1 1,000 feet of the real property comprising any day care  
2 center, regardless of the time of day or time of year:  
3 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
4 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
5 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
6 12-6, 12-6.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, 18-2, or  
7 33A-2 of the Criminal Code of 1961;

8 (17) the defendant committed the offense by reason of  
9 any person's activity as a community policing volunteer or  
10 to prevent any person from engaging in activity as a  
11 community policing volunteer. For the purpose of this  
12 Section, "community policing volunteer" has the meaning  
13 ascribed to it in Section 2-3.5 of the Criminal Code of  
14 1961;

15 (18) the defendant committed the offense in a nursing  
16 home or on the real property comprising a nursing home. For  
17 the purposes of this paragraph (18), "nursing home" means a  
18 skilled nursing or intermediate long term care facility  
19 that is subject to license by the Illinois Department of  
20 Public Health under the Nursing Home Care Act or the MR/DD  
21 Community Care Act;

22 (19) the defendant was a federally licensed firearm  
23 dealer and was previously convicted of a violation of  
24 subsection (a) of Section 3 of the Firearm Owners  
25 Identification Card Act and has now committed either a  
26 felony violation of the Firearm Owners Identification Card

1 Act or an act of armed violence while armed with a firearm;

2 (20) the defendant (i) committed the offense of  
3 reckless homicide under Section 9-3 of the Criminal Code of  
4 1961 or the offense of driving under the influence of  
5 alcohol, other drug or drugs, intoxicating compound or  
6 compounds or any combination thereof under Section 11-501  
7 of the Illinois Vehicle Code or a similar provision of a  
8 local ordinance and (ii) was operating a motor vehicle in  
9 excess of 20 miles per hour over the posted speed limit as  
10 provided in Article VI of Chapter 11 of the Illinois  
11 Vehicle Code;

12 (21) the defendant (i) committed the offense of  
13 reckless driving or aggravated reckless driving under  
14 Section 11-503 of the Illinois Vehicle Code and (ii) was  
15 operating a motor vehicle in excess of 20 miles per hour  
16 over the posted speed limit as provided in Article VI of  
17 Chapter 11 of the Illinois Vehicle Code;

18 (22) the defendant committed the offense against a  
19 person that the defendant knew, or reasonably should have  
20 known, was a member of the Armed Forces of the United  
21 States serving on active duty. For purposes of this clause  
22 (22), the term "Armed Forces" means any of the Armed Forces  
23 of the United States, including a member of any reserve  
24 component thereof or National Guard unit called to active  
25 duty;

26 (23) the defendant committed the offense against a

1 person who was elderly, disabled, or infirm by taking  
2 advantage of a family or fiduciary relationship with the  
3 elderly, disabled, or infirm person;

4 (24) the defendant committed any offense under Section  
5 11-20.1 of the Criminal Code of 1961 and possessed 100 or  
6 more images;

7 (25) the defendant committed the offense while the  
8 defendant or the victim was in a train, bus, or other  
9 vehicle used for public transportation; ~~or~~

10 (26) the defendant committed the offense of child  
11 pornography or aggravated child pornography, specifically  
12 including paragraph (1), (2), (3), (4), (5), or (7) of  
13 subsection (a) of Section 11-20.1 of the Criminal Code of  
14 1961 where a child engaged in, solicited for, depicted in,  
15 or posed in any act of sexual penetration or bound,  
16 fettered, or subject to sadistic, masochistic, or  
17 sadomasochistic abuse in a sexual context and specifically  
18 including paragraph (1), (2), (3), (4), (5), or (7) of  
19 subsection (a) of Section 11-20.3 of the Criminal Code of  
20 1961 where a child engaged in, solicited for, depicted in,  
21 or posed in any act of sexual penetration or bound,  
22 fettered, or subject to sadistic, masochistic, or  
23 sadomasochistic abuse in a sexual context; or

24 (27) the defendant committed the offense of first  
25 degree murder, assault, aggravated assault, battery,  
26 aggravated battery, robbery, armed robbery, or aggravated

1 robbery against a person who was a veteran and the  
2 defendant knew, or reasonably should have known, that the  
3 person was a veteran performing duties as a representative  
4 of a veterans' organization. For the purposes of this  
5 paragraph (27), "veteran" means an Illinois resident who  
6 has served as a member of the United States Armed Forces, a  
7 member of the Illinois National Guard, or a member of the  
8 United States Reserve Forces; and "veterans' organization"  
9 means an organization comprised of members of which  
10 substantially all are individuals who are veterans or  
11 spouses, widows, or widowers of veterans, the primary  
12 purpose of which is to promote the welfare of its members  
13 and to provide assistance to the general public in such a  
14 way as to confer a public benefit.

15 For the purposes of this Section:

16 "School" is defined as a public or private elementary or  
17 secondary school, community college, college, or university.

18 "Day care center" means a public or private State certified  
19 and licensed day care center as defined in Section 2.09 of the  
20 Child Care Act of 1969 that displays a sign in plain view  
21 stating that the property is a day care center.

22 "Public transportation" means the transportation or  
23 conveyance of persons by means available to the general public,  
24 and includes paratransit services.

25 (b) The following factors, related to all felonies, may be  
26 considered by the court as reasons to impose an extended term



1 sentence under Section 5-8-2 upon any offender:

2 (1) When a defendant is convicted of any felony, after  
3 having been previously convicted in Illinois or any other  
4 jurisdiction of the same or similar class felony or greater  
5 class felony, when such conviction has occurred within 10  
6 years after the previous conviction, excluding time spent  
7 in custody, and such charges are separately brought and  
8 tried and arise out of different series of acts; or

9 (2) When a defendant is convicted of any felony and the  
10 court finds that the offense was accompanied by  
11 exceptionally brutal or heinous behavior indicative of  
12 wanton cruelty; or

13 (3) When a defendant is convicted of any felony  
14 committed against:

15 (i) a person under 12 years of age at the time of  
16 the offense or such person's property;

17 (ii) a person 60 years of age or older at the time  
18 of the offense or such person's property; or

19 (iii) a person physically handicapped at the time  
20 of the offense or such person's property; or

21 (4) When a defendant is convicted of any felony and the  
22 offense involved any of the following types of specific  
23 misconduct committed as part of a ceremony, rite,  
24 initiation, observance, performance, practice or activity  
25 of any actual or ostensible religious, fraternal, or social  
26 group:

1 (i) the brutalizing or torturing of humans or  
2 animals;

3 (ii) the theft of human corpses;

4 (iii) the kidnapping of humans;

5 (iv) the desecration of any cemetery, religious,  
6 fraternal, business, governmental, educational, or  
7 other building or property; or

8 (v) ritualized abuse of a child; or

9 (5) When a defendant is convicted of a felony other  
10 than conspiracy and the court finds that the felony was  
11 committed under an agreement with 2 or more other persons  
12 to commit that offense and the defendant, with respect to  
13 the other individuals, occupied a position of organizer,  
14 supervisor, financier, or any other position of management  
15 or leadership, and the court further finds that the felony  
16 committed was related to or in furtherance of the criminal  
17 activities of an organized gang or was motivated by the  
18 defendant's leadership in an organized gang; or

19 (6) When a defendant is convicted of an offense  
20 committed while using a firearm with a laser sight attached  
21 to it. For purposes of this paragraph, "laser sight" has  
22 the meaning ascribed to it in Section 24.6-5 of the  
23 Criminal Code of 1961; or

24 (7) When a defendant who was at least 17 years of age  
25 at the time of the commission of the offense is convicted  
26 of a felony and has been previously adjudicated a

1 delinquent minor under the Juvenile Court Act of 1987 for  
2 an act that if committed by an adult would be a Class X or  
3 Class 1 felony when the conviction has occurred within 10  
4 years after the previous adjudication, excluding time  
5 spent in custody; or

6 (8) When a defendant commits any felony and the  
7 defendant used, possessed, exercised control over, or  
8 otherwise directed an animal to assault a law enforcement  
9 officer engaged in the execution of his or her official  
10 duties or in furtherance of the criminal activities of an  
11 organized gang in which the defendant is engaged.

12 (c) The following factors may be considered by the court as  
13 reasons to impose an extended term sentence under Section 5-8-2  
14 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

15 (1) When a defendant is convicted of first degree  
16 murder, after having been previously convicted in Illinois  
17 of any offense listed under paragraph (c)(2) of Section  
18 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
19 within 10 years after the previous conviction, excluding  
20 time spent in custody, and the charges are separately  
21 brought and tried and arise out of different series of  
22 acts.

23 (1.5) When a defendant is convicted of first degree  
24 murder, after having been previously convicted of domestic  
25 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
26 (720 ILCS 5/12-3.3) committed on the same victim or after

1 having been previously convicted of violation of an order  
2 of protection (720 ILCS 5/12-30) in which the same victim  
3 was the protected person.

4 (2) When a defendant is convicted of voluntary  
5 manslaughter, second degree murder, involuntary  
6 manslaughter, or reckless homicide in which the defendant  
7 has been convicted of causing the death of more than one  
8 individual.

9 (3) When a defendant is convicted of aggravated  
10 criminal sexual assault or criminal sexual assault, when  
11 there is a finding that aggravated criminal sexual assault  
12 or criminal sexual assault was also committed on the same  
13 victim by one or more other individuals, and the defendant  
14 voluntarily participated in the crime with the knowledge of  
15 the participation of the others in the crime, and the  
16 commission of the crime was part of a single course of  
17 conduct during which there was no substantial change in the  
18 nature of the criminal objective.

19 (4) If the victim was under 18 years of age at the time  
20 of the commission of the offense, when a defendant is  
21 convicted of aggravated criminal sexual assault or  
22 predatory criminal sexual assault of a child under  
23 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
24 of Section 12-14.1 of the Criminal Code of 1961 (720 ILCS  
25 5/11-1.40 or 5/12-14.1).

26 (5) When a defendant is convicted of a felony violation

1 of Section 24-1 of the Criminal Code of 1961 (720 ILCS  
2 5/24-1) and there is a finding that the defendant is a  
3 member of an organized gang.

4 (6) When a defendant was convicted of unlawful use of  
5 weapons under Section 24-1 of the Criminal Code of 1961  
6 (720 ILCS 5/24-1) for possessing a weapon that is not  
7 readily distinguishable as one of the weapons enumerated in  
8 Section 24-1 of the Criminal Code of 1961 (720 ILCS  
9 5/24-1).

10 (7) When a defendant is convicted of an offense  
11 involving the illegal manufacture of a controlled  
12 substance under Section 401 of the Illinois Controlled  
13 Substances Act (720 ILCS 570/401), the illegal manufacture  
14 of methamphetamine under Section 25 of the Methamphetamine  
15 Control and Community Protection Act (720 ILCS 646/25), or  
16 the illegal possession of explosives and an emergency  
17 response officer in the performance of his or her duties is  
18 killed or injured at the scene of the offense while  
19 responding to the emergency caused by the commission of the  
20 offense. In this paragraph, "emergency" means a situation  
21 in which a person's life, health, or safety is in jeopardy;  
22 and "emergency response officer" means a peace officer,  
23 community policing volunteer, fireman, emergency medical  
24 technician-ambulance, emergency medical  
25 technician-intermediate, emergency medical  
26 technician-paramedic, ambulance driver, other medical

1 assistance or first aid personnel, or hospital emergency  
2 room personnel.

3 (d) For the purposes of this Section, "organized gang" has  
4 the meaning ascribed to it in Section 10 of the Illinois  
5 Streetgang Terrorism Omnibus Prevention Act.

6 (e) The court may impose an extended term sentence under  
7 Article 4.5 of Chapter V upon an offender who has been  
8 convicted of a felony violation of Section 12-13, 12-14,  
9 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 when the  
10 victim of the offense is under 18 years of age at the time of  
11 the commission of the offense and, during the commission of the  
12 offense, the victim was under the influence of alcohol,  
13 regardless of whether or not the alcohol was supplied by the  
14 offender; and the offender, at the time of the commission of  
15 the offense, knew or should have known that the victim had  
16 consumed alcohol.

17 (Source: P.A. 95-85, eff. 1-1-08; 95-362, eff. 1-1-08; 95-569,  
18 eff. 6-1-08; 95-876, eff. 8-21-08; 95-942, eff. 1-1-09;  
19 95-1052, eff. 7-1-09; 96-41, eff. 1-1-10; 96-292, eff. 1-1-10;  
20 96-328, eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff.  
21 7-2-10; 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390,  
22 eff. 1-1-11; revised 9-16-10.)

23 (730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

24 Sec. 5-5-6. In all convictions for offenses in violation of  
25 the Criminal Code of 1961 or of Section 11-501 of the Illinois

1 Vehicle Code in which the person received any injury to his or  
2 her person or damage to his or her real or personal property as  
3 a result of the criminal act of the defendant, the court shall  
4 order restitution as provided in this Section. In all other  
5 cases, except cases in which restitution is required under this  
6 Section, the court must at the sentence hearing determine  
7 whether restitution is an appropriate sentence to be imposed on  
8 each defendant convicted of an offense. If the court determines  
9 that an order directing the offender to make restitution is  
10 appropriate, the offender may be sentenced to make restitution.  
11 The court may consider restitution an appropriate sentence to  
12 be imposed on each defendant convicted of an offense in  
13 addition to a sentence of imprisonment. The sentence of the  
14 defendant to a term of imprisonment is not a mitigating factor  
15 that prevents the court from ordering the defendant to pay  
16 restitution. If the offender is sentenced to make restitution  
17 the Court shall determine the restitution as hereinafter set  
18 forth:

19 (a) At the sentence hearing, the court shall determine  
20 whether the property may be restored in kind to the  
21 possession of the owner or the person entitled to  
22 possession thereof; or whether the defendant is possessed  
23 of sufficient skill to repair and restore property damaged;  
24 or whether the defendant should be required to make  
25 restitution in cash, for out-of-pocket expenses, damages,  
26 losses, or injuries found to have been proximately caused

1 by the conduct of the defendant or another for whom the  
2 defendant is legally accountable under the provisions of  
3 Article V of the Criminal Code of 1961.

4 (b) In fixing the amount of restitution to be paid in  
5 cash, the court shall allow credit for property returned in  
6 kind, for property damages ordered to be repaired by the  
7 defendant, and for property ordered to be restored by the  
8 defendant; and after granting the credit, the court shall  
9 assess the actual out-of-pocket expenses, losses, damages,  
10 and injuries suffered by the victim named in the charge and  
11 any other victims who may also have suffered out-of-pocket  
12 expenses, losses, damages, and injuries proximately caused  
13 by the same criminal conduct of the defendant, and  
14 insurance carriers who have indemnified the named victim or  
15 other victims for the out-of-pocket expenses, losses,  
16 damages, or injuries, provided that in no event shall  
17 restitution be ordered to be paid on account of pain and  
18 suffering. If a defendant is placed on supervision for, or  
19 convicted of, domestic battery, the defendant shall be  
20 required to pay restitution to any domestic violence  
21 shelter in which the victim and any other family or  
22 household members lived because of the domestic battery.  
23 The amount of the restitution shall equal the actual  
24 expenses of the domestic violence shelter in providing  
25 housing and any other services for the victim and any other  
26 family or household members living at the shelter. If a



1 defendant fails to pay restitution in the manner or within  
2 the time period specified by the court, the court may enter  
3 an order directing the sheriff to seize any real or  
4 personal property of a defendant to the extent necessary to  
5 satisfy the order of restitution and dispose of the  
6 property by public sale. All proceeds from such sale in  
7 excess of the amount of restitution plus court costs and  
8 the costs of the sheriff in conducting the sale shall be  
9 paid to the defendant. The defendant convicted of domestic  
10 battery, if a person under 18 years of age was present and  
11 witnessed the domestic battery of the victim, is liable to  
12 pay restitution for the cost of any counseling required for  
13 the child at the discretion of the court.

14 (c) In cases where more than one defendant is  
15 accountable for the same criminal conduct that results in  
16 out-of-pocket expenses, losses, damages, or injuries, each  
17 defendant shall be ordered to pay restitution in the amount  
18 of the total actual out-of-pocket expenses, losses,  
19 damages, or injuries to the victim proximately caused by  
20 the conduct of all of the defendants who are legally  
21 accountable for the offense.

22 (1) In no event shall the victim be entitled to  
23 recover restitution in excess of the actual  
24 out-of-pocket expenses, losses, damages, or injuries,  
25 proximately caused by the conduct of all of the  
26 defendants.

1           (2) As between the defendants, the court may  
2           apportion the restitution that is payable in  
3           proportion to each co-defendant's culpability in the  
4           commission of the offense.

5           (3) In the absence of a specific order apportioning  
6           the restitution, each defendant shall bear his pro rata  
7           share of the restitution.

8           (4) As between the defendants, each defendant  
9           shall be entitled to a pro rata reduction in the total  
10          restitution required to be paid to the victim for  
11          amounts of restitution actually paid by co-defendants,  
12          and defendants who shall have paid more than their pro  
13          rata share shall be entitled to refunds to be computed  
14          by the court as additional amounts are paid by  
15          co-defendants.

16          (d) In instances where a defendant has more than one  
17          criminal charge pending against him in a single case, or  
18          more than one case, and the defendant stands convicted of  
19          one or more charges, a plea agreement negotiated by the  
20          State's Attorney and the defendants may require the  
21          defendant to make restitution to victims of charges that  
22          have been dismissed or which it is contemplated will be  
23          dismissed under the terms of the plea agreement, and under  
24          the agreement, the court may impose a sentence of  
25          restitution on the charge or charges of which the defendant  
26          has been convicted that would require the defendant to make

1 restitution to victims of other offenses as provided in the  
2 plea agreement.

3 (e) The court may require the defendant to apply the  
4 balance of the cash bond, after payment of court costs, and  
5 any fine that may be imposed to the payment of restitution.

6 (f) Taking into consideration the ability of the  
7 defendant to pay, including any real or personal property  
8 or any other assets of the defendant, the court shall  
9 determine whether restitution shall be paid in a single  
10 payment or in installments, and shall fix a period of time  
11 not in excess of 5 years or the period of time specified in  
12 subsection (f-1), not including periods of incarceration,  
13 within which payment of restitution is to be paid in full.  
14 Complete restitution shall be paid in as short a time  
15 period as possible. However, if the court deems it  
16 necessary and in the best interest of the victim, the court  
17 may extend beyond 5 years the period of time within which  
18 the payment of restitution is to be paid. If the defendant  
19 is ordered to pay restitution and the court orders that  
20 restitution is to be paid over a period greater than 6  
21 months, the court shall order that the defendant make  
22 monthly payments; the court may waive this requirement of  
23 monthly payments only if there is a specific finding of  
24 good cause for waiver.

25 (f-1) (1) In addition to any other penalty prescribed by  
26 law and any restitution ordered under this Section that did

1 not include long-term physical health care costs, the court  
2 may, upon conviction of any misdemeanor or felony, order a  
3 defendant to pay restitution to a victim in accordance with  
4 the provisions of this subsection (f-1) if the victim has  
5 suffered physical injury as a result of the offense that is  
6 reasonably probable to require or has required long-term  
7 physical health care for more than 3 months. As used in  
8 this subsection (f-1) "long-term physical health care"  
9 includes mental health care.

10 (2) The victim's estimate of long-term physical health  
11 care costs may be made as part of a victim impact statement  
12 under Section 6 of the Rights of Crime Victims and  
13 Witnesses Act or made separately. The court shall enter the  
14 long-term physical health care restitution order at the  
15 time of sentencing. An order of restitution made under this  
16 subsection (f-1) shall fix a monthly amount to be paid by  
17 the defendant for as long as long-term physical health care  
18 of the victim is required as a result of the offense. The  
19 order may exceed the length of any sentence imposed upon  
20 the defendant for the criminal activity. The court shall  
21 include as a special finding in the judgment of conviction  
22 its determination of the monthly cost of long-term physical  
23 health care.

24 (3) After a sentencing order has been entered, the  
25 court may from time to time, on the petition of either the  
26 defendant or the victim, or upon its own motion, enter an

1 order for restitution for long-term physical care or modify  
2 the existing order for restitution for long-term physical  
3 care as to the amount of monthly payments. Any modification  
4 of the order shall be based only upon a substantial change  
5 of circumstances relating to the cost of long-term physical  
6 health care or the financial condition of either the  
7 defendant or the victim. The petition shall be filed as  
8 part of the original criminal docket.

9 (g) In addition to the sentences provided for in  
10 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
11 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14,  
12 12-14.1, 12-15, and 12-16, and subdivision (a)(4) of  
13 Section 11-14.4, of the Criminal Code of 1961, the court  
14 may order any person who is convicted of violating any of  
15 those Sections or who was charged with any of those  
16 offenses and which charge was reduced to another charge as  
17 a result of a plea agreement under subsection (d) of this  
18 Section to meet all or any portion of the financial  
19 obligations of treatment, including but not limited to  
20 medical, psychiatric, or rehabilitative treatment or  
21 psychological counseling, prescribed for the victim or  
22 victims of the offense.

23 The payments shall be made by the defendant to the  
24 clerk of the circuit court and transmitted by the clerk to  
25 the appropriate person or agency as directed by the court.  
26 Except as otherwise provided in subsection (f-1), the order

1           may require such payments to be made for a period not to  
2           exceed 5 years after sentencing, not including periods of  
3           incarceration.

4           (h) The judge may enter an order of withholding to  
5           collect the amount of restitution owed in accordance with  
6           Part 8 of Article XII of the Code of Civil Procedure.

7           (i) A sentence of restitution may be modified or  
8           revoked by the court if the offender commits another  
9           offense, or the offender fails to make restitution as  
10          ordered by the court, but no sentence to make restitution  
11          shall be revoked unless the court shall find that the  
12          offender has had the financial ability to make restitution,  
13          and he has wilfully refused to do so. When the offender's  
14          ability to pay restitution was established at the time an  
15          order of restitution was entered or modified, or when the  
16          offender's ability to pay was based on the offender's  
17          willingness to make restitution as part of a plea agreement  
18          made at the time the order of restitution was entered or  
19          modified, there is a rebuttable presumption that the facts  
20          and circumstances considered by the court at the hearing at  
21          which the order of restitution was entered or modified  
22          regarding the offender's ability or willingness to pay  
23          restitution have not materially changed. If the court shall  
24          find that the defendant has failed to make restitution and  
25          that the failure is not wilful, the court may impose an  
26          additional period of time within which to make restitution.

1 The length of the additional period shall not be more than  
2 2 years. The court shall retain all of the incidents of the  
3 original sentence, including the authority to modify or  
4 enlarge the conditions, and to revoke or further modify the  
5 sentence if the conditions of payment are violated during  
6 the additional period.

7 (j) The procedure upon the filing of a Petition to  
8 Revoke a sentence to make restitution shall be the same as  
9 the procedures set forth in Section 5-6-4 of this Code  
10 governing violation, modification, or revocation of  
11 Probation, of Conditional Discharge, or of Supervision.

12 (k) Nothing contained in this Section shall preclude  
13 the right of any party to proceed in a civil action to  
14 recover for any damages incurred due to the criminal  
15 misconduct of the defendant.

16 (l) Restitution ordered under this Section shall not be  
17 subject to disbursement by the circuit clerk under Section  
18 27.5 of the Clerks of Courts Act.

19 (m) A restitution order under this Section is a  
20 judgment lien in favor of the victim that:

21 (1) Attaches to the property of the person subject  
22 to the order;

23 (2) May be perfected in the same manner as provided  
24 in Part 3 of Article 9 of the Uniform Commercial Code;

25 (3) May be enforced to satisfy any payment that is  
26 delinquent under the restitution order by the person in

1           whose favor the order is issued or the person's  
2           assignee; and

3           (4) Expires in the same manner as a judgment lien  
4           created in a civil proceeding.

5           When a restitution order is issued under this Section,  
6           the issuing court shall send a certified copy of the order  
7           to the clerk of the circuit court in the county where the  
8           charge was filed. Upon receiving the order, the clerk shall  
9           enter and index the order in the circuit court judgment  
10          docket.

11          (n) An order of restitution under this Section does not  
12          bar a civil action for:

13           (1) Damages that the court did not require the  
14           person to pay to the victim under the restitution order  
15           but arise from an injury or property damages that is  
16           the basis of restitution ordered by the court; and

17           (2) Other damages suffered by the victim.

18          The restitution order is not discharged by the completion  
19          of the sentence imposed for the offense.

20          A restitution order under this Section is not discharged by  
21          the liquidation of a person's estate by a receiver. A  
22          restitution order under this Section may be enforced in the  
23          same manner as judgment liens are enforced under Article XII of  
24          the Code of Civil Procedure.

25          The provisions of Section 2-1303 of the Code of Civil  
26          Procedure, providing for interest on judgments, apply to



1 judgments for restitution entered under this Section.

2 (Source: P.A. 95-331, eff. 8-21-07; 96-290, eff. 8-11-09.)

3 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

4 Sec. 5-6-1. Sentences of Probation and of Conditional  
5 Discharge and Disposition of Supervision. The General Assembly  
6 finds that in order to protect the public, the criminal justice  
7 system must compel compliance with the conditions of probation  
8 by responding to violations with swift, certain and fair  
9 punishments and intermediate sanctions. The Chief Judge of each  
10 circuit shall adopt a system of structured, intermediate  
11 sanctions for violations of the terms and conditions of a  
12 sentence of probation, conditional discharge or disposition of  
13 supervision.

14 (a) Except where specifically prohibited by other  
15 provisions of this Code, the court shall impose a sentence of  
16 probation or conditional discharge upon an offender unless,  
17 having regard to the nature and circumstance of the offense,  
18 and to the history, character and condition of the offender,  
19 the court is of the opinion that:

20 (1) his imprisonment or periodic imprisonment is  
21 necessary for the protection of the public; or

22 (2) probation or conditional discharge would deprecate  
23 the seriousness of the offender's conduct and would be  
24 inconsistent with the ends of justice; or

25 (3) a combination of imprisonment with concurrent or

1           consecutive probation when an offender has been admitted  
2           into a drug court program under Section 20 of the Drug  
3           Court Treatment Act is necessary for the protection of the  
4           public and for the rehabilitation of the offender.

5           The court shall impose as a condition of a sentence of  
6           probation, conditional discharge, or supervision, that the  
7           probation agency may invoke any sanction from the list of  
8           intermediate sanctions adopted by the chief judge of the  
9           circuit court for violations of the terms and conditions of the  
10          sentence of probation, conditional discharge, or supervision,  
11          subject to the provisions of Section 5-6-4 of this Act.

12          (b) The court may impose a sentence of conditional  
13          discharge for an offense if the court is of the opinion that  
14          neither a sentence of imprisonment nor of periodic imprisonment  
15          nor of probation supervision is appropriate.

16          (b-1) Subsections (a) and (b) of this Section do not apply  
17          to a defendant charged with a misdemeanor or felony under the  
18          Illinois Vehicle Code or reckless homicide under Section 9-3 of  
19          the Criminal Code of 1961 if the defendant within the past 12  
20          months has been convicted of or pleaded guilty to a misdemeanor  
21          or felony under the Illinois Vehicle Code or reckless homicide  
22          under Section 9-3 of the Criminal Code of 1961.

23          (c) The court may, upon a plea of guilty or a stipulation  
24          by the defendant of the facts supporting the charge or a  
25          finding of guilt, defer further proceedings and the imposition  
26          of a sentence, and enter an order for supervision of the

1 defendant, if the defendant is not charged with: (i) a Class A  
2 misdemeanor, as defined by the following provisions of the  
3 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 11-1.50 or  
4 12-15; 26-5; 31-1; 31-6; 31-7; subsections (b) and (c) of  
5 Section 21-1; paragraph (1) through (5), (8), (10), and (11) of  
6 subsection (a) of Section 24-1; (ii) a Class A misdemeanor  
7 violation of Section 3.01, 3.03-1, or 4.01 of the Humane Care  
8 for Animals Act; or (iii) a felony. If the defendant is not  
9 barred from receiving an order for supervision as provided in  
10 this subsection, the court may enter an order for supervision  
11 after considering the circumstances of the offense, and the  
12 history, character and condition of the offender, if the court  
13 is of the opinion that:

14 (1) the offender is not likely to commit further  
15 crimes;

16 (2) the defendant and the public would be best served  
17 if the defendant were not to receive a criminal record; and

18 (3) in the best interests of justice an order of  
19 supervision is more appropriate than a sentence otherwise  
20 permitted under this Code.

21 (c-5) Subsections (a), (b), and (c) of this Section do not  
22 apply to a defendant charged with a second or subsequent  
23 violation of Section 6-303 of the Illinois Vehicle Code  
24 committed while his or her driver's license, permit or  
25 privileges were revoked because of a violation of Section 9-3  
26 of the Criminal Code of 1961, relating to the offense of

1 reckless homicide, or a similar provision of a law of another  
2 state.

3 (d) The provisions of paragraph (c) shall not apply to a  
4 defendant charged with violating Section 11-501 of the Illinois  
5 Vehicle Code or a similar provision of a local ordinance when  
6 the defendant has previously been:

7 (1) convicted for a violation of Section 11-501 of the  
8 Illinois Vehicle Code or a similar provision of a local  
9 ordinance or any similar law or ordinance of another state;  
10 or

11 (2) assigned supervision for a violation of Section  
12 11-501 of the Illinois Vehicle Code or a similar provision  
13 of a local ordinance or any similar law or ordinance of  
14 another state; or

15 (3) pleaded guilty to or stipulated to the facts  
16 supporting a charge or a finding of guilty to a violation  
17 of Section 11-503 of the Illinois Vehicle Code or a similar  
18 provision of a local ordinance or any similar law or  
19 ordinance of another state, and the plea or stipulation was  
20 the result of a plea agreement.

21 The court shall consider the statement of the prosecuting  
22 authority with regard to the standards set forth in this  
23 Section.

24 (e) The provisions of paragraph (c) shall not apply to a  
25 defendant charged with violating Section 16A-3 of the Criminal  
26 Code of 1961 if said defendant has within the last 5 years

1       been:

2               (1) convicted for a violation of Section 16A-3 of the  
3       Criminal Code of 1961; or

4               (2) assigned supervision for a violation of Section  
5       16A-3 of the Criminal Code of 1961.

6       The court shall consider the statement of the prosecuting  
7       authority with regard to the standards set forth in this  
8       Section.

9       (f) The provisions of paragraph (c) shall not apply to a  
10      defendant charged with violating Sections 15-111, 15-112,  
11      15-301, paragraph (b) of Section 6-104, Section 11-605, Section  
12      11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a  
13      similar provision of a local ordinance.

14      (g) Except as otherwise provided in paragraph (i) of this  
15      Section, the provisions of paragraph (c) shall not apply to a  
16      defendant charged with violating Section 3-707, 3-708, 3-710,  
17      or 5-401.3 of the Illinois Vehicle Code or a similar provision  
18      of a local ordinance if the defendant has within the last 5  
19      years been:

20              (1) convicted for a violation of Section 3-707, 3-708,  
21      3-710, or 5-401.3 of the Illinois Vehicle Code or a similar  
22      provision of a local ordinance; or

23              (2) assigned supervision for a violation of Section  
24      3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle  
25      Code or a similar provision of a local ordinance.

26      The court shall consider the statement of the prosecuting

1 authority with regard to the standards set forth in this  
2 Section.

3 (h) The provisions of paragraph (c) shall not apply to a  
4 defendant under the age of 21 years charged with violating a  
5 serious traffic offense as defined in Section 1-187.001 of the  
6 Illinois Vehicle Code:

7 (1) unless the defendant, upon payment of the fines,  
8 penalties, and costs provided by law, agrees to attend and  
9 successfully complete a traffic safety program approved by  
10 the court under standards set by the Conference of Chief  
11 Circuit Judges. The accused shall be responsible for  
12 payment of any traffic safety program fees. If the accused  
13 fails to file a certificate of successful completion on or  
14 before the termination date of the supervision order, the  
15 supervision shall be summarily revoked and conviction  
16 entered. The provisions of Supreme Court Rule 402 relating  
17 to pleas of guilty do not apply in cases when a defendant  
18 enters a guilty plea under this provision; or

19 (2) if the defendant has previously been sentenced  
20 under the provisions of paragraph (c) on or after January  
21 1, 1998 for any serious traffic offense as defined in  
22 Section 1-187.001 of the Illinois Vehicle Code.

23 (h-1) The provisions of paragraph (c) shall not apply to a  
24 defendant under the age of 21 years charged with an offense  
25 against traffic regulations governing the movement of vehicles  
26 or any violation of Section 6-107 or Section 12-603.1 of the

1 Illinois Vehicle Code, unless the defendant, upon payment of  
2 the fines, penalties, and costs provided by law, agrees to  
3 attend and successfully complete a traffic safety program  
4 approved by the court under standards set by the Conference of  
5 Chief Circuit Judges. The accused shall be responsible for  
6 payment of any traffic safety program fees. If the accused  
7 fails to file a certificate of successful completion on or  
8 before the termination date of the supervision order, the  
9 supervision shall be summarily revoked and conviction entered.  
10 The provisions of Supreme Court Rule 402 relating to pleas of  
11 guilty do not apply in cases when a defendant enters a guilty  
12 plea under this provision.

13 (i) The provisions of paragraph (c) shall not apply to a  
14 defendant charged with violating Section 3-707 of the Illinois  
15 Vehicle Code or a similar provision of a local ordinance if the  
16 defendant has been assigned supervision for a violation of  
17 Section 3-707 of the Illinois Vehicle Code or a similar  
18 provision of a local ordinance.

19 (j) The provisions of paragraph (c) shall not apply to a  
20 defendant charged with violating Section 6-303 of the Illinois  
21 Vehicle Code or a similar provision of a local ordinance when  
22 the revocation or suspension was for a violation of Section  
23 11-501 or a similar provision of a local ordinance or a  
24 violation of Section 11-501.1 or paragraph (b) of Section  
25 11-401 of the Illinois Vehicle Code if the defendant has within  
26 the last 10 years been:

1           (1) convicted for a violation of Section 6-303 of the  
2 Illinois Vehicle Code or a similar provision of a local  
3 ordinance; or

4           (2) assigned supervision for a violation of Section  
5 6-303 of the Illinois Vehicle Code or a similar provision  
6 of a local ordinance.

7           (k) The provisions of paragraph (c) shall not apply to a  
8 defendant charged with violating any provision of the Illinois  
9 Vehicle Code or a similar provision of a local ordinance that  
10 governs the movement of vehicles if, within the 12 months  
11 preceding the date of the defendant's arrest, the defendant has  
12 been assigned court supervision on 2 occasions for a violation  
13 that governs the movement of vehicles under the Illinois  
14 Vehicle Code or a similar provision of a local ordinance. The  
15 provisions of this paragraph (k) do not apply to a defendant  
16 charged with violating Section 11-501 of the Illinois Vehicle  
17 Code or a similar provision of a local ordinance.

18           (l) A defendant charged with violating any provision of the  
19 Illinois Vehicle Code or a similar provision of a local  
20 ordinance who receives a disposition of supervision under  
21 subsection (c) shall pay an additional fee of \$29, to be  
22 collected as provided in Sections 27.5 and 27.6 of the Clerks  
23 of Courts Act. In addition to the \$29 fee, the person shall  
24 also pay a fee of \$6, which, if not waived by the court, shall  
25 be collected as provided in Sections 27.5 and 27.6 of the  
26 Clerks of Courts Act. The \$29 fee shall be disbursed as



1 provided in Section 16-104c of the Illinois Vehicle Code. If  
2 the \$6 fee is collected, \$5.50 of the fee shall be deposited  
3 into the Circuit Court Clerk Operation and Administrative Fund  
4 created by the Clerk of the Circuit Court and 50 cents of the  
5 fee shall be deposited into the Prisoner Review Board Vehicle  
6 and Equipment Fund in the State treasury.

7 (m) Any person convicted of, pleading guilty to, or placed  
8 on supervision for a serious traffic violation, as defined in  
9 Section 1-187.001 of the Illinois Vehicle Code, a violation of  
10 Section 11-501 of the Illinois Vehicle Code, or a violation of  
11 a similar provision of a local ordinance shall pay an  
12 additional fee of \$35, to be disbursed as provided in Section  
13 16-104d of that Code.

14 This subsection (m) becomes inoperative 7 years after  
15 October 13, 2007 (the effective date of Public Act 95-154).

16 (n) The provisions of paragraph (c) shall not apply to any  
17 person under the age of 18 who commits an offense against  
18 traffic regulations governing the movement of vehicles or any  
19 violation of Section 6-107 or Section 12-603.1 of the Illinois  
20 Vehicle Code, except upon personal appearance of the defendant  
21 in court and upon the written consent of the defendant's parent  
22 or legal guardian, executed before the presiding judge. The  
23 presiding judge shall have the authority to waive this  
24 requirement upon the showing of good cause by the defendant.

25 (o) The provisions of paragraph (c) shall not apply to a  
26 defendant charged with violating Section 6-303 of the Illinois

1 Vehicle Code or a similar provision of a local ordinance when  
2 the suspension was for a violation of Section 11-501.1 of the  
3 Illinois Vehicle Code and when:

4 (1) at the time of the violation of Section 11-501.1 of  
5 the Illinois Vehicle Code, the defendant was a first  
6 offender pursuant to Section 11-500 of the Illinois Vehicle  
7 Code and the defendant failed to obtain a monitoring device  
8 driving permit; or

9 (2) at the time of the violation of Section 11-501.1 of  
10 the Illinois Vehicle Code, the defendant was a first  
11 offender pursuant to Section 11-500 of the Illinois Vehicle  
12 Code, had subsequently obtained a monitoring device  
13 driving permit, but was driving a vehicle not equipped with  
14 a breath alcohol ignition interlock device as defined in  
15 Section 1-129.1 of the Illinois Vehicle Code.

16 (p) The provisions of paragraph (c) shall not apply to a  
17 defendant charged with violating subsection (b) of Section  
18 11-601.5 of the Illinois Vehicle Code or a similar provision of  
19 a local ordinance.

20 (Source: P.A. 95-154, eff. 10-13-07; 95-302, eff. 1-1-08;  
21 95-310, eff. 1-1-08; 95-377, eff. 1-1-08; 95-400, eff. 1-1-09;  
22 95-428, eff. 8-24-07; 95-876, eff. 8-21-08; 96-253, eff.  
23 8-11-09; 96-286, eff. 8-11-09; 96-328, eff. 8-11-09; 96-625,  
24 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1002, eff. 1-1-11;  
25 96-1175, eff. 9-20-10; revised 9-16-10.)

1 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

2 Sec. 5-6-3. Conditions of Probation and of Conditional  
3 Discharge.

4 (a) The conditions of probation and of conditional  
5 discharge shall be that the person:

6 (1) not violate any criminal statute of any  
7 jurisdiction;

8 (2) report to or appear in person before such person or  
9 agency as directed by the court;

10 (3) refrain from possessing a firearm or other  
11 dangerous weapon where the offense is a felony or, if a  
12 misdemeanor, the offense involved the intentional or  
13 knowing infliction of bodily harm or threat of bodily harm;

14 (4) not leave the State without the consent of the  
15 court or, in circumstances in which the reason for the  
16 absence is of such an emergency nature that prior consent  
17 by the court is not possible, without the prior  
18 notification and approval of the person's probation  
19 officer. Transfer of a person's probation or conditional  
20 discharge supervision to another state is subject to  
21 acceptance by the other state pursuant to the Interstate  
22 Compact for Adult Offender Supervision;

23 (5) permit the probation officer to visit him at his  
24 home or elsewhere to the extent necessary to discharge his  
25 duties;

26 (6) perform no less than 30 hours of community service

1 and not more than 120 hours of community service, if  
2 community service is available in the jurisdiction and is  
3 funded and approved by the county board where the offense  
4 was committed, where the offense was related to or in  
5 furtherance of the criminal activities of an organized gang  
6 and was motivated by the offender's membership in or  
7 allegiance to an organized gang. The community service  
8 shall include, but not be limited to, the cleanup and  
9 repair of any damage caused by a violation of Section  
10 21-1.3 of the Criminal Code of 1961 and similar damage to  
11 property located within the municipality or county in which  
12 the violation occurred. When possible and reasonable, the  
13 community service should be performed in the offender's  
14 neighborhood. For purposes of this Section, "organized  
15 gang" has the meaning ascribed to it in Section 10 of the  
16 Illinois Streetgang Terrorism Omnibus Prevention Act;

17 (7) if he or she is at least 17 years of age and has  
18 been sentenced to probation or conditional discharge for a  
19 misdemeanor or felony in a county of 3,000,000 or more  
20 inhabitants and has not been previously convicted of a  
21 misdemeanor or felony, may be required by the sentencing  
22 court to attend educational courses designed to prepare the  
23 defendant for a high school diploma and to work toward a  
24 high school diploma or to work toward passing the high  
25 school level Test of General Educational Development (GED)  
26 or to work toward completing a vocational training program

1 approved by the court. The person on probation or  
2 conditional discharge must attend a public institution of  
3 education to obtain the educational or vocational training  
4 required by this clause (7). The court shall revoke the  
5 probation or conditional discharge of a person who wilfully  
6 fails to comply with this clause (7). The person on  
7 probation or conditional discharge shall be required to pay  
8 for the cost of the educational courses or GED test, if a  
9 fee is charged for those courses or test. The court shall  
10 resentence the offender whose probation or conditional  
11 discharge has been revoked as provided in Section 5-6-4.  
12 This clause (7) does not apply to a person who has a high  
13 school diploma or has successfully passed the GED test.  
14 This clause (7) does not apply to a person who is  
15 determined by the court to be developmentally disabled or  
16 otherwise mentally incapable of completing the educational  
17 or vocational program;

18 (8) if convicted of possession of a substance  
19 prohibited by the Cannabis Control Act, the Illinois  
20 Controlled Substances Act, or the Methamphetamine Control  
21 and Community Protection Act after a previous conviction or  
22 disposition of supervision for possession of a substance  
23 prohibited by the Cannabis Control Act or Illinois  
24 Controlled Substances Act or after a sentence of probation  
25 under Section 10 of the Cannabis Control Act, Section 410  
26 of the Illinois Controlled Substances Act, or Section 70 of

1 the Methamphetamine Control and Community Protection Act  
2 and upon a finding by the court that the person is  
3 addicted, undergo treatment at a substance abuse program  
4 approved by the court;

5 (8.5) if convicted of a felony sex offense as defined  
6 in the Sex Offender Management Board Act, the person shall  
7 undergo and successfully complete sex offender treatment  
8 by a treatment provider approved by the Board and conducted  
9 in conformance with the standards developed under the Sex  
10 Offender Management Board Act;

11 (8.6) if convicted of a sex offense as defined in the  
12 Sex Offender Management Board Act, refrain from residing at  
13 the same address or in the same condominium unit or  
14 apartment unit or in the same condominium complex or  
15 apartment complex with another person he or she knows or  
16 reasonably should know is a convicted sex offender or has  
17 been placed on supervision for a sex offense; the  
18 provisions of this paragraph do not apply to a person  
19 convicted of a sex offense who is placed in a Department of  
20 Corrections licensed transitional housing facility for sex  
21 offenders;

22 (8.7) if convicted for an offense committed on or after  
23 June 1, 2008 (the effective date of Public Act 95-464) that  
24 would qualify the accused as a child sex offender as  
25 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
26 1961, refrain from communicating with or contacting, by

1 means of the Internet, a person who is not related to the  
2 accused and whom the accused reasonably believes to be  
3 under 18 years of age; for purposes of this paragraph  
4 (8.7), "Internet" has the meaning ascribed to it in Section  
5 16J-5 of the Criminal Code of 1961; and a person is not  
6 related to the accused if the person is not: (i) the  
7 spouse, brother, or sister of the accused; (ii) a  
8 descendant of the accused; (iii) a first or second cousin  
9 of the accused; or (iv) a step-child or adopted child of  
10 the accused;

11 (8.8) if convicted for an offense under Section 11-6,  
12 11-9.1, 11-14.4 that involves soliciting for a juvenile  
13 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
14 of the Criminal Code of 1961, or any attempt to commit any  
15 of these offenses, committed on or after June 1, 2009 (the  
16 effective date of Public Act 95-983):

17 (i) not access or use a computer or any other  
18 device with Internet capability without the prior  
19 written approval of the offender's probation officer,  
20 except in connection with the offender's employment or  
21 search for employment with the prior approval of the  
22 offender's probation officer;

23 (ii) submit to periodic unannounced examinations  
24 of the offender's computer or any other device with  
25 Internet capability by the offender's probation  
26 officer, a law enforcement officer, or assigned

1 computer or information technology specialist,  
2 including the retrieval and copying of all data from  
3 the computer or device and any internal or external  
4 peripherals and removal of such information,  
5 equipment, or device to conduct a more thorough  
6 inspection;

7 (iii) submit to the installation on the offender's  
8 computer or device with Internet capability, at the  
9 offender's expense, of one or more hardware or software  
10 systems to monitor the Internet use; and

11 (iv) submit to any other appropriate restrictions  
12 concerning the offender's use of or access to a  
13 computer or any other device with Internet capability  
14 imposed by the offender's probation officer;

15 (8.9) if convicted of a sex offense as defined in the  
16 Sex Offender Registration Act committed on or after January  
17 1, 2010 (the effective date of Public Act 96-262), refrain  
18 from accessing or using a social networking website as  
19 defined in Section 16D-2 of the Criminal Code of 1961;

20 (9) if convicted of a felony, physically surrender at a  
21 time and place designated by the court, his or her Firearm  
22 Owner's Identification Card and any and all firearms in his  
23 or her possession;

24 (10) if convicted of a sex offense as defined in  
25 subsection (a-5) of Section 3-1-2 of this Code, unless the  
26 offender is a parent or guardian of the person under 18



1 years of age present in the home and no non-familial minors  
2 are present, not participate in a holiday event involving  
3 children under 18 years of age, such as distributing candy  
4 or other items to children on Halloween, wearing a Santa  
5 Claus costume on or preceding Christmas, being employed as  
6 a department store Santa Claus, or wearing an Easter Bunny  
7 costume on or preceding Easter; and

8 (11) if convicted of a sex offense as defined in  
9 Section 2 of the Sex Offender Registration Act committed on  
10 or after January 1, 2010 (the effective date of Public Act  
11 96-362) that requires the person to register as a sex  
12 offender under that Act, may not knowingly use any computer  
13 scrub software on any computer that the sex offender uses.

14 (b) The Court may in addition to other reasonable  
15 conditions relating to the nature of the offense or the  
16 rehabilitation of the defendant as determined for each  
17 defendant in the proper discretion of the Court require that  
18 the person:

19 (1) serve a term of periodic imprisonment under Article  
20 7 for a period not to exceed that specified in paragraph  
21 (d) of Section 5-7-1;

22 (2) pay a fine and costs;

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

25 (4) undergo medical, psychological or psychiatric  
26 treatment; or treatment for drug addiction or alcoholism;

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

3           (6) support his dependents;

4           (7) and in addition, if a minor:

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

6                 (ii) attend school;

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

8                 (iv) contribute to his own support at home or in a  
9 foster home;

10                (v) with the consent of the superintendent of the  
11 facility, attend an educational program at a facility  
12 other than the school in which the offense was  
13 committed if he or she is convicted of a crime of  
14 violence as defined in Section 2 of the Crime Victims  
15 Compensation Act committed in a school, on the real  
16 property comprising a school, or within 1,000 feet of  
17 the real property comprising a school;

18           (8) make restitution as provided in Section 5-5-6 of  
19 this Code;

20           (9) perform some reasonable public or community  
21 service;

22           (10) serve a term of home confinement. In addition to  
23 any other applicable condition of probation or conditional  
24 discharge, the conditions of home confinement shall be that  
25 the offender:

26                 (i) remain within the interior premises of the

1 place designated for his confinement during the hours  
2 designated by the court;

3 (ii) admit any person or agent designated by the  
4 court into the offender's place of confinement at any  
5 time for purposes of verifying the offender's  
6 compliance with the conditions of his confinement; and

7 (iii) if further deemed necessary by the court or  
8 the Probation or Court Services Department, be placed  
9 on an approved electronic monitoring device, subject  
10 to Article 8A of Chapter V;

11 (iv) for persons convicted of any alcohol,  
12 cannabis or controlled substance violation who are  
13 placed on an approved monitoring device as a condition  
14 of probation or conditional discharge, the court shall  
15 impose a reasonable fee for each day of the use of the  
16 device, as established by the county board in  
17 subsection (g) of this Section, unless after  
18 determining the inability of the offender to pay the  
19 fee, the court assesses a lesser fee or no fee as the  
20 case may be. This fee shall be imposed in addition to  
21 the fees imposed under subsections (g) and (i) of this  
22 Section. The fee shall be collected by the clerk of the  
23 circuit court. The clerk of the circuit court shall pay  
24 all monies collected from this fee to the county  
25 treasurer for deposit in the substance abuse services  
26 fund under Section 5-1086.1 of the Counties Code; and

1           (v) for persons convicted of offenses other than  
2           those referenced in clause (iv) above and who are  
3           placed on an approved monitoring device as a condition  
4           of probation or conditional discharge, the court shall  
5           impose a reasonable fee for each day of the use of the  
6           device, as established by the county board in  
7           subsection (g) of this Section, unless after  
8           determining the inability of the defendant to pay the  
9           fee, the court assesses a lesser fee or no fee as the  
10          case may be. This fee shall be imposed in addition to  
11          the fees imposed under subsections (g) and (i) of this  
12          Section. The fee shall be collected by the clerk of the  
13          circuit court. The clerk of the circuit court shall pay  
14          all monies collected from this fee to the county  
15          treasurer who shall use the monies collected to defray  
16          the costs of corrections. The county treasurer shall  
17          deposit the fee collected in the county working cash  
18          fund under Section 6-27001 or Section 6-29002 of the  
19          Counties Code, as the case may be.

20          (11) comply with the terms and conditions of an order  
21          of protection issued by the court pursuant to the Illinois  
22          Domestic Violence Act of 1986, as now or hereafter amended,  
23          or an order of protection issued by the court of another  
24          state, tribe, or United States territory. A copy of the  
25          order of protection shall be transmitted to the probation  
26          officer or agency having responsibility for the case;

1           (12) reimburse any "local anti-crime program" as  
2 defined in Section 7 of the Anti-Crime Advisory Council Act  
3 for any reasonable expenses incurred by the program on the  
4 offender's case, not to exceed the maximum amount of the  
5 fine authorized for the offense for which the defendant was  
6 sentenced;

7           (13) contribute a reasonable sum of money, not to  
8 exceed the maximum amount of the fine authorized for the  
9 offense for which the defendant was sentenced, (i) to a  
10 "local anti-crime program", as defined in Section 7 of the  
11 Anti-Crime Advisory Council Act, or (ii) for offenses under  
12 the jurisdiction of the Department of Natural Resources, to  
13 the fund established by the Department of Natural Resources  
14 for the purchase of evidence for investigation purposes and  
15 to conduct investigations as outlined in Section 805-105 of  
16 the Department of Natural Resources (Conservation) Law;

17           (14) refrain from entering into a designated  
18 geographic area except upon such terms as the court finds  
19 appropriate. Such terms may include consideration of the  
20 purpose of the entry, the time of day, other persons  
21 accompanying the defendant, and advance approval by a  
22 probation officer, if the defendant has been placed on  
23 probation or advance approval by the court, if the  
24 defendant was placed on conditional discharge;

25           (15) refrain from having any contact, directly or  
26 indirectly, with certain specified persons or particular

1 types of persons, including but not limited to members of  
2 street gangs and drug users or dealers;

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

10 (17) if convicted for an offense committed on or after  
11 June 1, 2008 (the effective date of Public Act 95-464) that  
12 would qualify the accused as a child sex offender as  
13 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
14 1961, refrain from communicating with or contacting, by  
15 means of the Internet, a person who is related to the  
16 accused and whom the accused reasonably believes to be  
17 under 18 years of age; for purposes of this paragraph (17),  
18 "Internet" has the meaning ascribed to it in Section 16J-5  
19 of the Criminal Code of 1961; and a person is related to  
20 the accused if the person is: (i) the spouse, brother, or  
21 sister of the accused; (ii) a descendant of the accused;  
22 (iii) a first or second cousin of the accused; or (iv) a  
23 step-child or adopted child of the accused;

24 (18) if convicted for an offense committed on or after  
25 June 1, 2009 (the effective date of Public Act 95-983) that  
26 would qualify as a sex offense as defined in the Sex

1 Offender Registration Act:

2 (i) not access or use a computer or any other  
3 device with Internet capability without the prior  
4 written approval of the offender's probation officer,  
5 except in connection with the offender's employment or  
6 search for employment with the prior approval of the  
7 offender's probation officer;

8 (ii) submit to periodic unannounced examinations  
9 of the offender's computer or any other device with  
10 Internet capability by the offender's probation  
11 officer, a law enforcement officer, or assigned  
12 computer or information technology specialist,  
13 including the retrieval and copying of all data from  
14 the computer or device and any internal or external  
15 peripherals and removal of such information,  
16 equipment, or device to conduct a more thorough  
17 inspection;

18 (iii) submit to the installation on the offender's  
19 computer or device with Internet capability, at the  
20 subject's expense, of one or more hardware or software  
21 systems to monitor the Internet use; and

22 (iv) submit to any other appropriate restrictions  
23 concerning the offender's use of or access to a  
24 computer or any other device with Internet capability  
25 imposed by the offender's probation officer; and

26 (19) refrain from possessing a firearm or other

1 dangerous weapon where the offense is a misdemeanor that  
2 did not involve the intentional or knowing infliction of  
3 bodily harm or threat of bodily harm.

4 (c) The court may as a condition of probation or of  
5 conditional discharge require that a person under 18 years of  
6 age found guilty of any alcohol, cannabis or controlled  
7 substance violation, refrain from acquiring a driver's license  
8 during the period of probation or conditional discharge. If  
9 such person is in possession of a permit or license, the court  
10 may require that the minor refrain from driving or operating  
11 any motor vehicle during the period of probation or conditional  
12 discharge, except as may be necessary in the course of the  
13 minor's lawful employment.

14 (d) An offender sentenced to probation or to conditional  
15 discharge shall be given a certificate setting forth the  
16 conditions thereof.

17 (e) Except where the offender has committed a fourth or  
18 subsequent violation of subsection (c) of Section 6-303 of the  
19 Illinois Vehicle Code, the court shall not require as a  
20 condition of the sentence of probation or conditional discharge  
21 that the offender be committed to a period of imprisonment in  
22 excess of 6 months. This 6 month limit shall not include  
23 periods of confinement given pursuant to a sentence of county  
24 impact incarceration under Section 5-8-1.2.

25 Persons committed to imprisonment as a condition of  
26 probation or conditional discharge shall not be committed to



1 the Department of Corrections.

2 (f) The court may combine a sentence of periodic  
3 imprisonment under Article 7 or a sentence to a county impact  
4 incarceration program under Article 8 with a sentence of  
5 probation or conditional discharge.

6 (g) An offender sentenced to probation or to conditional  
7 discharge and who during the term of either undergoes mandatory  
8 drug or alcohol testing, or both, or is assigned to be placed  
9 on an approved electronic monitoring device, shall be ordered  
10 to pay all costs incidental to such mandatory drug or alcohol  
11 testing, or both, and all costs incidental to such approved  
12 electronic monitoring in accordance with the defendant's  
13 ability to pay those costs. The county board with the  
14 concurrence of the Chief Judge of the judicial circuit in which  
15 the county is located shall establish reasonable fees for the  
16 cost of maintenance, testing, and incidental expenses related  
17 to the mandatory drug or alcohol testing, or both, and all  
18 costs incidental to approved electronic monitoring, involved  
19 in a successful probation program for the county. The  
20 concurrence of the Chief Judge shall be in the form of an  
21 administrative order. The fees shall be collected by the clerk  
22 of the circuit court. The clerk of the circuit court shall pay  
23 all moneys collected from these fees to the county treasurer  
24 who shall use the moneys collected to defray the costs of drug  
25 testing, alcohol testing, and electronic monitoring. The  
26 county treasurer shall deposit the fees collected in the county

1 working cash fund under Section 6-27001 or Section 6-29002 of  
2 the Counties Code, as the case may be.

3 (h) Jurisdiction over an offender may be transferred from  
4 the sentencing court to the court of another circuit with the  
5 concurrence of both courts. Further transfers or retransfers of  
6 jurisdiction are also authorized in the same manner. The court  
7 to which jurisdiction has been transferred shall have the same  
8 powers as the sentencing court.

9 (i) The court shall impose upon an offender sentenced to  
10 probation after January 1, 1989 or to conditional discharge  
11 after January 1, 1992 or to community service under the  
12 supervision of a probation or court services department after  
13 January 1, 2004, as a condition of such probation or  
14 conditional discharge or supervised community service, a fee of  
15 \$50 for each month of probation or conditional discharge  
16 supervision or supervised community service ordered by the  
17 court, unless after determining the inability of the person  
18 sentenced to probation or conditional discharge or supervised  
19 community service to pay the fee, the court assesses a lesser  
20 fee. The court may not impose the fee on a minor who is made a  
21 ward of the State under the Juvenile Court Act of 1987 while  
22 the minor is in placement. The fee shall be imposed only upon  
23 an offender who is actively supervised by the probation and  
24 court services department. The fee shall be collected by the  
25 clerk of the circuit court. The clerk of the circuit court  
26 shall pay all monies collected from this fee to the county

1 treasurer for deposit in the probation and court services fund  
2 under Section 15.1 of the Probation and Probation Officers Act.

3 A circuit court may not impose a probation fee under this  
4 subsection (i) in excess of \$25 per month unless the circuit  
5 court has adopted, by administrative order issued by the chief  
6 judge, a standard probation fee guide determining an offender's  
7 ability to pay. Of the amount collected as a probation fee, up  
8 to \$5 of that fee collected per month may be used to provide  
9 services to crime victims and their families.

10 The Court may only waive probation fees based on an  
11 offender's ability to pay. The probation department may  
12 re-evaluate an offender's ability to pay every 6 months, and,  
13 with the approval of the Director of Court Services or the  
14 Chief Probation Officer, adjust the monthly fee amount. An  
15 offender may elect to pay probation fees due in a lump sum. Any  
16 offender that has been assigned to the supervision of a  
17 probation department, or has been transferred either under  
18 subsection (h) of this Section or under any interstate compact,  
19 shall be required to pay probation fees to the department  
20 supervising the offender, based on the offender's ability to  
21 pay.

22 This amendatory Act of the 93rd General Assembly deletes  
23 the \$10 increase in the fee under this subsection that was  
24 imposed by Public Act 93-616. This deletion is intended to  
25 control over any other Act of the 93rd General Assembly that  
26 retains or incorporates that fee increase.

1           (i-5) In addition to the fees imposed under subsection (i)  
2 of this Section, in the case of an offender convicted of a  
3 felony sex offense (as defined in the Sex Offender Management  
4 Board Act) or an offense that the court or probation department  
5 has determined to be sexually motivated (as defined in the Sex  
6 Offender Management Board Act), the court or the probation  
7 department shall assess additional fees to pay for all costs of  
8 treatment, assessment, evaluation for risk and treatment, and  
9 monitoring the offender, based on that offender's ability to  
10 pay those costs either as they occur or under a payment plan.

11           (j) All fines and costs imposed under this Section for any  
12 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
13 Code, or a similar provision of a local ordinance, and any  
14 violation of the Child Passenger Protection Act, or a similar  
15 provision of a local ordinance, shall be collected and  
16 disbursed by the circuit clerk as provided under Section 27.5  
17 of the Clerks of Courts Act.

18           (k) Any offender who is sentenced to probation or  
19 conditional discharge for a felony sex offense as defined in  
20 the Sex Offender Management Board Act or any offense that the  
21 court or probation department has determined to be sexually  
22 motivated as defined in the Sex Offender Management Board Act  
23 shall be required to refrain from any contact, directly or  
24 indirectly, with any persons specified by the court and shall  
25 be available for all evaluations and treatment programs  
26 required by the court or the probation department.

1           (1) The court may order an offender who is sentenced to  
2 probation or conditional discharge for a violation of an order  
3 of protection be placed under electronic surveillance as  
4 provided in Section 5-8A-7 of this Code.

5           (Source: P.A. 95-331, eff. 8-21-07; 95-464, eff. 6-1-08;  
6 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff. 1-1-09;  
7 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; 96-262, eff. 1-1-10;  
8 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-695, eff.  
9 8-25-09; 96-1000, eff. 7-2-10; 96-1414, eff. 1-1-11.)

10           (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

11           Sec. 5-6-3.1. Incidents and Conditions of Supervision.

12           (a) When a defendant is placed on supervision, the court  
13 shall enter an order for supervision specifying the period of  
14 such supervision, and shall defer further proceedings in the  
15 case until the conclusion of the period.

16           (b) The period of supervision shall be reasonable under all  
17 of the circumstances of the case, but may not be longer than 2  
18 years, unless the defendant has failed to pay the assessment  
19 required by Section 10.3 of the Cannabis Control Act, Section  
20 411.2 of the Illinois Controlled Substances Act, or Section 80  
21 of the Methamphetamine Control and Community Protection Act, in  
22 which case the court may extend supervision beyond 2 years.  
23 Additionally, the court shall order the defendant to perform no  
24 less than 30 hours of community service and not more than 120  
25 hours of community service, if community service is available

1 in the jurisdiction and is funded and approved by the county  
2 board where the offense was committed, when the offense (1) was  
3 related to or in furtherance of the criminal activities of an  
4 organized gang or was motivated by the defendant's membership  
5 in or allegiance to an organized gang; or (2) is a violation of  
6 any Section of Article 24 of the Criminal Code of 1961 where a  
7 disposition of supervision is not prohibited by Section 5-6-1  
8 of this Code. The community service shall include, but not be  
9 limited to, the cleanup and repair of any damage caused by  
10 violation of Section 21-1.3 of the Criminal Code of 1961 and  
11 similar damages to property located within the municipality or  
12 county in which the violation occurred. Where possible and  
13 reasonable, the community service should be performed in the  
14 offender's neighborhood.

15 For the purposes of this Section, "organized gang" has the  
16 meaning ascribed to it in Section 10 of the Illinois Streetgang  
17 Terrorism Omnibus Prevention Act.

18 (c) The court may in addition to other reasonable  
19 conditions relating to the nature of the offense or the  
20 rehabilitation of the defendant as determined for each  
21 defendant in the proper discretion of the court require that  
22 the person:

23 (1) make a report to and appear in person before or  
24 participate with the court or such courts, person, or  
25 social service agency as directed by the court in the order  
26 of supervision;

- 1           (2) pay a fine and costs;
- 2           (3) work or pursue a course of study or vocational  
3 training;
- 4           (4) undergo medical, psychological or psychiatric  
5 treatment; or treatment for drug addiction or alcoholism;
- 6           (5) attend or reside in a facility established for the  
7 instruction or residence of defendants on probation;
- 8           (6) support his dependents;
- 9           (7) refrain from possessing a firearm or other  
10 dangerous weapon;
- 11          (8) and in addition, if a minor:
- 12           (i) reside with his parents or in a foster home;
- 13           (ii) attend school;
- 14           (iii) attend a non-residential program for youth;
- 15           (iv) contribute to his own support at home or in a  
16 foster home; or
- 17           (v) with the consent of the superintendent of the  
18 facility, attend an educational program at a facility  
19 other than the school in which the offense was  
20 committed if he or she is placed on supervision for a  
21 crime of violence as defined in Section 2 of the Crime  
22 Victims Compensation Act committed in a school, on the  
23 real property comprising a school, or within 1,000 feet  
24 of the real property comprising a school;
- 25          (9) make restitution or reparation in an amount not to  
26 exceed actual loss or damage to property and pecuniary loss

1 or make restitution under Section 5-5-6 to a domestic  
2 violence shelter. The court shall determine the amount and  
3 conditions of payment;

4 (10) perform some reasonable public or community  
5 service;

6 (11) comply with the terms and conditions of an order  
7 of protection issued by the court pursuant to the Illinois  
8 Domestic Violence Act of 1986 or an order of protection  
9 issued by the court of another state, tribe, or United  
10 States territory. If the court has ordered the defendant to  
11 make a report and appear in person under paragraph (1) of  
12 this subsection, a copy of the order of protection shall be  
13 transmitted to the person or agency so designated by the  
14 court;

15 (12) reimburse any "local anti-crime program" as  
16 defined in Section 7 of the Anti-Crime Advisory Council Act  
17 for any reasonable expenses incurred by the program on the  
18 offender's case, not to exceed the maximum amount of the  
19 fine authorized for the offense for which the defendant was  
20 sentenced;

21 (13) contribute a reasonable sum of money, not to  
22 exceed the maximum amount of the fine authorized for the  
23 offense for which the defendant was sentenced, (i) to a  
24 "local anti-crime program", as defined in Section 7 of the  
25 Anti-Crime Advisory Council Act, or (ii) for offenses under  
26 the jurisdiction of the Department of Natural Resources, to



1 the fund established by the Department of Natural Resources  
2 for the purchase of evidence for investigation purposes and  
3 to conduct investigations as outlined in Section 805-105 of  
4 the Department of Natural Resources (Conservation) Law;

5 (14) refrain from entering into a designated  
6 geographic area except upon such terms as the court finds  
7 appropriate. Such terms may include consideration of the  
8 purpose of the entry, the time of day, other persons  
9 accompanying the defendant, and advance approval by a  
10 probation officer;

11 (15) refrain from having any contact, directly or  
12 indirectly, with certain specified persons or particular  
13 types of person, including but not limited to members of  
14 street gangs and drug users or dealers;

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

22 (17) refrain from operating any motor vehicle not  
23 equipped with an ignition interlock device as defined in  
24 Section 1-129.1 of the Illinois Vehicle Code; under this  
25 condition the court may allow a defendant who is not  
26 self-employed to operate a vehicle owned by the defendant's

1 employer that is not equipped with an ignition interlock  
2 device in the course and scope of the defendant's  
3 employment; and

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

15 (d) The court shall defer entering any judgment on the  
16 charges until the conclusion of the supervision.

17 (e) At the conclusion of the period of supervision, if the  
18 court determines that the defendant has successfully complied  
19 with all of the conditions of supervision, the court shall  
20 discharge the defendant and enter a judgment dismissing the  
21 charges.

22 (f) Discharge and dismissal upon a successful conclusion of  
23 a disposition of supervision shall be deemed without  
24 adjudication of guilt and shall not be termed a conviction for  
25 purposes of disqualification or disabilities imposed by law  
26 upon conviction of a crime. Two years after the discharge and

1 dismissal under this Section, unless the disposition of  
2 supervision was for a violation of Sections 3-707, 3-708,  
3 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
4 similar provision of a local ordinance, or for a violation of  
5 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which  
6 case it shall be 5 years after discharge and dismissal, a  
7 person may have his record of arrest sealed or expunged as may  
8 be provided by law. However, any defendant placed on  
9 supervision before January 1, 1980, may move for sealing or  
10 expungement of his arrest record, as provided by law, at any  
11 time after discharge and dismissal under this Section. A person  
12 placed on supervision for a sexual offense committed against a  
13 minor as defined in clause (a)(1)(L) of Section 5.2 of the  
14 Criminal Identification Act or for a violation of Section  
15 11-501 of the Illinois Vehicle Code or a similar provision of a  
16 local ordinance shall not have his or her record of arrest  
17 sealed or expunged.

18 (g) A defendant placed on supervision and who during the  
19 period of supervision undergoes mandatory drug or alcohol  
20 testing, or both, or is assigned to be placed on an approved  
21 electronic monitoring device, shall be ordered to pay the costs  
22 incidental to such mandatory drug or alcohol testing, or both,  
23 and costs incidental to such approved electronic monitoring in  
24 accordance with the defendant's ability to pay those costs. The  
25 county board with the concurrence of the Chief Judge of the  
26 judicial circuit in which the county is located shall establish

1 reasonable fees for the cost of maintenance, testing, and  
2 incidental expenses related to the mandatory drug or alcohol  
3 testing, or both, and all costs incidental to approved  
4 electronic monitoring, of all defendants placed on  
5 supervision. The concurrence of the Chief Judge shall be in the  
6 form of an administrative order. The fees shall be collected by  
7 the clerk of the circuit court. The clerk of the circuit court  
8 shall pay all moneys collected from these fees to the county  
9 treasurer who shall use the moneys collected to defray the  
10 costs of drug testing, alcohol testing, and electronic  
11 monitoring. The county treasurer shall deposit the fees  
12 collected in the county working cash fund under Section 6-27001  
13 or Section 6-29002 of the Counties Code, as the case may be.

14 (h) A disposition of supervision is a final order for the  
15 purposes of appeal.

16 (i) The court shall impose upon a defendant placed on  
17 supervision after January 1, 1992 or to community service under  
18 the supervision of a probation or court services department  
19 after January 1, 2004, as a condition of supervision or  
20 supervised community service, a fee of \$50 for each month of  
21 supervision or supervised community service ordered by the  
22 court, unless after determining the inability of the person  
23 placed on supervision or supervised community service to pay  
24 the fee, the court assesses a lesser fee. The court may not  
25 impose the fee on a minor who is made a ward of the State under  
26 the Juvenile Court Act of 1987 while the minor is in placement.

1 The fee shall be imposed only upon a defendant who is actively  
2 supervised by the probation and court services department. The  
3 fee shall be collected by the clerk of the circuit court. The  
4 clerk of the circuit court shall pay all monies collected from  
5 this fee to the county treasurer for deposit in the probation  
6 and court services fund pursuant to Section 15.1 of the  
7 Probation and Probation Officers Act.

8 A circuit court may not impose a probation fee in excess of  
9 \$25 per month unless the circuit court has adopted, by  
10 administrative order issued by the chief judge, a standard  
11 probation fee guide determining an offender's ability to pay.  
12 Of the amount collected as a probation fee, not to exceed \$5 of  
13 that fee collected per month may be used to provide services to  
14 crime victims and their families.

15 The Court may only waive probation fees based on an  
16 offender's ability to pay. The probation department may  
17 re-evaluate an offender's ability to pay every 6 months, and,  
18 with the approval of the Director of Court Services or the  
19 Chief Probation Officer, adjust the monthly fee amount. An  
20 offender may elect to pay probation fees due in a lump sum. Any  
21 offender that has been assigned to the supervision of a  
22 probation department, or has been transferred either under  
23 subsection (h) of this Section or under any interstate compact,  
24 shall be required to pay probation fees to the department  
25 supervising the offender, based on the offender's ability to  
26 pay.

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

8           (k) A defendant at least 17 years of age who is placed on  
9 supervision for a misdemeanor in a county of 3,000,000 or more  
10 inhabitants and who has not been previously convicted of a  
11 misdemeanor or felony may as a condition of his or her  
12 supervision be required by the court to attend educational  
13 courses designed to prepare the defendant for a high school  
14 diploma and to work toward a high school diploma or to work  
15 toward passing the high school level Test of General  
16 Educational Development (GED) or to work toward completing a  
17 vocational training program approved by the court. The  
18 defendant placed on supervision must attend a public  
19 institution of education to obtain the educational or  
20 vocational training required by this subsection (k). The  
21 defendant placed on supervision shall be required to pay for  
22 the cost of the educational courses or GED test, if a fee is  
23 charged for those courses or test. The court shall revoke the  
24 supervision of a person who wilfully fails to comply with this  
25 subsection (k). The court shall resentence the defendant upon  
26 revocation of supervision as provided in Section 5-6-4. This

1 subsection (k) does not apply to a defendant who has a high  
2 school diploma or has successfully passed the GED test. This  
3 subsection (k) does not apply to a defendant who is determined  
4 by the court to be developmentally disabled or otherwise  
5 mentally incapable of completing the educational or vocational  
6 program.

7 (l) The court shall require a defendant placed on  
8 supervision for possession of a substance prohibited by the  
9 Cannabis Control Act, the Illinois Controlled Substances Act,  
10 or the Methamphetamine Control and Community Protection Act  
11 after a previous conviction or disposition of supervision for  
12 possession of a substance prohibited by the Cannabis Control  
13 Act, the Illinois Controlled Substances Act, or the  
14 Methamphetamine Control and Community Protection Act or a  
15 sentence of probation under Section 10 of the Cannabis Control  
16 Act or Section 410 of the Illinois Controlled Substances Act  
17 and after a finding by the court that the person is addicted,  
18 to undergo treatment at a substance abuse program approved by  
19 the court.

20 (m) The Secretary of State shall require anyone placed on  
21 court supervision for a violation of Section 3-707 of the  
22 Illinois Vehicle Code or a similar provision of a local  
23 ordinance to give proof of his or her financial responsibility  
24 as defined in Section 7-315 of the Illinois Vehicle Code. The  
25 proof shall be maintained by the individual in a manner  
26 satisfactory to the Secretary of State for a minimum period of

1 3 years after the date the proof is first filed. The proof  
2 shall be limited to a single action per arrest and may not be  
3 affected by any post-sentence disposition. The Secretary of  
4 State shall suspend the driver's license of any person  
5 determined by the Secretary to be in violation of this  
6 subsection.

7 (n) Any offender placed on supervision for any offense that  
8 the court or probation department has determined to be sexually  
9 motivated as defined in the Sex Offender Management Board Act  
10 shall be required to refrain from any contact, directly or  
11 indirectly, with any persons specified by the court and shall  
12 be available for all evaluations and treatment programs  
13 required by the court or the probation department.

14 (o) An offender placed on supervision for a sex offense as  
15 defined in the Sex Offender Management Board Act shall refrain  
16 from residing at the same address or in the same condominium  
17 unit or apartment unit or in the same condominium complex or  
18 apartment complex with another person he or she knows or  
19 reasonably should know is a convicted sex offender or has been  
20 placed on supervision for a sex offense. The provisions of this  
21 subsection (o) do not apply to a person convicted of a sex  
22 offense who is placed in a Department of Corrections licensed  
23 transitional housing facility for sex offenders.

24 (p) An offender placed on supervision for an offense  
25 committed on or after June 1, 2008 (the effective date of  
26 Public Act 95-464) that would qualify the accused as a child



1 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
2 Criminal Code of 1961 shall refrain from communicating with or  
3 contacting, by means of the Internet, a person who is not  
4 related to the accused and whom the accused reasonably believes  
5 to be under 18 years of age. For purposes of this subsection  
6 (p), "Internet" has the meaning ascribed to it in Section 16J-5  
7 of the Criminal Code of 1961; and a person is not related to  
8 the accused if the person is not: (i) the spouse, brother, or  
9 sister of the accused; (ii) a descendant of the accused; (iii)  
10 a first or second cousin of the accused; or (iv) a step-child  
11 or adopted child of the accused.

12 (q) An offender placed on supervision for an offense  
13 committed on or after June 1, 2008 (the effective date of  
14 Public Act 95-464) that would qualify the accused as a child  
15 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
16 Criminal Code of 1961 shall, if so ordered by the court,  
17 refrain from communicating with or contacting, by means of the  
18 Internet, a person who is related to the accused and whom the  
19 accused reasonably believes to be under 18 years of age. For  
20 purposes of this subsection (q), "Internet" has the meaning  
21 ascribed to it in Section 16J-5 of the Criminal Code of 1961;  
22 and a person is related to the accused if the person is: (i)  
23 the spouse, brother, or sister of the accused; (ii) a  
24 descendant of the accused; (iii) a first or second cousin of  
25 the accused; or (iv) a step-child or adopted child of the  
26 accused.

1 (r) An offender placed on supervision for an offense under  
2 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a  
3 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or  
4 11-21 of the Criminal Code of 1961, or any attempt to commit  
5 any of these offenses, committed on or after the effective date  
6 of this amendatory Act of the 95th General Assembly shall:

7 (i) not access or use a computer or any other device  
8 with Internet capability without the prior written  
9 approval of the court, except in connection with the  
10 offender's employment or search for employment with the  
11 prior approval of the court;

12 (ii) submit to periodic unannounced examinations of  
13 the offender's computer or any other device with Internet  
14 capability by the offender's probation officer, a law  
15 enforcement officer, or assigned computer or information  
16 technology specialist, including the retrieval and copying  
17 of all data from the computer or device and any internal or  
18 external peripherals and removal of such information,  
19 equipment, or device to conduct a more thorough inspection;

20 (iii) submit to the installation on the offender's  
21 computer or device with Internet capability, at the  
22 offender's expense, of one or more hardware or software  
23 systems to monitor the Internet use; and

24 (iv) submit to any other appropriate restrictions  
25 concerning the offender's use of or access to a computer or  
26 any other device with Internet capability imposed by the

1 court.

2 (s) An offender placed on supervision for an offense that  
3 is a sex offense as defined in Section 2 of the Sex Offender  
4 Registration Act that is committed on or after January 1, 2010  
5 (the effective date of Public Act 96-362) that requires the  
6 person to register as a sex offender under that Act, may not  
7 knowingly use any computer scrub software on any computer that  
8 the sex offender uses.

9 (t) An offender placed on supervision for a sex offense as  
10 defined in the Sex Offender Registration Act committed on or  
11 after January 1, 2010 (the effective date of Public Act 96-262)  
12 shall refrain from accessing or using a social networking  
13 website as defined in Section 16D-2 of the Criminal Code of  
14 1961.

15 (Source: P.A. 95-211, eff. 1-1-08; 95-331, eff. 8-21-07;  
16 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff. 8-21-08;  
17 95-983, eff. 6-1-09; 96-262, eff. 1-1-10; 96-362, eff. 1-1-10;  
18 96-409, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1414, eff.  
19 1-1-11.)

20 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

21 Sec. 5-8-1. Natural life imprisonment; enhancements for  
22 use of a firearm; mandatory supervised release terms.

23 (a) Except as otherwise provided in the statute defining  
24 the offense or in Article 4.5 of Chapter V, a sentence of  
25 imprisonment for a felony shall be a determinate sentence set

1 by the court under this Section, according to the following  
2 limitations:

3 (1) for first degree murder,

4 (a) (blank),

5 (b) if a trier of fact finds beyond a reasonable  
6 doubt that the murder was accompanied by exceptionally  
7 brutal or heinous behavior indicative of wanton  
8 cruelty or, except as set forth in subsection (a)(1)(c)  
9 of this Section, that any of the aggravating factors  
10 listed in subsection (b) or (b-5) of Section 9-1 of the  
11 Criminal Code of 1961 are present, the court may  
12 sentence the defendant to a term of natural life  
13 imprisonment, or

14 (c) the court shall sentence the defendant to a  
15 term of natural life imprisonment when the death  
16 penalty is not imposed if the defendant,

17 (i) has previously been convicted of first  
18 degree murder under any state or federal law, or

19 (ii) is a person who, at the time of the  
20 commission of the murder, had attained the age of  
21 17 or more and is found guilty of murdering an  
22 individual under 12 years of age; or, irrespective  
23 of the defendant's age at the time of the  
24 commission of the offense, is found guilty of  
25 murdering more than one victim, or

26 (iii) is found guilty of murdering a peace

1 officer, fireman, or emergency management worker  
2 when the peace officer, fireman, or emergency  
3 management worker was killed in the course of  
4 performing his official duties, or to prevent the  
5 peace officer or fireman from performing his  
6 official duties, or in retaliation for the peace  
7 officer, fireman, or emergency management worker  
8 from performing his official duties, and the  
9 defendant knew or should have known that the  
10 murdered individual was a peace officer, fireman,  
11 or emergency management worker, or

12 (iv) is found guilty of murdering an employee  
13 of an institution or facility of the Department of  
14 Corrections, or any similar local correctional  
15 agency, when the employee was killed in the course  
16 of performing his official duties, or to prevent  
17 the employee from performing his official duties,  
18 or in retaliation for the employee performing his  
19 official duties, or

20 (v) is found guilty of murdering an emergency  
21 medical technician - ambulance, emergency medical  
22 technician - intermediate, emergency medical  
23 technician - paramedic, ambulance driver or other  
24 medical assistance or first aid person while  
25 employed by a municipality or other governmental  
26 unit when the person was killed in the course of

1 performing official duties or to prevent the  
2 person from performing official duties or in  
3 retaliation for performing official duties and the  
4 defendant knew or should have known that the  
5 murdered individual was an emergency medical  
6 technician - ambulance, emergency medical  
7 technician - intermediate, emergency medical  
8 technician - paramedic, ambulance driver, or other  
9 medical assistant or first aid personnel, or

10 (vi) is a person who, at the time of the  
11 commission of the murder, had not attained the age  
12 of 17, and is found guilty of murdering a person  
13 under 12 years of age and the murder is committed  
14 during the course of aggravated criminal sexual  
15 assault, criminal sexual assault, or aggravated  
16 kidnaping, or

17 (vii) is found guilty of first degree murder  
18 and the murder was committed by reason of any  
19 person's activity as a community policing  
20 volunteer or to prevent any person from engaging in  
21 activity as a community policing volunteer. For  
22 the purpose of this Section, "community policing  
23 volunteer" has the meaning ascribed to it in  
24 Section 2-3.5 of the Criminal Code of 1961.

25 For purposes of clause (v), "emergency medical  
26 technician - ambulance", "emergency medical technician

1 - intermediate", "emergency medical technician -  
2 paramedic", have the meanings ascribed to them in the  
3 Emergency Medical Services (EMS) Systems Act.

4 (d) (i) if the person committed the offense while  
5 armed with a firearm, 15 years shall be added to  
6 the term of imprisonment imposed by the court;

7 (ii) if, during the commission of the offense,  
8 the person personally discharged a firearm, 20  
9 years shall be added to the term of imprisonment  
10 imposed by the court;

11 (iii) if, during the commission of the  
12 offense, the person personally discharged a  
13 firearm that proximately caused great bodily harm,  
14 permanent disability, permanent disfigurement, or  
15 death to another person, 25 years or up to a term  
16 of natural life shall be added to the term of  
17 imprisonment imposed by the court.

18 (2) (blank);

19 (2.5) for a person convicted under the circumstances  
20 described in subdivision (b)(1)(B) of Section 11-1.20 or  
21 paragraph (3) of subsection (b) of Section 12-13,  
22 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of  
23 subsection (d) of Section 12-14, subdivision (b)(1.2) of  
24 Section 11-1.40 or paragraph (1.2) of subsection (b) of  
25 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or  
26 paragraph (2) of subsection (b) of Section 12-14.1 of the

1 Criminal Code of 1961, the sentence shall be a term of  
2 natural life imprisonment.

3 (b) (Blank).

4 (c) (Blank).

5 (d) Subject to earlier termination under Section 3-3-8, the  
6 parole or mandatory supervised release term shall be as  
7 follows:

8 (1) for first degree murder or a Class X felony except  
9 for the offenses of predatory criminal sexual assault of a  
10 child, aggravated criminal sexual assault, and criminal  
11 sexual assault if committed on or after the effective date  
12 of this amendatory Act of the 94th General Assembly and  
13 except for the offense of aggravated child pornography  
14 under Section 11-20.1B or 11-20.3 of the Criminal Code of  
15 1961, if committed on or after January 1, 2009, 3 years;

16 (2) for a Class 1 felony or a Class 2 felony except for  
17 the offense of criminal sexual assault if committed on or  
18 after the effective date of this amendatory Act of the 94th  
19 General Assembly and except for the offenses of manufacture  
20 and dissemination of child pornography under clauses  
21 (a)(1) and (a)(2) of Section 11-20.1 of the Criminal Code  
22 of 1961, if committed on or after January 1, 2009, 2 years;

23 (3) for a Class 3 felony or a Class 4 felony, 1 year;

24 (4) for defendants who commit the offense of predatory  
25 criminal sexual assault of a child, aggravated criminal  
26 sexual assault, or criminal sexual assault, on or after the



1 effective date of this amendatory Act of the 94th General  
2 Assembly, or who commit the offense of aggravated child  
3 pornography, manufacture of child pornography, or  
4 dissemination of child pornography after January 1, 2009,  
5 the term of mandatory supervised release shall range from a  
6 minimum of 3 years to a maximum of the natural life of the  
7 defendant;

8 (5) if the victim is under 18 years of age, for a  
9 second or subsequent offense of aggravated criminal sexual  
10 abuse or felony criminal sexual abuse, 4 years, at least  
11 the first 2 years of which the defendant shall serve in an  
12 electronic home detention program under Article 8A of  
13 Chapter V of this Code;

14 (6) for a felony domestic battery, aggravated domestic  
15 battery, stalking, aggravated stalking, and a felony  
16 violation of an order of protection, 4 years.

17 (e) (Blank).

18 (f) (Blank).

19 (Source: P.A. 95-983, eff. 6-1-09; 95-1052, eff. 7-1-09;  
20 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1200, eff.  
21 7-22-10; 96-1475, eff. 1-1-11; revised 9-16-10.)

22 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

23 Sec. 5-8-4. Concurrent and consecutive terms of  
24 imprisonment.

25 (a) Concurrent terms; multiple or additional sentences.

1 When an Illinois court (i) imposes multiple sentences of  
2 imprisonment on a defendant at the same time or (ii) imposes a  
3 sentence of imprisonment on a defendant who is already subject  
4 to a sentence of imprisonment imposed by an Illinois court, a  
5 court of another state, or a federal court, then the sentences  
6 shall run concurrently unless otherwise determined by the  
7 Illinois court under this Section.

8 (b) Concurrent terms; misdemeanor and felony. A defendant  
9 serving a sentence for a misdemeanor who is convicted of a  
10 felony and sentenced to imprisonment shall be transferred to  
11 the Department of Corrections, and the misdemeanor sentence  
12 shall be merged in and run concurrently with the felony  
13 sentence.

14 (c) Consecutive terms; permissive. The court may impose  
15 consecutive sentences in any of the following circumstances:

16 (1) If, having regard to the nature and circumstances  
17 of the offense and the history and character of the  
18 defendant, it is the opinion of the court that consecutive  
19 sentences are required to protect the public from further  
20 criminal conduct by the defendant, the basis for which the  
21 court shall set forth in the record.

22 (2) If one of the offenses for which a defendant was  
23 convicted was a violation of Section 32-5.2 (aggravated  
24 false personation of a peace officer) of the Criminal Code  
25 of 1961 (720 ILCS 5/32-5.2) and the offense was committed  
26 in attempting or committing a forcible felony.

1 (d) Consecutive terms; mandatory. The court shall impose  
2 consecutive sentences in each of the following circumstances:

3 (1) One of the offenses for which the defendant was  
4 convicted was first degree murder or a Class X or Class 1  
5 felony and the defendant inflicted severe bodily injury.

6 (2) The defendant was convicted of a violation of  
7 Section 11-1.20 or 12-13 (criminal sexual assault),  
8 11-1.30 or 12-14 (aggravated criminal sexual assault), or  
9 11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
10 child) of the Criminal Code of 1961 (720 ILCS 5/11-1.20,  
11 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or 5/12-14.1).

12 (3) The defendant was convicted of armed violence based  
13 upon the predicate offense of any of the following:  
14 solicitation of murder, solicitation of murder for hire,  
15 heinous battery, aggravated battery of a senior citizen,  
16 criminal sexual assault, a violation of subsection (g) of  
17 Section 5 of the Cannabis Control Act (720 ILCS 550/5),  
18 cannabis trafficking, a violation of subsection (a) of  
19 Section 401 of the Illinois Controlled Substances Act (720  
20 ILCS 570/401), controlled substance trafficking involving  
21 a Class X felony amount of controlled substance under  
22 Section 401 of the Illinois Controlled Substances Act (720  
23 ILCS 570/401), a violation of the Methamphetamine Control  
24 and Community Protection Act (720 ILCS 646/), calculated  
25 criminal drug conspiracy, or streetgang criminal drug  
26 conspiracy.

1           (4) The defendant was convicted of the offense of  
2 leaving the scene of a motor vehicle accident involving  
3 death or personal injuries under Section 11-401 of the  
4 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)  
5 aggravated driving under the influence of alcohol, other  
6 drug or drugs, or intoxicating compound or compounds, or  
7 any combination thereof under Section 11-501 of the  
8 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
9 homicide under Section 9-3 of the Criminal Code of 1961  
10 (720 ILCS 5/9-3), or (C) both an offense described in item  
11 (A) and an offense described in item (B).

12           (5) The defendant was convicted of a violation of  
13 Section 9-3.1 (concealment of homicidal death) or Section  
14 12-20.5 (dismembering a human body) of the Criminal Code of  
15 1961 (720 ILCS 5/9-3.1 or 5/12-20.5).

16           (5.5) The defendant was convicted of a violation of  
17 Section 24-3.7 (use of a stolen firearm in the commission  
18 of an offense) of the Criminal Code of 1961.

19           (6) If the defendant was in the custody of the  
20 Department of Corrections at the time of the commission of  
21 the offense, the sentence shall be served consecutive to  
22 the sentence under which the defendant is held by the  
23 Department of Corrections. If, however, the defendant is  
24 sentenced to punishment by death, the sentence shall be  
25 executed at such time as the court may fix without regard  
26 to the sentence under which the defendant may be held by

1 the Department.

2 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)  
3 for escape or attempted escape shall be served consecutive  
4 to the terms under which the offender is held by the  
5 Department of Corrections.

6 (8) If a person charged with a felony commits a  
7 separate felony while on pretrial release or in pretrial  
8 detention in a county jail facility or county detention  
9 facility, then the sentences imposed upon conviction of  
10 these felonies shall be served consecutively regardless of  
11 the order in which the judgments of conviction are entered.

12 (8.5) If a person commits a battery against a county  
13 correctional officer or sheriff's employee while serving a  
14 sentence or in pretrial detention in a county jail  
15 facility, then the sentence imposed upon conviction of the  
16 battery shall be served consecutively with the sentence  
17 imposed upon conviction of the earlier misdemeanor or  
18 felony, regardless of the order in which the judgments of  
19 conviction are entered.

20 (9) If a person admitted to bail following conviction  
21 of a felony commits a separate felony while free on bond or  
22 if a person detained in a county jail facility or county  
23 detention facility following conviction of a felony  
24 commits a separate felony while in detention, then any  
25 sentence following conviction of the separate felony shall  
26 be consecutive to that of the original sentence for which

1 the defendant was on bond or detained.

2 (10) If a person is found to be in possession of an  
3 item of contraband, as defined in clause (c)(2) of Section  
4 31A-1.1 of the Criminal Code of 1961, while serving a  
5 sentence in a county jail or while in pre-trial detention  
6 in a county jail, the sentence imposed upon conviction for  
7 the offense of possessing contraband in a penal institution  
8 shall be served consecutively to the sentence imposed for  
9 the offense in which the person is serving sentence in the  
10 county jail or serving pretrial detention, regardless of  
11 the order in which the judgments of conviction are entered.

12 (11) If a person is sentenced for a violation of bail  
13 bond under Section 32-10 of the Criminal Code of 1961, any  
14 sentence imposed for that violation shall be served  
15 consecutive to the sentence imposed for the charge for  
16 which bail had been granted and with respect to which the  
17 defendant has been convicted.

18 (e) Consecutive terms; subsequent non-Illinois term. If an  
19 Illinois court has imposed a sentence of imprisonment on a  
20 defendant and the defendant is subsequently sentenced to a term  
21 of imprisonment by a court of another state or a federal court,  
22 then the Illinois sentence shall run consecutively to the  
23 sentence imposed by the court of the other state or the federal  
24 court. That same Illinois court, however, may order that the  
25 Illinois sentence run concurrently with the sentence imposed by  
26 the court of the other state or the federal court, but only if

1 the defendant applies to that same Illinois court within 30  
2 days after the sentence imposed by the court of the other state  
3 or the federal court is finalized.

4 (f) Consecutive terms; aggregate maximums and minimums.  
5 The aggregate maximum and aggregate minimum of consecutive  
6 sentences shall be determined as follows:

7 (1) For sentences imposed under law in effect prior to  
8 February 1, 1978, the aggregate maximum of consecutive  
9 sentences shall not exceed the maximum term authorized  
10 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
11 Chapter V for the 2 most serious felonies involved. The  
12 aggregate minimum period of consecutive sentences shall  
13 not exceed the highest minimum term authorized under  
14 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
15 V for the 2 most serious felonies involved. When sentenced  
16 only for misdemeanors, a defendant shall not be  
17 consecutively sentenced to more than the maximum for one  
18 Class A misdemeanor.

19 (2) For sentences imposed under the law in effect on or  
20 after February 1, 1978, the aggregate of consecutive  
21 sentences for offenses that were committed as part of a  
22 single course of conduct during which there was no  
23 substantial change in the nature of the criminal objective  
24 shall not exceed the sum of the maximum terms authorized  
25 under Article 4.5 of Chapter V for the 2 most serious  
26 felonies involved, but no such limitation shall apply for

1 offenses that were not committed as part of a single course  
2 of conduct during which there was no substantial change in  
3 the nature of the criminal objective. When sentenced only  
4 for misdemeanors, a defendant shall not be consecutively  
5 sentenced to more than the maximum for one Class A  
6 misdemeanor.

7 (g) Consecutive terms; manner served. In determining the  
8 manner in which consecutive sentences of imprisonment, one or  
9 more of which is for a felony, will be served, the Department  
10 of Corrections shall treat the defendant as though he or she  
11 had been committed for a single term subject to each of the  
12 following:

13 (1) The maximum period of a term of imprisonment shall  
14 consist of the aggregate of the maximums of the imposed  
15 indeterminate terms, if any, plus the aggregate of the  
16 imposed determinate sentences for felonies, plus the  
17 aggregate of the imposed determinate sentences for  
18 misdemeanors, subject to subsection (f) of this Section.

19 (2) The parole or mandatory supervised release term  
20 shall be as provided in paragraph (e) of Section 5-4.5-50  
21 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
22 involved.

23 (3) The minimum period of imprisonment shall be the  
24 aggregate of the minimum and determinate periods of  
25 imprisonment imposed by the court, subject to subsection  
26 (f) of this Section.



1           (4) The defendant shall be awarded credit against the  
2           aggregate maximum term and the aggregate minimum term of  
3           imprisonment for all time served in an institution since  
4           the commission of the offense or offenses and as a  
5           consequence thereof at the rate specified in Section 3-6-3  
6           (730 ILCS 5/3-6-3).

7           (Source: P.A. 95-379, eff. 8-23-07; 95-766, eff. 1-1-09;  
8           95-1052, eff. 7-1-09; 96-190, eff. 1-1-10; 96-1000, eff.  
9           7-2-10; 96-1200, eff. 7-22-10.)

10           (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

11           Sec. 5-9-1.7. Sexual assault fines.

12           (a) Definitions. The terms used in this Section shall have  
13           the following meanings ascribed to them:

14           (1) "Sexual assault" means the commission or attempted  
15           commission of the following: sexual exploitation of a  
16           child, criminal sexual assault, predatory criminal sexual  
17           assault of a child, aggravated criminal sexual assault,  
18           criminal sexual abuse, aggravated criminal sexual abuse,  
19           indecent solicitation of a child, public indecency, sexual  
20           relations within families, promoting juvenile  
21           prostitution, soliciting for a juvenile prostitute,  
22           keeping a place of juvenile prostitution, patronizing a  
23           juvenile prostitute, juvenile pimping, exploitation of a  
24           child, obscenity, child pornography, aggravated child  
25           pornography, harmful material, or ritualized abuse of a

1 child, as those offenses are defined in the Criminal Code  
2 of 1961.

3 (2) "Family member" shall have the meaning ascribed to  
4 it in Section 12-12 of the Criminal Code of 1961.

5 (3) "Sexual assault organization" means any  
6 not-for-profit organization providing comprehensive,  
7 community-based services to victims of sexual assault.  
8 "Community-based services" include, but are not limited  
9 to, direct crisis intervention through a 24-hour response,  
10 medical and legal advocacy, counseling, information and  
11 referral services, training, and community education.

12 (b) Sexual assault fine; collection by clerk.

13 (1) In addition to any other penalty imposed, a fine of  
14 \$200 shall be imposed upon any person who pleads guilty or  
15 who is convicted of, or who receives a disposition of court  
16 supervision for, a sexual assault or attempt of a sexual  
17 assault. Upon request of the victim or the victim's  
18 representative, the court shall determine whether the fine  
19 will impose an undue burden on the victim of the offense.  
20 For purposes of this paragraph, the defendant may not be  
21 considered the victim's representative. If the court finds  
22 that the fine would impose an undue burden on the victim,  
23 the court may reduce or waive the fine. The court shall  
24 order that the defendant may not use funds belonging solely  
25 to the victim of the offense for payment of the fine.

26 (2) Sexual assault fines shall be assessed by the court

1 imposing the sentence and shall be collected by the circuit  
2 clerk. The circuit clerk shall retain 10% of the penalty to  
3 cover the costs involved in administering and enforcing  
4 this Section. The circuit clerk shall remit the remainder  
5 of each fine within one month of its receipt to the State  
6 Treasurer for deposit as follows:

7 (i) for family member offenders, one-half to the  
8 Sexual Assault Services Fund, and one-half to the  
9 Domestic Violence Shelter and Service Fund; and

10 (ii) for other than family member offenders, the  
11 full amount to the Sexual Assault Services Fund.

12 (c) Sexual Assault Services Fund; administration. There is  
13 created a Sexual Assault Services Fund. Moneys deposited into  
14 the Fund under this Section shall be appropriated to the  
15 Department of Public Health. Upon appropriation of moneys from  
16 the Sexual Assault Services Fund, the Department of Public  
17 Health shall make grants of these moneys from the Fund to  
18 sexual assault organizations with whom the Department has  
19 contracts for the purpose of providing community-based  
20 services to victims of sexual assault. Grants made under this  
21 Section are in addition to, and are not substitutes for, other  
22 grants authorized and made by the Department.

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

24 Section 1070. The County Jail Good Behavior Allowance Act  
25 is amended by changing Section 3 as follows:

1 (730 ILCS 130/3) (from Ch. 75, par. 32)

2 Sec. 3. The good behavior of any person who commences a  
3 sentence of confinement in a county jail for a fixed term of  
4 imprisonment after January 1, 1987 shall entitle such person to  
5 a good behavior allowance, except that: (1) a person who  
6 inflicted physical harm upon another person in committing the  
7 offense for which he is confined shall receive no good behavior  
8 allowance; and (2) a person sentenced for an offense for which  
9 the law provides a mandatory minimum sentence shall not receive  
10 any portion of a good behavior allowance that would reduce the  
11 sentence below the mandatory minimum; and (3) a person  
12 sentenced to a county impact incarceration program; and (4) a  
13 person who is convicted of criminal sexual assault under  
14 subdivision (a)(3) of Section 11-1.20 or paragraph (a)(3) of  
15 Section 12-13 of the Criminal Code of 1961, criminal sexual  
16 abuse, or aggravated criminal sexual abuse shall receive no  
17 good behavior allowance. The good behavior allowance provided  
18 for in this Section shall not apply to individuals sentenced  
19 for a felony to probation or conditional discharge where a  
20 condition of such probation or conditional discharge is that  
21 the individual serve a sentence of periodic imprisonment or to  
22 individuals sentenced under an order of court for civil  
23 contempt.

24 Such good behavior allowance shall be cumulative and  
25 awarded as provided in this Section.

1           The good behavior allowance rate shall be cumulative and  
2 awarded on the following basis:

3           The prisoner shall receive one day of good behavior  
4 allowance for each day of service of sentence in the county  
5 jail, and one day of good behavior allowance for each day of  
6 incarceration in the county jail before sentencing for the  
7 offense that he or she is currently serving sentence but was  
8 unable to post bail before sentencing, except that a prisoner  
9 serving a sentence of periodic imprisonment under Section 5-7-1  
10 of the Unified Code of Corrections shall only be eligible to  
11 receive good behavior allowance if authorized by the sentencing  
12 judge. Each day of good behavior allowance shall reduce by one  
13 day the prisoner's period of incarceration set by the court.  
14 For the purpose of calculating a prisoner's good behavior  
15 allowance, a fractional part of a day shall not be calculated  
16 as a day of service of sentence in the county jail unless the  
17 fractional part of the day is over 12 hours in which case a  
18 whole day shall be credited on the good behavior allowance.

19           If consecutive sentences are served and the time served  
20 amounts to a total of one year or more, the good behavior  
21 allowance shall be calculated on a continuous basis throughout  
22 the entire time served beginning on the first date of sentence  
23 or incarceration, as the case may be.

24           (Source: P.A. 91-117, eff. 7-15-99.)

25           Section 1075. The Sex Offender Registration Act is amended

1 by changing Sections 2 and 3 as follows:

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

3 Sec. 2. Definitions.

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

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

11 (a) is convicted of such offense or an attempt to  
12 commit such offense; or

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

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

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

24 (e) is found not guilty by reason of insanity  
25 following a hearing conducted pursuant to a federal,

1 Uniform Code of Military Justice, sister state, or  
2 foreign country law substantially similar to Section  
3 104-25(c) of the Code of Criminal Procedure of 1963 of  
4 such offense or of the attempted commission of such  
5 offense; or

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

13 (2) certified as a sexually dangerous person pursuant  
14 to the Illinois Sexually Dangerous Persons Act, or any  
15 substantially similar federal, Uniform Code of Military  
16 Justice, sister state, or foreign country law; or

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

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

24 (5) adjudicated a juvenile delinquent as the result of  
25 committing or attempting to commit an act which, if  
26 committed by an adult, would constitute any of the offenses

1 specified in item (B), (C), or (C-5) of this Section or a  
2 violation of any substantially similar federal, Uniform  
3 Code of Military Justice, sister state, or foreign country  
4 law, or found guilty under Article V of the Juvenile Court  
5 Act of 1987 of committing or attempting to commit an act  
6 which, if committed by an adult, would constitute any of  
7 the offenses specified in item (B), (C), or (C-5) of this  
8 Section or a violation of any substantially similar  
9 federal, Uniform Code of Military Justice, sister state, or  
10 foreign country law.

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

16 For purposes of this Section, "convicted" shall have the  
17 same meaning as "adjudicated".

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

19 (1) A violation of any of the following Sections of the  
20 Criminal Code of 1961:

21 11-20.1 (child pornography),

22 11-20.1B or 11-20.3 (aggravated child  
23 pornography),

24 11-6 (indecent solicitation of a child),

25 11-9.1 (sexual exploitation of a child),

26 11-9.2 (custodial sexual misconduct),



1           11-9.5 (sexual misconduct with a person with a  
2           disability),  
3           11-14.4 (promoting juvenile prostitution),  
4           11-15.1 (soliciting for a juvenile prostitute),  
5           11-18.1 (patronizing a juvenile prostitute),  
6           11-17.1 (keeping a place of juvenile  
7           prostitution),  
8           11-19.1 (juvenile pimping),  
9           11-19.2 (exploitation of a child),  
10          11-25 (grooming),  
11          11-26 (traveling to meet a minor),  
12          11-1.20 or 12-13 (criminal sexual assault),  
13          11-1.30 or 12-14 (aggravated criminal sexual  
14          assault),  
15          11-1.40 or 12-14.1 (predatory criminal sexual  
16          assault of a child),  
17          11-1.50 or 12-15 (criminal sexual abuse),  
18          11-1.60 or 12-16 (aggravated criminal sexual  
19          abuse),  
20          12-33 (ritualized abuse of a child).

21           An attempt to commit any of these offenses.

22           (1.5) A violation of any of the following Sections of  
23           the Criminal Code of 1961, when the victim is a person  
24           under 18 years of age, the defendant is not a parent of the  
25           victim, the offense was sexually motivated as defined in  
26           Section 10 of the Sex Offender Management Board Act, and

1 the offense was committed on or after January 1, 1996:

2 10-1 (kidnapping),

3 10-2 (aggravated kidnapping),

4 10-3 (unlawful restraint),

5 10-3.1 (aggravated unlawful restraint).

6 (1.6) First degree murder under Section 9-1 of the  
7 Criminal Code of 1961, when the victim was a person under  
8 18 years of age and the defendant was at least 17 years of  
9 age at the time of the commission of the offense, provided  
10 the offense was sexually motivated as defined in Section 10  
11 of the Sex Offender Management Board Act.

12 (1.7) (Blank).

13 (1.8) A violation or attempted violation of Section  
14 11-11 (sexual relations within families) of the Criminal  
15 Code of 1961, and the offense was committed on or after  
16 June 1, 1997.

17 (1.9) Child abduction under paragraph (10) of  
18 subsection (b) of Section 10-5 of the Criminal Code of 1961  
19 committed by luring or attempting to lure a child under the  
20 age of 16 into a motor vehicle, building, house trailer, or  
21 dwelling place without the consent of the parent or lawful  
22 custodian of the child for other than a lawful purpose and  
23 the offense was committed on or after January 1, 1998,  
24 provided the offense was sexually motivated as defined in  
25 Section 10 of the Sex Offender Management Board Act.

26 (1.10) A violation or attempted violation of any of the

1 following Sections of the Criminal Code of 1961 when the  
2 offense was committed on or after July 1, 1999:

3 10-4 (forcible detention, if the victim is under 18  
4 years of age), provided the offense was sexually  
5 motivated as defined in Section 10 of the Sex Offender  
6 Management Board Act,

7 11-6.5 (indecent solicitation of an adult),

8 11-14.3 that involves soliciting for a prostitute,  
9 or 11-15 (soliciting for a prostitute, if the victim is  
10 under 18 years of age),

11 subdivision (a)(2)(A) or (a)(2)(B) of Section  
12 11-14.3, or Section 11-16 (pandering, if the victim is  
13 under 18 years of age),

14 11-18 (patronizing a prostitute, if the victim is  
15 under 18 years of age),

16 subdivision (a)(2)(C) of Section 11-14.3, or  
17 Section 11-19 (pimping, if the victim is under 18 years  
18 of age).

19 (1.11) A violation or attempted violation of any of the  
20 following Sections of the Criminal Code of 1961 when the  
21 offense was committed on or after August 22, 2002:

22 11-9 or 11-30 (public indecency for a third or  
23 subsequent conviction).

24 (1.12) A violation or attempted violation of Section  
25 5.1 of the Wrongs to Children Act or Section 11-9.1A of the  
26 Criminal Code of 1961 (permitting sexual abuse) when the

1 offense was committed on or after August 22, 2002.

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

5 (C) A conviction for an offense of federal law, Uniform  
6 Code of Military Justice, or the law of another state or a  
7 foreign country that is substantially equivalent to any offense  
8 listed in subsections (B), (C), (E), and (E-5) of this Section  
9 shall constitute a conviction for the purpose of this Article.  
10 A finding or adjudication as a sexually dangerous person or a  
11 sexually violent person under any federal law, Uniform Code of  
12 Military Justice, or the law of another state or foreign  
13 country that is substantially equivalent to the Sexually  
14 Dangerous Persons Act or the Sexually Violent Persons  
15 Commitment Act shall constitute an adjudication for the  
16 purposes of this Article.

17 (C-5) A person at least 17 years of age at the time of the  
18 commission of the offense who is convicted of first degree  
19 murder under Section 9-1 of the Criminal Code of 1961, against  
20 a person under 18 years of age, shall be required to register  
21 for natural life. A conviction for an offense of federal,  
22 Uniform Code of Military Justice, sister state, or foreign  
23 country law that is substantially equivalent to any offense  
24 listed in subsection (C-5) of this Section shall constitute a  
25 conviction for the purpose of this Article. This subsection  
26 (C-5) applies to a person who committed the offense before June

1 1, 1996 only if the person is incarcerated in an Illinois  
2 Department of Corrections facility on August 20, 2004 (the  
3 effective date of Public Act 93-977).

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

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

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

21 (1) Convicted for an offense of federal, Uniform Code  
22 of Military Justice, sister state, or foreign country law  
23 that is substantially equivalent to any offense listed in  
24 subsection (E) or (E-5) of this Section shall constitute a  
25 conviction for the purpose of this Article. Convicted of a  
26 violation or attempted violation of any of the following

1 Sections of the Criminal Code of 1961, if the conviction  
2 occurred after July 1, 1999:

3 11-14.4 that involves keeping a place of juvenile  
4 prostitution, or 11-17.1 (keeping a place of juvenile  
5 prostitution),

6 subdivision (a)(2) or (a)(3) of Section 11-14.4,  
7 or Section 11-19.1 (juvenile pimping),

8 subdivision (a)(4) of Section 11-14.4, or Section  
9 11-19.2 (exploitation of a child),

10 11-20.1 (child pornography),

11 11-20.1B or 11-20.3 (aggravated child  
12 pornography),

13 11-1.20 or 12-13 (criminal sexual assault),

14 11-1.30 or 12-14 (aggravated criminal sexual  
15 assault),

16 11-1.40 or 12-14.1 (predatory criminal sexual  
17 assault of a child),

18 11-1.60 or 12-16 (aggravated criminal sexual  
19 abuse),

20 12-33 (ritualized abuse of a child);

21 (2) (blank);

22 (3) certified as a sexually dangerous person pursuant  
23 to the Sexually Dangerous Persons Act or any substantially  
24 similar federal, Uniform Code of Military Justice, sister  
25 state, or foreign country law;

26 (4) found to be a sexually violent person pursuant to

1 the Sexually Violent Persons Commitment Act or any  
2 substantially similar federal, Uniform Code of Military  
3 Justice, sister state, or foreign country law;

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

11 (6) convicted of a second or subsequent offense of  
12 luring a minor under Section 10-5.1 of the Criminal Code of  
13 1961.

14 (E-5) As used in this Article, "sexual predator" also means  
15 a person convicted of a violation or attempted violation of any  
16 of the following Sections of the Criminal Code of 1961:

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

23 (2) Section 11-9.5 (sexual misconduct with a person  
24 with a disability);

25 (3) when the victim is a person under 18 years of age,  
26 the defendant is not a parent of the victim, the offense

1 was sexually motivated as defined in Section 10 of the Sex  
2 Offender Management Board Act, and the offense was  
3 committed on or after January 1, 1996: (A) Section 10-1  
4 (kidnapping), (B) Section 10-2 (aggravated kidnapping),  
5 (C) Section 10-3 (unlawful restraint), and (D) Section  
6 10-3.1 (aggravated unlawful restraint); and

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

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

22 (G) As used in this Article, "out-of-state employee" means  
23 any sex offender, as defined in this Section, or sexual  
24 predator who works in Illinois, regardless of whether the  
25 individual receives payment for services performed, for a  
26 period of time of 10 or more days or for an aggregate period of



1 time of 30 or more days during any calendar year. Persons who  
2 operate motor vehicles in the State accrue one day of  
3 employment time for any portion of a day spent in Illinois.

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

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

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

15 (Source: P.A. 95-331, eff. 8-21-07; 95-579, eff. 6-1-08;  
16 95-625, eff. 6-1-08; 95-658, eff. 10-11-07; 95-876, eff.  
17 8-21-08; 96-301, eff. 8-11-09; 96-1089, eff. 1-1-11.)

18 (730 ILCS 150/3)

19 Sec. 3. Duty to register.

20 (a) A sex offender, as defined in Section 2 of this Act, or  
21 sexual predator shall, within the time period prescribed in  
22 subsections (b) and (c), register in person and provide  
23 accurate information as required by the Department of State  
24 Police. Such information shall include a current photograph,  
25 current address, current place of employment, the sex

1 offender's or sexual predator's telephone number, including  
2 cellular telephone number, the employer's telephone number,  
3 school attended, all e-mail addresses, instant messaging  
4 identities, chat room identities, and other Internet  
5 communications identities that the sex offender uses or plans  
6 to use, all Uniform Resource Locators (URLs) registered or used  
7 by the sex offender, all blogs and other Internet sites  
8 maintained by the sex offender or to which the sex offender has  
9 uploaded any content or posted any messages or information,  
10 extensions of the time period for registering as provided in  
11 this Article and, if an extension was granted, the reason why  
12 the extension was granted and the date the sex offender was  
13 notified of the extension. The information shall also include a  
14 copy of the terms and conditions of parole or release signed by  
15 the sex offender and given to the sex offender by his or her  
16 supervising officer, the county of conviction, license plate  
17 numbers for every vehicle registered in the name of the sex  
18 offender, the age of the sex offender at the time of the  
19 commission of the offense, the age of the victim at the time of  
20 the commission of the offense, and any distinguishing marks  
21 located on the body of the sex offender. A sex offender  
22 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or  
23 11-21 of the Criminal Code of 1961 shall provide all Internet  
24 protocol (IP) addresses in his or her residence, registered in  
25 his or her name, accessible at his or her place of employment,  
26 or otherwise under his or her control or custody. If the sex

1 offender is a child sex offender as defined in Section 11-9.3  
2 or 11-9.4 of the Criminal Code of 1961, the sex offender shall  
3 report to the registering agency whether he or she is living in  
4 a household with a child under 18 years of age who is not his or  
5 her own child, provided that his or her own child is not the  
6 victim of the sex offense. The sex offender or sexual predator  
7 shall register:

8 (1) with the chief of police in the municipality in  
9 which he or she resides or is temporarily domiciled for a  
10 period of time of 3 or more days, unless the municipality  
11 is the City of Chicago, in which case he or she shall  
12 register at the Chicago Police Department Headquarters; or

13 (2) with the sheriff in the county in which he or she  
14 resides or is temporarily domiciled for a period of time of  
15 3 or more days in an unincorporated area or, if  
16 incorporated, no police chief exists.

17 If the sex offender or sexual predator is employed at or  
18 attends an institution of higher education, he or she shall  
19 register:

20 (i) with the chief of police in the municipality in  
21 which he or she is employed at or attends an institution of  
22 higher education, unless the municipality is the City of  
23 Chicago, in which case he or she shall register at the  
24 Chicago Police Department Headquarters; or

25 (ii) with the sheriff in the county in which he or she  
26 is employed or attends an institution of higher education

1 located in an unincorporated area, or if incorporated, no  
2 police chief exists.

3 For purposes of this Article, the place of residence or  
4 temporary domicile is defined as any and all places where the  
5 sex offender resides for an aggregate period of time of 3 or  
6 more days during any calendar year. Any person required to  
7 register under this Article who lacks a fixed address or  
8 temporary domicile must notify, in person, the agency of  
9 jurisdiction of his or her last known address within 3 days  
10 after ceasing to have a fixed residence.

11 A sex offender or sexual predator who is temporarily absent  
12 from his or her current address of registration for 3 or more  
13 days shall notify the law enforcement agency having  
14 jurisdiction of his or her current registration, including the  
15 itinerary for travel, in the manner provided in Section 6 of  
16 this Act for notification to the law enforcement agency having  
17 jurisdiction of change of address.

18 Any person who lacks a fixed residence must report weekly,  
19 in person, with the sheriff's office of the county in which he  
20 or she is located in an unincorporated area, or with the chief  
21 of police in the municipality in which he or she is located.  
22 The agency of jurisdiction will document each weekly  
23 registration to include all the locations where the person has  
24 stayed during the past 7 days.

25 The sex offender or sexual predator shall provide accurate  
26 information as required by the Department of State Police. That

1 information shall include the sex offender's or sexual  
2 predator's current place of employment.

3 (a-5) An out-of-state student or out-of-state employee  
4 shall, within 3 days after beginning school or employment in  
5 this State, register in person and provide accurate information  
6 as required by the Department of State Police. Such information  
7 will include current place of employment, school attended, and  
8 address in state of residence. A sex offender convicted under  
9 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the  
10 Criminal Code of 1961 shall provide all Internet protocol (IP)  
11 addresses in his or her residence, registered in his or her  
12 name, accessible at his or her place of employment, or  
13 otherwise under his or her control or custody. The out-of-state  
14 student or out-of-state employee shall register:

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

22 (2) with the sheriff in the county in which he or she  
23 attends school or is employed for a period of time of 5 or  
24 more days or for an aggregate period of time of more than  
25 30 days during any calendar year in an unincorporated area  
26 or, if incorporated, no police chief exists.

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

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

13           (b) Any sex offender, as defined in Section 2 of this Act,  
14 or sexual predator, regardless of any initial, prior, or other  
15 registration, shall, within 3 days of beginning school, or  
16 establishing a residence, place of employment, or temporary  
17 domicile in any county, register in person as set forth in  
18 subsection (a) or (a-5).

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

21           (1) Any person registered under the Habitual Child Sex  
22 Offender Registration Act or the Child Sex Offender  
23 Registration Act prior to January 1, 1996, shall be deemed  
24 initially registered as of January 1, 1996; however, this  
25 shall not be construed to extend the duration of  
26 registration set forth in Section 7.

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

5           (2.5) Except as provided in subsection (c)(4), any  
6 person who has not been notified of his or her  
7 responsibility to register shall be notified by a criminal  
8 justice entity of his or her responsibility to register.  
9 Upon notification the person must then register within 3  
10 days of notification of his or her requirement to register.  
11 If notification is not made within the offender's 10 year  
12 registration requirement, and the Department of State  
13 Police determines no evidence exists or indicates the  
14 offender attempted to avoid registration, the offender  
15 will no longer be required to register under this Act.

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

20           (4) Any person unable to comply with the registration  
21 requirements of this Article because he or she is confined,  
22 institutionalized, or imprisoned in Illinois on or after  
23 January 1, 1996, shall register in person within 3 days of  
24 discharge, parole or release.

25           (5) The person shall provide positive identification  
26 and documentation that substantiates proof of residence at

1 the registering address.

2 (6) The person shall pay a \$100 initial registration  
3 fee and a \$100 annual renewal fee. The fees shall be used  
4 by the registering agency for official purposes. The agency  
5 shall establish procedures to document receipt and use of  
6 the funds. The law enforcement agency having jurisdiction  
7 may waive the registration fee if it determines that the  
8 person is indigent and unable to pay the registration fee.  
9 Thirty dollars for the initial registration fee and \$30 of  
10 the annual renewal fee shall be used by the registering  
11 agency for official purposes. Ten dollars of the initial  
12 registration fee and \$10 of the annual fee shall be  
13 deposited into the Sex Offender Management Board Fund under  
14 Section 19 of the Sex Offender Management Board Act. Money  
15 deposited into the Sex Offender Management Board Fund shall  
16 be administered by the Sex Offender Management Board and  
17 shall be used to fund practices endorsed or required by the  
18 Sex Offender Management Board Act including but not limited  
19 to sex offenders evaluation, treatment, or monitoring  
20 programs that are or may be developed, as well as for  
21 administrative costs, including staff, incurred by the  
22 Board. Thirty dollars of the initial registration fee and  
23 \$30 of the annual renewal fee shall be deposited into the  
24 Sex Offender Registration Fund and shall be used by the  
25 Department of State Police to maintain and update the  
26 Illinois State Police Sex Offender Registry. Thirty



1           dollars of the initial registration fee and \$30 of the  
2           annual renewal fee shall be deposited into the Attorney  
3           General Sex Offender Awareness, Training, and Education  
4           Fund. Moneys deposited into the Fund shall be used by the  
5           Attorney General to administer the I-SORT program and to  
6           alert and educate the public, victims, and witnesses of  
7           their rights under various victim notification laws and for  
8           training law enforcement agencies, State's Attorneys, and  
9           medical providers of their legal duties concerning the  
10          prosecution and investigation of sex offenses.

11          (d) Within 3 days after obtaining or changing employment  
12          and, if employed on January 1, 2000, within 5 days after that  
13          date, a person required to register under this Section must  
14          report, in person to the law enforcement agency having  
15          jurisdiction, the business name and address where he or she is  
16          employed. If the person has multiple businesses or work  
17          locations, every business and work location must be reported to  
18          the law enforcement agency having jurisdiction.

19          (Source: P.A. 95-229, eff. 8-16-07; 95-579, eff. 6-1-08;  
20          95-640, eff. 6-1-08; 95-658, eff. 10-11-07; 95-876, eff.  
21          8-21-08; 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11; 96-1097,  
22          eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff. 1-1-11;  
23          revised 9-2-10.)

24          Section 1080. The Secure Residential Youth Care Facility  
25          Licensing Act is amended by changing Section 45-30 as follows:

1 (730 ILCS 175/45-30)

2 Sec. 45-30. License or employment eligibility.

3 (a) No applicant may receive a license from the Department  
4 and no person may be employed by a licensed facility who  
5 refuses to authorize an investigation as required by Section  
6 45-25.

7 (b) No applicant may receive a license from the Department  
8 and no person may be employed by a secure residential youth  
9 care facility licensed by the Department who has been declared  
10 a sexually dangerous person under the Sexually Dangerous  
11 Persons Act or convicted of committing or attempting to commit  
12 any of the following offenses under the Criminal Code of 1961:

13 (1) First degree murder.

14 (2) A sex offense under Article 11, except offenses  
15 described in Sections 11-7, 11-8, 11-12, 11-13, ~~and 11-18,~~  
16 11-35, 11-40, and 11-45.

17 (3) Kidnapping.

18 (4) Aggravated kidnapping.

19 (5) Child abduction.

20 (6) Aggravated battery of a child.

21 (7) Criminal sexual assault.

22 (8) Aggravated criminal sexual assault.

23 (8.1) Predatory criminal sexual assault of a child.

24 (9) Criminal sexual abuse.

25 (10) Aggravated criminal sexual abuse.

1           (11) A federal offense or an offense in any other state  
2           the elements of which are similar to any of the foregoing  
3           offenses.

4           (Source: P.A. 88-680, eff. 1-1-95; 89-428, eff. 12-13-95;  
5           89-462, eff. 5-29-96.)

6           Section 1085. The Code of Civil Procedure is amended by  
7           changing Sections 8-802.1, 13-202.2, and 13-202.3 as follows:

8           (735 ILCS 5/8-802.1) (from Ch. 110, par. 8-802.1)

9           Sec. 8-802.1. Confidentiality of Statements Made to Rape  
10          Crisis Personnel.

11          (a) Purpose. This Section is intended to protect victims of  
12          rape from public disclosure of statements they make in  
13          confidence to counselors of organizations established to help  
14          them. On or after July 1, 1984, "rape" means an act of forced  
15          sexual penetration or sexual conduct, as defined in Section  
16          11-0.1 ~~12-12~~ of the Criminal Code of 1961, as amended,  
17          including acts prohibited under Sections 11-1.20 through  
18          11-1.60 or 12-13 through 12-16 of the Criminal Code of 1961, as  
19          amended. Because of the fear and stigma that often results from  
20          those crimes, many victims hesitate to seek help even where it  
21          is available at no cost to them. As a result they not only fail  
22          to receive needed medical care and emergency counseling, but  
23          may lack the psychological support necessary to report the  
24          crime and aid police in preventing future crimes.

1 (b) Definitions. As used in this Act:

2 (1) "Rape crisis organization" means any organization  
3 or association the major purpose of which is providing  
4 information, counseling, and psychological support to  
5 victims of any or all of the crimes of aggravated criminal  
6 sexual assault, predatory criminal sexual assault of a  
7 child, criminal sexual assault, sexual relations between  
8 siblings, criminal sexual abuse and aggravated criminal  
9 sexual abuse.

10 (2) "Rape crisis counselor" means a person who is a  
11 psychologist, social worker, employee, or volunteer in any  
12 organization or association defined as a rape crisis  
13 organization under this Section, who has undergone 40 hours  
14 of training and is under the control of a direct services  
15 supervisor of a rape crisis organization.

16 (3) "Victim" means a person who is the subject of, or  
17 who seeks information, counseling, or advocacy services as  
18 a result of an aggravated criminal sexual assault,  
19 predatory criminal sexual assault of a child, criminal  
20 sexual assault, sexual relations within families, criminal  
21 sexual abuse, aggravated criminal sexual abuse, sexual  
22 exploitation of a child, indecent solicitation of a child,  
23 public indecency, exploitation of a child, promoting  
24 juvenile prostitution as described in subdivision (a)(4)  
25 of Section 11-14.4, or an attempt to commit any of these  
26 offenses.

1           (4)       "Confidential       communication"       means       any  
2       communication between a victim and a rape crisis counselor  
3       in the course of providing information, counseling, and  
4       advocacy. The term includes all records kept by the  
5       counselor or by the organization in the course of providing  
6       services to an alleged victim concerning the alleged victim  
7       and the services provided.

8       (c) Waiver of privilege.

9           (1) The confidential nature of the communication is not  
10       waived by: the presence of a third person who further  
11       expresses the interests of the victim at the time of the  
12       communication; group counseling; or disclosure to a third  
13       person with the consent of the victim when reasonably  
14       necessary to accomplish the purpose for which the counselor  
15       is consulted.

16          (2) The confidential nature of counseling records is  
17       not waived when: the victim inspects the records; or in the  
18       case of a minor child less than 12 years of age, a parent  
19       or guardian whose interests are not adverse to the minor  
20       inspects the records; or in the case of a minor victim 12  
21       years or older, a parent or guardian whose interests are  
22       not adverse to the minor inspects the records with the  
23       victim's consent, or in the case of an adult who has a  
24       guardian of his or her person, the guardian inspects the  
25       records with the victim's consent.

26          (3) When a victim is deceased, the executor or

1 administrator of the victim's estate may waive the  
2 privilege established by this Section, unless the executor  
3 or administrator has an interest adverse to the victim.

4 (4) A minor victim 12 years of age or older may  
5 knowingly waive the privilege established in this Section.  
6 When a minor is, in the opinion of the Court, incapable of  
7 knowingly waiving the privilege, the parent or guardian of  
8 the minor may waive the privilege on behalf of the minor,  
9 unless the parent or guardian has been charged with a  
10 violent crime against the victim or otherwise has any  
11 interest adverse to that of the minor with respect to the  
12 waiver of the privilege.

13 (5) An adult victim who has a guardian of his or her  
14 person may knowingly waive the privilege established in  
15 this Section. When the victim is, in the opinion of the  
16 court, incapable of knowingly waiving the privilege, the  
17 guardian of the adult victim may waive the privilege on  
18 behalf of the victim, unless the guardian has been charged  
19 with a violent crime against the victim or otherwise has  
20 any interest adverse to the victim with respect to the  
21 privilege.

22 (d) Confidentiality. Except as provided in this Act, no  
23 rape crisis counselor shall disclose any confidential  
24 communication or be examined as a witness in any civil or  
25 criminal proceeding as to any confidential communication  
26 without the written consent of the victim or a representative

1 of the victim as provided in subparagraph (c).

2 (e) A rape crisis counselor may disclose a confidential  
3 communication without the consent of the victim if failure to  
4 disclose is likely to result in a clear, imminent risk of  
5 serious physical injury or death of the victim or another  
6 person. Any rape crisis counselor or rape crisis organization  
7 participating in good faith in the disclosing of records and  
8 communications under this Act shall have immunity from any  
9 liability, civil, criminal, or otherwise that might result from  
10 the action. In any proceeding, civil or criminal, arising out  
11 of a disclosure under this Section, the good faith of any rape  
12 crisis counselor or rape crisis organization who disclosed the  
13 confidential communication shall be presumed.

14 (f) Any rape crisis counselor who knowingly discloses any  
15 confidential communication in violation of this Act commits a  
16 Class C misdemeanor.

17 (Source: P.A. 96-1010, eff. 1-1-11.)

18 (735 ILCS 5/13-202.2) (from Ch. 110, par. 13-202.2)

19 Sec. 13-202.2. Childhood sexual abuse.

20 (a) In this Section:

21 "Childhood sexual abuse" means an act of sexual abuse that  
22 occurs when the person abused is under 18 years of age.

23 "Sexual abuse" includes but is not limited to sexual  
24 conduct and sexual penetration as defined in Section 11-0.1  
25 ~~12-12~~ of the Criminal Code of 1961.

1           (b) Notwithstanding any other provision of law, an action  
2 for damages for personal injury based on childhood sexual abuse  
3 must be commenced within 20 years of the date the limitation  
4 period begins to run under subsection (d) or within 20 years of  
5 the date the person abused discovers or through the use of  
6 reasonable diligence should discover both (i) that the act of  
7 childhood sexual abuse occurred and (ii) that the injury was  
8 caused by the childhood sexual abuse. The fact that the person  
9 abused discovers or through the use of reasonable diligence  
10 should discover that the act of childhood sexual abuse occurred  
11 is not, by itself, sufficient to start the discovery period  
12 under this subsection (b). Knowledge of the abuse does not  
13 constitute discovery of the injury or the causal relationship  
14 between any later-discovered injury and the abuse.

15           (c) If the injury is caused by 2 or more acts of childhood  
16 sexual abuse that are part of a continuing series of acts of  
17 childhood sexual abuse by the same abuser, then the discovery  
18 period under subsection (b) shall be computed from the date the  
19 person abused discovers or through the use of reasonable  
20 diligence should discover both (i) that the last act of  
21 childhood sexual abuse in the continuing series occurred and  
22 (ii) that the injury was caused by any act of childhood sexual  
23 abuse in the continuing series. The fact that the person abused  
24 discovers or through the use of reasonable diligence should  
25 discover that the last act of childhood sexual abuse in the  
26 continuing series occurred is not, by itself, sufficient to



1 start the discovery period under subsection (b). Knowledge of  
2 the abuse does not constitute discovery of the injury or the  
3 causal relationship between any later-discovered injury and  
4 the abuse.

5 (d) The limitation periods under subsection (b) do not  
6 begin to run before the person abused attains the age of 18  
7 years; and, if at the time the person abused attains the age of  
8 18 years he or she is under other legal disability, the  
9 limitation periods under subsection (b) do not begin to run  
10 until the removal of the disability.

11 (d-1) The limitation periods in subsection (b) do not run  
12 during a time period when the person abused is subject to  
13 threats, intimidation, manipulation, or fraud perpetrated by  
14 the abuser or by any person acting in the interest of the  
15 abuser.

16 (e) This Section applies to actions pending on the  
17 effective date of this amendatory Act of 1990 as well as to  
18 actions commenced on or after that date. The changes made by  
19 this amendatory Act of 1993 shall apply only to actions  
20 commenced on or after the effective date of this amendatory Act  
21 of 1993. The changes made by this amendatory Act of the 93rd  
22 General Assembly apply to actions pending on the effective date  
23 of this amendatory Act of the 93rd General Assembly as well as  
24 actions commenced on or after that date. The changes made by  
25 this amendatory Act of the 96th General Assembly apply to  
26 actions commenced on or after the effective date of this

1 amendatory Act of the 96th General Assembly if the action would  
2 not have been time barred under any statute of limitations or  
3 statute of repose prior to the effective date of this  
4 amendatory Act of the 96th General Assembly.

5 (Source: P.A. 96-1093, eff. 1-1-11.)

6 (735 ILCS 5/13-202.3)

7 Sec. 13-202.3. For an action arising out of an injury  
8 caused by "sexual conduct" or "sexual penetration" as defined  
9 in Section 11-0.1 ~~12-12~~ of the Criminal Code of 1961, the  
10 limitation period in Section 13-202 does not run during a time  
11 period when the person injured is subject to threats,  
12 intimidation, manipulation, or fraud perpetrated by the  
13 perpetrator or by a person the perpetrator knew or should have  
14 known was acting in the interest of the perpetrator. This  
15 Section applies to causes of action arising on or after the  
16 effective date of this amendatory Act of the 95th General  
17 Assembly or to causes of action for which the limitation period  
18 has not yet expired.

19 (Source: P.A. 95-589, eff. 1-1-08.)

20 Section 1090. The Crime Victims Compensation Act is amended  
21 by changing Sections 2, 6.1, and 14.1 as follows:

22 (740 ILCS 45/2) (from Ch. 70, par. 72)

23 Sec. 2. Definitions. As used in this Act, unless the

1 context otherwise requires:

2 (a) "Applicant" means any person who applies for  
3 compensation under this Act or any person the Court of Claims  
4 finds is entitled to compensation, including the guardian of a  
5 minor or of a person under legal disability. It includes any  
6 person who was a dependent of a deceased victim of a crime of  
7 violence for his or her support at the time of the death of  
8 that victim.

9 (b) "Court of Claims" means the Court of Claims created by  
10 the Court of Claims Act.

11 (c) "Crime of violence" means and includes any offense  
12 defined in Sections 9-1, 9-2, 9-3, 10-1, 10-2, 11-1.20,  
13 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, 11-19.2, 11-20.1,  
14 11-20.1B, 11-20.3, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-4,  
15 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4, 12-13,  
16 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or 20-1.1,  
17 or subdivision (a) (4) of Section 11-14.4, of the Criminal Code  
18 of 1961, Sections 1(a) and 1(a-5) of the Cemetery Protection  
19 Act, driving under the influence of intoxicating liquor or  
20 narcotic drugs as defined in Section 11-501 of the Illinois  
21 Vehicle Code, and a violation of Section 11-401 of the Illinois  
22 Vehicle Code, provided the victim was a pedestrian or was  
23 operating a vehicle moved solely by human power or a mobility  
24 device at the time of contact; so long as the offense did not  
25 occur during a civil riot, insurrection or rebellion. "Crime of  
26 violence" does not include any other offense or accident

1 involving a motor vehicle except those vehicle offenses  
2 specifically provided for in this paragraph. "Crime of  
3 violence" does include all of the offenses specifically  
4 provided for in this paragraph that occur within this State but  
5 are subject to federal jurisdiction and crimes involving  
6 terrorism as defined in 18 U.S.C. 2331.

7 (d) "Victim" means (1) a person killed or injured in this  
8 State as a result of a crime of violence perpetrated or  
9 attempted against him or her, (2) the parent of a person killed  
10 or injured in this State as a result of a crime of violence  
11 perpetrated or attempted against the person, (3) a person  
12 killed or injured in this State while attempting to assist a  
13 person against whom a crime of violence is being perpetrated or  
14 attempted, if that attempt of assistance would be expected of a  
15 reasonable person under the circumstances, (4) a person killed  
16 or injured in this State while assisting a law enforcement  
17 official apprehend a person who has perpetrated a crime of  
18 violence or prevent the perpetration of any such crime if that  
19 assistance was in response to the express request of the law  
20 enforcement official, (5) a person who personally witnessed a  
21 violent crime, (5.1) solely for the purpose of compensating for  
22 pecuniary loss incurred for psychological treatment of a mental  
23 or emotional condition caused or aggravated by the crime, any  
24 other person under the age of 18 who is the brother, sister,  
25 half brother, half sister, child, or stepchild of a person  
26 killed or injured in this State as a result of a crime of

1 violence, (6) an Illinois resident who is a victim of a "crime  
2 of violence" as defined in this Act except, if the crime  
3 occurred outside this State, the resident has the same rights  
4 under this Act as if the crime had occurred in this State upon  
5 a showing that the state, territory, country, or political  
6 subdivision of a country in which the crime occurred does not  
7 have a compensation of victims of crimes law for which that  
8 Illinois resident is eligible, (7) a deceased person whose body  
9 is dismembered or whose remains are desecrated as the result of  
10 a crime of violence, or (8) solely for the purpose of  
11 compensating for pecuniary loss incurred for psychological  
12 treatment of a mental or emotional condition caused or  
13 aggravated by the crime, any parent, spouse, or child under the  
14 age of 18 of a deceased person whose body is dismembered or  
15 whose remains are desecrated as the result of a crime of  
16 violence.

17 (e) "Dependent" means a relative of a deceased victim who  
18 was wholly or partially dependent upon the victim's income at  
19 the time of his or her death and shall include the child of a  
20 victim born after his or her death.

21 (f) "Relative" means a spouse, parent, grandparent,  
22 stepfather, stepmother, child, grandchild, brother,  
23 brother-in-law, sister, sister-in-law, half brother, half  
24 sister, spouse's parent, nephew, niece, uncle or aunt.

25 (g) "Child" means an unmarried son or daughter who is under  
26 18 years of age and includes a stepchild, an adopted child or a

1 child born out of wedlock.

2 (h) "Pecuniary loss" means, in the case of injury,  
3 appropriate medical expenses and hospital expenses including  
4 expenses of medical examinations, rehabilitation, medically  
5 required nursing care expenses, appropriate psychiatric care  
6 or psychiatric counseling expenses, expenses for care or  
7 counseling by a licensed clinical psychologist, licensed  
8 clinical social worker, or licensed clinical professional  
9 counselor and expenses for treatment by Christian Science  
10 practitioners and nursing care appropriate thereto;  
11 transportation expenses to and from medical and treatment  
12 facilities; prosthetic appliances, eyeglasses, and hearing  
13 aids necessary or damaged as a result of the crime; replacement  
14 costs for clothing and bedding used as evidence; costs  
15 associated with temporary lodging or relocation necessary as a  
16 result of the crime, including, but not limited to, the first  
17 month's rent and security deposit of the dwelling that the  
18 claimant relocated to and other reasonable relocation expenses  
19 incurred as a result of the violent crime; locks or windows  
20 necessary or damaged as a result of the crime; the purchase,  
21 lease, or rental of equipment necessary to create usability of  
22 and accessibility to the victim's real and personal property,  
23 or the real and personal property which is used by the victim,  
24 necessary as a result of the crime; the costs of appropriate  
25 crime scene clean-up; replacement services loss, to a maximum  
26 of \$1000 per month; dependents replacement services loss, to a

1 maximum of \$1000 per month; loss of tuition paid to attend  
2 grammar school or high school when the victim had been enrolled  
3 as a student prior to the injury, or college or graduate school  
4 when the victim had been enrolled as a day or night student  
5 prior to the injury when the victim becomes unable to continue  
6 attendance at school as a result of the crime of violence  
7 perpetrated against him or her; loss of earnings, loss of  
8 future earnings because of disability resulting from the  
9 injury, and, in addition, in the case of death, expenses for  
10 funeral, burial, and travel and transport for survivors of  
11 homicide victims to secure bodies of deceased victims and to  
12 transport bodies for burial all of which may not exceed a  
13 maximum of \$5,000 and loss of support of the dependents of the  
14 victim; in the case of dismemberment or desecration of a body,  
15 expenses for funeral and burial, all of which may not exceed a  
16 maximum of \$5,000. Loss of future earnings shall be reduced by  
17 any income from substitute work actually performed by the  
18 victim or by income he or she would have earned in available  
19 appropriate substitute work he or she was capable of performing  
20 but unreasonably failed to undertake. Loss of earnings, loss of  
21 future earnings and loss of support shall be determined on the  
22 basis of the victim's average net monthly earnings for the 6  
23 months immediately preceding the date of the injury or on \$1000  
24 per month, whichever is less. If a divorced or legally  
25 separated applicant is claiming loss of support for a minor  
26 child of the deceased, the amount of support for each child

1 shall be based either on the amount of support pursuant to the  
2 judgment prior to the date of the deceased victim's injury or  
3 death, or, if the subject of pending litigation filed by or on  
4 behalf of the divorced or legally separated applicant prior to  
5 the injury or death, on the result of that litigation. Real and  
6 personal property includes, but is not limited to, vehicles,  
7 houses, apartments, town houses, or condominiums. Pecuniary  
8 loss does not include pain and suffering or property loss or  
9 damage.

10 (i) "Replacement services loss" means expenses reasonably  
11 incurred in obtaining ordinary and necessary services in lieu  
12 of those the injured person would have performed, not for  
13 income, but for the benefit of himself or herself or his or her  
14 family, if he or she had not been injured.

15 (j) "Dependents replacement services loss" means loss  
16 reasonably incurred by dependents or private legal guardians of  
17 minor dependents after a victim's death in obtaining ordinary  
18 and necessary services in lieu of those the victim would have  
19 performed, not for income, but for their benefit, if he or she  
20 had not been fatally injured.

21 (k) "Survivor" means immediate family including a parent,  
22 step-father, step-mother, child, brother, sister, or spouse.

23 (Source: P.A. 96-267, eff. 8-11-09; 96-863, eff. 3-1-10.)

24 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

25 Sec. 6.1. Right to compensation. A person is entitled to



1 compensation under this Act if:

2 (a) Within 2 years of the occurrence of the crime, or  
3 within one year after a criminal indictment of a person for  
4 an offense, upon which the claim is based, he files an  
5 application, under oath, with the Court of Claims and on a  
6 form prescribed in accordance with Section 7.1 furnished by  
7 the Attorney General. If the person entitled to  
8 compensation is under 18 years of age or under other legal  
9 disability at the time of the occurrence or becomes legally  
10 disabled as a result of the occurrence, he may file the  
11 application required by this subsection within 2 years  
12 after he attains the age of 18 years or the disability is  
13 removed, as the case may be. Legal disability includes a  
14 diagnosis of posttraumatic stress disorder.

15 (b) For all crimes of violence, except those listed in  
16 subsection (b-1) of this Section, the appropriate law  
17 enforcement officials were notified within 72 hours of the  
18 perpetration of the crime allegedly causing the death or  
19 injury to the victim or, in the event such notification was  
20 made more than 72 hours after the perpetration of the  
21 crime, the applicant establishes that such notice was  
22 timely under the circumstances.

23 (b-1) For victims of offenses defined in Sections  
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
25 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961, the  
26 appropriate law enforcement officials were notified within

1           7 days of the perpetration of the crime allegedly causing  
2           death or injury to the victim or, in the event that the  
3           notification was made more than 7 days after the  
4           perpetration of the crime, the applicant establishes that  
5           the notice was timely under the circumstances. If the  
6           applicant has obtained an order of protection or a civil no  
7           contact order or has presented himself or herself to a  
8           hospital for sexual assault evidence collection and  
9           medical care, such action shall constitute appropriate  
10          notification under this subsection (b-1) or subsection (b)  
11          of this Section.

12           (c) The applicant has cooperated with law enforcement  
13          officials in the apprehension and prosecution of the  
14          assailant. If the applicant has obtained an order of  
15          protection or a civil no contact order or has presented  
16          himself or herself to a hospital for sexual assault  
17          evidence collection and medical care, such action shall  
18          constitute cooperation under this subsection (c).

19           (d) The applicant is not the offender or an accomplice  
20          of the offender and the award would not unjustly benefit  
21          the offender or his accomplice.

22           (e) The injury to or death of the victim was not  
23          substantially attributable to his own wrongful act and was  
24          not substantially provoked by the victim.

25          (Source: P.A. 94-192, eff. 1-1-06; 95-250, eff. 1-1-08; 95-331,  
26          eff. 8-21-07.)

1 (740 ILCS 45/14.1) (from Ch. 70, par. 84.1)

2 Sec. 14.1. (a) Hearings shall be open to the public unless  
3 the Court of Claims determines that a closed hearing should be  
4 held because:

5 (1) the alleged assailant has not been brought to trial  
6 and a public hearing would adversely affect either his  
7 apprehension or his trial;

8 (2) the offense allegedly perpetrated against the  
9 victim is one defined in Section 11-1.20, 11-1.30, 11-1.40,  
10 12-13, 12-14, or 12-14.1 of the Criminal Code of 1961 and  
11 the interests of the victim or of persons dependent on his  
12 support require that the public be excluded from the  
13 hearing;

14 (3) the victim or the alleged assailant is a minor; or

15 (4) the interests of justice would be frustrated,  
16 rather than furthered, if the hearing were open to the  
17 public.

18 (b) A transcript shall be kept of the hearings held before  
19 the Court of Claims. No part of the transcript of any hearing  
20 before the Court of Claims may be used for any purpose in a  
21 criminal proceeding except in the prosecution of a person  
22 alleged to have perjured himself in his testimony before the  
23 Court of Claims. A copy of the transcript may be furnished to  
24 the applicant upon his written request to the court reporter,  
25 accompanied by payment of a charge established by the Court of

1 Claims in accordance with the prevailing commercial charge for  
2 a duplicate transcript. Where the interests of justice require,  
3 the Court of Claims may refuse to disclose the names of victims  
4 or other material in the transcript by which the identity of  
5 the victim could be discovered.

6 (Source: P.A. 89-428, eff. 12-13-95; 89-462, eff. 5-29-96.)

7 Section 1095. The Predator Accountability Act is amended by  
8 changing Sections 10 and 15 as follows:

9 (740 ILCS 128/10)

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

11 "Sex trade" means any act, which if proven beyond a  
12 reasonable doubt could support a conviction for a violation or  
13 attempted violation of any of the following Sections of the  
14 Criminal Code of 1961: 11-14.3 (promoting prostitution);  
15 11-14.4 (promoting juvenile prostitution); 11-15 (soliciting  
16 for a prostitute); 11-15.1 (soliciting for a juvenile  
17 prostitute); 11-16 (pandering); 11-17 (keeping a place of  
18 prostitution); 11-17.1 (keeping a place of juvenile  
19 prostitution); 11-19 (pimping); 11-19.1 (juvenile pimping and  
20 aggravated juvenile pimping); 11-19.2 (exploitation of a  
21 child); 11-20 (obscenity); ~~or~~ 11-20.1 (child pornography); or  
22 11-20.1B or 11-20.3 (aggravated child pornography); or Section  
23 10-9 of the Criminal Code of 1961 (trafficking of persons and  
24 involuntary servitude).

1 "Sex trade" activity may involve adults and youth of all  
2 genders and sexual orientations.

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

5 (1) soliciting for a prostitute: the prostitute who is  
6 the object of the solicitation;

7 (2) soliciting for a juvenile prostitute: the juvenile  
8 prostitute, or severely or profoundly mentally retarded  
9 person, who is the object of the solicitation;

10 (3) promoting prostitution as described in subdivision  
11 (a) (2) (A) or (a) (2) (B) of Section 11-14.3 of the Criminal  
12 Code of 1961, or pandering: the person intended or  
13 compelled to act as a prostitute;

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

17 (5) keeping a place of juvenile prostitution: any  
18 juvenile intended or compelled to act as a prostitute,  
19 while present at the place, during the time period in  
20 question;

21 (6) promoting prostitution as described in subdivision  
22 (a) (2) (C) of Section 11-14.3 of the Criminal Code of 1961,  
23 or pimping: the prostitute from whom anything of value is  
24 received;

25 (7) promoting juvenile prostitution as described in  
26 subdivision (a) (2) or (a) (3) of Section 11-14.4 of the

1       Criminal Code of 1961, or juvenile pimping and aggravated  
2       juvenile pimping: the juvenile, or severely or profoundly  
3       mentally retarded person, from whom anything of value is  
4       received for that person's act of prostitution;

5       (8) promoting juvenile prostitution as described in  
6       subdivision (a) (4) of Section 11-14.4 of the Criminal Code  
7       of 1961, or exploitation of a child: the juvenile, or  
8       severely or profoundly mentally retarded person, intended  
9       or compelled to act as a prostitute or from whom anything  
10      of value is received for that person's act of prostitution;

11      (9) obscenity: any person who appears in or is  
12      described or depicted in the offending conduct or material;

13      (10) child pornography or aggravated child  
14      pornography: any child, or severely or profoundly mentally  
15      retarded person, who appears in or is described or depicted  
16      in the offending conduct or material; or

17      (11) trafficking of persons or involuntary servitude:  
18      a "trafficking victim" as defined in Section 10-9 of the  
19      Criminal Code of 1961.

20      (Source: P.A. 96-710, eff. 1-1-10.)

21      (740 ILCS 128/15)

22      Sec. 15. Cause of action.

23      (a) Violations of this Act are actionable in civil court.

24      (b) A victim of the sex trade has a cause of action against  
25      a person or entity who:

1           (1) recruits, profits from, or maintains the victim in  
2 any sex trade act;

3           (2) intentionally abuses, as defined in Section 103 of  
4 the Illinois Domestic Violence Act of 1986, or causes  
5 bodily harm, as defined in Section 11-0.1 ~~12-12~~ of the  
6 Criminal Code of 1961, to the victim in any sex trade act;  
7 or

8           (3) knowingly advertises or publishes advertisements  
9 for purposes of recruitment into sex trade activity.

10          (c) This Section shall not be construed to create liability  
11 to any person or entity who provides goods or services to the  
12 general public, who also provides those goods or services to  
13 persons who would be liable under subsection (b) of this  
14 Section, absent a showing that the person or entity either:

15           (1) knowingly markets or provides its goods or services  
16 primarily to persons or entities liable under subsection  
17 (b) of this Section;

18           (2) knowingly receives a higher level of compensation  
19 from persons or entities liable under subsection (b) of  
20 this Section than it generally receives from customers; or

21           (3) supervises or exercises control over persons or  
22 entities liable under subsection (b) of this Section.

23 (Source: P.A. 94-998, eff. 7-3-06.)

24          Section 1100. The Illinois Marriage and Dissolution of  
25 Marriage Act is amended by changing Section 503 as follows:

1 (750 ILCS 5/503) (from Ch. 40, par. 503)

2 Sec. 503. Disposition of property.

3 (a) For purposes of this Act, "marital property" means all  
4 property acquired by either spouse subsequent to the marriage,  
5 except the following, which is known as "non-marital property":

6 (1) property acquired by gift, legacy or descent;

7 (2) property acquired in exchange for property  
8 acquired before the marriage or in exchange for property  
9 acquired by gift, legacy or descent;

10 (3) property acquired by a spouse after a judgment of  
11 legal separation;

12 (4) property excluded by valid agreement of the  
13 parties;

14 (5) any judgment or property obtained by judgment  
15 awarded to a spouse from the other spouse;

16 (6) property acquired before the marriage;

17 (7) the increase in value of property acquired by a  
18 method listed in paragraphs (1) through (6) of this  
19 subsection, irrespective of whether the increase results  
20 from a contribution of marital property, non-marital  
21 property, the personal effort of a spouse, or otherwise,  
22 subject to the right of reimbursement provided in  
23 subsection (c) of this Section; and

24 (8) income from property acquired by a method listed in  
25 paragraphs (1) through (7) of this subsection if the income



1 is not attributable to the personal effort of a spouse.

2 (b) (1) For purposes of distribution of property pursuant to  
3 this Section, all property acquired by either spouse after the  
4 marriage and before a judgment of dissolution of marriage or  
5 declaration of invalidity of marriage, including non-marital  
6 property transferred into some form of co-ownership between the  
7 spouses, is presumed to be marital property, regardless of  
8 whether title is held individually or by the spouses in some  
9 form of co-ownership such as joint tenancy, tenancy in common,  
10 tenancy by the entirety, or community property. The presumption  
11 of marital property is overcome by a showing that the property  
12 was acquired by a method listed in subsection (a) of this  
13 Section.

14 (2) For purposes of distribution of property pursuant to  
15 this Section, all pension benefits (including pension benefits  
16 under the Illinois Pension Code) acquired by either spouse  
17 after the marriage and before a judgment of dissolution of  
18 marriage or declaration of invalidity of the marriage are  
19 presumed to be marital property, regardless of which spouse  
20 participates in the pension plan. The presumption that these  
21 pension benefits are marital property is overcome by a showing  
22 that the pension benefits were acquired by a method listed in  
23 subsection (a) of this Section. The right to a division of  
24 pension benefits in just proportions under this Section is  
25 enforceable under Section 1-119 of the Illinois Pension Code.

26 The value of pension benefits in a retirement system

1 subject to the Illinois Pension Code shall be determined in  
2 accordance with the valuation procedures established by the  
3 retirement system.

4 The recognition of pension benefits as marital property and  
5 the division of those benefits pursuant to a Qualified Illinois  
6 Domestic Relations Order shall not be deemed to be a  
7 diminishment, alienation, or impairment of those benefits. The  
8 division of pension benefits is an allocation of property in  
9 which each spouse has a species of common ownership.

10 (3) For purposes of distribution of property under this  
11 Section, all stock options granted to either spouse after the  
12 marriage and before a judgment of dissolution of marriage or  
13 declaration of invalidity of marriage, whether vested or  
14 non-vested or whether their value is ascertainable, are  
15 presumed to be marital property. This presumption of marital  
16 property is overcome by a showing that the stock options were  
17 acquired by a method listed in subsection (a) of this Section.  
18 The court shall allocate stock options between the parties at  
19 the time of the judgment of dissolution of marriage or  
20 declaration of invalidity of marriage recognizing that the  
21 value of the stock options may not be then determinable and  
22 that the actual division of the options may not occur until a  
23 future date. In making the allocation between the parties, the  
24 court shall consider, in addition to the factors set forth in  
25 subsection (d) of this Section, the following:

26 (i) All circumstances underlying the grant of the stock

1 option including but not limited to whether the grant was  
2 for past, present, or future efforts, or any combination  
3 thereof.

4 (ii) The length of time from the grant of the option to  
5 the time the option is exercisable.

6 (c) Commingled marital and non-marital property shall be  
7 treated in the following manner, unless otherwise agreed by the  
8 spouses:

9 (1) When marital and non-marital property are  
10 commingled by contributing one estate of property into  
11 another resulting in a loss of identity of the contributed  
12 property, the classification of the contributed property  
13 is transmuted to the estate receiving the contribution,  
14 subject to the provisions of paragraph (2) of this  
15 subsection; provided that if marital and non-marital  
16 property are commingled into newly acquired property  
17 resulting in a loss of identity of the contributing  
18 estates, the commingled property shall be deemed  
19 transmuted to marital property, subject to the provisions  
20 of paragraph (2) of this subsection.

21 (2) When one estate of property makes a contribution to  
22 another estate of property, or when a spouse contributes  
23 personal effort to non-marital property, the contributing  
24 estate shall be reimbursed from the estate receiving the  
25 contribution notwithstanding any transmutation; provided,  
26 that no such reimbursement shall be made with respect to a

1 contribution which is not retraceable by clear and  
2 convincing evidence, or was a gift, or, in the case of a  
3 contribution of personal effort of a spouse to non-marital  
4 property, unless the effort is significant and results in  
5 substantial appreciation of the non-marital property.  
6 Personal effort of a spouse shall be deemed a contribution  
7 by the marital estate. The court may provide for  
8 reimbursement out of the marital property to be divided or  
9 by imposing a lien against the non-marital property which  
10 received the contribution.

11 (d) In a proceeding for dissolution of marriage or  
12 declaration of invalidity of marriage, or in a proceeding for  
13 disposition of property following dissolution of marriage by a  
14 court which lacked personal jurisdiction over the absent spouse  
15 or lacked jurisdiction to dispose of the property, the court  
16 shall assign each spouse's non-marital property to that spouse.  
17 It also shall divide the marital property without regard to  
18 marital misconduct in just proportions considering all  
19 relevant factors, including:

20 (1) the contribution of each party to the acquisition,  
21 preservation, or increase or decrease in value of the  
22 marital or non-marital property, including (i) any such  
23 decrease attributable to a payment deemed to have been an  
24 advance from the parties' marital estate under subsection  
25 (c-1)(2) of Section 501 and (ii) the contribution of a  
26 spouse as a homemaker or to the family unit;

1           (2) the dissipation by each party of the marital or  
2 non-marital property;

3           (3) the value of the property assigned to each spouse;

4           (4) the duration of the marriage;

5           (5) the relevant economic circumstances of each spouse  
6 when the division of property is to become effective,  
7 including the desirability of awarding the family home, or  
8 the right to live therein for reasonable periods, to the  
9 spouse having custody of the children;

10          (6) any obligations and rights arising from a prior  
11 marriage of either party;

12          (7) any antenuptial agreement of the parties;

13          (8) the age, health, station, occupation, amount and  
14 sources of income, vocational skills, employability,  
15 estate, liabilities, and needs of each of the parties;

16          (9) the custodial provisions for any children;

17          (10) whether the apportionment is in lieu of or in  
18 addition to maintenance;

19          (11) the reasonable opportunity of each spouse for  
20 future acquisition of capital assets and income; and

21          (12) the tax consequences of the property division upon  
22 the respective economic circumstances of the parties.

23          (e) Each spouse has a species of common ownership in the  
24 marital property which vests at the time dissolution  
25 proceedings are commenced and continues only during the  
26 pendency of the action. Any such interest in marital property

1 shall not encumber that property so as to restrict its  
2 transfer, assignment or conveyance by the title holder unless  
3 such title holder is specifically enjoined from making such  
4 transfer, assignment or conveyance.

5 (f) In a proceeding for dissolution of marriage or  
6 declaration of invalidity of marriage or in a proceeding for  
7 disposition of property following dissolution of marriage by a  
8 court that lacked personal jurisdiction over the absent spouse  
9 or lacked jurisdiction to dispose of the property, the court,  
10 in determining the value of the marital and non-marital  
11 property for purposes of dividing the property, shall value the  
12 property as of the date of trial or some other date as close to  
13 the date of trial as is practicable.

14 (g) The court if necessary to protect and promote the best  
15 interests of the children may set aside a portion of the  
16 jointly or separately held estates of the parties in a separate  
17 fund or trust for the support, maintenance, education, physical  
18 and mental health, and general welfare of any minor, dependent,  
19 or incompetent child of the parties. In making a determination  
20 under this subsection, the court may consider, among other  
21 things, the conviction of a party of any of the offenses set  
22 forth in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
23 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13, 12-14, 12-14.1,  
24 12-15, or 12-16 of the Criminal Code of 1961 if the victim is a  
25 child of one or both of the parties, and there is a need for,  
26 and cost of, care, healing and counseling for the child who is

1 the victim of the crime.

2 (h) Unless specifically directed by a reviewing court, or  
3 upon good cause shown, the court shall not on remand consider  
4 any increase or decrease in the value of any "marital" or  
5 "non-marital" property occurring since the assessment of such  
6 property at the original trial or hearing, but shall use only  
7 that assessment made at the original trial or hearing.

8 (i) The court may make such judgments affecting the marital  
9 property as may be just and may enforce such judgments by  
10 ordering a sale of marital property, with proceeds therefrom to  
11 be applied as determined by the court.

12 (j) After proofs have closed in the final hearing on all  
13 other issues between the parties (or in conjunction with the  
14 final hearing, if all parties so stipulate) and before judgment  
15 is entered, a party's petition for contribution to fees and  
16 costs incurred in the proceeding shall be heard and decided, in  
17 accordance with the following provisions:

18 (1) A petition for contribution, if not filed before  
19 the final hearing on other issues between the parties,  
20 shall be filed no later than 30 days after the closing of  
21 proofs in the final hearing or within such other period as  
22 the court orders.

23 (2) Any award of contribution to one party from the  
24 other party shall be based on the criteria for division of  
25 marital property under this Section 503 and, if maintenance  
26 has been awarded, on the criteria for an award of

1 maintenance under Section 504.

2 (3) The filing of a petition for contribution shall not  
3 be deemed to constitute a waiver of the attorney-client  
4 privilege between the petitioning party and current or  
5 former counsel; and such a waiver shall not constitute a  
6 prerequisite to a hearing for contribution. If either  
7 party's presentation on contribution, however, includes  
8 evidence within the scope of the attorney-client  
9 privilege, the disclosure or disclosures shall be narrowly  
10 construed and shall not be deemed by the court to  
11 constitute a general waiver of the privilege as to matters  
12 beyond the scope of the presentation.

13 (4) No finding on which a contribution award is based  
14 or denied shall be asserted against counsel or former  
15 counsel for purposes of any hearing under subsection (c) or  
16 (e) of Section 508.

17 (5) A contribution award (payable to either the  
18 petitioning party or the party's counsel, or jointly, as  
19 the court determines) may be in the form of either a set  
20 dollar amount or a percentage of fees and costs (or a  
21 portion of fees and costs) to be subsequently agreed upon  
22 by the petitioning party and counsel or, alternatively,  
23 thereafter determined in a hearing pursuant to subsection  
24 (c) of Section 508 or previously or thereafter determined  
25 in an independent proceeding under subsection (e) of  
26 Section 508.



1           (6) The changes to this Section 503 made by this  
2           amendatory Act of 1996 apply to cases pending on or after  
3           June 1, 1997, except as otherwise provided in Section 508.  
4           (Source: P.A. 95-374, eff. 1-1-08; 96-583, eff. 1-1-10.)

5           Section 1105. The Illinois Parentage Act of 1984 is amended  
6           by changing Section 6.5 as follows:

7           (750 ILCS 45/6.5)

8           Sec. 6.5. Custody or visitation by sex offender prohibited.  
9           A person found to be the father of a child under this Act, and  
10          who has been convicted of or who has pled guilty to a violation  
11          of Section 11-11 (sexual relations within families), Section  
12          11-1.20 or 12-13 (criminal sexual assault), Section 11-1.30 or  
13          12-14 (aggravated criminal sexual assault), Section 11-1.40 or  
14          12-14.1 (predatory criminal sexual assault of a child), Section  
15          11-1.50 or 12-15 (criminal sexual abuse), or Section 11-1.60 or  
16          12-16 (aggravated criminal sexual abuse) of the Criminal Code  
17          of 1961 for his conduct in fathering that child, shall not be  
18          entitled to custody of or visitation with that child without  
19          the consent of the mother or guardian, other than the father of  
20          the child who has been convicted of or pled guilty to one of  
21          the offenses listed in this Section, or, in cases where the  
22          mother is a minor, the guardian of the mother of the child.  
23          Notwithstanding any other provision of this Act, nothing in  
24          this Section shall be construed to relieve the father of any

1 support and maintenance obligations to the child under this  
2 Act.

3 (Source: P.A. 94-928, eff. 6-26-06.)

4 Section 1110. The Adoption Act is amended by changing  
5 Section 1 as follows:

6 (750 ILCS 50/1) (from Ch. 40, par. 1501)

7 Sec. 1. Definitions. When used in this Act, unless the  
8 context otherwise requires:

9 A. "Child" means a person under legal age subject to  
10 adoption under this Act.

11 B. "Related child" means a child subject to adoption where  
12 either or both of the adopting parents stands in any of the  
13 following relationships to the child by blood or marriage:  
14 parent, grand-parent, brother, sister, step-parent,  
15 step-grandparent, step-brother, step-sister, uncle, aunt,  
16 great-uncle, great-aunt, or cousin of first degree. A child  
17 whose parent has executed a final irrevocable consent to  
18 adoption or a final irrevocable surrender for purposes of  
19 adoption, or whose parent has had his or her parental rights  
20 terminated, is not a related child to that person, unless the  
21 consent is determined to be void or is void pursuant to  
22 subsection O of Section 10.

23 C. "Agency" for the purpose of this Act means a public  
24 child welfare agency or a licensed child welfare agency.

1           D. "Unfit person" means any person whom the court shall  
2 find to be unfit to have a child, without regard to the  
3 likelihood that the child will be placed for adoption. The  
4 grounds of unfitness are any one or more of the following,  
5 except that a person shall not be considered an unfit person  
6 for the sole reason that the person has relinquished a child in  
7 accordance with the Abandoned Newborn Infant Protection Act:

8           (a) Abandonment of the child.

9           (a-1) Abandonment of a newborn infant in a hospital.

10           (a-2) Abandonment of a newborn infant in any setting  
11 where the evidence suggests that the parent intended to  
12 relinquish his or her parental rights.

13           (b) Failure to maintain a reasonable degree of  
14 interest, concern or responsibility as to the child's  
15 welfare.

16           (c) Desertion of the child for more than 3 months next  
17 preceding the commencement of the Adoption proceeding.

18           (d) Substantial neglect of the child if continuous or  
19 repeated.

20           (d-1) Substantial neglect, if continuous or repeated,  
21 of any child residing in the household which resulted in  
22 the death of that child.

23           (e) Extreme or repeated cruelty to the child.

24           (f) There is a rebuttable presumption, which can be  
25 overcome only by clear and convincing evidence, that a  
26 parent is unfit if:

1           (1) Two or more findings of physical abuse have  
2           been entered regarding any children under Section 2-21  
3           of the Juvenile Court Act of 1987, the most recent of  
4           which was determined by the juvenile court hearing the  
5           matter to be supported by clear and convincing  
6           evidence; or

7           (2) The parent has been convicted or found not  
8           guilty by reason of insanity and the conviction or  
9           finding resulted from the death of any child by  
10          physical abuse; or

11          (3) There is a finding of physical child abuse  
12          resulting from the death of any child under Section  
13          2-21 of the Juvenile Court Act of 1987.

14          No conviction or finding of delinquency pursuant  
15          to Article 5 of the Juvenile Court Act of 1987 shall be  
16          considered a criminal conviction for the purpose of  
17          applying any presumption under this item (f).

18          (g) Failure to protect the child from conditions within  
19          his environment injurious to the child's welfare.

20          (h) Other neglect of, or misconduct toward the child;  
21          provided that in making a finding of unfitness the court  
22          hearing the adoption proceeding shall not be bound by any  
23          previous finding, order or judgment affecting or  
24          determining the rights of the parents toward the child  
25          sought to be adopted in any other proceeding except such  
26          proceedings terminating parental rights as shall be had

1 under either this Act, the Juvenile Court Act or the  
2 Juvenile Court Act of 1987.

3 (i) Depravity. Conviction of any one of the following  
4 crimes shall create a presumption that a parent is deprived  
5 which can be overcome only by clear and convincing  
6 evidence: (1) first degree murder in violation of paragraph  
7 1 or 2 of subsection (a) of Section 9-1 of the Criminal  
8 Code of 1961 or conviction of second degree murder in  
9 violation of subsection (a) of Section 9-2 of the Criminal  
10 Code of 1961 of a parent of the child to be adopted; (2)  
11 first degree murder or second degree murder of any child in  
12 violation of the Criminal Code of 1961; (3) attempt or  
13 conspiracy to commit first degree murder or second degree  
14 murder of any child in violation of the Criminal Code of  
15 1961; (4) solicitation to commit murder of any child,  
16 solicitation to commit murder of any child for hire, or  
17 solicitation to commit second degree murder of any child in  
18 violation of the Criminal Code of 1961; (5) predatory  
19 criminal sexual assault of a child in violation of Section  
20 11-1.40 or 12-14.1 of the Criminal Code of 1961; (6)  
21 heinous battery of any child in violation of the Criminal  
22 Code of 1961; or (7) aggravated battery of any child in  
23 violation of the Criminal Code of 1961.

24 There is a rebuttable presumption that a parent is  
25 deprived if the parent has been criminally convicted of at  
26 least 3 felonies under the laws of this State or any other

1 state, or under federal law, or the criminal laws of any  
2 United States territory; and at least one of these  
3 convictions took place within 5 years of the filing of the  
4 petition or motion seeking termination of parental rights.

5 There is a rebuttable presumption that a parent is  
6 deprived if that parent has been criminally convicted of  
7 either first or second degree murder of any person as  
8 defined in the Criminal Code of 1961 within 10 years of the  
9 filing date of the petition or motion to terminate parental  
10 rights.

11 No conviction or finding of delinquency pursuant to  
12 Article 5 of the Juvenile Court Act of 1987 shall be  
13 considered a criminal conviction for the purpose of  
14 applying any presumption under this item (i).

15 (j) Open and notorious adultery or fornication.

16 (j-1) (Blank).

17 (k) Habitual drunkenness or addiction to drugs, other  
18 than those prescribed by a physician, for at least one year  
19 immediately prior to the commencement of the unfitness  
20 proceeding.

21 There is a rebuttable presumption that a parent is  
22 unfit under this subsection with respect to any child to  
23 which that parent gives birth where there is a confirmed  
24 test result that at birth the child's blood, urine, or  
25 meconium contained any amount of a controlled substance as  
26 defined in subsection (f) of Section 102 of the Illinois

1           Controlled Substances Act or metabolites of such  
2           substances, the presence of which in the newborn infant was  
3           not the result of medical treatment administered to the  
4           mother or the newborn infant; and the biological mother of  
5           this child is the biological mother of at least one other  
6           child who was adjudicated a neglected minor under  
7           subsection (c) of Section 2-3 of the Juvenile Court Act of  
8           1987.

9           (1) Failure to demonstrate a reasonable degree of  
10          interest, concern or responsibility as to the welfare of a  
11          new born child during the first 30 days after its birth.

12          (m) Failure by a parent (i) to make reasonable efforts  
13          to correct the conditions that were the basis for the  
14          removal of the child from the parent, or (ii) to make  
15          reasonable progress toward the return of the child to the  
16          parent within 9 months after an adjudication of neglected  
17          or abused minor under Section 2-3 of the Juvenile Court Act  
18          of 1987 or dependent minor under Section 2-4 of that Act,  
19          or (iii) to make reasonable progress toward the return of  
20          the child to the parent during any 9-month period after the  
21          end of the initial 9-month period following the  
22          adjudication of neglected or abused minor under Section 2-3  
23          of the Juvenile Court Act of 1987 or dependent minor under  
24          Section 2-4 of that Act. If a service plan has been  
25          established as required under Section 8.2 of the Abused and  
26          Neglected Child Reporting Act to correct the conditions

1 that were the basis for the removal of the child from the  
2 parent and if those services were available, then, for  
3 purposes of this Act, "failure to make reasonable progress  
4 toward the return of the child to the parent" includes (I)  
5 the parent's failure to substantially fulfill his or her  
6 obligations under the service plan and correct the  
7 conditions that brought the child into care within 9 months  
8 after the adjudication under Section 2-3 or 2-4 of the  
9 Juvenile Court Act of 1987 and (II) the parent's failure to  
10 substantially fulfill his or her obligations under the  
11 service plan and correct the conditions that brought the  
12 child into care during any 9-month period after the end of  
13 the initial 9-month period following the adjudication  
14 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.  
15 Notwithstanding any other provision, when a petition or  
16 motion seeks to terminate parental rights on the basis of  
17 item (iii) of this subsection (m), the petitioner shall  
18 file with the court and serve on the parties a pleading  
19 that specifies the 9-month period or periods relied on. The  
20 pleading shall be filed and served on the parties no later  
21 than 3 weeks before the date set by the court for closure  
22 of discovery, and the allegations in the pleading shall be  
23 treated as incorporated into the petition or motion.  
24 Failure of a respondent to file a written denial of the  
25 allegations in the pleading shall not be treated as an  
26 admission that the allegations are true.



1 (m-1) Pursuant to the Juvenile Court Act of 1987, a  
2 child has been in foster care for 15 months out of any 22  
3 month period which begins on or after the effective date of  
4 this amendatory Act of 1998 unless the child's parent can  
5 prove by a preponderance of the evidence that it is more  
6 likely than not that it will be in the best interests of  
7 the child to be returned to the parent within 6 months of  
8 the date on which a petition for termination of parental  
9 rights is filed under the Juvenile Court Act of 1987. The  
10 15 month time limit is tolled during any period for which  
11 there is a court finding that the appointed custodian or  
12 guardian failed to make reasonable efforts to reunify the  
13 child with his or her family, provided that (i) the finding  
14 of no reasonable efforts is made within 60 days of the  
15 period when reasonable efforts were not made or (ii) the  
16 parent filed a motion requesting a finding of no reasonable  
17 efforts within 60 days of the period when reasonable  
18 efforts were not made. For purposes of this subdivision  
19 (m-1), the date of entering foster care is the earlier of:  
20 (i) the date of a judicial finding at an adjudicatory  
21 hearing that the child is an abused, neglected, or  
22 dependent minor; or (ii) 60 days after the date on which  
23 the child is removed from his or her parent, guardian, or  
24 legal custodian.

25 (n) Evidence of intent to forgo his or her parental  
26 rights, whether or not the child is a ward of the court,

1 (1) as manifested by his or her failure for a period of 12  
2 months: (i) to visit the child, (ii) to communicate with  
3 the child or agency, although able to do so and not  
4 prevented from doing so by an agency or by court order, or  
5 (iii) to maintain contact with or plan for the future of  
6 the child, although physically able to do so, or (2) as  
7 manifested by the father's failure, where he and the mother  
8 of the child were unmarried to each other at the time of  
9 the child's birth, (i) to commence legal proceedings to  
10 establish his paternity under the Illinois Parentage Act of  
11 1984 or the law of the jurisdiction of the child's birth  
12 within 30 days of being informed, pursuant to Section 12a  
13 of this Act, that he is the father or the likely father of  
14 the child or, after being so informed where the child is  
15 not yet born, within 30 days of the child's birth, or (ii)  
16 to make a good faith effort to pay a reasonable amount of  
17 the expenses related to the birth of the child and to  
18 provide a reasonable amount for the financial support of  
19 the child, the court to consider in its determination all  
20 relevant circumstances, including the financial condition  
21 of both parents; provided that the ground for termination  
22 provided in this subparagraph (n)(2)(ii) shall only be  
23 available where the petition is brought by the mother or  
24 the husband of the mother.

25 Contact or communication by a parent with his or her  
26 child that does not demonstrate affection and concern does

1 not constitute reasonable contact and planning under  
2 subdivision (n). In the absence of evidence to the  
3 contrary, the ability to visit, communicate, maintain  
4 contact, pay expenses and plan for the future shall be  
5 presumed. The subjective intent of the parent, whether  
6 expressed or otherwise, unsupported by evidence of the  
7 foregoing parental acts manifesting that intent, shall not  
8 preclude a determination that the parent has intended to  
9 forgo his or her parental rights. In making this  
10 determination, the court may consider but shall not require  
11 a showing of diligent efforts by an authorized agency to  
12 encourage the parent to perform the acts specified in  
13 subdivision (n).

14 It shall be an affirmative defense to any allegation  
15 under paragraph (2) of this subsection that the father's  
16 failure was due to circumstances beyond his control or to  
17 impediments created by the mother or any other person  
18 having legal custody. Proof of that fact need only be by a  
19 preponderance of the evidence.

20 (o) Repeated or continuous failure by the parents,  
21 although physically and financially able, to provide the  
22 child with adequate food, clothing, or shelter.

23 (p) Inability to discharge parental responsibilities  
24 supported by competent evidence from a psychiatrist,  
25 licensed clinical social worker, or clinical psychologist  
26 of mental impairment, mental illness or mental retardation

1 as defined in Section 1-116 of the Mental Health and  
2 Developmental Disabilities Code, or developmental  
3 disability as defined in Section 1-106 of that Code, and  
4 there is sufficient justification to believe that the  
5 inability to discharge parental responsibilities shall  
6 extend beyond a reasonable time period. However, this  
7 subdivision (p) shall not be construed so as to permit a  
8 licensed clinical social worker to conduct any medical  
9 diagnosis to determine mental illness or mental  
10 impairment.

11 (q) (Blank).

12 (r) The child is in the temporary custody or  
13 guardianship of the Department of Children and Family  
14 Services, the parent is incarcerated as a result of  
15 criminal conviction at the time the petition or motion for  
16 termination of parental rights is filed, prior to  
17 incarceration the parent had little or no contact with the  
18 child or provided little or no support for the child, and  
19 the parent's incarceration will prevent the parent from  
20 discharging his or her parental responsibilities for the  
21 child for a period in excess of 2 years after the filing of  
22 the petition or motion for termination of parental rights.

23 (s) The child is in the temporary custody or  
24 guardianship of the Department of Children and Family  
25 Services, the parent is incarcerated at the time the  
26 petition or motion for termination of parental rights is

1 filed, the parent has been repeatedly incarcerated as a  
2 result of criminal convictions, and the parent's repeated  
3 incarceration has prevented the parent from discharging  
4 his or her parental responsibilities for the child.

5 (t) A finding that at birth the child's blood, urine,  
6 or meconium contained any amount of a controlled substance  
7 as defined in subsection (f) of Section 102 of the Illinois  
8 Controlled Substances Act, or a metabolite of a controlled  
9 substance, with the exception of controlled substances or  
10 metabolites of such substances, the presence of which in  
11 the newborn infant was the result of medical treatment  
12 administered to the mother or the newborn infant, and that  
13 the biological mother of this child is the biological  
14 mother of at least one other child who was adjudicated a  
15 neglected minor under subsection (c) of Section 2-3 of the  
16 Juvenile Court Act of 1987, after which the biological  
17 mother had the opportunity to enroll in and participate in  
18 a clinically appropriate substance abuse counseling,  
19 treatment, and rehabilitation program.

20 E. "Parent" means the father or mother of a lawful child of  
21 the parties or child born out of wedlock. For the purpose of  
22 this Act, a person who has executed a final and irrevocable  
23 consent to adoption or a final and irrevocable surrender for  
24 purposes of adoption, or whose parental rights have been  
25 terminated by a court, is not a parent of the child who was the  
26 subject of the consent or surrender, unless the consent is void

1 pursuant to subsection O of Section 10.

2 F. A person is available for adoption when the person is:

3 (a) a child who has been surrendered for adoption to an  
4 agency and to whose adoption the agency has thereafter  
5 consented;

6 (b) a child to whose adoption a person authorized by  
7 law, other than his parents, has consented, or to whose  
8 adoption no consent is required pursuant to Section 8 of  
9 this Act;

10 (c) a child who is in the custody of persons who intend  
11 to adopt him through placement made by his parents;

12 (c-1) a child for whom a parent has signed a specific  
13 consent pursuant to subsection O of Section 10;

14 (d) an adult who meets the conditions set forth in  
15 Section 3 of this Act; or

16 (e) a child who has been relinquished as defined in  
17 Section 10 of the Abandoned Newborn Infant Protection Act.

18 A person who would otherwise be available for adoption  
19 shall not be deemed unavailable for adoption solely by reason  
20 of his or her death.

21 G. The singular includes the plural and the plural includes  
22 the singular and the "male" includes the "female", as the  
23 context of this Act may require.

24 H. "Adoption disruption" occurs when an adoptive placement  
25 does not prove successful and it becomes necessary for the  
26 child to be removed from placement before the adoption is

1 finalized.

2 I. "Foreign placing agency" is an agency or individual  
3 operating in a country or territory outside the United States  
4 that is authorized by its country to place children for  
5 adoption either directly with families in the United States or  
6 through United States based international agencies.

7 J. "Immediate relatives" means the biological parents, the  
8 parents of the biological parents and siblings of the  
9 biological parents.

10 K. "Intercountry adoption" is a process by which a child  
11 from a country other than the United States is adopted.

12 L. "Intercountry Adoption Coordinator" is a staff person of  
13 the Department of Children and Family Services appointed by the  
14 Director to coordinate the provision of services by the public  
15 and private sector to prospective parents of foreign-born  
16 children.

17 M. "Interstate Compact on the Placement of Children" is a  
18 law enacted by most states for the purpose of establishing  
19 uniform procedures for handling the interstate placement of  
20 children in foster homes, adoptive homes, or other child care  
21 facilities.

22 N. "Non-Compact state" means a state that has not enacted  
23 the Interstate Compact on the Placement of Children.

24 O. "Preadoption requirements" are any conditions  
25 established by the laws or regulations of the Federal  
26 Government or of each state that must be met prior to the

1 placement of a child in an adoptive home.

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

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

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

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

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

22 (e) inflicts excessive corporal punishment.

23 Q. "Neglected child" means any child whose parent or other  
24 person responsible for the child's welfare withholds or denies  
25 nourishment or medically indicated treatment including food or  
26 care denied solely on the basis of the present or anticipated



1 mental or physical impairment as determined by a physician  
2 acting alone or in consultation with other physicians or  
3 otherwise does not provide the proper or necessary support,  
4 education as required by law, or medical or other remedial care  
5 recognized under State law as necessary for a child's  
6 well-being, or other care necessary for his or her well-being,  
7 including adequate food, clothing and shelter; or who is  
8 abandoned by his or her parents or other person responsible for  
9 the child's welfare.

10 A child shall not be considered neglected or abused for the  
11 sole reason that the child's parent or other person responsible  
12 for his or her welfare depends upon spiritual means through  
13 prayer alone for the treatment or cure of disease or remedial  
14 care as provided under Section 4 of the Abused and Neglected  
15 Child Reporting Act. A child shall not be considered neglected  
16 or abused for the sole reason that the child's parent or other  
17 person responsible for the child's welfare failed to vaccinate,  
18 delayed vaccination, or refused vaccination for the child due  
19 to a waiver on religious or medical grounds as permitted by  
20 law.

21 R. "Putative father" means a man who may be a child's  
22 father, but who (1) is not married to the child's mother on or  
23 before the date that the child was or is to be born and (2) has  
24 not established paternity of the child in a court proceeding  
25 before the filing of a petition for the adoption of the child.  
26 The term includes a male who is less than 18 years of age.

1 "Putative father" does not mean a man who is the child's father  
2 as a result of criminal sexual abuse or assault as defined  
3 under Article 12 of the Criminal Code of 1961.

4 S. "Standby adoption" means an adoption in which a parent  
5 consents to custody and termination of parental rights to  
6 become effective upon the occurrence of a future event, which  
7 is either the death of the parent or the request of the parent  
8 for the entry of a final judgment of adoption.

9 T. (Blank).

10 (Source: P.A. 93-732, eff. 1-1-05; 94-229, eff. 1-1-06; 94-563,  
11 eff. 1-1-06; 94-939, eff. 1-1-07.)

12 Section 1115. The Parental Notice of Abortion Act of 1995  
13 is amended by changing Section 10 as follows:

14 (750 ILCS 70/10)

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

16 "Abortion" means the use of any instrument, medicine, drug,  
17 or any other substance or device to terminate the pregnancy of  
18 a woman known to be pregnant with an intention other than to  
19 increase the probability of a live birth, to preserve the life  
20 or health of a child after live birth, or to remove a dead  
21 fetus.

22 "Actual notice" means the giving of notice directly, in  
23 person, or by telephone.

24 "Adult family member" means a person over 21 years of age

1 who is the parent, grandparent, step-parent living in the  
2 household, or legal guardian.

3 "Constructive notice" means notice by certified mail to the  
4 last known address of the person entitled to notice with  
5 delivery deemed to have occurred 48 hours after the certified  
6 notice is mailed.

7 "Incompetent" means any person who has been adjudged as  
8 mentally ill or developmentally disabled and who, because of  
9 her mental illness or developmental disability, is not fully  
10 able to manage her person and for whom a guardian of the person  
11 has been appointed under Section 11a-3(a) (1) of the Probate Act  
12 of 1975.

13 "Medical emergency" means a condition that, on the basis of  
14 the physician's good faith clinical judgment, so complicates  
15 the medical condition of a pregnant woman as to necessitate the  
16 immediate abortion of her pregnancy to avert her death or for  
17 which a delay will create serious risk of substantial and  
18 irreversible impairment of major bodily function.

19 "Minor" means any person under 18 years of age who is not  
20 or has not been married or who has not been emancipated under  
21 the Emancipation of Minors Act.

22 "Neglect" means the failure of an adult family member to  
23 supply a child with necessary food, clothing, shelter, or  
24 medical care when reasonably able to do so or the failure to  
25 protect a child from conditions or actions that imminently and  
26 seriously endanger the child's physical or mental health when

1 reasonably able to do so.

2 "Physical abuse" means any physical injury intentionally  
3 inflicted by an adult family member on a child.

4 "Physician" means any person licensed to practice medicine  
5 in all its branches under the Illinois Medical Practice Act of  
6 1987.

7 "Sexual abuse" means any sexual conduct or sexual  
8 penetration as defined in Section 11-0.1 ~~12-12~~ of the Criminal  
9 Code of 1961 that is prohibited by the criminal laws of the  
10 State of Illinois and committed against a minor by an adult  
11 family member as defined in this Act.

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

13 Section 1120. The Landlord and Tenant Act is amended by  
14 changing Section 10 as follows:

15 (765 ILCS 705/10)

16 Sec. 10. Failure to inform lessor who is a child sex  
17 offender and who resides in the same building in which the  
18 lessee resides or intends to reside that the lessee is a parent  
19 or guardian of a child under 18 years of age. If a lessor of  
20 residential real estate resides at such real estate and is a  
21 child sex offender as defined in Section 11-9.3 or 11-9.4 of  
22 the Criminal Code of 1961 and rents such real estate to a  
23 person who does not inform the lessor that the person is a  
24 parent or guardian of a child or children under 18 years of age

1 and subsequent to such lease, the lessee discovers that the  
2 landlord is a child sex offender, then the lessee may not  
3 terminate the lease based upon such discovery that the lessor  
4 is a child sex offender and such lease shall be in full force  
5 and effect. This subsection shall apply only to leases or other  
6 rental arrangements entered into after the effective date of  
7 this amendatory Act of the 95th General Assembly.

8 (Source: P.A. 95-820, eff. 1-1-09.)

9 Section 1125. The Illinois Securities Law of 1953 is  
10 amended by changing Section 7a as follows:

11 (815 ILCS 5/7a) (from Ch. 121 1/2, par. 137.7a)

12 Sec. 7a. (a) Except as provided in subsection (b) of this  
13 Section, no securities, issued by an issuer engaged in or  
14 deriving revenues from the conduct of any business or  
15 profession, the conduct of which would violate Section 11-14,  
16 11-14.3, 11-14.4 as described in subdivision (a) (1), (a) (2), or  
17 (a) (3) or that involves soliciting for a juvenile prostitute,  
18 11-15, 11-15.1, 11-16, 11-17, 11-19 or 11-19.1 of the Criminal  
19 Code of 1961, as now or hereafter amended, if conducted in this  
20 State, shall be sold or registered pursuant to Section 5, 6 or  
21 7 of this Act nor sold pursuant to the provisions of Section 3  
22 or 4 of this Act.

23 (b) Notwithstanding the provisions of subsection (a)  
24 hereof, such securities issued prior to the effective date of

1 this amendatory Act of 1989 may be sold by a resident of this  
2 State in transactions which qualify for an exemption from the  
3 registration requirements of this Act pursuant to subsection A  
4 of Section 4 of this Act.

5 (Source: P.A. 86-526.)

6 Section 1130. The Victims' Economic Security and Safety Act  
7 is amended by changing Section 10 as follows:

8 (820 ILCS 180/10)

9 Sec. 10. Definitions. In this Act, except as otherwise  
10 expressly provided:

11 (1) "Commerce" includes trade, traffic, commerce,  
12 transportation, or communication; and "industry or  
13 activity affecting commerce" means any activity, business,  
14 or industry in commerce or in which a labor dispute would  
15 hinder or obstruct commerce or the free flow of commerce,  
16 and includes "commerce" and any "industry affecting  
17 commerce".

18 (2) "Course of conduct" means a course of repeatedly  
19 maintaining a visual or physical proximity to a person or  
20 conveying oral or written threats, including threats  
21 conveyed through electronic communications, or threats  
22 implied by conduct.

23 (3) "Department" means the Department of Labor.

24 (4) "Director" means the Director of Labor.

1           (5) "Domestic or sexual violence" means domestic  
2 violence, sexual assault, or stalking.

3           (6) "Domestic violence" means abuse, as defined in  
4 Section 103 of the Illinois Domestic Violence Act of 1986,  
5 by a family or household member, as defined in Section 103  
6 of the Illinois Domestic Violence Act of 1986.

7           (7) "Electronic communications" includes  
8 communications via telephone, mobile phone, computer,  
9 e-mail, video recorder, fax machine, telex, or pager, or  
10 any other electronic communication, as defined in Section  
11 12-7.5 of the Criminal Code of 1961.

12           (8) "Employ" includes to suffer or permit to work.

13           (9) Employee.

14           (A) In general. "Employee" means any person  
15 employed by an employer.

16           (B) Basis. "Employee" includes a person employed  
17 as described in subparagraph (A) on a full or part-time  
18 basis, or as a participant in a work assignment as a  
19 condition of receipt of federal or State income-based  
20 public assistance.

21           (10) "Employer" means any of the following: (A) the  
22 State or any agency of the State; (B) any unit of local  
23 government or school district; or (C) any person that  
24 employs at least 15 employees.

25           (11) "Employment benefits" means all benefits provided  
26 or made available to employees by an employer, including

1 group life insurance, health insurance, disability  
2 insurance, sick leave, annual leave, educational benefits,  
3 pensions, and profit-sharing, regardless of whether such  
4 benefits are provided by a practice or written policy of an  
5 employer or through an "employee benefit plan". "Employee  
6 benefit plan" or "plan" means an employee welfare benefit  
7 plan or an employee pension benefit plan or a plan which is  
8 both an employee welfare benefit plan and an employee  
9 pension benefit plan.

10 (12) "Family or household member", for employees with a  
11 family or household member who is a victim of domestic or  
12 sexual violence, means a spouse, parent, son, daughter,  
13 other person related by blood or by present or prior  
14 marriage, other person who shares a relationship through a  
15 son or daughter, and persons jointly residing in the same  
16 household.

17 (13) "Parent" means the biological parent of an  
18 employee or an individual who stood in loco parentis to an  
19 employee when the employee was a son or daughter. "Son or  
20 daughter" means a biological, adopted, or foster child, a  
21 stepchild, a legal ward, or a child of a person standing in  
22 loco parentis, who is under 18 years of age, or is 18 years  
23 of age or older and incapable of self-care because of a  
24 mental or physical disability.

25 (14) "Perpetrator" means an individual who commits or  
26 is alleged to have committed any act or threat of domestic



1 or sexual violence.

2 (15) "Person" means an individual, partnership,  
3 association, corporation, business trust, legal  
4 representative, or any organized group of persons.

5 (16) "Public agency" means the Government of the State  
6 or political subdivision thereof; any agency of the State,  
7 or of a political subdivision of the State; or any  
8 governmental agency.

9 (17) "Public assistance" includes cash, food stamps,  
10 medical assistance, housing assistance, and other benefits  
11 provided on the basis of income by a public agency or  
12 public employer.

13 (18) "Reduced work schedule" means a work schedule that  
14 reduces the usual number of hours per workweek, or hours  
15 per workday, of an employee.

16 (19) "Repeatedly" means on 2 or more occasions.

17 (20) "Sexual assault" means any conduct proscribed by  
18 the Criminal Code of 1961 in Sections 11-1.20, 11-1.30,  
19 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15,  
20 and 12-16.

21 (21) "Stalking" means any conduct proscribed by the  
22 Criminal Code of 1961 in Sections 12-7.3, 12-7.4, and  
23 12-7.5.

24 (22) "Victim" or "survivor" means an individual who has  
25 been subjected to domestic or sexual violence.

26 (23) "Victim services organization" means a nonprofit,

1 nongovernmental organization that provides assistance to  
2 victims of domestic or sexual violence or to advocates for  
3 such victims, including a rape crisis center, an  
4 organization carrying out a domestic violence program, an  
5 organization operating a shelter or providing counseling  
6 services, or a legal services organization or other  
7 organization providing assistance through the legal  
8 process.

9 (Source: P.A. 96-635, eff. 8-24-09.)

10 Article 5.

11 Section 5-5. The Criminal Code of 1961 is amended: by  
12 adding the headings of Subdivisions 1, 5, 10, 15, 20, 25, 30,  
13 and 35 of Article 17; by adding Sections 17-0.5, 17-3.5,  
14 17-5.7, 17-6.3, 17-6.5, 17-8.5, 17-10.3, 17-10.5, 17-10.6,  
15 17-10.7, 17-31, 17-32, 17-33, 17-34, 17-35, 17-36, 17-37,  
16 17-38, 17-39, 17-40, 17-41, 17-42, 17-43, 17-44, 17-45, 17-46,  
17 17-47, 17-48, 17-49, 17-49.5, 17-55, 17-61, and 17-62; by  
18 changing the heading of Article 17 and changing Sections 17-1,  
19 17-1b, 17-2, 17-3, 17-5, 17-5.5, 17-6, 17-9, 17-11, 17-11.2,  
20 17-13, 17-17, 17-20, 17-21, 17-24, 17-26, and 17-27; and by  
21 changing and renumbering Sections 16-1.3, 16-22, 16C-2, 16D-3,  
22 16D-4, 16D-5, 16D-5.5, 16D-6, 16D-7, 17-7, 17-16, 17-22, 17-28,  
23 17-29, and 39-1 as follows:

1 (720 ILCS 5/Art. 17 heading)

2 ARTICLE 17. DECEPTION AND FRAUD

3 (720 ILCS 5/Art. 17, Subdiv. 1 heading new)

4 SUBDIVISION 1. GENERAL DEFINITIONS

5 (720 ILCS 5/17-0.5 new)

6 Sec. 17-0.5. Definitions. In this Article:

7 "Altered credit card or debit card" means any instrument or  
8 device, whether known as a credit card or debit card, which has  
9 been changed in any respect by addition or deletion of any  
10 material, except for the signature by the person to whom the  
11 card is issued.

12 "Cardholder" means the person or organization named on the  
13 face of a credit card or debit card to whom or for whose  
14 benefit the credit card or debit card is issued by an issuer.

15 "Computer" means a device that accepts, processes, stores,  
16 retrieves, or outputs data and includes, but is not limited to,  
17 auxiliary storage and telecommunications devices connected to  
18 computers.

19 "Computer network" means a set of related, remotely  
20 connected devices and any communications facilities including  
21 more than one computer with the capability to transmit data  
22 between them through the communications facilities.

23 "Computer program" or "program" means a series of coded  
24 instructions or statements in a form acceptable to a computer

1 which causes the computer to process data and supply the  
2 results of the data processing.

3 "Computer services" means computer time or services,  
4 including data processing services, Internet services,  
5 electronic mail services, electronic message services, or  
6 information or data stored in connection therewith.

7 "Counterfeit" means to manufacture, produce or create, by  
8 any means, a credit card or debit card without the purported  
9 issuer's consent or authorization.

10 "Credit card" means any instrument or device, whether known  
11 as a credit card, credit plate, charge plate or any other name,  
12 issued with or without fee by an issuer for the use of the  
13 cardholder in obtaining money, goods, services or anything else  
14 of value on credit or in consideration or an undertaking or  
15 quaranty by the issuer of the payment of a check drawn by the  
16 cardholder.

17 "Data" means a representation in any form of information,  
18 knowledge, facts, concepts, or instructions, including program  
19 documentation, which is prepared or has been prepared in a  
20 formalized manner and is stored or processed in or transmitted  
21 by a computer or in a system or network. Data is considered  
22 property and may be in any form, including, but not limited to,  
23 printouts, magnetic or optical storage media, punch cards, or  
24 data stored internally in the memory of the computer.

25 "Debit card" means any instrument or device, known by any  
26 name, issued with or without fee by an issuer for the use of

1 the cardholder in obtaining money, goods, services, and  
2 anything else of value, payment of which is made against funds  
3 previously deposited by the cardholder. A debit card which also  
4 can be used to obtain money, goods, services and anything else  
5 of value on credit shall not be considered a debit card when it  
6 is being used to obtain money, goods, services or anything else  
7 of value on credit.

8 "Document" includes, but is not limited to, any document,  
9 representation, or image produced manually, electronically, or  
10 by computer.

11 "Electronic fund transfer terminal" means any machine or  
12 device that, when properly activated, will perform any of the  
13 following services:

14 (1) Dispense money as a debit to the cardholder's  
15 account; or

16 (2) Print the cardholder's account balances on a  
17 statement; or

18 (3) Transfer funds between a cardholder's accounts; or

19 (4) Accept payments on a cardholder's loan; or

20 (5) Dispense cash advances on an open end credit or a  
21 revolving charge agreement; or

22 (6) Accept deposits to a customer's account; or

23 (7) Receive inquiries of verification of checks and  
24 dispense information that verifies that funds are  
25 available to cover such checks; or

26 (8) Cause money to be transferred electronically from a

1 cardholder's account to an account held by any business,  
2 firm, retail merchant, corporation, or any other  
3 organization.

4 "Electronic funds transfer system", hereafter referred to  
5 as "EFT System", means that system whereby funds are  
6 transferred electronically from a cardholder's account to any  
7 other account.

8 "Electronic mail service provider" means any person who (i)  
9 is an intermediary in sending or receiving electronic mail and  
10 (ii) provides to end-users of electronic mail services the  
11 ability to send or receive electronic mail.

12 "Expired credit card or debit card" means a credit card or  
13 debit card which is no longer valid because the term on it has  
14 elapsed.

15 "False academic degree" means a certificate, diploma,  
16 transcript, or other document purporting to be issued by an  
17 institution of higher learning or purporting to indicate that a  
18 person has completed an organized academic program of study at  
19 an institution of higher learning when the person has not  
20 completed the organized academic program of study indicated on  
21 the certificate, diploma, transcript, or other document.

22 "False claim" means any statement made to any insurer,  
23 purported insurer, servicing corporation, insurance broker, or  
24 insurance agent, or any agent or employee of one of those  
25 entities, and made as part of, or in support of, a claim for  
26 payment or other benefit under a policy of insurance, or as

1 part of, or in support of, an application for the issuance of,  
2 or the rating of, any insurance policy, when the statement does  
3 any of the following:

4 (1) Contains any false, incomplete, or misleading  
5 information concerning any fact or thing material to the  
6 claim.

7 (2) Conceals (i) the occurrence of an event that is  
8 material to any person's initial or continued right or  
9 entitlement to any insurance benefit or payment or (ii) the  
10 amount of any benefit or payment to which the person is  
11 entitled.

12 "Financial institution" means any bank, savings and loan  
13 association, credit union, or other depository of money or  
14 medium of savings and collective investment.

15 "Governmental entity" means: each officer, board,  
16 commission, and agency created by the Constitution, whether in  
17 the executive, legislative, or judicial branch of State  
18 government; each officer, department, board, commission,  
19 agency, institution, authority, university, and body politic  
20 and corporate of the State; each administrative unit or  
21 corporate outgrowth of State government that is created by or  
22 pursuant to statute, including units of local government and  
23 their officers, school districts, and boards of election  
24 commissioners; and each administrative unit or corporate  
25 outgrowth of the foregoing items and as may be created by  
26 executive order of the Governor.

1       "Incomplete credit card or debit card" means a credit card  
2 or debit card which is missing part of the matter other than  
3 the signature of the cardholder which an issuer requires to  
4 appear on the credit card or debit card before it can be used  
5 by a cardholder, and this includes credit cards or debit cards  
6 which have not been stamped, embossed, imprinted or written on.

7       "Institution of higher learning" means a public or private  
8 college, university, or community college located in the State  
9 of Illinois that is authorized by the Board of Higher Education  
10 or the Illinois Community College Board to issue post-secondary  
11 degrees, or a public or private college, university, or  
12 community college located anywhere in the United States that is  
13 or has been legally constituted to offer degrees and  
14 instruction in its state of origin or incorporation.

15       "Insurance company" means "company" as defined under  
16 Section 2 of the Illinois Insurance Code.

17       "Issuer" means the business organization or financial  
18 institution which issues a credit card or debit card, or its  
19 duly authorized agent.

20       "Merchant" has the meaning ascribed to it in Section  
21 16A-2.4 of this Code.

22       "Person" means any individual, corporation, government,  
23 governmental subdivision or agency, business trust, estate,  
24 trust, partnership or association or any other entity.

25       "Receives" or "receiving" means acquiring possession or  
26 control.



1       "Record of charge form" means any document submitted or  
2 intended to be submitted to an issuer as evidence of a credit  
3 transaction for which the issuer has agreed to reimburse  
4 persons providing money, goods, property, services or other  
5 things of value.

6       "Revoked credit card or debit card" means a credit card or  
7 debit card which is no longer valid because permission to use  
8 it has been suspended or terminated by the issuer.

9       "Sale" means any delivery for value.

10       "Scheme or artifice to defraud" includes a scheme or  
11 artifice to deprive another of the intangible right to honest  
12 services.

13       "Self-insured entity" means any person, business,  
14 partnership, corporation, or organization that sets aside  
15 funds to meet his, her, or its losses or to absorb fluctuations  
16 in the amount of loss, the losses being charged against the  
17 funds set aside or accumulated.

18       "Social networking website" means an Internet website  
19 containing profile web pages of the members of the website that  
20 include the names or nicknames of such members, photographs  
21 placed on the profile web pages by such members, or any other  
22 personal or personally identifying information about such  
23 members and links to other profile web pages on social  
24 networking websites of friends or associates of such members  
25 that can be accessed by other members or visitors to the  
26 website. A social networking website provides members of or

1 visitors to such website the ability to leave messages or  
2 comments on the profile web page that are visible to all or  
3 some visitors to the profile web page and may also include a  
4 form of electronic mail for members of the social networking  
5 website.

6 "Statement" means any assertion, oral, written, or  
7 otherwise, and includes, but is not limited to: any notice,  
8 letter, or memorandum; proof of loss; bill of lading; receipt  
9 for payment; invoice, account, or other financial statement;  
10 estimate of property damage; bill for services; diagnosis or  
11 prognosis; prescription; hospital, medical, or dental chart or  
12 other record, x-ray, photograph, videotape, or movie film; test  
13 result; other evidence of loss, injury, or expense;  
14 computer-generated document; and data in any form.

15 "Universal Price Code Label" means a unique symbol that  
16 consists of a machine-readable code and human-readable  
17 numbers.

18 "With intent to defraud" means to act knowingly, and with  
19 the specific intent to deceive or cheat, for the purpose of  
20 causing financial loss to another or bringing some financial  
21 gain to oneself, regardless of whether any person was actually  
22 defrauded or deceived. This includes an intent to cause another  
23 to assume, create, transfer, alter, or terminate any right,  
24 obligation, or power with reference to any person or property.

1                                    SUBDIVISION 5. DECEPTION

2            (720 ILCS 5/17-1)    (from Ch. 38, par. 17-1)

3            Sec. 17-1. Deceptive practices.

4            ~~(A) Definitions.~~

5            ~~As used in this Section:~~

6            ~~(i) "Financial institution" means any bank, savings~~  
7            ~~and loan association, credit union, or other depository of~~  
8            ~~money, or medium of savings and collective investment.~~

9            ~~(ii) An "account holder" is any person having a~~  
10           ~~checking account or savings account in a financial~~  
11           ~~institution.~~

12           ~~(iii) To act with the "intent to defraud" means to act~~  
13           ~~wilfully, and with the specific intent to deceive or cheat,~~  
14           ~~for the purpose of causing financial loss to another, or to~~  
15           ~~bring some financial gain to oneself. It is not necessary~~  
16           ~~to establish that any person was actually defrauded or~~  
17           ~~deceived.~~

18           (A) ~~(B)~~ General deception Deception.

19           A person commits a deceptive practice when, with intent to  
20           defraud, the person does any of the following:

21                (1) ~~(a)~~ He or she knowingly causes another, by  
22                deception or threat, to execute a document disposing of  
23                property or a document by which a pecuniary obligation is  
24                incurred.

1           (2) ~~(b)~~ Being an officer, manager or other person  
2 participating in the direction of a financial institution,  
3 he or she knowingly receives or permits the receipt of a  
4 deposit or other investment, knowing that the institution  
5 is insolvent.

6           (3) ~~(c)~~ He or she knowingly makes ~~or directs another to~~  
7 ~~make~~ a false or deceptive statement addressed to the public  
8 for the purpose of promoting the sale of property or  
9 services.

10 (B) Bad checks.

11 A person commits a deceptive practice when:

12           (1) ~~(d)~~ With intent to obtain control over property or  
13 to pay for property, labor or services of another, or in  
14 satisfaction of an obligation for payment of tax under the  
15 Retailers' Occupation Tax Act or any other tax due to the  
16 State of Illinois, he or she issues or delivers a check or  
17 other order upon a real or fictitious depository for the  
18 payment of money, knowing that it will not be paid by the  
19 depository. The trier of fact may infer that the defendant  
20 knows that the check or other order will not be paid by the  
21 depository and that the defendant has acted with intent to  
22 defraud when the defendant fails ~~Failure~~ to have sufficient  
23 funds or credit with the depository when the check or other  
24 order is issued or delivered, or when such check or other  
25 order is presented for payment and dishonored on each of 2

1 occasions at least 7 days apart, ~~is prima facie evidence~~  
2 ~~that the offender knows that it will not be paid by the~~  
3 ~~depository, and that he or she has the intent to defraud.~~

4 In this paragraph (B) (1) ~~(d)~~, "property" includes rental  
5 property (real or personal).

6 (2) ~~(e)~~ He or she issues or delivers a check or other  
7 order upon a real or fictitious depository in an amount  
8 exceeding \$150 in payment of an amount owed on any credit  
9 transaction for property, labor or services, or in payment  
10 of the entire amount owed on any credit transaction for  
11 property, labor or services, knowing that it will not be  
12 paid by the depository, and thereafter fails to provide  
13 funds or credit with the depository in the face amount of  
14 the check or order within 7 days of receiving actual notice  
15 from the depository or payee of the dishonor of the check  
16 or order.

17 ~~Sentence.~~

18 ~~A person convicted of a deceptive practice under paragraph~~  
19 ~~(a), (b), (c), (d), or (e) of this subsection (B), except as~~  
20 ~~otherwise provided by this Section, is guilty of a Class A~~  
21 ~~misdemeanor.~~

22 ~~A person convicted of a deceptive practice in violation of~~  
23 ~~paragraph (d) a second or subsequent time shall be guilty of a~~  
24 ~~Class 4 felony.~~

25 ~~A person convicted of deceptive practices in violation of~~  
26 ~~paragraph (a) or (d), when the value of the property so~~

1 ~~obtained, in a single transaction, or in separate transactions~~  
2 ~~within a 90 day period, exceeds \$150, shall be guilty of a~~  
3 ~~Class 4 felony. In the case of a prosecution for separate~~  
4 ~~transactions totaling more than \$150 within a 90 day period,~~  
5 ~~such separate transactions shall be alleged in a single charge~~  
6 ~~and provided in a single prosecution.~~

7 (C) Bank-related fraud ~~Deception on a Bank or Other Financial~~  
8 ~~Institution.~~

9 (1) False statement ~~Statements.~~

10 A person commits false statement bank fraud if he or she  
11 ~~Any person who,~~ with the intent to defraud, makes or causes to  
12 be made any false statement in writing in order to obtain an  
13 account with a bank or other financial institution, or to  
14 obtain credit from a bank or other financial institution, or to  
15 obtain services from a currency exchange, knowing such writing  
16 to be false, and with the intent that it be relied upon, ~~is~~  
17 ~~guilty of a Class A misdemeanor.~~

18 For purposes of this subsection (C), a false statement  
19 means ~~shall mean~~ any false statement representing identity,  
20 address, or employment, or the identity, address, or employment  
21 of any person, firm, or corporation.

22 (2) Possession of stolen or fraudulently obtained checks  
23 ~~Stolen or Fraudulently Obtained Checks.~~

24 A person commits possession of stolen or fraudulently  
25 obtained checks when he or she ~~Any person who~~ possesses, with

1 the intent to obtain access to funds of another person held in  
2 a real or fictitious deposit account at a financial  
3 institution, makes a false statement or a misrepresentation to  
4 the financial institution, or possesses, transfers,  
5 negotiates, or presents for payment a check, draft, or other  
6 item purported to direct the financial institution to withdraw  
7 or pay funds out of the account holder's deposit account with  
8 knowledge that such possession, transfer, negotiation, or  
9 presentment is not authorized by the account holder or the  
10 issuing financial institution ~~is guilty of a Class A~~  
11 ~~misdemeanor~~. A person shall be deemed to have been authorized  
12 to possess, transfer, negotiate, or present for payment such  
13 item if the person was otherwise entitled by law to withdraw or  
14 recover funds from the account in question and followed the  
15 requisite procedures under the law. If ~~In the event that~~ the  
16 account holder, upon discovery of the withdrawal or payment,  
17 claims that the withdrawal or payment was not authorized, the  
18 financial institution may require the account holder to submit  
19 an affidavit to that effect on a form satisfactory to the  
20 financial institution before the financial institution may be  
21 required to credit the account in an amount equal to the amount  
22 or amounts that were withdrawn or paid without authorization.

23 ~~Any person who, within any 12 month period, violates this~~  
24 ~~Section with respect to 3 or more checks or orders for the~~  
25 ~~payment of money at the same time or consecutively, each the~~  
26 ~~property of a different account holder or financial~~

1 ~~institution, is guilty of a Class 4 felony.~~

2 (3) Possession of implements of check fraud ~~Implements of~~  
3 ~~Check Fraud.~~

4 A person commits possession of implements of check fraud  
5 when he or she ~~Any person who~~ possesses, with the intent to  
6 defraud and without the authority of the account holder or  
7 financial institution, any check imprinter, signature  
8 imprinter, or "certified" stamp ~~is guilty of a Class A~~  
9 ~~misdemeanor.~~

10 (D) Sentence.

11 (1) The commission of a deceptive practice in violation  
12 of this Section, except as otherwise provided by this  
13 subsection (D), is a Class A misdemeanor.

14 (2) For purposes of paragraphs (A) (1) and (B) (1):

15 (a) The commission of a deceptive practice in  
16 violation of paragraph (A) (1) or (B) (1), when the value  
17 of the property so obtained, in a single transaction or  
18 in separate transactions within a 90-day period,  
19 exceeds \$150, is a Class 4 felony. In the case of a  
20 prosecution for separate transactions totaling more  
21 than \$150 within a 90-day period, those separate  
22 transactions shall be alleged in a single charge and  
23 prosecuted in a single prosecution.

24 (b) The commission of a deceptive practice in  
25 violation of paragraph (B) (1) a second or subsequent



1           time is a Class 4 felony.

2           (3) For purposes of paragraph (C)(2), a person who,  
3           within any 12-month period, violates paragraph (C)(2) with  
4           respect to 3 or more checks or orders for the payment of  
5           money at the same time or consecutively, each the property  
6           of a different account holder or financial institution, is  
7           guilty of a Class 4 felony.

8           (4) For purposes of paragraph (C)(3), a person who  
9           within any 12-month period violates paragraph (C)(3) as to  
10           possession of 3 or more such devices at the same time or  
11           consecutively is guilty of a Class 4 felony.

12           (E) Civil liability. A person who issues a check or order  
13           to a payee in violation of paragraph (B)(1) and who fails to  
14           pay the amount of the check or order to the payee within 30  
15           days following either delivery and acceptance by the addressee  
16           of a written demand both by certified mail and by first class  
17           mail to the person's last known address or attempted delivery  
18           of a written demand sent both by certified mail and by first  
19           class mail to the person's last known address and the demand by  
20           certified mail is returned to the sender with a notation that  
21           delivery was refused or unclaimed shall be liable to the payee  
22           or a person subrogated to the rights of the payee for, in  
23           addition to the amount owing upon such check or order, damages  
24           of treble the amount so owing, but in no case less than \$100  
25           nor more than \$1,500, plus attorney's fees and court costs. An

1 action under this subsection (E) may be brought in small claims  
2 court or in any other appropriate court. As part of the written  
3 demand required by this subsection (E), the plaintiff shall  
4 provide written notice to the defendant of the fact that prior  
5 to the hearing of any action under this subsection (E), the  
6 defendant may tender to the plaintiff and the plaintiff shall  
7 accept, as satisfaction of the claim, an amount of money equal  
8 to the sum of the amount of the check and the incurred court  
9 costs, including the cost of service of process, and attorney's  
10 fees.

11 ~~A person who within any 12 month period violates this~~  
12 ~~subsection (C) as to possession of 3 or more such devices at~~  
13 ~~the same time or consecutively, is guilty of a Class 4 felony.~~

14 ~~(4) Possession of Identification Card.~~

15 ~~Any person who, with the intent to defraud, possesses any~~  
16 ~~check guarantee card or key card or identification card for~~  
17 ~~cash dispensing machines without the authority of the account~~  
18 ~~holder or financial institution is guilty of a Class A~~  
19 ~~misdemeanor.~~

20 ~~A person who, within any 12 month period, violates this~~  
21 ~~Section at the same time or consecutively with respect to 3 or~~  
22 ~~more cards, each the property of different account holders, is~~  
23 ~~guilty of a Class 4 felony.~~

24 ~~A person convicted under this Section, when the value of~~  
25 ~~property so obtained, in a single transaction, or in separate~~  
26 ~~transactions within any 90 day period, exceeds \$150 shall be~~

1 ~~guilty of a Class 4 felony.~~

2 (Source: P.A. 96-1432, eff. 1-1-11.)

3 (720 ILCS 5/17-1b)

4 Sec. 17-1b. State's Attorney's bad check diversion  
5 program.

6 (a) In this Section:

7 "Offender" means a person charged with, or for whom  
8 probable cause exists to charge the person with, deceptive  
9 practices.

10 "Pretrial diversion" means the decision of a prosecutor to  
11 refer an offender to a diversion program on condition that the  
12 criminal charges against the offender will be dismissed after a  
13 specified period of time, or the case will not be charged, if  
14 the offender successfully completes the program.

15 "Restitution" means all amounts payable to a victim of  
16 deceptive practices under the bad check diversion program  
17 created under this Section, including the amount of the check  
18 and any transaction fees payable to a victim as set forth in  
19 subsection (g) but does not include amounts recoverable under  
20 Section 3-806 of the Uniform Commercial Code and subsection (E)  
21 of Section 17-1 ~~17-1a~~ of this Code.

22 (b) A State's Attorney may create within his or her office  
23 a bad check diversion program for offenders who agree to  
24 voluntarily participate in the program instead of undergoing  
25 prosecution. The program may be conducted by the State's

1 Attorney or by a private entity under contract with the State's  
2 Attorney. If the State's Attorney contracts with a private  
3 entity to perform any services in operating the program, the  
4 entity shall operate under the supervision, direction, and  
5 control of the State's Attorney. Any private entity providing  
6 services under this Section is not a "collection agency" as  
7 that term is defined under the Collection Agency Act.

8 (c) If an offender is referred to the State's Attorney, the  
9 State's Attorney may determine whether the offender is  
10 appropriate for acceptance in the program. The State's Attorney  
11 may consider, but shall not be limited to consideration of, the  
12 following factors:

- 13 (1) the amount of the check that was drawn or passed;
- 14 (2) prior referrals of the offender to the program;
- 15 (3) whether other charges of deceptive practices are  
16 pending against the offender;
- 17 (4) the evidence presented to the State's Attorney  
18 regarding the facts and circumstances of the incident;
- 19 (5) the offender's criminal history; and
- 20 (6) the reason the check was dishonored by the  
21 financial institution.

22 (d) The bad check diversion program may require an offender  
23 to do one or more of the following:

- 24 (i) pay for, at his or her own expense, and  
25 successfully complete an educational class held by the  
26 State's Attorney or a private entity under contract with

1 the State's Attorney;

2 (ii) make full restitution for the offense;

3 (iii) pay a per-check administrative fee as set forth  
4 in this Section.

5 (e) If an offender is diverted to the program, the State's  
6 Attorney shall agree in writing not to prosecute the offender  
7 upon the offender's successful completion of the program  
8 conditions. The State's Attorney's agreement to divert the  
9 offender shall specify the offenses that will not be prosecuted  
10 by identifying the checks involved in the transactions.

11 (f) The State's Attorney, or private entity under contract  
12 with the State's Attorney, may collect a fee from an offender  
13 diverted to the State's Attorney's bad check diversion program.  
14 This fee may be deposited in a bank account maintained by the  
15 State's Attorney for the purpose of depositing fees and paying  
16 the expenses of the program or for use in the enforcement and  
17 prosecution of criminal laws. The State's Attorney may require  
18 that the fee be paid directly to a private entity that  
19 administers the program under a contract with the State's  
20 Attorney. The amount of the administrative fees collected by  
21 the State's Attorney under the program may not exceed \$35 per  
22 check. The county board may, however, by ordinance, increase  
23 the fees allowed by this Section if the increase is justified  
24 by an acceptable cost study showing that the fees allowed by  
25 this Section are not sufficient to cover the cost of providing  
26 the service.

1 (g) (1) The private entity shall be required to maintain  
2 adequate general liability insurance of \$1,000,000 per  
3 occurrence as well as adequate coverage for potential loss  
4 resulting from employee dishonesty. The State's Attorney  
5 may require a surety bond payable to the State's Attorney  
6 if in the State's Attorney's opinion it is determined that  
7 the private entity is not adequately insured or funded.

8 (2) (A) Each private entity that has a contract with  
9 the State's Attorney to conduct a bad check diversion  
10 program shall at all times maintain a separate bank  
11 account in which all moneys received from the offenders  
12 participating in the program shall be deposited,  
13 referred to as a "trust account" ~~"Trust Account"~~,  
14 except that negotiable instruments received may be  
15 forwarded directly to a victim of the deceptive  
16 practice committed by the offender if that procedure is  
17 provided for by a writing executed by the victim.  
18 Moneys received shall be so deposited within 5 business  
19 days after posting to the private entity's books of  
20 account. There shall be sufficient funds in the trust  
21 account at all times to pay the victims the amount due  
22 them.

23 (B) The trust account shall be established in a  
24 financial institution ~~bank, savings and loan~~  
25 ~~association, or other recognized depository~~ which is  
26 federally or State insured or otherwise secured as

1 defined by rule. If the account is interest bearing,  
2 the private entity shall pay to the victim interest  
3 earned on funds on deposit after the 60th day.

4 (C) Each private entity shall keep on file the name  
5 of the financial institution ~~bank, savings and loan~~  
6 ~~association, or other recognized depository~~ in which  
7 each trust account is maintained, the name of each  
8 trust account, and the names of the persons authorized  
9 to withdraw funds from each account. The private  
10 entity, within 30 days of the time of a change of  
11 depository or person authorized to make withdrawal,  
12 shall update its files to reflect that change. An  
13 examination and audit of a private entity's trust  
14 accounts may be made by the State's Attorney as the  
15 State's Attorney deems appropriate. A trust account  
16 financial report shall be submitted annually on forms  
17 acceptable to the State's Attorney.

18 (3) The State's Attorney may cancel a contract entered  
19 into with a private entity under this Section for any one  
20 or any combination of the following causes:

21 (A) Conviction of the private entity or the  
22 principals of the private entity of any crime under the  
23 laws of any U.S. jurisdiction which is a felony, a  
24 misdemeanor an essential element of which is  
25 dishonesty, or of any crime which directly relates to  
26 the practice of the profession.

1           (B) A determination that the private entity has  
2 engaged in conduct prohibited in item (4).

3           (4) The State's Attorney may determine whether the  
4 private entity has engaged in the following prohibited  
5 conduct:

6           (A) Using or threatening to use force or violence  
7 to cause physical harm to an offender, his or her  
8 family, or his or her property.

9           (B) Threatening the seizure, attachment, or sale  
10 of an offender's property where such action can only be  
11 taken pursuant to court order without disclosing that  
12 prior court proceedings are required.

13           (C) Disclosing or threatening to disclose  
14 information adversely affecting an offender's  
15 reputation for creditworthiness with knowledge the  
16 information is false.

17           (D) Initiating or threatening to initiate  
18 communication with an offender's employer unless there  
19 has been a default of the payment of the obligation for  
20 at least 30 days and at least 5 days prior written  
21 notice, to the last known address of the offender, of  
22 the intention to communicate with the employer has been  
23 given to the employee, except as expressly permitted by  
24 law or court order.

25           (E) Communicating with the offender or any member  
26 of the offender's family at such a time of day or night



1           and with such frequency as to constitute harassment of  
2           the offender or any member of the offender's family.  
3           For purposes of this clause (E) the following conduct  
4           shall constitute harassment:

5                   (i) Communicating with the offender or any  
6                   member of his or her family at any unusual time or  
7                   place or a time or place known or which should be  
8                   known to be inconvenient to the offender. In the  
9                   absence of knowledge of circumstances to the  
10                  contrary, a private entity shall assume that the  
11                  convenient time for communicating with a consumer  
12                  is after 8 o'clock a.m. and before 9 o'clock p.m.  
13                  local time at the offender's residence.

14                  (ii) The threat of publication or publication  
15                  of a list of offenders who allegedly refuse to pay  
16                  restitution, except by the State's Attorney.

17                  (iii) The threat of advertisement or  
18                  advertisement for sale of any restitution to  
19                  coerce payment of the restitution.

20                  (iv) Causing a telephone to ring or engaging  
21                  any person in telephone conversation repeatedly or  
22                  continuously with intent to annoy, abuse, or  
23                  harass any person at the called number.

24                  (v) Using profane, obscene or abusive language  
25                  in communicating with an offender, his or her  
26                  family, or others.

1           (vi) Disclosing or threatening to disclose  
2 information relating to a offender's case to any  
3 other person except the victim and appropriate law  
4 enforcement personnel.

5           (vii) Disclosing or threatening to disclose  
6 information concerning the alleged criminal act  
7 which the private entity knows to be reasonably  
8 disputed by the offender without disclosing the  
9 fact that the offender disputes the accusation.

10           (viii) Engaging in any conduct which the  
11 State's Attorney finds was intended to cause and  
12 did cause mental or physical illness to the  
13 offender or his or her family.

14           (ix) Attempting or threatening to enforce a  
15 right or remedy with knowledge or reason to know  
16 that the right or remedy does not exist.

17           (x) Except as authorized by the State's  
18 Attorney, using any form of communication which  
19 simulates legal or judicial process or which gives  
20 the appearance of being authorized, issued or  
21 approved by a governmental agency or official or by  
22 an attorney at law when it is not.

23           (xi) Using any badge, uniform, or other  
24 indicia of any governmental agency or official,  
25 except as authorized by law or by the State's  
26 Attorney.

1           (xii) Except as authorized by the State's  
2 Attorney, conducting business under any name or in  
3 any manner which suggests or implies that the  
4 private entity is bonded if such private entity is  
5 or is a branch of or is affiliated with any  
6 governmental agency or court if such private  
7 entity is not.

8           (xiii) Misrepresenting the amount of the  
9 restitution alleged to be owed.

10          (xiv) Except as authorized by the State's  
11 Attorney, representing that an existing  
12 restitution amount may be increased by the  
13 addition of attorney's fees, investigation fees,  
14 or any other fees or charges when those fees or  
15 charges may not legally be added to the existing  
16 restitution.

17          (xv) Except as authorized by the State's  
18 Attorney, representing that the private entity is  
19 an attorney at law or an agent for an attorney if  
20 the entity is not.

21          (xvi) Collecting or attempting to collect any  
22 interest or other charge or fee in excess of the  
23 actual restitution or claim unless the interest or  
24 other charge or fee is expressly authorized by the  
25 State's Attorney, who shall determine what  
26 constitutes a reasonable collection fee.

1           (xvii) Communicating or threatening to  
2           communicate with an offender when the private  
3           entity is informed in writing by an attorney that  
4           the attorney represents the offender concerning  
5           the claim, unless authorized by the attorney. If  
6           the attorney fails to respond within a reasonable  
7           period of time, the private entity may communicate  
8           with the offender. The private entity may  
9           communicate with the offender when the attorney  
10          gives his consent.

11          (xviii) Engaging in dishonorable, unethical,  
12          or unprofessional conduct of a character likely to  
13          deceive, defraud, or harm the public.

14          (5) The State's Attorney shall audit the accounts of  
15          the bad check diversion program after notice in writing to  
16          the private entity.

17          (6) Any information obtained by a private entity that  
18          has a contract with the State's Attorney to conduct a bad  
19          check diversion program is confidential information  
20          between the State's Attorney and the private entity and may  
21          not be sold or used for any other purpose but may be shared  
22          with other authorized law enforcement agencies as  
23          determined by the State's Attorney.

24          (h) The State's Attorney, or private entity under contract  
25          with the State's Attorney, shall recover, in addition to the  
26          face amount of the dishonored check or draft, a transaction fee

1 to defray the costs and expenses incurred by a victim who  
2 received a dishonored check that was made or delivered by the  
3 offender. The face amount of the dishonored check or draft and  
4 the transaction fee shall be paid by the State's Attorney or  
5 private entity under contract with the State's Attorney to the  
6 victim as restitution for the offense. The amount of the  
7 transaction fee must not exceed: \$25 if the face amount of the  
8 check or draft does not exceed \$100; \$30 if the face amount of  
9 the check or draft is greater than \$100 but does not exceed  
10 \$250; \$35 if the face amount of the check or draft is greater  
11 than \$250 but does not exceed \$500; \$40 if the face amount of  
12 the check or draft is greater than \$500 but does not exceed  
13 \$1,000; and \$50 if the face amount of the check or draft is  
14 greater than \$1,000.

15 (i) The offender, if aggrieved by an action of the private  
16 entity contracted to operate a bad check diversion program, may  
17 submit a grievance to the State's Attorney who may then resolve  
18 the grievance. The private entity must give notice to the  
19 offender that the grievance procedure is available. The  
20 grievance procedure shall be established by the State's  
21 Attorney.

22 (Source: P.A. 95-41, eff. 1-1-08.)

23 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)

24 Sec. 17-2. False personation; ~~use of title;~~ solicitation;  
25 ~~certain entities.~~

1 (a) False personation; solicitation.

2 (1) A person commits a false personation when he or she  
3 knowingly and falsely represents himself or herself to be a  
4 member or representative of any veterans' or public safety  
5 personnel organization or a representative of any  
6 charitable organization, or when he or she knowingly ~~any~~  
7 ~~person~~ exhibits or uses in any manner any decal, badge or  
8 insignia of any charitable, public safety personnel, or  
9 veterans' organization when not authorized to do so by the  
10 charitable, public safety personnel, or veterans'  
11 organization. "Public safety personnel organization" has  
12 the meaning ascribed to that term in Section 1 of the  
13 Solicitation for Charity Act.

14 (2) ~~(a-5)~~ A person commits a false personation when he  
15 or she knowingly and falsely represents himself or herself  
16 to be a veteran in seeking employment or public office. In  
17 this paragraph subsection, "veteran" means a person who has  
18 served in the Armed Services or Reserve Forces of the  
19 United States.

20 ~~(a-6) A person commits a false personation when he or she~~  
21 ~~falsely represents himself or herself to be a recipient of, or~~  
22 ~~wears on his or her person, any of the following medals if that~~  
23 ~~medal was not awarded to that person by the United States~~  
24 ~~government, irrespective of branch of service: the~~  
25 ~~Congressional Medal of Honor, the Distinguished Service Cross,~~  
26 ~~the Navy Cross, the Air Force Cross, the Silver Star, the~~

1 ~~Bronze Star, or the Purple Heart.~~

2 ~~It is a defense to a prosecution under this subsection~~  
3 ~~(a-6) that the medal is used, or is intended to be used,~~  
4 ~~exclusively:~~

5 ~~(1) for a dramatic presentation, such as a theatrical,~~  
6 ~~film, or television production, or a historical~~  
7 ~~re-enactment; or~~

8 ~~(2) for a costume worn, or intended to be worn, by a~~  
9 ~~person under 18 years of age.~~

10 ~~(3) (b) No person shall knowingly use the words~~  
11 ~~"Chicago Police", "Chicago Police Department", "Chicago~~  
12 ~~Patrolman", "Chicago Sergeant", "Chicago Lieutenant",~~  
13 ~~"Chicago Peace Officer", "Sheriff's Police", "Sheriff",~~  
14 ~~"Officer", "Law Enforcement", "Trooper", "Deputy", "Deputy~~  
15 ~~Sheriff", "State Police", or any other words to the same~~  
16 ~~effect (i) in the title of any organization, magazine, or~~  
17 ~~other publication without the express approval of the named~~  
18 ~~public safety personnel organization's governing board or~~  
19 ~~(ii) in combination with the name of any state, state~~  
20 ~~agency, public university, or unit of local government~~  
21 ~~without the express written authorization of that state,~~  
22 ~~state agency, public university, or unit of local~~  
23 ~~government Chicago Police Board.~~

24 ~~(b-5) No person shall use the words "Cook County Sheriff's~~  
25 ~~Police" or "Cook County Sheriff" or any other words to the same~~  
26 ~~effect in the title of any organization, magazine, or other~~

1 ~~publication without the express approval of the office of the~~  
2 ~~Cook County Sheriff's Merit Board. The references to names and~~  
3 ~~titles in this Section may not be construed as authorizing use~~  
4 ~~of the names and titles of other organizations or public safety~~  
5 ~~personnel organizations otherwise prohibited by this Section~~  
6 ~~or the Solicitation for Charity Act.~~

7 ~~(b 10) No person may use, in the title of any organization,~~  
8 ~~magazine, or other publication, the words "officer", "peace~~  
9 ~~officer", "police", "law enforcement", "trooper", "sheriff",~~  
10 ~~"deputy", "deputy sheriff", or "state police" in combination~~  
11 ~~with the name of any state, state agency, public university, or~~  
12 ~~unit of local government without the express written~~  
13 ~~authorization of that state, state agency, or unit of local~~  
14 ~~government.~~

15 ~~(c) (Blank).~~

16 (4) ~~(e 1)~~ No person may knowingly claim or represent  
17 that he or she is acting on behalf of any public safety  
18 personnel organization ~~police department, chief of a~~  
19 ~~police department, fire department, chief of a fire~~  
20 ~~department, sheriff's department, or sheriff~~ when  
21 soliciting financial contributions or selling or  
22 delivering or offering to sell or deliver any merchandise,  
23 goods, services, memberships, or advertisements unless the  
24 chief of the police department, fire department, and the  
25 corporate or municipal authority thereof, or the sheriff  
26 has first entered into a written agreement with the person



1 or with an organization with which the person is affiliated  
2 and the agreement permits the activity and specifies and  
3 states clearly and fully the purpose for which the proceeds  
4 of the solicitation, contribution, or sale will be used.

5 (5) ~~(e-2)~~ No person, when soliciting financial  
6 contributions or selling or delivering or offering to sell  
7 or deliver any merchandise, goods, services, memberships,  
8 or advertisements may claim or represent that he or she is  
9 representing or acting on behalf of any nongovernmental  
10 organization by any name which includes "officer", "peace  
11 officer", "police", "law enforcement", "trooper",  
12 "sheriff", "deputy", "deputy sheriff", "State police", or  
13 any other word or words which would reasonably be  
14 understood to imply that the organization is composed of  
15 law enforcement personnel unless:

16 (A) the person is actually representing or acting  
17 on behalf of the nongovernmental organization; ~~and~~

18 (B) the nongovernmental organization is controlled  
19 by and governed by a membership of and represents a  
20 group or association of active duty peace officers,  
21 retired peace officers, or injured peace officers; and

22 (C) before commencing the solicitation or the sale  
23 or the offers to sell any merchandise, goods, services,  
24 memberships, or advertisements, a written contract  
25 between the soliciting or selling person and the  
26 nongovernmental organization, which specifies and

1           states clearly and fully the purposes for which the  
2           proceeds of the solicitation, contribution, or sale  
3           will be used, has been entered into.

4           ~~(c-3) No person may solicit financial contributions or sell~~  
5           ~~or deliver or offer to sell or deliver any merchandise, goods,~~  
6           ~~services, memberships, or advertisements on behalf of a police,~~  
7           ~~sheriff, or other law enforcement department unless that person~~  
8           ~~is actually representing or acting on behalf of the department~~  
9           ~~or governmental organization and has entered into a written~~  
10           ~~contract with the police chief, or head of the law enforcement~~  
11           ~~department, and the corporate or municipal authority thereof,~~  
12           ~~or the sheriff, which specifies and states clearly and fully~~  
13           ~~the purposes for which the proceeds of the solicitation,~~  
14           ~~contribution, or sale will be used.~~

15           (6) ~~(c-4)~~ No person, when soliciting financial  
16           contributions or selling or delivering or offering to sell  
17           or deliver any merchandise, goods, services, memberships,  
18           or advertisements, may knowingly claim or represent that he  
19           or she is representing or acting on behalf of any  
20           nongovernmental organization by any name which includes  
21           the term "fireman", "fire fighter", "paramedic", or any  
22           other word or words which would reasonably be understood to  
23           imply that the organization is composed of fire fighter or  
24           paramedic personnel unless:

25           (A) the person is actually representing or acting  
26           on behalf of the nongovernmental organization; ~~and~~

1           (B) the nongovernmental organization is controlled  
2 by and governed by a membership of and represents a  
3 group or association of active duty, retired, or  
4 injured fire fighters (for the purposes of this  
5 Section, "fire fighter" has the meaning ascribed to  
6 that term in Section 2 of the Illinois Fire Protection  
7 Training Act) or active duty, retired, or injured  
8 emergency medical technicians - ambulance, emergency  
9 medical technicians - intermediate, emergency medical  
10 technicians - paramedic, ambulance drivers, or other  
11 medical assistance or first aid personnel;7 and

12           (C) before commencing the solicitation or the sale  
13 or delivery or the offers to sell or deliver any  
14 merchandise, goods, services, memberships, or  
15 advertisements, the soliciting or selling person and  
16 the nongovernmental organization have entered into a  
17 written contract that specifies and states clearly and  
18 fully the purposes for which the proceeds of the  
19 solicitation, contribution, or sale will be used ~~a~~  
20 ~~written contract between the soliciting or selling~~  
21 ~~person and the nongovernmental organization has been~~  
22 ~~entered into.~~

23           ~~(c-5) No person may solicit financial contributions or sell~~  
24 ~~or deliver or offer to sell or deliver any merchandise, goods,~~  
25 ~~services, memberships, or advertisements on behalf of a~~  
26 ~~department or departments of fire fighters unless that person~~

1 ~~is actually representing or acting on behalf of the department~~  
2 ~~or departments and has entered into a written contract with the~~  
3 ~~department chief and corporate or municipal authority thereof~~  
4 ~~which specifies and states clearly and fully the purposes for~~  
5 ~~which the proceeds of the solicitation, contribution, or sale~~  
6 ~~will be used.~~

7 (7) ~~(e-6)~~ No person may knowingly claim or represent  
8 that he or she is an airman, airline employee, airport  
9 employee, or contractor at an airport in order to obtain  
10 the uniform, identification card, license, or other  
11 identification paraphernalia of an airman, airline  
12 employee, airport employee, or contractor at an airport.

13 (8) No person, firm, copartnership, or corporation  
14 (except corporations organized and doing business under  
15 the Pawnners Societies Act) shall knowingly use a name that  
16 contains in it the words "Pawnners' Society".

17 (b) False personation; judicial process. A person commits a  
18 false personation if he or she knowingly and falsely represents  
19 himself or herself to be any of the following:

20 (1) An attorney authorized to practice law for purposes  
21 of compensation or consideration. This paragraph (b)(1)  
22 does not apply to a person who unintentionally fails to pay  
23 attorney registration fees established by Supreme Court  
24 Rule.

25 (2) A public officer or a public employee or an  
26 official or employee of the federal government.

1           (2.3) A public officer, a public employee, or an  
2           official or employee of the federal government, and the  
3           false representation is made in furtherance of the  
4           commission of felony.

5           (2.7) A public officer or a public employee, and the  
6           false representation is for the purpose of effectuating  
7           identity theft as defined in Section 16G-15 of this Code.

8           (3) A peace officer.

9           (4) A peace officer while carrying a deadly weapon.

10          (5) A peace officer in attempting or committing a  
11          felony.

12          (6) A peace officer in attempting or committing a  
13          forcible felony.

14          (7) The parent, legal guardian, or other relation of a  
15          minor child to any public official, public employee, or  
16          elementary or secondary school employee or administrator.

17          (8) A fire fighter.

18          (9) A fire fighter while carrying a deadly weapon.

19          (10) A fire fighter in attempting or committing a  
20          felony.

21          (11) An emergency management worker of any  
22          jurisdiction in this State.

23          (12) An emergency management worker of any  
24          jurisdiction in this State in attempting or committing a  
25          felony. For the purposes of this subsection (b), "emergency  
26          management worker" has the meaning provided under Section

1 2-6.6 of this Code.

2 (c) Fraudulent advertisement of a corporate name.

3 (1) A company, association, or individual commits  
4 fraudulent advertisement of a corporate name if he, she, or  
5 it, not being incorporated, puts forth a sign or  
6 advertisement and assumes, for the purpose of soliciting  
7 business, a corporate name.

8 (2) Nothing contained in this subsection (c) prohibits  
9 a corporation, company, association, or person from using a  
10 divisional designation or trade name in conjunction with  
11 its corporate name or assumed name under Section 4.05 of  
12 the Business Corporation Act of 1983 or, if it is a member  
13 of a partnership or joint venture, from doing partnership  
14 or joint venture business under the partnership or joint  
15 venture name. The name under which the joint venture or  
16 partnership does business may differ from the names of the  
17 members. Business may not be conducted or transacted under  
18 that joint venture or partnership name, however, unless all  
19 provisions of the Assumed Business Name Act have been  
20 complied with. Nothing in this subsection (c) permits a  
21 foreign corporation to do business in this State without  
22 complying with all Illinois laws regulating the doing of  
23 business by foreign corporations. No foreign corporation  
24 may conduct or transact business in this State as a member  
25 of a partnership or joint venture that violates any  
26 Illinois law regulating or pertaining to the doing of

1 business by foreign corporations in Illinois.

2 (3) The provisions of this subsection (c) do not apply  
3 to limited partnerships formed under the Revised Uniform  
4 Limited Partnership Act or under the Uniform Limited  
5 Partnership Act (2001).

6 (d) False law enforcement badges.

7 (1) A person commits false law enforcement badges if he  
8 or she knowingly produces, sells, or distributes a law  
9 enforcement badge without the express written consent of  
10 the law enforcement agency represented on the badge or, in  
11 case of a reorganized or defunct law enforcement agency,  
12 its successor law enforcement agency.

13 (2) It is a defense to false law enforcement badges  
14 that the law enforcement badge is used or is intended to be  
15 used exclusively: (i) as a memento or in a collection or  
16 exhibit; (ii) for decorative purposes; or (iii) for a  
17 dramatic presentation, such as a theatrical, film, or  
18 television production.

19 (e) False medals.

20 (1) A person commits a false personation if he or she  
21 knowingly and falsely represents himself or herself to be a  
22 recipient of, or wears on his or her person, any of the  
23 following medals if that medal was not awarded to that  
24 person by the United States Government, irrespective of  
25 branch of service: The Congressional Medal of Honor, The  
26 Distinguished Service Cross, The Navy Cross, The Air Force

1 Cross, The Silver Star, The Bronze Star, or the Purple  
2 Heart.

3 (2) It is a defense to a prosecution under paragraph  
4 (e)(1) that the medal is used, or is intended to be used,  
5 exclusively:

6 (A) for a dramatic presentation, such as a  
7 theatrical, film, or television production, or a  
8 historical re-enactment; or

9 (B) for a costume worn, or intended to be worn, by  
10 a person under 18 years of age.

11 (f) Sentence.

12 (1) A violation of paragraph (a)(8) is a petty offense  
13 subject to a fine of not less than \$5 nor more than \$100,  
14 and the person, firm, copartnership, or corporation  
15 commits an additional petty offense for each day he, she,  
16 or it continues to commit the violation. A violation of  
17 paragraph (c)(1) is a petty offense, and the company,  
18 association, or person commits an additional petty offense  
19 for each day he, she, or it continues to commit the  
20 violation. A violation of subsection (e) is a petty offense  
21 for which the offender shall be fined at least \$100 and not  
22 more than \$200.

23 (2) A violation of paragraph (a)(1) or (a)(3) is a  
24 Class C misdemeanor.

25 (3) A violation of paragraph (a)(2), (a)(7), (b)(2), or  
26 (b)(7) or subsection (d) is a Class A misdemeanor. A second



1 or subsequent violation of subsection (d) is a Class 3  
2 felony.

3 (4) A violation of paragraph (a) (4), (a) (5), (a) (6),  
4 (b) (1), (b) (2.3), (b) (2.7), (b) (3), (b) (8), or (b) (11) is a  
5 Class 4 felony.

6 (5) A violation of paragraph (b) (4), (b) (9), or (b) (12)  
7 is a Class 3 felony.

8 (6) A violation of paragraph (b) (5) or (b) (10) is a  
9 Class 2 felony.

10 (7) A violation of paragraph (b) (6) is a Class 1  
11 felony.

12 ~~(d) Sentence. False personation, unapproved use of a name~~  
13 ~~or title, or solicitation in violation of subsection (a), (b),~~  
14 ~~(b 5), or (b 10) of this Section is a Class C misdemeanor.~~  
15 ~~False personation in violation of subsections (a 5) and (c 6)~~  
16 ~~is a Class A misdemeanor. False personation in violation of~~  
17 ~~subsection (a 6) of this Section is a petty offense for which~~  
18 ~~the offender shall be fined at least \$100 and not exceeding~~  
19 ~~\$200. Engaging in any activity in violation of subsection~~  
20 ~~(c-1), (c-2), (c-3), (c-4), or (c-5) of this Section is a Class~~  
21 ~~4 felony.~~

22 (Source: P.A. 95-331, eff. 8-21-07; 96-328, eff. 8-11-09.)

23 (720 ILCS 5/17-3) (from Ch. 38, par. 17-3)

24 Sec. 17-3. Forgery.

25 (a) A person commits forgery when, with intent to defraud,

1 he or she knowingly:

2 (1) makes or alters any document apparently capable of  
3 defrauding another in such manner that it purports to have  
4 been made by another or at another time, or with different  
5 provisions, or by authority of one who did not give such  
6 authority; or

7 (2) issues or delivers such document knowing it to have  
8 been thus made or altered; or

9 (3) possesses, with intent to issue or deliver, any  
10 such document knowing it to have been thus made or altered;  
11 or

12 (4) unlawfully uses the digital signature, as defined  
13 in the Financial Institutions Electronic Documents and  
14 Digital Signature Act, of another; or

15 (5) unlawfully uses the signature device of another to  
16 create an electronic signature of that other person, as  
17 those terms are defined in the Electronic Commerce Security  
18 Act.

19 (b) (Blank). ~~An intent to defraud means an intention to~~  
20 ~~cause another to assume, create, transfer, alter or terminate~~  
21 ~~any right, obligation or power with reference to any person or~~  
22 ~~property. As used in this Section, "document" includes, but is~~  
23 ~~not limited to, any document, representation, or image produced~~  
24 ~~manually, electronically, or by computer.~~

25 (c) A document apparently capable of defrauding another  
26 includes, but is not limited to, one by which any right,

1 obligation or power with reference to any person or property  
2 may be created, transferred, altered or terminated. A document  
3 includes any record or electronic record as those terms are  
4 defined in the Electronic Commerce Security Act. For purposes  
5 of this Section, a document also includes a Universal Price  
6 Code Label or coin.

7 (d) Sentence.

8 (1) Except as provided in paragraphs (2) and (3),  
9 forgery ~~Forgery~~ is a Class 3 felony.

10 (2) Forgery is a Class 4 felony when only one Universal  
11 Price Code Label is forged.

12 (3) Forgery is a Class A misdemeanor when an academic  
13 degree or coin is forged.

14 (e) It is not a violation of this Section if a false  
15 academic degree explicitly states "for novelty purposes only".

16 (Source: P.A. 94-458, eff. 8-4-05.)

17 (720 ILCS 5/17-3.5 new)

18 Sec. 17-3.5. Deceptive sale of gold or silver.

19 (a) Whoever makes for sale, or sells, or offers to sell or  
20 dispose of, or has in his or her possession with intent to sell  
21 or dispose of, any article or articles construed in whole or in  
22 part, of gold or any alloy or imitation thereof, having thereon  
23 or on any box, package, cover, wrapper or other thing enclosing  
24 or encasing such article or articles for sale, any stamp,  
25 brand, engraving, printed label, trade mark, imprint or other

1 mark, indicating or designed, or intended to indicate, that the  
2 gold, alloy or imitation thereof, in such article or articles,  
3 is different from or better than the actual kind and quality of  
4 such gold, alloy or imitation, shall be guilty of a petty  
5 offense and shall be fined in any sum not less than \$50 nor  
6 more than \$100.

7 (b) Whoever makes for sale, sells or offers to sell or  
8 dispose of or has in his or her possession, with intent to sell  
9 or dispose of, any article or articles constructed in whole or  
10 in part of silver or any alloy or imitation thereof, having  
11 thereon--or on any box, package, cover, wrapper or other thing  
12 enclosing or encasing such article or articles for sale--any  
13 stamp, brand, engraving, printed label, trademark, imprint or  
14 other mark, containing the words "sterling" or "sterling  
15 silver," referring, or designed or intended to refer, to the  
16 silver, alloy or imitation thereof in such article or articles,  
17 when such silver, alloy or imitation thereof shall contain less  
18 than nine hundred and twenty-five one-thousandths thereof of  
19 pure silver, shall be guilty of a petty offense and shall be  
20 fined in any sum not less than \$50 nor more than \$100.

21 (c) Whoever makes for sale, sells or offers to sell or  
22 dispose of or has in his or her possession, with intent to sell  
23 or dispose of, any article or articles constructed in whole or  
24 in part of silver or any alloy or imitation thereof, having  
25 thereon--or on any box, package, cover, wrapper or other thing  
26 enclosing or encasing such article or articles for sale--any

1 stamp, brand, engraving, printed label, trademark, imprint, or  
2 other mark, containing the words "coin" or "coin silver,"  
3 referring to or designed or intended to refer to, the silver,  
4 alloy or imitation thereof, in such article or articles, when  
5 such silver, alloy or imitation shall contain less than  
6 nine-tenths thereof pure silver, shall be guilty of a petty  
7 offense and shall be fined in any sum not less than \$50 and not  
8 more than \$100.

9 (720 ILCS 5/17-5) (from Ch. 38, par. 17-5)

10 Sec. 17-5. Deceptive collection practices.

11 A collection agency as defined in the "Collection Agency  
12 Act" or any employee of such collection agency commits a  
13 deceptive collection practice when, with the intent to collect  
14 a debt owed to an individual or a ~~a person,~~ corporation, or  
15 other entity, he, she, or it does any of the following:

16 (a) Represents ~~represents~~ falsely that he or she is an  
17 attorney, a policeman, a sheriff or deputy sheriff, a bailiff,  
18 a county clerk or employee of a county clerk's office, or any  
19 other person who by statute is authorized to enforce the law or  
20 any order of a court. ~~or~~

21 (b) While ~~while~~ attempting to collect an alleged debt,  
22 misrepresents to the alleged debtor or to his or her immediate  
23 family the corporate, partnership or proprietary name or other  
24 trade or business name under which the debt collector is  
25 engaging in debt collections and which he, she, or it is

1 legally authorized to use ~~it~~.

2 (c) While ~~while~~ attempting to collect an alleged debt, adds  
3 to the debt any service charge, interest or penalty which he,  
4 she, or it is not entitled by law to add ~~it~~.

5 (d) Threatens ~~threatens~~ to ruin, destroy, or otherwise  
6 adversely affect an alleged debtor's credit rating unless, at  
7 the same time, a disclosure is made in accordance with federal  
8 law that the alleged debtor has a right to inspect his or her  
9 credit rating ~~it~~.

10 (e) Accepts ~~accepts~~ from an alleged debtor a payment which  
11 he, she, or it knows is not owed.

12 Sentence. The commission of a deceptive collection  
13 practice is a Business Offense punishable by a fine not to  
14 exceed \$3,000.

15 (Source: P.A. 78-1248.)

16 (720 ILCS 5/17-5.5)

17 Sec. 17-5.5. Unlawful attempt to collect compensated debt  
18 against a crime victim.

19 ~~(a) As used in this Section, "crime victim" means a victim~~  
20 ~~of a violent crime or applicant as defined in the Crime Victims~~  
21 ~~Compensation Act.~~

22 ~~"Compensated debt" means a debt incurred by or on behalf of~~  
23 ~~a crime victim and approved for payment by the Court of Claims~~  
24 ~~under the Crime Victims Compensation Act.~~

25 (a) ~~(b)~~ A person or a vendor commits ~~the offense of~~

1 unlawful attempt to collect a compensated debt against a crime  
2 victim when, with intent to collect funds for a debt incurred  
3 by or on behalf of a crime victim, which debt has been approved  
4 for payment by the Court of Claims under the Crime Victims  
5 Compensation Act, but the funds are involuntarily withheld from  
6 the person or vendor by the Comptroller by virtue of an  
7 outstanding obligation owed by the person or vendor to the  
8 State under the Uncollected State Claims Act, the person or  
9 vendor:

10 (1) communicates with, harasses, or intimidates the  
11 crime victim for payment;

12 (2) contacts or distributes information to affect the  
13 compensated crime victim's credit rating as a result of the  
14 compensated debt; or

15 (3) takes any other action adverse to the crime victim  
16 or his or her family on account of the compensated debt.

17 (b) Sentence. ~~(c)~~ Unlawful attempt to collect a compensated  
18 debt against a crime victim is a Class A misdemeanor.

19 (c) ~~(d)~~ Nothing in this Code Act prevents the attempt to  
20 collect an uncompensated debt or an uncompensated portion of a  
21 compensated debt incurred by or on behalf of a crime victim and  
22 not covered under the Crime Victims Compensation Act.

23 (d) As used in this Section, "crime victim" means a victim  
24 of a violent crime or applicant as defined in the Crime Victims  
25 Compensation Act. "Compensated debt" means a debt incurred by  
26 or on behalf of a crime victim and approved for payment by the

1 Court of Claims under the Crime Victims Compensation Act.

2 (Source: P.A. 92-286, eff. 1-1-02.)

3 (720 ILCS 5/17-5.7 new)

4 Sec. 17-5.7. Deceptive advertising.

5 (a) Any person, firm, corporation or association or agent  
6 or employee thereof, who, with intent to sell, purchase, or in  
7 any wise dispose of, or to contract with reference to  
8 merchandise, securities, real estate, service, employment,  
9 money, credit or anything offered by such person, firm,  
10 corporation or association, or agent or employee thereof,  
11 directly or indirectly, to the public for sale, purchase, loan,  
12 distribution, or the hire of personal services, or with intent  
13 to increase the consumption of or to contract with reference to  
14 any merchandise, real estate, securities, money, credit, loan,  
15 service or employment, or to induce the public in any manner to  
16 enter into any obligation relating thereto, or to acquire title  
17 thereto, or an interest therein, or to make any loan, makes,  
18 publishes, disseminates, circulates, or places before the  
19 public, or causes, directly or indirectly, to be made,  
20 published, disseminated, circulated, or placed before the  
21 public, in this State, in a newspaper, magazine, or other  
22 publication, or in the form of a book, notice, handbill,  
23 poster, sign, bill, circular, pamphlet, letter, placard, card,  
24 label, or over any radio or television station, or in any other  
25 way similar or dissimilar to the foregoing, an advertisement,



1 announcement, or statement of any sort regarding merchandise,  
2 securities, real estate, money, credit, service, employment,  
3 or anything so offered for use, purchase, loan or sale, or the  
4 interest, terms or conditions upon which such loan will be made  
5 to the public, which advertisement contains any assertion,  
6 representation or statement of fact which is untrue, misleading  
7 or deceptive, shall be guilty of a Class A misdemeanor.

8 (b) Any person, firm or corporation offering for sale  
9 merchandise, commodities or service by making, publishing,  
10 disseminating, circulating or placing before the public within  
11 this State in any manner an advertisement of merchandise,  
12 commodities, or service, with the intent, design or purpose not  
13 to sell the merchandise, commodities, or service so advertised  
14 at the price stated therein, or otherwise communicated, or with  
15 intent not to sell the merchandise, commodities, or service so  
16 advertised, may be enjoined from such advertising upon  
17 application for injunctive relief by the State's Attorney or  
18 Attorney General, and shall also be guilty of a Class A  
19 misdemeanor.

20 (c) Any person, firm or corporation who makes, publishes,  
21 disseminates, circulates or places before the public, or  
22 causes, directly or indirectly to be made, published,  
23 disseminated, circulated or placed before the public, in this  
24 State, in a newspaper, magazine or other publication published  
25 in this State, or in the form of a book, notice, handbill,  
26 poster, sign, bill, circular, pamphlet, letter, placard, card,

1 or label distributed in this State, or over any radio or  
2 television station located in this State or in any other way in  
3 this State similar or dissimilar to the foregoing, an  
4 advertisement, announcement, statement or representation of  
5 any kind to the public relating to the sale, offering for sale,  
6 purchase, use or lease of any real estate in a subdivision  
7 located outside the State of Illinois may be enjoined from such  
8 activity upon application for injunctive relief by the State's  
9 Attorney or Attorney General and shall also be guilty of a  
10 Class A misdemeanor unless such advertisement, announcement,  
11 statement or representation contains or is accompanied by a  
12 clear, concise statement of the proximity of such real estate  
13 in common units of measurement to public schools, public  
14 highways, fresh water supply, public sewers, electric power,  
15 stores and shops, and telephone service or contains a statement  
16 that one or more of such facilities are not readily available,  
17 and name those not available.

18 (d) Subsections (a), (b), and (c) do not apply to any  
19 medium for the printing, publishing, or disseminating of  
20 advertising, or any owner, agent or employee thereof, nor to  
21 any advertising agency or owner, agent or employee thereof, nor  
22 to any radio or television station, or owner, agent, or  
23 employee thereof, for printing, publishing, or disseminating,  
24 or causing to be printed, published, or disseminated, such  
25 advertisement in good faith and without knowledge of the  
26 deceptive character thereof.

1       (e) No person, firm or corporation owning or operating a  
2 service station shall advertise or hold out or state to the  
3 public the per gallon price of gasoline, upon any sign on the  
4 premises of such station, unless such price includes all taxes,  
5 and unless the price, as so advertised, corresponds with the  
6 price appearing on the pump from which such gasoline is  
7 dispensed. Also, the identity of the product must be included  
8 with the price in any such advertisement, holding out or  
9 statement to the public. Any person who violates this  
10 subsection (e) shall be guilty of a petty offense.

11           (720 ILCS 5/Art. 17, Subdiv. 10 heading new)

12           SUBDIVISION 10. FRAUD ON A GOVERNMENTAL ENTITY

13           (720 ILCS 5/17-6) (from Ch. 38, par. 17-6)

14           Sec. 17-6. State benefits fraud ~~Benefits Fraud~~.

15           (a) A ~~Any~~ person commits State benefits fraud when he or  
16 she ~~who~~ obtains or attempts to obtain money or benefits from  
17 the State of Illinois, from any political subdivision thereof,  
18 or from any program funded or administered in whole or in part  
19 by the State of Illinois or any political subdivision thereof  
20 through the knowing use of false identification documents or  
21 through the knowing misrepresentation of his or her age, place  
22 of residence, number of dependents, marital or family status,  
23 employment status, financial status, or any other material fact  
24 upon which his eligibility for or degree of participation in

1 any benefit program might be based, ~~is guilty of State benefits~~  
2 ~~fraud.~~

3 (b) Notwithstanding any provision of State law to the  
4 contrary, every application or other document submitted to an  
5 agency or department of the State of Illinois or any political  
6 subdivision thereof to establish or determine eligibility for  
7 money or benefits from the State of Illinois or from any  
8 political subdivision thereof, or from any program funded or  
9 administered in whole or in part by the State of Illinois or  
10 any political subdivision thereof, shall be made available upon  
11 request to any law enforcement agency for use in the  
12 investigation or prosecution of State benefits fraud or for use  
13 in the investigation or prosecution of any other crime arising  
14 out of the same transaction or occurrence. Except as otherwise  
15 permitted by law, information disclosed pursuant to this  
16 subsection shall be used and disclosed only for the purposes  
17 provided herein. The provisions of this Section shall be  
18 operative only to the extent that they do not conflict with any  
19 federal law or regulation governing federal grants to this  
20 State.

21 (c) Any employee of the State of Illinois or any agency or  
22 political subdivision thereof may seize as evidence any false  
23 or fraudulent document presented to him or her in connection  
24 with an application for or receipt of money or benefits from  
25 the State of Illinois, from any political subdivision thereof,  
26 or from any program funded or administered in whole or in part

1 by the State of Illinois or any political subdivision thereof.

2 (d) Sentence.

3 (1) State benefits fraud is a Class 4 felony except when  
4 more than \$300 is obtained, in which case State benefits fraud  
5 is a Class 3 felony.

6 (2) ~~If State benefits fraud is a Class 3 felony when \$300~~  
7 ~~or less is obtained and a Class 2 felony when more than \$300 is~~  
8 ~~obtained if~~ a person knowingly misrepresents oneself as a  
9 veteran or as a dependent of a veteran with the intent of  
10 obtaining benefits or privileges provided by the State or its  
11 political subdivisions to veterans or their dependents, then  
12 State benefits fraud is a Class 3 felony when \$300 or less is  
13 obtained and a Class 2 felony when more than \$300 is obtained.

14 For the purposes of this paragraph (2), benefits and privileges  
15 include, but are not limited to, those benefits and privileges  
16 available under the Veterans' Employment Act, the Viet Nam  
17 Veterans Compensation Act, the Prisoner of War Bonus Act, the  
18 War Bonus Extension Act, the Military Veterans Assistance Act,  
19 the Veterans' Employment Representative Act, the Veterans  
20 Preference Act, the Service Member's Employment Tenure Act, the  
21 Disabled Veterans Housing Act, the Under Age Veterans Benefits  
22 Act, the Survivors Compensation Act, the Children of Deceased  
23 Veterans Act, the Veterans Burial Places Act, the Higher  
24 Education Student Assistance Act, or any other loans,  
25 assistance in employment, monetary payments, or tax exemptions  
26 offered by the State or its political subdivisions for veterans

1 or their dependents.

2 (Source: P.A. 94-486, eff. 1-1-06.)

3 (720 ILCS 5/17-6.3 new)

4 Sec. 17-6.3. WIC fraud.

5 (a) For the purposes of this Section, the Special  
6 Supplemental Food Program for Women, Infants and Children  
7 administered by the Illinois Department of Public Health or  
8 Department of Human Services shall be referred to as "WIC".

9 (b) A person commits WIC fraud if he or she knowingly (i)  
10 uses, acquires, possesses, or transfers WIC Food Instruments or  
11 authorizations to participate in WIC in any manner not  
12 authorized by law or the rules of the Illinois Department of  
13 Public Health or Department of Human Services or (ii) uses,  
14 acquires, possesses, or transfers altered WIC Food Instruments  
15 or authorizations to participate in WIC.

16 (c) Administrative malfeasance.

17 (1) A person commits administrative malfeasance if he  
18 or she knowingly or recklessly misappropriates, misuses,  
19 or unlawfully withholds or converts to his or her own use  
20 or to the use of another any public funds made available  
21 for WIC.

22 (2) An official or employee of the State or a unit of  
23 local government who knowingly aids, abets, assists, or  
24 participates in a known violation of this Section is  
25 subject to disciplinary proceedings under the rules of the

1 applicable State agency or unit of local government.

2 (d) Unauthorized possession of identification document. A  
3 person commits unauthorized possession of an identification  
4 document if he or she knowingly possesses, with intent to  
5 commit a misdemeanor or felony, another person's  
6 identification document issued by the Illinois Department of  
7 Public Health or Department of Human Services. For purposes of  
8 this Section, "identification document" includes, but is not  
9 limited to, an authorization to participate in WIC or a card or  
10 other document that identifies a person as being entitled to  
11 WIC benefits.

12 (e) Penalties.

13 (1) If an individual, firm, corporation, association,  
14 agency, institution, or other legal entity is found by a  
15 court to have engaged in an act, practice, or course of  
16 conduct declared unlawful under subsection (a), (b), or (c)  
17 of this Section and:

18 (A) the total amount of money involved in the  
19 violation, including the monetary value of the WIC Food  
20 Instruments and the value of commodities, is less than  
21 \$150, the violation is a Class A misdemeanor; a second  
22 or subsequent violation is a Class 4 felony;

23 (B) the total amount of money involved in the  
24 violation, including the monetary value of the WIC Food  
25 Instruments and the value of commodities, is \$150 or  
26 more but less than \$1,000, the violation is a Class 4

1 felony; a second or subsequent violation is a Class 3  
2 felony;

3 (C) the total amount of money involved in the  
4 violation, including the monetary value of the WIC Food  
5 Instruments and the value of commodities, is \$1,000 or  
6 more but less than \$5,000, the violation is a Class 3  
7 felony; a second or subsequent violation is a Class 2  
8 felony;

9 (D) the total amount of money involved in the  
10 violation, including the monetary value of the WIC Food  
11 Instruments and the value of commodities, is \$5,000 or  
12 more but less than \$10,000, the violation is a Class 2  
13 felony; a second or subsequent violation is a Class 1  
14 felony; or

15 (E) the total amount of money involved in the  
16 violation, including the monetary value of the WIC Food  
17 Instruments and the value of commodities, is \$10,000 or  
18 more, the violation is a Class 1 felony and the  
19 defendant shall be permanently ineligible to  
20 participate in WIC.

21 (2) A violation of subsection (d) is a Class 4 felony.

22 (3) The State's Attorney of the county in which the  
23 violation of this Section occurred or the Attorney General  
24 shall bring actions arising under this Section in the name  
25 of the People of the State of Illinois.

26 (4) For purposes of determining the classification of



1 an offense under this subsection (e), all of the money  
2 received as a result of the unlawful act, practice, or  
3 course of conduct, including the value of any WIC Food  
4 Instruments and the value of commodities, shall be  
5 aggregated.

6 (f) Seizure and forfeiture of property.

7 (1) A person who commits a felony violation of this  
8 Section is subject to the property forfeiture provisions  
9 set forth in Article 124B of the Code of Criminal Procedure  
10 of 1963.

11 (2) Property subject to forfeiture under this  
12 subsection (f) may be seized by the Director of State  
13 Police or any local law enforcement agency upon process or  
14 seizure warrant issued by any court having jurisdiction  
15 over the property. The Director or a local law enforcement  
16 agency may seize property under this subsection (f) without  
17 process under any of the following circumstances:

18 (A) If the seizure is incident to inspection under  
19 an administrative inspection warrant.

20 (B) If the property subject to seizure has been the  
21 subject of a prior judgment in favor of the State in a  
22 criminal proceeding or in an injunction or forfeiture  
23 proceeding under Article 124B of the Code of Criminal  
24 Procedure of 1963.

25 (C) If there is probable cause to believe that the  
26 property is directly or indirectly dangerous to health

1           or safety.

2           (D) If there is probable cause to believe that the  
3           property is subject to forfeiture under this  
4           subsection (f) and Article 124B of the Code of Criminal  
5           Procedure of 1963 and the property is seized under  
6           circumstances in which a warrantless seizure or arrest  
7           would be reasonable.

8           (E) In accordance with the Code of Criminal  
9           Procedure of 1963.

10          (g) Future participation as WIC vendor. A person who has  
11          been convicted of a felony violation of this Section is  
12          prohibited from participating as a WIC vendor for a minimum  
13          period of 3 years following conviction and until the total  
14          amount of money involved in the violation, including the value  
15          of WIC Food Instruments and the value of commodities, is repaid  
16          to WIC. This prohibition shall extend to any person with  
17          management responsibility in a firm, corporation, association,  
18          agency, institution, or other legal entity that has been  
19          convicted of a violation of this Section and to an officer or  
20          person owning, directly or indirectly, 5% or more of the shares  
21          of stock or other evidences of ownership in a corporate vendor.

22           (720 ILCS 5/17-6.5 new)

23           Sec. 17-6.5. Persons under deportation order;  
24           ineligibility for benefits.

25           (a) An individual against whom a United States Immigration

1 Judge has issued an order of deportation which has been  
2 affirmed by the Board of Immigration Review, as well as an  
3 individual who appeals such an order pending appeal, under  
4 paragraph 19 of Section 241(a) of the Immigration and  
5 Nationality Act relating to persecution of others on account of  
6 race, religion, national origin or political opinion under the  
7 direction of or in association with the Nazi government of  
8 Germany or its allies, shall be ineligible for the following  
9 benefits authorized by State law:

10 (1) The homestead exemptions and homestead improvement  
11 exemption under Sections 15-170, 15-175, 15-176, and  
12 15-180 of the Property Tax Code.

13 (2) Grants under the Senior Citizens and Disabled  
14 Persons Property Tax Relief and Pharmaceutical Assistance  
15 Act.

16 (3) The double income tax exemption conferred upon  
17 persons 65 years of age or older by Section 204 of the  
18 Illinois Income Tax Act.

19 (4) Grants provided by the Department on Aging.

20 (5) Reductions in vehicle registration fees under  
21 Section 3-806.3 of the Illinois Vehicle Code.

22 (6) Free fishing and reduced fishing license fees under  
23 Sections 20-5 and 20-40 of the Fish and Aquatic Life Code.

24 (7) Tuition free courses for senior citizens under the  
25 Senior Citizen Courses Act.

26 (8) Any benefits under the Illinois Public Aid Code.

1       (b) If a person has been found by a court to have knowingly  
2 received benefits in violation of subsection (a) and:

3           (1) the total monetary value of the benefits received  
4 is less than \$150, the person is guilty of a Class A  
5 misdemeanor; a second or subsequent violation is a Class 4  
6 felony;

7           (2) the total monetary value of the benefits received  
8 is \$150 or more but less than \$1,000, the person is guilty  
9 of a Class 4 felony; a second or subsequent violation is a  
10 Class 3 felony;

11           (3) the total monetary value of the benefits received  
12 is \$1,000 or more but less than \$5,000, the person is  
13 guilty of a Class 3 felony; a second or subsequent  
14 violation is a Class 2 felony;

15           (4) the total monetary value of the benefits received  
16 is \$5,000 or more but less than \$10,000, the person is  
17 guilty of a Class 2 felony; a second or subsequent  
18 violation is a Class 1 felony; or

19           (5) the total monetary value of the benefits received  
20 is \$10,000 or more, the person is guilty of a Class 1  
21 felony.

22       (c) For purposes of determining the classification of an  
23 offense under this Section, all of the monetary value of the  
24 benefits received as a result of the unlawful act, practice, or  
25 course of conduct may be accumulated.

26       (d) Any grants awarded to persons described in subsection

1 (a) may be recovered by the State of Illinois in a civil action  
2 commenced by the Attorney General in the circuit court of  
3 Sangamon County or the State's Attorney of the county of  
4 residence of the person described in subsection (a).

5 (e) An individual described in subsection (a) who has been  
6 deported shall be restored to any benefits which that  
7 individual has been denied under State law pursuant to  
8 subsection (a) if (i) the Attorney General of the United States  
9 has issued an order cancelling deportation and has adjusted the  
10 status of the individual to that of an alien lawfully admitted  
11 for permanent residence in the United States or (ii) the  
12 country to which the individual has been deported adjudicates  
13 or exonerates the individual in a judicial or administrative  
14 proceeding as not being guilty of the persecution of others on  
15 account of race, religion, national origin, or political  
16 opinion under the direction of or in association with the Nazi  
17 government of Germany or its allies.

18 (720 ILCS 5/17-8.3) (was 720 ILCS 5/17-22)

19 Sec. 17-8.3 ~~17-22~~. False information on an application for  
20 employment with certain public or private agencies; use of  
21 false academic degree.

22 (a) It is unlawful for an applicant for employment with a  
23 public or private agency that provides State funded services to  
24 persons with mental illness or developmental disabilities to  
25 knowingly ~~wilfully~~ furnish false information regarding

1 professional certification, licensing, criminal background, or  
2 employment history for the 5 years immediately preceding the  
3 date of application on an application for employment with the  
4 agency if the position of employment requires or provides  
5 opportunity for contact with persons with mental illness or  
6 developmental disabilities.

7 (b) It is unlawful for a person to knowingly use a false  
8 academic degree for the purpose of obtaining employment or  
9 admission to an institution of higher learning or admission to  
10 an advanced degree program at an institution of higher learning  
11 or for the purpose of obtaining a promotion or higher  
12 compensation in employment.

13 (c) ~~(b)~~ Sentence. A violation of this Section is a Class A  
14 misdemeanor.

15 (Source: P.A. 90-390, eff. 1-1-98.)

16 (720 ILCS 5/17-8.5 new)

17 Sec. 17-8.5. Fraud on a governmental entity.

18 (a) Fraud on a governmental entity. A person commits fraud  
19 on a governmental entity when he or she knowingly obtains,  
20 attempts to obtain, or causes to be obtained, by deception,  
21 control over the property of any governmental entity by the  
22 making of a false claim of bodily injury or of damage to or  
23 loss or theft of property or by causing a false claim of bodily  
24 injury or of damage to or loss or theft of property to be made  
25 against the governmental entity, intending to deprive the

1 governmental entity permanently of the use and benefit of that  
2 property.

3 (b) Aggravated fraud on a governmental entity. A person  
4 commits aggravated fraud on a governmental entity when he or  
5 she commits fraud on a governmental entity 3 or more times  
6 within an 18-month period arising out of separate incidents or  
7 transactions.

8 (c) Conspiracy to commit fraud on a governmental entity. If  
9 aggravated fraud on a governmental entity forms the basis for a  
10 charge of conspiracy under Section 8-2 of this Code against a  
11 person, the person or persons with whom the accused is alleged  
12 to have agreed to commit the 3 or more violations of this  
13 Section need not be the same person or persons for each  
14 violation, as long as the accused was a part of the common  
15 scheme or plan to engage in each of the 3 or more alleged  
16 violations.

17 (d) Organizer of an aggravated fraud on a governmental  
18 entity conspiracy. A person commits being an organizer of an  
19 aggravated fraud on a governmental entity conspiracy if  
20 aggravated fraud on a governmental entity forms the basis for a  
21 charge of conspiracy under Section 8-2 of this Code and the  
22 person occupies a position of organizer, supervisor, financier,  
23 or other position of management within the conspiracy.

24 For the purposes of this Section, the person or persons  
25 with whom the accused is alleged to have agreed to commit the 3  
26 or more violations of subdivision (a) (1) of Section 17-10.5 or

1 subsection (a) of Section 17-8.5 of this Code need not be the  
2 same person or persons for each violation, as long as the  
3 accused occupied a position of organizer, supervisor,  
4 financer, or other position of management in each of the 3 or  
5 more alleged violations.

6 Notwithstanding Section 8-5 of this Code, a person may be  
7 convicted and sentenced both for the offense of being an  
8 organizer of an aggravated fraud conspiracy and for any other  
9 offense that is the object of the conspiracy.

10 (e) Sentence.

11 (1) A violation of subsection (a) in which the value of  
12 the property obtained or attempted to be obtained is \$300  
13 or less is a Class A misdemeanor.

14 (2) A violation of subsection (a) in which the value of  
15 the property obtained or attempted to be obtained is more  
16 than \$300 but not more than \$10,000 is a Class 3 felony.

17 (3) A violation of subsection (a) in which the value of  
18 the property obtained or attempted to be obtained is more  
19 than \$10,000 but not more than \$100,000 is a Class 2  
20 felony.

21 (4) A violation of subsection (a) in which the value of  
22 the property obtained or attempted to be obtained is more  
23 than \$100,000 is a Class 1 felony.

24 (5) A violation of subsection (b) is a Class 1 felony,  
25 regardless of the value of the property obtained, attempted  
26 to be obtained, or caused to be obtained.



1           (6) The offense of being an organizer of an aggravated  
2           fraud conspiracy is a Class X felony.

3           (7) Notwithstanding Section 8-5 of this Code, a person  
4           may be convicted and sentenced both for the offense of  
5           conspiracy to commit fraud and for any other offense that  
6           is the object of the conspiracy.

7           (f) Civil damages for fraud on a governmental entity. A  
8           person who knowingly obtains, attempts to obtain, or causes to  
9           be obtained, by deception, control over the property of a  
10           governmental entity by the making of a false claim of bodily  
11           injury or of damage to or loss or theft of property, intending  
12           to deprive the governmental entity permanently of the use and  
13           benefit of that property, shall be civilly liable to the  
14           governmental entity that paid the claim or against whom the  
15           claim was made or to the subrogee of the governmental entity in  
16           an amount equal to either 3 times the value of the property  
17           wrongfully obtained or, if property was not wrongfully  
18           obtained, twice the value of the property attempted to be  
19           obtained, whichever amount is greater, plus reasonable  
20           attorney's fees.

21           (g) Determination of property value. For the purposes of  
22           this Section, if the exact value of the property attempted to  
23           be obtained is either not alleged by the claimant or not  
24           otherwise specifically set, the value of the property shall be  
25           the fair market replacement value of the property claimed to be  
26           lost, the reasonable costs of reimbursing a vendor or other

1 claimant for services to be rendered, or both.

2 (h) Actions by State licensing agencies.

3 (1) All State licensing agencies, the Illinois State  
4 Police, and the Department of Financial and Professional  
5 Regulation shall coordinate enforcement efforts relating  
6 to acts of fraud on a governmental entity.

7 (2) If a person who is licensed or registered under the  
8 laws of the State of Illinois to engage in a business or  
9 profession is convicted of or pleads guilty to engaging in  
10 an act of fraud on a governmental entity, the Illinois  
11 State Police must forward to each State agency by which the  
12 person is licensed or registered a copy of the conviction  
13 or plea and all supporting evidence.

14 (3) Any agency that receives information under this  
15 Section shall, not later than 6 months after the date on  
16 which it receives the information, publicly report the  
17 final action taken against the convicted person, including  
18 but not limited to the revocation or suspension of the  
19 license or any other disciplinary action taken.

20 (i) Definitions. For the purposes of this Section,  
21 "obtain", "obtains control", "deception", "property", and  
22 "permanent deprivation" have the meanings ascribed to those  
23 terms in Article 15 of this Code.

24 (720 ILCS 5/17-9) (from Ch. 38, par. 17-9)

25 Sec. 17-9. Public aid wire and mail fraud.

1 (a) Whoever knowingly (i) makes or transmits any  
2 communication by means of telephone, wire, radio, or television  
3 or (ii) places any communication with the United States Postal  
4 Service, or with any private or other mail, package, or  
5 delivery service or system, such communication being made,  
6 transmitted, placed, or received within the State of Illinois,  
7 intending that such communication be made, ~~or~~ transmitted, or  
8 delivered in furtherance of any plan, scheme, or design to  
9 obtain, unlawfully, any benefit or payment under the ~~"The~~  
10 Illinois Public Aid Code", ~~as amended~~, commits ~~the offense of~~  
11 public aid wire and mail fraud.

12 (b) Whoever knowingly directs or causes any communication  
13 to be (i) made or transmitted by means of telephone, wire,  
14 radio, or television or (ii) placed with the United States  
15 Postal Service, or with any private or other mail, package, or  
16 delivery service or system, intending that such communication  
17 be made, ~~or~~ transmitted, or delivered in furtherance of any  
18 plan, scheme, or design to obtain, unlawfully, any benefit or  
19 payment under the ~~"The~~ Illinois Public Aid Code", ~~as amended~~,  
20 commits ~~the offense of~~ public aid wire and mail fraud.

21 (c) Sentence. A violation of this Section ~~Penalty. Public~~  
22 ~~aid wire fraud~~ is a Class 4 felony.

23 (Source: P.A. 84-1255.)

24 (720 ILCS 5/17-10.2) (was 720 ILCS 5/17-29)

25 Sec. 17-10.2 ~~17-29~~. Businesses owned by minorities,

1 females, and persons with disabilities; fraudulent contracts  
2 with governmental units.

3 (a) In this Section:

4 "Minority person" means a person who is: (1) African  
5 American (a person having origins in any of the black  
6 racial groups in Africa); (2) Hispanic (a person of Spanish  
7 or Portuguese culture with origins in Mexico, South or  
8 Central America, or the Caribbean Islands, regardless of  
9 race); (3) Asian American (a person having origins in any  
10 of the original peoples of the Far East, Southeast Asia,  
11 the Indian Subcontinent or the Pacific Islands); or (4)  
12 Native American or Alaskan Native (a person having origins  
13 in any of the original peoples of North America).

14 "Female" means a person who is of the female gender.

15 "Person with a disability" means a person who is a  
16 person qualifying as being disabled.

17 "Disabled" means a severe physical or mental  
18 disability that: (1) results from: amputation, arthritis,  
19 autism, blindness, burn injury, cancer, cerebral palsy,  
20 cystic fibrosis, deafness, head injury, heart disease,  
21 hemiplegia, hemophilia, respiratory or pulmonary  
22 dysfunction, mental retardation, mental illness, multiple  
23 sclerosis, muscular dystrophy, musculoskeletal disorders,  
24 neurological disorders, including stroke and epilepsy,  
25 paraplegia, quadriplegia and other spinal cord conditions,  
26 sickle cell anemia, specific learning disabilities, or end

1 stage renal failure disease; and (2) substantially limits  
2 one or more of the person's major life activities.

3 "Minority owned business" means a business concern  
4 that is at least 51% owned by one or more minority persons,  
5 or in the case of a corporation, at least 51% of the stock  
6 in which is owned by one or more minority persons; and the  
7 management and daily business operations of which are  
8 controlled by one or more of the minority individuals who  
9 own it.

10 "Female owned business" means a business concern that  
11 is at least 51% owned by one or more females, or, in the  
12 case of a corporation, at least 51% of the stock in which  
13 is owned by one or more females; and the management and  
14 daily business operations of which are controlled by one or  
15 more of the females who own it.

16 "Business owned by a person with a disability" means a  
17 business concern that is at least 51% owned by one or more  
18 persons with a disability and the management and daily  
19 business operations of which are controlled by one or more  
20 of the persons with disabilities who own it. A  
21 not-for-profit agency for persons with disabilities that  
22 is exempt from taxation under Section 501 of the Internal  
23 Revenue Code of 1986 is also considered a "business owned  
24 by a person with a disability".

25 "Governmental unit" means the State, a unit of local  
26 government, or school district.

1 (b) In addition to any other penalties imposed by law or by  
2 an ordinance or resolution of a unit of local government or  
3 school district, any individual or entity that knowingly  
4 obtains, or knowingly assists another to obtain, a contract  
5 with a governmental unit, or a subcontract or written  
6 commitment for a subcontract under a contract with a  
7 governmental unit, by falsely representing that the individual  
8 or entity, or the individual or entity assisted, is a minority  
9 owned business, female owned business, or business owned by a  
10 person with a disability is guilty of a Class 2 felony,  
11 regardless of whether the preference for awarding the contract  
12 to a minority owned business, female owned business, or  
13 business owned by a person with a disability was established by  
14 statute or by local ordinance or resolution.

15 (c) In addition to any other penalties authorized by law,  
16 the court shall order that an individual or entity convicted of  
17 a violation of this Section must pay to the governmental unit  
18 that awarded the contract a penalty equal to one and one-half  
19 times the amount of the contract obtained because of the false  
20 representation.

21 (Source: P.A. 94-126, eff. 1-1-06; 94-863, eff. 6-16-06.)

22 (720 ILCS 5/17-10.3 new)

23 Sec. 17-10.3. Deception relating to certification of  
24 disadvantaged business enterprises.

25 (a) Fraudulently obtaining or retaining certification. A

1 person who, in the course of business, fraudulently obtains or  
2 retains certification as a minority owned business or female  
3 owned business commits a Class 2 felony.

4 (b) Willfully making a false statement. A person who, in  
5 the course of business, willfully makes a false statement  
6 whether by affidavit, report or other representation, to an  
7 official or employee of a State agency or the Minority and  
8 Female Business Enterprise Council for the purpose of  
9 influencing the certification or denial of certification of any  
10 business entity as a minority owned business or female owned  
11 business commits a Class 2 felony.

12 (c) Willfully obstructing or impeding an official or  
13 employee of any agency in his or her investigation. Any person  
14 who, in the course of business, willfully obstructs or impedes  
15 an official or employee of any State agency or the Minority and  
16 Female Business Enterprise Council who is investigating the  
17 qualifications of a business entity which has requested  
18 certification as a minority owned business or a female owned  
19 business commits a Class 2 felony.

20 (d) Fraudulently obtaining public moneys reserved for  
21 disadvantaged business enterprises. Any person who, in the  
22 course of business, fraudulently obtains public moneys  
23 reserved for, or allocated or available to minority owned  
24 businesses or female owned businesses commits a Class 2 felony.

25 (e) Definitions. As used in this Article, "minority owned  
26 business", "female owned business", "State agency" and

1 "certification" shall have the meanings ascribed to them in  
2 Section 2 of the Business Enterprise for Minorities, Females,  
3 and Persons with Disabilities Act.

4 (720 ILCS 5/Art. 17, Subdiv. 15 heading new)

5 SUBDIVISION 15. FRAUD ON A PRIVATE ENTITY

6 (720 ILCS 5/17-10.5 new)

7 Sec. 17-10.5. Insurance fraud.

8 (a) Insurance fraud.

9 (1) A person commits insurance fraud when he or she  
10 knowingly obtains, attempts to obtain, or causes to be  
11 obtained, by deception, control over the property of an  
12 insurance company or self-insured entity by the making of a  
13 false claim or by causing a false claim to be made on any  
14 policy of insurance issued by an insurance company or by  
15 the making of a false claim or by causing a false claim to  
16 be made to a self-insured entity, intending to deprive an  
17 insurance company or self-insured entity permanently of  
18 the use and benefit of that property.

19 (2) A person commits health care benefits fraud against  
20 a provider, other than a governmental unit or agency, when  
21 he or she knowingly obtains or attempts to obtain, by  
22 deception, health care benefits and that obtaining or  
23 attempt to obtain health care benefits does not involve  
24 control over property of the provider.



1       (b) Aggravated insurance fraud.

2           (1) A person commits aggravated insurance fraud on a  
3       private entity when he or she commits insurance fraud 3 or  
4       more times within an 18-month period arising out of  
5       separate incidents or transactions.

6           (2) A person commits being an organizer of an  
7       aggravated insurance fraud on a private entity conspiracy  
8       if aggravated insurance fraud on a private entity forms the  
9       basis for a charge of conspiracy under Section 8-2 of this  
10       Code and the person occupies a position of organizer,  
11       supervisor, financier, or other position of management  
12       within the conspiracy.

13       (c) Conspiracy to commit insurance fraud. If aggravated  
14       insurance fraud on a private entity forms the basis for charges  
15       of conspiracy under Section 8-2 of this Code, the person or  
16       persons with whom the accused is alleged to have agreed to  
17       commit the 3 or more violations of this Section need not be the  
18       same person or persons for each violation, as long as the  
19       accused was a part of the common scheme or plan to engage in  
20       each of the 3 or more alleged violations.

21           If aggravated insurance fraud on a private entity forms the  
22       basis for a charge of conspiracy under Section 8-2 of this  
23       Code, and the accused occupies a position of organizer,  
24       supervisor, financier, or other position of management within  
25       the conspiracy, the person or persons with whom the accused is  
26       alleged to have agreed to commit the 3 or more violations of

1 this Section need not be the same person or persons for each  
2 violation as long as the accused occupied a position of  
3 organizer, supervisor, financier, or other position of  
4 management in each of the 3 or more alleged violations.

5 (d) Sentence.

6 (1) A violation of paragraph (a)(1) in which the value  
7 of the property obtained, attempted to be obtained, or  
8 caused to be obtained is \$300 or less is a Class A  
9 misdemeanor.

10 (2) A violation of paragraph (a)(1) in which the value  
11 of the property obtained, attempted to be obtained, or  
12 caused to be obtained is more than \$300 but not more than  
13 \$10,000 is a Class 3 felony.

14 (3) A violation of paragraph (a)(1) in which the value  
15 of the property obtained, attempted to be obtained, or  
16 caused to be obtained is more than \$10,000 but not more  
17 than \$100,000 is a Class 2 felony.

18 (4) A violation of paragraph (a)(1) in which the value  
19 of the property obtained, attempted to be obtained, or  
20 caused to be obtained is more than \$100,000 is a Class 1  
21 felony.

22 (5) A violation of paragraph (a)(2) is a Class A  
23 misdemeanor.

24 (6) A violation of paragraph (b)(1) is a Class 1  
25 felony, regardless of the value of the property obtained,  
26 attempted to be obtained, or caused to be obtained.

1           (7) A violation of paragraph (b)(2) is a Class X  
2           felony.

3           (8) A person convicted of insurance fraud, vendor  
4           fraud, or a federal criminal violation associated with  
5           defrauding the Medicaid program shall be ordered to pay  
6           monetary restitution to the insurance company or  
7           self-insured entity or any other person for any financial  
8           loss sustained as a result of a violation of this Section,  
9           including any court costs and attorney's fees. An order of  
10           restitution shall include expenses incurred and paid by the  
11           State of Illinois or an insurance company or self-insured  
12           entity in connection with any medical evaluation or  
13           treatment services.

14           (9) Notwithstanding Section 8-5 of this Code, a person  
15           may be convicted and sentenced both for the offense of  
16           conspiracy to commit insurance fraud and for any other  
17           offense that is the object of the conspiracy.

18           (e) Civil damages for insurance fraud.

19           (1) A person who knowingly obtains, attempts to obtain,  
20           or causes to be obtained, by deception, control over the  
21           property of any insurance company by the making of a false  
22           claim or by causing a false claim to be made on a policy of  
23           insurance issued by an insurance company, or by the making  
24           of a false claim or by causing a false claim to be made to a  
25           self-insured entity, intending to deprive an insurance  
26           company or self-insured entity permanently of the use and

1 benefit of that property, shall be civilly liable to the  
2 insurance company or self-insured entity that paid the  
3 claim or against whom the claim was made or to the subrogee  
4 of that insurance company or self-insured entity in an  
5 amount equal to either 3 times the value of the property  
6 wrongfully obtained or, if no property was wrongfully  
7 obtained, twice the value of the property attempted to be  
8 obtained, whichever amount is greater, plus reasonable  
9 attorney's fees.

10 (2) An insurance company or self-insured entity that  
11 brings an action against a person under paragraph (1) of  
12 this subsection in bad faith shall be liable to that person  
13 for twice the value of the property claimed, plus  
14 reasonable attorney's fees. In determining whether an  
15 insurance company or self-insured entity acted in bad  
16 faith, the court shall relax the rules of evidence to allow  
17 for the introduction of any facts or other information on  
18 which the insurance company or self-insured entity may have  
19 relied in bringing an action under paragraph (1) of this  
20 subsection.

21 (f) Determination of property value. For the purposes of  
22 this Section, if the exact value of the property attempted to  
23 be obtained is either not alleged by the claimant or not  
24 specifically set by the terms of a policy of insurance, the  
25 value of the property shall be the fair market replacement  
26 value of the property claimed to be lost, the reasonable costs

1 of reimbursing a vendor or other claimant for services to be  
2 rendered, or both.

3 (g) Actions by State licensing agencies.

4 (1) All State licensing agencies, the Illinois State  
5 Police, and the Department of Financial and Professional  
6 Regulation shall coordinate enforcement efforts relating  
7 to acts of insurance fraud.

8 (2) If a person who is licensed or registered under the  
9 laws of the State of Illinois to engage in a business or  
10 profession is convicted of or pleads guilty to engaging in  
11 an act of insurance fraud, the Illinois State Police must  
12 forward to each State agency by which the person is  
13 licensed or registered a copy of the conviction or plea and  
14 all supporting evidence.

15 (3) Any agency that receives information under this  
16 Section shall, not later than 6 months after the date on  
17 which it receives the information, publicly report the  
18 final action taken against the convicted person, including  
19 but not limited to the revocation or suspension of the  
20 license or any other disciplinary action taken.

21 (h) Definitions. For the purposes of this Section,  
22 "obtain", "obtains control", "deception", "property", and  
23 "permanent deprivation" have the meanings ascribed to those  
24 terms in Article 15 of this Code.

1       Sec. 17-10.6. Financial institution fraud.

2       (a) Misappropriation of financial institution property. A  
3 person commits misappropriation of a financial institution's  
4 property whenever he or she knowingly obtains or exerts  
5 unauthorized control over any of the moneys, funds, credits,  
6 assets, securities, or other property owned by or under the  
7 custody or control of a financial institution, or under the  
8 custody or care of any agent, officer, director, or employee of  
9 such financial institution.

10       (b) Commercial bribery of a financial institution.

11       (1) A person commits commercial bribery of a financial  
12 institution when he or she knowingly confers or offers or  
13 agrees to confer any benefit upon any employee, agent, or  
14 fiduciary without the consent of the latter's employer or  
15 principal, with the intent to influence his or her conduct  
16 in relation to his or her employer's or principal's  
17 affairs.

18       (2) An employee, agent, or fiduciary of a financial  
19 institution commits commercial bribery of a financial  
20 institution when, without the consent of his or her  
21 employer or principal, he or she knowingly solicits,  
22 accepts, or agrees to accept any benefit from another  
23 person upon an agreement or understanding that such benefit  
24 will influence his or her conduct in relation to his or her  
25 employer's or principal's affairs.

26       (c) Financial institution fraud. A person commits

1 financial institution fraud when he or she knowingly executes  
2 or attempts to execute a scheme or artifice:

3 (1) to defraud a financial institution; or

4 (2) to obtain any of the moneys, funds, credits,  
5 assets, securities, or other property owned by or under the  
6 custody or control of a financial institution, by means of  
7 pretenses, representations, or promises he or she knows to  
8 be false.

9 (d) Loan fraud. A person commits loan fraud when he or she  
10 knowingly, with intent to defraud, makes any false statement or  
11 report, or overvalues any land, property, or security, with the  
12 intent to influence in any way the action of a financial  
13 institution to act upon any application, advance, discount,  
14 purchase, purchase agreement, repurchase agreement,  
15 commitment, or loan, or any change or extension of any of the  
16 same, by renewal, deferment of action, or otherwise, or the  
17 acceptance, release, or substitution of security.

18 (e) Concealment of collateral. A person commits  
19 concealment of collateral when he or she, with intent to  
20 defraud, knowingly conceals, removes, disposes of, or converts  
21 to the person's own use or to that of another any property  
22 mortgaged or pledged to or held by a financial institution.

23 (f) Financial institution robbery. A person commits  
24 robbery when he or she knowingly, by force or threat of force,  
25 or by intimidation, takes, or attempts to take, from the person  
26 or presence of another, or obtains or attempts to obtain by

1 extortion, any property or money or any other thing of value  
2 belonging to, or in the care, custody, control, management, or  
3 possession of, a financial institution.

4 (g) Conspiracy to commit a financial crime.

5 (1) A person commits conspiracy to commit a financial  
6 crime when, with the intent that any violation of this  
7 Section be committed, he or she agrees with another person  
8 to the commission of that offense.

9 (2) No person may be convicted of conspiracy to commit  
10 a financial crime unless an overt act or acts in  
11 furtherance of the agreement is alleged and proved to have  
12 been committed by that person or by a co-conspirator and  
13 the accused is a part of a common scheme or plan to engage  
14 in the unlawful activity.

15 (3) It shall not be a defense to conspiracy to commit a  
16 financial crime that the person or persons with whom the  
17 accused is alleged to have conspired:

18 (A) has not been prosecuted or convicted;

19 (B) has been convicted of a different offense;

20 (C) is not amenable to justice;

21 (D) has been acquitted; or

22 (E) lacked the capacity to commit the offense.

23 (h) Continuing financial crimes enterprise. A person  
24 commits a continuing financial crimes enterprise when he or she  
25 knowingly, within an 18-month period, commits 3 or more  
26 separate offenses under this Section or, if involving a



1 financial institution, any other felony offenses under this  
2 Code.

3 (i) Organizer of a continuing financial crimes enterprise.

4 (1) A person commits being an organizer of a continuing  
5 financial crimes enterprise when he or she:

6 (A) with the intent to commit any offense under  
7 this Section, or, if involving a financial  
8 institution, any other felony offense under this Code,  
9 agrees with another person to the commission of that  
10 offense on 3 or more separate occasions within an  
11 18-month period; and

12 (B) with respect to the other persons within the  
13 conspiracy, occupies a position of organizer,  
14 supervisor, or financier or other position of  
15 management.

16 (2) The person with whom the accused agreed to commit  
17 the 3 or more offenses under this Section, or, if involving  
18 a financial institution, any other felony offenses under  
19 this Code, need not be the same person or persons for each  
20 offense, as long as the accused was a part of the common  
21 scheme or plan to engage in each of the 3 or more alleged  
22 offenses.

23 (j) Sentence.

24 (1) Except as otherwise provided in this subsection, a  
25 violation of this Section, the full value of which:

26 (A) does not exceed \$500, is a Class A misdemeanor;

1           (B) does not exceed \$500, and the person has been  
2           previously convicted of a financial crime or any type  
3           of theft, robbery, armed robbery, burglary,  
4           residential burglary, possession of burglary tools, or  
5           home invasion, is guilty of a Class 4 felony;

6           (C) exceeds \$500 but does not exceed \$10,000, is a  
7           Class 3 felony;

8           (D) exceeds \$10,000 but does not exceed \$100,000,  
9           is a Class 2 felony;

10           (E) exceeds \$100,000, is a Class 1 felony.

11           (2) A violation of subsection (f) is a Class 1 felony.

12           (3) A violation of subsection (h) is a Class 1 felony.

13           (4) A violation for subsection (i) is a Class X felony.

14           (k) A "financial crime" means an offense described in this  
15           Section.

16           (l) Period of limitations. The period of limitations for  
17           prosecution of any offense defined in this Section begins at  
18           the time when the last act in furtherance of the offense is  
19           committed.

20           (720 ILCS 5/17-10.7 new)

21           Sec. 17-10.7. Insurance claims for excessive charges.

22           (a) A person who sells goods or services commits insurance  
23           claims for excessive charges if:

24           (1) the person knowingly advertises or promises to  
25           provide the goods or services and to pay:

1           (A) all or part of any applicable insurance  
2           deductible; or

3           (B) a rebate in an amount equal to all or part of  
4           any applicable insurance deductible;

5           (2) the goods or services are paid for by the consumer  
6           from proceeds of a property or casualty insurance policy;  
7           and

8           (3) the person knowingly charges an amount for the  
9           goods or services that exceeds the usual and customary  
10           charge by the person for the goods or services by an amount  
11           equal to or greater than all or part of the applicable  
12           insurance deductible paid by the person to an insurer on  
13           behalf of an insured or remitted to an insured by the  
14           person as a rebate.

15           (b) A person who is insured under a property or casualty  
16           insurance policy commits insurance claims for excessive  
17           charges if the person knowingly:

18           (1) submits a claim under the policy based on charges  
19           that are in violation of subsection (a) of this Section; or

20           (2) knowingly allows a claim in violation of subsection  
21           (a) of this Section to be submitted, unless the person  
22           promptly notifies the insurer of the excessive charges.

23           (c) Sentence. A violation of this Section is a Class A  
24           misdemeanor.

1                    SUBDIVISION 20. FRAUDULENT TAMPERING

2                    (720 ILCS 5/17-11) (from Ch. 38, par. 17-11)

3                    Sec. 17-11. Odometer or hour meter fraud ~~Fraud.~~ A ~~Any~~  
4 person commits odometer or hour meter fraud when he or she  
5 disconnects, resets, or alters, or causes ~~who shall, with~~  
6 ~~intent to defraud another, disconnect, reset, or alter, or~~  
7 ~~cause~~ to be disconnected, reset, or altered, the odometer of  
8 any used motor vehicle or the hour meter of any used farm  
9 implement ~~with the intent~~ to conceal or change the actual miles  
10 driven or hours of operation with the intent to defraud  
11 another. A violation of this Section is ~~shall be guilty of a~~  
12 Class A misdemeanor. A ~~person convicted of a~~ second or  
13 subsequent violation is ~~of this Section shall be guilty of a~~  
14 Class 4 felony. This Section does ~~shall~~ not apply to legitimate  
15 ~~business~~ practices of automotive or implement parts recyclers  
16 who recycle used odometers or hour meters for resale.

17                    (Source: P.A. 84-1391; 84-1438.)

18                    (720 ILCS 5/17-11.2)

19                    Sec. 17-11.2. Installation of object in lieu of air bag. A  
20 ~~Any~~ person commits installation of object in lieu of airbag  
21 when he or she, who for consideration, knowingly installs or  
22 reinstalls in a vehicle any object in lieu of an air bag that  
23 was designed in accordance with federal safety regulations for  
24 the make, model, and year of the vehicle as part of a vehicle

1 inflatable restraint system. A violation of this Section is  
2 ~~guilty of~~ a Class A misdemeanor.

3 (Source: P.A. 92-809, eff. 1-1-03.)

4 (720 ILCS 5/17-11.5) (was 720 ILCS 5/16-22)

5 Sec. 17-11.5 ~~16-22~~. Tampering with a security, fire, or  
6 life safety system.

7 (a) A person commits ~~the offense of~~ tampering with a  
8 security, fire, or life safety system when he or she knowingly  
9 damages, sabotages, destroys, or causes a permanent or  
10 temporary malfunction in any physical or electronic security,  
11 fire, or life safety system or any component part of any of  
12 those systems including, but not limited to, card readers,  
13 magnetic stripe readers, Wiegand card readers, smart card  
14 readers, proximity card readers, digital keypads, keypad  
15 access controls, digital locks, electromagnetic locks,  
16 electric strikes, electronic exit hardware, exit alarm  
17 systems, delayed egress systems, biometric access control  
18 equipment, intrusion detection systems and sensors, burglar  
19 alarm systems, wireless burglar alarms, silent alarms, duress  
20 alarms, hold-up alarms, glass break detectors, motion  
21 detectors, seismic detectors, glass shock sensors, magnetic  
22 contacts, closed circuit television (CCTV), security cameras,  
23 digital cameras, dome cameras, covert cameras, spy cameras,  
24 hidden cameras, wireless cameras, network cameras, IP  
25 addressable cameras, CCTV camera lenses, video cassette

1 recorders, CCTV monitors, CCTV consoles, CCTV housings and  
2 enclosures, CCTV pan-and-tilt devices, CCTV transmission and  
3 signal equipment, wireless video transmitters, wireless video  
4 receivers, radio frequency (RF) or microwave components, or  
5 both, infrared illuminators, video motion detectors, video  
6 recorders, time lapse CCTV recorders, digital video recorders  
7 (DVRs), digital image storage systems, video converters, video  
8 distribution amplifiers, video time-date generators,  
9 multiplexers, switchers, splitters, fire alarms, smoke alarm  
10 systems, smoke detectors, flame detectors, fire detection  
11 systems and sensors, fire sprinklers, fire suppression  
12 systems, fire extinguishing systems, public address systems,  
13 intercoms, emergency telephones, emergency call boxes,  
14 emergency pull stations, telephone entry systems, video entry  
15 equipment, annunciators, sirens, lights, sounders, control  
16 panels and components, and all associated computer hardware,  
17 computer software, control panels, wires, cables, connectors,  
18 electromechanical components, electronic modules, fiber  
19 optics, filters, passive components, and power sources  
20 including batteries and back-up power supplies.

21 (b) Sentence. A violation of this Section is a Class 4  
22 felony.

23 (Source: P.A. 94-707, eff. 6-1-06.)

24 (720 ILCS 5/17-13)

25 Sec. 17-13. Fraud in transfers of real and personal

1 property ~~Fraudulent land sales.~~

2 (a) Conditional sale; sale without consent of title holder.  
3 No person purchasing personal property under a conditional  
4 sales contract shall, during the existence of such conditional  
5 sales contract and before the conditions thereof have been  
6 fulfilled, knowingly sell, transfer, conceal, or in any manner  
7 dispose of such property, or cause or allow the same to be  
8 done, without the written consent of the holder of title.

9 (b) Acknowledgment of fraudulent conveyance. No officer  
10 authorized to take the proof and acknowledgment of a conveyance  
11 of real or personal property or other instrument shall  
12 knowingly certify that the conveyance or other instrument was  
13 duly proven or acknowledged by a party to the conveyance or  
14 other instrument when no such acknowledgment or proof was made,  
15 or was not made at the time it was certified to have been made,  
16 with intent to injure or defraud or to enable any other person  
17 to injure or defraud.

18 (c) Fraudulent land sales. No ~~A~~ person, after once selling,  
19 bartering, or disposing of a tract or tracts of land ~~or a~~ -town  
20 lot or lots, or executing a bond or agreement for the sale of  
21 lands ~~7~~ or a ~~town lot or lots,~~ shall ~~who~~ again knowingly and  
22 with intent to defraud sell, barter, or dispose ~~fraudulently~~  
23 ~~sells, barter, or disposes~~ of the same tract or tracts of  
24 land ~~7~~ or town lot or lots, or any ~~part~~ parts ~~of those tracts of~~  
25 land ~~or~~ town lot or lots, or knowingly and with intent to  
26 defraud execute ~~fraudulently executes~~ a bond or agreement to

1 sell, barter, or dispose of the same land~~7~~ or lot or lots, or  
2 any part of that land or~~7~~ lot or lots, to any other person for a  
3 valuable consideration ~~is guilty of a Class 3 felony.~~

4 (d) Sentence. A violation of subsection (a) of this Section  
5 is a Class A misdemeanor. A violation of subsection (b) of this  
6 Section is a Class 4 felony. A violation of subsection (c) of  
7 this Section is a Class 3 felony.

8 (Source: P.A. 89-234, eff. 1-1-96.)

9 (720 ILCS 5/17-17)

10 Sec. 17-17. Fraud in ~~Fraudulent issuance of~~ stock  
11 transactions.

12 (a) No ~~Every president, cashier, treasurer, secretary, or~~  
13 ~~other officer, director, or~~ and every agent, attorney, servant,  
14 ~~or employee of a bank, railroad, or manufacturing or other~~  
15 ~~corporation, nor any and every other person, shall who,~~  
16 knowingly and designedly, and with intent to defraud, issue,  
17 sell, transfer, assign, or pledge, or cause or procure a  
18 ~~person, bank, railroad, or manufacturing or other corporation,~~  
19 ~~issues, sells, transfers, assigns, or pledges, or causes or~~  
20 ~~procures~~ to be issued, sold, transferred, assigned, or pledged,  
21 any false, fraudulent, or simulated certificate or other  
22 evidence of ownership of a share or shares of the capital stock  
23 of a bank, railroad, or manufacturing or other corporation, is  
24 guilty of a Class 3 felony.

25 (b) No officer, director, or agent of a bank, railroad, or



1 other corporation shall knowingly sign, with intent to issue,  
2 sell, pledge, or cause to be issued, sold, or pledged, any  
3 false, fraudulent, or simulated certificate or other evidence  
4 of the ownership or transfer of a share or shares of the  
5 capital stock of that corporation, or an instrument purporting  
6 to be a certificate or other evidence of the ownership or  
7 transfer, the signing, issuing, selling, or pledging of which  
8 by the officer, director, or agent is not authorized by law.

9 (c) Sentence. A violation of this Section is a Class 3  
10 felony.

11 (Source: P.A. 89-234, eff. 1-1-96.)

12 (720 ILCS 5/17-20)

13 Sec. 17-20. Obstructing gas, water, or ~~and~~ electric current  
14 meters. A person commits obstructing gas, water, or electric  
15 current meters when he or she knowingly, and ~~who,~~ with intent  
16 to injure or defraud a company, body corporate, copartnership,  
17 or individual, injures, alters, obstructs, or prevents the  
18 action of a meter provided for the purpose of measuring and  
19 registering the quantity of gas, water, or electric current  
20 consumed by or at a burner, orifice, or place, or supplied to a  
21 lamp, motor, machine, or appliance, or causes, procures, or  
22 aids the injuring or altering of any such meter or the  
23 obstruction or prevention of its action, or makes or causes to  
24 be made with a gas pipe, water pipe, or electrical conductor  
25 any connection so as to conduct or supply illumination or

1 inflammable gas, water, or electric current to any burner,  
2 orifice, lamp, motor, or other machine or appliance from which  
3 the gas, water, or electricity may be consumed or utilized  
4 without passing through or being registered by a meter or  
5 without the consent or acquiescence of the company, municipal  
6 corporation, body corporate, copartnership, or individual  
7 furnishing or transmitting the gas, water, or electric current  
8 through the gas pipe, water pipe, or electrical conductor. A  
9 violation of this Section, ~~is guilty of~~ a Class B misdemeanor.

10 (Source: P.A. 89-234, eff. 1-1-96.)

11 (720 ILCS 5/17-21)

12 Sec. 17-21. Obstructing service meters. A person commits  
13 obstructing service meters when he or she knowingly, and who,  
14 with the intent to defraud, tampers with, alters, obstructs or  
15 prevents the action of a meter, register, or other counting  
16 device that is a part of a mechanical or electrical machine,  
17 equipment, or device that measures service, without the consent  
18 of the owner of the machine, equipment, or device. A violation  
19 of this Section, ~~is guilty of~~ a Class B misdemeanor.

20 (Source: P.A. 89-234, eff. 1-1-96.)

21 (720 ILCS 5/17-24)

22 Sec. 17-24. Mail fraud and wire fraud ~~Fraudulent schemes~~  
23 ~~and artifices.~~

24 (a) Mail fraud. A person commits mail fraud when he or she:

1           (1) devises or intends to devise any scheme or artifice  
2           to defraud, or to obtain money or property by means of  
3           false or fraudulent pretenses, representations, or  
4           promises, or to sell, dispose of, loan, exchange, alter,  
5           give away, distribute, supply, or furnish or procure for  
6           unlawful use any counterfeit obligation, security, or  
7           other article, or anything represented to be or intimated  
8           or held out to be such a counterfeit or spurious article;  
9           and

10           (2) with the intent to execute such scheme or artifice  
11           or to attempt to do so, does any of the following:

12                   (A) Places in any post office or authorized  
13                   depository for mail matter within this State any matter  
14                   or thing to be delivered by the United States Postal  
15                   Service, according to the direction on the matter or  
16                   thing.

17                   (B) Deposits or causes to be deposited in this  
18                   State any matter or thing to be sent or delivered by  
19                   mail or by private or commercial carrier, according to  
20                   the direction on the matter or thing.

21                   (C) Takes or receives from mail or from a private  
22                   or commercial carrier any such matter or thing at the  
23                   place at which it is directed to be delivered by the  
24                   person to whom it is addressed.

25                   (D) Knowingly causes any such matter or thing to be  
26                   delivered by mail or by private or commercial carrier,

1 according to the direction on the matter or thing.

2 (b) Wire fraud. ~~(a) Fraud by wire, radio, or television.~~

3 ~~(1)~~ A person commits wire fraud when he or she:

4 (1) ~~(A)~~ devises or intends to devise a scheme or  
5 artifice to defraud or to obtain money or property by means  
6 of false pretenses, representations, or promises; and

7 (2) for the purpose of executing the scheme or  
8 artifice, ~~(B) (i)~~ transmits or causes to be transmitted any  
9 writings, signals, pictures, sounds, or electronic or  
10 electric impulses by means of wire, radio, or television  
11 communications:

12 (A) from within this State; or

13 (B) ~~(ii)~~ transmits or causes to be transmitted so  
14 that the transmission ~~it~~ is received by a person within  
15 this State; or

16 (C) ~~(iii)~~ transmits or causes to be transmitted so  
17 that the transmission may ~~it is reasonably foreseeable~~  
18 ~~that it will~~ be accessed by a person within this  
19 State. ~~+~~

20 ~~any writings, signals, pictures, sounds, or electronic or~~  
21 ~~electric impulses by means of wire, radio, or television~~  
22 ~~communications for the purpose of executing the scheme or~~  
23 ~~artifice.~~

24 (c) Jurisdiction.

25 (1) Mail fraud using a government or private carrier  
26 occurs in the county in which mail or other matter is

1 deposited with the United States Postal Service or a  
2 private commercial carrier for delivery, if deposited with  
3 the United States Postal Service or a private or commercial  
4 carrier within this State, and the county in which a person  
5 within this State receives the mail or other matter from  
6 the United States Postal Service or a private or commercial  
7 carrier.

8 (2) Wire fraud occurs ~~A scheme or artifice to defraud~~  
9 ~~using electronic transmissions is deemed to occur~~ in the  
10 county from which a transmission is sent, if the  
11 transmission is sent from within this State, the county in  
12 which a person within this State receives the transmission,  
13 and the county in which a person who is within this State  
14 is located when the person accesses a transmission.

15 (d) Sentence. A violation of this Section is a Class 3  
16 felony.

17 ~~(3) Wire fraud is a Class 3 felony.~~

18 ~~(b) Mail fraud.~~

19 ~~(1) A person commits mail fraud when he or she:~~

20 ~~(A) devises or intends to devise any scheme or~~  
21 ~~artifice to defraud or to obtain money or property by~~  
22 ~~means of false or fraudulent pretenses,~~  
23 ~~representations or promises, or to sell, dispose of,~~  
24 ~~loan, exchange, alter, give away, distribute, supply,~~  
25 ~~or furnish or procure for unlawful use any counterfeit~~  
26 ~~obligation, security, or other article, or anything~~

1 ~~represented to be or intimated or held out to be such~~  
2 ~~counterfeit or spurious article; and~~

3 ~~(B) for the purpose of executing such scheme or~~  
4 ~~artifice or attempting so to do, places in any post~~  
5 ~~office or authorized depository for mail matter within~~  
6 ~~this State, any matter or thing whatever to be~~  
7 ~~delivered by the Postal Service, or deposits or causes~~  
8 ~~to be deposited in this State by mail or by private or~~  
9 ~~commercial carrier according to the direction on the~~  
10 ~~matter or thing, or at the place at which it is~~  
11 ~~directed to be delivered by the person to whom it is~~  
12 ~~addressed, any such matter or thing.~~

13 ~~(2) A scheme or artifice to defraud using a government~~  
14 ~~or private carrier is deemed to occur in the county in~~  
15 ~~which mail or other matter is deposited with the Postal~~  
16 ~~Service or a private commercial carrier for delivery, if~~  
17 ~~deposited with the Postal Service or a private or~~  
18 ~~commercial carrier within this State and the county in~~  
19 ~~which a person within this State receives the mail or other~~  
20 ~~matter from the Postal Service or a private or commercial~~  
21 ~~carrier.~~

22 ~~(3) Mail fraud is a Class 3 felony.~~

23 ~~(c) (Blank).~~

24 ~~(d)~~ The period of limitations for prosecution of any  
25 offense defined in this Section begins at the time when the  
26 last act in furtherance of the scheme or artifice is committed.

1 ~~(c) In this Section:~~

2 ~~(1) "Scheme or artifice to defraud" includes a scheme~~  
3 ~~or artifice to deprive another of the intangible right to~~  
4 ~~honest services.~~

5 ~~(2) (Blank).~~

6 (Source: P.A. 96-1000, eff. 7-2-10.)

7 (720 ILCS 5/17-26)

8 Sec. 17-26. Misconduct by a corporate official.

9 (a) A person commits misconduct by a corporate official ~~is~~  
10 ~~guilty of a crime~~ when:

11 (1) being a director of a corporation, he or she  
12 knowingly, with the intent ~~a purpose~~ to defraud, concurs in  
13 any vote or act of the directors of the corporation, or any  
14 of them, which has the purpose of:

15 (A) making a dividend except in the manner provided  
16 by law;

17 (B) dividing, withdrawing or in any manner paying  
18 any stockholder any part of the capital stock of the  
19 corporation except in the manner provided by law;

20 (C) discounting or receiving any note or other  
21 evidence of debt in payment of an installment of  
22 capital stock actually called in and required to be  
23 paid, or with purpose of providing the means of making  
24 such payment;

25 (D) receiving or discounting any note or other

1 evidence of debt with the purpose of enabling any  
2 stockholder to withdraw any part of the money paid in  
3 by him or her on his or her stock; or

4 (E) applying any portion of the funds of such  
5 corporation, directly or indirectly, to the purchase  
6 of shares of its own stock, except in the manner  
7 provided by law; or

8 (2) being a director or officer of a corporation, he or  
9 she, with the intent ~~purpose~~ to defraud:

10 (A) issues, participates in issuing, or concurs in  
11 a vote to issue any increase of its capital stock  
12 beyond the amount of the capital stock thereof, duly  
13 authorized by or in pursuance of law;

14 (B) sells, or agrees to sell, or is directly  
15 interested in the sale of any share of stock of such  
16 corporation, or in any agreement to sell such stock,  
17 unless at the time of the sale or agreement he or she  
18 is an actual owner of such share, provided that the  
19 foregoing shall not apply to a sale by or on behalf of  
20 an underwriter or dealer in connection with a bona fide  
21 public offering of shares of stock of such corporation;

22 (C) executes a scheme or attempts to execute a  
23 scheme to obtain any share of stock of such corporation  
24 by means of false representation; or

25 (3) being a director or officer of a corporation, he or  
26 she with the intent ~~purpose~~ to defraud or evade a financial



1 disclosure reporting requirement of this State or of  
2 Section 13(A) or 15(D) of the Securities Exchange Act of  
3 1934, as amended, 15 U. S. C. 78M(A) or 78O(D):

4 (A) causes or attempts to cause a corporation or  
5 accounting firm representing the corporation or any  
6 other individual or entity to fail to file a financial  
7 disclosure report as required by State or federal law;  
8 or

9 (B) causes or attempts to cause a corporation or  
10 accounting firm representing the corporation or any  
11 other individual or entity to file a financial  
12 disclosure report, as required by State or federal law,  
13 that contains a material omission or misstatement of  
14 fact.

15 (b) Sentence. If the benefit derived from a violation of  
16 this Section is \$500,000 or more, the violation offender is  
17 ~~guilty of~~ a Class 2 felony. If the benefit derived from a  
18 violation of this Section is less than \$500,000, the violation  
19 ~~offender~~ is ~~guilty of~~ a Class 3 felony.

20 (Source: P.A. 96-1000, eff. 7-2-10.)

21 (720 ILCS 5/17-27)

22 Sec. 17-27. Fraud on creditors ~~in insolvency.~~

23 (a) Fraud in insolvency. A person commits fraud in  
24 insolvency when ~~a crime if~~, knowing that proceedings have or  
25 are about to be instituted for the appointment of a receiver or

1 other person entitled to administer property for the benefit of  
2 creditors, or that any other composition or liquidation for the  
3 benefit of creditors has been or is about to be made, he or  
4 she:

5 (1) destroys, removes, conceals, encumbers, transfers,  
6 or otherwise deals with any property or obtains any  
7 substantial part of or interest in the debtor's estate with  
8 the intent purpose to defeat or obstruct the claim of any  
9 creditor, or otherwise to obstruct the operation of any law  
10 relating to administration of property for the benefit of  
11 creditors;

12 (2) knowingly falsifies any writing or record relating  
13 to the property; or

14 (3) knowingly misrepresents or refuses to disclose to a  
15 receiver or other person entitled to administer property  
16 for the benefit of creditors, the existence, amount, or  
17 location of the property, or any other information which  
18 the actor could be legally required to furnish in relation  
19 to such administration.

20 Sentence. ~~(b)~~ If the benefit derived from a violation of  
21 this subsection (a) Section is \$500,000 or more, the violation  
22 offender is ~~guilty of~~ a Class 2 felony. If the benefit derived  
23 from a violation of this subsection (a) Section is less than  
24 \$500,000, the violation offender is ~~guilty of~~ a Class 3 felony.

25 (b) Fraud in property transfer. A person commits fraud in  
26 property transfer when he or she transfers or conveys any

1 interest in property with the intent to defraud, defeat,  
2 hinder, or delay his or her creditors. A violation of this  
3 subsection (b) is a business offense subject to a fine not to  
4 exceed \$1,000.

5 (Source: P.A. 93-496, eff. 1-1-04.)

6 (720 ILCS 5/17-30) (was 720 ILCS 5/16C-2)

7 Sec. 17-30 ~~16C-2~~. Defaced, altered, or removed  
8 manufacturer or owner identification number.

9 (a) Unlawful sale of household appliances. A person commits  
10 ~~the offense of~~ unlawful sale of household appliances when he or  
11 she knowingly, with the intent to defraud or deceive another,  
12 keeps for sale, within any commercial context, any household  
13 appliance with a missing, defaced, obliterated, or otherwise  
14 altered manufacturer's identification number.

15 (b) Construction equipment identification defacement. A  
16 person commits construction equipment identification  
17 defacement when he or she knowingly changes, alters, removes,  
18 mutilates, or obliterates a permanently affixed serial number,  
19 product identification number, part number, component  
20 identification number, owner-applied identification, or other  
21 mark of identification attached to or stamped, inscribed,  
22 molded, or etched into a machine or other equipment, whether  
23 stationary or mobile or self-propelled, or a part of such  
24 machine or equipment, used in the construction, maintenance, or  
25 demolition of buildings, structures, bridges, tunnels, sewers,

1 utility pipes or lines, ditches or open cuts, roads, highways,  
2 dams, airports, or waterways or in material handling for such  
3 projects.

4 The trier of fact may infer that the defendant has  
5 knowingly changed, altered, removed, or obliterated the serial  
6 number, product identification number, part number, component  
7 identification number, owner-applied identification number, or  
8 other mark of identification, if the defendant was in  
9 possession of any machine or other equipment or a part of such  
10 machine or equipment used in the construction, maintenance, or  
11 demolition of buildings, structures, bridges, tunnels, sewers,  
12 utility pipes or lines, ditches or open cuts, roads, highways,  
13 dams, airports, or waterways or in material handling for such  
14 projects upon which any such serial number, product  
15 identification number, part number, component identification  
16 number, owner-applied identification number, or other mark of  
17 identification has been changed, altered, removed, or  
18 obliterated.

19 (c) Defacement of manufacturer's serial number or  
20 identification mark. A person commits defacement of a  
21 manufacturer's serial number or identification mark when he or  
22 she knowingly removes, alters, defaces, covers, or destroys the  
23 manufacturer's serial number or any other manufacturer's  
24 number or distinguishing identification mark upon any machine  
25 or other article of merchandise, other than a motor vehicle as  
26 defined in Section 1-146 of the Illinois Vehicle Code or a

1 firearm as defined in the Firearm Owners Identification Card  
2 Act, with the intent of concealing or destroying the identity  
3 of such machine or other article of merchandise.

4 (d) Sentence.

5 (1) A violation of subsection (a) ~~(b)~~ Violation of this  
6 Section is a Class 4 felony, if the value of the appliance  
7 or appliances exceeds \$1,000 and a Class B misdemeanor if  
8 the value of the appliance or appliances is \$1,000 or less.

9 (2) A violation of subsection (b) of this Section is a  
10 Class A misdemeanor.

11 (3) A violation of subsection (c) of this Section is a  
12 Class B misdemeanor.

13 (e) ~~(e)~~ No liability shall be imposed upon any person for  
14 the unintentional failure to comply with subsection (a) this  
15 Section.

16 (f) Definitions. In this Section:

17 "Commercial context" means a continuing business  
18 enterprise conducted for profit by any person whose primary  
19 business is the wholesale or retail marketing of household  
20 appliances, or a significant portion of whose business or  
21 inventory consists of household appliances kept or sold on a  
22 wholesale or retail basis.

23 "Household appliance" means any gas or electric device or  
24 machine marketed for use as home entertainment or for  
25 facilitating or expediting household tasks or chores. The term  
26 shall include but not necessarily be limited to refrigerators,

1 freezers, ranges, radios, television sets, vacuum cleaners,  
2 toasters, dishwashers, and other similar household items.

3 "Manufacturer's identification number" means any serial  
4 number or other similar numerical or alphabetical designation  
5 imprinted upon or attached to or placed, stamped, or otherwise  
6 imprinted upon or attached to a household appliance or item by  
7 the manufacturer for purposes of identifying a particular  
8 appliance or item individually or by lot number.

9 (Source: P.A. 87-435.)

10 (720 ILCS 5/Art. 17, Subdiv. 25 heading new)

11 SUBDIVISION 25. CREDIT AND DEBIT CARD FRAUD

12 (720 ILCS 5/17-31 new)

13 Sec. 17-31. False statement to procure credit or debit  
14 card. A person commits false statement to procure credit or  
15 debit card when he or she makes or causes to be made, either  
16 directly or indirectly, any false statement in writing, knowing  
17 it to be false and with the intent that it be relied on,  
18 respecting his or her identity, his or her address, or his or  
19 her employment, or that of any other person, firm, or  
20 corporation, with the intent to procure the issuance of a  
21 credit card or debit card. A violation of this Section is a  
22 Class 4 felony.

23 (720 ILCS 5/17-32 new)

1       Sec. 17-32. Possession of another's credit, debit, or  
2 identification card.

3       (a) Possession of another's identification card. A person  
4 commits possession of another's identification card when he or  
5 she, with the intent to defraud, possesses any check guarantee  
6 card or key card or identification card for cash dispensing  
7 machines without the authority of the account holder or  
8 financial institution.

9       (b) Possession of another's credit or debit card. A person  
10 commits possession of another's credit or debit card when he or  
11 she receives a credit card or debit card from the person,  
12 possession, custody, or control of another without the  
13 cardholder's consent or if he or she, with knowledge that it  
14 has been so acquired, receives the credit card or debit card  
15 with the intent to use it or to sell it, or to transfer it to a  
16 person other than the issuer or the cardholder. The trier of  
17 fact may infer that a person who has in his or her possession  
18 or under his or her control 2 or more such credit cards or  
19 debit cards each issued to a cardholder other than himself or  
20 herself has violated this Section.

21       (c) Sentence.

22       (1) A violation of subsection (a) of this Section is a  
23 Class A misdemeanor. A person who, within any 12-month  
24 period, violates subsection (a) of this Section at the same  
25 time or consecutively with respect to 3 or more cards, each  
26 the property of different account holders, is guilty of a

1       Class 4 felony. A person convicted under subsection (a) of  
2       this Section, when the value of property so obtained, in a  
3       single transaction or in separate transactions within any  
4       90-day period, exceeds \$150 is guilty of a Class 4 felony.

5       (2) A violation of subsection (b) of this Section is a  
6       Class 4 felony. A person who, in any 12-month period,  
7       violates subsection (b) of this Section with respect to 3  
8       or more credit cards or debit cards each issued to a  
9       cardholder other than himself or herself is guilty of a  
10       Class 3 felony.

11       (720 ILCS 5/17-33 new)

12       Sec. 17-33. Possession of lost or mislaid credit or debit  
13       card. A person who receives a credit card or debit card that he  
14       or she knows to have been lost or mislaid and who retains  
15       possession with intent to use it or to sell it or to transfer  
16       it to a person other than the issuer or the cardholder is  
17       guilty of a Class 4 felony.

18       A person who, in a single transaction, violates this  
19       Section with respect to 3 or more credit cards or debit cards  
20       each issued to different cardholders other than himself or  
21       herself is guilty of a Class 3 felony.

22       (720 ILCS 5/17-34 new)

23       Sec. 17-34. Sale of credit or debit card. A person other  
24       than the issuer who sells a credit card or debit card, without



1 the consent of the issuer, is guilty of a Class 4 felony.

2 A person who knowingly purchases a credit card or debit  
3 card from a person other than the issuer, without the consent  
4 of the issuer, is guilty of a Class 4 felony.

5 A person who, in a single transaction, makes a sale or  
6 purchase prohibited by this Section with respect to 3 or more  
7 credit cards or debit cards each issued to a cardholder other  
8 than himself or herself is guilty of a Class 3 felony.

9 (720 ILCS 5/17-35 new)

10 Sec. 17-35. Use of credit or debit card as security for  
11 debt. A person who, with intent to defraud either the issuer,  
12 or a person providing an item or items of value, or any other  
13 person, obtains control over a credit card or debit card as  
14 security for debt or transfers, conveys, or gives control over  
15 a credit card or debit card as security for debt is guilty of a  
16 Class 4 felony.

17 (720 ILCS 5/17-36 new)

18 Sec. 17-36. Use of counterfeited, forged, expired,  
19 revoked, or unissued credit or debit card. A person who, with  
20 intent to defraud either the issuer, or a person providing an  
21 item or items of value, or any other person, (i) uses, with the  
22 intent to obtain an item or items of value, a credit card or  
23 debit card obtained or retained in violation of this  
24 Subdivision 25 or without the cardholder's consent, or a credit

1 card or debit card which he or she knows is counterfeited, or  
2 forged, or expired, or revoked or (ii) obtains or attempts to  
3 obtain an item or items of value by representing without the  
4 consent of the cardholder that he or she is the holder of a  
5 specified card or by representing that he or she is the holder  
6 of a card and such card has not in fact been issued is guilty of  
7 a Class 4 felony if the value of all items of value obtained or  
8 sought in violation of this Section does not exceed \$300 in any  
9 6-month period; and is guilty of a Class 3 felony if the value  
10 exceeds \$300 in any 6-month period. The trier of fact may infer  
11 that knowledge of revocation has been received by a cardholder  
12 4 days after it has been mailed to him or her at the address set  
13 forth on the credit card or debit card or at his or her last  
14 known address by registered or certified mail, return receipt  
15 requested, and, if the address is more than 500 miles from the  
16 place of mailing, by air mail. The trier of fact may infer that  
17 notice was received 10 days after mailing by registered or  
18 certified mail if the address is located outside the United  
19 States, Puerto Rico, the Virgin Islands, the Canal Zone, and  
20 Canada.

21 (720 ILCS 5/17-37 new)

22 Sec. 17-37. Use of credit or debit card with intent to  
23 defraud. A cardholder who uses a credit card or debit card  
24 issued to him or her, or allows another person to use a credit  
25 card or debit card issued to him or her, with intent to defraud

1 the issuer, or a person providing an item or items of value, or  
2 any other person is guilty of a Class A misdemeanor if the  
3 value of all items of value does not exceed \$150 in any 6-month  
4 period; and is guilty of a Class 4 felony if the value exceeds  
5 \$150 in any 6-month period.

6 (720 ILCS 5/17-38 new)

7 Sec. 17-38. Use of account number or code with intent to  
8 defraud; possession of record of charge forms.

9 (a) A person who, with intent to defraud either an issuer,  
10 or a person providing an item or items of value, or any other  
11 person, utilizes an account number or code or enters  
12 information on a record of charge form with the intent to  
13 obtain an item or items of value is guilty of a Class 4 felony  
14 if the value of the item or items of value obtained does not  
15 exceed \$150 in any 6-month period; and is guilty of a Class 3  
16 felony if the value exceeds \$150 in any 6-month period.

17 (b) A person who, with intent to defraud either an issuer  
18 or a person providing an item or items of value, or any other  
19 person, possesses, without the consent of the issuer or  
20 purported issuer, record of charge forms bearing the printed  
21 impression of a credit card or debit card is guilty of a Class  
22 4 felony. The trier of fact may infer intent to defraud from  
23 the possession of such record of charge forms by a person other  
24 than the issuer or a person authorized by the issuer to possess  
25 record of charge forms.

1 (720 ILCS 5/17-39 new)

2 Sec. 17-39. Receipt of goods or services. A person who  
3 receives an item or items of value obtained in violation of  
4 this Subdivision 25, knowing that it was so obtained or under  
5 such circumstances as would reasonably induce him or her to  
6 believe that it was so obtained, is guilty of a Class A  
7 misdemeanor if the value of all items of value obtained does  
8 not exceed \$150 in any 6-month period; and is guilty of a Class  
9 4 felony if the value exceeds \$150 in any 6-month period.

10 (720 ILCS 5/17-40 new)

11 Sec. 17-40. Signing another's card with intent to defraud.  
12 A person other than the cardholder or a person authorized by  
13 him or her who, with intent to defraud either the issuer, or a  
14 person providing an item or items of value, or any other  
15 person, signs a credit card or debit card is guilty of a Class  
16 A misdemeanor.

17 (720 ILCS 5/17-41 new)

18 Sec. 17-41. Altered or counterfeited card.  
19 (a) A person commits an offense under this Section when he  
20 or she, with intent to defraud either a purported issuer, or a  
21 person providing an item or items of value, or any other  
22 person, commits an offense under this Section if he or she: (i)  
23 alters a credit card or debit card or a purported credit card

1 or debit card, or possesses a credit card or debit card or a  
2 purported credit card or debit card with knowledge that the  
3 same has been altered; or (ii) counterfeits a purported credit  
4 card or debit card, or possesses a purported credit card or  
5 debit card with knowledge that the card has been counterfeited.

6 (b) Sentence. A violation of item (i) of subsection (a) is  
7 a Class 4 felony. A violation of item (ii) of subsection (a) is  
8 a Class 3 felony. The trier of fact may infer that possession  
9 of 2 or more credit cards or debit cards by a person other than  
10 the issuer in violation of subsection (a) is evidence that the  
11 person intended to defraud or that he or she knew the credit  
12 cards or debit cards to have been so altered or counterfeited.

13 (720 ILCS 5/17-42 new)

14 Sec. 17-42. Possession of incomplete card. A person other  
15 than the cardholder possessing an incomplete credit card or  
16 debit card, with intent to complete it without the consent of  
17 the issuer or a person possessing, with knowledge of its  
18 character, machinery, plates, or any other contrivance  
19 designed to reproduce instruments purporting to be credit cards  
20 or debit cards of an issuer who has not consented to the  
21 preparation of such credit cards or debit cards is guilty of a  
22 Class 3 felony. The trier of fact may infer that a person other  
23 than the cardholder or issuer who possesses 2 or more  
24 incomplete credit cards or debit cards possesses those cards  
25 without the consent of the issuer.

1 (720 ILCS 5/17-43 new)

2 Sec. 17-43. Prohibited deposits.

3 (a) A person who, with intent to defraud the issuer of a  
4 credit card or debit card or any person providing an item or  
5 items of value, or any other person, deposits into his or her  
6 account or any account, via an electronic fund transfer  
7 terminal, a check, draft, money order, or other such document,  
8 knowing such document to be false, fictitious, forged, altered,  
9 counterfeit, or not his or her lawful or legal property, is  
10 guilty of a Class 4 felony.

11 (b) A person who receives value as a result of a false,  
12 fictitious, forged, altered, or counterfeit check, draft,  
13 money order, or other such document having been deposited into  
14 an account via an electronic fund transfer terminal, knowing at  
15 the time of receipt of the value that the document so deposited  
16 was false, fictitious, forged, altered, counterfeit, or not his  
17 or her lawful or legal property, is guilty of a Class 4 felony.

18 (720 ILCS 5/17-44 new)

19 Sec. 17-44. Fraudulent use of electronic transmission.

20 (a) A person who, with intent to defraud the issuer of a  
21 credit card or debit card, the cardholder, or any other person,  
22 intercepts, taps, or alters electronic information between an  
23 electronic fund transfer terminal and the issuer, or originates  
24 electronic information to an electronic fund transfer terminal

1 or to the issuer, via any line, wire, or other means of  
2 electronic transmission, at any junction, terminal, or device,  
3 or at any location within the EFT System, with the intent to  
4 obtain value, is guilty of a Class 4 felony.

5 (b) Any person who, with intent to defraud the issuer of a  
6 credit card or debit card, the cardholder, or any other person,  
7 intercepts, taps, or alters electronic information between an  
8 electronic fund transfer terminal and the issuer, or originates  
9 electronic information to an electronic fund transfer terminal  
10 or to the issuer, via any line, wire, or other means of  
11 electronic transmission, at any junction, terminal, or device,  
12 or at any location within the EFT System, and thereby causes  
13 funds to be transferred from one account to any other account,  
14 is guilty of a Class 4 felony.

15 (720 ILCS 5/17-45 new)

16 Sec. 17-45. Payment of charges without furnishing item of  
17 value.

18 (a) No person shall process, deposit, negotiate, or obtain  
19 payment of a credit card charge through a retail seller's  
20 account with a financial institution or through a retail  
21 seller's agreement with a financial institution, card issuer,  
22 or organization of financial institutions or card issuers if  
23 that retail seller did not furnish or agree to furnish the item  
24 or items of value that are the subject of the credit card  
25 charge.

1       (b) No retail seller shall permit any person to process,  
2 deposit, negotiate, or obtain payment of a credit card charge  
3 through the retail seller's account with a financial  
4 institution or the retail seller's agreement with a financial  
5 institution, card issuer, or organization of financial  
6 institutions or card issuers if that retail seller did not  
7 furnish or agree to furnish the item or items of value that are  
8 the subject of the credit card charge.

9       (c) Subsections (a) and (b) do not apply to any of the  
10 following:

11       (1) A person who furnishes goods or services on the  
12 business premises of a general merchandise retail seller  
13 and who processes, deposits, negotiates, or obtains  
14 payment of a credit card charge through that general  
15 merchandise retail seller's account or agreement.

16       (2) A general merchandise retail seller who permits a  
17 person described in paragraph (1) to process, deposit,  
18 negotiate, or obtain payment of a credit card charge  
19 through that general merchandise retail seller's account  
20 or agreement.

21       (3) A franchisee who furnishes the cardholder with an  
22 item or items of value that are provided in whole or in  
23 part by the franchisor and who processes, deposits,  
24 negotiates, or obtains payment of a credit card charge  
25 through that franchisor's account or agreement.

26       (4) A franchisor who permits a franchisee described in



1 paragraph (3) to process, deposit, negotiate, or obtain  
2 payment of a credit card charge through that franchisor's  
3 account or agreement.

4 (5) The credit card issuer or a financial institution  
5 or a parent, subsidiary, or affiliate of the card issuer or  
6 a financial institution.

7 (6) A person who processes, deposits, negotiates, or  
8 obtains payment of less than \$500 of credit card charges in  
9 any one-year period through a retail seller's account or  
10 agreement. The person has the burden of producing evidence  
11 that the person transacted less than \$500 in credit card  
12 charges during any one-year period.

13 (7) A telecommunications carrier that includes charges  
14 of other parties in its billings to its subscribers and  
15 those other parties whose charges are included in the  
16 billings of the telecommunications carrier to its  
17 subscribers.

18 (d) A person injured by a violation of this Section may  
19 bring an action for the recovery of damages, equitable relief,  
20 and reasonable attorney's fees and costs.

21 (e) A person who violates this Section is guilty of a  
22 business offense and shall be fined \$10,000 for each offense.  
23 Each occurrence in which a person processes, deposits,  
24 negotiates, or otherwise seeks to obtain payment of a credit  
25 card charge in violation of subsection (a) constitutes a  
26 separate offense.

1       (f) The penalties and remedies provided in this Section are  
2 in addition to any other remedies or penalties provided by law.

3       (g) As used in this Section:

4       "Franchisor" and "franchisee" have the same meanings as in  
5 Section 3 of the Franchise Disclosure Act of 1987.

6       "Retail seller" has the same meaning as in Section 2.4 of  
7 the Retail Installment Sales Act.

8       "Telecommunications carrier" has the same meaning as in  
9 Section 13-202 of the Public Utilities Act.

10       (720 ILCS 5/17-46 new)

11       Sec. 17-46. Furnishing items of value with intent to  
12 defraud. A person who is authorized by an issuer to furnish  
13 money, goods, property, services or anything else of value upon  
14 presentation of a credit card or debit card by the cardholder,  
15 or any agent or employee of such person, who, with intent to  
16 defraud the issuer or the cardholder, furnishes money, goods,  
17 property, services or anything else of value upon presentation  
18 of a credit card or debit card obtained or retained in  
19 violation of this Code or a credit card or debit card which he  
20 knows is counterfeited, or forged, or expired, or revoked is  
21 guilty of a Class A misdemeanor, if the value furnished in  
22 violation of this Section does not exceed \$150 in any 6-month  
23 period; and is guilty of a Class 4 felony if such value exceeds  
24 \$150 in any 6-month period.

1 (720 ILCS 5/17-47 new)

2 Sec. 17-47. Failure to furnish items of value. A person who  
3 is authorized by an issuer to furnish money, goods, property,  
4 services or anything else of value upon presentation of a  
5 credit card or debit card by the cardholder, or any agent or  
6 employee of such person, who, with intent to defraud the issuer  
7 or the cardholder, fails to furnish money, goods, property,  
8 services or anything else of value which he represents in  
9 writing to the issuer that he has furnished is guilty of a  
10 Class A misdemeanor if the difference between the value of all  
11 money, goods, property, services and anything else of value  
12 actually furnished and the value represented to the issuer to  
13 have been furnished does not exceed \$150 in any 6-month period;  
14 and is guilty of a Class 4 felony if such difference exceeds  
15 \$150 in any 6-month period.

16 (720 ILCS 5/17-48 new)

17 Sec. 17-48. Repeat offenses. Any person convicted of a  
18 second or subsequent offense under this Subdivision 25 is  
19 guilty of a Class 3 felony.

20 For purposes of this Section, an offense is considered a  
21 second or subsequent offense if, prior to his or her conviction  
22 of the offense, the offender has at any time been convicted  
23 under this Subdivision 25, or under any prior Act, or under any  
24 law of the United States or of any state relating to credit  
25 card or debit card offenses.

1 (720 ILCS 5/17-49 new)

2 Sec. 17-49. Severability. If any provision of this  
3 Subdivision 25 or its application to any person or  
4 circumstances is held invalid, the invalidity shall not affect  
5 other provisions or applications of this Subdivision 25 which  
6 can be given effect without the invalid provision or  
7 application, and to this end the provisions of this Subdivision  
8 25 are declared to be severable.

9 (720 ILCS 5/17-49.5 new)

10 Sec. 17-49.5. Telephone Charge Fraud Act unaffected.  
11 Nothing contained in this Subdivision 25 shall be construed to  
12 repeal, amend, or otherwise affect the Telephone Charge Fraud  
13 Act.

14 (720 ILCS 5/Art. 17, Subdiv. 30 heading new)

15 SUBDIVISION 30. COMPUTER FRAUD

16 (720 ILCS 5/17-50) (was 720 ILCS 5/16D-5 and 5/16D-6)

17 Sec. 17-50 ~~16D-5~~. Computer fraud ~~Fraud~~.

18 (a) A person commits ~~the offense of~~ computer fraud when he  
19 or she knowingly:

20 (1) Accesses or causes to be accessed a computer or any  
21 part thereof, or a program or data, with the intent ~~for the~~  
22 ~~purpose~~ of devising or executing any scheme or ~~7~~ artifice to

1 defraud, or as part of a deception;

2 (2) Obtains use of, damages, or destroys a computer or  
3 any part thereof, or alters, deletes, or removes any  
4 program or data contained therein, in connection with any  
5 scheme or artifice to defraud, or as part of a deception;  
6 or

7 (3) Accesses or causes to be accessed a computer or any  
8 part thereof, or a program or data, and obtains money or  
9 control over any such money, property, or services of  
10 another in connection with any scheme or artifice to  
11 defraud, or as part of a deception.

12 (b) Sentence.

13 (1) A violation of subdivision ~~person who commits the~~  
14 ~~offense of computer fraud as set forth in subsection~~ (a) (1)  
15 of this Section is ~~shall be guilty of~~ a Class 4 felony.

16 (2) A violation of subdivision ~~person who commits the~~  
17 ~~offense of computer fraud as set forth in subsection~~ (a) (2)  
18 of this Section is ~~shall be guilty of~~ a Class 3 felony.

19 (3) A violation of subdivision ~~person who commits the~~  
20 ~~offense of computer fraud as set forth in subsection~~ (a) (3)  
21 of this Section ~~shall~~:

22 (i) is ~~be guilty of~~ a Class 4 felony if the value  
23 of the money, property, or services is \$1,000 or less;  
24 or

25 (ii) is ~~be guilty of~~ a Class 3 felony if the value  
26 of the money, property, or services is more than \$1,000

1 but less than \$50,000; or

2 (iii) ~~is be guilty of~~ a Class 2 felony if the value  
3 of the money, property, or services is \$50,000 or more.

4 (c) ~~Sec. 16D-6.~~ Forfeiture of property. Any person who  
5 commits ~~the offense of~~ computer fraud as set forth in  
6 subsection (a) ~~Section 16D-5~~ is subject to the property  
7 forfeiture provisions set forth in Article 124B of the Code of  
8 Criminal Procedure of 1963.

9 (Source: P.A. 85-926; 96-712, eff. 1-1-10.)

10 (720 ILCS 5/17-51) (was 720 ILCS 5/16D-3)

11 Sec. 17-51 ~~16D-3~~. Computer tampering ~~Tampering~~.

12 (a) A person commits ~~the offense of~~ computer tampering when  
13 he or she knowingly and without the authorization of a  
14 computer's owner, ~~as defined in Section 15-2 of this Code,~~ or  
15 in excess of the authority granted to him or her:

16 (1) Accesses or causes to be accessed a computer or any  
17 part thereof, a computer network, or a program or data;

18 (2) Accesses or causes to be accessed a computer or any  
19 part thereof, a computer network, or a program or data, and  
20 obtains data or services;

21 (3) Accesses or causes to be accessed a computer or any  
22 part thereof, a computer network, or a program or data, and  
23 damages or destroys the computer or alters, deletes, or  
24 removes a computer program or data;

25 (4) Inserts or attempts to insert a "program" into a

1 computer or computer program knowing or having reason to  
2 know ~~believe~~ that such "program" contains information or  
3 commands that will or may:

4 (A) damage or destroy that computer, or any other  
5 computer subsequently accessing or being accessed by  
6 that computer; ~~or that will or may~~

7 (B) alter, delete, or remove a computer program or  
8 data from that computer, or any other computer program  
9 or data in a computer subsequently accessing or being  
10 accessed by that computer; ~~or, or that will or may~~

11 (C) cause loss to the users of that computer or the  
12 users of a computer which accesses or which is accessed  
13 by such "program"; or

14 (5) Falsifies or forges electronic mail transmission  
15 information or other routing information in any manner in  
16 connection with the transmission of unsolicited bulk  
17 electronic mail through or into the computer network of an  
18 electronic mail service provider or its subscribers.

19 (a-5) Distributing software to falsify routing  
20 information. It is ~~shall be~~ unlawful for any person knowingly  
21 to sell, give, or otherwise distribute or possess with the  
22 intent to sell, give, or distribute software which:

23 (1) is primarily designed or produced for the purpose  
24 of facilitating or enabling the falsification of  
25 electronic mail transmission information or other routing  
26 information;

1           (2) has only a limited commercially significant  
2 purpose or use other than to facilitate or enable the  
3 falsification of electronic mail transmission information  
4 or other routing information; or

5           (3) is marketed by that person or another acting in  
6 concert with that person with that person's knowledge for  
7 use in facilitating or enabling the falsification of  
8 electronic mail transmission information or other routing  
9 information.

10          (a-10) For purposes of subsection (a), accessing a computer  
11 network is deemed to be with the authorization of a computer's  
12 owner if:

13           (1) the owner authorizes patrons, customers, or guests  
14 to access the computer network and the person accessing the  
15 computer network is an authorized patron, customer, or  
16 guest and complies with all terms or conditions for use of  
17 the computer network that are imposed by the owner; or

18           (2) the owner authorizes the public to access the  
19 computer network and the person accessing the computer  
20 network complies with all terms or conditions for use of  
21 the computer network that are imposed by the owner.

22          (b) Sentence.

23           (1) A person who commits ~~the offense of~~ computer  
24 tampering as set forth in subdivision ~~subsection~~ (a) (1) ~~or~~  
25 (a) (5) ~~or~~ subsection (a-5) of this Section ~~is shall be~~  
26 guilty of a Class B misdemeanor.



1           (2) A person who commits ~~the offense of~~ computer  
2 tampering as set forth in subdivision ~~subsection~~ (a) (2) of  
3 this Section is ~~shall be~~ guilty of a Class A misdemeanor  
4 and a Class 4 felony for the second or subsequent offense.

5           (3) A person who commits ~~the offense of~~ computer  
6 tampering as set forth in subdivision ~~subsection~~ (a) (3) or  
7 ~~subsection~~ (a) (4) of this Section is ~~shall be~~ guilty of a  
8 Class 4 felony and a Class 3 felony for the second or  
9 subsequent offense.

10           (4) If an ~~the~~ injury arises from the transmission of  
11 unsolicited bulk electronic mail, the injured person,  
12 other than an electronic mail service provider, may also  
13 recover attorney's fees and costs, and may elect, in lieu  
14 of actual damages, to recover the lesser of \$10 for each  
15 ~~and every~~ unsolicited bulk electronic mail message  
16 transmitted in violation of this Section, or \$25,000 per  
17 day. The injured person shall not have a cause of action  
18 against the electronic mail service provider that merely  
19 transmits the unsolicited bulk electronic mail over its  
20 computer network.

21           (5) If an ~~the~~ injury arises from the transmission of  
22 unsolicited bulk electronic mail, an injured electronic  
23 mail service provider may also recover attorney's fees and  
24 costs, and may elect, in lieu of actual damages, to recover  
25 the greater of \$10 for each ~~and every~~ unsolicited  
26 electronic mail advertisement transmitted in violation of

1 this Section, or \$25,000 per day.

2 (6) The provisions of this Section shall not be  
3 construed to limit any person's right to pursue any  
4 additional civil remedy otherwise allowed by law.

5 (c) Whoever suffers loss by reason of a violation of  
6 subdivision ~~subsection~~ (a) (4) of this Section may, in a civil  
7 action against the violator, obtain appropriate relief. In a  
8 civil action under this Section, the court may award to the  
9 prevailing party reasonable attorney's fees and other  
10 litigation expenses.

11 (Source: P.A. 95-326, eff. 1-1-08; 96-1000, eff. 7-2-10.)

12 (720 ILCS 5/17-52) (was 720 ILCS 5/16D-4)

13 Sec. 17-52 ~~16D-4~~. Aggravated computer tampering ~~Computer~~  
14 ~~Tampering~~.

15 (a) A person commits aggravated computer tampering when he  
16 or she commits ~~the offense of~~ computer tampering as set forth  
17 in paragraph ~~subsection~~ (a) (3) of Section 17-51 ~~16D-3~~ and he or  
18 she knowingly:

19 (1) causes disruption of or interference with vital  
20 services or operations of State or local government or a  
21 public utility; or

22 (2) creates a strong probability of death or great  
23 bodily harm to one or more individuals.

24 (b) Sentence.

25 (1) A person who commits ~~the offense of~~ aggravated

1 computer tampering as set forth in paragraph ~~subsection~~  
2 (a)(1) of this Section is ~~shall be~~ guilty of a Class 3  
3 felony.

4 (2) A person who commits ~~the offense of~~ aggravated  
5 computer tampering as set forth in paragraph ~~subsection~~  
6 (a)(2) of this Section is ~~shall be~~ guilty of a Class 2  
7 felony.

8 (Source: P.A. 86-820.)

9 (720 ILCS 5/17-52.5) (was 720 ILCS 5/16D-5.5)  
10 Sec. 17-52.5 ~~16D-5.5~~. Unlawful use of encryption.

11 (a) For the purpose of this Section:

12 "~~Access~~" ~~means to intercept, instruct, communicate~~  
13 ~~with, store data in, retrieve from, or otherwise make use~~  
14 ~~of any resources of a computer, network, or data.~~

15 "Computer" means an electronic device which performs  
16 logical, arithmetic, and memory functions by manipulations  
17 of electronic or magnetic impulses and includes all  
18 equipment related to the computer in a system or network.

19 "Computer contaminant" means any data, information,  
20 image, program, signal, or sound that is designated or has  
21 the capability to: (1) contaminate, corrupt, consume,  
22 damage, destroy, disrupt, modify, record, or transmit; or  
23 (2) cause to be contaminated, corrupted, consumed,  
24 damaged, destroyed, disrupted, modified, recorded, or  
25 transmitted, any other data, information, image, program,

1 signal, or sound contained in a computer, system, or  
2 network without the knowledge or consent of the person who  
3 owns the other data, information, image, program, signal,  
4 or sound or the computer, system, or network.

5 "Computer contaminant" includes, without limitation:  
6 (1) a virus, worm, or Trojan horse; (2) spyware that tracks  
7 computer activity and is capable of recording and  
8 transmitting such information to third parties; or (3) any  
9 other similar data, information, image, program, signal,  
10 or sound that is designed or has the capability to prevent,  
11 impede, delay, or disrupt the normal operation or use of  
12 any component, device, equipment, system, or network.

13 ~~"Data" means a representation in any form of~~  
14 ~~information, knowledge, facts, concepts, or instructions~~  
15 ~~which is being prepared or has been formally prepared and~~  
16 ~~is intended to be processed, is being processed or has been~~  
17 ~~processed in a system or network.~~

18 "Encryption" means the use of any protective or  
19 disruptive measure, including, without limitation,  
20 cryptography, enciphering, encoding, or a computer  
21 contaminant, to: (1) prevent, impede, delay, or disrupt  
22 access to any data, information, image, program, signal, or  
23 sound; (2) cause or make any data, information, image,  
24 program, signal, or sound unintelligible or unusable; or  
25 (3) prevent, impede, delay, or disrupt the normal operation  
26 or use of any component, device, equipment, system, or

1 network.

2 "Network" means a set of related, remotely connected  
3 devices and facilities, including more than one system,  
4 with the capability to transmit data among any of the  
5 devices and facilities. The term includes, without  
6 limitation, a local, regional, or global computer network.

7 "Program" means an ordered set of data representing  
8 coded instructions or statements which can be executed by a  
9 computer and cause the computer to perform one or more  
10 tasks.

11 "System" means a set of related equipment, whether or  
12 not connected, which is used with or for a computer.

13 (b) A person shall not knowingly use or attempt to use  
14 encryption, directly or indirectly, to:

15 (1) commit, facilitate, further, or promote any  
16 criminal offense;

17 (2) aid, assist, or encourage another person to commit  
18 any criminal offense;

19 (3) conceal evidence of the commission of any criminal  
20 offense; or

21 (4) conceal or protect the identity of a person who has  
22 committed any criminal offense.

23 (c) Telecommunications carriers and information service  
24 providers are not liable under this Section, except for willful  
25 and wanton misconduct, for providing encryption services used  
26 by others in violation of this Section.

1 (d) Sentence. A person who violates this Section is guilty  
2 of a Class A misdemeanor, unless the encryption was used or  
3 attempted to be used to commit an offense for which a greater  
4 penalty is provided by law. If the encryption was used or  
5 attempted to be used to commit an offense for which a greater  
6 penalty is provided by law, the person shall be punished as  
7 prescribed by law for that offense.

8 (e) A person who violates this Section commits a criminal  
9 offense that is separate and distinct from any other criminal  
10 offense and may be prosecuted and convicted under this Section  
11 whether or not the person or any other person is or has been  
12 prosecuted or convicted for any other criminal offense arising  
13 out of the same facts as the violation of this Section.

14 (Source: P.A. 95-942, eff. 1-1-09.)

15 (720 ILCS 5/17-54) (was 720 ILCS 5/16D-7)

16 Sec. 17-54 ~~16D-7~~. Evidence of lack of Rebuttable  
17 ~~Presumption~~ ~~without~~ authority. For the purposes of Sections  
18 17-50 through 17-52, the trier of fact may infer that a person  
19 accessed a computer without the authorization of its owner or  
20 in excess of the authority granted if the ~~In the event that a~~  
21 person accesses or causes to be accessed a computer, which  
22 access requires a confidential or proprietary code which has  
23 not been issued to or authorized for use by that person, ~~a~~  
24 ~~rebuttable presumption exists that the computer was accessed~~  
25 ~~without the authorization of its owner or in excess of the~~

1 ~~authority granted.~~

2 (Source: P.A. 85-926.)

3 (720 ILCS 5/17-55 new)

4 Sec. 17-55. Definitions. For the purposes of Sections 17-50  
5 through 17-53:

6 In addition to its meaning as defined in Section 15-1 of  
7 this Code, "property" means: (1) electronic impulses; (2)  
8 electronically produced data; (3) confidential, copyrighted,  
9 or proprietary information; (4) private identification codes  
10 or numbers which permit access to a computer by authorized  
11 computer users or generate billings to consumers for purchase  
12 of goods and services, including but not limited to credit card  
13 transactions and telecommunications services or permit  
14 electronic fund transfers; (5) software or programs in either  
15 machine or human readable form; or (6) any other tangible or  
16 intangible item relating to a computer or any part thereof.

17 "Access" means to use, instruct, communicate with, store  
18 data in, retrieve or intercept data from, or otherwise utilize  
19 any services of, a computer, a network, or data.

20 "Services" includes but is not limited to computer time,  
21 data manipulation, or storage functions.

22 "Vital services or operations" means those services or  
23 operations required to provide, operate, maintain, and repair  
24 network cabling, transmission, distribution, or computer  
25 facilities necessary to ensure or protect the public health,

1 safety, or welfare. Those services or operations include, but  
2 are not limited to, services provided by medical personnel or  
3 institutions, fire departments, emergency services agencies,  
4 national defense contractors, armed forces or militia  
5 personnel, private and public utility companies, or law  
6 enforcement agencies.

7 (720 ILCS 5/Art. 17, Subdiv. 35 heading new)

8 SUBDIVISION 35. MISCELLANEOUS SPECIAL FRAUD

9 (720 ILCS 5/17-56) (was 720 ILCS 5/16-1.3)

10 Sec. 17-56 ~~16-1.3~~. Financial exploitation of an elderly  
11 person or a person with a disability.

12 (a) A person commits ~~the offense of~~ financial exploitation  
13 of an elderly person or a person with a disability when he or  
14 she stands in a position of trust or confidence with the  
15 elderly person or a person with a disability and he or she  
16 knowingly and by deception or intimidation obtains control over  
17 the property of an elderly person or a person with a disability  
18 or illegally uses the assets or resources of an elderly person  
19 or a person with a disability. ~~The illegal use of the assets or~~  
20 ~~resources of an elderly person or a person with a disability~~  
21 ~~includes, but is not limited to, the misappropriation of those~~  
22 ~~assets or resources by undue influence, breach of a fiduciary~~  
23 ~~relationship, fraud, deception, extortion, or use of the assets~~  
24 ~~or resources contrary to law.~~



1        (b) Sentence. Financial exploitation of an elderly person  
2 or a person with a disability is: (1) a Class 4 felony if the  
3 value of the property is \$300 or less, (2) a Class 3 felony if  
4 the value of the property is more than \$300 but less than  
5 \$5,000, (3) a Class 2 felony if the value of the property is  
6 \$5,000 or more but less than \$100,000, and (4) a Class 1 felony  
7 if the value of the property is \$100,000 or more or if the  
8 elderly person is over 70 years of age and the value of the  
9 property is \$15,000 or more or if the elderly person is 80  
10 years of age or older and the value of the property is \$5,000  
11 or more.

12        (c) ~~(b)~~ For purposes of this Section:

13            (1) "Elderly person" means a person 60 years of age or  
14 older.

15            (2) "Person with a disability" means a person who  
16 suffers from a physical or mental impairment resulting from  
17 disease, injury, functional disorder or congenital  
18 condition that impairs the individual's mental or physical  
19 ability to independently manage his or her property or  
20 financial resources, or both.

21            (3) "Intimidation" means the communication to an  
22 elderly person or a person with a disability that he or she  
23 shall be deprived of food and nutrition, shelter,  
24 prescribed medication or medical care and treatment.

25            (4) "Deception" means, in addition to its meaning as  
26 defined in Section 15-4 of this Code, a misrepresentation

1 or concealment of material fact relating to the terms of a  
2 contract or agreement entered into with the elderly person  
3 or person with a disability or to the existing or  
4 pre-existing condition of any of the property involved in  
5 such contract or agreement; or the use or employment of any  
6 misrepresentation, false pretense or false promise in  
7 order to induce, encourage or solicit the elderly person or  
8 person with a disability to enter into a contract or  
9 agreement.

10 The illegal use of the assets or resources of an elderly  
11 person or a person with a disability includes, but is not  
12 limited to, the misappropriation of those assets or resources  
13 by undue influence, breach of a fiduciary relationship, fraud,  
14 deception, extortion, or use of the assets or resources  
15 contrary to law.

16 A ~~(c) For purposes of this Section,~~ a person stands in a  
17 position of trust and confidence with an elderly person or  
18 person with a disability when he (i) ~~(1)~~ is a parent, spouse,  
19 adult child or other relative by blood or marriage of the  
20 elderly person or person with a disability, (ii) ~~(2)~~ is a joint  
21 tenant or tenant in common with the elderly person or person  
22 with a disability, (iii) ~~(3)~~ has a legal or fiduciary  
23 relationship with the elderly person or person with a  
24 disability, or (iv) ~~(4)~~ is a financial planning or investment  
25 professional.

26 (d) Limitations. Nothing in this Section shall be construed

1 to limit the remedies available to the victim under the  
2 Illinois Domestic Violence Act of 1986.

3 (e) Good faith efforts. Nothing in this Section shall be  
4 construed to impose criminal liability on a person who has made  
5 a good faith effort to assist the elderly person or person with  
6 a disability in the management of his or her property, but  
7 through no fault of his or her own has been unable to provide  
8 such assistance.

9 (f) Not a defense. It shall not be a defense to financial  
10 exploitation of an elderly person or person with a disability  
11 that the accused reasonably believed that the victim was not an  
12 elderly person or person with a disability.

13 (g) Civil Liability. A person who is charged by information  
14 or indictment with the offense of financial exploitation of an  
15 elderly person or person with a disability and who fails or  
16 refuses to return the victim's property within 60 days  
17 following a written demand from the victim or the victim's  
18 legal representative shall be liable to the victim or to the  
19 estate of the victim in damages of treble the amount of the  
20 value of the property obtained, plus reasonable attorney fees  
21 and court costs. The burden of proof that the defendant  
22 unlawfully obtained the victim's property shall be by a  
23 preponderance of the evidence. This subsection shall be  
24 operative whether or not the defendant has been convicted of  
25 the offense.

26 (Source: P.A. 95-798, eff. 1-1-09.)

1 (720 ILCS 5/17-57) (was 720 ILCS 5/17-28)

2 Sec. 17-57 ~~17-28~~. Defrauding drug and alcohol screening  
3 tests.

4 (a) It is unlawful for a person to:

5 (1) manufacture, sell, give away, distribute, or  
6 market synthetic or human substances or other products in  
7 this State or transport urine into this State with the  
8 intent of using the synthetic or human substances or other  
9 products to defraud a drug or alcohol screening test;

10 (2) substitute or spike a sample or advertise a sample  
11 substitution or other spiking device or measure, with the  
12 intent of attempting ~~attempt~~ to foil or defeat a drug or  
13 alcohol screening test ~~by the substitution or spiking of a~~  
14 ~~sample or the advertisement of a sample substitution or~~  
15 ~~other spiking device or measure;~~

16 (3) adulterate synthetic or human substances with the  
17 intent to defraud a drug or alcohol screening test; or

18 (4) manufacture, sell, or possess adulterants that are  
19 intended to be used to adulterate synthetic or human  
20 substances with the intent ~~for the purpose~~ of defrauding a  
21 drug or alcohol screening test.

22 (b) ~~The~~ ~~For the purpose of determining the intent of the~~  
23 ~~defendant who is charged with a violation of this Section, the~~  
24 trier of fact may infer intent to violate this Section if ~~take~~  
25 ~~into consideration whether or not~~ a heating element or any

1 other device used to thwart a drug or alcohol screening test  
2 accompanies the sale, giving, distribution, or marketing of  
3 synthetic or human substances or other products or ~~whether or~~  
4 ~~not~~ instructions that provide a method for thwarting a drug or  
5 alcohol screening test accompany the sale, giving,  
6 distribution, or marketing of synthetic or human substances or  
7 other products.

8 (c) Sentence. A violation of this Section is a Class 4  
9 felony for which the court shall impose a minimum fine of  
10 \$1,000.

11 (d) For the purposes of this Section, "drug or alcohol  
12 screening test" includes, but is not limited to, urine testing,  
13 hair follicle testing, perspiration testing, saliva testing,  
14 blood testing, fingernail testing, and eye drug testing.

15 (Source: P.A. 93-691, eff. 7-9-04.)

16 (720 ILCS 5/17-58) (was 720 ILCS 5/17-16)

17 Sec. 17-58 ~~17-16~~. Fraudulent production of infant. A person  
18 who fraudulently produces an infant, falsely pretending it to  
19 have been born of parents whose child would be entitled to a  
20 share of a personal estate, or to inherit real estate, with the  
21 intent of intercepting the inheritance of the real estate, or  
22 the distribution of the personal property from a person  
23 lawfully entitled to the personal property, is guilty of a  
24 Class 3 felony.

25 (Source: P.A. 89-234, eff. 1-1-96.)

1 (720 ILCS 5/17-59) (was 720 ILCS 5/39-1)

2 Sec. 17-59 ~~39-1~~. Criminal usury ~~Usury~~.

3 (a) ~~A~~ Any person commits criminal usury when, in exchange  
4 for either a loan of money or other property or forbearance  
5 from the collection of such a loan, he or she knowingly  
6 contracts for or receives from an individual, directly or  
7 indirectly, interest, discount, or other consideration at a  
8 rate greater than 20% per annum either before or after the  
9 maturity of the loan.

10 (b) When a person has in his or her personal or  
11 constructive possession records, memoranda, or other  
12 documentary record of usurious loans, the trier of fact may  
13 infer ~~it shall be prima facie evidence~~ that he or she has  
14 violated subsection (a) of this Section ~~Subsection 39-1(a)~~  
15 ~~hereof~~.

16 (c) Sentence. Criminal usury is a Class 4 felony.

17 (d) Non-application to licensed persons. This Section does  
18 not apply to any loan authorized to be made by any person  
19 licensed under the Consumer Installment Loan Act or to any loan  
20 permitted by Sections 4, 4.2 and 4a of the Interest Act or by  
21 any other law of this State.

22 (Source: P.A. 76-1879.)

23 (720 ILCS 5/17-60) (was 720 ILCS 5/17-7)

24 Sec. 17-60 ~~17-7~~. Promotion of pyramid sales schemes.

1       (a) A person who knowingly sells, offers to sell, or  
2 attempts to sell the right to participate in a pyramid sales  
3 scheme commits a Class A misdemeanor.

4       (b) ~~(a)~~ The term "pyramid sales scheme" means any plan or  
5 operation whereby a person, in exchange for money or other  
6 thing of value, acquires the opportunity to receive a benefit  
7 or thing of value, which is primarily based upon the inducement  
8 of additional persons, by himself or others, regardless of  
9 number, to participate in the same plan or operation and is not  
10 primarily contingent on the volume or quantity of goods,  
11 services, or other property sold or distributed or to be sold  
12 or distributed to persons for purposes of resale to consumers.  
13 For purposes of this subsection, "money or other thing of  
14 value" shall not include payments made for sales demonstration  
15 equipment and materials furnished on a nonprofit basis for use  
16 in making sales and not for resale.

17       ~~(b) Any person who knowingly sells, offers to sell, or~~  
18 ~~attempts to sell the right to participate in a pyramid sales~~  
19 ~~scheme commits a Class A misdemeanor.~~

20       (Source: P.A. 83-808.)

21       (720 ILCS 5/17-61 new)

22       Sec. 17-61. Unauthorized use of university stationery.

23       (a) No person, firm or corporation shall use the official  
24 stationery or seal or a facsimile thereof, of any State  
25 supported university, college or other institution of higher

1 education or any organization thereof unless approved in  
2 writing in advance by the university, college or institution of  
3 higher education affected, for any private promotional scheme  
4 wherein it is made to appear that the organization or  
5 university, college or other institution of higher education is  
6 endorsing the private promotional scheme.

7 (b) A violation of this Section is a petty offense.

8 (720 ILCS 5/17-62 new)

9 Sec. 17-62. Unlawful possession of device for  
10 manufacturing a false universal price code label. It is  
11 unlawful for a person to knowingly possess a device the purpose  
12 of which is to manufacture a false, counterfeit, altered, or  
13 simulated universal price code label. A violation of this  
14 Section is a Class 3 felony.

15 (720 ILCS 5/16D-2 rep.)

16 (720 ILCS 5/Art. 16H rep.)

17 (720 ILCS 5/17-1a rep.)

18 (720 ILCS 5/17-2.5 rep.)

19 (720 ILCS 5/17-4 rep.)

20 (720 ILCS 5/17-8 rep.)

21 (720 ILCS 5/17-10 rep.)

22 (720 ILCS 5/17-11.1 rep.)

23 (720 ILCS 5/17-12 rep.)

24 (720 ILCS 5/17-14 rep.)



- 1 (720 ILCS 5/17-15 rep.)
- 2 (720 ILCS 5/17-18 rep.)
- 3 (720 ILCS 5/17-19 rep.)
- 4 (720 ILCS 5/17-23 rep.)
- 5 (720 ILCS 5/Art. 17A rep.)
- 6 (720 ILCS 5/17B-1 rep.)
- 7 (720 ILCS 5/17B-5 rep.)
- 8 (720 ILCS 5/17B-10 rep.)
- 9 (720 ILCS 5/17B-15 rep.)
- 10 (720 ILCS 5/17B-20 rep.)
- 11 (720 ILCS 5/17B-25 rep.)
- 12 (720 ILCS 5/17B-30 rep.)
- 13 (720 ILCS 5/32-5 rep.)
- 14 (720 ILCS 5/32-5.1 rep.)
- 15 (720 ILCS 5/32-5.1-1 rep.)
- 16 (720 ILCS 5/32-5.2 rep.)
- 17 (720 ILCS 5/32-5.2-5 rep.)
- 18 (720 ILCS 5/32-5.3 rep.)
- 19 (720 ILCS 5/32-5.4 rep.)
- 20 (720 ILCS 5/32-5.4-1 rep.)
- 21 (720 ILCS 5/32-5.5 rep.)
- 22 (720 ILCS 5/32-5.6 rep.)
- 23 (720 ILCS 5/32-5.7 rep.)
- 24 (720 ILCS 5/Art. 33C rep.)
- 25 (720 ILCS 5/Art. 39 heading rep.)
- 26 (720 ILCS 5/39-2 rep.)

1 (720 ILCS 5/39-3 rep.)

2 (720 ILCS 5/Art. 46 rep.)

3 Section 5-6. The Criminal Code of 1961 is amended by  
4 repealing Article 16H, Article 17A, Article 33C, Article 46,  
5 the heading of Article 39, and Sections 16D-2, 17-1a, 17-2.5,  
6 17-4, 17-8, 17-10, 17-11.1, 17-12, 17-14, 17-15, 17-18, 17-19,  
7 17-23, 17B-1, 17B-5, 17B-10, 17B-15, 17B-20, 17B-25, 17B-30,  
8 32-5, 32-5.1, 32-5.1-1, 32-5.2, 32-5.2-5, 32-5.3, 32-5.4,  
9 32-5.4-1, 32-5.5, 32-5.6, 32-5.7, 39-2, and 39-3.

10 (720 ILCS 240/Act rep.)

11 Section 5-10. The Conditional Sales Protection Act is  
12 repealed.

13 (720 ILCS 245/Act rep.)

14 Section 5-12. The Construction Equipment Identification  
15 Defacement Act is repealed.

16 (720 ILCS 250/Act rep.)

17 Section 5-15. The Illinois Credit Card and Debit Card Act  
18 is repealed.

19 (720 ILCS 290/Act rep.)

20 Section 5-20. The Deceptive Sale of Gold and Silver Act is  
21 repealed.

1 (720 ILCS 295/Act rep.)

2 Section 5-25. The Deceptive Advertising Act is repealed.

3 (720 ILCS 305/Act rep.)

4 Section 5-30. The Gasoline Price Advertising Act is  
5 repealed.

6 (720 ILCS 325/Act rep.)

7 Section 5-35. The Insurance Claims for Excessive Charges  
8 Act is repealed.

9 (720 ILCS 335/Act rep.)

10 Section 5-37. The Marks and Serial Numbers Act is repealed.

11 (720 ILCS 390/Act rep.)

12 Section 5-40. The Use of University Stationery Act is  
13 repealed.

14 Article 10.

15 Section 10-5. The Department of Revenue Law of the Civil  
16 Administrative Code of Illinois is amended by changing Section  
17 2505-400 as follows:

18 (20 ILCS 2505/2505-400) (was 20 ILCS 2505/39b49)

19 Sec. 2505-400. Contracts for collection assistance.

1 (a) The Department has the power to contract for collection  
2 assistance on a contingent fee basis, with collection fees to  
3 be retained by the collection agency and the net collections to  
4 be paid to the Department. In the case of any liability  
5 referred to a collection agency on or after July 1, 2003, any  
6 fee charged to the State by the collection agency shall be  
7 considered additional State tax of the taxpayer imposed under  
8 the Act under which the tax being collected was imposed, shall  
9 be deemed assessed at the time payment of the tax is made to  
10 the collection agency, and shall be separately stated in any  
11 statement or notice of the liability issued by the collection  
12 agency to the taxpayer.

13 (b) The Department has the power to enter into written  
14 agreements with State's Attorneys for pursuit of civil  
15 liability under subsection (E) of Section 17-1 ~~17-1a~~ of the  
16 Criminal Code of 1961 against persons who have issued to the  
17 Department checks or other orders in violation of the  
18 provisions of paragraph (1) ~~(d)~~ of subsection (B) of Section  
19 17-1 of the Criminal Code of 1961. Of the amount collected, the  
20 Department shall retain the amount owing upon the dishonored  
21 check or order along with the dishonored check fee imposed  
22 under the Uniform Penalty and Interest Act. The balance of  
23 damages, fees, and costs collected under subsection (E) of  
24 Section 17-1 ~~17-1a~~ of the Criminal Code of 1961 or under  
25 Section 17-1a of that Code shall be retained by the State's  
26 Attorney. The agreement shall not affect the allocation of

1 fines and costs imposed in any criminal prosecution.

2 (c) The Department may issue the Secretary of the Treasury  
3 of the United States (or his or her delegate) notice, as  
4 required by Section 6402(e) of the Internal Revenue Code, of  
5 any past due, legally enforceable State income tax obligation  
6 of a taxpayer. The Department must notify the taxpayer that any  
7 fee charged to the State by the Secretary of the Treasury of  
8 the United States (or his or her delegate) under Internal  
9 Revenue Code Section 6402(e) is considered additional State  
10 income tax of the taxpayer with respect to whom the Department  
11 issued the notice, and is deemed assessed upon issuance by the  
12 Department of notice to the Secretary of the Treasury of the  
13 United States (or his or her delegate) under Section 6402(e) of  
14 the Internal Revenue Code; a notice of additional State income  
15 tax is not considered a notice of deficiency, and the taxpayer  
16 has no right of protest.

17 (Source: P.A. 92-492, eff. 1-1-02; 93-25, eff. 6-20-03.)

18 Section 10-10. The Counties Code is amended by changing  
19 Section 3-9005 as follows:

20 (55 ILCS 5/3-9005) (from Ch. 34, par. 3-9005)

21 Sec. 3-9005. Powers and duties of State's attorney.

22 (a) The duty of each State's attorney shall be:

23 (1) To commence and prosecute all actions, suits,  
24 indictments and prosecutions, civil and criminal, in the

1 circuit court for his county, in which the people of the  
2 State or county may be concerned.

3 (2) To prosecute all forfeited bonds and  
4 recognizances, and all actions and proceedings for the  
5 recovery of debts, revenues, moneys, fines, penalties and  
6 forfeitures accruing to the State or his county, or to any  
7 school district or road district in his county; also, to  
8 prosecute all suits in his county against railroad or  
9 transportation companies, which may be prosecuted in the  
10 name of the People of the State of Illinois.

11 (3) To commence and prosecute all actions and  
12 proceedings brought by any county officer in his official  
13 capacity.

14 (4) To defend all actions and proceedings brought  
15 against his county, or against any county or State officer,  
16 in his official capacity, within his county.

17 (5) To attend the examination of all persons brought  
18 before any judge on habeas corpus, when the prosecution is  
19 in his county.

20 (6) To attend before judges and prosecute charges of  
21 felony or misdemeanor, for which the offender is required  
22 to be recognized to appear before the circuit court, when  
23 in his power so to do.

24 (7) To give his opinion, without fee or reward, to any  
25 county officer in his county, upon any question or law  
26 relating to any criminal or other matter, in which the

1 people or the county may be concerned.

2 (8) To assist the attorney general whenever it may be  
3 necessary, and in cases of appeal from his county to the  
4 Supreme Court, to which it is the duty of the attorney  
5 general to attend, he shall furnish the attorney general at  
6 least 10 days before such is due to be filed, a manuscript  
7 of a proposed statement, brief and argument to be printed  
8 and filed on behalf of the people, prepared in accordance  
9 with the rules of the Supreme Court. However, if such  
10 brief, argument or other document is due to be filed by law  
11 or order of court within this 10 day period, then the  
12 State's attorney shall furnish such as soon as may be  
13 reasonable.

14 (9) To pay all moneys received by him in trust, without  
15 delay, to the officer who by law is entitled to the custody  
16 thereof.

17 (10) To notify, by first class mail, complaining  
18 witnesses of the ultimate disposition of the cases arising  
19 from an indictment or an information.

20 (11) To perform such other and further duties as may,  
21 from time to time, be enjoined on him by law.

22 (12) To appear in all proceedings by collectors of  
23 taxes against delinquent taxpayers for judgments to sell  
24 real estate, and see that all the necessary preliminary  
25 steps have been legally taken to make the judgment legal  
26 and binding.

1           (13) To notify, by first-class mail, the State  
2 Superintendent of Education, the applicable regional  
3 superintendent of schools, and the superintendent of the  
4 employing school district or the chief school  
5 administrator of the employing nonpublic school, if any,  
6 upon the conviction of any individual known to possess a  
7 certificate issued pursuant to Article 21 of the School  
8 Code of any offense set forth in Section 21-23a of the  
9 School Code or any other felony conviction, providing the  
10 name of the certificate holder, the fact of the conviction,  
11 and the name and location of the court where the conviction  
12 occurred. The certificate holder must also be  
13 contemporaneously sent a copy of the notice.

14           (b) The State's Attorney of each county shall have  
15 authority to appoint one or more special investigators to serve  
16 subpoenas, make return of process and conduct investigations  
17 which assist the State's Attorney in the performance of his  
18 duties. A special investigator shall not carry firearms except  
19 with permission of the State's Attorney and only while carrying  
20 appropriate identification indicating his employment and in  
21 the performance of his assigned duties.

22           Subject to the qualifications set forth in this subsection,  
23 special investigators shall be peace officers and shall have  
24 all the powers possessed by investigators under the State's  
25 Attorneys Appellate Prosecutor's Act.

26           No special investigator employed by the State's Attorney



1 shall have peace officer status or exercise police powers  
2 unless he or she successfully completes the basic police  
3 training course mandated and approved by the Illinois Law  
4 Enforcement Training Standards Board or such board waives the  
5 training requirement by reason of the special investigator's  
6 prior law enforcement experience or training or both. Any  
7 State's Attorney appointing a special investigator shall  
8 consult with all affected local police agencies, to the extent  
9 consistent with the public interest, if the special  
10 investigator is assigned to areas within that agency's  
11 jurisdiction.

12 Before a person is appointed as a special investigator, his  
13 fingerprints shall be taken and transmitted to the Department  
14 of State Police. The Department shall examine its records and  
15 submit to the State's Attorney of the county in which the  
16 investigator seeks appointment any conviction information  
17 concerning the person on file with the Department. No person  
18 shall be appointed as a special investigator if he has been  
19 convicted of a felony or other offense involving moral  
20 turpitude. A special investigator shall be paid a salary and be  
21 reimbursed for actual expenses incurred in performing his  
22 assigned duties. The county board shall approve the salary and  
23 actual expenses and appropriate the salary and expenses in the  
24 manner prescribed by law or ordinance.

25 (c) The State's Attorney may request and receive from  
26 employers, labor unions, telephone companies, and utility

1 companies location information concerning putative fathers and  
2 noncustodial parents for the purpose of establishing a child's  
3 paternity or establishing, enforcing, or modifying a child  
4 support obligation. In this subsection, "location information"  
5 means information about (i) the physical whereabouts of a  
6 putative father or noncustodial parent, (ii) the putative  
7 father or noncustodial parent's employer, or (iii) the salary,  
8 wages, and other compensation paid and the health insurance  
9 coverage provided to the putative father or noncustodial parent  
10 by the employer of the putative father or noncustodial parent  
11 or by a labor union of which the putative father or  
12 noncustodial parent is a member.

13 (d) For each State fiscal year, the State's Attorney of  
14 Cook County shall appear before the General Assembly and  
15 request appropriations to be made from the Capital Litigation  
16 Trust Fund to the State Treasurer for the purpose of providing  
17 assistance in the prosecution of capital cases in Cook County  
18 and for the purpose of providing assistance to the State in  
19 post-conviction proceedings in capital cases under Article 122  
20 of the Code of Criminal Procedure of 1963 and in relation to  
21 petitions filed under Section 2-1401 of the Code of Civil  
22 Procedure in relation to capital cases. The State's Attorney  
23 may appear before the General Assembly at other times during  
24 the State's fiscal year to request supplemental appropriations  
25 from the Trust Fund to the State Treasurer.

26 (e) The State's Attorney shall have the authority to enter

1 into a written agreement with the Department of Revenue for  
2 pursuit of civil liability under subsection (E) of Section 17-1  
3 ~~17-1a~~ of the Criminal Code of 1961 against persons who have  
4 issued to the Department checks or other orders in violation of  
5 the provisions of paragraph (1) ~~(d)~~ of subsection (B) of  
6 Section 17-1 of the Criminal Code of 1961, with the Department  
7 to retain the amount owing upon the dishonored check or order  
8 along with the dishonored check fee imposed under the Uniform  
9 Penalty and Interest Act, with the balance of damages, fees,  
10 and costs collected under subsection (E) of Section 17-1 ~~17-1a~~  
11 of the Criminal Code of 1961 or under Section 17-1a of that  
12 Code to be retained by the State's Attorney. The agreement  
13 shall not affect the allocation of fines and costs imposed in  
14 any criminal prosecution.

15 (Source: P.A. 96-431, eff. 8-13-09.)

16 Section 10-15. The Acupuncture Practice Act is amended by  
17 changing Section 117 as follows:

18 (225 ILCS 2/117)

19 (Section scheduled to be repealed on January 1, 2018)

20 Sec. 117. Suspension of license for failure to pay  
21 restitution. The Department, without further process or  
22 hearing, shall suspend the license or other authorization to  
23 practice of any person issued under this Act who has been  
24 certified by court order as not having paid restitution to a

1 person under Section 8A-3.5 of the Illinois Public Aid Code or  
2 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
3 person whose license or other authorization to practice is  
4 suspended under this Section is prohibited from practicing  
5 until the restitution is made in full.

6 (Source: P.A. 94-577, eff. 1-1-06.)

7 Section 10-20. The Illinois Athletic Trainers Practice Act  
8 is amended by changing Section 16.5 as follows:

9 (225 ILCS 5/16.5)

10 (Section scheduled to be repealed on January 1, 2016)

11 Sec. 16.5. Suspension of license for failure to pay  
12 restitution. The Department, without further process or  
13 hearing, shall suspend the license or other authorization to  
14 practice of any person issued under this Act who has been  
15 certified by court order as not having paid restitution to a  
16 person under Section 8A-3.5 of the Illinois Public Aid Code or  
17 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
18 person whose license or other authorization to practice is  
19 suspended under this Section is prohibited from practicing  
20 until the restitution is made in full.

21 (Source: P.A. 94-577, eff. 1-1-06.)

22 Section 10-25. The Clinical Psychologist Licensing Act is  
23 amended by changing Section 15.1 as follows:

1 (225 ILCS 15/15.1)

2 (Section scheduled to be repealed on January 1, 2017)

3 Sec. 15.1. Suspension of license for failure to pay  
4 restitution. The Department, without further process or  
5 hearing, shall suspend the license or other authorization to  
6 practice of any person issued under this Act who has been  
7 certified by court order as not having paid restitution to a  
8 person under Section 8A-3.5 of the Illinois Public Aid Code or  
9 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
10 person whose license or other authorization to practice is  
11 suspended under this Section is prohibited from practicing  
12 until the restitution is made in full.

13 (Source: P.A. 94-577, eff. 1-1-06.)

14 Section 10-30. The Clinical Social Work and Social Work  
15 Practice Act is amended by changing Section 19.5 as follows:

16 (225 ILCS 20/19.5)

17 (Section scheduled to be repealed on January 1, 2018)

18 Sec. 19.5. Suspension of license for failure to pay  
19 restitution. The Department, without further process or  
20 hearing, shall suspend the license or other authorization to  
21 practice of any person issued under this Act who has been  
22 certified by court order as not having paid restitution to a  
23 person under Section 8A-3.5 of the Illinois Public Aid Code or

1 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
2 person whose license or other authorization to practice is  
3 suspended under this Section is prohibited from practicing  
4 until the restitution is made in full.

5 (Source: P.A. 94-577, eff. 1-1-06.)

6 Section 10-35. The Illinois Dental Practice Act is amended  
7 by changing Section 23c as follows:

8 (225 ILCS 25/23c)

9 (Section scheduled to be repealed on January 1, 2016)

10 Sec. 23c. Suspension of license for failure to pay  
11 restitution. The Department, without further process or  
12 hearing, shall suspend the license or other authorization to  
13 practice of any person issued under this Act who has been  
14 certified by court order as not having paid restitution to a  
15 person under Section 8A-3.5 of the Illinois Public Aid Code or  
16 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
17 person whose license or other authorization to practice is  
18 suspended under this Section is prohibited from practicing  
19 until the restitution is made in full.

20 (Source: P.A. 94-577, eff. 1-1-06.)

21 Section 10-40. The Health Care Worker Background Check Act  
22 is amended by changing Section 25 as follows:

1 (225 ILCS 46/25)

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

4 (a) In the discretion of the Director of Public Health, as  
5 soon after January 1, 1996, January 1, 1997, January 1, 2006,  
6 or October 1, 2007, as applicable, and as is reasonably  
7 practical, no health care employer shall knowingly hire,  
8 employ, or retain any individual in a position with duties  
9 involving direct care for clients, patients, or residents, and  
10 no long-term care facility shall knowingly hire, employ, or  
11 retain any individual in a position with duties that involve or  
12 may involve contact with residents or access to the living  
13 quarters or the financial, medical, or personal records of  
14 residents, who has been convicted of committing or attempting  
15 to commit one or more of the following offenses: those defined  
16 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,  
17 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,  
18 10-5, 10-7, 11-6, 11-9.1, 11-9.5, 11-19.2, 11-20.1, 12-1, 12-2,  
19 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4,  
20 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13, 12-14, 12-14.1,  
21 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32, 12-33, 16-1,  
22 16-1.3, 16A-3, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4, 18-5, 19-1,  
23 19-3, 19-4, 20-1, 20-1.1, 24-1, 24-1.2, 24-1.5, or 33A-2 of the  
24 Criminal Code of 1961; those provided in Section 4 of the  
25 Wrongs to Children Act; those provided in Section 53 of the  
26 Criminal Jurisprudence Act; those defined in Section 5, 5.1,

1 5.2, 7, or 9 of the Cannabis Control Act; those defined in the  
2 Methamphetamine Control and Community Protection Act; or those  
3 defined in Sections 401, 401.1, 404, 405, 405.1, 407, or 407.1  
4 of the Illinois Controlled Substances Act, unless the applicant  
5 or employee obtains a waiver pursuant to Section 40.

6 (a-1) In the discretion of the Director of Public Health,  
7 as soon after January 1, 2004 or October 1, 2007, as  
8 applicable, and as is reasonably practical, no health care  
9 employer shall knowingly hire any individual in a position with  
10 duties involving direct care for clients, patients, or  
11 residents, and no long-term care facility shall knowingly hire  
12 any individual in a position with duties that involve or may  
13 involve contact with residents or access to the living quarters  
14 or the financial, medical, or personal records of residents,  
15 who has (i) been convicted of committing or attempting to  
16 commit one or more of the offenses defined in Section 12-3.3,  
17 12-4.2-5, 16-2, 16G-15, 16G-20, 17-33, 17-34, 17-36, 17-44,  
18 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or 24-3.3, or  
19 subsection (b) of Section 17-32, of the Criminal Code of 1961;  
20 Section 4, 5, 6, 8, or 17.02 of the Illinois Credit Card and  
21 Debit Card Act; or Section 5.1 of the Wrongs to Children Act;  
22 or (ii) violated Section 50-50 of the Nurse Practice Act,  
23 unless the applicant or employee obtains a waiver pursuant to  
24 Section 40 of this Act.

25 A health care employer is not required to retain an  
26 individual in a position with duties involving direct care for



1 clients, patients, or residents, and no long-term care facility  
2 is required to retain an individual in a position with duties  
3 that involve or may involve contact with residents or access to  
4 the living quarters or the financial, medical, or personal  
5 records of residents, who has been convicted of committing or  
6 attempting to commit one or more of the offenses enumerated in  
7 this subsection.

8 (b) A health care employer shall not hire, employ, or  
9 retain any individual in a position with duties involving  
10 direct care of clients, patients, or residents, and no  
11 long-term care facility shall knowingly hire, employ, or retain  
12 any individual in a position with duties that involve or may  
13 involve contact with residents or access to the living quarters  
14 or the financial, medical, or personal records of residents, if  
15 the health care employer becomes aware that the individual has  
16 been convicted in another state of committing or attempting to  
17 commit an offense that has the same or similar elements as an  
18 offense listed in subsection (a) or (a-1), as verified by court  
19 records, records from a state agency, or an FBI criminal  
20 history record check, unless the applicant or employee obtains  
21 a waiver pursuant to Section 40 of this Act. This shall not be  
22 construed to mean that a health care employer has an obligation  
23 to conduct a criminal history records check in other states in  
24 which an employee has resided.

25 (Source: P.A. 95-120, eff. 8-13-07; 95-639, eff. 10-5-07;  
26 95-876, eff. 8-21-08; 96-710, eff. 1-1-10.)

1 Section 10-45. The Hearing Instrument Consumer Protection  
2 Act is amended by changing Section 18.5 as follows:

3 (225 ILCS 50/18.5)

4 (Section scheduled to be repealed on January 1, 2016)

5 Sec. 18.5. Suspension of license for failure to pay  
6 restitution. The Department, without further process or  
7 hearing, shall suspend the license or other authorization to  
8 practice of any person issued under this Act who has been  
9 certified by court order as not having paid restitution to a  
10 person under Section 8A-3.5 of the Illinois Public Aid Code or  
11 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
12 person whose license or other authorization to practice is  
13 suspended under this Section is prohibited from practicing  
14 until the restitution is made in full.

15 (Source: P.A. 94-577, eff. 1-1-06.)

16 Section 10-50. The Home Medical Equipment and Services  
17 Provider License Act is amended by changing Section 77 as  
18 follows:

19 (225 ILCS 51/77)

20 (Section scheduled to be repealed on January 1, 2018)

21 Sec. 77. Suspension of license for failure to pay  
22 restitution. The Department, without further process or

1 hearing, shall suspend the license or other authorization to  
2 practice of any person issued under this Act who has been  
3 certified by court order as not having paid restitution to a  
4 person under Section 8A-3.5 of the Illinois Public Aid Code or  
5 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
6 person whose license or other authorization to practice is  
7 suspended under this Section is prohibited from practicing  
8 until the restitution is made in full.

9 (Source: P.A. 94-577, eff. 1-1-06.)

10 Section 10-55. The Marriage and Family Therapy Licensing  
11 Act is amended by changing Section 87 as follows:

12 (225 ILCS 55/87)

13 (Section scheduled to be repealed on January 1, 2018)

14 Sec. 87. Suspension of license for failure to pay  
15 restitution. The Department, without further process or  
16 hearing, shall suspend the license or other authorization to  
17 practice of any person issued under this Act who has been  
18 certified by court order as not having paid restitution to a  
19 person under Section 8A-3.5 of the Illinois Public Aid Code or  
20 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
21 person whose license or other authorization to practice is  
22 suspended under this Section is prohibited from practicing  
23 until the restitution is made in full.

24 (Source: P.A. 94-577, eff. 1-1-06.)

1           Section 10-60. The Medical Practice Act of 1987 is amended  
2 by changing Section 22.5 as follows:

3           (225 ILCS 60/22.5)

4           (Section scheduled to be repealed on December 31, 2010)

5           Sec. 22.5. Suspension of license for failure to pay  
6 restitution. The Department, without further process or  
7 hearing, shall suspend the license or other authorization to  
8 practice of any person issued under this Act who has been  
9 certified by court order as not having paid restitution to a  
10 person under Section 8A-3.5 of the Illinois Public Aid Code or  
11 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
12 person whose license or other authorization to practice is  
13 suspended under this Section is prohibited from practicing  
14 until the restitution is made in full.

15           (Source: P.A. 94-577, eff. 1-1-06.)

16           Section 10-65. The Naprapathic Practice Act is amended by  
17 changing Section 113 as follows:

18           (225 ILCS 63/113)

19           (Section scheduled to be repealed on January 1, 2013)

20           Sec. 113. Suspension of license for failure to pay  
21 restitution. The Department, without further process or  
22 hearing, shall suspend the license or other authorization to

1 practice of any person issued under this Act who has been  
2 certified by court order as not having paid restitution to a  
3 person under Section 8A-3.5 of the Illinois Public Aid Code or  
4 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
5 person whose license or other authorization to practice is  
6 suspended under this Section is prohibited from practicing  
7 until the restitution is made in full.

8 (Source: P.A. 94-577, eff. 1-1-06.)

9 Section 10-70. The Nurse Practice Act is amended by  
10 changing Section 70-20 as follows:

11 (225 ILCS 65/70-20) (was 225 ILCS 65/20-13)

12 (Section scheduled to be repealed on January 1, 2018)

13 Sec. 70-20. Suspension of license or registration for  
14 failure to pay restitution. The Department, without further  
15 process or hearing, shall suspend the license or other  
16 authorization to practice of any person issued under this Act  
17 who has been certified by court order as not having paid  
18 restitution to a person under Section 8A-3.5 of the Illinois  
19 Public Aid Code or under Section 17-10.5 or 46-1 of the  
20 Criminal Code of 1961. A person whose license or other  
21 authorization to practice is suspended under this Section is  
22 prohibited from practicing until the restitution is made in  
23 full.

24 (Source: P.A. 94-577, eff. 1-1-06; 95-639, eff. 10-5-07.)

1 Section 10-75. The Illinois Occupational Therapy Practice  
2 Act is amended by changing Section 19.17 as follows:

3 (225 ILCS 75/19.17)

4 (Section scheduled to be repealed on January 1, 2014)

5 Sec. 19.17. Suspension of license for failure to pay  
6 restitution. The Department, without further process or  
7 hearing, shall suspend the license or other authorization to  
8 practice of any person issued under this Act who has been  
9 certified by court order as not having paid restitution to a  
10 person under Section 8A-3.5 of the Illinois Public Aid Code or  
11 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
12 person whose license or other authorization to practice is  
13 suspended under this Section is prohibited from practicing  
14 until the restitution is made in full.

15 (Source: P.A. 94-577, eff. 1-1-06.)

16 Section 10-80. The Illinois Optometric Practice Act of 1987  
17 is amended by changing Section 24.5 as follows:

18 (225 ILCS 80/24.5)

19 (Section scheduled to be repealed on January 1, 2017)

20 Sec. 24.5. Suspension of license for failure to pay  
21 restitution. The Department, without further process or  
22 hearing, shall suspend the license or other authorization to

1 practice of any person issued under this Act who has been  
2 certified by court order as not having paid restitution to a  
3 person under Section 8A-3.5 of the Illinois Public Aid Code or  
4 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
5 person whose license or other authorization to practice is  
6 suspended under this Section is prohibited from practicing  
7 until the restitution is made in full.

8 (Source: P.A. 94-577, eff. 1-1-06.)

9 Section 10-85. The Orthotics, Prosthetics, and Pedorthics  
10 Practice Act is amended by changing Section 93 as follows:

11 (225 ILCS 84/93)

12 (Section scheduled to be repealed on January 1, 2020)

13 Sec. 93. Suspension of license for failure to pay  
14 restitution. The Department, without further process or  
15 hearing, shall suspend the license or other authorization to  
16 practice of any person issued under this Act who has been  
17 certified by court order as not having paid restitution to a  
18 person under Section 8A-3.5 of the Illinois Public Aid Code or  
19 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
20 person whose license or other authorization to practice is  
21 suspended under this Section is prohibited from practicing  
22 until the restitution is made in full.

23 (Source: P.A. 94-577, eff. 1-1-06.)

1           Section 10-90. The Pharmacy Practice Act is amended by  
2 changing Section 30.5 as follows:

3           (225 ILCS 85/30.5)

4           (Section scheduled to be repealed on January 1, 2018)

5           Sec. 30.5. Suspension of license or certificate for failure  
6 to pay restitution. The Department, without further process or  
7 hearing, shall suspend the license or other authorization to  
8 practice of any person issued under this Act who has been  
9 certified by court order as not having paid restitution to a  
10 person under Section 8A-3.5 of the Illinois Public Aid Code or  
11 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
12 person whose license or other authorization to practice is  
13 suspended under this Section is prohibited from practicing  
14 until the restitution is made in full.

15           (Source: P.A. 94-577, eff. 1-1-06.)

16           Section 10-95. The Illinois Physical Therapy Act is amended  
17 by changing Section 17.5 as follows:

18           (225 ILCS 90/17.5)

19           (Section scheduled to be repealed on January 1, 2016)

20           Sec. 17.5. Suspension of license for failure to pay  
21 restitution. The Department, without further process or  
22 hearing, shall suspend the license or other authorization to  
23 practice of any person issued under this Act who has been



1 certified by court order as not having paid restitution to a  
2 person under Section 8A-3.5 of the Illinois Public Aid Code or  
3 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
4 person whose license or other authorization to practice is  
5 suspended under this Section is prohibited from practicing  
6 until the restitution is made in full.

7 (Source: P.A. 94-577, eff. 1-1-06.)

8 Section 10-100. The Physician Assistant Practice Act of  
9 1987 is amended by changing Section 21.5 as follows:

10 (225 ILCS 95/21.5)

11 (Section scheduled to be repealed on January 1, 2018)

12 Sec. 21.5. Suspension of license for failure to pay  
13 restitution. The Department, without further process or  
14 hearing, shall suspend the license or other authorization to  
15 practice of any person issued under this Act who has been  
16 certified by court order as not having paid restitution to a  
17 person under Section 8A-3.5 of the Illinois Public Aid Code or  
18 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
19 person whose license or other authorization to practice is  
20 suspended under this Section is prohibited from practicing  
21 until the restitution is made in full.

22 (Source: P.A. 94-577, eff. 1-1-06.)

23 Section 10-105. The Podiatric Medical Practice Act of 1987

1 is amended by changing Section 24.5 as follows:

2 (225 ILCS 100/24.5)

3 (Section scheduled to be repealed on January 1, 2018)

4 Sec. 24.5. Suspension of license for failure to pay  
5 restitution. The Department, without further process or  
6 hearing, shall suspend the license or other authorization to  
7 practice of any person issued under this Act who has been  
8 certified by court order as not having paid restitution to a  
9 person under Section 8A-3.5 of the Illinois Public Aid Code or  
10 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
11 person whose license or other authorization to practice is  
12 suspended under this Section is prohibited from practicing  
13 until the restitution is made in full.

14 (Source: P.A. 94-577, eff. 1-1-06.)

15 Section 10-110. The Respiratory Care Practice Act is  
16 amended by changing Section 97 as follows:

17 (225 ILCS 106/97)

18 (Section scheduled to be repealed on January 1, 2016)

19 Sec. 97. Suspension of license for failure to pay  
20 restitution. The Department, without further process or  
21 hearing, shall suspend the license or other authorization to  
22 practice of any person issued under this Act who has been  
23 certified by court order as not having paid restitution to a

1 person under Section 8A-3.5 of the Illinois Public Aid Code or  
2 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
3 person whose license or other authorization to practice is  
4 suspended under this Section is prohibited from practicing  
5 until the restitution is made in full.

6 (Source: P.A. 94-577, eff. 1-1-06.)

7 Section 10-115. The Professional Counselor and Clinical  
8 Professional Counselor Licensing Act is amended by changing  
9 Section 83 as follows:

10 (225 ILCS 107/83)

11 (Section scheduled to be repealed on January 1, 2013)

12 Sec. 83. Suspension of license for failure to pay  
13 restitution. The Department, without further process or  
14 hearing, shall suspend the license or other authorization to  
15 practice of any person issued under this Act who has been  
16 certified by court order as not having paid restitution to a  
17 person under Section 8A-3.5 of the Illinois Public Aid Code or  
18 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
19 person whose license or other authorization to practice is  
20 suspended under this Section is prohibited from practicing  
21 until the restitution is made in full.

22 (Source: P.A. 94-577, eff. 1-1-06.)

23 Section 10-120. The Illinois Speech-Language Pathology and

1 Audiology Practice Act is amended by changing Section 16.3 as  
2 follows:

3 (225 ILCS 110/16.3)

4 (Section scheduled to be repealed on January 1, 2018)

5 Sec. 16.3. Suspension of license for failure to pay  
6 restitution. The Department, without further process or  
7 hearing, shall suspend the license or other authorization to  
8 practice of any person issued under this Act who has been  
9 certified by court order as not having paid restitution to a  
10 person under Section 8A-3.5 of the Illinois Public Aid Code or  
11 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
12 person whose license or other authorization to practice is  
13 suspended under this Section is prohibited from practicing  
14 until the restitution is made in full.

15 (Source: P.A. 94-577, eff. 1-1-06.)

16 Section 10-125. The Perfusionist Practice Act is amended by  
17 changing Section 107 as follows:

18 (225 ILCS 125/107)

19 (Section scheduled to be repealed on January 1, 2020)

20 Sec. 107. Suspension of license for failure to pay  
21 restitution. The Department, without further process or  
22 hearing, shall suspend the license or other authorization to  
23 practice of any person issued under this Act who has been

1 certified by court order as not having paid restitution to a  
2 person under Section 8A-3.5 of the Illinois Public Aid Code or  
3 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
4 person whose license or other authorization to practice is  
5 suspended under this Section is prohibited from practicing  
6 until the restitution is made in full.

7 (Source: P.A. 94-577, eff. 1-1-06.)

8 Section 10-130. The Registered Surgical Assistant and  
9 Registered Surgical Technologist Title Protection Act is  
10 amended by changing Section 77 as follows:

11 (225 ILCS 130/77)

12 (Section scheduled to be repealed on January 1, 2014)

13 Sec. 77. Suspension of registration for failure to pay  
14 restitution. The Department, without further process or  
15 hearing, shall suspend the license or other authorization to  
16 practice of any person issued under this Act who has been  
17 certified by court order as not having paid restitution to a  
18 person under Section 8A-3.5 of the Illinois Public Aid Code or  
19 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
20 person whose license or other authorization to practice is  
21 suspended under this Section is prohibited from practicing  
22 until the restitution is made in full.

23 (Source: P.A. 94-577, eff. 1-1-06.)

1 Section 10-135. The Genetic Counselor Licensing Act is  
2 amended by changing Section 97 as follows:

3 (225 ILCS 135/97)

4 (Section scheduled to be repealed on January 1, 2015)

5 Sec. 97. Suspension of license for failure to pay  
6 restitution. The Department, without further process or  
7 hearing, shall suspend the license or other authorization to  
8 practice of any person issued under this Act who has been  
9 certified by court order as not having paid restitution to a  
10 person under Section 8A-3.5 of the Illinois Public Aid Code or  
11 under Section 17-10.5 or 46-1 of the Criminal Code of 1961. A  
12 person whose license or other authorization to practice is  
13 suspended under this Section is prohibited from practicing  
14 until the restitution is made in full.

15 (Source: P.A. 94-577, eff. 1-1-06.)

16 Section 10-140. The Criminal Code of 1961 is amended by  
17 changing Sections 3-6 and 16-1 as follows:

18 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

19 Sec. 3-6. Extended limitations. The period within which a  
20 prosecution must be commenced under the provisions of Section  
21 3-5 or other applicable statute is extended under the following  
22 conditions:

23 (a) A prosecution for theft involving a breach of a

1 fiduciary obligation to the aggrieved person may be commenced  
2 as follows:

3 (1) If the aggrieved person is a minor or a person  
4 under legal disability, then during the minority or legal  
5 disability or within one year after the termination  
6 thereof.

7 (2) In any other instance, within one year after the  
8 discovery of the offense by an aggrieved person, or by a  
9 person who has legal capacity to represent an aggrieved  
10 person or has a legal duty to report the offense, and is  
11 not himself or herself a party to the offense; or in the  
12 absence of such discovery, within one year after the proper  
13 prosecuting officer becomes aware of the offense. However,  
14 in no such case is the period of limitation so extended  
15 more than 3 years beyond the expiration of the period  
16 otherwise applicable.

17 (b) A prosecution for any offense based upon misconduct in  
18 office by a public officer or employee may be commenced within  
19 one year after discovery of the offense by a person having a  
20 legal duty to report such offense, or in the absence of such  
21 discovery, within one year after the proper prosecuting officer  
22 becomes aware of the offense. However, in no such case is the  
23 period of limitation so extended more than 3 years beyond the  
24 expiration of the period otherwise applicable.

25 (c) (Blank).

26 (d) A prosecution for child pornography, indecent

1 solicitation of a child, soliciting for a juvenile prostitute,  
2 juvenile pimping or exploitation of a child may be commenced  
3 within one year of the victim attaining the age of 18 years.  
4 However, in no such case shall the time period for prosecution  
5 expire sooner than 3 years after the commission of the offense.  
6 When the victim is under 18 years of age, a prosecution for  
7 criminal sexual abuse may be commenced within one year of the  
8 victim attaining the age of 18 years. However, in no such case  
9 shall the time period for prosecution expire sooner than 3  
10 years after the commission of the offense.

11 (e) Except as otherwise provided in subdivision (j), a  
12 prosecution for any offense involving sexual conduct or sexual  
13 penetration, as defined in Section 12-12 of this Code, where  
14 the defendant was within a professional or fiduciary  
15 relationship or a purported professional or fiduciary  
16 relationship with the victim at the time of the commission of  
17 the offense may be commenced within one year after the  
18 discovery of the offense by the victim.

19 (f) A prosecution for any offense set forth in Section 44  
20 of the "Environmental Protection Act", approved June 29, 1970,  
21 as amended, may be commenced within 5 years after the discovery  
22 of such an offense by a person or agency having the legal duty  
23 to report the offense or in the absence of such discovery,  
24 within 5 years after the proper prosecuting officer becomes  
25 aware of the offense.

26 (f-5) A prosecution for any offense set forth in Section



1 16G-15 or 16G-20 of this Code may be commenced within 5 years  
2 after the discovery of the offense by the victim of that  
3 offense.

4 (g) (Blank).

5 (h) (Blank).

6 (i) Except as otherwise provided in subdivision (j), a  
7 prosecution for criminal sexual assault, aggravated criminal  
8 sexual assault, or aggravated criminal sexual abuse may be  
9 commenced within 10 years of the commission of the offense if  
10 the victim reported the offense to law enforcement authorities  
11 within 3 years after the commission of the offense.

12 Nothing in this subdivision (i) shall be construed to  
13 shorten a period within which a prosecution must be commenced  
14 under any other provision of this Section.

15 (j) When the victim is under 18 years of age at the time of  
16 the offense, a prosecution for criminal sexual assault,  
17 aggravated criminal sexual assault, predatory criminal sexual  
18 assault of a child, aggravated criminal sexual abuse, or felony  
19 criminal sexual abuse, or a prosecution for failure of a person  
20 who is required to report an alleged or suspected commission of  
21 any of these offenses under the Abused and Neglected Child  
22 Reporting Act may be commenced within 20 years after the child  
23 victim attains 18 years of age. When the victim is under 18  
24 years of age at the time of the offense, a prosecution for  
25 misdemeanor criminal sexual abuse may be commenced within 10  
26 years after the child victim attains 18 years of age.

1           Nothing in this subdivision (j) shall be construed to  
2 shorten a period within which a prosecution must be commenced  
3 under any other provision of this Section.

4           (k) A prosecution for theft involving real property  
5 exceeding \$100,000 in value under Section 16-1, identity theft  
6 under Section 16G-15, aggravated identity theft under Section  
7 16G-20, or any offense set forth in Article 16H or Section  
8 17-10.6 may be commenced within 7 years of the last act  
9 committed in furtherance of the crime.

10 (Source: P.A. 95-548, eff. 8-30-07; 96-233, eff. 1-1-10.)

11           (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)  
12 Sec. 16-1. Theft.

13           (a) A person commits theft when he knowingly:

14           (1) Obtains or exerts unauthorized control over  
15 property of the owner; or

16           (2) Obtains by deception control over property of the  
17 owner; or

18           (3) Obtains by threat control over property of the  
19 owner; or

20           (4) Obtains control over stolen property knowing the  
21 property to have been stolen or under such circumstances as  
22 would reasonably induce him to believe that the property  
23 was stolen; or

24           (5) Obtains or exerts control over property in the  
25 custody of any law enforcement agency which is explicitly

1 represented to him by any law enforcement officer or any  
2 individual acting in behalf of a law enforcement agency as  
3 being stolen, and

4 (A) Intends to deprive the owner permanently of the  
5 use or benefit of the property; or

6 (B) Knowingly uses, conceals or abandons the  
7 property in such manner as to deprive the owner  
8 permanently of such use or benefit; or

9 (C) Uses, conceals, or abandons the property  
10 knowing such use, concealment or abandonment probably  
11 will deprive the owner permanently of such use or  
12 benefit.

13 (b) Sentence.

14 (1) Theft of property not from the person and not  
15 exceeding \$500 in value is a Class A misdemeanor.

16 (1.1) Theft of property not from the person and not  
17 exceeding \$500 in value is a Class 4 felony if the theft  
18 was committed in a school or place of worship or if the  
19 theft was of governmental property.

20 (2) A person who has been convicted of theft of  
21 property not from the person and not exceeding \$500 in  
22 value who has been previously convicted of any type of  
23 theft, robbery, armed robbery, burglary, residential  
24 burglary, possession of burglary tools, home invasion,  
25 forgery, a violation of Section 4-103, 4-103.1, 4-103.2, or  
26 4-103.3 of the Illinois Vehicle Code relating to the

1 possession of a stolen or converted motor vehicle, or a  
2 violation of Section 17-36 of the Criminal Code of 1961 or  
3 Section 8 of the Illinois Credit Card and Debit Card Act is  
4 guilty of a Class 4 felony. When a person has any such  
5 prior conviction, the information or indictment charging  
6 that person shall state such prior conviction so as to give  
7 notice of the State's intention to treat the charge as a  
8 felony. The fact of such prior conviction is not an element  
9 of the offense and may not be disclosed to the jury during  
10 trial unless otherwise permitted by issues properly raised  
11 during such trial.

12 (3) (Blank).

13 (4) Theft of property from the person not exceeding  
14 \$500 in value, or theft of property exceeding \$500 and not  
15 exceeding \$10,000 in value, is a Class 3 felony.

16 (4.1) Theft of property from the person not exceeding  
17 \$500 in value, or theft of property exceeding \$500 and not  
18 exceeding \$10,000 in value, is a Class 2 felony if the  
19 theft was committed in a school or place of worship or if  
20 the theft was of governmental property.

21 (5) Theft of property exceeding \$10,000 and not  
22 exceeding \$100,000 in value is a Class 2 felony.

23 (5.1) Theft of property exceeding \$10,000 and not  
24 exceeding \$100,000 in value is a Class 1 felony if the  
25 theft was committed in a school or place of worship or if  
26 the theft was of governmental property.

1           (6) Theft of property exceeding \$100,000 and not  
2 exceeding \$500,000 in value is a Class 1 felony.

3           (6.1) Theft of property exceeding \$100,000 in value is  
4 a Class X felony if the theft was committed in a school or  
5 place of worship or if the theft was of governmental  
6 property.

7           (6.2) Theft of property exceeding \$500,000 and not  
8 exceeding \$1,000,000 in value is a Class 1  
9 non-probationable felony.

10          (6.3) Theft of property exceeding \$1,000,000 in value  
11 is a Class X felony.

12          (7) Theft by deception, as described by paragraph (2)  
13 of subsection (a) of this Section, in which the offender  
14 obtained money or property valued at \$5,000 or more from a  
15 victim 60 years of age or older is a Class 2 felony.

16          (8) Theft by deception, as described by paragraph (2)  
17 of subsection (a) of this Section, in which the offender  
18 falsely poses as a landlord or agent or employee of the  
19 landlord and obtains a rent payment or a security deposit  
20 from a tenant is a Class 3 felony if the rent payment or  
21 security deposit obtained does not exceed \$500.

22          (9) Theft by deception, as described by paragraph (2)  
23 of subsection (a) of this Section, in which the offender  
24 falsely poses as a landlord or agent or employee of the  
25 landlord and obtains a rent payment or a security deposit  
26 from a tenant is a Class 2 felony if the rent payment or

1 security deposit obtained exceeds \$500 and does not exceed  
2 \$10,000.

3 (10) Theft by deception, as described by paragraph (2)  
4 of subsection (a) of this Section, in which the offender  
5 falsely poses as a landlord or agent or employee of the  
6 landlord and obtains a rent payment or a security deposit  
7 from a tenant is a Class 1 felony if the rent payment or  
8 security deposit obtained exceeds \$10,000 and does not  
9 exceed \$100,000.

10 (11) Theft by deception, as described by paragraph (2)  
11 of subsection (a) of this Section, in which the offender  
12 falsely poses as a landlord or agent or employee of the  
13 landlord and obtains a rent payment or a security deposit  
14 from a tenant is a Class X felony if the rent payment or  
15 security deposit obtained exceeds \$100,000.

16 (c) When a charge of theft of property exceeding a  
17 specified value is brought, the value of the property involved  
18 is an element of the offense to be resolved by the trier of  
19 fact as either exceeding or not exceeding the specified value.

20 (Source: P.A. 96-496, eff. 1-1-10; 96-534, eff. 8-14-09;  
21 96-1000, eff. 7-2-10; 96-1301, eff. 1-1-11.)

22 Section 10-145. The Code of Criminal Procedure of 1963 is  
23 amended by changing Sections 111-4 and 115-10.3 as follows:

24 (725 ILCS 5/111-4)

1           Sec. 111-4. Joinder of offenses and defendants.

2           (a) Two or more offenses may be charged in the same  
3 indictment, information or complaint in a separate count for  
4 each offense if the offenses charged, whether felonies or  
5 misdemeanors or both, are based on the same act or on 2 or more  
6 acts which are part of the same comprehensive transaction.

7           (b) Two or more defendants may be charged in the same  
8 indictment, information or complaint if they are alleged to  
9 have participated in the same act or in the same comprehensive  
10 transaction out of which the offense or offenses arose. Such  
11 defendants may be charged in one or more counts together or  
12 separately and all of the defendants need not be charged in  
13 each count.

14           (c) Two or more acts or transactions in violation of any  
15 provision or provisions of Sections 8A-2, 8A-3, 8A-4, 8A-4A and  
16 8A-5 of the Illinois Public Aid Code, Section 14 of the  
17 Illinois Wage Payment and Collection Act, Sections 16-1,  
18 16-1.3, 16-2, 16-3, 16-5, 16-7, 16-8, 16-10, 16A-3, 16B-2,  
19 ~~16C-2~~, 16G-15, 16G-20, 16H-15, 16H-20, 16H-25, 16H-30, 16H-45,  
20 16H-50, 16H-55, 17-1, 17-3, 17-6, 17-30, or 17-60, or item (ii)  
21 of subsection (a) or (b) of Section 17-9, or subdivision (a)(2)  
22 of Section 17-10.5, ~~17-7, 17-8, 17-9 or 17-10~~ of the Criminal  
23 Code of 1961 and Section 118 of Division I of the Criminal  
24 Jurisprudence Act, may be charged as a single offense in a  
25 single count of the same indictment, information or complaint,  
26 if such acts or transactions by one or more defendants are in

1 furtherance of a single intention and design or if the  
2 property, labor or services obtained are of the same person or  
3 are of several persons having a common interest in such  
4 property, labor or services. In such a charge, the period  
5 between the dates of the first and the final such acts or  
6 transactions may be alleged as the date of the offense and, if  
7 any such act or transaction by any defendant was committed in  
8 the county where the prosecution was commenced, such county may  
9 be alleged as the county of the offense.

10 (Source: P.A. 95-384, eff. 1-1-08; 96-354, eff. 8-13-09;  
11 96-1207, eff. 7-22-10; 96-1407, eff. 1-1-11; revised 9-2-10.)

12 (725 ILCS 5/115-10.3)

13 Sec. 115-10.3. Hearsay exception regarding elder adults.

14 (a) In a prosecution for a physical act, abuse, neglect, or  
15 financial exploitation perpetrated upon or against an eligible  
16 adult, as defined in the Elder Abuse and Neglect Act, who has  
17 been diagnosed by a physician to suffer from (i) any form of  
18 dementia, developmental disability, or other form of mental  
19 incapacity or (ii) any physical infirmity, including but not  
20 limited to prosecutions for violations of Sections 10-1, 10-2,  
21 10-3, 10-3.1, 10-4, 11-11, 12-1, 12-2, 12-3, 12-3.2, 12-4,  
22 12-4.1, 12-4.2, 12-4.5, 12-4.6, 12-4.7, 12-5, 12-6, 12-7.3,  
23 12-7.4, 12-11, 12-11.1, 12-13, 12-14, 12-15, 12-16, 12-21,  
24 16-1, 16-1.3, 17-1, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4, 18-5,  
25 20-1.1, 24-1.2, and 33A-2 of the Criminal Code of 1961, the



1 following evidence shall be admitted as an exception to the  
2 hearsay rule:

3 (1) testimony by an eligible adult, of an out of court  
4 statement made by the eligible adult, that he or she  
5 complained of such act to another; and

6 (2) testimony of an out of court statement made by the  
7 eligible adult, describing any complaint of such act or  
8 matter or detail pertaining to any act which is an element  
9 of an offense which is the subject of a prosecution for a  
10 physical act, abuse, neglect, or financial exploitation  
11 perpetrated upon or against the eligible adult.

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

13 (1) The court finds in a hearing conducted outside the  
14 presence of the jury that the time, content, and  
15 circumstances of the statement provide sufficient  
16 safeguards of reliability; and

17 (2) The eligible adult either:

18 (A) testifies at the proceeding; or

19 (B) is unavailable as a witness and there is  
20 corroborative evidence of the act which is the subject  
21 of the statement.

22 (c) If a statement is admitted pursuant to this Section,  
23 the court shall instruct the jury that it is for the jury to  
24 determine the weight and credibility to be given the statement  
25 and that, in making the determination, it shall consider the  
26 condition of the eligible adult, the nature of the statement,

1 the circumstances under which the statement was made, and any  
2 other relevant factor.

3 (d) The proponent of the statement shall give the adverse  
4 party reasonable notice of his or her intention to offer the  
5 statement and the particulars of the statement.

6 (Source: P.A. 92-91, eff. 7-18-01; 93-301, eff. 1-1-04.)

7 Section 10-150. The Unified Code of Corrections is amended  
8 by changing Sections 3-3-7, 5-5-3, 5-6-3, 5-6-3.1, 5-8-4, and  
9 5-9-1.3 as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (7.7) if convicted for an offense that would qualify  
8 the accused as a sexual predator under the Sex Offender  
9 Registration Act on or after the effective date of this  
10 amendatory Act of the 94th General Assembly, wear an  
11 approved electronic monitoring device as defined in  
12 Section 5-8A-2 for the duration of the person's parole,  
13 mandatory supervised release term, or extended mandatory  
14 supervised release term and if convicted for an offense of  
15 criminal sexual assault, aggravated criminal sexual  
16 assault, predatory criminal sexual assault of a child,  
17 criminal sexual abuse, aggravated criminal sexual abuse,  
18 or ritualized abuse of a child committed on or after August  
19 11, 2009 (the effective date of Public Act 96-236) when the  
20 victim was under 18 years of age at the time of the  
21 commission of the offense and the defendant used force or  
22 the threat of force in the commission of the offense wear  
23 an approved electronic monitoring device as defined in  
24 Section 5-8A-2 that has Global Positioning System (GPS)  
25 capability for the duration of the person's parole,  
26 mandatory supervised release term, or extended mandatory

1 supervised release term;

2 (7.8) if convicted for an offense committed on or after  
3 the effective date of this amendatory Act of the 95th  
4 General Assembly that would qualify the accused as a child  
5 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
6 Criminal Code of 1961, refrain from communicating with or  
7 contacting, by means of the Internet, a person who is not  
8 related to the accused and whom the accused reasonably  
9 believes to be under 18 years of age; for purposes of this  
10 paragraph (7.8), "Internet" has the meaning ascribed to it  
11 in Section 16J-5 of the Criminal Code of 1961; and a person  
12 is not related to the accused if the person is not: (i) the  
13 spouse, brother, or sister of the accused; (ii) a  
14 descendant of the accused; (iii) a first or second cousin  
15 of the accused; or (iv) a step-child or adopted child of  
16 the accused;

17 (7.9) if convicted under Section 11-6, 11-20.1,  
18 11-20.3, or 11-21 of the Criminal Code of 1961, consent to  
19 search of computers, PDAs, cellular phones, and other  
20 devices under his or her control that are capable of  
21 accessing the Internet or storing electronic files, in  
22 order to confirm Internet protocol addresses reported in  
23 accordance with the Sex Offender Registration Act and  
24 compliance with conditions in this Act;

25 (7.10) if convicted for an offense that would qualify  
26 the accused as a sex offender or sexual predator under the

1 Sex Offender Registration Act on or after the effective  
2 date of this amendatory Act of the 95th General Assembly,  
3 not possess prescription drugs for erectile dysfunction;

4 (7.11) if convicted for an offense under Section 11-6,  
5 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal  
6 Code of 1961, or any attempt to commit any of these  
7 offenses, committed on or after June 1, 2009 (the effective  
8 date of Public Act 95-983):

9 (i) not access or use a computer or any other  
10 device with Internet capability without the prior  
11 written approval of the Department;

12 (ii) submit to periodic unannounced examinations  
13 of the offender's computer or any other device with  
14 Internet capability by the offender's supervising  
15 agent, a law enforcement officer, or assigned computer  
16 or information technology specialist, including the  
17 retrieval and copying of all data from the computer or  
18 device and any internal or external peripherals and  
19 removal of such information, equipment, or device to  
20 conduct a more thorough inspection;

21 (iii) submit to the installation on the offender's  
22 computer or device with Internet capability, at the  
23 offender's expense, of one or more hardware or software  
24 systems to monitor the Internet use; and

25 (iv) submit to any other appropriate restrictions  
26 concerning the offender's use of or access to a

1 computer or any other device with Internet capability  
2 imposed by the Board, the Department or the offender's  
3 supervising agent;

4 (7.12) if convicted of a sex offense as defined in the  
5 Sex Offender Registration Act committed on or after January  
6 1, 2010 (the effective date of Public Act 96-262), refrain  
7 from accessing or using a social networking website as  
8 defined in Section 17-0.5 ~~16D-2~~ of the Criminal Code of  
9 1961;

10 (7.13) if convicted of a sex offense as defined in  
11 Section 2 of the Sex Offender Registration Act committed on  
12 or after January 1, 2010 (the effective date of Public Act  
13 96-362) that requires the person to register as a sex  
14 offender under that Act, may not knowingly use any computer  
15 scrub software on any computer that the sex offender uses;

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

18 (9) obtain permission of an agent of the Department of  
19 Corrections before changing his or her residence or  
20 employment;

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

23 (11) refrain from the use or possession of narcotics or  
24 other controlled substances in any form, or both, or any  
25 paraphernalia related to those substances and submit to a  
26 urinalysis test as instructed by a parole agent of the

1 Department of Corrections;

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

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

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

15 (15) follow any specific instructions provided by the  
16 parole agent that are consistent with furthering  
17 conditions set and approved by the Prisoner Review Board or  
18 by law, exclusive of placement on electronic detention, to  
19 achieve the goals and objectives of his or her parole or  
20 mandatory supervised release or to protect the public.  
21 These instructions by the parole agent may be modified at  
22 any time, as the agent deems appropriate;

23 (16) if convicted of a sex offense as defined in  
24 subsection (a-5) of Section 3-1-2 of this Code, unless the  
25 offender is a parent or guardian of the person under 18  
26 years of age present in the home and no non-familial minors



1 are present, not participate in a holiday event involving  
2 children under 18 years of age, such as distributing candy  
3 or other items to children on Halloween, wearing a Santa  
4 Claus costume on or preceding Christmas, being employed as  
5 a department store Santa Claus, or wearing an Easter Bunny  
6 costume on or preceding Easter; and

7 (17) if convicted of a violation of an order of  
8 protection under Section 12-30 of the Criminal Code of  
9 1961, be placed under electronic surveillance as provided  
10 in Section 5-8A-7 of this Code.

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

13 (1) work or pursue a course of study or vocational  
14 training;

15 (2) undergo medical or psychiatric treatment, or  
16 treatment for drug addiction or alcoholism;

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

19 (4) support his dependents;

20 (5) (blank);

21 (6) (blank);

22 (7) comply with the terms and conditions of an order of  
23 protection issued pursuant to the Illinois Domestic  
24 Violence Act of 1986, enacted by the 84th General Assembly,  
25 or an order of protection issued by the court of another  
26 state, tribe, or United States territory;

1           (7.5) if convicted for an offense committed on or after  
2           the effective date of this amendatory Act of the 95th  
3           General Assembly that would qualify the accused as a child  
4           sex offender as defined in Section 11-9.3 or 11-9.4 of the  
5           Criminal Code of 1961, refrain from communicating with or  
6           contacting, by means of the Internet, a person who is  
7           related to the accused and whom the accused reasonably  
8           believes to be under 18 years of age; for purposes of this  
9           paragraph (7.5), "Internet" has the meaning ascribed to it  
10          in Section 16J-5 of the Criminal Code of 1961; and a person  
11          is related to the accused if the person is: (i) the spouse,  
12          brother, or sister of the accused; (ii) a descendant of the  
13          accused; (iii) a first or second cousin of the accused; or  
14          (iv) a step-child or adopted child of the accused;

15          (7.6) if convicted for an offense committed on or after  
16          June 1, 2009 (the effective date of Public Act 95-983) that  
17          would qualify as a sex offense as defined in the Sex  
18          Offender Registration Act:

19               (i) not access or use a computer or any other  
20               device with Internet capability without the prior  
21               written approval of the Department;

22               (ii) submit to periodic unannounced examinations  
23               of the offender's computer or any other device with  
24               Internet capability by the offender's supervising  
25               agent, a law enforcement officer, or assigned computer  
26               or information technology specialist, including the

1 retrieval and copying of all data from the computer or  
2 device and any internal or external peripherals and  
3 removal of such information, equipment, or device to  
4 conduct a more thorough inspection;

5 (iii) submit to the installation on the offender's  
6 computer or device with Internet capability, at the  
7 offender's expense, of one or more hardware or software  
8 systems to monitor the Internet use; and

9 (iv) submit to any other appropriate restrictions  
10 concerning the offender's use of or access to a  
11 computer or any other device with Internet capability  
12 imposed by the Board, the Department or the offender's  
13 supervising agent; and

14 (8) in addition, if a minor:

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

16 (ii) attend school;

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

18 or

19 (iv) contribute to his own support at home or in a  
20 foster home.

21 (b-1) In addition to the conditions set forth in  
22 subsections (a) and (b), persons required to register as sex  
23 offenders pursuant to the Sex Offender Registration Act, upon  
24 release from the custody of the Illinois Department of  
25 Corrections, may be required by the Board to comply with the  
26 following specific conditions of release:

- 1 (1) reside only at a Department approved location;
- 2 (2) comply with all requirements of the Sex Offender  
3 Registration Act;
- 4 (3) notify third parties of the risks that may be  
5 occasioned by his or her criminal record;
- 6 (4) obtain the approval of an agent of the Department  
7 of Corrections prior to accepting employment or pursuing a  
8 course of study or vocational training and notify the  
9 Department prior to any change in employment, study, or  
10 training;
- 11 (5) not be employed or participate in any volunteer  
12 activity that involves contact with children, except under  
13 circumstances approved in advance and in writing by an  
14 agent of the Department of Corrections;
- 15 (6) be electronically monitored for a minimum of 12  
16 months from the date of release as determined by the Board;
- 17 (7) refrain from entering into a designated geographic  
18 area except upon terms approved in advance by an agent of  
19 the Department of Corrections. The terms may include  
20 consideration of the purpose of the entry, the time of day,  
21 and others accompanying the person;
- 22 (8) refrain from having any contact, including written  
23 or oral communications, directly or indirectly, personally  
24 or by telephone, letter, or through a third party with  
25 certain specified persons including, but not limited to,  
26 the victim or the victim's family without the prior written

1 approval of an agent of the Department of Corrections;

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

6 (10) neither possess or have under his or her control  
7 any material that is sexually oriented, sexually  
8 stimulating, or that shows male or female sex organs or any  
9 pictures depicting children under 18 years of age nude or  
10 any written or audio material describing sexual  
11 intercourse or that depicts or alludes to sexual activity,  
12 including but not limited to visual, auditory, telephonic,  
13 or electronic media, or any matter obtained through access  
14 to any computer or material linked to computer access use;

15 (11) not patronize any business providing sexually  
16 stimulating or sexually oriented entertainment nor utilize  
17 "900" or adult telephone numbers;

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

24 (13) not possess or have under his or her control  
25 certain specified items of contraband related to the  
26 incidence of sexually offending as determined by an agent

1 of the Department of Corrections;

2 (14) may be required to provide a written daily log of  
3 activities if directed by an agent of the Department of  
4 Corrections;

5 (15) comply with all other special conditions that the  
6 Department may impose that restrict the person from  
7 high-risk situations and limit access to potential  
8 victims;

9 (16) take an annual polygraph exam;

10 (17) maintain a log of his or her travel; or

11 (18) obtain prior approval of his or her parole officer  
12 before driving alone in a motor vehicle.

13 (c) The conditions under which the parole or mandatory  
14 supervised release is to be served shall be communicated to the  
15 person in writing prior to his release, and he shall sign the  
16 same before release. A signed copy of these conditions,  
17 including a copy of an order of protection where one had been  
18 issued by the criminal court, shall be retained by the person  
19 and another copy forwarded to the officer in charge of his  
20 supervision.

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

24 (e) The Department shall inform all offenders committed to  
25 the Department of the optional services available to them upon  
26 release and shall assist inmates in availing themselves of such

1 optional services upon their release on a voluntary basis.

2 (f) When the subject is in compliance with all conditions  
3 of his or her parole or mandatory supervised release, the  
4 subject shall receive a reduction of the period of his or her  
5 parole or mandatory supervised release of 90 days upon passage  
6 of the high school level Test of General Educational  
7 Development during the period of his or her parole or mandatory  
8 supervised release. This reduction in the period of a subject's  
9 term of parole or mandatory supervised release shall be  
10 available only to subjects who have not previously earned a  
11 high school diploma or who have not previously passed the high  
12 school level Test of General Educational Development.

13 (Source: P.A. 95-464, eff. 6-1-08; 95-539, eff. 1-1-08; 95-579,  
14 eff. 6-1-08; 95-640, eff. 6-1-08; 95-773, eff. 1-1-09; 95-876,  
15 eff. 8-21-08; 95-983, eff. 6-1-09; 96-236, eff. 8-11-09;  
16 96-262, eff. 1-1-10; 96-328, eff. 8-11-09; 96-362, eff. 1-1-10;  
17 96-1000, eff. 7-2-10.)

18 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

19 Sec. 5-5-3. Disposition.

20 (a) (Blank).

21 (b) (Blank).

22 (c) (1) (Blank).

23 (2) A period of probation, a term of periodic  
24 imprisonment or conditional discharge shall not be imposed  
25 for the following offenses. The court shall sentence the

1 offender to not less than the minimum term of imprisonment  
2 set forth in this Code for the following offenses, and may  
3 order a fine or restitution or both in conjunction with  
4 such term of imprisonment:

5 (A) First degree murder where the death penalty is  
6 not imposed.

7 (B) Attempted first degree murder.

8 (C) A Class X felony.

9 (D) A violation of Section 401.1 or 407 of the  
10 Illinois Controlled Substances Act, or a violation of  
11 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401  
12 of that Act which relates to more than 5 grams of a  
13 substance containing heroin, cocaine, fentanyl, or an  
14 analog thereof.

15 (E) A violation of Section 5.1 or 9 of the Cannabis  
16 Control Act.

17 (F) A Class 2 or greater felony if the offender had  
18 been convicted of a Class 2 or greater felony,  
19 including any state or federal conviction for an  
20 offense that contained, at the time it was committed,  
21 the same elements as an offense now (the date of the  
22 offense committed after the prior Class 2 or greater  
23 felony) classified as a Class 2 or greater felony,  
24 within 10 years of the date on which the offender  
25 committed the offense for which he or she is being  
26 sentenced, except as otherwise provided in Section



1 40-10 of the Alcoholism and Other Drug Abuse and  
2 Dependency Act.

3 (F-5) A violation of Section 24-1, 24-1.1, or  
4 24-1.6 of the Criminal Code of 1961 for which  
5 imprisonment is prescribed in those Sections.

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

9 (H) Criminal sexual assault.

10 (I) Aggravated battery of a senior citizen.

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

13 Before July 1, 1994, for the purposes of this  
14 paragraph, "organized gang" means an association of 5  
15 or more persons, with an established hierarchy, that  
16 encourages members of the association to perpetrate  
17 crimes or provides support to the members of the  
18 association who do commit crimes.

19 Beginning July 1, 1994, for the purposes of this  
20 paragraph, "organized gang" has the meaning ascribed  
21 to it in Section 10 of the Illinois Streetgang  
22 Terrorism Omnibus Prevention Act.

23 (K) Vehicular hijacking.

24 (L) A second or subsequent conviction for the  
25 offense of hate crime when the underlying offense upon  
26 which the hate crime is based is felony aggravated

1 assault or felony mob action.

2 (M) A second or subsequent conviction for the  
3 offense of institutional vandalism if the damage to the  
4 property exceeds \$300.

5 (N) A Class 3 felony violation of paragraph (1) of  
6 subsection (a) of Section 2 of the Firearm Owners  
7 Identification Card Act.

8 (O) A violation of Section 12-6.1 of the Criminal  
9 Code of 1961.

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

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

15 (R) A violation of Section 24-3A of the Criminal  
16 Code of 1961.

17 (S) (Blank).

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

20 (U) A second or subsequent violation of Section  
21 6-303 of the Illinois Vehicle Code committed while his  
22 or her driver's license, permit, or privilege was  
23 revoked because of a violation of Section 9-3 of the  
24 Criminal Code of 1961, relating to the offense of  
25 reckless homicide, or a similar provision of a law of  
26 another state.

1 (V) A violation of paragraph (4) of subsection (c)  
2 of Section 11-20.3 of the Criminal Code of 1961.

3 (W) A violation of Section 24-3.5 of the Criminal  
4 Code of 1961.

5 (X) A violation of subsection (a) of Section 31-1a  
6 of the Criminal Code of 1961.

7 (Y) A conviction for unlawful possession of a  
8 firearm by a street gang member when the firearm was  
9 loaded or contained firearm ammunition.

10 (Z) A Class 1 felony committed while he or she was  
11 serving a term of probation or conditional discharge  
12 for a felony.

13 (AA) Theft of property exceeding \$500,000 and not  
14 exceeding \$1,000,000 in value.

15 (BB) Laundering of criminally derived property of  
16 a value exceeding \$500,000.

17 (CC) Knowingly selling, offering for sale, holding  
18 for sale, or using 2,000 or more counterfeit items or  
19 counterfeit items having a retail value in the  
20 aggregate of \$500,000 or more.

21 (3) (Blank).

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

26 (4.1) (Blank).

1           (4.2) Except as provided in paragraphs (4.3) and (4.8)  
2 of this subsection (c), a minimum of 100 hours of community  
3 service shall be imposed for a second violation of Section  
4 6-303 of the Illinois Vehicle Code.

5           (4.3) A minimum term of imprisonment of 30 days or 300  
6 hours of community service, as determined by the court,  
7 shall be imposed for a second violation of subsection (c)  
8 of Section 6-303 of the Illinois Vehicle Code.

9           (4.4) Except as provided in paragraphs (4.5), (4.6),  
10 and (4.9) of this subsection (c), a minimum term of  
11 imprisonment of 30 days or 300 hours of community service,  
12 as determined by the court, shall be imposed for a third or  
13 subsequent violation of Section 6-303 of the Illinois  
14 Vehicle Code.

15           (4.5) A minimum term of imprisonment of 30 days shall  
16 be imposed for a third violation of subsection (c) of  
17 Section 6-303 of the Illinois Vehicle Code.

18           (4.6) Except as provided in paragraph (4.10) of this  
19 subsection (c), a minimum term of imprisonment of 180 days  
20 shall be imposed for a fourth or subsequent violation of  
21 subsection (c) of Section 6-303 of the Illinois Vehicle  
22 Code.

23           (4.7) A minimum term of imprisonment of not less than  
24 30 consecutive days, or 300 hours of community service,  
25 shall be imposed for a violation of subsection (a-5) of  
26 Section 6-303 of the Illinois Vehicle Code, as provided in

1 subsection (b-5) of that Section.

2 (4.8) A mandatory prison sentence shall be imposed for  
3 a second violation of subsection (a-5) of Section 6-303 of  
4 the Illinois Vehicle Code, as provided in subsection (c-5)  
5 of that Section. The person's driving privileges shall be  
6 revoked for a period of not less than 5 years from the date  
7 of his or her release from prison.

8 (4.9) A mandatory prison sentence of not less than 4  
9 and not more than 15 years shall be imposed for a third  
10 violation of subsection (a-5) of Section 6-303 of the  
11 Illinois Vehicle Code, as provided in subsection (d-2.5) of  
12 that Section. The person's driving privileges shall be  
13 revoked for the remainder of his or her life.

14 (4.10) A mandatory prison sentence for a Class 1 felony  
15 shall be imposed, and the person shall be eligible for an  
16 extended term sentence, for a fourth or subsequent  
17 violation of subsection (a-5) of Section 6-303 of the  
18 Illinois Vehicle Code, as provided in subsection (d-3.5) of  
19 that Section. The person's driving privileges shall be  
20 revoked for the remainder of his or her life.

21 (5) The court may sentence a corporation or  
22 unincorporated association convicted of any offense to:

23 (A) a period of conditional discharge;

24 (B) a fine;

25 (C) make restitution to the victim under Section  
26 5-5-6 of this Code.

1           (5.1) In addition to any other penalties imposed, and  
2           except as provided in paragraph (5.2) or (5.3), a person  
3           convicted of violating subsection (c) of Section 11-907 of  
4           the Illinois Vehicle Code shall have his or her driver's  
5           license, permit, or privileges suspended for at least 90  
6           days but not more than one year, if the violation resulted  
7           in damage to the property of another person.

8           (5.2) In addition to any other penalties imposed, and  
9           except as provided in paragraph (5.3), a person convicted  
10          of violating subsection (c) of Section 11-907 of the  
11          Illinois Vehicle Code shall have his or her driver's  
12          license, permit, or privileges suspended for at least 180  
13          days but not more than 2 years, if the violation resulted  
14          in injury to another person.

15          (5.3) In addition to any other penalties imposed, a  
16          person convicted of violating subsection (c) of Section  
17          11-907 of the Illinois Vehicle Code shall have his or her  
18          driver's license, permit, or privileges suspended for 2  
19          years, if the violation resulted in the death of another  
20          person.

21          (5.4) In addition to any other penalties imposed, a  
22          person convicted of violating Section 3-707 of the Illinois  
23          Vehicle Code shall have his or her driver's license,  
24          permit, or privileges suspended for 3 months and until he  
25          or she has paid a reinstatement fee of \$100.

26          (5.5) In addition to any other penalties imposed, a

1 person convicted of violating Section 3-707 of the Illinois  
2 Vehicle Code during a period in which his or her driver's  
3 license, permit, or privileges were suspended for a  
4 previous violation of that Section shall have his or her  
5 driver's license, permit, or privileges suspended for an  
6 additional 6 months after the expiration of the original  
7 3-month suspension and until he or she has paid a  
8 reinstatement fee of \$100.

9 (6) (Blank).

10 (7) (Blank).

11 (8) (Blank).

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

15 (10) (Blank).

16 (11) The court shall impose a minimum fine of \$1,000  
17 for a first offense and \$2,000 for a second or subsequent  
18 offense upon a person convicted of or placed on supervision  
19 for battery when the individual harmed was a sports  
20 official or coach at any level of competition and the act  
21 causing harm to the sports official or coach occurred  
22 within an athletic facility or within the immediate  
23 vicinity of the athletic facility at which the sports  
24 official or coach was an active participant of the athletic  
25 contest held at the athletic facility. For the purposes of  
26 this paragraph (11), "sports official" means a person at an

1 athletic contest who enforces the rules of the contest,  
2 such as an umpire or referee; "athletic facility" means an  
3 indoor or outdoor playing field or recreational area where  
4 sports activities are conducted; and "coach" means a person  
5 recognized as a coach by the sanctioning authority that  
6 conducted the sporting event.

7 (12) A person may not receive a disposition of court  
8 supervision for a violation of Section 5-16 of the Boat  
9 Registration and Safety Act if that person has previously  
10 received a disposition of court supervision for a violation  
11 of that Section.

12 (13) A person convicted of or placed on court  
13 supervision for an assault or aggravated assault when the  
14 victim and the offender are family or household members as  
15 defined in Section 103 of the Illinois Domestic Violence  
16 Act of 1986 or convicted of domestic battery or aggravated  
17 domestic battery may be required to attend a Partner Abuse  
18 Intervention Program under protocols set forth by the  
19 Illinois Department of Human Services under such terms and  
20 conditions imposed by the court. The costs of such classes  
21 shall be paid by the offender.

22 (d) In any case in which a sentence originally imposed is  
23 vacated, the case shall be remanded to the trial court. The  
24 trial court shall hold a hearing under Section 5-4-1 of the  
25 Unified Code of Corrections which may include evidence of the  
26 defendant's life, moral character and occupation during the



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

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

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

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

24 (B) the defendant is willing to participate in a  
25 court approved plan including but not limited to the  
26 defendant's:

- 1 (i) removal from the household;  
2 (ii) restricted contact with the victim;  
3 (iii) continued financial support of the  
4 family;  
5 (iv) restitution for harm done to the victim;  
6 and  
7 (v) compliance with any other measures that  
8 the court may deem appropriate; and

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

16 Probation may be revoked or modified pursuant to Section  
17 5-6-4; except where the court determines at the hearing that  
18 the defendant violated a condition of his or her probation  
19 restricting contact with the victim or other family members or  
20 commits another offense with the victim or other family  
21 members, the court shall revoke the defendant's probation and  
22 impose a term of imprisonment.

23 For the purposes of this Section, "family member" and  
24 "victim" shall have the meanings ascribed to them in Section  
25 12-12 of the Criminal Code of 1961.

26 (f) (Blank).

1 (g) Whenever a defendant is convicted of an offense under  
2 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,  
3 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16  
4 of the Criminal Code of 1961, the defendant shall undergo  
5 medical testing to determine whether the defendant has any  
6 sexually transmissible disease, including a test for infection  
7 with human immunodeficiency virus (HIV) or any other identified  
8 causative agent of acquired immunodeficiency syndrome (AIDS).  
9 Any such medical test shall be performed only by appropriately  
10 licensed medical practitioners and may include an analysis of  
11 any bodily fluids as well as an examination of the defendant's  
12 person. Except as otherwise provided by law, the results of  
13 such test shall be kept strictly confidential by all medical  
14 personnel involved in the testing and must be personally  
15 delivered in a sealed envelope to the judge of the court in  
16 which the conviction was entered for the judge's inspection in  
17 camera. Acting in accordance with the best interests of the  
18 victim and the public, the judge shall have the discretion to  
19 determine to whom, if anyone, the results of the testing may be  
20 revealed. The court shall notify the defendant of the test  
21 results. The court shall also notify the victim if requested by  
22 the victim, and if the victim is under the age of 15 and if  
23 requested by the victim's parents or legal guardian, the court  
24 shall notify the victim's parents or legal guardian of the test  
25 results. The court shall provide information on the  
26 availability of HIV testing and counseling at Department of

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

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

22 (h) Whenever a defendant is convicted of an offense under  
23 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
24 defendant shall undergo medical testing to determine whether  
25 the defendant has been exposed to human immunodeficiency virus  
26 (HIV) or any other identified causative agent of acquired

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

25 (i) All fines and penalties imposed under this Section for  
26 any violation of Chapters 3, 4, 6, and 11 of the Illinois

1 Vehicle Code, or a similar provision of a local ordinance, and  
2 any violation of the Child Passenger Protection Act, or a  
3 similar provision of a local ordinance, shall be collected and  
4 disbursed by the circuit clerk as provided under Section 27.5  
5 of the Clerks of Courts Act.

6 (j) In cases when prosecution for any violation of Section  
7 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,  
8 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
9 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal  
10 Code of 1961, any violation of the Illinois Controlled  
11 Substances Act, any violation of the Cannabis Control Act, or  
12 any violation of the Methamphetamine Control and Community  
13 Protection Act results in conviction, a disposition of court  
14 supervision, or an order of probation granted under Section 10  
15 of the Cannabis Control Act, Section 410 of the Illinois  
16 Controlled Substance Act, or Section 70 of the Methamphetamine  
17 Control and Community Protection Act of a defendant, the court  
18 shall determine whether the defendant is employed by a facility  
19 or center as defined under the Child Care Act of 1969, a public  
20 or private elementary or secondary school, or otherwise works  
21 with children under 18 years of age on a daily basis. When a  
22 defendant is so employed, the court shall order the Clerk of  
23 the Court to send a copy of the judgment of conviction or order  
24 of supervision or probation to the defendant's employer by  
25 certified mail. If the employer of the defendant is a school,  
26 the Clerk of the Court shall direct the mailing of a copy of

1 the judgment of conviction or order of supervision or probation  
2 to the appropriate regional superintendent of schools. The  
3 regional superintendent of schools shall notify the State Board  
4 of Education of any notification under this subsection.

5 (j-5) A defendant at least 17 years of age who is convicted  
6 of a felony and who has not been previously convicted of a  
7 misdemeanor or felony and who is sentenced to a term of  
8 imprisonment in the Illinois Department of Corrections shall as  
9 a condition of his or her sentence be required by the court to  
10 attend educational courses designed to prepare the defendant  
11 for a high school diploma and to work toward a high school  
12 diploma or to work toward passing the high school level Test of  
13 General Educational Development (GED) or to work toward  
14 completing a vocational training program offered by the  
15 Department of Corrections. If a defendant fails to complete the  
16 educational training required by his or her sentence during the  
17 term of incarceration, the Prisoner Review Board shall, as a  
18 condition of mandatory supervised release, require the  
19 defendant, at his or her own expense, to pursue a course of  
20 study toward a high school diploma or passage of the GED test.  
21 The Prisoner Review Board shall revoke the mandatory supervised  
22 release of a defendant who wilfully fails to comply with this  
23 subsection (j-5) upon his or her release from confinement in a  
24 penal institution while serving a mandatory supervised release  
25 term; however, the inability of the defendant after making a  
26 good faith effort to obtain financial aid or pay for the

1 educational training shall not be deemed a wilful failure to  
2 comply. The Prisoner Review Board shall recommit the defendant  
3 whose mandatory supervised release term has been revoked under  
4 this subsection (j-5) as provided in Section 3-3-9. This  
5 subsection (j-5) does not apply to a defendant who has a high  
6 school diploma or has successfully passed the GED test. This  
7 subsection (j-5) does not apply to a defendant who is  
8 determined by the court to be developmentally disabled or  
9 otherwise mentally incapable of completing the educational or  
10 vocational program.

11 (k) (Blank).

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

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

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

26 Otherwise, the defendant shall be sentenced as



1 provided in this Chapter V.

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

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

14 (2) the deportation of the defendant would not  
15 deprecate the seriousness of the defendant's conduct  
16 and would not be inconsistent with the ends of justice.

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

20 (D) Upon motion of the State's Attorney, if a defendant  
21 sentenced under this Section returns to the jurisdiction of  
22 the United States, the defendant shall be recommitted to  
23 the custody of the county from which he or she was  
24 sentenced. Thereafter, the defendant shall be brought  
25 before the sentencing court, which may impose any sentence  
26 that was available under Section 5-5-3 at the time of

1 initial sentencing. In addition, the defendant shall not be  
2 eligible for additional good conduct credit for  
3 meritorious service as provided under Section 3-6-6.

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

10 (n) The court may sentence a person convicted of a  
11 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the  
12 Criminal Code of 1961 (i) to an impact incarceration program if  
13 the person is otherwise eligible for that program under Section  
14 5-8-1.1, (ii) to community service, or (iii) if the person is  
15 an addict or alcoholic, as defined in the Alcoholism and Other  
16 Drug Abuse and Dependency Act, to a substance or alcohol abuse  
17 program licensed under that Act.

18 (o) Whenever a person is convicted of a sex offense as  
19 defined in Section 2 of the Sex Offender Registration Act, the  
20 defendant's driver's license or permit shall be subject to  
21 renewal on an annual basis in accordance with the provisions of  
22 license renewal established by the Secretary of State.

23 (Source: P.A. 95-188, eff. 8-16-07; 95-259, eff. 8-17-07;  
24 95-331, eff. 8-21-07; 95-377, eff. 1-1-08; 95-579, eff. 6-1-08;  
25 95-876, eff. 8-21-08; 95-882, eff. 1-1-09; 95-1052, eff.  
26 7-1-09; 96-348, eff. 8-12-09; 96-400, eff. 8-13-09; 96-829,

1 eff. 12-3-09; 96-1200, eff. 7-22-10.)

2 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

3 Sec. 5-6-3. Conditions of Probation and of Conditional  
4 Discharge.

5 (a) The conditions of probation and of conditional  
6 discharge shall be that the person:

7 (1) not violate any criminal statute of any  
8 jurisdiction;

9 (2) report to or appear in person before such person or  
10 agency as directed by the court;

11 (3) refrain from possessing a firearm or other  
12 dangerous weapon where the offense is a felony or, if a  
13 misdemeanor, the offense involved the intentional or  
14 knowing infliction of bodily harm or threat of bodily harm;

15 (4) not leave the State without the consent of the  
16 court or, in circumstances in which the reason for the  
17 absence is of such an emergency nature that prior consent  
18 by the court is not possible, without the prior  
19 notification and approval of the person's probation  
20 officer. Transfer of a person's probation or conditional  
21 discharge supervision to another state is subject to  
22 acceptance by the other state pursuant to the Interstate  
23 Compact for Adult Offender Supervision;

24 (5) permit the probation officer to visit him at his  
25 home or elsewhere to the extent necessary to discharge his

1 duties;

2 (6) perform no less than 30 hours of community service  
3 and not more than 120 hours of community service, if  
4 community service is available in the jurisdiction and is  
5 funded and approved by the county board where the offense  
6 was committed, where the offense was related to or in  
7 furtherance of the criminal activities of an organized gang  
8 and was motivated by the offender's membership in or  
9 allegiance to an organized gang. The community service  
10 shall include, but not be limited to, the cleanup and  
11 repair of any damage caused by a violation of Section  
12 21-1.3 of the Criminal Code of 1961 and similar damage to  
13 property located within the municipality or county in which  
14 the violation occurred. When possible and reasonable, the  
15 community service should be performed in the offender's  
16 neighborhood. For purposes of this Section, "organized  
17 gang" has the meaning ascribed to it in Section 10 of the  
18 Illinois Streetgang Terrorism Omnibus Prevention Act;

19 (7) if he or she is at least 17 years of age and has  
20 been sentenced to probation or conditional discharge for a  
21 misdemeanor or felony in a county of 3,000,000 or more  
22 inhabitants and has not been previously convicted of a  
23 misdemeanor or felony, may be required by the sentencing  
24 court to attend educational courses designed to prepare the  
25 defendant for a high school diploma and to work toward a  
26 high school diploma or to work toward passing the high

1 school level Test of General Educational Development (GED)  
2 or to work toward completing a vocational training program  
3 approved by the court. The person on probation or  
4 conditional discharge must attend a public institution of  
5 education to obtain the educational or vocational training  
6 required by this clause (7). The court shall revoke the  
7 probation or conditional discharge of a person who wilfully  
8 fails to comply with this clause (7). The person on  
9 probation or conditional discharge shall be required to pay  
10 for the cost of the educational courses or GED test, if a  
11 fee is charged for those courses or test. The court shall  
12 resentence the offender whose probation or conditional  
13 discharge has been revoked as provided in Section 5-6-4.  
14 This clause (7) does not apply to a person who has a high  
15 school diploma or has successfully passed the GED test.  
16 This clause (7) does not apply to a person who is  
17 determined by the court to be developmentally disabled or  
18 otherwise mentally incapable of completing the educational  
19 or vocational program;

20 (8) if convicted of possession of a substance  
21 prohibited by the Cannabis Control Act, the Illinois  
22 Controlled Substances Act, or the Methamphetamine Control  
23 and Community Protection Act after a previous conviction or  
24 disposition of supervision for possession of a substance  
25 prohibited by the Cannabis Control Act or Illinois  
26 Controlled Substances Act or after a sentence of probation

1 under Section 10 of the Cannabis Control Act, Section 410  
2 of the Illinois Controlled Substances Act, or Section 70 of  
3 the Methamphetamine Control and Community Protection Act  
4 and upon a finding by the court that the person is  
5 addicted, undergo treatment at a substance abuse program  
6 approved by the court;

7 (8.5) if convicted of a felony sex offense as defined  
8 in the Sex Offender Management Board Act, the person shall  
9 undergo and successfully complete sex offender treatment  
10 by a treatment provider approved by the Board and conducted  
11 in conformance with the standards developed under the Sex  
12 Offender Management Board Act;

13 (8.6) if convicted of a sex offense as defined in the  
14 Sex Offender Management Board Act, refrain from residing at  
15 the same address or in the same condominium unit or  
16 apartment unit or in the same condominium complex or  
17 apartment complex with another person he or she knows or  
18 reasonably should know is a convicted sex offender or has  
19 been placed on supervision for a sex offense; the  
20 provisions of this paragraph do not apply to a person  
21 convicted of a sex offense who is placed in a Department of  
22 Corrections licensed transitional housing facility for sex  
23 offenders;

24 (8.7) if convicted for an offense committed on or after  
25 June 1, 2008 (the effective date of Public Act 95-464) that  
26 would qualify the accused as a child sex offender as

1 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
2 1961, refrain from communicating with or contacting, by  
3 means of the Internet, a person who is not related to the  
4 accused and whom the accused reasonably believes to be  
5 under 18 years of age; for purposes of this paragraph  
6 (8.7), "Internet" has the meaning ascribed to it in Section  
7 16J-5 of the Criminal Code of 1961; and a person is not  
8 related to the accused if the person is not: (i) the  
9 spouse, brother, or sister of the accused; (ii) a  
10 descendant of the accused; (iii) a first or second cousin  
11 of the accused; or (iv) a step-child or adopted child of  
12 the accused;

13 (8.8) if convicted for an offense under Section 11-6,  
14 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of the Criminal  
15 Code of 1961, or any attempt to commit any of these  
16 offenses, committed on or after June 1, 2009 (the effective  
17 date of Public Act 95-983):

18 (i) not access or use a computer or any other  
19 device with Internet capability without the prior  
20 written approval of the offender's probation officer,  
21 except in connection with the offender's employment or  
22 search for employment with the prior approval of the  
23 offender's probation officer;

24 (ii) submit to periodic unannounced examinations  
25 of the offender's computer or any other device with  
26 Internet capability by the offender's probation

1 officer, a law enforcement officer, or assigned  
2 computer or information technology specialist,  
3 including the retrieval and copying of all data from  
4 the computer or device and any internal or external  
5 peripherals and removal of such information,  
6 equipment, or device to conduct a more thorough  
7 inspection;

8 (iii) submit to the installation on the offender's  
9 computer or device with Internet capability, at the  
10 offender's expense, of one or more hardware or software  
11 systems to monitor the Internet use; and

12 (iv) submit to any other appropriate restrictions  
13 concerning the offender's use of or access to a  
14 computer or any other device with Internet capability  
15 imposed by the offender's probation officer;

16 (8.9) if convicted of a sex offense as defined in the  
17 Sex Offender Registration Act committed on or after January  
18 1, 2010 (the effective date of Public Act 96-262), refrain  
19 from accessing or using a social networking website as  
20 defined in Section 17-0.5 ~~16D-2~~ of the Criminal Code of  
21 1961;

22 (9) if convicted of a felony, physically surrender at a  
23 time and place designated by the court, his or her Firearm  
24 Owner's Identification Card and any and all firearms in his  
25 or her possession;

26 (10) if convicted of a sex offense as defined in



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

10 (11) if convicted of a sex offense as defined in  
11 Section 2 of the Sex Offender Registration Act committed on  
12 or after January 1, 2010 (the effective date of Public Act  
13 96-362) that requires the person to register as a sex  
14 offender under that Act, may not knowingly use any computer  
15 scrub software on any computer that the sex offender uses.

16 (b) The Court may in addition to other reasonable  
17 conditions relating to the nature of the offense or the  
18 rehabilitation of the defendant as determined for each  
19 defendant in the proper discretion of the Court require that  
20 the person:

21 (1) serve a term of periodic imprisonment under Article  
22 7 for a period not to exceed that specified in paragraph  
23 (d) of Section 5-7-1;

24 (2) pay a fine and costs;

25 (3) work or pursue a course of study or vocational  
26 training;

1           (4) undergo medical, psychological or psychiatric  
2 treatment; or treatment for drug addiction or alcoholism;

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

5           (6) support his dependents;

6           (7) and in addition, if a minor:

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

8                 (ii) attend school;

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

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

12                (v) with the consent of the superintendent of the  
13 facility, attend an educational program at a facility  
14 other than the school in which the offense was  
15 committed if he or she is convicted of a crime of  
16 violence as defined in Section 2 of the Crime Victims  
17 Compensation Act committed in a school, on the real  
18 property comprising a school, or within 1,000 feet of  
19 the real property comprising a school;

20           (8) make restitution as provided in Section 5-5-6 of  
21 this Code;

22           (9) perform some reasonable public or community  
23 service;

24           (10) serve a term of home confinement. In addition to  
25 any other applicable condition of probation or conditional  
26 discharge, the conditions of home confinement shall be that

1 the offender:

2 (i) remain within the interior premises of the  
3 place designated for his confinement during the hours  
4 designated by the court;

5 (ii) admit any person or agent designated by the  
6 court into the offender's place of confinement at any  
7 time for purposes of verifying the offender's  
8 compliance with the conditions of his confinement; and

9 (iii) if further deemed necessary by the court or  
10 the Probation or Court Services Department, be placed  
11 on an approved electronic monitoring device, subject  
12 to Article 8A of Chapter V;

13 (iv) for persons convicted of any alcohol,  
14 cannabis or controlled substance violation who are  
15 placed on an approved monitoring device as a condition  
16 of probation or conditional discharge, the court shall  
17 impose a reasonable fee for each day of the use of the  
18 device, as established by the county board in  
19 subsection (g) of this Section, unless after  
20 determining the inability of the offender to pay the  
21 fee, the court assesses a lesser fee or no fee as the  
22 case may be. This fee shall be imposed in addition to  
23 the fees imposed under subsections (g) and (i) of this  
24 Section. The fee shall be collected by the clerk of the  
25 circuit court. The clerk of the circuit court shall pay  
26 all monies collected from this fee to the county

1           treasurer for deposit in the substance abuse services  
2           fund under Section 5-1086.1 of the Counties Code; and

3           (v) for persons convicted of offenses other than  
4           those referenced in clause (iv) above and who are  
5           placed on an approved monitoring device as a condition  
6           of probation or conditional discharge, the court shall  
7           impose a reasonable fee for each day of the use of the  
8           device, as established by the county board in  
9           subsection (g) of this Section, unless after  
10          determining the inability of the defendant to pay the  
11          fee, the court assesses a lesser fee or no fee as the  
12          case may be. This fee shall be imposed in addition to  
13          the fees imposed under subsections (g) and (i) of this  
14          Section. The fee shall be collected by the clerk of the  
15          circuit court. The clerk of the circuit court shall pay  
16          all monies collected from this fee to the county  
17          treasurer who shall use the monies collected to defray  
18          the costs of corrections. The county treasurer shall  
19          deposit the fee collected in the county working cash  
20          fund under Section 6-27001 or Section 6-29002 of the  
21          Counties Code, as the case may be.

22          (11) comply with the terms and conditions of an order  
23          of protection issued by the court pursuant to the Illinois  
24          Domestic Violence Act of 1986, as now or hereafter amended,  
25          or an order of protection issued by the court of another  
26          state, tribe, or United States territory. A copy of the

1 order of protection shall be transmitted to the probation  
2 officer or agency having responsibility for the case;

3 (12) reimburse any "local anti-crime program" as  
4 defined in Section 7 of the Anti-Crime Advisory Council Act  
5 for any reasonable expenses incurred by the program on the  
6 offender's case, not to exceed the maximum amount of the  
7 fine authorized for the offense for which the defendant was  
8 sentenced;

9 (13) contribute a reasonable sum of money, not to  
10 exceed the maximum amount of the fine authorized for the  
11 offense for which the defendant was sentenced, (i) to a  
12 "local anti-crime program", as defined in Section 7 of the  
13 Anti-Crime Advisory Council Act, or (ii) for offenses under  
14 the jurisdiction of the Department of Natural Resources, to  
15 the fund established by the Department of Natural Resources  
16 for the purchase of evidence for investigation purposes and  
17 to conduct investigations as outlined in Section 805-105 of  
18 the Department of Natural Resources (Conservation) Law;

19 (14) refrain from entering into a designated  
20 geographic area except upon such terms as the court finds  
21 appropriate. Such terms may include consideration of the  
22 purpose of the entry, the time of day, other persons  
23 accompanying the defendant, and advance approval by a  
24 probation officer, if the defendant has been placed on  
25 probation or advance approval by the court, if the  
26 defendant was placed on conditional discharge;

1           (15) refrain from having any contact, directly or  
2 indirectly, with certain specified persons or particular  
3 types of persons, including but not limited to members of  
4 street gangs and drug users or dealers;

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

12           (17) if convicted for an offense committed on or after  
13 June 1, 2008 (the effective date of Public Act 95-464) that  
14 would qualify the accused as a child sex offender as  
15 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
16 1961, refrain from communicating with or contacting, by  
17 means of the Internet, a person who is related to the  
18 accused and whom the accused reasonably believes to be  
19 under 18 years of age; for purposes of this paragraph (17),  
20 "Internet" has the meaning ascribed to it in Section 16J-5  
21 of the Criminal Code of 1961; and a person is related to  
22 the accused if the person is: (i) the spouse, brother, or  
23 sister of the accused; (ii) a descendant of the accused;  
24 (iii) a first or second cousin of the accused; or (iv) a  
25 step-child or adopted child of the accused;

26           (18) if convicted for an offense committed on or after

1 June 1, 2009 (the effective date of Public Act 95-983) that  
2 would qualify as a sex offense as defined in the Sex  
3 Offender Registration Act:

4 (i) not access or use a computer or any other  
5 device with Internet capability without the prior  
6 written approval of the offender's probation officer,  
7 except in connection with the offender's employment or  
8 search for employment with the prior approval of the  
9 offender's probation officer;

10 (ii) submit to periodic unannounced examinations  
11 of the offender's computer or any other device with  
12 Internet capability by the offender's probation  
13 officer, a law enforcement officer, or assigned  
14 computer or information technology specialist,  
15 including the retrieval and copying of all data from  
16 the computer or device and any internal or external  
17 peripherals and removal of such information,  
18 equipment, or device to conduct a more thorough  
19 inspection;

20 (iii) submit to the installation on the offender's  
21 computer or device with Internet capability, at the  
22 subject's expense, of one or more hardware or software  
23 systems to monitor the Internet use; and

24 (iv) submit to any other appropriate restrictions  
25 concerning the offender's use of or access to a  
26 computer or any other device with Internet capability

1           imposed by the offender's probation officer; and

2           (19) refrain from possessing a firearm or other  
3           dangerous weapon where the offense is a misdemeanor that  
4           did not involve the intentional or knowing infliction of  
5           bodily harm or threat of bodily harm.

6           (c) The court may as a condition of probation or of  
7           conditional discharge require that a person under 18 years of  
8           age found guilty of any alcohol, cannabis or controlled  
9           substance violation, refrain from acquiring a driver's license  
10          during the period of probation or conditional discharge. If  
11          such person is in possession of a permit or license, the court  
12          may require that the minor refrain from driving or operating  
13          any motor vehicle during the period of probation or conditional  
14          discharge, except as may be necessary in the course of the  
15          minor's lawful employment.

16          (d) An offender sentenced to probation or to conditional  
17          discharge shall be given a certificate setting forth the  
18          conditions thereof.

19          (e) Except where the offender has committed a fourth or  
20          subsequent violation of subsection (c) of Section 6-303 of the  
21          Illinois Vehicle Code, the court shall not require as a  
22          condition of the sentence of probation or conditional discharge  
23          that the offender be committed to a period of imprisonment in  
24          excess of 6 months. This 6 month limit shall not include  
25          periods of confinement given pursuant to a sentence of county  
26          impact incarceration under Section 5-8-1.2.



1           Persons committed to imprisonment as a condition of  
2 probation or conditional discharge shall not be committed to  
3 the Department of Corrections.

4           (f) The court may combine a sentence of periodic  
5 imprisonment under Article 7 or a sentence to a county impact  
6 incarceration program under Article 8 with a sentence of  
7 probation or conditional discharge.

8           (g) An offender sentenced to probation or to conditional  
9 discharge and who during the term of either undergoes mandatory  
10 drug or alcohol testing, or both, or is assigned to be placed  
11 on an approved electronic monitoring device, shall be ordered  
12 to pay all costs incidental to such mandatory drug or alcohol  
13 testing, or both, and all costs incidental to such approved  
14 electronic monitoring in accordance with the defendant's  
15 ability to pay those costs. The county board with the  
16 concurrence of the Chief Judge of the judicial circuit in which  
17 the county is located shall establish reasonable fees for the  
18 cost of maintenance, testing, and incidental expenses related  
19 to the mandatory drug or alcohol testing, or both, and all  
20 costs incidental to approved electronic monitoring, involved  
21 in a successful probation program for the county. The  
22 concurrence of the Chief Judge shall be in the form of an  
23 administrative order. The fees shall be collected by the clerk  
24 of the circuit court. The clerk of the circuit court shall pay  
25 all moneys collected from these fees to the county treasurer  
26 who shall use the moneys collected to defray the costs of drug

1 testing, alcohol testing, and electronic monitoring. The  
2 county treasurer shall deposit the fees collected in the county  
3 working cash fund under Section 6-27001 or Section 6-29002 of  
4 the Counties Code, as the case may be.

5 (h) Jurisdiction over an offender may be transferred from  
6 the sentencing court to the court of another circuit with the  
7 concurrence of both courts. Further transfers or retransfers of  
8 jurisdiction are also authorized in the same manner. The court  
9 to which jurisdiction has been transferred shall have the same  
10 powers as the sentencing court.

11 (i) The court shall impose upon an offender sentenced to  
12 probation after January 1, 1989 or to conditional discharge  
13 after January 1, 1992 or to community service under the  
14 supervision of a probation or court services department after  
15 January 1, 2004, as a condition of such probation or  
16 conditional discharge or supervised community service, a fee of  
17 \$50 for each month of probation or conditional discharge  
18 supervision or supervised community service ordered by the  
19 court, unless after determining the inability of the person  
20 sentenced to probation or conditional discharge or supervised  
21 community service to pay the fee, the court assesses a lesser  
22 fee. The court may not impose the fee on a minor who is made a  
23 ward of the State under the Juvenile Court Act of 1987 while  
24 the minor is in placement. The fee shall be imposed only upon  
25 an offender who is actively supervised by the probation and  
26 court services department. The fee shall be collected by the

1 clerk of the circuit court. The clerk of the circuit court  
2 shall pay all monies collected from this fee to the county  
3 treasurer for deposit in the probation and court services fund  
4 under Section 15.1 of the Probation and Probation Officers Act.

5 A circuit court may not impose a probation fee under this  
6 subsection (i) in excess of \$25 per month unless the circuit  
7 court has adopted, by administrative order issued by the chief  
8 judge, a standard probation fee guide determining an offender's  
9 ability to pay. Of the amount collected as a probation fee, up  
10 to \$5 of that fee collected per month may be used to provide  
11 services to crime victims and their families.

12 The Court may only waive probation fees based on an  
13 offender's ability to pay. The probation department may  
14 re-evaluate an offender's ability to pay every 6 months, and,  
15 with the approval of the Director of Court Services or the  
16 Chief Probation Officer, adjust the monthly fee amount. An  
17 offender may elect to pay probation fees due in a lump sum. Any  
18 offender that has been assigned to the supervision of a  
19 probation department, or has been transferred either under  
20 subsection (h) of this Section or under any interstate compact,  
21 shall be required to pay probation fees to the department  
22 supervising the offender, based on the offender's ability to  
23 pay.

24 This amendatory Act of the 93rd General Assembly deletes  
25 the \$10 increase in the fee under this subsection that was  
26 imposed by Public Act 93-616. This deletion is intended to

1 control over any other Act of the 93rd General Assembly that  
2 retains or incorporates that fee increase.

3 (i-5) In addition to the fees imposed under subsection (i)  
4 of this Section, in the case of an offender convicted of a  
5 felony sex offense (as defined in the Sex Offender Management  
6 Board Act) or an offense that the court or probation department  
7 has determined to be sexually motivated (as defined in the Sex  
8 Offender Management Board Act), the court or the probation  
9 department shall assess additional fees to pay for all costs of  
10 treatment, assessment, evaluation for risk and treatment, and  
11 monitoring the offender, based on that offender's ability to  
12 pay those costs either as they occur or under a payment plan.

13 (j) All fines and costs imposed under this Section for any  
14 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
15 Code, or a similar provision of a local ordinance, and any  
16 violation of the Child Passenger Protection Act, or a similar  
17 provision of a local ordinance, shall be collected and  
18 disbursed by the circuit clerk as provided under Section 27.5  
19 of the Clerks of Courts Act.

20 (k) Any offender who is sentenced to probation or  
21 conditional discharge for a felony sex offense as defined in  
22 the Sex Offender Management Board Act or any offense that the  
23 court or probation department has determined to be sexually  
24 motivated as defined in the Sex Offender Management Board Act  
25 shall be required to refrain from any contact, directly or  
26 indirectly, with any persons specified by the court and shall

1 be available for all evaluations and treatment programs  
2 required by the court or the probation department.

3 (1) The court may order an offender who is sentenced to  
4 probation or conditional discharge for a violation of an order  
5 of protection be placed under electronic surveillance as  
6 provided in Section 5-8A-7 of this Code.

7 (Source: P.A. 95-331, eff. 8-21-07; 95-464, eff. 6-1-08;  
8 95-578, eff. 6-1-08; 95-696, eff. 6-1-08; 95-773, eff. 1-1-09;  
9 95-876, eff. 8-21-08; 95-983, eff. 6-1-09; 96-262, eff. 1-1-10;  
10 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-695, eff.  
11 8-25-09; 96-1000, eff. 7-2-10; 96-1414, eff. 1-1-11.)

12 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

13 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

14 (a) When a defendant is placed on supervision, the court  
15 shall enter an order for supervision specifying the period of  
16 such supervision, and shall defer further proceedings in the  
17 case until the conclusion of the period.

18 (b) The period of supervision shall be reasonable under all  
19 of the circumstances of the case, but may not be longer than 2  
20 years, unless the defendant has failed to pay the assessment  
21 required by Section 10.3 of the Cannabis Control Act, Section  
22 411.2 of the Illinois Controlled Substances Act, or Section 80  
23 of the Methamphetamine Control and Community Protection Act, in  
24 which case the court may extend supervision beyond 2 years.  
25 Additionally, the court shall order the defendant to perform no

1 less than 30 hours of community service and not more than 120  
2 hours of community service, if community service is available  
3 in the jurisdiction and is funded and approved by the county  
4 board where the offense was committed, when the offense (1) was  
5 related to or in furtherance of the criminal activities of an  
6 organized gang or was motivated by the defendant's membership  
7 in or allegiance to an organized gang; or (2) is a violation of  
8 any Section of Article 24 of the Criminal Code of 1961 where a  
9 disposition of supervision is not prohibited by Section 5-6-1  
10 of this Code. The community service shall include, but not be  
11 limited to, the cleanup and repair of any damage caused by  
12 violation of Section 21-1.3 of the Criminal Code of 1961 and  
13 similar damages to property located within the municipality or  
14 county in which the violation occurred. Where possible and  
15 reasonable, the community service should be performed in the  
16 offender's neighborhood.

17 For the purposes of this Section, "organized gang" has the  
18 meaning ascribed to it in Section 10 of the Illinois Streetgang  
19 Terrorism Omnibus Prevention Act.

20 (c) The court may in addition to other reasonable  
21 conditions relating to the nature of the offense or the  
22 rehabilitation of the defendant as determined for each  
23 defendant in the proper discretion of the court require that  
24 the person:

25 (1) make a report to and appear in person before or  
26 participate with the court or such courts, person, or

1 social service agency as directed by the court in the order  
2 of supervision;

3 (2) pay a fine and costs;

4 (3) work or pursue a course of study or vocational  
5 training;

6 (4) undergo medical, psychological or psychiatric  
7 treatment; or treatment for drug addiction or alcoholism;

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

10 (6) support his dependents;

11 (7) refrain from possessing a firearm or other  
12 dangerous weapon;

13 (8) and in addition, if a minor:

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

15 (ii) attend school;

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

17 (iv) contribute to his own support at home or in a  
18 foster home; or

19 (v) with the consent of the superintendent of the  
20 facility, attend an educational program at a facility  
21 other than the school in which the offense was  
22 committed if he or she is placed on supervision for a  
23 crime of violence as defined in Section 2 of the Crime  
24 Victims Compensation Act committed in a school, on the  
25 real property comprising a school, or within 1,000 feet  
26 of the real property comprising a school;

1           (9) make restitution or reparation in an amount not to  
2 exceed actual loss or damage to property and pecuniary loss  
3 or make restitution under Section 5-5-6 to a domestic  
4 violence shelter. The court shall determine the amount and  
5 conditions of payment;

6           (10) perform some reasonable public or community  
7 service;

8           (11) comply with the terms and conditions of an order  
9 of protection issued by the court pursuant to the Illinois  
10 Domestic Violence Act of 1986 or an order of protection  
11 issued by the court of another state, tribe, or United  
12 States territory. If the court has ordered the defendant to  
13 make a report and appear in person under paragraph (1) of  
14 this subsection, a copy of the order of protection shall be  
15 transmitted to the person or agency so designated by the  
16 court;

17           (12) reimburse any "local anti-crime program" as  
18 defined in Section 7 of the Anti-Crime Advisory Council Act  
19 for any reasonable expenses incurred by the program on the  
20 offender's case, not to exceed the maximum amount of the  
21 fine authorized for the offense for which the defendant was  
22 sentenced;

23           (13) contribute a reasonable sum of money, not to  
24 exceed the maximum amount of the fine authorized for the  
25 offense for which the defendant was sentenced, (i) to a  
26 "local anti-crime program", as defined in Section 7 of the



1 Anti-Crime Advisory Council Act, or (ii) for offenses under  
2 the jurisdiction of the Department of Natural Resources, to  
3 the fund established by the Department of Natural Resources  
4 for the purchase of evidence for investigation purposes and  
5 to conduct investigations as outlined in Section 805-105 of  
6 the Department of Natural Resources (Conservation) Law;

7 (14) refrain from entering into a designated  
8 geographic area except upon such terms as the court finds  
9 appropriate. Such terms may include consideration of the  
10 purpose of the entry, the time of day, other persons  
11 accompanying the defendant, and advance approval by a  
12 probation officer;

13 (15) refrain from having any contact, directly or  
14 indirectly, with certain specified persons or particular  
15 types of person, including but not limited to members of  
16 street gangs and drug users or dealers;

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

24 (17) refrain from operating any motor vehicle not  
25 equipped with an ignition interlock device as defined in  
26 Section 1-129.1 of the Illinois Vehicle Code; under this

1 condition the court may allow a defendant who is not  
2 self-employed to operate a vehicle owned by the defendant's  
3 employer that is not equipped with an ignition interlock  
4 device in the course and scope of the defendant's  
5 employment; and

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

17 (d) The court shall defer entering any judgment on the  
18 charges until the conclusion of the supervision.

19 (e) At the conclusion of the period of supervision, if the  
20 court determines that the defendant has successfully complied  
21 with all of the conditions of supervision, the court shall  
22 discharge the defendant and enter a judgment dismissing the  
23 charges.

24 (f) Discharge and dismissal upon a successful conclusion of  
25 a disposition of supervision shall be deemed without  
26 adjudication of guilt and shall not be termed a conviction for

1 purposes of disqualification or disabilities imposed by law  
2 upon conviction of a crime. Two years after the discharge and  
3 dismissal under this Section, unless the disposition of  
4 supervision was for a violation of Sections 3-707, 3-708,  
5 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
6 similar provision of a local ordinance, or for a violation of  
7 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which  
8 case it shall be 5 years after discharge and dismissal, a  
9 person may have his record of arrest sealed or expunged as may  
10 be provided by law. However, any defendant placed on  
11 supervision before January 1, 1980, may move for sealing or  
12 expungement of his arrest record, as provided by law, at any  
13 time after discharge and dismissal under this Section. A person  
14 placed on supervision for a sexual offense committed against a  
15 minor as defined in clause (a)(1)(L) of Section 5.2 of the  
16 Criminal Identification Act or for a violation of Section  
17 11-501 of the Illinois Vehicle Code or a similar provision of a  
18 local ordinance shall not have his or her record of arrest  
19 sealed or expunged.

20 (g) A defendant placed on supervision and who during the  
21 period of supervision undergoes mandatory drug or alcohol  
22 testing, or both, or is assigned to be placed on an approved  
23 electronic monitoring device, shall be ordered to pay the costs  
24 incidental to such mandatory drug or alcohol testing, or both,  
25 and costs incidental to such approved electronic monitoring in  
26 accordance with the defendant's ability to pay those costs. The

1 county board with the concurrence of the Chief Judge of the  
2 judicial circuit in which the county is located shall establish  
3 reasonable fees for the cost of maintenance, testing, and  
4 incidental expenses related to the mandatory drug or alcohol  
5 testing, or both, and all costs incidental to approved  
6 electronic monitoring, of all defendants placed on  
7 supervision. The concurrence of the Chief Judge shall be in the  
8 form of an administrative order. The fees shall be collected by  
9 the clerk of the circuit court. The clerk of the circuit court  
10 shall pay all moneys collected from these fees to the county  
11 treasurer who shall use the moneys collected to defray the  
12 costs of drug testing, alcohol testing, and electronic  
13 monitoring. The county treasurer shall deposit the fees  
14 collected in the county working cash fund under Section 6-27001  
15 or Section 6-29002 of the Counties Code, as the case may be.

16 (h) A disposition of supervision is a final order for the  
17 purposes of appeal.

18 (i) The court shall impose upon a defendant placed on  
19 supervision after January 1, 1992 or to community service under  
20 the supervision of a probation or court services department  
21 after January 1, 2004, as a condition of supervision or  
22 supervised community service, a fee of \$50 for each month of  
23 supervision or supervised community service ordered by the  
24 court, unless after determining the inability of the person  
25 placed on supervision or supervised community service to pay  
26 the fee, the court assesses a lesser fee. The court may not

1 impose the fee on a minor who is made a ward of the State under  
2 the Juvenile Court Act of 1987 while the minor is in placement.  
3 The fee shall be imposed only upon a defendant who is actively  
4 supervised by the probation and court services department. The  
5 fee shall be collected by the clerk of the circuit court. The  
6 clerk of the circuit court shall pay all monies collected from  
7 this fee to the county treasurer for deposit in the probation  
8 and court services fund pursuant to Section 15.1 of the  
9 Probation and Probation Officers Act.

10 A circuit court may not impose a probation fee in excess of  
11 \$25 per month unless the circuit court has adopted, by  
12 administrative order issued by the chief judge, a standard  
13 probation fee guide determining an offender's ability to pay.  
14 Of the amount collected as a probation fee, not to exceed \$5 of  
15 that fee collected per month may be used to provide services to  
16 crime victims and their families.

17 The Court may only waive probation fees based on an  
18 offender's ability to pay. The probation department may  
19 re-evaluate an offender's ability to pay every 6 months, and,  
20 with the approval of the Director of Court Services or the  
21 Chief Probation Officer, adjust the monthly fee amount. An  
22 offender may elect to pay probation fees due in a lump sum. Any  
23 offender that has been assigned to the supervision of a  
24 probation department, or has been transferred either under  
25 subsection (h) of this Section or under any interstate compact,  
26 shall be required to pay probation fees to the department

1 supervising the offender, based on the offender's ability to  
2 pay.

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

10 (k) A defendant at least 17 years of age who is placed on  
11 supervision for a misdemeanor in a county of 3,000,000 or more  
12 inhabitants and who has not been previously convicted of a  
13 misdemeanor or felony may as a condition of his or her  
14 supervision be required by the court to attend educational  
15 courses designed to prepare the defendant for a high school  
16 diploma and to work toward a high school diploma or to work  
17 toward passing the high school level Test of General  
18 Educational Development (GED) or to work toward completing a  
19 vocational training program approved by the court. The  
20 defendant placed on supervision must attend a public  
21 institution of education to obtain the educational or  
22 vocational training required by this subsection (k). The  
23 defendant placed on supervision shall be required to pay for  
24 the cost of the educational courses or GED test, if a fee is  
25 charged for those courses or test. The court shall revoke the  
26 supervision of a person who wilfully fails to comply with this

1 subsection (k). The court shall resentence the defendant upon  
2 revocation of supervision as provided in Section 5-6-4. This  
3 subsection (k) does not apply to a defendant who has a high  
4 school diploma or has successfully passed the GED test. This  
5 subsection (k) does not apply to a defendant who is determined  
6 by the court to be developmentally disabled or otherwise  
7 mentally incapable of completing the educational or vocational  
8 program.

9 (l) The court shall require a defendant placed on  
10 supervision for possession of a substance prohibited by the  
11 Cannabis Control Act, the Illinois Controlled Substances Act,  
12 or the Methamphetamine Control and Community Protection Act  
13 after a previous conviction or disposition of supervision for  
14 possession of a substance prohibited by the Cannabis Control  
15 Act, the Illinois Controlled Substances Act, or the  
16 Methamphetamine Control and Community Protection Act or a  
17 sentence of probation under Section 10 of the Cannabis Control  
18 Act or Section 410 of the Illinois Controlled Substances Act  
19 and after a finding by the court that the person is addicted,  
20 to undergo treatment at a substance abuse program approved by  
21 the court.

22 (m) The Secretary of State shall require anyone placed on  
23 court supervision for a violation of Section 3-707 of the  
24 Illinois Vehicle Code or a similar provision of a local  
25 ordinance to give proof of his or her financial responsibility  
26 as defined in Section 7-315 of the Illinois Vehicle Code. The

1 proof shall be maintained by the individual in a manner  
2 satisfactory to the Secretary of State for a minimum period of  
3 3 years after the date the proof is first filed. The proof  
4 shall be limited to a single action per arrest and may not be  
5 affected by any post-sentence disposition. The Secretary of  
6 State shall suspend the driver's license of any person  
7 determined by the Secretary to be in violation of this  
8 subsection.

9 (n) Any offender placed on supervision for any offense that  
10 the court or probation department has determined to be sexually  
11 motivated as defined in the Sex Offender Management Board Act  
12 shall be required to refrain from any contact, directly or  
13 indirectly, with any persons specified by the court and shall  
14 be available for all evaluations and treatment programs  
15 required by the court or the probation department.

16 (o) An offender placed on supervision for a sex offense as  
17 defined in the Sex Offender Management Board Act shall refrain  
18 from residing at the same address or in the same condominium  
19 unit or apartment unit or in the same condominium complex or  
20 apartment complex with another person he or she knows or  
21 reasonably should know is a convicted sex offender or has been  
22 placed on supervision for a sex offense. The provisions of this  
23 subsection (o) do not apply to a person convicted of a sex  
24 offense who is placed in a Department of Corrections licensed  
25 transitional housing facility for sex offenders.

26 (p) An offender placed on supervision for an offense



1 committed on or after June 1, 2008 (the effective date of  
2 Public Act 95-464) that would qualify the accused as a child  
3 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
4 Criminal Code of 1961 shall refrain from communicating with or  
5 contacting, by means of the Internet, a person who is not  
6 related to the accused and whom the accused reasonably believes  
7 to be under 18 years of age. For purposes of this subsection  
8 (p), "Internet" has the meaning ascribed to it in Section 16J-5  
9 of the Criminal Code of 1961; and a person is not related to  
10 the accused if the person is not: (i) the spouse, brother, or  
11 sister of the accused; (ii) a descendant of the accused; (iii)  
12 a first or second cousin of the accused; or (iv) a step-child  
13 or adopted child of the accused.

14 (q) An offender placed on supervision for an offense  
15 committed on or after June 1, 2008 (the effective date of  
16 Public Act 95-464) that would qualify the accused as a child  
17 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
18 Criminal Code of 1961 shall, if so ordered by the court,  
19 refrain from communicating with or contacting, by means of the  
20 Internet, a person who is related to the accused and whom the  
21 accused reasonably believes to be under 18 years of age. For  
22 purposes of this subsection (q), "Internet" has the meaning  
23 ascribed to it in Section 16J-5 of the Criminal Code of 1961;  
24 and a person is related to the accused if the person is: (i)  
25 the spouse, brother, or sister of the accused; (ii) a  
26 descendant of the accused; (iii) a first or second cousin of

1 the accused; or (iv) a step-child or adopted child of the  
2 accused.

3 (r) An offender placed on supervision for an offense under  
4 Section 11-6, 11-9.1, 11-15.1, 11-20.1, 11-20.3, or 11-21 of  
5 the Criminal Code of 1961, or any attempt to commit any of  
6 these offenses, committed on or after the effective date of  
7 this amendatory Act of the 95th General Assembly shall:

8 (i) not access or use a computer or any other device  
9 with Internet capability without the prior written  
10 approval of the court, except in connection with the  
11 offender's employment or search for employment with the  
12 prior approval of the court;

13 (ii) submit to periodic unannounced examinations of  
14 the offender's computer or any other device with Internet  
15 capability by the offender's probation officer, a law  
16 enforcement officer, or assigned computer or information  
17 technology specialist, including the retrieval and copying  
18 of all data from the computer or device and any internal or  
19 external peripherals and removal of such information,  
20 equipment, or device to conduct a more thorough inspection;

21 (iii) submit to the installation on the offender's  
22 computer or device with Internet capability, at the  
23 offender's expense, of one or more hardware or software  
24 systems to monitor the Internet use; and

25 (iv) submit to any other appropriate restrictions  
26 concerning the offender's use of or access to a computer or

1 any other device with Internet capability imposed by the  
2 court.

3 (s) An offender placed on supervision for an offense that  
4 is a sex offense as defined in Section 2 of the Sex Offender  
5 Registration Act that is committed on or after January 1, 2010  
6 (the effective date of Public Act 96-362) that requires the  
7 person to register as a sex offender under that Act, may not  
8 knowingly use any computer scrub software on any computer that  
9 the sex offender uses.

10 (t) An offender placed on supervision for a sex offense as  
11 defined in the Sex Offender Registration Act committed on or  
12 after January 1, 2010 (the effective date of Public Act 96-262)  
13 shall refrain from accessing or using a social networking  
14 website as defined in Section 17-0.5 ~~16D-2~~ of the Criminal Code  
15 of 1961.

16 (Source: P.A. 95-211, eff. 1-1-08; 95-331, eff. 8-21-07;  
17 95-464, eff. 6-1-08; 95-696, eff. 6-1-08; 95-876, eff. 8-21-08;  
18 95-983, eff. 6-1-09; 96-262, eff. 1-1-10; 96-362, eff. 1-1-10;  
19 96-409, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1414, eff.  
20 1-1-11.)

21 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)  
22 Sec. 5-8-4. Concurrent and consecutive terms of  
23 imprisonment.

24 (a) Concurrent terms; multiple or additional sentences.  
25 When an Illinois court (i) imposes multiple sentences of

1 imprisonment on a defendant at the same time or (ii) imposes a  
2 sentence of imprisonment on a defendant who is already subject  
3 to a sentence of imprisonment imposed by an Illinois court, a  
4 court of another state, or a federal court, then the sentences  
5 shall run concurrently unless otherwise determined by the  
6 Illinois court under this Section.

7 (b) Concurrent terms; misdemeanor and felony. A defendant  
8 serving a sentence for a misdemeanor who is convicted of a  
9 felony and sentenced to imprisonment shall be transferred to  
10 the Department of Corrections, and the misdemeanor sentence  
11 shall be merged in and run concurrently with the felony  
12 sentence.

13 (c) Consecutive terms; permissive. The court may impose  
14 consecutive sentences in any of the following circumstances:

15 (1) If, having regard to the nature and circumstances  
16 of the offense and the history and character of the  
17 defendant, it is the opinion of the court that consecutive  
18 sentences are required to protect the public from further  
19 criminal conduct by the defendant, the basis for which the  
20 court shall set forth in the record.

21 (2) If one of the offenses for which a defendant was  
22 convicted was a violation of Section 32-5.2 (aggravated  
23 false personation of a peace officer) of the Criminal Code  
24 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision  
25 (b) (5) or (b) (6) of Section 17-2 of that Code (720 ILCS  
26 5/17-2) and the offense was committed in attempting or

1 committing a forcible felony.

2 (d) Consecutive terms; mandatory. The court shall impose  
3 consecutive sentences in each of the following circumstances:

4 (1) One of the offenses for which the defendant was  
5 convicted was first degree murder or a Class X or Class 1  
6 felony and the defendant inflicted severe bodily injury.

7 (2) The defendant was convicted of a violation of  
8 Section 12-13 (criminal sexual assault), 12-14 (aggravated  
9 criminal sexual assault), or 12-14.1 (predatory criminal  
10 sexual assault of a child) of the Criminal Code of 1961  
11 (720 ILCS 5/12-13, 5/12-14, or 5/12-14.1).

12 (3) The defendant was convicted of armed violence based  
13 upon the predicate offense of any of the following:  
14 solicitation of murder, solicitation of murder for hire,  
15 heinous battery, aggravated battery of a senior citizen,  
16 criminal sexual assault, a violation of subsection (g) of  
17 Section 5 of the Cannabis Control Act (720 ILCS 550/5),  
18 cannabis trafficking, a violation of subsection (a) of  
19 Section 401 of the Illinois Controlled Substances Act (720  
20 ILCS 570/401), controlled substance trafficking involving  
21 a Class X felony amount of controlled substance under  
22 Section 401 of the Illinois Controlled Substances Act (720  
23 ILCS 570/401), a violation of the Methamphetamine Control  
24 and Community Protection Act (720 ILCS 646/), calculated  
25 criminal drug conspiracy, or streetgang criminal drug  
26 conspiracy.

1           (4) The defendant was convicted of the offense of  
2 leaving the scene of a motor vehicle accident involving  
3 death or personal injuries under Section 11-401 of the  
4 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)  
5 aggravated driving under the influence of alcohol, other  
6 drug or drugs, or intoxicating compound or compounds, or  
7 any combination thereof under Section 11-501 of the  
8 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
9 homicide under Section 9-3 of the Criminal Code of 1961  
10 (720 ILCS 5/9-3), or (C) both an offense described in item  
11 (A) and an offense described in item (B).

12           (5) The defendant was convicted of a violation of  
13 Section 9-3.1 (concealment of homicidal death) or Section  
14 12-20.5 (dismembering a human body) of the Criminal Code of  
15 1961 (720 ILCS 5/9-3.1 or 5/12-20.5).

16           (5.5) The defendant was convicted of a violation of  
17 Section 24-3.7 (use of a stolen firearm in the commission  
18 of an offense) of the Criminal Code of 1961.

19           (6) If the defendant was in the custody of the  
20 Department of Corrections at the time of the commission of  
21 the offense, the sentence shall be served consecutive to  
22 the sentence under which the defendant is held by the  
23 Department of Corrections. If, however, the defendant is  
24 sentenced to punishment by death, the sentence shall be  
25 executed at such time as the court may fix without regard  
26 to the sentence under which the defendant may be held by

1 the Department.

2 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)  
3 for escape or attempted escape shall be served consecutive  
4 to the terms under which the offender is held by the  
5 Department of Corrections.

6 (8) If a person charged with a felony commits a  
7 separate felony while on pretrial release or in pretrial  
8 detention in a county jail facility or county detention  
9 facility, then the sentences imposed upon conviction of  
10 these felonies shall be served consecutively regardless of  
11 the order in which the judgments of conviction are entered.

12 (8.5) If a person commits a battery against a county  
13 correctional officer or sheriff's employee while serving a  
14 sentence or in pretrial detention in a county jail  
15 facility, then the sentence imposed upon conviction of the  
16 battery shall be served consecutively with the sentence  
17 imposed upon conviction of the earlier misdemeanor or  
18 felony, regardless of the order in which the judgments of  
19 conviction are entered.

20 (9) If a person admitted to bail following conviction  
21 of a felony commits a separate felony while free on bond or  
22 if a person detained in a county jail facility or county  
23 detention facility following conviction of a felony  
24 commits a separate felony while in detention, then any  
25 sentence following conviction of the separate felony shall  
26 be consecutive to that of the original sentence for which

1 the defendant was on bond or detained.

2 (10) If a person is found to be in possession of an  
3 item of contraband, as defined in clause (c)(2) of Section  
4 31A-1.1 of the Criminal Code of 1961, while serving a  
5 sentence in a county jail or while in pre-trial detention  
6 in a county jail, the sentence imposed upon conviction for  
7 the offense of possessing contraband in a penal institution  
8 shall be served consecutively to the sentence imposed for  
9 the offense in which the person is serving sentence in the  
10 county jail or serving pretrial detention, regardless of  
11 the order in which the judgments of conviction are entered.

12 (11) If a person is sentenced for a violation of bail  
13 bond under Section 32-10 of the Criminal Code of 1961, any  
14 sentence imposed for that violation shall be served  
15 consecutive to the sentence imposed for the charge for  
16 which bail had been granted and with respect to which the  
17 defendant has been convicted.

18 (e) Consecutive terms; subsequent non-Illinois term. If an  
19 Illinois court has imposed a sentence of imprisonment on a  
20 defendant and the defendant is subsequently sentenced to a term  
21 of imprisonment by a court of another state or a federal court,  
22 then the Illinois sentence shall run consecutively to the  
23 sentence imposed by the court of the other state or the federal  
24 court. That same Illinois court, however, may order that the  
25 Illinois sentence run concurrently with the sentence imposed by  
26 the court of the other state or the federal court, but only if



1 the defendant applies to that same Illinois court within 30  
2 days after the sentence imposed by the court of the other state  
3 or the federal court is finalized.

4 (f) Consecutive terms; aggregate maximums and minimums.  
5 The aggregate maximum and aggregate minimum of consecutive  
6 sentences shall be determined as follows:

7 (1) For sentences imposed under law in effect prior to  
8 February 1, 1978, the aggregate maximum of consecutive  
9 sentences shall not exceed the maximum term authorized  
10 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
11 Chapter V for the 2 most serious felonies involved. The  
12 aggregate minimum period of consecutive sentences shall  
13 not exceed the highest minimum term authorized under  
14 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
15 V for the 2 most serious felonies involved. When sentenced  
16 only for misdemeanors, a defendant shall not be  
17 consecutively sentenced to more than the maximum for one  
18 Class A misdemeanor.

19 (2) For sentences imposed under the law in effect on or  
20 after February 1, 1978, the aggregate of consecutive  
21 sentences for offenses that were committed as part of a  
22 single course of conduct during which there was no  
23 substantial change in the nature of the criminal objective  
24 shall not exceed the sum of the maximum terms authorized  
25 under Article 4.5 of Chapter V for the 2 most serious  
26 felonies involved, but no such limitation shall apply for

1 offenses that were not committed as part of a single course  
2 of conduct during which there was no substantial change in  
3 the nature of the criminal objective. When sentenced only  
4 for misdemeanors, a defendant shall not be consecutively  
5 sentenced to more than the maximum for one Class A  
6 misdemeanor.

7 (g) Consecutive terms; manner served. In determining the  
8 manner in which consecutive sentences of imprisonment, one or  
9 more of which is for a felony, will be served, the Department  
10 of Corrections shall treat the defendant as though he or she  
11 had been committed for a single term subject to each of the  
12 following:

13 (1) The maximum period of a term of imprisonment shall  
14 consist of the aggregate of the maximums of the imposed  
15 indeterminate terms, if any, plus the aggregate of the  
16 imposed determinate sentences for felonies, plus the  
17 aggregate of the imposed determinate sentences for  
18 misdemeanors, subject to subsection (f) of this Section.

19 (2) The parole or mandatory supervised release term  
20 shall be as provided in paragraph (e) of Section 5-4.5-50  
21 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
22 involved.

23 (3) The minimum period of imprisonment shall be the  
24 aggregate of the minimum and determinate periods of  
25 imprisonment imposed by the court, subject to subsection  
26 (f) of this Section.

1           (4) The defendant shall be awarded credit against the  
2           aggregate maximum term and the aggregate minimum term of  
3           imprisonment for all time served in an institution since  
4           the commission of the offense or offenses and as a  
5           consequence thereof at the rate specified in Section 3-6-3  
6           (730 ILCS 5/3-6-3).

7           (Source: P.A. 95-379, eff. 8-23-07; 95-766, eff. 1-1-09;  
8           95-1052, eff. 7-1-09; 96-190, eff. 1-1-10; 96-1000, eff.  
9           7-2-10; 96-1200, eff. 7-22-10.)

10           (730 ILCS 5/5-9-1.3) (from Ch. 38, par. 1005-9-1.3)

11           Sec. 5-9-1.3. Fines for offenses involving theft,  
12           deceptive practices, and offenses against units of local  
13           government or school districts.

14           (a) When a person has been adjudged guilty of a felony  
15           under Section 16-1, 16D-3, 16D-4, 16D-5, 16D-5.5, or 17-1 of  
16           the Criminal Code of 1961, a fine may be levied by the court in  
17           an amount which is the greater of \$25,000 or twice the value of  
18           the property which is the subject of the offense.

19           (b) When a person has been convicted of a felony under  
20           Section 16-1 of the Criminal Code of 1961 and the theft was  
21           committed upon any unit of local government or school district,  
22           or the person has been convicted of any violation of Sections  
23           33C-1 through 33C-4 or Sections 33E-3 through 33E-18, or  
24           subsection (a), (b), (c), or (d) of Section 17-10.3, of the  
25           Criminal Code of 1961, a fine may be levied by the court in an

1 amount that is the greater of \$25,000 or treble the value of  
2 the property which is the subject of the offense or loss to the  
3 unit of local government or school district.

4 (c) All fines imposed under subsection (b) of this Section  
5 shall be distributed as follows:

6 (1) An amount equal to 30% shall be distributed to the  
7 unit of local government or school district that was the  
8 victim of the offense;

9 (2) An amount equal to 30% shall be distributed to the  
10 unit of local government whose officers or employees  
11 conducted the investigation into the crimes against the  
12 unit of local government or school district. Amounts  
13 distributed to units of local government shall be used  
14 solely for the enforcement of criminal laws protecting  
15 units of local government or school districts;

16 (3) An amount equal to 30% shall be distributed to the  
17 State's Attorney of the county in which the prosecution  
18 resulting in the conviction was instituted. The funds shall  
19 be used solely for the enforcement of criminal laws  
20 protecting units of local government or school districts;  
21 and

22 (4) An amount equal to 10% shall be distributed to the  
23 circuit court clerk of the county where the prosecution  
24 resulting in the conviction was instituted.

25 (d) A fine order under subsection (b) of this Section is a  
26 judgment lien in favor of the victim unit of local government

1 or school district, the State's Attorney of the county where  
2 the violation occurred, the law enforcement agency that  
3 investigated the violation, and the circuit court clerk.

4 (Source: P.A. 96-1200, eff. 7-22-10.)

5 Section 10-155. The Probate Act of 1975 is amended by  
6 changing Sections 2-6.2 and 2-6.6 as follows:

7 (755 ILCS 5/2-6.2)

8 Sec. 2-6.2. Financial exploitation, abuse, or neglect of an  
9 elderly person or a person with a disability.

10 (a) In this Section:

11 "Abuse" means any offense described in Section 12-21 of the  
12 Criminal Code of 1961.

13 "Financial exploitation" means any offense described in  
14 Section 16-1.3 or 17-56 of the Criminal Code of 1961.

15 "Neglect" means any offense described in Section 12-19 of  
16 the Criminal Code of 1961.

17 (b) Persons convicted of financial exploitation, abuse, or  
18 neglect of an elderly person or a person with a disability  
19 shall not receive any property, benefit, or other interest by  
20 reason of the death of that elderly person or person with a  
21 disability, whether as heir, legatee, beneficiary, survivor,  
22 appointee, claimant under Section 18-1.1, or in any other  
23 capacity and whether the property, benefit, or other interest  
24 passes pursuant to any form of title registration, testamentary

1 or nontestamentary instrument, intestacy, renunciation, or any  
2 other circumstance. The property, benefit, or other interest  
3 shall pass as if the person convicted of the financial  
4 exploitation, abuse, or neglect died before the decedent,  
5 provided that with respect to joint tenancy property the  
6 interest possessed prior to the death by the person convicted  
7 of the financial exploitation, abuse, or neglect shall not be  
8 diminished by the application of this Section. Notwithstanding  
9 the foregoing, a person convicted of financial exploitation,  
10 abuse, or neglect of an elderly person or a person with a  
11 disability shall be entitled to receive property, a benefit, or  
12 an interest in any capacity and under any circumstances  
13 described in this subsection (b) if it is demonstrated by clear  
14 and convincing evidence that the victim of that offense knew of  
15 the conviction and subsequent to the conviction expressed or  
16 ratified his or her intent to transfer the property, benefit,  
17 or interest to the person convicted of financial exploitation,  
18 abuse, or neglect of an elderly person or a person with a  
19 disability in any manner contemplated by this subsection (b).

20 (c) (1) The holder of any property subject to the  
21 provisions of this Section shall not be liable for  
22 distributing or releasing the property to the person  
23 convicted of financial exploitation, abuse, or neglect of  
24 an elderly person or a person with a disability if the  
25 distribution or release occurs prior to the conviction.

26 (2) If the holder is a financial institution, trust

1 company, trustee, or similar entity or person, the holder  
2 shall not be liable for any distribution or release of the  
3 property, benefit, or other interest to the person  
4 convicted of a violation of Section 12-19, 12-21, ~~or~~  
5 16-1.3, or 17-56 of the Criminal Code of 1961 unless the  
6 holder knowingly distributes or releases the property,  
7 benefit, or other interest to the person so convicted after  
8 first having received actual written notice of the  
9 conviction in sufficient time to act upon the notice.

10 (d) If the holder of any property subject to the provisions  
11 of this Section knows that a potential beneficiary has been  
12 convicted of financial exploitation, abuse, or neglect of an  
13 elderly person or a person with a disability within the scope  
14 of this Section, the holder shall fully cooperate with law  
15 enforcement authorities and judicial officers in connection  
16 with any investigation of the financial exploitation, abuse, or  
17 neglect. If the holder is a person or entity that is subject to  
18 regulation by a regulatory agency pursuant to the laws of this  
19 or any other state or pursuant to the laws of the United  
20 States, including but not limited to the business of a  
21 financial institution, corporate fiduciary, or insurance  
22 company, then such person or entity shall not be deemed to be  
23 in violation of this Section to the extent that privacy laws  
24 and regulations applicable to such person or entity prevent it  
25 from voluntarily providing law enforcement authorities or  
26 judicial officers with information.

1 (Source: P.A. 95-315, eff. 1-1-08.)

2 (755 ILCS 5/2-6.6)

3 Sec. 2-6.6. Person convicted of certain offenses against  
4 the elderly or disabled. A person who is convicted of a  
5 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the  
6 Criminal Code of 1961 may not receive any property, benefit, or  
7 other interest by reason of the death of the victim of that  
8 offense, whether as heir, legatee, beneficiary, joint tenant,  
9 tenant by the entirety, survivor, appointee, or in any other  
10 capacity and whether the property, benefit, or other interest  
11 passes pursuant to any form of title registration, testamentary  
12 or nontestamentary instrument, intestacy, renunciation, or any  
13 other circumstance. The property, benefit, or other interest  
14 shall pass as if the person convicted of a violation of Section  
15 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the Criminal Code of 1961  
16 died before the decedent; provided that with respect to joint  
17 tenancy property or property held in tenancy by the entirety,  
18 the interest possessed prior to the death by the person  
19 convicted may not be diminished by the application of this  
20 Section. Notwithstanding the foregoing, a person convicted of a  
21 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the  
22 Criminal Code of 1961 shall be entitled to receive property, a  
23 benefit, or an interest in any capacity and under any  
24 circumstances described in this Section if it is demonstrated  
25 by clear and convincing evidence that the victim of that



1 offense knew of the conviction and subsequent to the conviction  
2 expressed or ratified his or her intent to transfer the  
3 property, benefit, or interest to the person convicted of a  
4 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the  
5 Criminal Code of 1961 in any manner contemplated by this  
6 Section.

7 The holder of any property subject to the provisions of  
8 this Section is not liable for distributing or releasing the  
9 property to the person convicted of violating Section 12-19,  
10 12-21, ~~or~~ 16-1.3, or 17-56 of the Criminal Code of 1961.

11 If the holder is a financial institution, trust company,  
12 trustee, or similar entity or person, the holder shall not be  
13 liable for any distribution or release of the property,  
14 benefit, or other interest to the person convicted of a  
15 violation of Section 12-19, 12-21, ~~or~~ 16-1.3, or 17-56 of the  
16 Criminal Code of 1961 unless the holder knowingly distributes  
17 or releases the property, benefit, or other interest to the  
18 person so convicted after first having received actual written  
19 notice of the conviction in sufficient time to act upon the  
20 notice.

21 The Department of State Police shall have access to State  
22 of Illinois databases containing information that may help in  
23 the identification or location of persons convicted of the  
24 offenses enumerated in this Section. Interagency agreements  
25 shall be implemented, consistent with security and procedures  
26 established by the State agency and consistent with the laws

1 governing the confidentiality of the information in the  
2 databases. Information shall be used only for administration of  
3 this Section.

4 (Source: P.A. 93-301, eff. 1-1-04.)

5 Section 10-160. The Illinois Human Rights Act is amended by  
6 changing Section 4-101 as follows:

7 (775 ILCS 5/4-101) (from Ch. 68, par. 4-101)

8 Sec. 4-101. Definitions. The following definitions are  
9 applicable strictly in the context of this Article:

10 (A) Credit Card. "Credit card" has the meaning set forth in  
11 Section 17-0.5 of the Criminal Code of 1961 ~~2.03 of the~~  
12 ~~Illinois Credit Card and Debit Card Act.~~

13 (B) Financial Institution. "Financial institution" means  
14 any bank, credit union, insurance company, mortgage banking  
15 company or savings and loan association which operates or has a  
16 place of business in this State.

17 (C) Loan. "Loan" includes, but is not limited to, the  
18 providing of funds, for consideration, which are sought for:

19 (1) the purpose of purchasing, constructing, improving,  
20 repairing, or maintaining a housing accommodation as that term  
21 is defined in paragraph (C) of Section 3-101; or (2) any  
22 commercial or industrial purposes.

23 (D) Varying Terms. "Varying the terms of a loan" includes,  
24 but is not limited to, the following practices:

1           (1) Requiring a greater down payment than is usual for  
2 the particular type of a loan involved.

3           (2) Requiring a shorter period of amortization than is  
4 usual for the particular type of loan involved.

5           (3) Charging a higher interest rate than is usual for  
6 the particular type of loan involved.

7           (4) An under appraisal of real estate or other item of  
8 property offered as security.

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

10           Section 10-165. The Assumed Business Name Act is amended by  
11 changing Section 4 as follows:

12           (805 ILCS 405/4) (from Ch. 96, par. 7)

13           Sec. 4. This Act shall in no way affect or apply to any  
14 corporation, limited liability company, limited partnership,  
15 or limited liability partnership duly organized under the laws  
16 of this State, or any corporation, limited liability company,  
17 limited partnership, or limited liability partnership  
18 organized under the laws of any other State and lawfully doing  
19 business in this State, nor shall this Act be deemed or  
20 construed to prevent the lawful use of a partnership name or  
21 designation, provided that such partnership shall include the  
22 true, real name of such person or persons transacting said  
23 business or partnership nor shall it be construed as in any way  
24 affecting subdivision (a)(8) or subsection (c) of Section 17-2

1 ~~Sections 17-12 and 17-19~~ of the Criminal Code of 1961. This Act  
2 shall in no way affect or apply to testamentary or other  
3 express trusts where the business is carried on in the name of  
4 the trust and such trust is created by will or other instrument  
5 in writing under which title to the trust property is vested in  
6 a designated trustee or trustees for the use and benefit of the  
7 cestuis que trustent.

8 (Source: P.A. 96-328, eff. 8-11-09.)

9 Section 10-170. The Uniform Commercial Code is amended by  
10 changing Section 3-505A as follows:

11 (810 ILCS 5/3-505A) (from Ch. 26, par. 3-505A)

12 Sec. 3-505A. Provision of credit card number as a condition  
13 of check cashing or acceptance prohibited.

14 (1) No person may record the number of a credit card given  
15 as identification or given as proof of creditworthiness when  
16 payment for goods or services is made by check or draft other  
17 than a transaction in which the check or draft is issued in  
18 payment of the credit card designated by the credit card  
19 number.

20 (2) This Section shall not prohibit a person from  
21 requesting a purchaser to display a credit card as indication  
22 of creditworthiness and financial responsibility or as  
23 additional identification, but the only information concerning  
24 a credit card which may be recorded is the type of credit card

1 so displayed and the issuer of the credit card. This Section  
2 shall not require acceptance of a check or draft whether or not  
3 a credit card is presented.

4 (3) This Section shall not prohibit a person from  
5 requesting or receiving a credit card number or expiration date  
6 and recording the number or date, or both, in lieu of a deposit  
7 to secure payment in the event of default, loss, damage, or  
8 other occurrence.

9 (4) This Section shall not prohibit a person from recording  
10 a credit card number and expiration date as a condition for  
11 cashing or accepting a check or draft if that person, firm,  
12 partnership or association has agreed with the card issuer to  
13 cash or accept checks and share drafts from the issuer's  
14 cardholders and the issuer guarantees cardholder checks and  
15 drafts cashed or accepted by that person.

16 (5) Recording a credit card number in connection with a  
17 sale of goods or services in which the purchaser pays by check  
18 or draft, or in connection with the acceptance of a check or  
19 draft, is a business offense with a fine not to exceed \$500.

20 As used in this Section, credit card has the meaning as  
21 defined in Section 17-0.5 of the Criminal Code of 1961 ~~the~~  
22 ~~Illinois Credit Card and Debit Card Act.~~

23 (Source: P.A. 87-382.)

24 Section 10-175. The Credit Card Issuance Act is amended by  
25 changing Section 1 as follows:

1 (815 ILCS 140/1) (from Ch. 17, par. 6001)

2 Sec. 1. As used in this Act: (a) "Credit card" has the  
3 meaning set forth in Section 17-0.5 of the Criminal Code of  
4 1961 2.03 of the Illinois Credit Card and Debit Card Act, but  
5 does not include "debit card" as defined in that Section 2.15  
6 of the Illinois Credit Card and Debit Card Act, which can also  
7 be used to obtain money, goods, services and anything else of  
8 value on credit, nor shall it include any negotiable instrument  
9 as defined in the Uniform Commercial Code, as now or hereafter  
10 amended; (b) "merchant credit card agreement" means a written  
11 agreement between a seller of goods, services or both, and the  
12 issuer of a credit card to any other party, pursuant to which  
13 the seller is obligated to accept credit cards; and (c) "credit  
14 card transaction" means a purchase and sale of goods, services  
15 or both, in which a seller, pursuant to a merchant credit card  
16 agreement, is obligated to accept a credit card and does accept  
17 the credit card in connection with such purchase and sale.

18 (Source: P.A. 86-427; 86-952.)

19 Section 10-180. The Credit Card Liability Act is amended by  
20 changing Section 1 as follows:

21 (815 ILCS 145/1) (from Ch. 17, par. 6101)

22 Sec. 1. (a) No person in whose name a credit card is issued  
23 without his having requested or applied for the card or for the

1 extension of the credit or establishment of a charge account  
2 which that card evidences is liable to the issuer of the card  
3 for any purchases made or other amounts owing by a use of that  
4 card from which he or a member of his family or household  
5 derive no benefit unless he has indicated his acceptance of the  
6 card by signing or using the card or by permitting or  
7 authorizing use of the card by another. A mere failure to  
8 destroy or return an unsolicited card is not such an  
9 indication. As used in this Act, "credit card" has the meaning  
10 ascribed to it in Section 17-0.5 of the Criminal Code of 1961  
11 ~~2.03 of the Illinois Credit Card and Debit Card Act~~, except  
12 that it does not include a card issued by any telephone company  
13 that is subject to supervision or regulation by the Illinois  
14 Commerce Commission or other public authority.

15 (b) When an action is brought by an issuer against the  
16 person named on the card, the burden of proving the request,  
17 application, authorization, permission, use or benefit as set  
18 forth in Section 1 hereof shall be upon plaintiff if put in  
19 issue by defendant. In the event of judgment for defendant, the  
20 court shall allow defendant a reasonable attorney's fee, to be  
21 taxed as costs.

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

23 Section 10-185. The Interest Act is amended by changing  
24 Section 4.1 as follows:

1 (815 ILCS 205/4.1) (from Ch. 17, par. 6405)

2 Sec. 4.1. The term "revolving credit" means an arrangement,  
3 including by means of a credit card as defined in Section  
4 17-0.5 of the Criminal Code of 1961 ~~2.03 of the Illinois Credit~~  
5 ~~Card and Debit Card Act~~ between a lender and debtor pursuant to  
6 which it is contemplated or provided that the lender may from  
7 time to time make loans or advances to or for the account of  
8 the debtor through the means of drafts, items, orders for the  
9 payment of money, evidences of debt or similar written  
10 instruments, whether or not negotiable, signed by the debtor or  
11 by any person authorized or permitted so to do on behalf of the  
12 debtor, which loans or advances are charged to an account in  
13 respect of which account the lender is to render bills or  
14 statements to the debtor at regular intervals (hereinafter  
15 sometimes referred to as the "billing cycle") the amount of  
16 which bills or statements is payable by and due from the debtor  
17 on a specified date stated in such bill or statement or at the  
18 debtor's option, may be payable by the debtor in installments.  
19 A revolving credit arrangement which grants the debtor a line  
20 of credit in excess of \$5,000 may include provisions granting  
21 the lender a security interest in real property or in a  
22 beneficial interest in a land trust to secure amounts of credit  
23 extended by the lender. Credit extended or available under a  
24 revolving credit plan operated in accordance with the Illinois  
25 Financial Services Development Act shall be deemed to be  
26 "revolving credit" as defined in this Section 4.1 but shall not



1 be subject to Sections 4.1a, 4.2 or 4.3 hereof.

2 Whenever a lender is granted a security interest in real  
3 property or in a beneficial interest in a land trust, the  
4 lender shall disclose the existence of such interest to the  
5 borrower in compliance with the Federal Truth in Lending Act,  
6 amendments thereto, and any regulations issued or which may be  
7 issued thereunder, and shall agree to pay all expenses,  
8 including recording fees and otherwise, to release any such  
9 security interest of record whenever it no longer secures any  
10 credit under a revolving credit arrangement. A lender shall not  
11 be granted a security interest in any real property or in any  
12 beneficial interest in a land trust under a revolving credit  
13 arrangement, or if any such security interest exists, such  
14 interest shall be released, if a borrower renders payment of  
15 the total outstanding balance due under the revolving credit  
16 arrangement and requests in writing to reduce the line of  
17 credit below that amount for which a security interest in real  
18 property or in a beneficial interest in a land trust may be  
19 required by a lender. Any request by a borrower to release a  
20 security interest under a revolving credit arrangement shall be  
21 granted by the lender provided the borrower renders payment of  
22 the total outstanding balance as required by this Section  
23 before the security interest of record may be released.

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

25 Section 10-190. The Consumer Fraud and Deceptive Business

1 Practices Act is amended by changing Section 2NN as follows:

2 (815 ILCS 505/2NN)

3 Sec. 2NN. Receipts; credit card and debit card account  
4 numbers.

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

6 "Cardholder" has the meaning ascribed to it in Section  
7 17-0.5 of the Criminal Code of 1961 ~~2.02 of the Illinois Credit~~  
8 ~~Card and Debit Card Act.~~

9 "Credit card" has the meaning ascribed to it in Section  
10 17-0.5 of the Criminal Code of 1961 ~~2.03 of the Illinois Credit~~  
11 ~~Card and Debit Card Act.~~

12 "Debit card" has the meaning ascribed to it in Section  
13 17-0.5 of the Criminal Code of 1961 ~~2.15 of the Illinois Credit~~  
14 ~~Card and Debit Card Act.~~

15 "Issuer" has the meaning ascribed to it in Section 17-0.5  
16 of the Criminal Code of 1961 ~~2.08 of the Illinois Credit Card~~  
17 ~~and Debit Card Act.~~

18 "Person" has the meaning ascribed to it in Section 17-0.5  
19 of the Criminal Code of 1961 ~~2.09 of the Illinois Credit Card~~  
20 ~~and Debit Card Act.~~

21 "Provider" means a person who furnishes money, goods,  
22 services, or anything else of value upon presentation, whether  
23 physically, in writing, verbally, electronically, or  
24 otherwise, of a credit card or debit card by the cardholder, or  
25 any agent or employee of that person.

1           (b) Except as otherwise provided in this Section, no  
2 provider may print or otherwise produce or reproduce or permit  
3 the printing or other production or reproduction of the  
4 following: (i) any part of the credit card or debit card  
5 account number, other than the last 4 digits or other  
6 characters, (ii) the credit card or debit card expiration date  
7 on any receipt provided or made available to the cardholder.

8           (c) This Section does not apply to a credit card or debit  
9 card transaction in which the sole means available to the  
10 provider of recording the credit card or debit card account  
11 number is by handwriting or by imprint of the card.

12           (d) This Section does not apply to receipts issued for  
13 transactions on the electronic benefits transfer card system in  
14 accordance with 7 CFR 274.12(g) (3).

15           (e) A violation of this Section constitutes an unlawful  
16 practice within the meaning of this Act.

17           (f) This Section is operative on January 1, 2005.  
18 (Source: P.A. 95-331, eff. 8-21-07.)

19           Section 10-195. The Home Repair Fraud Act is amended by  
20 changing Section 5 as follows:

21           (815 ILCS 515/5) (from Ch. 121 1/2, par. 1605)

22           Sec. 5. Aggravated Home Repair Fraud. A person commits the  
23 offense of aggravated home repair fraud when he commits home  
24 repair fraud:

1 (i) against an elderly ~~a~~ person ~~60 years of age or~~  
2 ~~elder~~ or a ~~disabled~~ person with a disability as defined in  
3 Section 17-56 ~~16-1.3~~ of the Criminal Code of 1961; or

4 (ii) in connection with a home repair project intended  
5 to assist a disabled person.

6 (a) Aggravated violation of paragraphs (1) or (2) of  
7 subsection (a) of Section 3 of this Act shall be a Class 2  
8 felony when the amount of the contract or agreement is more  
9 than \$500, a Class 3 felony when the amount of the contract or  
10 agreement is \$500 or less, and a Class 2 felony for a second or  
11 subsequent offense when the amount of the contract or agreement  
12 is \$500 or less. If 2 or more contracts or agreements for home  
13 repair exceed an aggregate amount of \$500 or more and such  
14 contracts or agreements are entered into with the same victim  
15 by one or more of the defendants as part of or in furtherance  
16 of a common fraudulent scheme, design or intention, the  
17 violation shall be a Class 2 felony.

18 (b) Aggravated violation of paragraph (3) of subsection (a)  
19 of Section 3 of this Act shall be a Class 2 felony when the  
20 amount of the contract or agreement is more than \$5,000 and a  
21 Class 3 felony when the amount of the contract or agreement is  
22 \$5,000 or less.

23 (c) Aggravated violation of paragraph (4) of subsection (a)  
24 of Section 3 of this Act shall be a Class 3 felony when the  
25 amount of the contract or agreement is more than \$500, a Class  
26 4 felony when the amount of the contract or agreement is \$500

1 or less and a Class 3 felony for a second or subsequent offense  
2 when the amount of the contract or agreement is \$500 or less.

3 (d) Aggravated violation of paragraphs (1) or (2) of  
4 subsection (b) of Section 3 of this Act shall be a Class 3  
5 felony.

6 (e) If a person commits aggravated home repair fraud, then  
7 any State or local license or permit held by that person that  
8 relates to the business of home repair may be appropriately  
9 suspended or revoked by the issuing authority, commensurate  
10 with the severity of the offense.

11 (f) A defense to aggravated home repair fraud does not  
12 exist merely because the accused reasonably believed the victim  
13 to be a person less than 60 years of age.

14 (Source: P.A. 96-1026, eff. 7-12-10.)

15 Article 95.

16 Section 9995. No acceleration or delay. Where this Act  
17 makes changes in a statute that is represented in this Act by  
18 text that is not yet or no longer in effect (for example, a  
19 Section represented by multiple versions), the use of that text  
20 does not accelerate or delay the taking effect of (i) the  
21 changes made by this Act or (ii) provisions derived from any  
22 other Public Act.

23 Article 99.

1           Section 9999. Effective date. This Act takes effect July 1,  
2    2011.".