

1 AN ACT concerning criminal law.

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

4 ARTICLE 5.

5 Section 5-5. The Statute on Statutes is amended by adding
6 Section 1.39 as follows:

7 (5 ILCS 70/1.39 new)

8 Sec. 1.39. Criminal Code of 2012. Whenever there is a
9 reference in any Act to the Criminal Code or Criminal Code of
10 1961, that reference shall be interpreted to mean the Criminal
11 Code of 2012.

12 ARTICLE 10.

13 Section 10-5. The Criminal Code of 1961 is amended by
14 changing Sections 1-1, 12-7.1, 12-36, 16-18, 18-1, 18-3, 18-4,
15 19-1, 19-2, 19-3, 19-4, 20-1, 20-2, 21-1, 21-1.2, 21-1.3,
16 21-1.4, 21-2, 21-3, 21-5, 21-7, 21-8, 21-9, 21-10, 21.1-2,
17 21.2-2, 25-1, 25-4, 25-5, 26-1, 26-2, 26-3, 28-1, 28-1.1, 30-2,
18 31A-1.1, 31A-1.2, 32-1, 32-2, 32-3, 32-4b, 32-4c, 32-4d, 32-7,
19 32-8, 32-9, 32-10, 33-1, 33E-11, 33E-14, 33E-15, 33E-16, and
20 33E-18 and by changing and renumbering Sections 12-11, 12-11.1,

1 21-4, and 26-5 and by adding the headings of Subdivisions 1, 5,
2 and 10 of Article 21 and Sections 2-11.1, 21-11, 26-4.5, 26-7,
3 31A-0.1, 32-15, and 33-8 and by adding Articles 24.8, 26.5, 48
4 and 49 as follows:

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

6 Sec. 1-1. Short title.

7 This Act ~~shall be known and~~ may be cited as the Criminal
8 Code of 2012. ~~"Criminal Code of 1961".~~

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

10 (720 ILCS 5/2-11.1 new)

11 Sec. 2-11.1. "Motor vehicle". "Motor vehicle" has the
12 meaning ascribed to it in the Illinois Vehicle Code.

13 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

14 Sec. 12-7.1. Hate crime.

15 (a) A person commits hate crime when, by reason of the
16 actual or perceived race, color, creed, religion, ancestry,
17 gender, sexual orientation, physical or mental disability, or
18 national origin of another individual or group of individuals,
19 regardless of the existence of any other motivating factor or
20 factors, he commits assault, battery, aggravated assault,
21 misdemeanor theft, criminal trespass to residence, misdemeanor
22 criminal damage to property, criminal trespass to vehicle,
23 criminal trespass to real property, mob action, ~~or~~ disorderly

1 conduct, harassment by telephone, or harassment through
2 electronic communications as these crimes are defined in
3 Sections 12-1, 12-2, 12-3(a), 16-1, 19-4, 21-1, 21-2, 21-3,
4 25-1, ~~and 26-1, 26.5-2, and paragraphs (a)(2) and (a)(5) of~~
5 Section 26.5-3 of this Code, respectively, ~~or harassment by~~
6 ~~telephone as defined in Section 1-1 of the Harassing and~~
7 ~~Obscene Communications Act, or harassment through electronic~~
8 ~~communications as defined in clauses (a)(2) and (a)(4) of~~
9 ~~Section 1-2 of the Harassing and Obscene Communications Act.~~

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

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

16 (1) in a church, synagogue, mosque, or other building,
17 structure, or place used for religious worship or other
18 religious purpose;

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

21 (3) in a school or other educational facility,
22 including an administrative facility or public or private
23 dormitory facility of or associated with the school or
24 other educational facility;

25 (4) in a public park or an ethnic or religious
26 community center;

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

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

7 (b-10) Upon imposition of any sentence, the trial court
8 shall also either order restitution paid to the victim or
9 impose a fine up to \$1,000. In addition, any order of probation
10 or conditional discharge entered following a conviction or an
11 adjudication of delinquency shall include a condition that the
12 offender perform public or community service of no less than
13 200 hours if that service is established in the county where
14 the offender was convicted of hate crime. In addition, any
15 order of probation or conditional discharge entered following a
16 conviction or an adjudication of delinquency shall include a
17 condition that the offender enroll in an educational program
18 discouraging hate crimes if the offender caused criminal damage
19 to property consisting of religious fixtures, objects, or
20 decorations. The educational program may be administered, as
21 determined by the court, by a university, college, community
22 college, non-profit organization, or the Holocaust and
23 Genocide Commission. Nothing in this subsection (b-10)
24 prohibits courses discouraging hate crimes from being made
25 available online. The court may also impose any other condition
26 of probation or conditional discharge under this Section.

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

14 (d) "Sexual orientation" means heterosexuality,
15 homosexuality, or bisexuality.

16 (Source: P.A. 96-1551, eff. 7-1-11; 97-161, eff. 1-1-12;
17 revised 9-19-11.)

18 (720 ILCS 5/12-36)

19 Sec. 12-36. Possession of unsterilized or vicious dogs by
20 felons prohibited.

21 (a) For a period of 10 years commencing upon the release of
22 a person from incarceration, it is unlawful for a person
23 convicted of a forcible felony, a felony violation of the
24 Humane Care for Animals Act, a felony violation of Section 26-5
25 or 48-1 of this Code, a felony violation of Article 24 of this

1 Code, a felony violation of Class 3 or higher of the Illinois
2 Controlled Substances Act, a felony violation of Class 3 or
3 higher of the Cannabis Control Act, or a felony violation of
4 Class 2 or higher of the Methamphetamine Control and Community
5 Protection Act, to knowingly own, possess, have custody of, or
6 reside in a residence with, either:

7 (1) an unspayed or unneutered dog or puppy older than
8 12 weeks of age; or

9 (2) irrespective of whether the dog has been spayed or
10 neutered, any dog that has been determined to be a vicious
11 dog under Section 15 of the Animal Control Act.

12 (b) Any dog owned, possessed by, or in the custody of a
13 person convicted of a felony, as described in subsection (a),
14 must be microchipped for permanent identification.

15 (c) Sentence. A person who violates this Section is guilty
16 of a Class A misdemeanor.

17 (d) It is an affirmative defense to prosecution under this
18 Section that the dog in question is neutered or spayed, or that
19 the dog in question was neutered or spayed within 7 days of the
20 defendant being charged with a violation of this Section.
21 Medical records from, or the certificate of, a doctor of
22 veterinary medicine licensed to practice in the State of
23 Illinois who has personally examined or operated upon the dog,
24 unambiguously indicating whether the dog in question has been
25 spayed or neutered, shall be prima facie true and correct, and
26 shall be sufficient evidence of whether the dog in question has

1 been spayed or neutered. This subsection (d) is not applicable
2 to any dog that has been determined to be a vicious dog under
3 Section 15 of the Animal Control Act.

4 (Source: P.A. 96-185, eff. 1-1-10.)

5 (720 ILCS 5/16-18)

6 Sec. 16-18. Tampering with communication services; theft
7 of communication services.

8 (a) Injury to wires or obtaining service with intent to
9 defraud. A person commits injury to wires or obtaining service
10 with intent to defraud when he or she knowingly:

11 (1) displaces, removes, injures or destroys any
12 telegraph or telephone line, wire, cable, pole or conduit,
13 belonging to another, or the material or property
14 appurtenant thereto; or

15 (2) cuts, breaks, taps, or makes any connection with
16 any telegraph or telephone line, wire, cable or instrument
17 belonging to another; or

18 (3) reads, takes or copies any message, communication
19 or report intended for another passing over any such
20 telegraph line, wire or cable in this State; or

21 (4) prevents, obstructs or delays by any means or
22 contrivance whatsoever, the sending, transmission,
23 conveyance or delivery in this State of any message,
24 communication or report by or through any telegraph or
25 telephone line, wire or cable; or

1 (5) uses any apparatus to unlawfully do or cause to be
2 done any of the acts described in subdivisions (a)(1)
3 through (a)(4) of this Section; or

4 (6) obtains, or attempts to obtain, any
5 telecommunications service with the intent to deprive any
6 person of the lawful charge, in whole or in part, for any
7 telecommunications service:

8 (A) by charging such service to an existing
9 telephone number without the authority of the
10 subscriber thereto; or

11 (B) by charging such service to a nonexistent,
12 false, fictitious, or counterfeit telephone number or
13 to a suspended, terminated, expired, canceled, or
14 revoked telephone number; or

15 (C) by use of a code, prearranged scheme, or other
16 similar stratagem or device whereby said person, in
17 effect, sends or receives information; or

18 (D) by publishing the number or code of an
19 existing, canceled, revoked or nonexistent telephone
20 number, credit number or other credit device or method
21 of numbering or coding which is employed in the
22 issuance of telephone numbers, credit numbers or other
23 credit devices which may be used to avoid the payment
24 of any lawful telephone toll charge; or

25 (E) by any other trick, stratagem, impersonation,
26 false pretense, false representation, false statement,

1 contrivance, device, or means.

2 (b) Theft of communication services. A person commits theft
3 of communication services when he or she knowingly:

4 (1) obtains or uses a communication service without the
5 authorization of, or compensation paid to, the
6 communication service provider;

7 (2) possesses, uses, manufactures, assembles,
8 distributes, leases, transfers, or sells, or offers,
9 promotes or advertises for sale, lease, use, or
10 distribution, an unlawful communication device:

11 (A) for the commission of a theft of a
12 communication service or to receive, disrupt,
13 transmit, decrypt, or acquire, or facilitate the
14 receipt, disruption, transmission, decryption or
15 acquisition, of any communication service without the
16 express consent or express authorization of the
17 communication service provider; or

18 (B) to conceal or to assist another to conceal from
19 any communication service provider or from any lawful
20 authority the existence or place of origin or
21 destination of any communication;

22 (3) modifies, alters, programs or reprograms a
23 communication device for the purposes described in
24 subdivision (2) (A) or (2) (B);

25 (4) possesses, uses, manufactures, assembles, leases,
26 distributes, sells, or transfers, or offers, promotes or

1 advertises for sale, use or distribution, any unlawful
2 access device; or

3 (5) possesses, uses, prepares, distributes, gives or
4 otherwise transfers to another or offers, promotes, or
5 advertises for sale, use or distribution, any:

6 (A) plans or instructions for making or assembling
7 an unlawful communication or access device, with the
8 intent to use or employ the unlawful communication or
9 access device, or to allow the same to be used or
10 employed, for a purpose prohibited by this subsection
11 (b), or knowing or having reason to know that the plans
12 or instructions are intended to be used for
13 manufacturing or assembling the unlawful communication
14 or access device for a purpose prohibited by this
15 subsection (b); or

16 (B) material, including hardware, cables, tools,
17 data, computer software or other information or
18 equipment, knowing that the purchaser or a third person
19 intends to use the material in the manufacture or
20 assembly of an unlawful communication or access device
21 for a purpose prohibited by this subsection (b).

22 (c) Sentence.

23 (1) A violation of subsection (a) is a Class A
24 misdemeanor; provided, however, that any of the following
25 is a Class 4 felony:

26 (A) a second or subsequent conviction for a

1 violation of subsection (a); or

2 (B) an offense committed for remuneration; or

3 (C) an offense involving damage or destruction of
4 property in an amount in excess of \$300 or defrauding
5 of services in excess of \$500.

6 (2) A violation of subsection (b) is a Class A
7 misdemeanor, except that:

8 (A) A violation of subsection (b) is a Class 4
9 felony if:

10 (i) the violation of subsection (b) involves
11 at least 10, but not more than 50, unlawful
12 communication or access devices; or

13 (ii) the defendant engages in conduct
14 identified in subdivision (b)(3) of this Section
15 with the intention of substantially disrupting and
16 impairing the ability of a communication service
17 provider to deliver communication services to its
18 lawful customers or subscribers; or

19 (iii) the defendant at the time of the
20 commission of the offense is a pre-trial detainee
21 at a penal institution or is serving a sentence at
22 a penal institution; or

23 (iv) the defendant at the time of the
24 commission of the offense is a pre-trial detainee
25 at a penal institution or is serving a sentence at
26 a penal institution and uses any means of

1 electronic communication as defined in Section
2 26.5-0.1 of this Code ~~the Harassing and Obscene~~
3 ~~Communications Act~~ for fraud, theft, theft by
4 deception, identity theft, or any other unlawful
5 purpose; or

6 (v) the aggregate value of the service
7 obtained is \$300 or more; or

8 (vi) the violation is for a wired
9 communication service or device and the defendant
10 has been convicted previously for an offense under
11 subsection (b) or for any other type of theft,
12 robbery, armed robbery, burglary, residential
13 burglary, possession of burglary tools, home
14 invasion, or fraud, including violations of the
15 Cable Communications Policy Act of 1984 in this or
16 any federal or other state jurisdiction.

17 (B) A violation of subsection (b) is a Class 3
18 felony if:

19 (i) the violation of subsection (b) involves
20 more than 50 unlawful communication or access
21 devices; or

22 (ii) the defendant at the time of the
23 commission of the offense is a pre-trial detainee
24 at a penal institution or is serving a sentence at
25 a penal institution and has been convicted
26 previously of an offense under subsection (b)

1 committed by the defendant while serving as a
2 pre-trial detainee in a penal institution or while
3 serving a sentence at a penal institution; or

4 (iii) the defendant at the time of the
5 commission of the offense is a pre-trial detainee
6 at a penal institution or is serving a sentence at
7 a penal institution and has been convicted
8 previously of an offense under subsection (b)
9 committed by the defendant while serving as a
10 pre-trial detainee in a penal institution or while
11 serving a sentence at a penal institution and uses
12 any means of electronic communication as defined
13 in Section 26.5-0.1 of this Code ~~the Harassing and~~
14 ~~Obscene Communications Act~~ for fraud, theft, theft
15 by deception, identity theft, or any other
16 unlawful purpose; or

17 (iv) the violation is for a wired
18 communication service or device and the defendant
19 has been convicted previously on 2 or more
20 occasions for offenses under subsection (b) or for
21 any other type of theft, robbery, armed robbery,
22 burglary, residential burglary, possession of
23 burglary tools, home invasion, or fraud, including
24 violations of the Cable Communications Policy Act
25 of 1984 in this or any federal or other state
26 jurisdiction.

1 (C) A violation of subsection (b) is a Class 2
2 felony if the violation is for a wireless communication
3 service or device and the defendant has been convicted
4 previously for an offense under subsection (b) or for
5 any other type of theft, robbery, armed robbery,
6 burglary, residential burglary, possession of burglary
7 tools, home invasion, or fraud, including violations
8 of the Cable Communications Policy Act of 1984 in this
9 or any federal or other state jurisdiction.

10 (3) Restitution. The court shall, in addition to any
11 other sentence authorized by law, sentence a person
12 convicted of violating subsection (b) to make restitution
13 in the manner provided in Article 5 of Chapter V of the
14 Unified Code of Corrections.

15 (d) Grading of offense based on prior convictions. For
16 purposes of grading an offense based upon a prior conviction
17 for an offense under subsection (b) or for any other type of
18 theft, robbery, armed robbery, burglary, residential burglary,
19 possession of burglary tools, home invasion, or fraud,
20 including violations of the Cable Communications Policy Act of
21 1984 in this or any federal or other state jurisdiction under
22 subdivisions (c) (2) (A) (i) and (c) (2) (B) (i) of this Section, a
23 prior conviction shall consist of convictions upon separate
24 indictments or criminal complaints for offenses under
25 subsection (b) or for any other type of theft, robbery, armed
26 robbery, burglary, residential burglary, possession of

1 burglary tools, home invasion, or fraud, including violations
2 of the Cable Communications Policy Act of 1984 in this or any
3 federal or other state jurisdiction.

4 (e) Separate offenses. For purposes of all criminal
5 penalties or fines established for violations of subsection
6 (b), the prohibited activity established in subsection (b) as
7 it applies to each unlawful communication or access device
8 shall be deemed a separate offense.

9 (f) Forfeiture of unlawful communication or access
10 devices. Upon conviction of a defendant under subsection (b),
11 the court may, in addition to any other sentence authorized by
12 law, direct that the defendant forfeit any unlawful
13 communication or access devices in the defendant's possession
14 or control which were involved in the violation for which the
15 defendant was convicted.

16 (g) Venue. An offense under subsection (b) may be deemed to
17 have been committed at either the place where the defendant
18 manufactured or assembled an unlawful communication or access
19 device, or assisted others in doing so, or the place where the
20 unlawful communication or access device was sold or delivered
21 to a purchaser or recipient. It is not a defense to a violation
22 of subsection (b) that some of the acts constituting the
23 offense occurred outside of the State of Illinois.

24 (h) Civil action. For purposes of subsection (b):

25 (1) Bringing a civil action. Any person aggrieved by a
26 violation may bring a civil action in any court of

1 competent jurisdiction.

2 (2) Powers of the court. The court may:

3 (A) grant preliminary and final injunctions to
4 prevent or restrain violations without a showing by the
5 plaintiff of special damages, irreparable harm or
6 inadequacy of other legal remedies;

7 (B) at any time while an action is pending, order
8 the impounding, on such terms as it deems reasonable,
9 of any unlawful communication or access device that is
10 in the custody or control of the violator and that the
11 court has reasonable cause to believe was involved in
12 the alleged violation;

13 (C) award damages as described in subdivision
14 (h) (3);

15 (D) award punitive damages;

16 (E) in its discretion, award reasonable attorney's
17 fees and costs, including, but not limited to, costs
18 for investigation, testing and expert witness fees, to
19 an aggrieved party who prevails; and

20 (F) as part of a final judgment or decree finding a
21 violation, order the remedial modification or
22 destruction of any unlawful communication or access
23 device involved in the violation that is in the custody
24 or control of the violator or has been impounded under
25 subdivision (h) (2) (B).

26 (3) Types of damages recoverable. Damages awarded by a

1 court under this Section shall be computed as either of the
2 following:

3 (A) Upon his or her election of such damages at any
4 time before final judgment is entered, the complaining
5 party may recover the actual damages suffered by him or
6 her as a result of the violation and any profits of the
7 violator that are attributable to the violation and are
8 not taken into account in computing the actual damages;
9 in determining the violator's profits, the complaining
10 party shall be required to prove only the violator's
11 gross revenue, and the violator shall be required to
12 prove his or her deductible expenses and the elements
13 of profit attributable to factors other than the
14 violation; or

15 (B) Upon election by the complaining party at any
16 time before final judgment is entered, that party may
17 recover in lieu of actual damages an award of statutory
18 damages of not less than \$250 and not more than \$10,000
19 for each unlawful communication or access device
20 involved in the action, with the amount of statutory
21 damages to be determined by the court, as the court
22 considers just. In any case, if the court finds that
23 any of the violations were committed with the intent to
24 obtain commercial advantage or private financial gain,
25 the court in its discretion may increase the award of
26 statutory damages by an amount of not more than \$50,000

1 for each unlawful communication or access device
2 involved in the action.

3 (4) Separate violations. For purposes of all civil
4 remedies established for violations, the prohibited
5 activity established in this Section applies to each
6 unlawful communication or access device and shall be deemed
7 a separate violation.

8 (Source: P.A. 97-597, eff. 1-1-12.)

9 (720 ILCS 5/18-1) (from Ch. 38, par. 18-1)

10 Sec. 18-1. Robbery; aggravated robbery.

11 (a) Robbery. A person commits robbery when he or she
12 knowingly takes property, except a motor vehicle covered by
13 Section 18-3 or 18-4, from the person or presence of another by
14 the use of force or by threatening the imminent use of force.

15 (b) Aggravated robbery.

16 (1) A person commits aggravated robbery when he or she
17 violates subsection (a) while indicating verbally or by his
18 or her actions to the victim that he or she is presently
19 armed with a firearm or other dangerous weapon, including a
20 knife, club, ax, or bludgeon. This offense shall be
21 applicable even though it is later determined that he or
22 she had no firearm or other dangerous weapon, including a
23 knife, club, ax, or bludgeon, in his or her possession when
24 he or she committed the robbery.

25 (2) A person commits aggravated robbery when he or she

1 knowingly takes property from the person or presence of
2 another by delivering (by injection, inhalation,
3 ingestion, transfer of possession, or any other means) to
4 the victim without his or her consent, or by threat or
5 deception, and for other than medical purposes, any
6 controlled substance.

7 (c) Sentence.

8 Robbery is a Class 2 felony. ~~However,~~ unless ~~if~~ the victim
9 is 60 years of age or over or is a physically handicapped
10 person, or ~~if~~ the robbery is committed in a school, day care
11 center, day care home, group day care home, or part day child
12 care facility, or place of worship, in which case robbery is a
13 Class 1 felony. Aggravated robbery is a Class 1 felony.

14 (d) ~~(e)~~ Regarding penalties prescribed in subsection (c)
15 ~~(b)~~ for violations committed in a day care center, day care
16 home, group day care home, or part day child care facility, the
17 time of day, time of year, and whether children under 18 years
18 of age were present in the day care center, day care home,
19 group day care home, or part day child care facility are
20 irrelevant.

21 (Source: P.A. 96-556, eff. 1-1-10.)

22 (720 ILCS 5/18-3)

23 Sec. 18-3. Vehicular hijacking.

24 (a) A person commits vehicular hijacking when he or she
25 knowingly takes a motor vehicle from the person or the

1 immediate presence of another by the use of force or by
2 threatening the imminent use of force.

3 ~~(b) For the purposes of this Article, the term "motor~~
4 ~~vehicle" shall have the meaning ascribed to it in the Illinois~~
5 ~~Vehicle Code.~~

6 ~~(c)~~ Sentence. Vehicular hijacking is a Class 1 felony.

7 (Source: P.A. 88-351; 88-670, eff. 12-2-94.)

8 (720 ILCS 5/18-4)

9 Sec. 18-4. Aggravated vehicular hijacking.

10 (a) A person commits aggravated vehicular hijacking when he
11 or she violates Section 18-3; and

12 (1) the person from whose immediate presence the motor
13 vehicle is taken is a physically handicapped person or a
14 person 60 years of age or over; or

15 (2) a person under 16 years of age is a passenger in
16 the motor vehicle at the time of the offense; or

17 (3) he or she carries on or about his or her person, or
18 is otherwise armed with a dangerous weapon, other than a
19 firearm; or

20 (4) he or she carries on or about his or her person or
21 is otherwise armed with a firearm; or

22 (5) he or she, during the commission of the offense,
23 personally discharges a firearm; or

24 (6) he or she, during the commission of the offense,
25 personally discharges a firearm that proximately causes

1 great bodily harm, permanent disability, permanent
2 disfigurement, or death to another person.

3 (b) Sentence. Aggravated vehicular hijacking in violation
4 of subsections (a)(1) or (a)(2) is a Class X felony. A
5 ~~Aggravated vehicular hijacking in~~ violation of subsection
6 (a)(3) is a Class X felony for which a term of imprisonment of
7 not less than 7 years shall be imposed. A ~~Aggravated vehicular~~
8 ~~hijacking in~~ violation of subsection (a)(4) is a Class X felony
9 for which 15 years shall be added to the term of imprisonment
10 imposed by the court. A ~~Aggravated vehicular hijacking in~~
11 violation of subsection (a)(5) is a Class X felony for which 20
12 years shall be added to the term of imprisonment imposed by the
13 court. A ~~Aggravated vehicular hijacking in~~ violation of
14 subsection (a)(6) is a Class X felony for which 25 years or up
15 to a term of natural life shall be added to the term of
16 imprisonment imposed by the court.

17 (Source: P.A. 91-404, eff. 1-1-00.)

18 (720 ILCS 5/18-6 new)

19 Sec. 18-6 ~~12-11.1~~. Vehicular invasion.

20 (a) A person commits vehicular invasion when he or she ~~who~~
21 knowingly, by force and without lawful justification, enters or
22 reaches into the interior of a motor vehicle ~~as defined in The~~
23 ~~Illinois Vehicle Code~~ while the ~~such~~ motor vehicle is occupied
24 by another person or persons, with the intent to commit therein
25 a theft or felony.

1 (b) Sentence. Vehicular invasion is a Class 1 felony.

2 (Source: P.A. 86-1392.)

3 (720 ILCS 5/19-1) (from Ch. 38, par. 19-1)

4 Sec. 19-1. Burglary.

5 (a) A person commits burglary when without authority he or
6 she knowingly enters or without authority remains within a
7 building, housetrailer, watercraft, aircraft, motor vehicle ~~as~~
8 ~~defined in the Illinois Vehicle Code~~, railroad car, or any part
9 thereof, with intent to commit therein a felony or theft. This
10 offense shall not include the offenses set out in Section 4-102
11 of the Illinois Vehicle Code.

12 (b) Sentence.

13 Burglary is a Class 2 felony. A burglary committed in a
14 school, day care center, day care home, group day care home, or
15 part day child care facility, or place of worship is a Class 1
16 felony, except that this provision does not apply to a day care
17 center, day care home, group day care home, or part day child
18 care facility operated in a private residence used as a
19 dwelling.

20 (c) Regarding penalties prescribed in subsection (b) for
21 violations committed in a day care center, day care home, group
22 day care home, or part day child care facility, the time of
23 day, time of year, and whether children under 18 years of age
24 were present in the day care center, day care home, group day
25 care home, or part day child care facility are irrelevant.

1 (Source: P.A. 96-556, eff. 1-1-10.)

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

3 Sec. 19-2. Possession of burglary tools.

4 (a) A person commits ~~the offense of~~ possession of burglary
5 tools when he or she possesses any key, tool, instrument,
6 device, or any explosive, suitable for use in breaking into a
7 building, housetrailer, watercraft, aircraft, motor vehicle ~~as~~
8 ~~defined in The Illinois Vehicle Code~~, railroad car, or any
9 depository designed for the safekeeping of property, or any
10 part thereof, with intent to enter that ~~any such~~ place and with
11 intent to commit therein a felony or theft. The trier of fact
12 may infer from the possession of a key designed for lock
13 bumping an intent to commit a felony or theft; however, this
14 inference does not apply to any peace officer or other employee
15 of a law enforcement agency, or to any person or agency
16 licensed under the Private Detective, Private Alarm, Private
17 Security, Fingerprint Vendor, and Locksmith Act of 2004. For
18 the purposes of this Section, "lock bumping" means a lock
19 picking technique for opening a pin tumbler lock using a
20 specially-crafted bumpkey.

21 (b) Sentence.

22 Possession of burglary tools ~~in violation of this Section~~
23 is a Class 4 felony.

24 (Source: P.A. 95-883, eff. 1-1-09.)

1 (720 ILCS 5/19-3) (from Ch. 38, par. 19-3)

2 Sec. 19-3. Residential burglary.

3 (a) A person commits residential burglary when he or she
4 ~~who~~ knowingly and without authority enters or knowingly and
5 without authority remains within the dwelling place of another,
6 or any part thereof, with the intent to commit therein a felony
7 or theft. This offense includes the offense of burglary as
8 defined in Section 19-1.

9 (a-5) A person commits residential burglary when he or she
10 ~~who~~ falsely represents himself or herself, including but not
11 limited to falsely representing himself or herself to be a
12 representative of any unit of government or a construction,
13 telecommunications, or utility company, for the purpose of
14 gaining entry to the dwelling place of another, with the intent
15 to commit therein a felony or theft or to facilitate the
16 commission therein of a felony or theft by another.

17 (b) Sentence. Residential burglary is a Class 1 felony.

18 (Source: P.A. 96-1113, eff. 1-1-11.)

19 (720 ILCS 5/19-4) (from Ch. 38, par. 19-4)

20 Sec. 19-4. Criminal trespass to a residence.

21 (a) (1) A person commits ~~the offense of~~ criminal trespass
22 to a residence when, without authority, he or she knowingly
23 enters or remains within any residence, including a house
24 trailer that is the dwelling place of another.

25 (2) A person commits ~~the offense of~~ criminal trespass to a

1 residence when, without authority, he or she knowingly enters
2 the residence of another and knows or has reason to know that
3 one or more persons is present or he or she knowingly enters
4 the residence of another and remains in the residence after he
5 or she knows or has reason to know that one or more persons is
6 present.

7 (3) For purposes of this Section, in the case of a
8 multi-unit residential building or complex, "residence" shall
9 only include the portion of the building or complex which is
10 the actual dwelling place of any person and shall not include
11 such places as common recreational areas or lobbies.

12 (b) Sentence.

13 (1) Criminal trespass to a residence under paragraph
14 (1) of subsection (a) is a Class A misdemeanor.

15 (2) Criminal trespass to a residence under paragraph
16 (2) of subsection (a) is a Class 4 felony.

17 (Source: P.A. 91-895, eff. 7-6-00.)

18 (720 ILCS 5/19-6 new)

19 Sec. 19-6 ~~12-11~~. Home Invasion.

20 (a) A person who is not a peace officer acting in the line
21 of duty commits home invasion when without authority he or she
22 knowingly enters the dwelling place of another when he or she
23 knows or has reason to know that one or more persons is present
24 or he or she knowingly enters the dwelling place of another and
25 remains in the ~~such~~ dwelling place until he or she knows or has

1 reason to know that one or more persons is present or who
2 falsely represents himself or herself, including but not
3 limited to, falsely representing himself or herself to be a
4 representative of any unit of government or a construction,
5 telecommunications, or utility company, for the purpose of
6 gaining entry to the dwelling place of another when he or she
7 knows or has reason to know that one or more persons are
8 present and

9 (1) While armed with a dangerous weapon, other than a
10 firearm, uses force or threatens the imminent use of force
11 upon any person or persons within the ~~such~~ dwelling place
12 whether or not injury occurs, or

13 (2) Intentionally causes any injury, except as
14 provided in subsection (a)(5), to any person or persons
15 within the ~~such~~ dwelling place, or

16 (3) While armed with a firearm uses force or threatens
17 the imminent use of force upon any person or persons within
18 the ~~such~~ dwelling place whether or not injury occurs, or

19 (4) Uses force or threatens the imminent use of force
20 upon any person or persons within the ~~such~~ dwelling place
21 whether or not injury occurs and during the commission of
22 the offense personally discharges a firearm, or

23 (5) Personally discharges a firearm that proximately
24 causes great bodily harm, permanent disability, permanent
25 disfigurement, or death to another person within the ~~such~~
26 dwelling place, or

1 (6) Commits, against any person or persons within that
2 dwelling place, a violation of Section 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,
4 or 12-16 of the Criminal Code of 1961.

5 (b) It is an affirmative defense to a charge of home
6 invasion that the accused who knowingly enters the dwelling
7 place of another and remains in the ~~such~~ dwelling place until
8 he or she knows or has reason to know that one or more persons
9 is present either immediately leaves the ~~such~~ premises or
10 surrenders to the person or persons lawfully present therein
11 without either attempting to cause or causing serious bodily
12 injury to any person present therein.

13 (c) Sentence. Home invasion in violation of subsection
14 (a) (1), (a) (2) or (a) (6) is a Class X felony. A violation of
15 subsection (a) (3) is a Class X felony for which 15 years shall
16 be added to the term of imprisonment imposed by the court. A
17 violation of subsection (a) (4) is a Class X felony for which 20
18 years shall be added to the term of imprisonment imposed by the
19 court. A violation of subsection (a) (5) is a Class X felony for
20 which 25 years or up to a term of natural life shall be added to
21 the term of imprisonment imposed by the court.

22 (d) For purposes of this Section, "dwelling place of
23 another" includes a dwelling place where the defendant
24 maintains a tenancy interest but from which the defendant has
25 been barred by a divorce decree, judgment of dissolution of
26 marriage, order of protection, or other court order.

1 (Source: P.A. 96-1113, eff. 1-1-11; 96-1551, eff. 7-1-11.)

2 (720 ILCS 5/20-1) (from Ch. 38, par. 20-1)

3 Sec. 20-1. Arson; residential arson; place of worship
4 arson.

5 (a) A person commits arson when, by means of fire or
6 explosive, he or she knowingly:

7 (1) ~~(a)~~ Damages any real property, or any personal property
8 having a value of \$150 or more, of another without his or her
9 consent; or

10 (2) ~~(b)~~ With intent to defraud an insurer, damages any
11 property or any personal property having a value of \$150 or
12 more.

13 Property "of another" means a building or other property,
14 whether real or personal, in which a person other than the
15 offender has an interest which the offender has no authority to
16 defeat or impair, even though the offender may also have an
17 interest in the building or property.

18 (b) A person commits residential arson when he or she, in
19 the course of committing arson, knowingly damages, partially or
20 totally, any building or structure that is the dwelling place
21 of another.

22 (b-5) A person commits place of worship arson when he or
23 she, in the course of committing arson, knowingly damages,
24 partially or totally, any place of worship.

25 (c) Sentence.

1 Arson is a Class 2 felony. Residential arson or place of
2 worship arson is a Class 1 felony.

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

4 (720 ILCS 5/20-2) (from Ch. 38, par. 20-2)

5 Sec. 20-2. Possession of explosives or explosive or
6 incendiary devices.

7 (a) A person commits ~~the offense of~~ possession of
8 explosives or explosive or incendiary devices in violation of
9 this Section when he or she possesses, manufactures or
10 transports any explosive compound, timing or detonating device
11 for use with any explosive compound or incendiary device and
12 either intends to use the ~~such~~ explosive or device to commit
13 any offense or knows that another intends to use the ~~such~~
14 explosive or device to commit a felony.

15 (b) Sentence.

16 Possession of explosives or explosive or incendiary
17 devices ~~in violation of this Section~~ is a Class 1 felony for
18 which a person, if sentenced to a term of imprisonment, shall
19 be sentenced to not less than 4 years and not more than 30
20 years.

21 (c) (Blank).

22 (Source: P.A. 93-594, eff. 1-1-04; 94-556, eff. 9-11-05.)

23 (720 ILCS 5/Art. 21, Subdiv. 1 heading new)

24 SUBDIVISION 1. DAMAGE TO PROPERTY

1 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

2 Sec. 21-1. Criminal damage to property.

3 (a) ~~(1)~~ A person commits criminal damage to property ~~an~~
4 ~~illegal act~~ when he or she:

5 (1) ~~(a)~~ knowingly damages any property of another; ~~or~~

6 (2) ~~(b)~~ recklessly by means of fire or explosive
7 damages property of another; ~~or~~

8 (3) ~~(c)~~ knowingly starts a fire on the land of another;
9 ~~or~~

10 (4) ~~(d)~~ knowingly injures a domestic animal of another
11 without his or her consent; ~~or~~

12 (5) ~~(e)~~ knowingly deposits on the land or in the
13 building of another any stink bomb or any offensive
14 smelling compound and thereby intends to interfere with the
15 use by another of the land or building; ~~or~~

16 (6) ~~(f)~~ knowingly damages any property, other than as
17 described in paragraph (2) of subsection (a) ~~(b)~~ of Section
18 20-1, with intent to defraud an insurer; ~~or~~

19 (7) ~~(g)~~ knowingly shoots a firearm at any portion of a
20 railroad train;

21 (8) knowingly, without proper authorization, cuts,
22 injures, damages, defaces, destroys, or tampers with any
23 fire hydrant or any public or private fire fighting
24 equipment, or any apparatus appertaining to fire fighting
25 equipment; or

1 (9) intentionally, without proper authorization, opens
2 any fire hydrant.

3 (b) When the charge of criminal damage to property
4 exceeding a specified value is brought, the extent of the
5 damage is an element of the offense to be resolved by the trier
6 of fact as either exceeding or not exceeding the specified
7 value.

8 (c) It is an affirmative defense to a violation of
9 paragraph (1), (3), or (5) of subsection (a) ~~item (a), (c), or~~
10 ~~(e)~~ of this Section that the owner of the property or land
11 damaged consented to the ~~such~~ damage.

12 (d) Sentence. ~~(2)~~

13 (1) A violation of subsection (a) shall have the
14 following penalties:

15 (A) A violation of paragraph (8) or (9) is a Class
16 B misdemeanor.

17 (B) A violation of paragraph (1), (2), (3), (5), or
18 (6) is a ~~The acts described in items (a), (b), (c),~~
19 ~~(e), and (f) are Class A~~ misdemeanor ~~misdemeanors~~ when
20 ~~if~~ the damage to property does not exceed \$300.

21 (C) A violation of paragraph (1), (2), (3), (5),
22 or (6) is a ~~The acts described in items (a), (b), (c),~~
23 ~~(e), and (f) are Class 4~~ felony when ~~felonies~~ if the
24 damage to property does not exceed \$300 and ~~if~~ the
25 damage occurs to property of a school or place of
26 worship or to farm equipment or immovable items of

1 agricultural production, including but not limited to
2 grain elevators, grain bins, and barns.

3 (D) A violation of paragraph (4) ~~The act described~~
4 ~~in item (d)~~ is a Class 4 felony when ~~if~~ the damage to
5 property does not exceed \$10,000.

6 (E) A violation of paragraph (7) ~~The act described~~
7 ~~in item (g)~~ is a Class 4 felony.

8 (F) A violation of paragraph (1), (2), (3), (5) or
9 (6) is a ~~The acts described in items (a), (b), (c),~~
10 ~~(e), and (f) are Class 4 felony when felonies if~~ the
11 damage to property exceeds \$300 but does not exceed
12 \$10,000.

13 (G) A violation of paragraphs (1) through (6) is a
14 ~~The acts described in items (a) through (f) are Class 3~~
15 felony when felonies if the damage to property exceeds
16 \$300 but does not exceed \$10,000 and ~~if~~ the damage
17 occurs to property of a school or place of worship or
18 to farm equipment or immovable items of agricultural
19 production, including but not limited to grain
20 elevators, grain bins, and barns.

21 (H) A violation of paragraphs (1) through (6) is a
22 ~~The acts described in items (a) through (f) are Class 3~~
23 felony when felonies if the damage to property exceeds
24 \$10,000 but does not exceed \$100,000.

25 (I) A violation of paragraphs (1) through (6) is a
26 ~~The acts described in items (a) through (f) are Class 2~~

1 felony when felonies ~~if~~ the damage to property exceeds
2 \$10,000 but does not exceed \$100,000 and ~~if~~ the damage
3 occurs to property of a school or place of worship or
4 to farm equipment or immovable items of agricultural
5 production, including but not limited to grain
6 elevators, grain bins, and barns.

7 (J) A violation of paragraphs (1) through (6) is a
8 ~~The acts described in items (a) through (f) are~~ Class 2
9 felony when felonies ~~if~~ the damage to property exceeds
10 \$100,000. A violation of paragraphs (1) through (6) ~~The~~
11 ~~acts described in items (a) through (f)~~ is a ~~are~~ Class
12 1 felony when felonies ~~if~~ the damage to property
13 exceeds \$100,000 and the damage occurs to property of a
14 school or place of worship or to farm equipment or
15 immovable items of agricultural production, including
16 but not limited to grain elevators, grain bins, and
17 barns.

18 (2) When ~~if~~ the damage to property exceeds \$10,000, the
19 court shall impose upon the offender a fine equal to the
20 value of the damages to the property.

21 ~~For the purposes of this subsection (2), "farm equipment"~~
22 ~~means machinery or other equipment used in farming.~~

23 (3) In addition to any other sentence that may be
24 imposed, a court shall order any person convicted of
25 criminal damage to property to perform community service
26 for not less than 30 and not more than 120 hours, if

1 community service is available in the jurisdiction and is
2 funded and approved by the county board of the county where
3 the offense was committed. In addition, whenever any person
4 is placed on supervision for an alleged offense under this
5 Section, the supervision shall be conditioned upon the
6 performance of the community service.

7 The community service requirement ~~This subsection~~ does
8 not apply when the court imposes a sentence of
9 incarceration.

10 (4) In addition to any criminal penalties imposed for a
11 violation of this Section, if a person is convicted of or
12 placed on supervision for knowingly damaging or destroying
13 crops of another, including crops intended for personal,
14 commercial, research, or developmental purposes, the
15 person is liable in a civil action to the owner of any
16 crops damaged or destroyed for money damages up to twice
17 the market value of the crops damaged or destroyed.

18 (5) For the purposes of this subsection (d), "farm
19 equipment" means machinery or other equipment used in
20 farming.

21 (Source: P.A. 95-553, eff. 6-1-08; 96-529, eff. 8-14-09.)

22 (720 ILCS 5/21-1.01 new)

23 Sec. 21-1.01 ~~21-4~~. Criminal Damage to Government Supported
24 Property.

25 (a) ~~(1)~~ A person commits criminal damage to government

1 supported property when he or she knowingly ~~Any of the~~
2 ~~following acts is a Class 4 felony when the damage to property~~
3 ~~is \$500 or less, and any such act is a Class 3 felony when the~~
4 ~~damage to property exceeds \$500 but does not exceed \$10,000; a~~
5 ~~Class 2 felony when the damage to property exceeds \$10,000 but~~
6 ~~does not exceed \$100,000 and a Class 1 felony when the damage~~
7 ~~to property exceeds \$100,000:~~

8 (1) (a) Knowingly damages any government supported
9 property ~~supported in whole or in part with State funds,~~
10 ~~funds of a unit of local government or school district, or~~
11 ~~Federal funds administered or granted through State~~
12 ~~agencies~~ without the consent of the State; ~~or~~

13 (2) (b) Knowingly, by means of fire or explosive
14 damages government supported property ~~supported in whole~~
15 ~~or in part with State funds, funds of a unit of local~~
16 ~~government or school district, or Federal funds~~
17 ~~administered or granted through State agencies; or~~

18 (3) (c) Knowingly starts a fire on government supported
19 property ~~supported in whole or in part with State funds,~~
20 ~~funds of a unit of local government or school district, or~~
21 ~~Federal funds administered or granted through State~~
22 ~~agencies~~ without the consent of the State; or

23 (4) (d) Knowingly deposits on government supported
24 land or in a government supported building, ~~supported in~~
25 ~~whole or in part with State funds, funds of a unit of local~~
26 ~~government or school district, or Federal funds~~

1 ~~administered or granted through State agencies~~ without the
2 consent of the State, any stink bomb or any offensive
3 smelling compound and thereby intends to interfere with the
4 use by another of the land or building.

5 (b) ~~(2)~~ For the purposes of this Section, "government
6 supported" means any property supported in whole or in part
7 with State funds, funds of a unit of local government or school
8 district, or federal funds administered or granted through
9 State agencies.

10 (c) Sentence. A violation of this Section is a Class 4
11 felony when the damage to property is \$500 or less; a Class 3
12 felony when the damage to property exceeds \$500 but does not
13 exceed \$10,000; a Class 2 felony when the damage to property
14 exceeds \$10,000 but does not exceed \$100,000; and a Class 1
15 felony when the damage to property exceeds \$100,000. When the
16 damage to property exceeds \$10,000, the court shall impose upon
17 the offender a fine equal to the value of the damages to the
18 property.

19
20 (Source: P.A. 89-30, eff. 1-1-96.)

21 (720 ILCS 5/21-1.2) (from Ch. 38, par. 21-1.2)

22 Sec. 21-1.2. Institutional vandalism.

23 (a) A person commits institutional vandalism when, by
24 reason of the actual or perceived race, color, creed, religion
25 or national origin of another individual or group of

1 individuals, regardless of the existence of any other
2 motivating factor or factors, he or she knowingly and without
3 consent inflicts damage to any of the following properties:

4 (1) A church, synagogue, mosque, or other building,
5 structure or place used for religious worship or other
6 religious purpose;

7 (2) A cemetery, mortuary, or other facility used for
8 the purpose of burial or memorializing the dead;

9 (3) A school, educational facility or community
10 center;

11 (4) The grounds adjacent to, and owned or rented by,
12 any institution, facility, building, structure or place
13 described in paragraphs (1), (2) or (3) of this subsection
14 (a); or

15 (5) Any personal property contained in any
16 institution, facility, building, structure or place
17 described in paragraphs (1), (2) or (3) of this subsection
18 (a).

19 (b) Sentence.

20 (1) Institutional vandalism is a Class 3 felony when
21 ~~if~~ the damage to the property does not exceed \$300.
22 Institutional vandalism is a Class 2 felony when ~~if~~ the
23 damage to the property exceeds \$300. Institutional
24 vandalism is a Class 2 felony for any second or subsequent
25 offense.

26 (2) ~~(b-5)~~ Upon imposition of any sentence, the trial

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

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

24 (Source: P.A. 92-830, eff. 1-1-03.)

25 (720 ILCS 5/21-1.3)

1 Sec. 21-1.3. Criminal defacement of property.

2 (a) A person commits criminal defacement of property when
3 the person knowingly damages the property of another by
4 defacing, deforming, or otherwise damaging the property by the
5 use of paint or any other similar substance, or by the use of a
6 writing instrument, etching tool, or any other similar device.
7 It is an affirmative defense to a violation of this Section
8 that the owner of the property damaged consented to such
9 damage.

10 (b) Sentence.

11 (1) Criminal defacement of property is a Class A
12 misdemeanor for a first offense when ~~if~~ the aggregate value of
13 the damage to the property does not exceed \$300. Criminal
14 defacement of property is a Class 4 felony when ~~if~~ the
15 aggregate value of the damage to property does not exceed \$300
16 and the property damaged is a school building or place of
17 worship. Criminal defacement of property is a Class 4 felony
18 for a second or subsequent conviction or when ~~if~~ the aggregate
19 value of the damage to the property exceeds \$300. Criminal
20 defacement of property is a Class 3 felony when ~~if~~ the
21 aggregate value of the damage to property exceeds \$300 and the
22 property damaged is a school building or place of worship.

23 (2) In addition to any other sentence that may be imposed
24 for a violation of this Section that is chargeable as a Class 3
25 or Class 4 felony, a person convicted of criminal defacement of
26 property shall be subject to a mandatory minimum fine of \$500

1 plus the actual costs incurred by the property owner or the
2 unit of government to abate, remediate, repair, or remove the
3 effect of the damage to the property. To the extent permitted
4 by law, reimbursement for the costs of abatement, remediation,
5 repair, or removal shall be payable to the person who incurred
6 the costs.

7 (3) In addition to any other sentence that may be imposed,
8 a court shall order any person convicted of criminal defacement
9 of property to perform community service for not less than 30
10 and not more than 120 hours, if community service is available
11 in the jurisdiction. The community service shall include, but
12 need not be limited to, the cleanup and repair of the damage to
13 property that was caused by the offense, or similar damage to
14 property located in the municipality or county in which the
15 offense occurred. When ~~If~~ the property damaged is a school
16 building, the community service may include cleanup, removal,
17 or painting over the defacement. In addition, whenever any
18 person is placed on supervision for an alleged offense under
19 this Section, the supervision shall be conditioned upon the
20 performance of the community service.

21 (4) For the purposes of this subsection (b), aggregate
22 value shall be determined by adding the value of the damage to
23 one or more properties if the offenses were committed as part
24 of a single course of conduct.

25 (Source: P.A. 95-553, eff. 6-1-08; 96-499, eff. 8-14-09.)

1 (720 ILCS 5/21-1.4)

2 Sec. 21-1.4. Jackrocks violation.

3 (a) A person commits a jackrocks violation when he or she
4 ~~who~~ knowingly:

5 (1) sells, gives away, manufactures, purchases, or
6 possesses a jackrock; or

7 (2) ~~who knowingly~~ places, tosses, or throws a jackrock
8 on public or private property ~~commits a Class A misdemeanor~~.

9 (b) As used in this Section, "jackrock" means a caltrop or
10 other object manufactured with one or more rounded or sharpened
11 points, which when placed or thrown present at least one point
12 at such an angle that it is peculiar to and designed for use in
13 puncturing or damaging vehicle tires. It does not include a
14 device designed to puncture or damage the tires of a vehicle
15 driven over it in a particular direction, if a conspicuous and
16 clearly visible warning is posted at the device's location,
17 alerting persons to its presence.

18 (c) This Section does not apply to the possession,
19 transfer, or use of jackrocks by any law enforcement officer in
20 the course of his or her official duties.

21 (d) Sentence. A jackrocks violation is a Class A
22 misdemeanor.

23 (Source: P.A. 89-130, eff. 7-14-95.)

24 (720 ILCS 5/Art. 21, Subdiv. 5 heading new)

25 SUBDIVISION 5. TRESPASS

1 (720 ILCS 5/21-2) (from Ch. 38, par. 21-2)

2 Sec. 21-2. Criminal trespass to vehicles.

3 (a) A person commits criminal trespass to vehicles when he
4 or she ~~Whoever~~ knowingly and without authority enters any part
5 of or operates any vehicle, aircraft, watercraft or snowmobile
6 ~~commits a Class A misdemeanor.~~

7 (b) Sentence. Criminal trespass to vehicles is a Class A
8 misdemeanor.

9 (Source: P.A. 83-488.)

10 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

11 Sec. 21-3. Criminal trespass to real property.

12 (a) A person commits criminal trespass to real property
13 when he or she ~~Except as provided in subsection (a-5), whoever:~~

14 (1) knowingly and without lawful authority enters or
15 remains within or on a building; ~~or~~

16 (2) enters upon the land of another, after receiving,
17 prior to the ~~such~~ entry, notice from the owner or occupant
18 that the ~~such~~ entry is forbidden; ~~or~~

19 (3) remains upon the land of another, after receiving
20 notice from the owner or occupant to depart; ~~or~~

21 (3.5) presents false documents or falsely represents
22 his or her identity orally to the owner or occupant of a
23 building or land in order to obtain permission from the
24 owner or occupant to enter or remain in the building or on

1 the land; or

2 (4) enters a field used or capable of being used for
3 growing crops, an enclosed area containing livestock, an
4 agricultural building containing livestock, or an orchard
5 in or on a motor vehicle (including an off-road vehicle,
6 motorcycle, moped, or any other powered two-wheel vehicle)
7 after receiving, prior to the entry, notice from the owner
8 or occupant that the entry is forbidden or remains upon or
9 in the area after receiving notice from the owner or
10 occupant to depart ~~commits a Class B misdemeanor.~~

11 For purposes of item (1) of this subsection, this Section
12 shall not apply to being in a building which is open to the
13 public while the building is open to the public during its
14 normal hours of operation; nor shall this Section apply to a
15 person who enters a public building under the reasonable belief
16 that the building is still open to the public.

17 ~~(a 5) Except as otherwise provided in this subsection,~~
18 ~~whoever enters upon any of the following areas in or on a motor~~
19 ~~vehicle (including an off road vehicle, motorcycle, moped, or~~
20 ~~any other powered two wheel vehicle) after receiving, prior to~~
21 ~~that entry, notice from the owner or occupant that the entry is~~
22 ~~forbidden or remains upon or in the area after receiving notice~~
23 ~~from the owner or occupant to depart commits a Class A~~
24 ~~misdemeanor.~~

25 ~~(1) A field that is used for growing crops or that is~~
26 ~~capable of being used for growing crops.~~

- 1 ~~(2) An enclosed area containing livestock.~~
2 ~~(3) An orchard.~~
3 ~~(4) A barn or other agricultural building containing~~
4 ~~livestock.~~

5 (b) A person has received notice from the owner or occupant
6 within the meaning of Subsection (a) if he or she has been
7 notified personally, either orally or in writing including a
8 valid court order as defined by subsection (7) of Section
9 112A-3 of the Code of Criminal Procedure of 1963 granting
10 remedy (2) of subsection (b) of Section 112A-14 of that Code,
11 or if a printed or written notice forbidding such entry has
12 been conspicuously posted or exhibited at the main entrance to
13 the ~~such~~ land or the forbidden part thereof.

14 (b-5) Subject to the provisions of subsection (b-10), as an
15 alternative to the posting of real property as set forth in
16 subsection (b), the owner or lessee of any real property may
17 post the property by placing identifying purple marks on trees
18 or posts around the area to be posted. Each purple mark shall
19 be:

20 (1) A vertical line of at least 8 inches in length and
21 the bottom of the mark shall be no less than 3 feet nor
22 more than 5 feet high. Such marks shall be placed no more
23 than 100 feet apart and shall be readily visible to any
24 person approaching the property; or

25 (2) A post capped or otherwise marked on at least its
26 top 2 inches. The bottom of the cap or mark shall be not

1 less than 3 feet but not more than 5 feet 6 inches high.
2 Posts so marked shall be placed not more than 36 feet apart
3 and shall be readily visible to any person approaching the
4 property. Prior to applying a cap or mark which is visible
5 from both sides of a fence shared by different property
6 owners or lessees, all such owners or lessees shall concur
7 in the decision to post their own property.

8 Nothing in this subsection (b-5) shall be construed to
9 authorize the owner or lessee of any real property to place any
10 purple marks on any tree or post or to install any post or
11 fence if doing so would violate any applicable law, rule,
12 ordinance, order, covenant, bylaw, declaration, regulation,
13 restriction, contract, or instrument.

14 (b-10) Any owner or lessee who marks his or her real
15 property using the method described in subsection (b-5) must
16 also provide notice as described in subsection (b) of this
17 Section. The public of this State shall be informed of the
18 provisions of subsection (b-5) of this Section by the Illinois
19 Department of Agriculture and the Illinois Department of
20 Natural Resources. These Departments shall conduct an
21 information campaign for the general public concerning the
22 interpretation and implementation of subsection (b-5). The
23 information shall inform the public about the marking
24 requirements and the applicability of subsection (b-5)
25 including information regarding the size requirements of the
26 markings as well as the manner in which the markings shall be

1 displayed. The Departments shall also include information
2 regarding the requirement that, until the date this subsection
3 becomes inoperative, any owner or lessee who chooses to mark
4 his or her property using paint, must also comply with one of
5 the notice requirements listed in subsection (b). The
6 Departments may prepare a brochure or may disseminate the
7 information through agency websites. Non-governmental
8 organizations including, but not limited to, the Illinois
9 Forestry Association, Illinois Tree Farm and the Walnut Council
10 may help to disseminate the information regarding the
11 requirements and applicability of subsection (b-5) based on
12 materials provided by the Departments. This subsection (b-10)
13 is inoperative on and after January 1, 2013.

14 (b-15) Subsections (b-5) and (b-10) do not apply to real
15 property located in a municipality of over 2,000,000
16 inhabitants.

17 (c) This Section does not apply to any person, whether a
18 migrant worker or otherwise, living on the land with permission
19 of the owner or of his or her agent having apparent authority
20 to hire workers on this ~~such~~ land and assign them living
21 quarters or a place of accommodations for living thereon, nor
22 to anyone living on the ~~such~~ land at the request of, or by
23 occupancy, leasing or other agreement or arrangement with the
24 owner or his or her agent, nor to anyone invited by the ~~such~~
25 migrant worker or other person so living on the ~~such~~ land to
26 visit him or her at the place he is so living upon the land.

1 (d) A person shall be exempt from prosecution under this
2 Section if he or she beautifies unoccupied and abandoned
3 residential and industrial properties located within any
4 municipality. For the purpose of this subsection, "unoccupied
5 and abandoned residential and industrial property" means any
6 real estate (1) in which the taxes have not been paid for a
7 period of at least 2 years; and (2) which has been left
8 unoccupied and abandoned for a period of at least one year; and
9 "beautifies" means to landscape, clean up litter, or to repair
10 dilapidated conditions on or to board up windows and doors.

11 (e) No person shall be liable in any civil action for money
12 damages to the owner of unoccupied and abandoned residential
13 and industrial property which that person beautifies pursuant
14 to subsection (d) of this Section.

15 (f) This Section does not prohibit a person from entering a
16 building or upon the land of another for emergency purposes.
17 For purposes of this subsection (f), "emergency" means a
18 condition or circumstance in which an individual is or is
19 reasonably believed by the person to be in imminent danger of
20 serious bodily harm or in which property is or is reasonably
21 believed to be in imminent danger of damage or destruction.

22 (g) Paragraph (3.5) of subsection (a) does not apply to a
23 peace officer or other official of a unit of government who
24 enters a building or land in the performance of his or her
25 official duties.

26 (h) Sentence. A violation of subdivision (a)(1), (a)(2),

1 (a) (3), or (a) (3.5) is a Class B misdemeanor. A violation of
2 subdivision (a) (4) is a Class A misdemeanor.

3 (i) Civil liability. A person may be liable in any civil
4 action for money damages to the owner of the land he or she
5 entered upon with a motor vehicle as prohibited under paragraph
6 (4) of subsection (a) ~~(a-5)~~ of this Section. A person may also
7 be liable to the owner for court costs and reasonable
8 attorney's fees. The measure of damages shall be: (i) the
9 actual damages, but not less than \$250, if the vehicle is
10 operated in a nature preserve or registered area as defined in
11 Sections 3.11 and 3.14 of the Illinois Natural Areas
12 Preservation Act; (ii) twice the actual damages if the owner
13 has previously notified the person to cease trespassing; or
14 (iii) in any other case, the actual damages, but not less than
15 \$50. If the person operating the vehicle is under the age of
16 16, the owner of the vehicle and the parent or legal guardian
17 of the minor are jointly and severally liable. For the purposes
18 of this subsection (i) ~~(h)~~:

19 "Land" includes, but is not limited to, land used for
20 crop land, fallow land, orchard, pasture, feed lot, timber
21 land, prairie land, mine spoil nature preserves and
22 registered areas. "Land" does not include driveways or
23 private roadways upon which the owner allows the public to
24 drive.

25 "Owner" means the person who has the right to
26 possession of the land, including the owner, operator or

1 tenant.

2 "Vehicle" has the same meaning as provided under
3 Section 1-217 of the Illinois Vehicle Code.

4 (j)~~(i)~~ This Section does not apply to the following persons
5 while serving process:

6 (1) a person authorized to serve process under Section
7 2-202 of the Code of Civil Procedure; or

8 (2) a special process server appointed by the circuit
9 court.

10 (Source: P.A. 97-184, eff. 7-22-11; 97-477, eff. 8-22-11;
11 revised 9-14-11.)

12 (720 ILCS 5/21-5) (from Ch. 38, par. 21-5)

13 Sec. 21-5. Criminal Trespass to State Supported Land.

14 (a) A person commits criminal trespass to State supported
15 land when he or she ~~Whoever~~ enters upon land supported in whole
16 or in part with State funds, or federal ~~Federal~~ funds
17 administered or granted through State agencies or any building
18 on the such land, after receiving, prior to the such entry,
19 notice from the State or its representative that the such entry
20 is forbidden, or remains upon the such land or in the such
21 building after receiving notice from the State or its
22 representative to depart, and who thereby interferes with
23 another person's lawful use or enjoyment of the such building
24 or land, ~~commits a Class A misdemeanor.~~

25 ~~(b)~~ A person has received notice from the State within the

1 meaning of this subsection ~~(a)~~ if he or she has been notified
2 personally, either orally or in writing, or if a printed or
3 written notice forbidding ~~such~~ entry to him or her or a group
4 of which he or she is a part, has been conspicuously posted or
5 exhibited at the main entrance to the ~~such~~ land or the
6 forbidden part thereof.

7 (b) ~~(e)~~ A person commits criminal trespass to State
8 supported land when he or she ~~whoever~~ enters upon land
9 supported in whole or in part with State funds, or federal
10 funds administered or granted through State agencies or any
11 building on the ~~such~~ land by presenting false documents or
12 falsely representing his or her identity orally to the State or
13 its representative in order to obtain permission from the State
14 or its representative to enter the building or land; or remains
15 upon the ~~such~~ land or in the ~~such~~ building by presenting false
16 documents or falsely representing his or her identity orally to
17 the State or its representative in order to remain upon the
18 ~~such~~ land or in the ~~such~~ building, and who thereby interferes
19 with another person's lawful use or enjoyment of the ~~such~~
20 building or land, ~~commits a Class A misdemeanor.~~

21 This subsection ~~Subsection (e)~~ does not apply to a peace
22 officer or other official of a unit of government who enters
23 upon land supported in whole or in part with State funds, or
24 federal funds administered or granted through State agencies or
25 any building on the ~~such~~ land in the performance of his or her
26 official duties.

1 (c) Sentence. Criminal trespass to State supported land is
2 a Class A misdemeanor.

3 (Source: P.A. 94-263, eff. 1-1-06.)

4 (720 ILCS 5/21-7) (from Ch. 38, par. 21-7)

5 Sec. 21-7. Criminal trespass to restricted areas and
6 restricted landing areas at airports; aggravated criminal
7 trespass to restricted areas and restricted landing areas at
8 airports.

9 (a) A person commits criminal trespass to restricted areas
10 and restricted landing areas at airports when he or she enters
11 upon, or remains in, any:

12 (1) ~~Whoever enters upon, or remains in, any~~ restricted
13 area or restricted landing area used in connection with an
14 airport facility, or part thereof, in this State, after the
15 ~~such~~ person has received notice from the airport authority
16 that the ~~such~~ entry is forbidden; ~~commits a Class 4 felony~~

17 (2) restricted area or restricted landing area used in
18 connection with an airport facility, or part thereof, in
19 this State by presenting false documents or falsely
20 representing his or her identity orally to the airport
21 authority;

22 (3) restricted area or restricted landing area as
23 prohibited in paragraph (1) of this subsection, while
24 dressed in the uniform of, improperly wearing the
25 identification of, presenting false credentials of, or

1 otherwise physically impersonating an airman, employee of
2 an airline, employee of an airport, or contractor at an
3 airport.

4 (b) A person commits aggravated criminal trespass to
5 restricted areas and restricted landing areas at airports when
6 he or she ~~Whoever~~ enters upon, or remains in, any restricted
7 area or restricted landing area used in connection with an
8 airport facility, or part thereof, in this State, while in
9 possession of a weapon, replica of a weapon, or ammunition,
10 after the person has received notice from the airport authority
11 that the entry is forbidden ~~commits a Class 3 felony.~~

12 (c) Notice that the area is "restricted" and entry thereto
13 "forbidden", for purposes of this Section, means that the
14 person or persons have been notified personally, either orally
15 or in writing, or by a printed or written notice forbidding the
16 ~~such~~ entry to him or her or a group or an organization of which
17 he or she is a member, which has been conspicuously posted or
18 exhibited at every usable entrance to the ~~such~~ area or the
19 forbidden part thereof.

20 (d) (Blank). ~~Whoever enters upon, or remains in, any~~
21 ~~restricted area or restricted landing area used in connection~~
22 ~~with an airport facility, or part thereof, in this State by~~
23 ~~presenting false documents or falsely representing his or her~~
24 ~~identity orally to the airport authority commits a Class A~~
25 ~~misdemeanor.~~

26 (e) (Blank). ~~Whoever enters upon, or remains in, any~~

1 ~~restricted area or restricted landing area as prohibited in~~
2 ~~subsection (a) of this Section, while dressed in the uniform~~
3 ~~of, improperly wearing the identification of, presenting false~~
4 ~~credentials of, or otherwise physically impersonating an~~
5 ~~airman, employee of an airline, employee of an airport, or~~
6 ~~contractor at an airport commits a Class 4 felony.~~

7 (f) The terms "Restricted area" or "Restricted landing
8 area" in this Section are defined to incorporate the meaning
9 ascribed to those terms in Section 8 of the "Illinois
10 Aeronautics Act", approved July 24, 1945, as amended, and also
11 include any other area of the airport that has been designated
12 such by the airport authority.

13 The terms "airman" and "airport" in this Section are
14 defined to incorporate the meaning ascribed to those terms in
15 Sections 6 and 12 of the Illinois Aeronautics Act.

16 (g) Paragraph (2) of subsection (a) ~~Subsection (d)~~ does not
17 apply to a peace officer or other official of a unit of
18 government who enters a restricted area or a restricted landing
19 area used in connection with an airport facility, or part
20 thereof, in the performance of his or her official duties.

21 (h) Sentence.

22 (1) A violation of paragraph (2) of subsection (a) is a
23 Class A misdemeanor.

24 (2) A violation of paragraph (1) or (3) of subsection (a)
25 is a Class 4 felony.

26 (3) A violation of subsection (b) is a Class 3 felony.

1 (Source: P.A. 94-263, eff. 1-1-06; 94-547, eff. 1-1-06; 94-548,
2 eff. 8-11-05; 95-331, eff. 8-21-07.)

3 (720 ILCS 5/21-8)

4 Sec. 21-8. Criminal trespass to a nuclear facility.

5 (a) A person commits ~~the offense of~~ criminal trespass to a
6 nuclear facility when ~~if~~ he or she knowingly and without lawful
7 authority:

8 (1) enters or remains within a nuclear facility or on
9 the grounds of a nuclear facility, after receiving notice
10 before entry that entry to the nuclear facility is
11 forbidden; ~~or~~

12 (2) remains within the facility or on the grounds of
13 the facility after receiving notice from the owner or
14 manager of the facility or other person authorized by the
15 owner or manager of the facility to give that notice to
16 depart from the facility or grounds of the facility; or

17 (3) enters or remains within a nuclear facility or on
18 the grounds of a nuclear facility, by presenting false
19 documents or falsely representing his or her identity
20 orally to the owner or manager of the facility. This
21 paragraph (3) does not apply to a peace officer or other
22 official of a unit of government who enters or remains in
23 the facility in the performance of his or her official
24 duties.

25 (b) A person has received notice from the owner or manager

1 of the facility or other person authorized by the owner or
2 manager of the facility within the meaning of paragraphs (1)
3 and (2) of subsection (a) if he or she has been notified
4 personally, either orally or in writing, or if a printed or
5 written notice forbidding the entry has been conspicuously
6 posted or exhibited at the main entrance to the facility or
7 grounds of the facility or the forbidden part of the facility.

8 (c) In this Section, "nuclear facility" has the meaning
9 ascribed to it in Section 3 of the Illinois Nuclear Safety
10 Preparedness Act.

11 (d) Sentence. Criminal trespass to a nuclear facility is a
12 Class 4 felony.

13 (Source: P.A. 94-263, eff. 1-1-06.)

14 (720 ILCS 5/21-9)

15 Sec. 21-9. Criminal trespass to a place of public
16 amusement.

17 (a) A person commits ~~the offense of~~ criminal trespass to a
18 place of public amusement when ~~if~~ he or she knowingly and
19 without lawful authority enters or remains on any portion of a
20 place of public amusement after having received notice that the
21 general public is restricted from access to that portion of the
22 place of public amusement. These ~~Such~~ areas may include, but
23 are not limited to: a playing field, an athletic surface, a
24 stage, a locker room, or a dressing room located at the place
25 of public amusement.

1 (a-5) A person commits the offense of criminal trespass to
2 a place of public amusement when ~~if~~ he or she knowingly and
3 without lawful authority gains access to or remains on any
4 portion of a place of public amusement by presenting false
5 documents or falsely representing his or her identity orally to
6 the property owner, a lessee, an agent of either the owner or
7 lessee, or a performer or participant. This subsection (a-5)
8 does not apply to a peace officer or other official of a unit
9 of government who enters or remains in the place of public
10 amusement in the performance of his or her official duties.

11 (b) A property owner, a lessee, an agent of either the
12 owner or lessee, or a performer or participant may use
13 reasonable force to restrain a trespasser and remove him or her
14 from the restricted area; however, any use of force beyond
15 reasonable force may subject that person to any applicable
16 criminal penalty.

17 (c) A person has received notice within the meaning of
18 subsection (a) if he or she has been notified personally,
19 either orally or in writing, or if a printed or written notice
20 forbidding such entry has been conspicuously posted or
21 exhibited at the entrance to the portion of the place of public
22 amusement that is restricted or an oral warning has been
23 broadcast over the public address system of the place of public
24 amusement.

25 (d) In this Section, "place of public amusement" means a
26 stadium, a theater, or any other facility of any kind, whether

1 licensed or not, where a live performance, a sporting event, or
2 any other activity takes place for other entertainment and
3 where access to the facility is made available to the public,
4 regardless of whether admission is charged.

5 (e) Sentence. Criminal trespass to a place of public
6 amusement is a Class 4 felony. Upon imposition of any sentence,
7 the court shall also impose a fine of not less than \$1,000. In
8 addition, any order of probation or conditional discharge
9 entered following a conviction shall include a condition that
10 the offender perform public or community service of not less
11 than 30 and not more than 120 hours, if community service is
12 available in the jurisdiction and is funded and approved by the
13 county board of the county where the offender was convicted.
14 The court may also impose any other condition of probation or
15 conditional discharge under this Section.

16 (Source: P.A. 93-407, eff. 1-1-04; 94-263, eff. 1-1-06.)

17 (720 ILCS 5/Art. 21, Subdiv. 10 heading new)

18 SUBDIVISION 10. MISCELLANEOUS OFFENSES

19 (720 ILCS 5/21-10)

20 Sec. 21-10. Criminal use of a motion picture exhibition
21 facility.

22 (a) A person commits criminal use of a motion picture
23 exhibition facility, when he or she, ~~Any person,~~ where a motion
24 picture is being exhibited, ~~who~~ knowingly operates an

1 audiovisual recording function of a device without the consent
2 of the owner or lessee of that exhibition facility and of the
3 licensor of the motion picture being exhibited ~~is guilty of~~
4 ~~criminal use of a motion picture exhibition facility.~~

5 (b) Sentence. Criminal use of a motion picture exhibition
6 facility is a Class 4 felony.

7 (c) The owner or lessee of a facility where a motion
8 picture is being exhibited, the authorized agent or employee of
9 that owner or lessee, or the licensor of the motion picture
10 being exhibited or his or her agent or employee, who alerts law
11 enforcement authorities of an alleged violation of this Section
12 is not liable in any civil action arising out of measures taken
13 by that owner, lessee, licensor, agent, or employee in the
14 course of subsequently detaining a person that the owner,
15 lessee, licensor, agent, or employee, in good faith believed to
16 have violated this Section while awaiting the arrival of law
17 enforcement authorities, unless the plaintiff in such an action
18 shows by clear and convincing evidence that such measures were
19 manifestly unreasonable or the period of detention was
20 unreasonably long.

21 (d) This Section does not prevent any lawfully authorized
22 investigative, law enforcement, protective, or intelligence
23 gathering employee or agent of the State or federal government
24 from operating any audiovisual recording device in any facility
25 where a motion picture is being exhibited as part of lawfully
26 authorized investigative, protective, law enforcement, or

1 intelligence gathering activities.

2 (e) This Section does not apply to a person who operates an
3 audiovisual recording function of a device in a retail
4 establishment solely to demonstrate the use of that device for
5 sales and display purposes.

6 (f) Nothing in this Section prevents the prosecution for
7 conduct that constitutes a violation of this Section under any
8 other provision of law providing for a greater penalty.

9 (g) In this Section, "audiovisual recording function"
10 means the capability of a device to record or transmit a motion
11 picture or any part of a motion picture by means of any
12 technology now known or later developed and "facility" does not
13 include a personal residence.

14 (Source: P.A. 93-804, eff. 7-24-04.)

15 (720 ILCS 5/21-11 new)

16 Sec. 21-11. Distributing or delivering written or printed
17 solicitation on school property.

18 (a) Distributing or delivering written or printed
19 solicitation on school property or within 1,000 feet of school
20 property, for the purpose of inviting students to any event
21 when a significant purpose of the event is to commit illegal
22 acts or to solicit attendees to commit illegal acts, or to be
23 held in or around abandoned buildings, is prohibited.

24 (b) For the purposes of this Section, "school property" is
25 defined as the buildings or grounds of any public or private

1 elementary or secondary school.

2 (c) Sentence. A violation of this Section is a Class C
3 misdemeanor.

4 (720 ILCS 5/21.1-2) (from Ch. 38, par. 21.1-2)

5 Sec. 21.1-2. Residential picketing. A person commits
6 residential picketing when he or she pickets ~~It is unlawful to~~
7 ~~picket~~ before or about the residence or dwelling of any person,
8 except when the residence or dwelling is used as a place of
9 business. ~~This~~ ~~However, this~~ Article does not apply to a person
10 peacefully picketing his own residence or dwelling and does not
11 prohibit the peaceful picketing of the place of holding a
12 meeting or assembly on premises commonly used to discuss
13 subjects of general public interest.

14 (Source: P.A. 81-1270.)

15 (720 ILCS 5/21.2-2) (from Ch. 38, par. 21.2-2)

16 Sec. 21.2-2. Interference with a public institution of
17 education. A person commits interference with a public
18 institution of education when he or she, on the campus of a
19 public institution of education, or at or in any building or
20 other facility owned, operated or controlled by the
21 institution, without authority from the institution he or she,
22 through force or violence, actual or threatened:

23 (1) knowingly ~~(a) willfully~~ denies to a trustee, school
24 board member, superintendent, principal, employee, student or

1 invitee of the institution:

2 (A) ~~(1)~~ Freedom of movement at that ~~such~~ place; or

3 (B) ~~(2)~~ Use of the property or facilities of the
4 institution; or

5 (C) ~~(3)~~ The right of ingress or egress to the property
6 or facilities of the institution; or

7 (2) knowingly ~~(b) willfully~~ impedes, obstructs, interferes
8 with or disrupts:

9 (A) ~~(1)~~ the performance of institutional duties by a
10 trustee, school board member, superintendent, principal,
11 or employee of the institution; or

12 (B) ~~(2)~~ the pursuit of educational activities, as
13 determined or prescribed by the institution, by a trustee,
14 school board member, superintendent, principal, employee,
15 student or invitee of the institution; or

16 (3) ~~(e)~~ knowingly occupies or remains in or at any
17 building, property or other facility owned, operated or
18 controlled by the institution after due notice to depart.

19 (Source: P.A. 96-807, eff. 1-1-10.)

20 (720 ILCS 5/Art. 24.8 heading new)

21 ARTICLE 24.8. AIR RIFLES

22 (720 ILCS 5/24.8-0.1 new)

23 Sec. 24.8-0.1. Definitions. As used in this Article:

24 "Air rifle" means and includes any air gun, air pistol,

1 spring gun, spring pistol, B-B gun, paint ball gun, pellet gun
2 or any implement that is not a firearm which impels a breakable
3 paint ball containing washable marking colors or, a pellet
4 constructed of hard plastic, steel, lead or other hard
5 materials with a force that reasonably is expected to cause
6 bodily harm.

7 "Dealer" means any person, copartnership, association or
8 corporation engaged in the business of selling at retail or
9 renting any of the articles included in the definition of "air
10 rifle".

11 "Municipalities" include cities, villages, incorporated
12 towns and townships.

13 (720 ILCS 5/24.8-1 new)

14 Sec. 24.8-1. Selling, renting, or transferring air rifles
15 to children.

16 (a) A dealer commits selling, renting, or transferring air
17 rifles to children when he or she sells, lends, rents, gives or
18 otherwise transfers an air rifle to any person under the age of
19 13 years where the dealer knows or has cause to believe the
20 person to be under 13 years of age or where the dealer has
21 failed to make reasonable inquiry relative to the age of the
22 person and the person is under 13 years of age.

23 (b) A person commits selling, renting, or transferring air
24 rifles to children when he or she sells, gives, lends, or
25 otherwise transfers any air rifle to any person under 13 years

1 of age except where the relationship of parent and child,
2 guardian and ward or adult instructor and pupil, exists between
3 this person and the person under 13 years of age, or where the
4 person stands in loco parentis to the person under 13 years of
5 age.

6 (720 ILCS 5/24.8-2 new)

7 Sec. 24.8-2. Carrying or discharging air rifles on public
8 streets.

9 (a) A person under 13 years of age commits carrying or
10 discharging air rifles on public streets when he or she carries
11 any air rifle on the public streets, roads, highways or public
12 lands within this State, unless the person under 13 years of
13 age carries the air rifle unloaded.

14 (b) A person commits carrying or discharging air rifles on
15 public streets when he or she discharges any air rifle from or
16 across any street, sidewalk, road, highway or public land or
17 any public place except on a safely constructed target range.

18 (720 ILCS 5/24.8-3 new)

19 Sec. 24.8-3. Permissive possession of an air rifle by a
20 person under 13 years of age. Notwithstanding any provision of
21 this Article, it is lawful for any person under 13 years of age
22 to have in his or her possession any air rifle if it is:

23 (1) Kept within his or her house of residence or other
24 private enclosure;

1 (2) Used by the person and he or she is a duly enrolled
2 member of any club, team or society organized for educational
3 purposes and maintaining as part of its facilities or having
4 written permission to use an indoor or outdoor rifle range
5 under the supervision guidance and instruction of a responsible
6 adult and then only if the air rifle is actually being used in
7 connection with the activities of the club team or society
8 under the supervision of a responsible adult; or

9 (3) Used in or on any private grounds or residence under
10 circumstances when the air rifle is fired, discharged or
11 operated in a manner as not to endanger persons or property and
12 then only if it is used in a manner as to prevent the
13 projectile from passing over any grounds or space outside the
14 limits of the grounds or residence.

15 (720 ILCS 5/24.8-4 new)

16 Sec. 24.8-4. Permissive sales. The provisions of this
17 Article do not prohibit sales of air rifles:

18 (1) By wholesale dealers or jobbers;

19 (2) To be shipped out of the State; or

20 (3) To be used at a target range operated in accordance
21 with Section 24.8-3 of this Article or by members of the Armed
22 Services of the United States or Veterans' organizations.

23 (720 ILCS 5/24.8-5 new)

24 Sec. 24.8-5. Sentence. A violation of this Article is a

1 petty offense. The State Police or any sheriff or police
2 officer shall seize, take, remove or cause to be removed at the
3 expense of the owner, any air rifle sold or used in any manner
4 in violation of this Article.

5 (720 ILCS 5/24.8-6 new)

6 Sec. 24.8-6. Municipal regulation. The provisions of any
7 ordinance enacted by any municipality which impose greater
8 restrictions or limitations in respect to the sale and
9 purchase, use or possession of air rifles as herein defined
10 than are imposed by this Article, are not invalidated nor
11 affected by this Article.

12 (720 ILCS 5/25-1) (from Ch. 38, par. 25-1)

13 Sec. 25-1. Mob action.

14 (a) A person commits ~~the offense of~~ mob action when he or
15 she engages in any of the following:

16 (1) the knowing or reckless use of force or violence
17 disturbing the public peace by 2 or more persons acting
18 together and without authority of law;

19 (2) the knowing assembly of 2 or more persons with the
20 intent to commit or facilitate the commission of a felony
21 or misdemeanor; or

22 (3) the knowing assembly of 2 or more persons, without
23 authority of law, for the purpose of doing violence to the
24 person or property of anyone supposed to have been guilty

1 of a violation of the law, or for the purpose of exercising
2 correctional powers or regulative powers over any person by
3 violence.

4 (b) Sentence.

5 (1) Mob action in violation of ~~as defined in~~ paragraph
6 (1) of subsection (a) is a Class 4 felony.

7 (2) ~~(e)~~ Mob action in violation of ~~as defined in~~
8 paragraphs (2) and (3) of subsection (a) is a Class C
9 misdemeanor.

10 (3) ~~(d)~~ A ~~Any~~ participant in a mob action that by
11 violence inflicts injury to the person or property of
12 another commits a Class 4 felony.

13 (4) ~~(e)~~ A ~~Any~~ participant in a mob action who does not
14 withdraw when ~~on being~~ commanded to do so by a ~~any~~ peace
15 officer commits a Class A misdemeanor.

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

1 (Source: P.A. 96-710, eff. 1-1-10.)

2 (720 ILCS 5/25-4)

3 Sec. 25-4. Looting by individuals.

4 (a) A person commits ~~the offense of~~ looting when he or she
5 knowingly without authority of law or the owner enters any home
6 or dwelling or upon any premises of another, or enters any
7 commercial, mercantile, business, or industrial building,
8 plant, or establishment, in which normal security of property
9 is not present by virtue of a hurricane, fire, or vis major of
10 any kind or by virtue of a riot, mob, or other human agency,
11 and obtains or exerts control over property of the owner.

12 (b) Sentence. Looting is a Class 4 felony. In addition to
13 any other penalty imposed, the court shall impose a sentence of
14 at least 100 hours of community service as determined by the
15 court and shall require the defendant to make restitution to
16 the owner of the property looted pursuant to Section 5-5-6 of
17 the Unified Code of Corrections.

18 (Source: P.A. 96-710, eff. 1-1-10.)

19 (720 ILCS 5/25-5) (was 720 ILCS 5/25-1.1)

20 Sec. 25-5. Unlawful contact with streetgang members.

21 (a) A person commits ~~the offense of~~ unlawful contact with
22 streetgang members when he or she knowingly has direct or
23 indirect contact with a streetgang member as defined in Section
24 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act

1 after having been:

2 (1) ~~he or she knowingly has direct or indirect contact~~
3 ~~with a streetgang member as defined in Section 10 of the~~
4 ~~Illinois Streetgang Terrorism Omnibus Prevention Act after~~
5 ~~having been~~ sentenced to probation, conditional discharge,
6 or supervision for a criminal offense with a condition of
7 that sentence being to refrain from direct or indirect
8 contact with a streetgang member or members;

9 (2) ~~he or she knowingly has direct or indirect contact~~
10 ~~with a streetgang member as defined in Section 10 of the~~
11 ~~Illinois Streetgang Terrorism Omnibus Prevention Act after~~
12 ~~having been~~ released on bond for any criminal offense with
13 a condition of that bond being to refrain from direct or
14 indirect contact with a streetgang member or members;

15 (3) ~~he or she knowingly has direct or indirect contact~~
16 ~~with a streetgang member as defined in Section 10 of the~~
17 ~~Illinois Streetgang Terrorism Omnibus Prevention Act after~~
18 ~~having been~~ ordered by a judge in any non-criminal
19 proceeding to refrain from direct or indirect contact with
20 a streetgang member or members; or

21 (4) ~~he or she knowingly has direct or indirect contact~~
22 ~~with a streetgang member as defined in Section 10 of the~~
23 ~~Streetgang Terrorism Omnibus Prevention Act after having~~
24 ~~been~~ released from the Illinois Department of Corrections
25 on a condition of parole or mandatory supervised release
26 that he or she refrain from direct or indirect contact with

1 a streetgang member or members.

2 (b) Unlawful contact with streetgang members is a Class A
3 misdemeanor.

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

10 (Source: P.A. 96-710, eff. 1-1-10; incorporates P.A. 95-45,
11 eff. 1-1-08; 96-1000, eff. 7-2-10.)

12 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

13 Sec. 26-1. Disorderly conduct ~~Elements of the Offense.~~

14 (a) A person commits disorderly conduct when he or she
15 knowingly:

16 (1) Does any act in such unreasonable manner as to
17 alarm or disturb another and to provoke a breach of the
18 peace; ~~or~~

19 (2) Transmits or causes to be transmitted in any manner
20 to the fire department of any city, town, village or fire
21 protection district a false alarm of fire, knowing at the
22 time of the ~~such~~ transmission that there is no reasonable
23 ground for believing that the ~~such~~ fire exists; ~~or~~

24 (3) Transmits or causes to be transmitted in any manner
25 to another a false alarm to the effect that a bomb or other

1 explosive of any nature or a container holding poison gas,
2 a deadly biological or chemical contaminant, or
3 radioactive substance is concealed in a such place where
4 ~~that~~ its explosion or release would endanger human life,
5 knowing at the time of the such transmission that there is
6 no reasonable ground for believing that the such bomb,
7 explosive or a container holding poison gas, a deadly
8 biological or chemical contaminant, or radioactive
9 substance is concealed in the such place; ~~or~~

10 (3.5) Transmits or causes to be transmitted a threat of
11 destruction of a school building or school property, or a
12 threat of violence, death, or bodily harm directed against
13 persons at a school, school function, or school event,
14 whether or not school is in session;

15 (4) Transmits or causes to be transmitted in any manner
16 to any peace officer, public officer or public employee a
17 report to the effect that an offense will be committed, is
18 being committed, or has been committed, knowing at the time
19 of the such transmission that there is no reasonable ground
20 for believing that the such-an offense will be committed,
21 is being committed, or has been committed; ~~or~~

22 (5) Transmits or causes to be transmitted a false
23 report to any public safety agency without the reasonable
24 grounds necessary to believe that transmitting the report
25 is necessary for the safety and welfare of the public; or
26 ~~Enters upon the property of another and for a lewd or~~

1 ~~unlawful purpose deliberately looks into a dwelling on the~~
2 ~~property through any window or other opening in it; or~~

3 (6) Calls the number "911" for the purpose of making or
4 transmitting a false alarm or complaint and reporting
5 information when, at the time the call or transmission is
6 made, the person knows there is no reasonable ground for
7 making the call or transmission and further knows that the
8 call or transmission could result in the emergency response
9 of any public safety agency; While acting as a collection
10 ~~agency as defined in the "Collection Agency Act" or as an~~
11 ~~employee of such collection agency, and while attempting to~~
12 ~~collect an alleged debt, makes a telephone call to the~~
13 ~~alleged debtor which is designed to harass, annoy or~~
14 ~~intimidate the alleged debtor; or~~

15 (7) Transmits or causes to be transmitted a false
16 report to the Department of Children and Family Services
17 under Section 4 of the "Abused and Neglected Child
18 Reporting Act"; ~~or~~

19 (8) Transmits or causes to be transmitted a false
20 report to the Department of Public Health under the Nursing
21 Home Care Act, the Specialized Mental Health
22 Rehabilitation Act, or the ID/DD Community Care Act; ~~or~~

23 (9) Transmits or causes to be transmitted in any manner
24 to the police department or fire department of any
25 municipality or fire protection district, or any privately
26 owned and operated ambulance service, a false request for

1 an ambulance, emergency medical technician-ambulance or
2 emergency medical technician-paramedic knowing at the time
3 there is no reasonable ground for believing that the such
4 assistance is required; ~~or~~

5 (10) Transmits or causes to be transmitted a false
6 report under Article II of "An Act in relation to victims
7 of violence and abuse", approved September 16, 1984, as
8 amended; ~~or~~

9 (11) Enters upon the property of another and for a lewd
10 or unlawful purpose deliberately looks into a dwelling on
11 the property through any window or other opening in it
12 ~~Transmits or causes to be transmitted a false report to any~~
13 ~~public safety agency without the reasonable grounds~~
14 ~~necessary to believe that transmitting such a report is~~
15 ~~necessary for the safety and welfare of the public; or~~

16 (12) While acting as a collection agency as defined in
17 the Collection Agency Act or as an employee of the
18 collection agency, and while attempting to collect an
19 alleged debt, makes a telephone call to the alleged debtor
20 which is designed to harass, annoy or intimidate the
21 alleged debtor. Calls the number "911" for the purpose of
22 ~~making or transmitting a false alarm or complaint and~~
23 ~~reporting information when, at the time the call or~~
24 ~~transmission is made, the person knows there is no~~
25 ~~reasonable ground for making the call or transmission and~~
26 ~~further knows that the call or transmission could result in~~

1 ~~the emergency response of any public safety agency; or~~
2 ~~(13) Transmits or causes to be transmitted a threat of~~
3 ~~destruction of a school building or school property, or a~~
4 ~~threat of violence, death, or bodily harm directed against~~
5 ~~persons at a school, school function, or school event,~~
6 ~~whether or not school is in session.~~

7 (b) Sentence. A violation of subsection (a)(1) of this
8 Section is a Class C misdemeanor. A violation of subsection
9 (a)(5) or (a)(11) of this Section is a Class A misdemeanor. A
10 violation of subsection (a)(8) or (a)(10) of this Section is a
11 Class B misdemeanor. A violation of subsection (a)(2),
12 (a)(3.5), (a)(4), (a)(6), (a)(7), or (a)(9), ~~(a)(12), or~~
13 ~~(a)(13)~~ of this Section is a Class 4 felony. A violation of
14 subsection (a)(3) of this Section is a Class 3 felony, for
15 which a fine of not less than \$3,000 and no more than \$10,000
16 shall be assessed in addition to any other penalty imposed.

17 A violation of subsection (a)(12) ~~(a)(6)~~ of this Section is
18 a Business Offense and shall be punished by a fine not to
19 exceed \$3,000. A second or subsequent violation of subsection
20 (a)(7) or (a)(5) ~~(a)(11)~~ of this Section is a Class 4 felony. A
21 third or subsequent violation of subsection (a)(11) ~~(a)(5)~~ of
22 this Section is a Class 4 felony.

23 (c) In addition to any other sentence that may be imposed,
24 a court shall order any person convicted of disorderly conduct
25 to perform community service for not less than 30 and not more
26 than 120 hours, if community service is available in the

1 jurisdiction and is funded and approved by the county board of
2 the county where the offense was committed. In addition,
3 whenever any person is placed on supervision for an alleged
4 offense under this Section, the supervision shall be
5 conditioned upon the performance of the community service.

6 This subsection does not apply when the court imposes a
7 sentence of incarceration.

8 (d) In addition to any other sentence that may be imposed,
9 the court shall order any person convicted of disorderly
10 conduct under paragraph (3) of subsection (a) involving a false
11 alarm of a threat that a bomb or explosive device has been
12 placed in a school to reimburse the unit of government that
13 employs the emergency response officer or officers that were
14 dispatched to the school for the cost of the search for a bomb
15 or explosive device. For the purposes of this Section,
16 "emergency response" means any incident requiring a response by
17 a police officer, a firefighter, a State Fire Marshal employee,
18 or an ambulance.

19 (Source: P.A. 96-339, eff. 7-1-10; 96-413, eff. 8-13-09;
20 96-772, eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1261, eff.
21 1-1-11; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12; revised
22 9-14-11.)

23 (720 ILCS 5/26-2) (from Ch. 38, par. 26-2)

24 Sec. 26-2. Interference with emergency communication.

25 (a) A person commits ~~the offense of~~ interference with

1 emergency communication when he or she knowingly,
2 intentionally and without lawful justification interrupts,
3 disrupts, impedes, or otherwise interferes with the
4 transmission of a communication over a citizens band radio
5 channel, the purpose of which communication is to inform or
6 inquire about an emergency.

7 (b) For the purpose of this Section, "emergency" means a
8 condition or circumstance in which an individual is or is
9 reasonably believed by the person transmitting the
10 communication to be in imminent danger of serious bodily injury
11 or in which property is or is reasonably believed by the person
12 transmitting the communication to be in imminent danger of
13 damage or destruction.

14 (c) Sentence.

15 (1) Interference with emergency communication is a
16 Class B misdemeanor, except as otherwise provided in
17 paragraph (2).

18 (2) Interference with emergency communication, where
19 serious bodily injury or property loss in excess of \$1,000
20 results, is a Class A misdemeanor.

21 (Source: P.A. 82-418.)

22 (720 ILCS 5/26-3) (from Ch. 38, par. 26-3)

23 Sec. 26-3. Use of a facsimile machine in unsolicited
24 advertising or fund-raising.

25 (a) Definitions:

1 (1) "Facsimile machine" means a device which is capable of
2 sending or receiving facsimiles of documents through
3 connection with a telecommunications network.

4 (2) "Person" means an individual, public or private
5 corporation, unit of government, partnership or unincorporated
6 association.

7 (b) A ~~No~~ person commits use of a facsimile machine in
8 unsolicited advertising or fund-raising when he or she shall
9 knowingly uses use a facsimile machine to send or cause to be
10 sent to another person a facsimile of a document containing
11 unsolicited advertising or fund-raising material, except to a
12 person which the sender knows or under all of the circumstances
13 reasonably believes has given the sender permission, either on
14 a case by case or continuing basis, for the sending of the such
15 material.

16 (c) Sentence. Any person who violates subsection (b) is
17 guilty of a petty offense and shall be fined an amount not to
18 exceed \$500.

19 (Source: P.A. 86-555.)

20 (720 ILCS 5/26-4.5 new)

21 Sec. 26-4.5. Consumer communications privacy.

22 (a) For purposes of this Section, "communications company"
23 means any person or organization which owns, controls, operates
24 or manages any company which provides information or
25 entertainment electronically to a household, including but not

1 limited to a cable or community antenna television system.

2 (b) It shall be unlawful for a communications company to:

3 (1) install and use any equipment which would allow a
4 communications company to visually observe or listen to
5 what is occurring in an individual subscriber's household
6 without the knowledge or permission of the subscriber;

7 (2) provide any person or public or private
8 organization with a list containing the name of a
9 subscriber, unless the communications company gives notice
10 thereof to the subscriber;

11 (3) disclose the television viewing habits of any
12 individual subscriber without the subscriber's consent; or

13 (4) install or maintain a home-protection scanning
14 device in a dwelling as part of a communication service
15 without the express written consent of the occupant.

16 (c) Sentence. A violation of this Section is a business
17 offense, punishable by a fine not to exceed \$10,000 for each
18 violation.

19 (d) Civil liability. Any person who has been injured by a
20 violation of this Section may commence an action in the circuit
21 court for damages against any communications company which has
22 committed a violation. If the court awards damages, the
23 plaintiff shall be awarded costs.

24 (720 ILCS 5/26-7 new)

25 Sec. 26-7. Disorderly conduct with a laser or laser

1 pointer.

2 (a) Definitions. For the purposes of this Section:

3 "Aircraft" means any contrivance now known or
4 hereafter invented, used, or designed for navigation of or
5 flight in the air, but excluding parachutes.

6 "Laser" means both of the following:

7 (1) any device that utilizes the natural
8 oscillations of atoms or molecules between energy
9 levels for generating coherent electromagnetic
10 radiation in the ultraviolet, visible, or infrared
11 region of the spectrum and when discharged exceeds one
12 milliwatt continuous wave;

13 (2) any device designed or used to amplify
14 electromagnetic radiation by simulated emission that
15 is visible to the human eye.

16 "Laser pointer" means a hand-held device that emits
17 light amplified by the stimulated emission of radiation
18 that is visible to the human eye.

19 "Laser sight" means a laser pointer that can be
20 attached to a firearm and can be used to improve the
21 accuracy of the firearm.

22 (b) A person commits disorderly conduct with a laser or
23 laser pointer when he or she intentionally or knowingly:

24 (1) aims an operating laser pointer at a person he or
25 she knows or reasonably should know to be a peace officer;
26 or

1 (2) aims and discharges a laser or other device that
2 creates visible light into the cockpit of an aircraft that
3 is in the process of taking off, landing, or is in flight.

4 (c) Paragraph (2) of subsection (b) does not apply to the
5 following individuals who aim and discharge a laser or other
6 device at an aircraft:

7 (1) an authorized individual in the conduct of research
8 and development or flight test operations conducted by an
9 aircraft manufacturer, the Federal Aviation
10 Administration, or any other person authorized by the
11 Federal Aviation Administration to conduct this research
12 and development or flight test operations; or

13 (2) members or elements of the Department of Defense or
14 Department of Homeland Security acting in an official
15 capacity for the purpose of research, development,
16 operations, testing, or training.

17 (d) Sentence. Disorderly conduct with a laser or laser
18 pointer is a Class A misdemeanor.

19 (720 ILCS 5/Art. 26.5 heading new)

20 ARTICLE 26.5. HARASSING AND OBSCENE COMMUNICATIONS

21 (720 ILCS 5/26.5-0.1 new)

22 Sec. 26.5-0.1. Definitions. As used in this Article:

23 "Electronic communication" means any transfer of signs,
24 signals, writings, images, sounds, data or intelligence of any

1 nature transmitted in whole or in part by a wire, radio,
2 electromagnetic, photoelectric or photo-optical system.

3 "Electronic communication" includes transmissions through an
4 electronic device including, but not limited to, a telephone,
5 cellular phone, computer, or pager, which communication
6 includes, but is not limited to, e-mail, instant message, text
7 message, or voice mail.

8 "Family or household member" includes spouses, former
9 spouses, parents, children, stepchildren and other persons
10 related by blood or by present or prior marriage, persons who
11 share or formerly shared a common dwelling, persons who have or
12 allegedly share a blood relationship through a child, persons
13 who have or have had a dating or engagement relationship, and
14 persons with disabilities and their personal assistants. For
15 purposes of this Article, neither a casual acquaintanceship nor
16 ordinary fraternization between 2 individuals in business or
17 social contexts shall be deemed to constitute a dating
18 relationship.

19 "Harass" or "harassing" means knowing conduct which is not
20 necessary to accomplish a purpose that is reasonable under the
21 circumstances, that would cause a reasonable person emotional
22 distress and does cause emotional distress to another.

23 (720 ILCS 5/26.5-1 new)

24 Sec. 26.5-1. Transmission of obscene messages.

25 (a) A person commits transmission of obscene messages when

1 he or she sends messages or uses language or terms which are
2 obscene, lewd or immoral with the intent to offend by means of
3 or while using a telephone or telegraph facilities, equipment
4 or wires of any person, firm or corporation engaged in the
5 transmission of news or messages between states or within the
6 State of Illinois.

7 (b) The trier of fact may infer intent to offend from the
8 use of language or terms which are obscene, lewd or immoral.

9 (720 ILCS 5/26.5-2 new)

10 Sec. 26.5-2. Harassment by telephone.

11 (a) A person commits harassment by telephone when he or she
12 uses telephone communication for any of the following purposes:

13 (1) Making any comment, request, suggestion or
14 proposal which is obscene, lewd, lascivious, filthy or
15 indecent with an intent to offend;

16 (2) Making a telephone call, whether or not
17 conversation ensues, with intent to abuse, threaten or
18 harass any person at the called number;

19 (3) Making or causing the telephone of another
20 repeatedly to ring, with intent to harass any person at the
21 called number;

22 (4) Making repeated telephone calls, during which
23 conversation ensues, solely to harass any person at the
24 called number;

25 (5) Making a telephone call or knowingly inducing a

1 person to make a telephone call for the purpose of
2 harassing another person who is under 13 years of age,
3 regardless of whether the person under 13 years of age
4 consents to the harassment, if the defendant is at least 16
5 years of age at the time of the commission of the offense;
6 or

7 (6) Knowingly permitting any telephone under one's
8 control to be used for any of the purposes mentioned
9 herein.

10 (b) Every telephone directory published for distribution
11 to members of the general public shall contain a notice setting
12 forth a summary of the provisions of this Section. The notice
13 shall be printed in type which is no smaller than any other
14 type on the same page and shall be preceded by the word
15 "WARNING". All telephone companies in this State shall
16 cooperate with law enforcement agencies in using their
17 facilities and personnel to detect and prevent violations of
18 this Article.

19 (720 ILCS 5/26.5-3 new)

20 Sec. 26.5-3. Harassment through electronic communications.

21 (a) A person commits harassment through electronic
22 communications when he or she uses electronic communication for
23 any of the following purposes:

24 (1) Making any comment, request, suggestion or
25 proposal which is obscene with an intent to offend;

1 (2) Interrupting, with the intent to harass, the
2 telephone service or the electronic communication service
3 of any person;

4 (3) Transmitting to any person, with the intent to
5 harass and regardless of whether the communication is read
6 in its entirety or at all, any file, document, or other
7 communication which prevents that person from using his or
8 her telephone service or electronic communications device;

9 (4) Transmitting an electronic communication or
10 knowingly inducing a person to transmit an electronic
11 communication for the purpose of harassing another person
12 who is under 13 years of age, regardless of whether the
13 person under 13 years of age consents to the harassment, if
14 the defendant is at least 16 years of age at the time of
15 the commission of the offense;

16 (5) Threatening injury to the person or to the property
17 of the person to whom an electronic communication is
18 directed or to any of his or her family or household
19 members; or

20 (6) Knowingly permitting any electronic communications
21 device to be used for any of the purposes mentioned in this
22 subsection (a).

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

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

7 (720 ILCS 5/26.5-4 new)

8 Sec. 26.5-4. Evidence inference. Evidence that a defendant
9 made additional telephone calls or engaged in additional
10 electronic communications after having been requested by a
11 named complainant or by a family or household member of the
12 complainant to stop may be considered as evidence of an intent
13 to harass unless disproved by evidence to the contrary.

14 (720 ILCS 5/26.5-5 new)

15 Sec. 26.5-5. Sentence.

16 (a) Except as provided in subsection (b), a person who
17 violates any of the provisions of Section 26.5-1, 26.5-2, or
18 26.5-3 of this Article is guilty of a Class B misdemeanor.
19 Except as provided in subsection (b), a second or subsequent
20 violation of Section 26.5-1, 26.5-2, or 26.5-3 of this Article
21 is a Class A misdemeanor, for which the court shall impose a
22 minimum of 14 days in jail or, if public or community service
23 is established in the county in which the offender was
24 convicted, 240 hours of public or community service.

1 (b) In any of the following circumstances, a person who
2 violates Section 26.5-1, 26.5-2, or 26.5-3 of this Article
3 shall be guilty of a Class 4 felony:

4 (1) The person has 3 or more prior violations in the
5 last 10 years of harassment by telephone, harassment
6 through electronic communications, or any similar offense
7 of any other state;

8 (2) The person has previously violated the harassment
9 by telephone provisions, or the harassment through
10 electronic communications provisions, or committed any
11 similar offense in any other state with the same victim or
12 a member of the victim's family or household;

13 (3) At the time of the offense, the offender was under
14 conditions of bail, probation, conditional discharge,
15 mandatory supervised release or was the subject of an order
16 of protection, in this or any other state, prohibiting
17 contact with the victim or any member of the victim's
18 family or household;

19 (4) In the course of the offense, the offender
20 threatened to kill the victim or any member of the victim's
21 family or household;

22 (5) The person has been convicted in the last 10 years
23 of a forcible felony as defined in Section 2-8 of the
24 Criminal Code of 1961;

25 (6) The person violates paragraph (5) of Section 26.5-2
26 or paragraph (4) of Section 26.5-3; or

1 (7) The person was at least 18 years of age at the time
2 of the commission of the offense and the victim was under
3 18 years of age at the time of the commission of the
4 offense.

5 (c) The court may order any person convicted under this
6 Article to submit to a psychiatric examination.

7 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)
8 Sec. 28-1. Gambling.

9 (a) A person commits gambling when he or she:

10 (1) knowingly plays ~~Plays~~ a game of chance or skill for
11 money or other thing of value, unless excepted in
12 subsection (b) of this Section; ~~or~~

13 (2) knowingly makes ~~Makes~~ a wager upon the result of
14 any game, contest, or any political nomination,
15 appointment or election; ~~or~~

16 (3) knowingly operates ~~Operates~~, keeps, owns, uses,
17 purchases, exhibits, rents, sells, bargains for the sale or
18 lease of, manufactures or distributes any gambling device;
19 ~~or~~

20 (4) contracts ~~Contracts~~ to have or give himself or
21 herself or another the option to buy or sell, or contracts
22 to buy or sell, at a future time, any grain or other
23 commodity whatsoever, or any stock or security of any
24 company, where it is at the time of making such contract
25 intended by both parties thereto that the contract to buy

1 or sell, or the option, whenever exercised, or the contract
2 resulting therefrom, shall be settled, not by the receipt
3 or delivery of such property, but by the payment only of
4 differences in prices thereof; however, the issuance,
5 purchase, sale, exercise, endorsement or guarantee, by or
6 through a person registered with the Secretary of State
7 pursuant to Section 8 of the Illinois Securities Law of
8 1953, or by or through a person exempt from such
9 registration under said Section 8, of a put, call, or other
10 option to buy or sell securities which have been registered
11 with the Secretary of State or which are exempt from such
12 registration under Section 3 of the Illinois Securities Law
13 of 1953 is not gambling within the meaning of this
14 paragraph (4); ~~or~~

15 (5) knowingly ~~Knowingly~~ owns or possesses any book,
16 instrument or apparatus by means of which bets or wagers
17 have been, or are, recorded or registered, or knowingly
18 possesses any money which he has received in the course of
19 a bet or wager; ~~or~~

20 (6) knowingly sells ~~Sells~~ pools upon the result of any
21 game or contest of skill or chance, political nomination,
22 appointment or election; ~~or~~

23 (7) knowingly sets ~~Sets~~ up or promotes any lottery or
24 sells, offers to sell or transfers any ticket or share for
25 any lottery; ~~or~~

26 (8) knowingly sets ~~Sets~~ up or promotes any policy game

1 or sells, offers to sell or knowingly possesses or
2 transfers any policy ticket, slip, record, document or
3 other similar device; ~~or~~

4 (9) knowingly ~~Knowingly~~ drafts, prints or publishes
5 any lottery ticket or share, or any policy ticket, slip,
6 record, document or similar device, except for such
7 activity related to lotteries, bingo games and raffles
8 authorized by and conducted in accordance with the laws of
9 Illinois or any other state or foreign government; ~~or~~

10 (10) knowingly ~~Knowingly~~ advertises any lottery or
11 policy game, except for such activity related to lotteries,
12 bingo games and raffles authorized by and conducted in
13 accordance with the laws of Illinois or any other state; ~~or~~

14 (11) knowingly ~~Knowingly~~ transmits information as to
15 wagers, betting odds, or changes in betting odds by
16 telephone, telegraph, radio, semaphore or similar means;
17 or knowingly installs or maintains equipment for the
18 transmission or receipt of such information; except that
19 nothing in this subdivision (11) prohibits transmission or
20 receipt of such information for use in news reporting of
21 sporting events or contests; or

22 (12) knowingly ~~Knowingly~~ establishes, maintains, or
23 operates an Internet site that permits a person to play a
24 game of chance or skill for money or other thing of value
25 by means of the Internet or to make a wager upon the result
26 of any game, contest, political nomination, appointment,

1 or election by means of the Internet. This item (12) does
2 not apply to activities referenced in items (6) and (6.1)
3 of subsection (b) of this Section.

4 (b) Participants in any of the following activities shall
5 not be convicted of gambling ~~therefor~~:

6 (1) Agreements to compensate for loss caused by the
7 happening of chance including without limitation contracts
8 of indemnity or guaranty and life or health or accident
9 insurance.

10 (2) Offers of prizes, award or compensation to the
11 actual contestants in any bona fide contest for the
12 determination of skill, speed, strength or endurance or to
13 the owners of animals or vehicles entered in such contest.

14 (3) Pari-mutuel betting as authorized by the law of
15 this State.

16 (4) Manufacture of gambling devices, including the
17 acquisition of essential parts therefor and the assembly
18 thereof, for transportation in interstate or foreign
19 commerce to any place outside this State when such
20 transportation is not prohibited by any applicable Federal
21 law; or the manufacture, distribution, or possession of
22 video gaming terminals, as defined in the Video Gaming Act,
23 by manufacturers, distributors, and terminal operators
24 licensed to do so under the Video Gaming Act.

25 (5) The game commonly known as "bingo", when conducted
26 in accordance with the Bingo License and Tax Act.

1 (6) Lotteries when conducted by the State of Illinois
2 in accordance with the Illinois Lottery Law. This exemption
3 includes any activity conducted by the Department of
4 Revenue to sell lottery tickets pursuant to the provisions
5 of the Illinois Lottery Law and its rules.

6 (6.1) The purchase of lottery tickets through the
7 Internet for a lottery conducted by the State of Illinois
8 under the program established in Section 7.12 of the
9 Illinois Lottery Law.

10 (7) Possession of an antique slot machine that is
11 neither used nor intended to be used in the operation or
12 promotion of any unlawful gambling activity or enterprise.
13 For the purpose of this subparagraph (b)(7), an antique
14 slot machine is one manufactured 25 years ago or earlier.

15 (8) Raffles when conducted in accordance with the
16 Raffles Act.

17 (9) Charitable games when conducted in accordance with
18 the Charitable Games Act.

19 (10) Pull tabs and jar games when conducted under the
20 Illinois Pull Tabs and Jar Games Act.

21 (11) Gambling games conducted on riverboats when
22 authorized by the Riverboat Gambling Act.

23 (12) Video gaming terminal games at a licensed
24 establishment, licensed truck stop establishment, licensed
25 fraternal establishment, or licensed veterans
26 establishment when conducted in accordance with the Video

1 Gaming Act.

2 (13) Games of skill or chance where money or other
3 things of value can be won but no payment or purchase is
4 required to participate.

5 (c) Sentence.

6 Gambling ~~under subsection (a) (1) or (a) (2) of this Section~~
7 is a Class A misdemeanor. ~~Gambling under any of subsections~~
8 ~~(a) (3) through (a) (11) of this Section is a Class A~~
9 ~~misdemeanor.~~ A second or subsequent conviction under ~~any of~~
10 subsections (a) (3) through (a) (12) ~~(a) (11)~~, is a Class 4
11 felony. ~~Gambling under subsection (a) (12) of this Section is a~~
12 ~~Class A misdemeanor. A second or subsequent conviction under~~
13 ~~subsection (a) (12) is a Class 4 felony.~~

14 (d) Circumstantial evidence.

15 In prosecutions under ~~subsection (a) (1) through (a) (12) of~~
16 this Section circumstantial evidence shall have the same
17 validity and weight as in any criminal prosecution.

18 (Source: P.A. 96-34, eff. 7-13-09; 96-37, eff. 7-13-09;
19 96-1203, eff. 7-22-10.)

20 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

21 Sec. 28-1.1. Syndicated gambling.

22 (a) Declaration of Purpose. Recognizing the close
23 relationship between professional gambling and other organized
24 crime, it is declared to be the policy of the legislature to
25 restrain persons from engaging in the business of gambling for

1 profit in this State. This Section shall be liberally construed
2 and administered with a view to carrying out this policy.

3 (b) A person commits syndicated gambling when he or she
4 operates a "policy game" or engages in the business of
5 bookmaking.

6 (c) A person "operates a policy game" when he or she
7 knowingly uses any premises or property for the purpose of
8 receiving or knowingly does receive from what is commonly
9 called "policy":

10 (1) money from a person other than the bettor ~~better~~ or
11 player whose bets or plays are represented by the ~~such~~
12 money; or

13 (2) written "policy game" records, made or used over
14 any period of time, from a person other than the bettor
15 ~~better~~ or player whose bets or plays are represented by the
16 ~~such~~ written record.

17 (d) A person engages in bookmaking when he or she knowingly
18 receives or accepts more than five bets or wagers upon the
19 result of any trials or contests of skill, speed or power of
20 endurance or upon any lot, chance, casualty, unknown or
21 contingent event whatsoever, which bets or wagers shall be of
22 such size that the total of the amounts of money paid or
23 promised to be paid to the ~~such~~ bookmaker on account thereof
24 shall exceed \$2,000. Bookmaking is the receiving or accepting
25 of ~~such~~ bets or wagers regardless of the form or manner in
26 which the bookmaker records them.

1 (e) Participants in any of the following activities shall
2 not be convicted of syndicated gambling:

3 (1) Agreements to compensate for loss caused by the
4 happening of chance including without limitation contracts
5 of indemnity or guaranty and life or health or accident
6 insurance; ~~and~~

7 (2) Offers of prizes, award or compensation to the
8 actual contestants in any bona fide contest for the
9 determination of skill, speed, strength or endurance or to
10 the owners of animals or vehicles entered in the ~~such~~
11 contest; ~~and~~

12 (3) Pari-mutuel betting as authorized by law of this
13 State; ~~and~~

14 (4) Manufacture of gambling devices, including the
15 acquisition of essential parts therefor and the assembly
16 thereof, for transportation in interstate or foreign
17 commerce to any place outside this State when the ~~such~~
18 transportation is not prohibited by any applicable Federal
19 law; ~~and~~

20 (5) Raffles when conducted in accordance with the
21 Raffles Act; ~~and~~

22 (6) Gambling games conducted on riverboats when
23 authorized by the Riverboat Gambling Act; and

24 (7) Video gaming terminal games at a licensed
25 establishment, licensed truck stop establishment, licensed
26 fraternal establishment, or licensed veterans

1 establishment when conducted in accordance with the Video
2 Gaming Act.

3 (f) Sentence. Syndicated gambling is a Class 3 felony.
4 (Source: P.A. 96-34, eff. 7-13-09.)

5 (720 ILCS 5/30-2) (from Ch. 38, par. 30-2)
6 Sec. 30-2. Misprision of treason.

7 (a) A person owing allegiance to this State commits
8 misprision of treason when he or she knowingly conceals or
9 withholds his or her knowledge that another has committed
10 treason against this State.

11 (b) Sentence.

12 Misprision of treason is a Class 4 felony.
13 (Source: P.A. 77-2638.)

14 (720 ILCS 5/31A-0.1 new)

15 Sec. 31A-0.1. Definitions. For the purposes of this
16 Article:

17 "Deliver" or "delivery" means the actual, constructive or
18 attempted transfer of possession of an item of contraband, with
19 or without consideration, whether or not there is an agency
20 relationship.

21 "Employee" means any elected or appointed officer, trustee
22 or employee of a penal institution or of the governing
23 authority of the penal institution, or any person who performs
24 services for the penal institution pursuant to contract with

1 the penal institution or its governing authority.

2 "Item of contraband" means any of the following:

3 (i) "Alcoholic liquor" as that term is defined in
4 Section 1-3.05 of the Liquor Control Act of 1934.

5 (ii) "Cannabis" as that term is defined in subsection
6 (a) of Section 3 of the Cannabis Control Act.

7 (iii) "Controlled substance" as that term is defined in
8 the Illinois Controlled Substances Act.

9 (iii-a) "Methamphetamine" as that term is defined in
10 the Illinois Controlled Substances Act or the
11 Methamphetamine Control and Community Protection Act.

12 (iv) "Hypodermic syringe" or hypodermic needle, or any
13 instrument adapted for use of controlled substances or
14 cannabis by subcutaneous injection.

15 (v) "Weapon" means any knife, dagger, dirk, billy,
16 razor, stiletto, broken bottle, or other piece of glass
17 which could be used as a dangerous weapon. This term
18 includes any of the devices or implements designated in
19 subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of
20 this Code, or any other dangerous weapon or instrument of
21 like character.

22 (vi) "Firearm" means any device, by whatever name
23 known, which is designed to expel a projectile or
24 projectiles by the action of an explosion, expansion of gas
25 or escape of gas, including but not limited to:

26 (A) any pneumatic gun, spring gun, or B-B gun which

1 expels a single globular projectile not exceeding .18
2 inch in diameter; or

3 (B) any device used exclusively for signaling or
4 safety and required as recommended by the United States
5 Coast Guard or the Interstate Commerce Commission; or

6 (C) any device used exclusively for the firing of
7 stud cartridges, explosive rivets or industrial
8 ammunition; or

9 (D) any device which is powered by electrical
10 charging units, such as batteries, and which fires one
11 or several barbs attached to a length of wire and
12 which, upon hitting a human, can send out current
13 capable of disrupting the person's nervous system in
14 such a manner as to render him or her incapable of
15 normal functioning, commonly referred to as a stun gun
16 or taser.

17 (vii) "Firearm ammunition" means any self-contained
18 cartridge or shotgun shell, by whatever name known, which
19 is designed to be used or adaptable to use in a firearm,
20 including but not limited to:

21 (A) any ammunition exclusively designed for use
22 with a device used exclusively for signaling or safety
23 and required or recommended by the United States Coast
24 Guard or the Interstate Commerce Commission; or

25 (B) any ammunition designed exclusively for use
26 with a stud or rivet driver or other similar industrial

1 ammunition.

2 (viii) "Explosive" means, but is not limited to, bomb,
3 bombshell, grenade, bottle or other container containing
4 an explosive substance of over one-quarter ounce for like
5 purposes such as black powder bombs and Molotov cocktails
6 or artillery projectiles.

7 (ix) "Tool to defeat security mechanisms" means, but is
8 not limited to, handcuff or security restraint key, tool
9 designed to pick locks, popper, or any device or instrument
10 used to or capable of unlocking or preventing from locking
11 any handcuff or security restraints, doors to cells, rooms,
12 gates or other areas of the penal institution.

13 (x) "Cutting tool" means, but is not limited to,
14 hacksaw blade, wirecutter, or device, instrument or file
15 capable of cutting through metal.

16 (xi) "Electronic contraband" for the purposes of
17 Section 31A-1.1 of this Article means, but is not limited
18 to, any electronic, video recording device, computer, or
19 cellular communications equipment, including, but not
20 limited to, cellular telephones, cellular telephone
21 batteries, videotape recorders, pagers, computers, and
22 computer peripheral equipment brought into or possessed in
23 a penal institution without the written authorization of
24 the Chief Administrative Officer. "Electronic contraband"
25 for the purposes of Section 31A-1.2 of this Article, means,
26 but is not limited to, any electronic, video recording

1 device, computer, or cellular communications equipment,
2 including, but not limited to, cellular telephones,
3 cellular telephone batteries, videotape recorders, pagers,
4 computers, and computer peripheral equipment.

5 "Penal institution" means any penitentiary, State farm,
6 reformatory, prison, jail, house of correction, police
7 detention area, half-way house or other institution or place
8 for the incarceration or custody of persons under sentence for
9 offenses awaiting trial or sentence for offenses, under arrest
10 for an offense, a violation of probation, a violation of
11 parole, or a violation of mandatory supervised release, or
12 awaiting a bail setting hearing or preliminary hearing;
13 provided that where the place for incarceration or custody is
14 housed within another public building this Article shall not
15 apply to that part of the building unrelated to the
16 incarceration or custody of persons.

17 (720 ILCS 5/31A-1.1) (from Ch. 38, par. 31A-1.1)

18 Sec. 31A-1.1. Bringing Contraband into a Penal
19 Institution; Possessing Contraband in a Penal Institution.

20 (a) A person commits ~~the offense of~~ bringing contraband
21 into a penal institution when he or she knowingly and without
22 authority of any person designated or authorized to grant this
23 ~~such~~ authority (1) brings an item of contraband into a penal
24 institution or (2) causes another to bring an item of
25 contraband into a penal institution or (3) places an item of

1 contraband in such proximity to a penal institution as to give
2 an inmate access to the contraband.

3 (b) A person commits ~~the offense of~~ possessing contraband
4 in a penal institution when he or she knowingly possesses
5 contraband in a penal institution, regardless of the intent
6 with which he or she possesses it.

7 (c) (Blank). ~~For the purposes of this Section, the words~~
8 ~~and phrases listed below shall be defined as follows:~~

9 ~~(1) "Penal institution" means any penitentiary, State~~
10 ~~farm, reformatory, prison, jail, house of correction,~~
11 ~~police detention area, half-way house or other institution~~
12 ~~or place for the incarceration or custody of persons under~~
13 ~~sentence for offenses awaiting trial or sentence for~~
14 ~~offenses, under arrest for an offense, a violation of~~
15 ~~probation, a violation of parole, or a violation of~~
16 ~~mandatory supervised release, or awaiting a bail setting~~
17 ~~hearing or preliminary hearing; provided that where the~~
18 ~~place for incarceration or custody is housed within another~~
19 ~~public building this Act shall not apply to that part of~~
20 ~~such building unrelated to the incarceration or custody of~~
21 ~~persons.~~

22 ~~(2) "Item of contraband" means any of the following:~~

23 ~~(i) "Alcoholic liquor" as such term is defined in~~
24 ~~Section 1-3.05 of the Liquor Control Act of 1934.~~

25 ~~(ii) "Cannabis" as such term is defined in~~
26 ~~subsection (a) of Section 3 of the Cannabis Control~~

1 ~~Act.~~

2 ~~(iii) "Controlled substance" as such term is~~
3 ~~defined in the Illinois Controlled Substances Act.~~

4 ~~(iii-a) "Methamphetamine" as such term is defined~~
5 ~~in the Illinois Controlled Substances Act or the~~
6 ~~Methamphetamine Control and Community Protection Act.~~

7 ~~(iv) "Hypodermic syringe" or hypodermic needle, or~~
8 ~~any instrument adapted for use of controlled~~
9 ~~substances or cannabis by subcutaneous injection.~~

10 ~~(v) "Weapon" means any knife, dagger, dirk, billy,~~
11 ~~razor, stiletto, broken bottle, or other piece of glass~~
12 ~~which could be used as a dangerous weapon. Such term~~
13 ~~includes any of the devices or implements designated in~~
14 ~~subsections (a) (1), (a) (3) and (a) (6) of Section 24-1~~
15 ~~of this Act, or any other dangerous weapon or~~
16 ~~instrument of like character.~~

17 ~~(vi) "Firearm" means any device, by whatever name~~
18 ~~known, which is designed to expel a projectile or~~
19 ~~projectiles by the action of an explosion, expansion of~~
20 ~~gas or escape of gas, including but not limited to:~~

21 ~~(A) any pneumatic gun, spring gun, or B-B gun~~
22 ~~which expels a single globular projectile not~~
23 ~~exceeding .18 inch in diameter, or;~~

24 ~~(B) any device used exclusively for signaling~~
25 ~~or safety and required as recommended by the United~~
26 ~~States Coast Guard or the Interstate Commerce~~

1 ~~Commission; or~~

2 ~~(C) any device used exclusively for the firing~~
3 ~~of stud cartridges, explosive rivets or industrial~~
4 ~~ammunition; or~~

5 ~~(D) any device which is powered by electrical~~
6 ~~charging units, such as batteries, and which fires~~
7 ~~one or several barbs attached to a length of wire~~
8 ~~and which, upon hitting a human, can send out~~
9 ~~current capable of disrupting the person's nervous~~
10 ~~system in such a manner as to render him incapable~~
11 ~~of normal functioning, commonly referred to as a~~
12 ~~stun gun or taser.~~

13 ~~(vii) "Firearm ammunition" means any~~
14 ~~self-contained cartridge or shotgun shell, by whatever~~
15 ~~name known, which is designed to be used or adaptable~~
16 ~~to use in a firearm, including but not limited to:~~

17 ~~(A) any ammunition exclusively designed for~~
18 ~~use with a device used exclusively for signaling or~~
19 ~~safety and required or recommended by the United~~
20 ~~States Coast Guard or the Interstate Commerce~~
21 ~~Commission; or~~

22 ~~(B) any ammunition designed exclusively for~~
23 ~~use with a stud or rivet driver or other similar~~
24 ~~industrial ammunition.~~

25 ~~(viii) "Explosive" means, but is not limited to,~~
26 ~~bomb, bombshell, grenade, bottle or other container~~

1 ~~containing an explosive substance of over one quarter~~
2 ~~ounce for like purposes such as black powder bombs and~~
3 ~~Molotov cocktails or artillery projectiles.~~

4 ~~(ix) "Tool to defeat security mechanisms" means,~~
5 ~~but is not limited to, handcuff or security restraint~~
6 ~~key, tool designed to pick locks, popper, or any device~~
7 ~~or instrument used to or capable of unlocking or~~
8 ~~preventing from locking any handcuff or security~~
9 ~~restraints, doors to cells, rooms, gates or other areas~~
10 ~~of the penal institution.~~

11 ~~(x) "Cutting tool" means, but is not limited to,~~
12 ~~hacksaw blade, wirecutter, or device, instrument or~~
13 ~~file capable of cutting through metal.~~

14 ~~(xi) "Electronic contraband" means, but is not~~
15 ~~limited to, any electronic, video recording device,~~
16 ~~computer, or cellular communications equipment,~~
17 ~~including, but not limited to, cellular telephones,~~
18 ~~cellular telephone batteries, videotape recorders,~~
19 ~~paggers, computers, and computer peripheral equipment~~
20 ~~brought into or possessed in a penal institution~~
21 ~~without the written authorization of the Chief~~
22 ~~Administrative Officer.~~

23 (d) Sentence.

24 (1) Bringing into or possessing alcoholic liquor in
25 ~~into~~ a penal institution is a Class 4 felony. ~~Possessing~~
26 ~~alcoholic liquor in a penal institution is a Class 4~~

1 ~~felony.~~

2 (2) ~~(e)~~ Bringing into or possessing cannabis in ~~into~~ a
3 penal institution is a Class 3 felony. ~~Possessing cannabis~~
4 ~~in a penal institution is a Class 3 felony.~~

5 (3) ~~(f)~~ Bringing into or possessing any amount of a
6 controlled substance classified in Schedules III, IV or V
7 of Article II of the Controlled Substance Act in ~~into~~ a
8 penal institution is a Class 2 felony. ~~Possessing any~~
9 ~~amount of a controlled substance classified in Schedule~~
10 ~~III, IV, or V of Article II of the Controlled Substance Act~~
11 ~~in a penal institution is a Class 2 felony.~~

12 (4) ~~(g)~~ Bringing into or possessing any amount of a
13 controlled substance classified in Schedules I or II of
14 Article II of the Controlled Substance Act in ~~into~~ a penal
15 institution is a Class 1 felony. ~~Possessing any amount of a~~
16 ~~controlled substance classified in Schedules I or II of~~
17 ~~Article II of the Controlled Substance Act in a penal~~
18 ~~institution is a Class 1 felony.~~

19 (5) ~~(h)~~ Bringing into or possessing a hypodermic
20 syringe in an item of contraband listed in paragraph (iv)
21 ~~of subsection (c)(2) into~~ a penal institution is a Class 1
22 felony. ~~Possessing an item of contraband listed in~~
23 ~~paragraph (iv) of subsection (c)(2) in a penal institution~~
24 ~~is a Class 1 felony.~~

25 (6) ~~(i)~~ Bringing into or possessing a weapon, tool to
26 defeat security mechanisms, cutting tool, or electronic

1 ~~contraband in an item of contraband listed in paragraph~~
2 ~~(v), (ix), (x), or (xi) of subsection (c)(2) into a penal~~
3 ~~institution is a Class 1 felony. Possessing an item of~~
4 ~~contraband listed in paragraph (v), (ix), (x), or (xi) of~~
5 ~~subsection (c)(2) in a penal institution is a Class 1~~
6 ~~felony.~~

7 (7) (j) ~~Bringing into or possessing a firearm, firearm~~
8 ~~ammunition, or explosive an item of contraband listed in~~
9 ~~paragraphs (vi), (vii) or (viii) of subsection (c)(2) in a~~
10 ~~penal institution is a Class X felony. Possessing an item~~
11 ~~of contraband listed in paragraphs (vi), (vii), or (viii)~~
12 ~~of subsection (c)(2) in a penal institution is a Class X~~
13 ~~felony.~~

14 (e) (k) ~~It shall be an affirmative defense to subsection~~
15 ~~(b) hereof, that the such possession was specifically~~
16 ~~authorized by rule, regulation, or directive of the governing~~
17 ~~authority of the penal institution or order issued under it~~
18 ~~pursuant thereto.~~

19 (f) (l) ~~It shall be an affirmative defense to subsection~~
20 ~~(a)(1) and subsection (b) hereof that the person bringing into~~
21 ~~or possessing contraband in a penal institution had been~~
22 ~~arrested, and that that person possessed the such contraband at~~
23 ~~the time of his or her arrest, and that the such contraband was~~
24 ~~brought into or possessed in the penal institution by that~~
25 ~~person as a direct and immediate result of his or her arrest.~~

26 (g) (m) ~~Items confiscated may be retained for use by the~~

1 Department of Corrections or disposed of as deemed appropriate
2 by the Chief Administrative Officer in accordance with
3 Department rules or disposed of as required by law.

4 (Source: P.A. 96-1112, eff. 1-1-11.)

5 (720 ILCS 5/31A-1.2) (from Ch. 38, par. 31A-1.2)

6 Sec. 31A-1.2. Unauthorized bringing of contraband into a
7 penal institution by an employee; unauthorized possessing of
8 contraband in a penal institution by an employee; unauthorized
9 delivery of contraband in a penal institution by an employee.

10 (a) A person commits ~~the offense of~~ unauthorized bringing
11 of contraband into a penal institution by an employee when a
12 person who is an employee knowingly and without authority of
13 any person designated or authorized to grant this ~~such~~
14 authority:

15 (1) brings or attempts to bring an item of contraband
16 ~~listed in subsection (d)(4)~~ into a penal institution, or

17 (2) causes or permits another to bring an item of
18 contraband ~~listed in subsection (d)(4)~~ into a penal
19 institution.

20 (b) A person commits ~~the offense of~~ unauthorized possession
21 of contraband in a penal institution by an employee when a
22 person who is an employee knowingly and without authority of
23 any person designated or authorized to grant this ~~such~~
24 authority possesses an item of contraband ~~listed in subsection~~
25 ~~(d)(4)~~ in a penal institution, regardless of the intent with

1 which he or she possesses it.

2 (c) A person commits ~~the offense of~~ unauthorized delivery
3 of contraband in a penal institution by an employee when a
4 person who is an employee knowingly and without authority of
5 any person designated or authorized to grant this ~~such~~
6 authority:

7 (1) delivers or possesses with intent to deliver an
8 item of contraband to any inmate of a penal institution, or

9 (2) conspires to deliver or solicits the delivery of an
10 item of contraband to any inmate of a penal institution, or

11 (3) causes or permits the delivery of an item of
12 contraband to any inmate of a penal institution, or

13 (4) permits another person to attempt to deliver an
14 item of contraband to any inmate of a penal institution.

15 (d) ~~For purpose of this Section, the words and phrases~~
16 ~~listed below shall be defined as follows:~~

17 ~~(1) "Penal Institution" shall have the meaning~~
18 ~~ascribed to it in subsection (c)(1) of Section 31A 1.1 of~~
19 ~~this Code;~~

20 ~~(2) "Employee" means any elected or appointed officer,~~
21 ~~trustee or employee of a penal institution or of the~~
22 ~~governing authority of the penal institution, or any person~~
23 ~~who performs services for the penal institution pursuant to~~
24 ~~contract with the penal institution or its governing~~
25 ~~authority.~~

26 ~~(3) "Deliver" or "delivery" means the actual,~~

1 ~~constructive or attempted transfer of possession of an item~~
2 ~~of contraband, with or without consideration, whether or~~
3 ~~not there is an agency relationship;~~

4 ~~(4) "Item of contraband" means any of the following:~~

5 ~~(i) "Alcoholic liquor" as such term is defined in~~
6 ~~Section 1-3.05 of the Liquor Control Act of 1934.~~

7 ~~(ii) "Cannabis" as such term is defined in~~
8 ~~subsection (a) of Section 3 of the Cannabis Control~~
9 ~~Act.~~

10 ~~(iii) "Controlled substance" as such term is~~
11 ~~defined in the Illinois Controlled Substances Act.~~

12 ~~(iii-a) "Methamphetamine" as such term is defined~~
13 ~~in the Illinois Controlled Substances Act or the~~
14 ~~Methamphetamine Control and Community Protection Act.~~

15 ~~(iv) "Hypodermic syringe" or hypodermic needle, or~~
16 ~~any instrument adapted for use of controlled~~
17 ~~substances or cannabis by subcutaneous injection.~~

18 ~~(v) "Weapon" means any knife, dagger, dirk, billy,~~
19 ~~razor, stiletto, broken bottle, or other piece of glass~~
20 ~~which could be used as a dangerous weapon. Such term~~
21 ~~includes any of the devices or implements designated in~~
22 ~~subsections (a)(1), (a)(3) and (a)(6) of Section 24-1~~
23 ~~of this Act, or any other dangerous weapon or~~
24 ~~instrument of like character.~~

25 ~~(vi) "Firearm" means any device, by whatever name~~
26 ~~known, which is designed to expel a projectile or~~

1 ~~projectiles by the action of an explosion, expansion of~~
2 ~~gas or escape of gas, including but not limited to:~~

3 ~~(A) any pneumatic gun, spring gun, or B-B gun~~
4 ~~which expels a single globular projectile not~~
5 ~~exceeding .18 inch in diameter; or~~

6 ~~(B) any device used exclusively for signaling~~
7 ~~or safety and required or recommended by the United~~
8 ~~States Coast Guard or the Interstate Commerce~~
9 ~~Commission; or~~

10 ~~(C) any device used exclusively for the firing~~
11 ~~of stud cartridges, explosive rivets or industrial~~
12 ~~ammunition; or~~

13 ~~(D) any device which is powered by electrical~~
14 ~~charging units, such as batteries, and which fires~~
15 ~~one or several barbs attached to a length of wire~~
16 ~~and which, upon hitting a human, can send out~~
17 ~~current capable of disrupting the person's nervous~~
18 ~~system in such a manner as to render him incapable~~
19 ~~of normal functioning, commonly referred to as a~~
20 ~~stun gun or taser.~~

21 ~~(vii) "Firearm ammunition" means any~~
22 ~~self-contained cartridge or shotgun shell, by whatever~~
23 ~~name known, which is designed to be used or adaptable~~
24 ~~to use in a firearm, including but not limited to:~~

25 ~~(A) any ammunition exclusively designed for~~
26 ~~use with a device used exclusively for signaling or~~

1 ~~safety and required or recommended by the United~~
2 ~~States Coast Guard or the Interstate Commerce~~
3 ~~Commission; or~~

4 ~~(E) any ammunition designed exclusively for~~
5 ~~use with a stud or rivet driver or other similar~~
6 ~~industrial ammunition.~~

7 ~~(viii) "Explosive" means, but is not limited to,~~
8 ~~bomb, bombshell, grenade, bottle or other container~~
9 ~~containing an explosive substance of over one quarter~~
10 ~~ounce for like purposes such as black powder bombs and~~
11 ~~Molotov cocktails or artillery projectiles.~~

12 ~~(ix) "Tool to defeat security mechanisms" means,~~
13 ~~but is not limited to, handcuff or security restraint~~
14 ~~key, tool designed to pick locks, popper, or any device~~
15 ~~or instrument used to or capable of unlocking or~~
16 ~~preventing from locking any handcuff or security~~
17 ~~restraints, doors to cells, rooms, gates or other areas~~
18 ~~of the penal institution.~~

19 ~~(x) "Cutting tool" means, but is not limited to,~~
20 ~~hacksaw blade, wirecutter, or device, instrument or~~
21 ~~file capable of cutting through metal.~~

22 ~~(xi) "Electronic contraband" means, but is not~~
23 ~~limited to, any electronic, video recording device,~~
24 ~~computer, or cellular communications equipment,~~
25 ~~including, but not limited to, cellular telephones,~~
26 ~~cellular telephone batteries, videotape recorders,~~

1 ~~paggers, computers, and computer peripheral equipment.~~

2 For a violation of subsection (a) or (b) involving a
3 cellular telephone or cellular telephone battery, the
4 defendant must intend to provide the cellular telephone or
5 cellular telephone battery to any inmate in a penal
6 institution, or to use the cellular telephone or cellular
7 telephone battery at the direction of an inmate or for the
8 benefit of any inmate of a penal institution.

9 (e) Sentence.

10 (1) A violation of paragraphs (a) or (b) of this
11 Section involving alcohol is a Class 4 felony. A violation
12 of paragraph (a) or (b) of this Section involving cannabis
13 is a Class 2 felony. A violation of paragraph (a) or (b)
14 involving any amount of a controlled substance classified
15 in Schedules III, IV or V of Article II of the Illinois
16 Controlled Substances Act is a Class 1 felony. A violation
17 of paragraph (a) or (b) of this Section involving any
18 amount of a controlled substance classified in Schedules I
19 or II of Article II of the Illinois Controlled Substances
20 Act is a Class X felony. A violation of paragraph (a) or
21 (b) involving a hypodermic syringe ~~an item of contraband~~
22 ~~listed in paragraph (iv) of subsection (d)(4)~~ is a Class X
23 felony. A violation of paragraph (a) or (b) involving a
24 weapon, tool to defeat security mechanisms, cutting tool,
25 or electronic contraband ~~an item of contraband listed in~~
26 ~~paragraph (v), (ix), (x), or (xi) of subsection (d)(4)~~ is a

1 Class 1 felony. A violation of paragraph (a) or (b)
2 involving a firearm, firearm ammunition, or explosive ~~an~~
3 ~~item of contraband listed in paragraphs (vi), (vii) or~~
4 ~~(viii) of subsection (d)(4)~~ is a Class X felony.

5 (2) ~~(f)~~ A violation of paragraph (c) of this Section
6 involving alcoholic liquor is a Class 3 felony. A violation
7 of paragraph (c) involving cannabis is a Class 1 felony. A
8 violation of paragraph (c) involving any amount of a
9 controlled substance classified in Schedules III, IV or V
10 of Article II of the Illinois Controlled Substances Act is
11 a Class X felony. A violation of paragraph (c) involving
12 any amount of a controlled substance classified in
13 Schedules I or II of Article II of the Illinois Controlled
14 Substances Act is a Class X felony for which the minimum
15 term of imprisonment shall be 8 years. A violation of
16 paragraph (c) involving a hypodermic syringe ~~an item of~~
17 ~~contraband listed in paragraph (iv) of subsection (d)(4)~~ is
18 a Class X felony for which the minimum term of imprisonment
19 shall be 8 years. A violation of paragraph (c) involving a
20 weapon, tool to defeat security mechanisms, cutting tool,
21 or electronic contraband ~~an item of contraband listed in~~
22 ~~paragraph (v), (ix), (x), or (xi) of subsection (d)(4)~~ is a
23 Class X felony for which the minimum term of imprisonment
24 shall be 10 years. A violation of paragraph (c) involving a
25 firearm, firearm ammunition, or explosive ~~an item of~~
26 ~~contraband listed in paragraphs (vi), (vii) or (viii) of~~

1 ~~subsection (d) (4)~~ is a Class X felony for which the minimum
2 term of imprisonment shall be 12 years.

3 (f) ~~(g)~~ Items confiscated may be retained for use by the
4 Department of Corrections or disposed of as deemed appropriate
5 by the Chief Administrative Officer in accordance with
6 Department rules or disposed of as required by law.

7 (g) ~~(h)~~ For a violation of subsection (a) or (b) involving
8 alcoholic liquor, a weapon, firearm, firearm ammunition, tool
9 to defeat security mechanisms, cutting tool, or electronic
10 contraband ~~items described in clause (i), (v), (vi), (vii),~~
11 ~~(ix), (x), or (xi) of paragraph (4) of subsection (d),~~ the such
12 items shall not be considered to be in a penal institution when
13 they are secured in an employee's locked, private motor vehicle
14 parked on the grounds of a penal institution.

15 (Source: P.A. 96-328, eff. 8-11-09; 96-1112, eff. 1-1-11;
16 96-1325, eff. 7-27-10; 97-333, eff. 8-12-11.)

17 (720 ILCS 5/32-1) (from Ch. 38, par. 32-1)

18 Sec. 32-1. Compounding a crime.

19 (a) A person commits compounding ~~compounds~~ a crime when he
20 or she knowingly receives or offers to another any
21 consideration for a promise not to prosecute or aid in the
22 prosecution of an offender.

23 (b) Sentence. Compounding a crime is a petty offense.

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

1 (720 ILCS 5/32-2) (from Ch. 38, par. 32-2)

2 Sec. 32-2. Perjury.

3 (a) A person commits perjury when, under oath or
4 affirmation, in a proceeding or in any other matter where by
5 law the ~~such~~ oath or affirmation is required, he or she makes a
6 false statement, material to the issue or point in question,
7 knowing the statement is false ~~which he does not believe to be~~
8 ~~true~~.

9 (b) Proof of Falsity.

10 An indictment or information for perjury alleging that the
11 offender, under oath, has knowingly made contradictory
12 statements, material to the issue or point in question, in the
13 same or in different proceedings, where the ~~such~~ oath or
14 affirmation is required, need not specify which statement is
15 false. At the trial, the prosecution need not establish which
16 statement is false.

17 (c) Admission of Falsity.

18 Where the contradictory statements are made in the same
19 continuous trial, an admission by the offender in that same
20 continuous trial of the falsity of a contradictory statement
21 shall bar prosecution therefor under any provisions of this
22 Code.

23 (d) A person shall be exempt from prosecution under
24 subsection (a) of this Section if he or she is a peace officer
25 who uses a false or fictitious name in the enforcement of the
26 criminal laws, and this ~~such~~ use is approved in writing as

1 provided in Section 10-1 of "The Liquor Control Act of 1934",
2 as amended, Section 5 of "An Act in relation to the use of an
3 assumed name in the conduct or transaction of business in this
4 State", approved July 17, 1941, as amended, or Section 2605-200
5 of the Department of State Police Law ~~(20 ILCS 2605/2605-200)~~.
6 However, this exemption shall not apply to testimony in
7 judicial proceedings where the identity of the peace officer is
8 material to the issue, and he or she is ordered by the court to
9 disclose his or her identity.

10 (e) Sentence.

11 Perjury is a Class 3 felony.

12 (Source: P.A. 91-239, eff. 1-1-00.)

13 (720 ILCS 5/32-3) (from Ch. 38, par. 32-3)

14 Sec. 32-3. Subornation of perjury.

15 (a) A person commits subornation of perjury when he or she
16 knowingly procures or induces another to make a statement in
17 violation of Section 32-2 which the person knows to be false.

18 (b) Sentence.

19 Subornation of perjury is a Class 4 felony.

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

21 (720 ILCS 5/32-4b) (from Ch. 38, par. 32-4b)

22 Sec. 32-4b. Bribery for excuse from jury duty.

23 (a) A jury commissioner, or any other person acting on
24 behalf of a jury commissioner, commits bribery for excuse from

1 jury duty, when he or she knowingly ~~who~~ requests, solicits,
2 suggests, or accepts financial compensation or any other form
3 of consideration in exchange for a promise to excuse or for
4 excusing any person from jury duty.

5 (b) Sentence. Bribery for excuse from jury duty is ~~commits~~
6 a Class 3 felony. In addition to any other penalty provided by
7 law, a ~~any~~ jury commissioner convicted under this Section shall
8 forfeit the performance bond required by Section 1 of "An Act
9 in relation to jury commissioners and authorizing judges to
10 appoint such commissioners and to make rules concerning their
11 powers and duties", approved June 15, 1887, as amended, and
12 shall be excluded from further service as a jury commissioner.

13 (Source: P.A. 84-1428.)

14 (720 ILCS 5/32-4c)

15 Sec. 32-4c. Witnesses; prohibition on accepting payments
16 before judgment or verdict.

17 (a) A person who, after the commencement of a criminal
18 prosecution, has been identified in the criminal discovery
19 process as a person who may be called as a witness in a
20 criminal proceeding shall not knowingly accept or receive,
21 directly or indirectly, any payment or benefit in consideration
22 for providing information obtained as a result of witnessing an
23 event or occurrence or having personal knowledge of certain
24 facts in relation to the criminal proceeding.

25 (b) Sentence. A violation of this Section is a Class B

1 misdemeanor for which the court may impose a fine not to exceed
2 3 times the amount of compensation requested, accepted, or
3 received.

4 (c) This Section remains applicable until the judgment of
5 the court in the action if the defendant is tried by the court
6 without a jury or the rendering of the verdict by the jury if
7 the defendant is tried by jury in the action.

8 (d) This Section does not apply to any of the following
9 circumstances:

10 (1) Lawful ~~To the lawful~~ compensation paid to expert
11 witnesses, investigators, employees, or agents by a
12 prosecutor, law enforcement agency, or an attorney
13 employed to represent a person in a criminal matter.

14 (2) Lawful ~~To the lawful~~ compensation or benefits
15 provided to an informant by a prosecutor or law enforcement
16 agency.

17 (2.5) Lawful ~~To the lawful~~ compensation or benefits, or
18 both, provided to an informant under a local anti-crime
19 program, such as Crime Stoppers, We-Tip, and similar
20 programs designed to solve crimes or that foster the
21 detection of crime and encourage persons through the
22 programs and otherwise to come forward with information
23 about criminal activity.

24 (2.6) Lawful ~~To the lawful~~ compensation or benefits, or
25 both, provided by a private individual to another private
26 individual as a reward for information leading to the

1 arrest and conviction of specified offenders.

2 (3) Lawful ~~To the lawful~~ compensation paid to a
3 publisher, editor, reporter, writer, or other person
4 connected with or employed by a newspaper, magazine,
5 television or radio station or any other publishing or
6 media outlet for disclosing information obtained from
7 another person relating to an offense.

8 (e) For purposes of this Section, "publishing or media
9 outlet" means a news gathering organization that sells or
10 distributes news to newspapers, television, or radio stations,
11 or a cable or broadcast television or radio network that
12 disseminates news and information.

13 (f) The person identified as a witness ~~referred to in~~
14 ~~subsection (a) of this Section~~ may receive written notice from
15 counsel for either the prosecution or defense of the fact that
16 he or she has been identified ~~as a person who may be called~~ as a
17 witness who may be called in a criminal proceeding and his or
18 her responsibilities and possible penalties under this
19 Section. This Section shall be applicable only if the witness
20 ~~person referred to in subsection (a) of this Section~~ received
21 the written notice referred to in this subsection ~~(f)~~.

22 (Source: P.A. 90-506, eff. 8-19-97.)

23 (720 ILCS 5/32-4d)

24 Sec. 32-4d. Payment of jurors by parties prohibited.

25 (a) After a verdict has been rendered in a civil or

1 criminal case, a person who was a plaintiff or defendant in the
2 case may not knowingly offer or pay an award or other fee to a
3 juror who was a member of the jury that rendered the verdict in
4 the case.

5 (b) After a verdict has been rendered in a civil or
6 criminal case, a member of the jury that rendered the verdict
7 may not knowingly accept an award or fee from the plaintiff or
8 defendant in that case.

9 (c) Sentence. A violation of this Section is a Class A
10 misdemeanor.

11 (d) This Section does not apply to the payment of a fee or
12 award to a person who was a juror for purposes unrelated to the
13 jury's verdict or to the outcome of the case.

14 (Source: P.A. 91-879, eff. 1-1-01.)

15 (720 ILCS 5/32-7) (from Ch. 38, par. 32-7)

16 Sec. 32-7. Simulating legal process.

17 (a) A person commits simulating legal process when he or
18 she ~~who~~ issues or delivers any document which he or she knows
19 falsely purports to be or simulates any civil or criminal
20 process ~~commits a Class B misdemeanor.~~

21 (b) Sentence. Simulating legal process is a Class B
22 misdemeanor.

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

24 (720 ILCS 5/32-8) (from Ch. 38, par. 32-8)

1 Sec. 32-8. Tampering with public records.

2 (a) A person commits tampering with public records when he
3 or she ~~who~~ knowingly, without lawful authority, and with the
4 intent to defraud any party, public officer or entity, alters,
5 destroys, defaces, removes or conceals any public record
6 ~~commits a Class 4 felony.~~

7 (b) (Blank). ~~"Public record" expressly includes, but is not~~
8 ~~limited to, court records, or documents, evidence, or exhibits~~
9 ~~filed with the clerk of the court and which have become a part~~
10 ~~of the official court record, pertaining to any civil or~~
11 ~~criminal proceeding in any court.~~

12 (c) A ~~Any~~ judge, circuit clerk or clerk of court, public
13 official or employee, court reporter, or other person commits
14 tampering with public records when he or she ~~who~~ knowingly,
15 without lawful authority, and with the intent to defraud any
16 party, public officer or entity, alters, destroys, defaces,
17 removes, or conceals any public record received or held by any
18 judge or by a clerk of any court ~~commits a Class 3 felony.~~

19 (c-5) "Public record" expressly includes, but is not
20 limited to, court records, or documents, evidence, or exhibits
21 filed with the clerk of the court and which have become a part
22 of the official court record, pertaining to any civil or
23 criminal proceeding in any court.

24 (d) Sentence. A violation of subsection (a) is a Class 4
25 felony. A violation of subsection (c) is a Class 3 felony. Any
26 person convicted under subsection (c) who at the time of the

1 violation was responsible for making, keeping, storing, or
2 reporting the record for which the tampering occurred:

3 (1) shall forfeit his or her public office or public
4 employment, if any, and shall thereafter be ineligible for
5 both State and local public office and public employment in
6 this State for a period of 5 years after completion of any
7 term of probation, conditional discharge, or incarceration
8 in a penitentiary including the period of mandatory
9 supervised release;

10 (2) shall forfeit all retirement, pension, and other
11 benefits arising out of public office or public employment
12 as may be determined by the court in accordance with the
13 applicable provisions of the Illinois Pension Code;

14 (3) shall be subject to termination of any professional
15 licensure or registration in this State as may be
16 determined by the court in accordance with the provisions
17 of the applicable professional licensing or registration
18 laws;

19 (4) may be ordered by the court, after a hearing in
20 accordance with applicable law and in addition to any other
21 penalty or fine imposed by the court, to forfeit to the
22 State an amount equal to any financial gain or the value of
23 any advantage realized by the person as a result of the
24 offense; and

25 (5) may be ordered by the court, after a hearing in
26 accordance with applicable law and in addition to any other

1 penalty or fine imposed by the court, to pay restitution to
2 the victim in an amount equal to any financial loss or the
3 value of any advantage lost by the victim as a result of
4 the offense.

5 For the purposes of this subsection (d), an offense under
6 subsection (c) committed by a person holding public office or
7 public employment shall be rebuttably presumed to relate to or
8 arise out of or in connection with that public office or public
9 employment.

10 (e) Any party litigant who believes a violation of this
11 Section has occurred may seek the restoration of the court
12 record as provided in the Court Records Restoration Act. Any
13 order of the court denying the restoration of the court record
14 may be appealed as any other civil judgment.

15 (f) When the sheriff or local law enforcement agency having
16 jurisdiction declines to investigate, or inadequately
17 investigates, the court or any interested party, shall notify
18 the State Police of a suspected violation of subsection (a) or
19 (c), who shall have the authority to investigate, and may
20 investigate, the same, without regard to whether the ~~such~~ local
21 law enforcement agency has requested the State Police to do so.

22 (g) If the State's Attorney having jurisdiction declines to
23 prosecute a violation of subsection (a) or (c), the court or
24 interested party shall notify the Attorney General of the ~~such~~
25 refusal. The Attorney General shall, thereafter, have the
26 authority to prosecute, and may prosecute, the violation ~~same~~,

1 without a referral from the ~~such~~ State's Attorney.

2 (h) Prosecution of a violation of subsection (c) shall be
3 commenced within 3 years after the act constituting the
4 violation is discovered or reasonably should have been
5 discovered.

6 (Source: P.A. 96-1217, eff. 1-1-11; 96-1508, eff. 6-1-11.)

7 (720 ILCS 5/32-9) (from Ch. 38, par. 32-9)

8 Sec. 32-9. Tampering with public notice.

9 (a) A person commits tampering with public notice when he
10 or she ~~who~~ knowingly and without lawful authority alters,
11 destroys, defaces, removes or conceals any public notice,
12 posted according to law, during the time for which the notice
13 was to remain posted, ~~commits a petty offense.~~

14 (b) Sentence. Tampering with public notice is a petty
15 offense.

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

17 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

18 Sec. 32-10. Violation of bail bond.

19 (a) Whoever, having been admitted to bail for appearance
20 before any court of this State, incurs a forfeiture of the bail
21 and knowingly ~~willfully~~ fails to surrender himself or herself
22 within 30 days following the date of the ~~such~~ forfeiture,
23 commits, if the bail was given in connection with a charge of
24 felony or pending appeal or certiorari after conviction of any

1 offense, a felony of the next lower Class or a Class A
2 misdemeanor if the underlying offense was a Class 4 felony; or,
3 if the bail was given in connection with a charge of committing
4 a misdemeanor, or for appearance as a witness, commits a
5 misdemeanor of the next lower Class, but not less than a Class
6 C misdemeanor.

7 (a-5) Any person who knowingly violates a condition of bail
8 bond by possessing a firearm in violation of his or her
9 conditions of bail commits a Class 4 felony for a first
10 violation and a Class 3 felony for a second or subsequent
11 violation.

12 (b) Whoever, having been admitted to bail for appearance
13 before any court of this State, while charged with a criminal
14 offense in which the victim is a family or household member as
15 defined in Article 112A of the Code of Criminal Procedure of
16 1963, knowingly violates a condition of that release as set
17 forth in Section 110-10, subsection (d) of the Code of Criminal
18 Procedure of 1963, commits a Class A misdemeanor.

19 (c) Whoever, having been admitted to bail for appearance
20 before any court of this State for a felony, Class A
21 misdemeanor or a criminal offense in which the victim is a
22 family or household member as defined in Article 112A of the
23 Code of Criminal Procedure of 1963, is charged with any other
24 felony, Class A misdemeanor, or a criminal offense in which the
25 victim is a family or household member as defined in Article
26 112A of the Code of Criminal Procedure of 1963 while on this

1 ~~such~~ release, must appear before the court before bail is
2 statutorily set.

3 (d) Nothing in this Section shall interfere with or prevent
4 the exercise by any court of its power to punishment for
5 contempt. Any sentence imposed for violation of this Section
6 shall be served consecutive to the sentence imposed for the
7 charge for which bail had been granted and with respect to
8 which the defendant has been convicted.

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

10 (720 ILCS 5/32-15 new)

11 Sec. 32-15. Bail bond false statement. Any person who in
12 any affidavit, document, schedule or other application to
13 become surety or bail for another on any bail bond or
14 recognizance in any civil or criminal proceeding then pending
15 or about to be started against the other person, having taken a
16 lawful oath or made affirmation, shall swear or affirm
17 wilfully, corruptly and falsely as to the ownership or liens or
18 incumbrances upon or the value of any real or personal property
19 alleged to be owned by the person proposed as surety or bail,
20 the financial worth or standing of the person proposed as
21 surety or bail, or as to the number or total penalties of all
22 other bonds or recognizances signed by and standing against the
23 proposed surety or bail, or any person who, having taken a
24 lawful oath or made affirmation, shall testify wilfully,
25 corruptly and falsely as to any of said matters for the purpose

1 of inducing the approval of any such bail bond or recognizance;
2 or for the purpose of justifying on any such bail bond or
3 recognizance, or who shall suborn any other person to so swear,
4 affirm or testify as aforesaid, shall be deemed and adjudged
5 guilty of perjury or subornation of perjury (as the case may
6 be) and punished accordingly.

7 (720 ILCS 5/33-1) (from Ch. 38, par. 33-1)

8 Sec. 33-1. Bribery.† A person commits bribery when:

9 (a) With intent to influence the performance of any act
10 related to the employment or function of any public officer,
11 public employee, juror or witness, he or she promises or
12 tenders to that person any property or personal advantage which
13 he or she is not authorized by law to accept; or

14 (b) With intent to influence the performance of any act
15 related to the employment or function of any public officer,
16 public employee, juror or witness, he or she promises or
17 tenders to one whom he or she believes to be a public officer,
18 public employee, juror or witness, any property or personal
19 advantage which a public officer, public employee, juror or
20 witness would not be authorized by law to accept; or

21 (c) With intent to cause any person to influence the
22 performance of any act related to the employment or function of
23 any public officer, public employee, juror or witness, he or
24 she promises or tenders to that person any property or personal
25 advantage which he or she is not authorized by law to accept;

1 or

2 (d) He or she receives, retains or agrees to accept any
3 property or personal advantage which he or she is not
4 authorized by law to accept knowing that the ~~such~~ property or
5 personal advantage was promised or tendered with intent to
6 cause him or her to influence the performance of any act
7 related to the employment or function of any public officer,
8 public employee, juror or witness; or

9 (e) He or she solicits, receives, retains, or agrees to
10 accept any property or personal advantage pursuant to an
11 understanding that he or she shall improperly influence or
12 attempt to influence the performance of any act related to the
13 employment or function of any public officer, public employee,
14 juror or witness.

15 (f) As used in this Section, "tenders" means any delivery
16 or proffer made with the requisite intent.

17 (g) Sentence. Bribery is a Class 2 felony.

18 (Source: P.A. 84-761.)

19 (720 ILCS 5/33-8 new)

20 Sec. 33-8. Legislative misconduct.

21 (a) A member of the General Assembly commits legislative
22 misconduct when he or she knowingly accepts or receives,
23 directly or indirectly, any money or other valuable thing, from
24 any corporation, company or person, for any vote or influence
25 he or she may give or withhold on any bill, resolution or

1 appropriation, or for any other official act.

2 (b) Sentence. Legislative misconduct is a Class 3 felony.

3 (720 ILCS 5/33E-11) (from Ch. 38, par. 33E-11)

4 Sec. 33E-11. (a) Every bid submitted to and public contract
5 executed pursuant to such bid by the State or a unit of local
6 government shall contain a certification by the prime
7 contractor that the prime contractor is not barred from
8 contracting with any unit of State or local government as a
9 result of a violation of either Section 33E-3 or 33E-4 of this
10 Article. The State and units of local government shall provide
11 the appropriate forms for such certification.

12 (b) A contractor who knowingly makes a false statement,
13 material to the certification, commits a Class 3 felony.

14 (Source: P.A. 86-150.)

15 (720 ILCS 5/33E-14)

16 Sec. 33E-14. False statements on vendor applications.

17 (a) A person commits false statements on vendor
18 applications when he or she ~~whoever~~ knowingly makes any false
19 statement or report, with the intent to influence ~~for the~~
20 ~~purpose of influencing~~ in any way the action of any unit of
21 local government or school district in considering a vendor
22 application, ~~is guilty of a Class 3 felony.~~

23 (b) Sentence. False statements on vendor applications is a
24 Class 3 felony.

1 (Source: P.A. 90-800, eff. 1-1-99.)

2 (720 ILCS 5/33E-15)

3 Sec. 33E-15. False entries.

4 (a) An ~~Any~~ officer, agent, or employee of, or anyone who is
5 affiliated in any capacity with any unit of local government or
6 school district ~~commits false entries when he or she and~~ makes
7 a false entry in any book, report, or statement of any unit of
8 local government or school district with the intent to defraud
9 the unit of local government or school district, ~~is guilty of a~~
10 ~~Class 3 felony.~~

11 (b) Sentence. False entries is a Class 3 felony.

12 (Source: P.A. 90-800, eff. 1-1-99.)

13 (720 ILCS 5/33E-16)

14 Sec. 33E-16. Misapplication of funds.

15 (a) An ~~Whoever, being an~~ officer, director, agent, or
16 employee of, or affiliated in any capacity with any unit of
17 local government or school district ~~commits misapplication of~~
18 ~~funds when he or she knowingly, willfully~~ misapplies any of the
19 moneys, funds, or credits of the unit of local government or
20 school district ~~is guilty of a Class 3 felony.~~

21 (b) Sentence. Misapplication of funds is a Class 3 felony.

22 (Source: P.A. 90-800, eff. 1-1-99.)

23 (720 ILCS 5/33E-18)

1 Sec. 33E-18. Unlawful stringing of bids.

2 (a) A person commits unlawful stringing of bids when he or
 3 she, with the intent to evade ~~No person for the purpose of~~
 4 ~~evading~~ the bidding requirements of any unit of local
 5 government or school district, ~~shall~~ knowingly strings ~~string~~
 6 or assists ~~assist~~ in stringing, or attempts ~~attempt~~ to string
 7 any contract or job order with the unit of local government or
 8 school district.

9 (b) Sentence. Unlawful stringing of bids ~~A person who~~
 10 ~~violates this Section~~ is guilty of a Class 4 felony.

11 (Source: P.A. 90-800, eff. 1-1-99.)

12 (720 ILCS 5/Art. 48 heading new)

13 ARTICLE 48. ANIMALS

14 (720 ILCS 5/48-1 new)

15 Sec. ~~48-1~~ ~~26-5~~ 5. Dog fighting. (For other provisions that
 16 may apply to dog fighting, see the Humane Care for Animals Act.
 17 For provisions similar to this Section that apply to animals
 18 other than dogs, see in particular Section 4.01 of the Humane
 19 Care for Animals Act.)

20 (a) No person may own, capture, breed, train, or lease any
 21 dog which he or she knows is intended for use in any show,
 22 exhibition, program, or other activity featuring or otherwise
 23 involving a fight between the dog and any other animal or
 24 human, or the intentional killing of any dog for the purpose of

1 sport, wagering, or entertainment.

2 (b) No person may promote, conduct, carry on, advertise,
3 collect money for or in any other manner assist or aid in the
4 presentation for purposes of sport, wagering, or entertainment
5 of any show, exhibition, program, or other activity involving a
6 fight between 2 or more dogs or any dog and human, or the
7 intentional killing of any dog.

8 (c) No person may sell or offer for sale, ship, transport,
9 or otherwise move, or deliver or receive any dog which he or
10 she knows has been captured, bred, or trained, or will be used,
11 to fight another dog or human or be intentionally killed for
12 purposes of sport, wagering, or entertainment.

13 (c-5) No person may solicit a minor to violate this
14 Section.

15 (d) No person may manufacture for sale, shipment,
16 transportation, or delivery any device or equipment which he or
17 she knows or should know is intended for use in any show,
18 exhibition, program, or other activity featuring or otherwise
19 involving a fight between 2 or more dogs, or any human and dog,
20 or the intentional killing of any dog for purposes of sport,
21 wagering, or entertainment.

22 (e) No person may own, possess, sell or offer for sale,
23 ship, transport, or otherwise move any equipment or device
24 which he or she knows or should know is intended for use in
25 connection with any show, exhibition, program, or activity
26 featuring or otherwise involving a fight between 2 or more

1 dogs, or any dog and human, or the intentional killing of any
2 dog for purposes of sport, wagering or entertainment.

3 (f) No person may knowingly make available any site,
4 structure, or facility, whether enclosed or not, that he or she
5 knows is intended to be used for the purpose of conducting any
6 show, exhibition, program, or other activity involving a fight
7 between 2 or more dogs, or any dog and human, or the
8 intentional killing of any dog or knowingly manufacture,
9 distribute, or deliver fittings to be used in a fight between 2
10 or more dogs or a dog and human.

11 (g) No person may knowingly attend or otherwise patronize
12 any show, exhibition, program, or other activity featuring or
13 otherwise involving a fight between 2 or more dogs, or any dog
14 and human, or the intentional killing of any dog for purposes
15 of sport, wagering, or entertainment.

16 (h) No person may tie or attach or fasten any live animal
17 to any machine or device propelled by any power for the purpose
18 of causing the animal to be pursued by a dog or dogs. This
19 subsection (h) applies only when the dog is intended to be used
20 in a dog fight.

21 (i) Sentence. ~~Penalties for violations of this Section~~
22 ~~shall be as follows:~~

23 (1) Any person convicted of violating subsection (a),
24 (b), (c), or (h) of this Section is guilty of a Class 4
25 felony for a first violation and a Class 3 felony for a
26 second or subsequent violation, and may be fined an amount

1 not to exceed \$50,000.

2 (1.5) A person who knowingly owns a dog for fighting
3 purposes or for producing a fight between 2 or more dogs or
4 a dog and human or who knowingly offers for sale or sells a
5 dog bred for fighting is guilty of a Class 3 felony and may
6 be fined an amount not to exceed \$50,000, if the dog
7 participates in a dogfight and any of the following factors
8 is present:

9 (i) the dogfight is performed in the presence of a
10 person under 18 years of age;

11 (ii) the dogfight is performed for the purpose of
12 or in the presence of illegal wagering activity; or

13 (iii) the dogfight is performed in furtherance of
14 streetgang related activity as defined in Section 10 of
15 the Illinois Streetgang Terrorism Omnibus Prevention
16 Act.

17 (1.7) A person convicted of violating subsection (c-5)
18 of this Section is guilty of a Class 4 felony.

19 (2) Any person convicted of violating subsection (d) or
20 (e) of this Section is guilty of a Class 4 felony for a
21 first violation. A second or subsequent violation of
22 subsection (d) or (e) of this Section is a Class 3 felony.

23 (2.5) Any person convicted of violating subsection (f)
24 of this Section is guilty of a Class 4 felony. Any person
25 convicted of violating subsection (f) of this Section in
26 which the site, structure, or facility made available to

1 violate subsection (f) is located within 1,000 feet of a
2 school, public park, playground, child care institution,
3 day care center, part day child care facility, day care
4 home, group day care home, or a facility providing programs
5 or services exclusively directed toward persons under 18
6 years of age is guilty of a Class 3 felony for a first
7 violation and a Class 2 felony for a second or subsequent
8 violation.

9 (3) Any person convicted of violating subsection (g) of
10 this Section is guilty of a Class 4 felony for a first
11 violation. A second or subsequent violation of subsection
12 (g) of this Section is a Class 3 felony. If a person under
13 13 years of age is present at any show, exhibition,
14 program, or other activity prohibited in subsection (g),
15 the parent, legal guardian, or other person who is 18 years
16 of age or older who brings that person under 13 years of
17 age to that show, exhibition, program, or other activity is
18 guilty of a Class 3 felony for a first violation and a
19 Class 2 felony for a second or subsequent violation.

20 (i-5) A person who commits a felony violation of this
21 Section is subject to the property forfeiture provisions set
22 forth in Article 124B of the Code of Criminal Procedure of
23 1963.

24 (j) Any dog or equipment involved in a violation of this
25 Section shall be immediately seized and impounded under Section
26 12 of the Humane Care for Animals Act when located at any show,

1 exhibition, program, or other activity featuring or otherwise
2 involving a dog fight for the purposes of sport, wagering, or
3 entertainment.

4 (k) Any vehicle or conveyance other than a common carrier
5 that is used in violation of this Section shall be seized,
6 held, and offered for sale at public auction by the sheriff's
7 department of the proper jurisdiction, and the proceeds from
8 the sale shall be remitted to the general fund of the county
9 where the violation took place.

10 (l) Any veterinarian in this State who is presented with a
11 dog for treatment of injuries or wounds resulting from fighting
12 where there is a reasonable possibility that the dog was
13 engaged in or utilized for a fighting event for the purposes of
14 sport, wagering, or entertainment shall file a report with the
15 Department of Agriculture and cooperate by furnishing the
16 owners' names, dates, and descriptions of the dog or dogs
17 involved. Any veterinarian who in good faith complies with the
18 requirements of this subsection has immunity from any
19 liability, civil, criminal, or otherwise, that may result from
20 his or her actions. For the purposes of any proceedings, civil
21 or criminal, the good faith of the veterinarian shall be
22 rebuttably presumed.

23 (m) In addition to any other penalty provided by law, upon
24 conviction for violating this Section, the court may order that
25 the convicted person and persons dwelling in the same household
26 as the convicted person who conspired, aided, or abetted in the

1 unlawful act that was the basis of the conviction, or who knew
2 or should have known of the unlawful act, may not own, harbor,
3 or have custody or control of any dog or other animal for a
4 period of time that the court deems reasonable.

5 (n) A violation of subsection (a) of this Section may be
6 inferred from evidence that the accused possessed any device or
7 equipment described in subsection (d), (e), or (h) of this
8 Section, and also possessed any dog.

9 (o) When no longer required for investigations or court
10 proceedings relating to the events described or depicted
11 therein, evidence relating to convictions for violations of
12 this Section shall be retained and made available for use in
13 training peace officers in detecting and identifying
14 violations of this Section. Such evidence shall be made
15 available upon request to other law enforcement agencies and to
16 schools certified under the Illinois Police Training Act.

17 (p) For the purposes of this Section, "school" has the
18 meaning ascribed to it in Section 11-9.3 of this Code; and
19 "public park", "playground", "child care institution", "day
20 care center", "part day child care facility", "day care home",
21 "group day care home", and "facility providing programs or
22 services exclusively directed toward persons under 18 years of
23 age" have the meanings ascribed to them in Section 11-9.4 of
24 this Code.

25 (Source: P.A. 96-226, eff. 8-11-09; 96-712, eff. 1-1-10;
26 96-1000, eff. 7-2-10; 96-1091, eff. 1-1-11.)

1 (720 ILCS 5/48-2 new)

2 Sec. 48-2. Animal research and production facilities
3 protection.

4 (a) Definitions.

5 "Animal" means every living creature, domestic or
6 wild, but does not include man.

7 "Animal facility" means any facility engaging in legal
8 scientific research or agricultural production of or
9 involving the use of animals including any organization
10 with a primary purpose of representing livestock
11 production or processing, any organization with a primary
12 purpose of promoting or marketing livestock or livestock
13 products, any person licensed to practice veterinary
14 medicine, any institution as defined in the Impounding and
15 Disposition of Stray Animals Act, and any organization with
16 a primary purpose of representing any such person,
17 organization, or institution. "Animal facility" shall
18 include the owner, operator, and employees of any animal
19 facility and any premises where animals are located.

20 "Director" means the Director of the Illinois
21 Department of Agriculture or the Director's authorized
22 representative.

23 (b) Legislative Declaration. There has been an increasing
24 number of illegal acts committed against animal research and
25 production facilities involving injury or loss of life to

1 humans or animals, criminal trespass and damage to property.
2 These actions not only abridge the property rights of the owner
3 of the facility, they may also damage the public interest by
4 jeopardizing crucial scientific, biomedical, or agricultural
5 research or production. These actions can also threaten the
6 public safety by possibly exposing communities to serious
7 public health concerns and creating traffic hazards. These
8 actions may substantially disrupt or damage publicly funded
9 research and can result in the potential loss of physical and
10 intellectual property. Therefore, it is in the interest of the
11 people of the State of Illinois to protect the welfare of
12 humans and animals as well as productive use of public funds to
13 require regulation to prevent unauthorized possession,
14 alteration, destruction, or transportation of research
15 records, test data, research materials, equipment, research
16 and agricultural production animals.

17 (c) It shall be unlawful for any person:

18 (1) to release, steal, or otherwise intentionally
19 cause the death, injury, or loss of any animal at or from
20 an animal facility and not authorized by that facility;

21 (2) to damage, vandalize, or steal any property in or
22 on an animal facility;

23 (3) to obtain access to an animal facility by false
24 pretenses for the purpose of performing acts not authorized
25 by that facility;

26 (4) to enter into an animal facility with an intent to

1 destroy, alter, duplicate, or obtain unauthorized
2 possession of records, data, materials, equipment, or
3 animals;

4 (5) by theft or deception knowingly to obtain control
5 or to exert control over records, data, material,
6 equipment, or animals of any animal facility for the
7 purpose of depriving the rightful owner or animal facility
8 of the records, material, data, equipment, or animals or
9 for the purpose of concealing, abandoning, or destroying
10 these records, material, data, equipment, or animals; or

11 (6) to enter or remain on an animal facility with the
12 intent to commit an act prohibited under this Section.

13 (d) Sentence.

14 (1) Any person who violates any provision of subsection
15 (c) shall be guilty of a Class 4 felony for each violation,
16 unless the loss, theft, or damage to the animal facility
17 property exceeds \$300 in value.

18 (2) If the loss, theft, or damage to the animal
19 facility property exceeds \$300 in value but does not exceed
20 \$10,000 in value, the person is guilty of a Class 3 felony.

21 (3) If the loss, theft, or damage to the animal
22 facility property exceeds \$10,000 in value but does not
23 exceed \$100,000 in value, the person is guilty of a Class 2
24 felony.

25 (4) If the loss, theft, or damage to the animal
26 facility property exceeds \$100,000 in value, the person is

1 guilty of a Class 1 felony.

2 (5) Any person who, with the intent that any violation
3 of any provision of subsection (c) be committed, agrees
4 with another to the commission of the violation and commits
5 an act in furtherance of this agreement is guilty of the
6 same class of felony as provided in paragraphs (1) through
7 (4) of this subsection for that violation.

8 (6) Restitution.

9 (A) The court shall conduct a hearing to determine
10 the reasonable cost of replacing materials, data,
11 equipment, animals and records that may have been
12 damaged, destroyed, lost or cannot be returned, and the
13 reasonable cost of repeating any experimentation that
14 may have been interrupted or invalidated as a result of
15 a violation of subsection (c).

16 (B) Any persons convicted of a violation shall be
17 ordered jointly and severally to make restitution to
18 the owner, operator, or both, of the animal facility in
19 the full amount of the reasonable cost determined under
20 paragraph (A).

21 (e) Private right of action. Nothing in this Section shall
22 preclude any animal facility injured in its business or
23 property by a violation of this Section from seeking
24 appropriate relief under any other provision of law or remedy
25 including the issuance of a permanent injunction against any
26 person who violates any provision of this Section. The animal

1 facility owner or operator may petition the court to
2 permanently enjoin the person from violating this Section and
3 the court shall provide this relief.

4 (f) The Director shall have authority to investigate any
5 alleged violation of this Section, along with any other law
6 enforcement agency, and may take any action within the
7 Director's authority necessary for the enforcement of this
8 Section. State's Attorneys, State police and other law
9 enforcement officials shall provide any assistance required in
10 the conduct of an investigation and prosecution. Before the
11 Director reports a violation for prosecution he or she may give
12 the owner or operator of the animal facility and the alleged
13 violator an opportunity to present his or her views at an
14 administrative hearing. The Director may adopt any rules and
15 regulations necessary for the enforcement of this Section.

16 (720 ILCS 5/48-3 new)

17 Sec. 48-3. Hunter or fisherman interference.

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

19 "Aquatic life" means all fish, reptiles, amphibians,
20 crayfish, and mussels the taking of which is authorized by
21 the Fish and Aquatic Life Code.

22 "Interfere with" means to take any action that
23 physically impedes, hinders, or obstructs the lawful
24 taking of wildlife or aquatic life.

25 "Taking" means the capture or killing of wildlife or

1 aquatic life and includes travel, camping, and other acts
2 preparatory to taking which occur on lands or waters upon
3 which the affected person has the right or privilege to
4 take such wildlife or aquatic life.

5 "Wildlife" means any wildlife the taking of which is
6 authorized by the Wildlife Code and includes those species
7 that are lawfully released by properly licensed permittees
8 of the Department of Natural Resources.

9 (b) A person commits hunter or fisherman interference when
10 he or she intentionally or knowingly:

11 (1) obstructs or interferes with the lawful taking of
12 wildlife or aquatic life by another person with the
13 specific intent to prevent that lawful taking;

14 (2) drives or disturbs wildlife or aquatic life for the
15 purpose of disrupting a lawful taking of wildlife or
16 aquatic life;

17 (3) blocks, impedes, or physically harasses another
18 person who is engaged in the process of lawfully taking
19 wildlife or aquatic life;

20 (4) uses natural or artificial visual, aural,
21 olfactory, gustatory, or physical stimuli to affect
22 wildlife or aquatic life behavior in order to hinder or
23 prevent the lawful taking of wildlife or aquatic life;

24 (5) erects barriers with the intent to deny ingress or
25 egress to or from areas where the lawful taking of wildlife
26 or aquatic life may occur;

1 (6) intentionally interjects himself or herself into
2 the line of fire or fishing lines of a person lawfully
3 taking wildlife or aquatic life;

4 (7) affects the physical condition or placement of
5 personal or public property intended for use in the lawful
6 taking of wildlife or aquatic life in order to impair the
7 usefulness of the property or prevent the use of the
8 property;

9 (8) enters or remains upon or over private lands
10 without the permission of the owner or the owner's agent,
11 with the intent to violate this subsection; or

12 (9) fails to obey the order of a peace officer to
13 desist from conduct in violation of this subsection (b) if
14 the officer observes the conduct, or has reasonable grounds
15 to believe that the person has engaged in the conduct that
16 day or that the person plans or intends to engage in the
17 conduct that day on a specific premises.

18 (c) Exemptions; defenses.

19 (1) This Section does not apply to actions performed by
20 authorized employees of the Department of Natural
21 Resources, duly accredited officers of the U.S. Fish and
22 Wildlife Service, sheriffs, deputy sheriffs, or other
23 peace officers if the actions are authorized by law and are
24 necessary for the performance of their official duties.

25 (2) This Section does not apply to landowners, tenants,
26 or lease holders exercising their legal rights to the

1 enjoyment of land, including, but not limited to, farming
2 and restricting trespass.

3 (3) It is an affirmative defense to a prosecution for a
4 violation of this Section that the defendant's conduct is
5 protected by his or her right to freedom of speech under
6 the constitution of this State or the United States.

7 (4) Any interested parties may engage in protests or
8 other free speech activities adjacent to or on the
9 perimeter of the location where the lawful taking of
10 wildlife or aquatic life is taking place, provided that
11 none of the provisions of this Section are being violated.

12 (d) Sentence. A first violation of paragraphs (1) through
13 (8) of subsection (b) is a Class B misdemeanor. A second or
14 subsequent violation of paragraphs (1) through (8) of
15 subsection (b) is a Class A misdemeanor for which imprisonment
16 for not less than 7 days shall be imposed. A person guilty of a
17 second or subsequent violation of paragraphs (1) through (8) of
18 subsection (b) is not eligible for court supervision. A
19 violation of paragraph (9) of subsection (b) is a Class A
20 misdemeanor. A court shall revoke, for a period of one year to
21 5 years, any Illinois hunting, fishing, or trapping privilege,
22 license or permit of any person convicted of violating any
23 provision of this Section. For purposes of this subsection, a
24 "second or subsequent violation" means a conviction under
25 paragraphs (1) through (8) of subsection (b) of this Section
26 within 2 years of a prior violation arising from a separate set

1 of circumstances.

2 (e) Injunctions; damages.

3 (1) Any court may enjoin conduct which would be in
4 violation of paragraphs (1) through (8) of subsection (b)
5 upon petition by a person affected or who reasonably may be
6 affected by the conduct, upon a showing that the conduct is
7 threatened or that it has occurred on a particular premises
8 in the past and that it is not unreasonable to expect that
9 under similar circumstances it will be repeated.

10 (2) A court shall award all resulting costs and damages
11 to any person adversely affected by a violation of
12 paragraphs (1) through (8) of subsection (b), which may
13 include an award for punitive damages. In addition to other
14 items of special damage, the measure of damages may include
15 expenditures of the affected person for license and permit
16 fees, travel, guides, special equipment and supplies, to
17 the extent that these expenditures were rendered futile by
18 prevention of the taking of wildlife or aquatic life.

19 (720 ILCS 5/48-4 new)

20 Sec. 48-4. Obtaining certificate of registration by false
21 pretenses.

22 (a) A person commits obtaining certificate of registration
23 by false pretenses when he or she, by any false pretense,
24 obtains from any club, association, society or company for
25 improving the breed of cattle, horses, sheep, swine, or other

1 domestic animals, a certificate of registration of any animal
2 in the herd register, or other register of any club,
3 association, society or company, or a transfer of the
4 registration.

5 (b) A person commits obtaining certificate of registration
6 by false pretenses when he or she knowingly gives a false
7 pedigree of any animal.

8 (c) Sentence. Obtaining certificate of registration by
9 false pretenses is a Class A misdemeanor.

10 (720 ILCS 5/48-5 new)

11 Sec. 48-5. Horse mutilation.

12 (a) A person commits horse mutilation when he or she cuts
13 the solid part of the tail of any horse in the operation known
14 as docking, or by any other operation performed for the purpose
15 of shortening the tail, and whoever shall cause the same to be
16 done, or assist in doing this cutting, unless the same is
17 proved to be a benefit to the horse.

18 (b) Sentence. Horse mutilation is a Class A misdemeanor.

19 (720 ILCS 5/48-6 new)

20 Sec. 48-6. Horse racing false entry.

21 (a) That in order to encourage the breeding of and
22 improvement in trotting, running and pacing horses in the
23 State, it is hereby made unlawful for any person or persons
24 knowingly to enter or cause to be entered for competition, or

1 knowingly to compete with any horse, mare, gelding, colt or
2 filly under any other than its true name or out of its proper
3 class for any purse, prize, premium, stake or sweepstakes
4 offered or given by any agricultural or other society,
5 association, person or persons in the State where the prize,
6 purse, premium, stake or sweepstakes is to be decided by a
7 contest of speed.

8 (b) The name of any horse, mare, gelding, colt or filly,
9 for the purpose of entry for competition or performance in any
10 contest of speed, shall be the name under which the horse has
11 publicly performed, and shall not be changed after having once
12 so performed or contested for a prize, purse, premium, stake or
13 sweepstakes, except as provided by the code of printed rules of
14 the society or association under which the contest is
15 advertised to be conducted.

16 (c) The official records shall be received in all courts as
17 evidence upon the trial of any person under the provisions of
18 this Section.

19 (d) Sentence. A violation of subsection (a) is a Class 4
20 felony.

21 (720 ILCS 5/48-7 new)

22 Sec. 48-7. Feeding garbage to animals.

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

24 "Department" means the Department of Agriculture of
25 the State of Illinois.

1 "Garbage" means putrescible vegetable waste, animal,
2 poultry, or fish carcasses or parts thereof resulting from
3 the handling, preparation, cooking, or consumption of
4 food, but does not include the contents of the bovine
5 digestive tract. "Garbage" also means the bodies or parts
6 of bodies of animals, poultry or fish.

7 "Person" means any person, firm, partnership,
8 association, corporation, or other legal entity, any
9 public or private institution, the State, or any municipal
10 corporation or political subdivision of the State.

11 (b) A person commits feeding garbage to animals when he or
12 she feeds or permits the feeding of garbage to swine or any
13 animals or poultry on any farm or any other premises where
14 swine are kept.

15 (c) Establishments licensed under the Illinois Dead Animal
16 Disposal Act or under similar laws in other states are exempt
17 from the provisions of this Section.

18 (d) Nothing in this Section shall be construed to apply to
19 any person who feeds garbage produced in his or her own
20 household to animals or poultry kept on the premises where he
21 or she resides except this garbage if fed to swine shall not
22 contain particles of meat.

23 (e) Sentence. Feeding garbage to animals is a Class B
24 misdemeanor, and for the first offense shall be fined not less
25 than \$100 nor more than \$500 and for a second or subsequent
26 offense shall be fined not less than \$200 nor more than \$500 or

1 imprisoned in a penal institution other than the penitentiary
2 for not more than 6 months, or both.

3 (f) A person violating this Section may be enjoined by the
4 Department from continuing the violation.

5 (g) The Department may make reasonable inspections
6 necessary for the enforcement of this Section, and is
7 authorized to enforce, and administer the provisions of this
8 Section.

9 (720 ILCS 5/48-8 new)

10 Sec. 48-8. Guide dog access.

11 (a) When a blind, hearing impaired or physically
12 handicapped person or a person who is subject to epilepsy or
13 other seizure disorders is accompanied by a dog which serves as
14 a guide, leader, seizure-alert, or seizure-response dog for the
15 person or when a trainer of a guide, leader, seizure-alert, or
16 seizure-response dog is accompanied by a guide, leader,
17 seizure-alert, or seizure-response dog or a dog that is being
18 trained to be a guide, leader, seizure-alert, or
19 seizure-response dog, neither the person nor the dog shall be
20 denied the right of entry and use of facilities of any public
21 place of accommodation as defined in Section 5-101 of the
22 Illinois Human Rights Act, if the dog is wearing a harness and
23 the person presents credentials for inspection issued by a
24 school for training guide, leader, seizure-alert, or
25 seizure-response dogs.

1 (b) A person who knowingly violates this Section commits a
2 Class C misdemeanor.

3 (720 ILCS 5/48-9 new)

4 Sec. 48-9. Misrepresentation of stallion and jack
5 pedigree.

6 (a) The owner or keeper of any stallion or jack kept for
7 public service commits misrepresentation of stallion and jack
8 pedigree when he or she misrepresents the pedigree or breeding
9 of the stallion or jack, or represents that the animal, so kept
10 for public service, is registered, when in fact it is not
11 registered in a published volume of a society for the registry
12 of standard and purebred animals, or who shall post or publish,
13 or cause to be posted or published, any false pedigree or
14 breeding of this animal.

15 (b) Sentence. Misrepresentation of stallion and jack
16 pedigree is a petty offense, and for a second or subsequent
17 offense is a Class B misdemeanor.

18
19 (720 ILCS 5/48-10 new)

20 Sec. 48-10. Dangerous animals.

21 (a) Definitions. As used in this Section, unless the
22 context otherwise requires:

23 "Dangerous animal" means a lion, tiger, leopard,
24 ocelot, jaguar, cheetah, margay, mountain lion, lynx,

1 bobcat, jaguarundi, bear, hyena, wolf or coyote, or any
2 poisonous or life-threatening reptile.

3 "Owner" means any person who (1) has a right of
4 property in a dangerous animal or primate, (2) keeps or
5 harbors a dangerous animal or primate, (3) has a dangerous
6 animal or primate in his or her care, or (4) acts as
7 custodian of a dangerous animal or primate.

8 "Person" means any individual, firm, association,
9 partnership, corporation, or other legal entity, any
10 public or private institution, the State, or any municipal
11 corporation or political subdivision of the State.

12 "Primate" means a nonhuman member of the order primate,
13 including but not limited to chimpanzee, gorilla,
14 orangutan, bonobo, gibbon, monkey, lemur, loris, aye-aye,
15 and tarsier.

16 (b) Dangerous animal or primate offense. No person shall
17 have a right of property in, keep, harbor, care for, act as
18 custodian of or maintain in his or her possession any dangerous
19 animal or primate except at a properly maintained zoological
20 park, federally licensed exhibit, circus, college or
21 university, scientific institution, research laboratory,
22 veterinary hospital, hound running area, or animal refuge in an
23 escape-proof enclosure.

24 (c) Exemptions.

25 (1) This Section does not prohibit a person who had
26 lawful possession of a primate before January 1, 2011, from

1 continuing to possess that primate if the person registers
2 the animal by providing written notification to the local
3 animal control administrator on or before April 1, 2011.

4 The notification shall include:

5 (A) the person's name, address, and telephone
6 number; and

7 (B) the type of primate, the age, a photograph, a
8 description of any tattoo, microchip, or other
9 identifying information, and a list of current
10 inoculations.

11 (2) This Section does not prohibit a person who is
12 permanently disabled with a severe mobility impairment
13 from possessing a single capuchin monkey to assist the
14 person in performing daily tasks if:

15 (A) the capuchin monkey was obtained from and
16 trained at a licensed nonprofit organization described
17 in Section 501(c)(3) of the Internal Revenue Code of
18 1986, the nonprofit tax status of which was obtained on
19 the basis of a mission to improve the quality of life
20 of severely mobility-impaired individuals; and

21 (B) the person complies with the notification
22 requirements as described in paragraph (1) of this
23 subsection (c).

24 (d) A person who registers a primate shall notify the local
25 animal control administrator within 30 days of a change of
26 address. If the person moves to another locality within the

1 State, the person shall register the primate with the new local
2 animal control administrator within 30 days of moving by
3 providing written notification as provided in paragraph (1) of
4 subsection (c) and shall include proof of the prior
5 registration.

6 (e) A person who registers a primate shall notify the local
7 animal control administrator immediately if the primate dies,
8 escapes, or bites, scratches, or injures a person.

9 (f) It is no defense to a violation of subsection (b) that
10 the person violating subsection (b) has attempted to
11 domesticate the dangerous animal. If there appears to be
12 imminent danger to the public, any dangerous animal found not
13 in compliance with the provisions of this Section shall be
14 subject to seizure and may immediately be placed in an approved
15 facility. Upon the conviction of a person for a violation of
16 subsection (b), the animal with regard to which the conviction
17 was obtained shall be confiscated and placed in an approved
18 facility, with the owner responsible for all costs connected
19 with the seizure and confiscation of the animal. Approved
20 facilities include, but are not limited to, a zoological park,
21 federally licensed exhibit, humane society, veterinary
22 hospital or animal refuge.

23 (g) Sentence. Any person violating this Section is guilty
24 of a Class C misdemeanor. Any corporation or partnership, any
25 officer, director, manager or managerial agent of the
26 partnership or corporation who violates this Section or causes

1 the partnership or corporation to violate this Section is
2 guilty of a Class C misdemeanor. Each day of violation
3 constitutes a separate offense.

4 (720 ILCS 5/Art. 49 heading new)

5 ARTICLE 49. MISCELLANEOUS OFFENSES

6 (720 ILCS 5/49-1 new)

7 Sec. 49-1. Flag desecration.

8 (a) Definition. As used in this Section:

9 "Flag", "standard", "color" or "ensign" shall include
10 any flag, standard, color, ensign or any picture or
11 representation of either thereof, made of any substance or
12 represented on any substance and of any size evidently
13 purporting to be either of said flag, standard, color or
14 ensign of the United States of America, or a picture or a
15 representation of either thereof, upon which shall be shown
16 the colors, the stars, and the stripes, in any number of
17 either thereof, of the flag, colors, standard, or ensign of
18 the United States of America.

19 (b) A person commits flag desecration when he or she
20 knowingly:

21 (1) for exhibition or display, places or causes to be
22 placed any word, figure, mark, picture, design, drawing, or
23 any advertisement of any nature, upon any flag, standard,
24 color or ensign of the United States or State flag of this

1 State or ensign;

2 (2) exposes or causes to be exposed to public view any
3 such flag, standard, color or ensign, upon which has been
4 printed, painted or otherwise placed, or to which has been
5 attached, appended, affixed, or annexed, any word, figure,
6 mark, picture, design or drawing or any advertisement of
7 any nature;

8 (3) exposes to public view, manufactures, sells,
9 exposes for sale, gives away, or has in possession for sale
10 or to give away or for use for any purpose, any article or
11 substance, being an article of merchandise, or a receptacle
12 of merchandise or article or thing for carrying or
13 transporting merchandise upon which has been printed,
14 painted, attached, or otherwise placed a representation of
15 any such flag, standard, color, or ensign, to advertise,
16 call attention to, decorate, mark or distinguish the
17 article or substance on which so placed; or

18 (4) publicly mutilates, defaces, defiles, tramples, or
19 intentionally displays on the ground or floor any such
20 flag, standard, color or ensign.

21 (c) All prosecutions under this Section shall be brought by
22 any person in the name of the People of the State of Illinois,
23 against any person or persons violating any of the provisions
24 of this Section, before any circuit court. The State's
25 Attorneys shall see that this Section is enforced in their
26 respective counties, and shall prosecute all offenders on

1 receiving information of the violation of this Section.
2 Sheriffs, deputy sheriffs, and police officers shall inform
3 against and prosecute all persons whom there is probable cause
4 to believe are guilty of violating this Section. One-half of
5 the amount recovered in any penal action under this Section
6 shall be paid to the person making and filing the complaint in
7 the action, and the remaining 1/2 to the school fund of the
8 county in which the conviction is obtained.

9 (d) All prosecutions under this Section shall be commenced
10 within six months from the time the offense was committed, and
11 not afterwards.

12 (e) Sentence. A violation of paragraphs (1) through (3) of
13 subsection (b) is a Class C misdemeanor. A violation of
14 paragraph (4) of subsection (b) is a Class 4 felony.

15 (720 ILCS 5/49-1.5 new)

16 Sec. 49-1.5. Draft card mutilation.

17 (a) A person commits draft card mutilation when he or she
18 knowingly destroys or mutilates a valid registration
19 certificate or any other valid certificate issued under the
20 federal "Military Selective Service Act of 1967".

21 (b) Sentence. Draft card mutilation is a Class 4 felony.

22 (720 ILCS 5/49-2 new)

23 Sec. 49-2. Business use of military terms.

24 (a) It is unlawful for any person, concern, firm or

1 corporation to use in the name, or description of the name, of
2 any privately operated mercantile establishment which may or
3 may not be engaged principally in the buying and selling of
4 equipment or materials of the Government of the United States
5 or any of its departments, agencies or military services, the
6 terms "Army", "Navy", "Marine", "Coast Guard", "Government",
7 "GI", "PX" or any terms denoting a branch of the government,
8 either independently or in connection or conjunction with any
9 other word or words, letter or insignia which import or imply
10 that the products so described are or were made for the United
11 States government or in accordance with government
12 specifications or requirements, or of government materials, or
13 that these products have been disposed of by the United States
14 government as surplus or rejected stock.

15 (b) Sentence. A violation of this Section is a petty
16 offense with a fine of not less than \$25.00 nor more than \$500
17 for the first conviction, and not less than \$500 or more than
18 \$1000 for each subsequent conviction.

19 (720 ILCS 5/49-3 new)

20 Sec. 49-3. Governmental uneconomic practices.

21 (a) It is unlawful for the State of Illinois, any political
22 subdivision thereof, or any municipality therein, or any
23 officer, agent or employee of the State of Illinois, any
24 political subdivision thereof or any municipality therein, to
25 sell to or procure for sale or have in its or his or her

1 possession or under its or his or her control for sale to any
2 officer, agent or employee of the State or any political
3 subdivision thereof or municipality therein any article,
4 material, product or merchandise of whatsoever nature,
5 excepting meals, public services and such specialized
6 appliances and paraphernalia as may be required for the safety
7 or health of such officers, agents or employees.

8 (b) The provisions of this Section shall not apply to the
9 State, any political subdivision thereof or municipality
10 therein, nor to any officer, agent or employee of the State, or
11 of any such subdivision or municipality while engaged in any
12 recreational, health, welfare, relief, safety or educational
13 activities furnished by the State, or any such political
14 subdivision or municipality.

15 (c) Sentence. A violation of this Section is a Class B
16 misdemeanor.

17 (720 ILCS 5/49-4 new)

18 Sec. 49-4. Sale of maps.

19 (a) The sale of current Illinois publications or highway
20 maps published by the Secretary of State is prohibited except
21 where provided by law.

22 (b) Sentence. A violation of this Section is a Class B
23 misdemeanor.

24 (720 ILCS 5/49-5 new)

1 Sec. 49-5. Video movie sales and rentals rating violation.

2 (a) Definitions. As used in this Section, unless the
3 context otherwise requires:

4 "Person" means an individual, corporation,
5 partnership, or any other legal or commercial entity.

6 "Official rating" means an official rating of the
7 Motion Picture Association of America.

8 "Video movie" means a videotape or video disc copy of a
9 motion picture film.

10 (b) A person may not sell at retail or rent, or attempt to
11 sell at retail or rent, a video movie in this State unless the
12 official rating of the motion picture from which it is copied
13 is clearly displayed on the outside of any cassette, case,
14 jacket, or other covering of the video movie.

15 (c) This Section does not apply to any video movie of a
16 motion picture which:

17 (1) has not been given an official rating; or

18 (2) has been altered in any way subsequent to receiving
19 an official rating.

20 (d) Sentence. A violation of this Section is a Class C
21 misdemeanor.

22 (720 ILCS 5/49-6 new)

23 Sec. 49-6. Container label obliteration prohibited.

24 (a) No person shall sell or offer for sale any product,
25 article or substance in a container on which any statement of

1 weight, quantity, quality, grade, ingredients or
2 identification of the manufacturer, supplier or processor is
3 obliterated by any other labeling unless the other labeling
4 correctly restates the obliterated statement.

5 (b) This Section does not apply to any obliteration which
6 is done in order to comply with subsection (c) of this Section.

7 (c) No person shall utilize any used container for the
8 purpose of sale of any product, article or substance unless the
9 original marks of identification, weight, grade, quality and
10 quantity have first been obliterated.

11 (d) This Section shall not be construed as permitting the
12 use of any containers or labels in a manner prohibited by any
13 other law.

14 (e) Sentence. A violation of this Section is a business
15 offense for which a fine shall be imposed not to exceed \$1,000.

16 (720 ILCS 5/18-5 rep.)

17 (720 ILCS 5/20-1.2 rep.)

18 (720 ILCS 5/20-1.3 rep.)

19 (720 ILCS 5/21-1.1 rep.)

20 (720 ILCS 5/Art. 21.3 rep.)

21 (720 ILCS 5/Art. 24.6 rep.)

22 Section 10-10. The Criminal Code of 1961 is amended by
23 repealing Articles 21.3 and 24.6, and Sections 18-5, 20-1.2,
24 20-1.3, and 21-1.1.

1 ARTICLE 15.

2 Section 15-1. The Department of Natural Resources
3 (Conservation) Law is amended by changing Section 805-540 as
4 follows:

5 (20 ILCS 805/805-540) (was 20 ILCS 805/63b2.6)

6 Sec. 805-540. Enforcement of adjoining state's laws. The
7 Director may grant authority to the officers of any adjoining
8 state who are authorized and directed to enforce the laws of
9 that state relating to the protection of flora and fauna to
10 take any of the following actions and have the following powers
11 within the State of Illinois:

12 (1) To follow, seize, and return to the adjoining state
13 any flora or fauna or part thereof shipped or taken from
14 the adjoining state in violation of the laws of that state
15 and brought into this State.

16 (2) To dispose of any such flora or fauna or part
17 thereof under the supervision of an Illinois Conservation
18 Police Officer.

19 (3) To enforce as an agent of this State, with the same
20 powers as an Illinois Conservation Police Officer, each of
21 the following laws of this State:

22 (i) The Illinois Endangered Species Protection
23 Act.

24 (ii) The Fish and Aquatic Life Code.

- 1 (iii) The Wildlife Code.
- 2 (iv) The Wildlife Habitat Management Areas Act.
- 3 (v) Section 48-3 of the Criminal Code of 1961
4 (hunter or fisherman interference) ~~The Hunter and~~
5 ~~Fishermen Interference Prohibition Act.~~
- 6 (vi) The Illinois Non-Game Wildlife Protection
7 Act.
- 8 (vii) The Ginseng Harvesting Act.
- 9 (viii) The State Forest Act.
- 10 (ix) The Forest Products Transportation Act.
- 11 (x) The Timber Buyers Licensing Act.

12 Any officer of an adjoining state acting under a power or
13 authority granted by the Director pursuant to this Section
14 shall act without compensation or other benefits from this
15 State and without this State having any liability for the acts
16 or omissions of that officer.

17 (Source: P.A. 96-397, eff. 1-1-10.)

18 Section 15-3. The Criminal Identification Act is amended by
19 changing Section 5.2 as follows:

20 (20 ILCS 2630/5.2)

21 Sec. 5.2. Expungement and sealing.

22 (a) General Provisions.

23 (1) Definitions. In this Act, words and phrases have
24 the meanings set forth in this subsection, except when a

1 particular context clearly requires a different meaning.

2 (A) The following terms shall have the meanings
3 ascribed to them in the Unified Code of Corrections,
4 730 ILCS 5/5-1-2 through 5/5-1-22:

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

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

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

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

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

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

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

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

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

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

15 (xi) Petty Offense (730 ILCS 5/5-1-17),

16 (xii) Probation (730 ILCS 5/5-1-18),

17 (xiii) Sentence (730 ILCS 5/5-1-19),

18 (xiv) Supervision (730 ILCS 5/5-1-21), and

19 (xv) Victim (730 ILCS 5/5-1-22).

20 (B) As used in this Section, "charge not initiated
21 by arrest" means a charge (as defined by 730 ILCS
22 5/5-1-3) brought against a defendant where the
23 defendant is not arrested prior to or as a direct
24 result of the charge.

25 (C) "Conviction" means a judgment of conviction or
26 sentence entered upon a plea of guilty or upon a

1 verdict or finding of guilty of an offense, rendered by
2 a legally constituted jury or by a court of competent
3 jurisdiction authorized to try the case without a jury.
4 An order of supervision successfully completed by the
5 petitioner is not a conviction. An order of qualified
6 probation (as defined in subsection (a)(1)(J))
7 successfully completed by the petitioner is not a
8 conviction. An order of supervision or an order of
9 qualified probation that is terminated
10 unsatisfactorily is a conviction, unless the
11 unsatisfactory termination is reversed, vacated, or
12 modified and the judgment of conviction, if any, is
13 reversed or vacated.

14 (D) "Criminal offense" means a petty offense,
15 business offense, misdemeanor, felony, or municipal
16 ordinance violation (as defined in subsection
17 (a)(1)(H)). As used in this Section, a minor traffic
18 offense (as defined in subsection (a)(1)(G)) shall not
19 be considered a criminal offense.

20 (E) "Expunge" means to physically destroy the
21 records or return them to the petitioner and to
22 obliterate the petitioner's name from any official
23 index or public record, or both. Nothing in this Act
24 shall require the physical destruction of the circuit
25 court file, but such records relating to arrests or
26 charges, or both, ordered expunged shall be impounded

1 as required by subsections (d)(9)(A)(ii) and
2 (d)(9)(B)(ii).

3 (F) As used in this Section, "last sentence" means
4 the sentence, order of supervision, or order of
5 qualified probation (as defined by subsection
6 (a)(1)(J)), for a criminal offense (as defined by
7 subsection (a)(1)(D)) that terminates last in time in
8 any jurisdiction, regardless of whether the petitioner
9 has included the criminal offense for which the
10 sentence or order of supervision or qualified
11 probation was imposed in his or her petition. If
12 multiple sentences, orders of supervision, or orders
13 of qualified probation terminate on the same day and
14 are last in time, they shall be collectively considered
15 the "last sentence" regardless of whether they were
16 ordered to run concurrently.

17 (G) "Minor traffic offense" means a petty offense,
18 business offense, or Class C misdemeanor under the
19 Illinois Vehicle Code or a similar provision of a
20 municipal or local ordinance.

21 (H) "Municipal ordinance violation" means an
22 offense defined by a municipal or local ordinance that
23 is criminal in nature and with which the petitioner was
24 charged or for which the petitioner was arrested and
25 released without charging.

26 (I) "Petitioner" means an adult or a minor

1 prosecuted as an adult who has applied for relief under
2 this Section.

3 (J) "Qualified probation" means an order of
4 probation under Section 10 of the Cannabis Control Act,
5 Section 410 of the Illinois Controlled Substances Act,
6 Section 70 of the Methamphetamine Control and
7 Community Protection Act, Section 12-4.3(b)(1) and (2)
8 of the Criminal Code of 1961 (as those provisions
9 existed before their deletion by Public Act 89-313),
10 Section 10-102 of the Illinois Alcoholism and Other
11 Drug Dependency Act, Section 40-10 of the Alcoholism
12 and Other Drug Abuse and Dependency Act, or Section 10
13 of the Steroid Control Act. For the purpose of this
14 Section, "successful completion" of an order of
15 qualified probation under Section 10-102 of the
16 Illinois Alcoholism and Other Drug Dependency Act and
17 Section 40-10 of the Alcoholism and Other Drug Abuse
18 and Dependency Act means that the probation was
19 terminated satisfactorily and the judgment of
20 conviction was vacated.

21 (K) "Seal" means to physically and electronically
22 maintain the records, unless the records would
23 otherwise be destroyed due to age, but to make the
24 records unavailable without a court order, subject to
25 the exceptions in Sections 12 and 13 of this Act. The
26 petitioner's name shall also be obliterated from the

1 official index required to be kept by the circuit court
2 clerk under Section 16 of the Clerks of Courts Act, but
3 any index issued by the circuit court clerk before the
4 entry of the order to seal shall not be affected.

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

9 (M) "Terminate" as it relates to a sentence or
10 order of supervision or qualified probation includes
11 either satisfactory or unsatisfactory termination of
12 the sentence, unless otherwise specified in this
13 Section.

14 (2) Minor Traffic Offenses. Orders of supervision or
15 convictions for minor traffic offenses shall not affect a
16 petitioner's eligibility to expunge or seal records
17 pursuant to this Section.

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

21 (A) the sealing or expungement of the records of
22 arrests or charges not initiated by arrest that result
23 in an order of supervision for or conviction of: (i)
24 any sexual offense committed against a minor; (ii)
25 Section 11-501 of the Illinois Vehicle Code or a
26 similar provision of a local ordinance; or (iii)

1 Section 11-503 of the Illinois Vehicle Code or a
2 similar provision of a local ordinance.

3 (B) the sealing or expungement of records of minor
4 traffic offenses (as defined in subsection (a)(1)(G)),
5 unless the petitioner was arrested and released
6 without charging.

7 (C) the sealing of the records of arrests or
8 charges not initiated by arrest which result in an
9 order of supervision, an order of qualified probation
10 (as defined in subsection (a)(1)(J)), or a conviction
11 for the following offenses:

12 (i) offenses included in Article 11 of the
13 Criminal Code of 1961 or a similar provision of a
14 local ordinance, except Section 11-14 of the
15 Criminal Code of 1961 or a similar provision of a
16 local ordinance;

17 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30, ~~or~~
18 26-5, or 48-1 of the Criminal Code of 1961 or a
19 similar provision of a local ordinance;

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

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

25 (v) any offense or attempted offense that
26 would subject a person to registration under the

1 Sex Offender Registration Act.

2 (D) the sealing of the records of an arrest which
3 results in the petitioner being charged with a felony
4 offense or records of a charge not initiated by arrest
5 for a felony offense unless:

6 (i) the charge is amended to a misdemeanor and
7 is otherwise eligible to be sealed pursuant to
8 subsection (c);

9 (ii) the charge is brought along with another
10 charge as a part of one case and the charge results
11 in acquittal, dismissal, or conviction when the
12 conviction was reversed or vacated, and another
13 charge brought in the same case results in a
14 disposition for a misdemeanor offense that is
15 eligible to be sealed pursuant to subsection (c) or
16 a disposition listed in paragraph (i), (iii), or
17 (iv) of this subsection;

18 (iii) the charge results in first offender
19 probation as set forth in subsection (c)(2)(E);

20 (iv) the charge is for a Class 4 felony offense
21 listed in subsection (c)(2)(F) or the charge is
22 amended to a Class 4 felony offense listed in
23 subsection (c)(2)(F). Records of arrests which
24 result in the petitioner being charged with a Class
25 4 felony offense listed in subsection (c)(2)(F),
26 records of charges not initiated by arrest for

1 Class 4 felony offenses listed in subsection
2 (c)(2)(F), and records of charges amended to a
3 Class 4 felony offense listed in (c)(2)(F) may be
4 sealed, regardless of the disposition, subject to
5 any waiting periods set forth in subsection
6 (c)(3);

7 (v) the charge results in acquittal,
8 dismissal, or the petitioner's release without
9 conviction; or

10 (vi) the charge results in a conviction, but
11 the conviction was reversed or vacated.

12 (b) Expungement.

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

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

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

1 qualified probation (as defined in subsection
2 (a)(1)(J)) and such probation was successfully
3 completed by the petitioner.

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

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

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

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

24 (ii) Those arrests or charges that resulted in
25 orders of supervision for any other offenses shall
26 not be eligible for expungement until 2 years have

1 passed following the satisfactory termination of
2 the supervision.

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

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

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

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

15 (5) Whenever a person has been convicted of criminal
16 sexual assault, aggravated criminal sexual assault,
17 predatory criminal sexual assault of a child, criminal
18 sexual abuse, or aggravated criminal sexual abuse, the
19 victim of that offense may request that the State's
20 Attorney of the county in which the conviction occurred
21 file a verified petition with the presiding trial judge at
22 the petitioner's trial to have a court order entered to
23 seal the records of the circuit court clerk in connection
24 with the proceedings of the trial court concerning that
25 offense. However, the records of the arresting authority
26 and the Department of State Police concerning the offense

1 shall not be sealed. The court, upon good cause shown,
2 shall make the records of the circuit court clerk in
3 connection with the proceedings of the trial court
4 concerning the offense available for public inspection.

5 (6) If a conviction has been set aside on direct review
6 or on collateral attack and the court determines by clear
7 and convincing evidence that the petitioner was factually
8 innocent of the charge, the court shall enter an
9 expungement order as provided in subsection (b) of Section
10 5-5-4 of the Unified Code of Corrections.

11 (7) Nothing in this Section shall prevent the
12 Department of State Police from maintaining all records of
13 any person who is admitted to probation upon terms and
14 conditions and who fulfills those terms and conditions
15 pursuant to Section 10 of the Cannabis Control Act, Section
16 410 of the Illinois Controlled Substances Act, Section 70
17 of the Methamphetamine Control and Community Protection
18 Act, Section 12-4.3 or subdivision (b)(1) of Section
19 12-3.05 of the Criminal Code of 1961, Section 10-102 of the
20 Illinois Alcoholism and Other Drug Dependency Act, Section
21 40-10 of the Alcoholism and Other Drug Abuse and Dependency
22 Act, or Section 10 of the Steroid Control Act.

23 (c) Sealing.

24 (1) Applicability. Notwithstanding any other provision
25 of this Act to the contrary, and cumulative with any rights
26 to expungement of criminal records, this subsection

1 authorizes the sealing of criminal records of adults and of
2 minors prosecuted as adults.

3 (2) Eligible Records. The following records may be
4 sealed:

5 (A) All arrests resulting in release without
6 charging;

7 (B) Arrests or charges not initiated by arrest
8 resulting in acquittal, dismissal, or conviction when
9 the conviction was reversed or vacated, except as
10 excluded by subsection (a) (3) (B);

11 (C) Arrests or charges not initiated by arrest
12 resulting in orders of supervision successfully
13 completed by the petitioner, unless excluded by
14 subsection (a) (3);

15 (D) Arrests or charges not initiated by arrest
16 resulting in convictions unless excluded by subsection
17 (a) (3);

18 (E) Arrests or charges not initiated by arrest
19 resulting in orders of first offender probation under
20 Section 10 of the Cannabis Control Act, Section 410 of
21 the Illinois Controlled Substances Act, or Section 70
22 of the Methamphetamine Control and Community
23 Protection Act; and

24 (F) Arrests or charges not initiated by arrest
25 resulting in Class 4 felony convictions for the
26 following offenses:

- 1 (i) Section 11-14 of the Criminal Code of 1961;
2 (ii) Section 4 of the Cannabis Control Act;
3 (iii) Section 402 of the Illinois Controlled
4 Substances Act;
5 (iv) the Methamphetamine Precursor Control
6 Act; and
7 (v) the Steroid Control Act.

8 (3) When Records Are Eligible to Be Sealed. Records
9 identified as eligible under subsection (c)(2) may be
10 sealed as follows:

11 (A) Records identified as eligible under
12 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
13 time.

14 (B) Records identified as eligible under
15 subsection (c)(2)(C) may be sealed (i) 3 years after
16 the termination of petitioner's last sentence (as
17 defined in subsection (a)(1)(F)) if the petitioner has
18 never been convicted of a criminal offense (as defined
19 in subsection (a)(1)(D)); or (ii) 4 years after the
20 termination of the petitioner's last sentence (as
21 defined in subsection (a)(1)(F)) if the petitioner has
22 ever been convicted of a criminal offense (as defined
23 in subsection (a)(1)(D)).

24 (C) Records identified as eligible under
25 subsections (c)(2)(D), (c)(2)(E), and (c)(2)(F) may be
26 sealed 4 years after the termination of the

1 petitioner's last sentence (as defined in subsection
2 (a) (1) (F)).

3 (4) Subsequent felony convictions. A person may not
4 have subsequent felony conviction records sealed as
5 provided in this subsection (c) if he or she is convicted
6 of any felony offense after the date of the sealing of
7 prior felony convictions as provided in this subsection
8 (c). The court may, upon conviction for a subsequent felony
9 offense, order the unsealing of prior felony conviction
10 records previously ordered sealed by the court.

11 (5) Notice of eligibility for sealing. Upon entry of a
12 disposition for an eligible record under this subsection
13 (c), the petitioner shall be informed by the court of the
14 right to have the records sealed and the procedures for the
15 sealing of the records.

16 (d) Procedure. The following procedures apply to
17 expungement under subsections (b) and (e), and sealing under
18 subsection (c):

19 (1) Filing the petition. Upon becoming eligible to
20 petition for the expungement or sealing of records under
21 this Section, the petitioner shall file a petition
22 requesting the expungement or sealing of records with the
23 clerk of the court where the arrests occurred or the
24 charges were brought, or both. If arrests occurred or
25 charges were brought in multiple jurisdictions, a petition
26 must be filed in each such jurisdiction. The petitioner

1 shall pay the applicable fee, if not waived.

2 (2) Contents of petition. The petition shall be
3 verified and shall contain the petitioner's name, date of
4 birth, current address and, for each arrest or charge not
5 initiated by arrest sought to be sealed or expunged, the
6 case number, the date of arrest (if any), the identity of
7 the arresting authority, and such other information as the
8 court may require. During the pendency of the proceeding,
9 the petitioner shall promptly notify the circuit court
10 clerk of any change of his or her address.

11 (3) Drug test. The petitioner must attach to the
12 petition proof that the petitioner has passed a test taken
13 within 30 days before the filing of the petition showing
14 the absence within his or her body of all illegal
15 substances as defined by the Illinois Controlled
16 Substances Act, the Methamphetamine Control and Community
17 Protection Act, and the Cannabis Control Act if he or she
18 is petitioning to seal felony records pursuant to clause
19 (c)(2)(E) or (c)(2)(F)(ii)-(v) or if he or she is
20 petitioning to expunge felony records of a qualified
21 probation pursuant to clause (b)(1)(B)(iv).

22 (4) Service of petition. The circuit court clerk shall
23 promptly serve a copy of the petition on the State's
24 Attorney or prosecutor charged with the duty of prosecuting
25 the offense, the Department of State Police, the arresting
26 agency and the chief legal officer of the unit of local

1 government effecting the arrest.

2 (5) Objections.

3 (A) Any party entitled to notice of the petition
4 may file an objection to the petition. All objections
5 shall be in writing, shall be filed with the circuit
6 court clerk, and shall state with specificity the basis
7 of the objection.

8 (B) Objections to a petition to expunge or seal
9 must be filed within 60 days of the date of service of
10 the petition.

11 (6) Entry of order.

12 (A) The Chief Judge of the circuit wherein the
13 charge was brought, any judge of that circuit
14 designated by the Chief Judge, or in counties of less
15 than 3,000,000 inhabitants, the presiding trial judge
16 at the petitioner's trial, if any, shall rule on the
17 petition to expunge or seal as set forth in this
18 subsection (d) (6).

19 (B) Unless the State's Attorney or prosecutor, the
20 Department of State Police, the arresting agency, or
21 the chief legal officer files an objection to the
22 petition to expunge or seal within 60 days from the
23 date of service of the petition, the court shall enter
24 an order granting or denying the petition.

25 (7) Hearings. If an objection is filed, the court shall
26 set a date for a hearing and notify the petitioner and all

1 parties entitled to notice of the petition of the hearing
2 date at least 30 days prior to the hearing, and shall hear
3 evidence on whether the petition should or should not be
4 granted, and shall grant or deny the petition to expunge or
5 seal the records based on the evidence presented at the
6 hearing.

7 (8) Service of order. After entering an order to
8 expunge or seal records, the court must provide copies of
9 the order to the Department, in a form and manner
10 prescribed by the Department, to the petitioner, to the
11 State's Attorney or prosecutor charged with the duty of
12 prosecuting the offense, to the arresting agency, to the
13 chief legal officer of the unit of local government
14 effecting the arrest, and to such other criminal justice
15 agencies as may be ordered by the court.

16 (9) Effect of order.

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

19 (i) the records shall be expunged (as defined
20 in subsection (a) (1) (E)) by the arresting agency,
21 the Department, and any other agency as ordered by
22 the court, within 60 days of the date of service of
23 the order, unless a motion to vacate, modify, or
24 reconsider the order is filed pursuant to
25 paragraph (12) of subsection (d) of this Section;

26 (ii) the records of the circuit court clerk

1 shall be impounded until further order of the court
2 upon good cause shown and the name of the
3 petitioner obliterated on the official index
4 required to be kept by the circuit court clerk
5 under Section 16 of the Clerks of Courts Act, but
6 the order shall not affect any index issued by the
7 circuit court clerk before the entry of the order;
8 and

9 (iii) in response to an inquiry for expunged
10 records, the court, the Department, or the agency
11 receiving such inquiry, shall reply as it does in
12 response to inquiries when no records ever
13 existed.

14 (B) Upon entry of an order to expunge records
15 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

16 (i) the records shall be expunged (as defined
17 in subsection (a) (1) (E)) by the arresting agency
18 and any other agency as ordered by the court,
19 within 60 days of the date of service of the order,
20 unless a motion to vacate, modify, or reconsider
21 the order is filed pursuant to paragraph (12) of
22 subsection (d) of this Section;

23 (ii) the records of the circuit court clerk
24 shall be impounded until further order of the court
25 upon good cause shown and the name of the
26 petitioner obliterated on the official index

1 required to be kept by the circuit court clerk
2 under Section 16 of the Clerks of Courts Act, but
3 the order shall not affect any index issued by the
4 circuit court clerk before the entry of the order;

5 (iii) the records shall be impounded by the
6 Department within 60 days of the date of service of
7 the order as ordered by the court, unless a motion
8 to vacate, modify, or reconsider the order is filed
9 pursuant to paragraph (12) of subsection (d) of
10 this Section;

11 (iv) records impounded by the Department may
12 be disseminated by the Department only as required
13 by law or to the arresting authority, the State's
14 Attorney, and the court upon a later arrest for the
15 same or a similar offense or for the purpose of
16 sentencing for any subsequent felony, and to the
17 Department of Corrections upon conviction for any
18 offense; and

19 (v) in response to an inquiry for such records
20 from anyone not authorized by law to access such
21 records the court, the Department, or the agency
22 receiving such inquiry shall reply as it does in
23 response to inquiries when no records ever
24 existed.

25 (C) Upon entry of an order to seal records under
26 subsection (c), the arresting agency, any other agency

1 as ordered by the court, the Department, and the court
2 shall seal the records (as defined in subsection
3 (a)(1)(K)). In response to an inquiry for such records
4 from anyone not authorized by law to access such
5 records the court, the Department, or the agency
6 receiving such inquiry shall reply as it does in
7 response to inquiries when no records ever existed.

8 (10) Fees. The Department may charge the petitioner a
9 fee equivalent to the cost of processing any order to
10 expunge or seal records. Notwithstanding any provision of
11 the Clerks of Courts Act to the contrary, the circuit court
12 clerk may charge a fee equivalent to the cost associated
13 with the sealing or expungement of records by the circuit
14 court clerk. From the total filing fee collected for the
15 petition to seal or expunge, the circuit court clerk shall
16 deposit \$10 into the Circuit Court Clerk Operation and
17 Administrative Fund, to be used to offset the costs
18 incurred by the circuit court clerk in performing the
19 additional duties required to serve the petition to seal or
20 expunge on all parties. The circuit court clerk shall
21 collect and forward the Department of State Police portion
22 of the fee to the Department and it shall be deposited in
23 the State Police Services Fund.

24 (11) Final Order. No court order issued under the
25 expungement or sealing provisions of this Section shall
26 become final for purposes of appeal until 30 days after

1 service of the order on the petitioner and all parties
2 entitled to notice of the petition.

3 (12) Motion to Vacate, Modify, or Reconsider. The
4 petitioner or any party entitled to notice may file a
5 motion to vacate, modify, or reconsider the order granting
6 or denying the petition to expunge or seal within 60 days
7 of service of the order.

8 (e) Whenever a person who has been convicted of an offense
9 is granted a pardon by the Governor which specifically
10 authorizes expungement, he or she may, upon verified petition
11 to the Chief Judge of the circuit where the person had been
12 convicted, any judge of the circuit designated by the Chief
13 Judge, or in counties of less than 3,000,000 inhabitants, the
14 presiding trial judge at the defendant's trial, have a court
15 order entered expunging the record of arrest from the official
16 records of the arresting authority and order that the records
17 of the circuit court clerk and the Department be sealed until
18 further order of the court upon good cause shown or as
19 otherwise provided herein, and the name of the defendant
20 obliterated from the official index requested to be kept by the
21 circuit court clerk under Section 16 of the Clerks of Courts
22 Act in connection with the arrest and conviction for the
23 offense for which he or she had been pardoned but the order
24 shall not affect any index issued by the circuit court clerk
25 before the entry of the order. All records sealed by the
26 Department may be disseminated by the Department only as

1 required by law or to the arresting authority, the State's
2 Attorney, and the court upon a later arrest for the same or
3 similar offense or for the purpose of sentencing for any
4 subsequent felony. Upon conviction for any subsequent offense,
5 the Department of Corrections shall have access to all sealed
6 records of the Department pertaining to that individual. Upon
7 entry of the order of expungement, the circuit court clerk
8 shall promptly mail a copy of the order to the person who was
9 pardoned.

10 (f) Subject to available funding, the Illinois Department
11 of Corrections shall conduct a study of the impact of sealing,
12 especially on employment and recidivism rates, utilizing a
13 random sample of those who apply for the sealing of their
14 criminal records under Public Act 93-211. At the request of the
15 Illinois Department of Corrections, records of the Illinois
16 Department of Employment Security shall be utilized as
17 appropriate to assist in the study. The study shall not
18 disclose any data in a manner that would allow the
19 identification of any particular individual or employing unit.
20 The study shall be made available to the General Assembly no
21 later than September 1, 2010.

22 (Source: P.A. 96-409, eff. 1-1-10; 96-1401, eff. 7-29-10;
23 96-1532, eff. 1-1-12; 96-1551, Article 1, Section 905, eff.
24 7-1-11; 96-1551, Article 2, Section 925, eff. 7-1-11; 97-443,
25 eff. 8-19-11; revised 9-6-11.)

1 Section 15-5. 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, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
12 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,
13 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
14 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-4.3, 12-4.4,
15 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15,
16 12-16, 12-16.1, 18-1, 18-2, 19-6, 20-1, 20-1.1, 31A-1, 31A-1.1,
17 and 33A-2, in subsection (a) and subsection (b), clause (1), of
18 Section 12-4, in subdivisions (a)(1), (b)(1), and (f)(1) of
19 Section 12-3.05, and in subsection (a-5) of Section 12-3.1 of
20 the Criminal Code of 1961; (ii) those offenses defined in the
21 Cannabis Control Act except those offenses defined in
22 subsections (a) and (b) of Section 4, and subsection (a) of
23 Section 5 of the Cannabis Control Act (iii) those offenses
24 defined in the Illinois Controlled Substances Act; (iv) those
25 offenses defined in the Methamphetamine Control and Community

1 Protection Act; and (v) any offense committed or attempted in
2 any other state or against the laws of the United States, which
3 if committed or attempted in this State would be punishable as
4 one or more of the foregoing offenses. Upon receipt of this
5 authorization, the private carrier company shall submit the
6 applicant's name, sex, race, date of birth, fingerprints and
7 social security number to the Department of State Police on
8 forms prescribed by the Department. The Department of State
9 Police shall conduct an investigation to ascertain if the
10 applicant has been convicted of any of the above enumerated
11 offenses. The Department shall charge the private carrier
12 company a fee for conducting the investigation, which fee shall
13 be deposited in the State Police Services Fund and shall not
14 exceed the cost of the inquiry; and the applicant shall not be
15 charged a fee for such investigation by the private carrier
16 company. The Department of State Police shall furnish, pursuant
17 to positive identification, records of convictions, until
18 expunged, to the private carrier company which requested the
19 investigation. A copy of the record of convictions obtained
20 from the Department shall be provided to the applicant. Any
21 record of conviction received by the private carrier company
22 shall be confidential. Any person who releases any confidential
23 information concerning any criminal convictions of an
24 applicant shall be guilty of a Class A misdemeanor, unless
25 authorized by this Section.

26 (Source: P.A. 96-1551, Article 1, Section 920, eff. 7-1-11;

1 96-1551, Article 2, Section 960, eff. 7-1-11; revised 9-30-11.)

2 Section 15-6. The Public Utilities Act is amended by
3 changing Section 22-501 as follows:

4 (220 ILCS 5/22-501)

5 Sec. 22-501. Customer service and privacy protection. All
6 cable or video providers in this State shall comply with the
7 following customer service requirements and privacy
8 protections. The provisions of this Act shall not apply to an
9 incumbent cable operator prior to January 1, 2008. For purposes
10 of this paragraph, an incumbent cable operator means a person
11 or entity that provided cable services in a particular area
12 under a franchise agreement with a local unit of government
13 pursuant to Section 11-42-11 of the Illinois Municipal Code or
14 Section 5-1095 of the Counties Code on January 1, 2007. A
15 master antenna television, satellite master antenna
16 television, direct broadcast satellite, multipoint
17 distribution service, and other provider of video programming
18 shall only be subject to the provisions of this Article to the
19 extent permitted by federal law.

20 The following definitions apply to the terms used in this
21 Article:

22 "Basic cable or video service" means any service offering
23 or tier that includes the retransmission of local television
24 broadcast signals.

1 "Cable or video provider" means any person or entity
2 providing cable service or video service pursuant to
3 authorization under (i) the Cable and Video Competition Law of
4 2007; (ii) Section 11-42-11 of the Illinois Municipal Code;
5 (iii) Section 5-1095 of the Counties Code; or (iv) a master
6 antenna television, satellite master antenna television,
7 direct broadcast satellite, multipoint distribution services,
8 and other providers of video programming, whatever their
9 technology. A cable or video provider shall not include a
10 landlord providing only broadcast video programming to a
11 single-family home or other residential dwelling consisting of
12 4 units or less.

13 "Franchise" has the same meaning as found in 47 U.S.C.
14 522(9).

15 "Local unit of government" means a city, village,
16 incorporated town, or a county.

17 "Normal business hours" means those hours during which most
18 similar businesses in the geographic area of the local unit of
19 government are open to serve customers. In all cases, "normal
20 business hours" must include some evening hours at least one
21 night per week or some weekend hours.

22 "Normal operating conditions" means those service
23 conditions that are within the control of cable or video
24 providers. Those conditions that are not within the control of
25 cable or video providers include, but are not limited to,
26 natural disasters, civil disturbances, power outages,

1 telephone network outages, and severe or unusual weather
2 conditions. Those conditions that are ordinarily within the
3 control of cable or video providers include, but are not
4 limited to, special promotions, pay-per-view events, rate
5 increases, regular peak or seasonal demand periods, and
6 maintenance or upgrade of the cable service or video service
7 network.

8 "Service interruption" means the loss of picture or sound
9 on one or more cable service or video service on one or more
10 cable or video channels.

11 "Service line drop" means the point of connection between a
12 premises and the cable or video network that enables the
13 premises to receive cable service or video service.

14 (a) General customer service standards:

15 (1) Cable or video providers shall establish general
16 standards related to customer service, which shall
17 include, but not be limited to, installation,
18 disconnection, service and repair obligations; appointment
19 hours and employee ID requirements; customer service
20 telephone numbers and hours; procedures for billing,
21 charges, deposits, refunds, and credits; procedures for
22 termination of service; notice of deletion of programming
23 service; changes related to transmission of programming;
24 changes or increases in rates; the use and availability of
25 parental control or lock-out devices; the use and
26 availability of an A/B switch if applicable; complaint

1 procedures and procedures for bill dispute resolution; a
2 description of the rights and remedies available to
3 consumers if the cable or video provider does not
4 materially meet its customer service standards; and
5 special services for customers with visual, hearing, or
6 mobility disabilities.

7 (2) Cable or video providers' rates for each level of
8 service, rules, regulations, and policies related to its
9 cable service or video service described in paragraph (1)
10 of this subsection (a) must be made available to the public
11 and displayed clearly and conspicuously on the cable or
12 video provider's site on the Internet. If a promotional
13 price or a price for a specified period of time is offered,
14 the cable or video provider shall display the price at the
15 end of the promotional period or specified period of time
16 clearly and conspicuously with the display of the
17 promotional price or price for a specified period of time.
18 The cable or video provider shall provide this information
19 upon request.

20 (3) Cable or video providers shall provide notice
21 concerning their general customer service standards to all
22 customers. This notice shall be offered when service is
23 first activated and annually thereafter. The information
24 in the notice shall include all of the information
25 specified in paragraph (1) of this subsection (a), as well
26 as the following: a listing of services offered by the

1 cable or video providers, which shall clearly describe
2 programming for all services and all levels of service; the
3 rates for all services and levels of service; a telephone
4 number through which customers may subscribe to, change, or
5 terminate service, request customer service, or seek
6 general or billing information; instructions on the use of
7 the cable or video services; and a description of rights
8 and remedies that the cable or video providers shall make
9 available to their customers if they do not materially meet
10 the general customer service standards described in this
11 Act.

12 (b) General customer service obligations:

13 (1) Cable or video providers shall render reasonably
14 efficient service, promptly make repairs, and interrupt
15 service only as necessary and for good cause, during
16 periods of minimum use of the system and for no more than
17 24 hours.

18 (2) All service representatives or any other person who
19 contacts customers or potential customers on behalf of the
20 cable or video provider shall have a visible identification
21 card with their name and photograph and shall orally
22 identify themselves upon first contact with the customer.
23 Customer service representatives shall orally identify
24 themselves to callers immediately following the greeting
25 during each telephone contact with the public.

26 (3) The cable or video providers shall: (i) maintain a

1 customer service facility within the boundaries of a local
2 unit of government staffed by customer service
3 representatives that have the capacity to accept payment,
4 adjust bills, and respond to repair, installation,
5 reconnection, disconnection, or other service calls and
6 distribute or receive converter boxes, remote control
7 units, digital stereo units, or other equipment related to
8 the provision of cable or video service; (ii) provide
9 customers with bill payment facilities through retail,
10 financial, or other commercial institutions located within
11 the boundaries of a local unit of government; (iii) provide
12 an address, toll-free telephone number or electronic
13 address to accept bill payments and correspondence and
14 provide secure collection boxes for the receipt of bill
15 payments and the return of equipment, provided that if a
16 cable or video provider provides secure collection boxes,
17 it shall provide a printed receipt when items are
18 deposited; or (iv) provide an address, toll-free telephone
19 number, or electronic address to accept bill payments and
20 correspondence and provide a method for customers to return
21 equipment to the cable or video provider at no cost to the
22 customer.

23 (4) In each contact with a customer, the service
24 representatives or any other person who contacts customers
25 or potential customers on behalf of the cable or video
26 provider shall state the estimated cost of the service,

1 repair, or installation orally prior to delivery of the
2 service or before any work is performed, shall provide the
3 customer with an oral statement of the total charges before
4 terminating the telephone call or other contact in which a
5 service is ordered, whether in-person or over the Internet,
6 and shall provide a written statement of the total charges
7 before leaving the location at which the work was
8 performed. In the event that the cost of service is a
9 promotional price or is for a limited period of time, the
10 cost of service at the end of the promotion or limited
11 period of time shall be disclosed.

12 (5) Cable or video providers shall provide customers a
13 minimum of 30 days' written notice before increasing rates
14 or eliminating transmission of programming and shall
15 submit the notice to the local unit of government in
16 advance of distribution to customers, provided that the
17 cable or video provider is not in violation of this
18 provision if the elimination of transmission of
19 programming was outside the control of the provider, in
20 which case the provider shall use reasonable efforts to
21 provide as much notice as possible, and any rate decrease
22 related to the elimination of transmission of programming
23 shall be applied to the date of the change.

24 (6) Cable or video providers shall provide clear visual
25 and audio reception that meets or exceeds applicable
26 Federal Communications Commission technical standards. If

1 a customer experiences poor video or audio reception due to
2 the equipment of the cable or video provider, the cable or
3 video provider shall promptly repair the problem at its own
4 expense.

5 (c) Bills, payment, and termination:

6 (1) Cable or video providers shall render monthly bills
7 that are clear, accurate, and understandable.

8 (2) Every residential customer who pays bills directly
9 to the cable or video provider shall have at least 28 days
10 from the date of the bill to pay the listed charges.

11 (3) Customer payments shall be posted promptly. When
12 the payment is sent by United States mail, payment is
13 considered paid on the date it is postmarked.

14 (4) Cable or video providers may not terminate
15 residential service for nonpayment of a bill unless the
16 cable or video provider furnishes notice of the delinquency
17 and impending termination at least 21 days prior to the
18 proposed termination. Notice of proposed termination shall
19 be mailed, postage prepaid, to the customer to whom service
20 is billed. Notice of proposed termination shall not be
21 mailed until the 29th day after the date of the bill for
22 services. Notice of delinquency and impending termination
23 may be part of a billing statement only if the notice is
24 presented in a different color than the bill and is
25 designed to be conspicuous. The cable or video providers
26 may not assess a late fee prior to the 29th day after the

1 date of the bill for service.

2 (5) Every notice of impending termination shall
3 include all of the following: the name and address of
4 customer; the amount of the delinquency; the date on which
5 payment is required to avoid termination; and the telephone
6 number of the cable or video provider's service
7 representative to make payment arrangements and to provide
8 additional information about the charges for failure to
9 return equipment and for reconnection, if any. No customer
10 may be charged a fee for termination or disconnection of
11 service, irrespective of whether the customer initiated
12 termination or disconnection or the cable or video provider
13 initiated termination or disconnection.

14 (6) Service may only be terminated on days when the
15 customer is able to reach a service representative of the
16 cable or video providers, either in person or by telephone.

17 (7) Any service terminated by a cable or video provider
18 without good cause shall be restored without any
19 reconnection fee, charge, or penalty; good cause for
20 termination includes, but is not limited to, failure to pay
21 a bill by the date specified in the notice of impending
22 termination, payment by check for which there are
23 insufficient funds, theft of service, abuse of equipment or
24 personnel, or other similar subscriber actions.

25 (8) Cable or video providers shall cease charging a
26 customer for any or all services within one business day

1 after it receives a request to immediately terminate
2 service or on the day requested by the customer if such a
3 date is at least 5 days from the date requested by the
4 customer. Nothing in this subsection (c) shall prohibit the
5 provider from billing for charges that the customer incurs
6 prior to the date of termination. Cable or video providers
7 shall issue a credit or a refund or return a deposit within
8 10 business days after the close of the customer's billing
9 cycle following the request for termination or the return
10 of equipment, if any, whichever is later.

11 (9) The customers or subscribers of a cable or video
12 provider shall be allowed to disconnect their service at
13 any time within the first 60 days after subscribing to or
14 upgrading the service. Within this 60-day period, cable or
15 video providers shall not charge or impose any fees or
16 penalties on the customer for disconnecting service,
17 including, but not limited to, any installation charge or
18 the imposition of an early termination charge, except the
19 cable or video provider may impose a charge or fee to
20 offset any rebates or credits received by the customer and
21 may impose monthly service or maintenance charges,
22 including pay-per-view and premium services charges,
23 during such 60-day period.

24 (10) Cable and video providers shall guarantee
25 customer satisfaction for new or upgraded service and the
26 customer shall receive a pro-rata credit in an amount equal

1 to the pro-rata charge for the remaining days of service
2 being disconnected or replaced upon the customers request
3 if the customer is dissatisfied with the service and
4 requests to discontinue the service within the first 60
5 days after subscribing to the upgraded service.

6 (d) Response to customer inquiries:

7 (1) Cable or video providers will maintain a toll-free
8 telephone access line that is available to customers 24
9 hours a day, 7 days a week to accept calls regarding
10 installation, termination, service, and complaints.
11 Trained, knowledgeable, qualified service representatives
12 of the cable or video providers will be available to
13 respond to customer telephone inquiries during normal
14 business hours. Customer service representatives shall be
15 able to provide credit, waive fees, schedule appointments,
16 and change billing cycles. Any difficulties that cannot be
17 resolved by the customer service representatives shall be
18 referred to a supervisor who shall make his or her best
19 efforts to resolve the issue immediately. If the supervisor
20 does not resolve the issue to the customer's satisfaction,
21 the customer shall be informed of the cable or video
22 provider's complaint procedures and procedures for billing
23 dispute resolution and given a description of the rights
24 and remedies available to customers to enforce the terms of
25 this Article, including the customer's rights to have the
26 complaint reviewed by the local unit of government, to

1 request mediation, and to review in a court of competent
2 jurisdiction.

3 (2) After normal business hours, the access line may be
4 answered by a service or an automated response system,
5 including an answering machine. Inquiries received by
6 telephone or e-mail after normal business hours shall be
7 responded to by a trained service representative on the
8 next business day. The cable or video provider shall
9 respond to a written billing inquiry within 10 days of
10 receipt of the inquiry.

11 (3) Cable or video providers shall provide customers
12 seeking non-standard installations with a total
13 installation cost estimate and an estimated date of
14 completion. The actual charge to the customer shall not
15 exceed 10% of the estimated cost without the written
16 consent of the customer.

17 (4) If the cable or video provider receives notice that
18 an unsafe condition exists with respect to its equipment,
19 it shall investigate such condition immediately and shall
20 take such measures as are necessary to remove or eliminate
21 the unsafe condition. The cable or video provider shall
22 inform the local unit of government promptly, but no later
23 than 2 hours after it receives notification of an unsafe
24 condition that it has not remedied.

25 (5) Under normal operating conditions, telephone
26 answer time by the cable or video provider's customer

1 representative, including wait time, shall not exceed 30
2 seconds when the connection is made. If the call needs to
3 be transferred, transfer time shall not exceed 30 seconds.
4 These standards shall be met no less than 90% of the time
5 under normal operating conditions, measured on a quarterly
6 basis.

7 (6) Under normal operating conditions, the cable or
8 video provider's customers will receive a busy signal less
9 than 3% of the time.

10 (e) Under normal operating conditions, each of the
11 following standards related to installations, outages, and
12 service calls will be met no less than 95% of the time measured
13 on a quarterly basis:

14 (1) Standard installations will be performed within 7
15 business days after an order has been placed. "Standard"
16 installations are those that are located up to 125 feet
17 from the existing distribution system.

18 (2) Excluding conditions beyond the control of the
19 cable or video providers, the cable or video providers will
20 begin working on "service interruptions" promptly and in no
21 event later than 24 hours after the interruption is
22 reported by the customer or otherwise becomes known to the
23 cable or video providers. Cable or video providers must
24 begin actions to correct other service problems the next
25 business day after notification of the service problem and
26 correct the problem within 48 hours after the interruption

1 is reported by the customer 95% of the time, measured on a
2 quarterly basis.

3 (3) The "appointment window" alternatives for
4 installations, service calls, and other installation
5 activities will be either a specific time or, at a maximum,
6 a 4-hour time block during evening, weekend, and normal
7 business hours. The cable or video provider may schedule
8 service calls and other installation activities outside of
9 these hours for the express convenience of the customer.

10 (4) Cable or video providers may not cancel an
11 appointment with a customer after 5:00 p.m. on the business
12 day prior to the scheduled appointment. If the cable or
13 video provider's representative is running late for an
14 appointment with a customer and will not be able to keep
15 the appointment as scheduled, the customer will be
16 contacted. The appointment will be rescheduled, as
17 necessary, at a time that is convenient for the customer,
18 even if the rescheduled appointment is not within normal
19 business hours.

20 (f) Public benefit obligation:

21 (1) All cable or video providers offering service
22 pursuant to the Cable and Video Competition Law of 2007,
23 the Illinois Municipal Code, or the Counties Code shall
24 provide a free service line drop and free basic service to
25 all current and future public buildings within their
26 footprint, including, but not limited to, all local unit of

1 government buildings, public libraries, and public primary
2 and secondary schools, whether owned or leased by that
3 local unit of government ("eligible buildings"). Such
4 service shall be used in a manner consistent with the
5 government purpose for the eligible building and shall not
6 be resold.

7 (2) This obligation only applies to those cable or
8 video service providers whose cable service or video
9 service systems pass eligible buildings and its cable or
10 video service is generally available to residential
11 subscribers in the same local unit of government in which
12 the eligible building is located. The burden of providing
13 such service at each eligible building shall be shared by
14 all cable and video providers whose systems pass the
15 eligible buildings in an equitable and competitively
16 neutral manner, and nothing herein shall require
17 duplicative installations by more than one cable or video
18 provider at each eligible building. Cable or video
19 providers operating in a local unit of government shall
20 meet as necessary and determine who will provide service to
21 eligible buildings under this subsection (f). If the cable
22 or video providers are unable to reach an agreement, they
23 shall meet with the local unit of government, which shall
24 determine which cable or video providers will serve each
25 eligible building. The local unit of government shall bear
26 the costs of any inside wiring or video equipment costs not

1 ordinarily provided as part of the cable or video
2 provider's basic offering.

3 (g) After the cable or video providers have offered service
4 for one year, the cable or video providers shall make an annual
5 report to the Commission, to the local unit of government, and
6 to the Attorney General that it is meeting the standards
7 specified in this Article, identifying the number of complaints
8 it received over the prior year in the State and specifying the
9 number of complaints related to each of the following: (1)
10 billing, charges, refunds, and credits; (2) installation or
11 termination of service; (3) quality of service and repair; (4)
12 programming; and (5) miscellaneous complaints that do not fall
13 within these categories. Thereafter, the cable or video
14 providers shall also provide, upon request by the local unit of
15 government where service is offered and to the Attorney
16 General, an annual public report that includes performance data
17 described in subdivisions (5) and (6) of subsection (d) and
18 subdivisions (1) and (2) of subsection (e) of this Section for
19 cable services or video services. The performance data shall be
20 disaggregated for each requesting local unit of government or
21 local exchange, as that term is defined in Section 13-206 of
22 this Act, in which the cable or video providers have customers.

23 (h) To the extent consistent with federal law, cable or
24 video providers shall offer the lowest-cost basic cable or
25 video service as a stand-alone service to residential customers
26 at reasonable rates. Cable or video providers shall not require

1 the subscription to any service other than the lowest-cost
2 basic service or to any telecommunications or information
3 service, as a condition of access to cable or video service,
4 including programming offered on a per channel or per program
5 basis. Cable or video providers shall not discriminate between
6 subscribers to the lowest-cost basic service, subscribers to
7 other cable services or video services, and other subscribers
8 with regard to the rates charged for cable or video programming
9 offered on a per channel or per program basis.

10 (i) To the extent consistent with federal law, cable or
11 video providers shall ensure that charges for changes in the
12 subscriber's selection of services or equipment shall be based
13 on the cost of such change and shall not exceed nominal amounts
14 when the system's configuration permits changes in service tier
15 selection to be effected solely by coded entry on a computer
16 terminal or by other similarly simple method.

17 (j) To the extent consistent with federal law, cable or
18 video providers shall have a rate structure for the provision
19 of cable or video service that is uniform throughout the area
20 within the boundaries of the local unit of government. This
21 subsection (j) is not intended to prohibit bulk discounts to
22 multiple dwelling units or to prohibit reasonable discounts to
23 senior citizens or other economically disadvantaged groups.

24 (k) To the extent consistent with federal law, cable or
25 video providers shall not charge a subscriber for any service
26 or equipment that the subscriber has not affirmatively

1 requested by name. For purposes of this subsection (k), a
2 subscriber's failure to refuse a cable or video provider's
3 proposal to provide service or equipment shall not be deemed to
4 be an affirmative request for such service or equipment.

5 (l) No contract or service agreement containing an early
6 termination clause offering residential cable or video
7 services or any bundle including such services shall be for a
8 term longer than 2 years. Any contract or service offering with
9 a term of service that contains an early termination fee shall
10 limit the early termination fee to not more than the value of
11 any additional goods or services provided with the cable or
12 video services, the amount of the discount reflected in the
13 price for cable services or video services for the period
14 during which the consumer benefited from the discount, or a
15 declining fee based on the remainder of the contract term.

16 (m) Cable or video providers shall not discriminate in the
17 provision of services for the hearing and visually impaired,
18 and shall comply with the accessibility requirements of 47
19 U.S.C. 613. Cable or video providers shall deliver and pick-up
20 or provide customers with pre-paid shipping and packaging for
21 the return of converters and other necessary equipment at the
22 home of customers with disabilities. Cable or video providers
23 shall provide free use of a converter or remote control unit to
24 mobility impaired customers.

25 (n) (1) To the extent consistent with federal law, cable or
26 video providers shall comply with the provisions of 47 U.S.C.

1 532(h) and (j). The cable or video providers shall not exercise
2 any editorial control over any video programming provided
3 pursuant to this Section, or in any other way consider the
4 content of such programming, except that a cable or video
5 provider may refuse to transmit any leased access program or
6 portion of a leased access program that contains obscenity,
7 indecency, or nudity and may consider such content to the
8 minimum extent necessary to establish a reasonable price for
9 the commercial use of designated channel capacity by an
10 unaffiliated person. This subsection (n) shall permit cable or
11 video providers to enforce prospectively a written and
12 published policy of prohibiting programming that the cable or
13 video provider reasonably believes describes or depicts sexual
14 or excretory activities or organs in a patently offensive
15 manner as measured by contemporary community standards.

16 (2) Upon customer request, the cable or video provider
17 shall, without charge, fully scramble or otherwise fully
18 block the audio and video programming of each channel
19 carrying such programming so that a person who is not a
20 subscriber does not receive the channel or programming.

21 (3) In providing sexually explicit adult programming
22 or other programming that is indecent on any channel of its
23 service primarily dedicated to sexually oriented
24 programming, the cable or video provider shall fully
25 scramble or otherwise fully block the video and audio
26 portion of such channel so that a person who is not a

1 subscriber to such channel or programming does not receive
2 it.

3 (4) Scramble means to rearrange the content of the
4 signal of the programming so that the programming cannot be
5 viewed or heard in an understandable manner.

6 (o) Cable or video providers will maintain a listing,
7 specific to the level of street address, of the areas where its
8 cable or video services are available. Customers who inquire
9 about purchasing cable or video service shall be informed about
10 whether the cable or video provider's cable or video services
11 are currently available to them at their specific location.

12 (p) Cable or video providers shall not disclose the name,
13 address, telephone number or other personally identifying
14 information of a cable service or video service customer to be
15 used in mailing lists or to be used for other commercial
16 purposes not reasonably related to the conduct of its business
17 unless the cable or video provider has provided to the customer
18 a notice, separately or included in any other customer service
19 notice, that clearly and conspicuously describes the
20 customer's ability to prohibit the disclosure. Cable or video
21 providers shall provide an address and telephone number for a
22 customer to use without a toll charge to prevent disclosure of
23 the customer's name and address in mailing lists or for other
24 commercial purposes not reasonably related to the conduct of
25 its business to other businesses or affiliates of the cable or
26 video provider. Cable or video providers shall comply with the

1 consumer privacy requirements of Section 26-4.5 of the Criminal
2 Code of 1961 ~~the Communications Consumer Privacy Act~~, the
3 Restricted Call Registry Act, and 47 U.S.C. 551 that are in
4 effect as of June 30, 2007 (the effective date of Public Act
5 95-9) and as amended thereafter.

6 (q) Cable or video providers shall implement an informal
7 process for handling inquiries from local units of government
8 and customers concerning billing issues, service issues,
9 privacy concerns, and other consumer complaints. In the event
10 that an issue is not resolved through this informal process, a
11 local unit of government or the customer may request nonbinding
12 mediation with the cable or video provider, with each party to
13 bear its own costs of such mediation. Selection of the mediator
14 will be by mutual agreement, and preference will be given to
15 mediation services that do not charge the consumer for their
16 services. In the event that the informal process does not
17 produce a satisfactory result to the customer or the local unit
18 of government, enforcement may be pursued as provided in
19 subdivision (4) of subsection (r) of this Section.

20 (r) The Attorney General and the local unit of government
21 may enforce all of the customer service and privacy protection
22 standards of this Section with respect to complaints received
23 from residents within the local unit of government's
24 jurisdiction, but it may not adopt or seek to enforce any
25 additional or different customer service or performance
26 standards under any other authority or provision of law.

1 (1) The local unit of government may, by ordinance,
2 provide a schedule of penalties for any material breach of
3 this Section by cable or video providers in addition to the
4 penalties provided herein. No monetary penalties shall be
5 assessed for a material breach if it is out of the
6 reasonable control of the cable or video providers or its
7 affiliate. Monetary penalties adopted in an ordinance
8 pursuant to this Section shall apply on a competitively
9 neutral basis to all providers of cable service or video
10 service within the local unit of government's
11 jurisdiction. In no event shall the penalties imposed under
12 this subsection (r) exceed \$750 for each day of the
13 material breach, and these penalties shall not exceed
14 \$25,000 for each occurrence of a material breach per
15 customer.

16 (2) For purposes of this Section, "material breach"
17 means any substantial failure of a cable or video service
18 provider to comply with service quality and other standards
19 specified in any provision of this Act. The Attorney
20 General or the local unit of government shall give the
21 cable or video provider written notice of any alleged
22 material breaches of this Act and allow such provider at
23 least 30 days from receipt of the notice to remedy the
24 specified material breach.

25 (3) A material breach, for the purposes of assessing
26 penalties, shall be deemed to have occurred for each day

1 that a material breach has not been remedied by the cable
2 service or video service provider after the expiration of
3 the period specified in subdivision (2) of this subsection
4 (r) in each local unit of government's jurisdiction,
5 irrespective of the number of customers affected.

6 (4) Any customer, the Attorney General, or a local unit
7 of government may pursue alleged violations of this Act by
8 the cable or video provider in a court of competent
9 jurisdiction. A cable or video provider may seek judicial
10 review of a decision of a local unit of government imposing
11 penalties in a court of competent jurisdiction. No local
12 unit of government shall be subject to suit for damages or
13 other relief based upon its action in connection with its
14 enforcement or review of any of the terms, conditions, and
15 rights contained in this Act except a court may require the
16 return of any penalty it finds was not properly assessed or
17 imposed.

18 (s) Cable or video providers shall credit customers for
19 violations in the amounts stated herein. The credits shall be
20 applied on the statement issued to the customer for the next
21 monthly billing cycle following the violation or following the
22 discovery of the violation. Cable or video providers are
23 responsible for providing the credits described herein and the
24 customer is under no obligation to request the credit. If the
25 customer is no longer taking service from the cable or video
26 provider, the credit amount will be refunded to the customer by

1 check within 30 days of the termination of service. A local
2 unit of government may, by ordinance, adopt a schedule of
3 credits payable directly to customers for breach of the
4 customer service standards and obligations contained in this
5 Article, provided the schedule of customer credits applies on a
6 competitively neutral basis to all providers of cable service
7 or video service in the local unit of government's jurisdiction
8 and the credits are not greater than the credits provided in
9 this Section.

10 (1) Failure to provide notice of customer service
11 standards upon initiation of service: \$25.00.

12 (2) Failure to install service within 7 days: Waiver of
13 50% of the installation fee or the monthly fee for the
14 lowest-cost basic service, whichever is greater. Failure
15 to install service within 14 days: Waiver of 100% of the
16 installation fee or the monthly fee for the lowest-cost
17 basic service, whichever is greater.

18 (3) Failure to remedy service interruptions or poor
19 video or audio service quality within 48 hours: Pro-rata
20 credit of total regular monthly charges equal to the number
21 of days of the service interruption.

22 (4) Failure to keep an appointment or to notify the
23 customer prior to the close of business on the business day
24 prior to the scheduled appointment: \$25.00.

25 (5) Violation of privacy protections: \$150.00.

26 (6) Failure to comply with scrambling requirements:

1 \$50.00 per month.

2 (7) Violation of customer service and billing
3 standards in subsections (c) and (d) of this Section:
4 \$25.00 per occurrence.

5 (8) Violation of the bundling rules in subsection (h)
6 of this Section: \$25.00 per month.

7 (t) The enforcement powers granted to the Attorney General
8 in Article XXI of this Act shall apply to this Article, except
9 that the Attorney General may not seek penalties for violation
10 of this Article other than in the amounts specified herein.
11 Nothing in this Section shall limit or affect the powers of the
12 Attorney General to enforce the provisions of Article XXI of
13 this Act or the Consumer Fraud and Deceptive Business Practices
14 Act.

15 (u) This Article applies to all cable and video providers
16 in the State, including but not limited to those operating
17 under a local franchise as that term is used in 47 U.S.C.
18 522(9), those operating under authorization pursuant to
19 Section 11-42-11 of the Illinois Municipal Code, those
20 operating under authorization pursuant to Section 5-1095 of the
21 Counties Code, and those operating under a State-issued
22 authorization pursuant to Article XXI of this Act.

23 (Source: P.A. 95-9, eff. 6-30-07; 95-876, eff. 8-21-08; 96-927,
24 eff. 6-15-10.)

25 Section 15-7. The Health Care Worker Background Check Act

1 is 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, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,
20 11-9.1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,
21 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,
22 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,
23 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32,
24 12-33, 16-1, 16-1.3, 16-25, 16A-3, 17-3, 17-56, 18-1, 18-2,
25 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 19-6, 20-1, 20-1.1, 24-1,

1 24-1.2, 24-1.5, or 33A-2, or subdivision (a)(4) of Section
2 11-14.4, or in subsection (a) of Section 12-3 or subsection (a)
3 or (b) of Section 12-4.4a, of the Criminal Code of 1961; those
4 provided in Section 4 of the Wrongs to Children Act; those
5 provided in Section 53 of the Criminal Jurisprudence Act; those
6 defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control
7 Act; those defined in the Methamphetamine Control and Community
8 Protection Act; or those defined in Sections 401, 401.1, 404,
9 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances
10 Act, unless the applicant or employee obtains a waiver pursuant
11 to Section 40.

12 (a-1) In the discretion of the Director of Public Health,
13 as soon after January 1, 2004 or October 1, 2007, as
14 applicable, and as is reasonably practical, no health care
15 employer shall knowingly hire any individual in a position with
16 duties involving direct care for clients, patients, or
17 residents, and no long-term care facility shall knowingly hire
18 any individual in a position with duties that involve or may
19 involve contact with residents or access to the living quarters
20 or the financial, medical, or personal records of residents,
21 who has (i) been convicted of committing or attempting to
22 commit one or more of the offenses defined in Section 12-3.3,
23 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33, 17-34, 17-36,
24 17-44, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or
25 24-3.3, or subsection (b) of Section 17-32, subsection (b) of
26 Section 18-1, or subsection (b) of Section 20-1, of the

1 Criminal Code of 1961; Section 4, 5, 6, 8, or 17.02 of the
2 Illinois Credit Card and Debit Card Act; or Section 11-9.1A of
3 the Criminal Code of 1961 or Section 5.1 of the Wrongs to
4 Children Act; or (ii) violated Section 50-50 of the Nurse
5 Practice Act, unless the applicant or employee obtains a waiver
6 pursuant to Section 40 of this Act.

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

16 (b) A health care employer shall not hire, employ, or
17 retain any individual in a position with duties involving
18 direct care of clients, patients, or residents, and no
19 long-term care facility shall knowingly hire, employ, or retain
20 any individual in a position with duties that involve or may
21 involve contact with residents or access to the living quarters
22 or the financial, medical, or personal records of residents, if
23 the health care employer becomes aware that the individual has
24 been convicted in another state of committing or attempting to
25 commit an offense that has the same or similar elements as an
26 offense listed in subsection (a) or (a-1), as verified by court

1 records, records from a state agency, or an FBI criminal
2 history record check, unless the applicant or employee obtains
3 a waiver pursuant to Section 40 of this Act. This shall not be
4 construed to mean that a health care employer has an obligation
5 to conduct a criminal history records check in other states in
6 which an employee has resided.

7 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, Article 1, Section
8 930, eff. 7-1-11; 96-1551, Article 2, Section 995, eff. 7-1-11;
9 96-1551, Article 10, Section 10-40, eff. 7-1-11; 97-597, eff.
10 1-1-12.)

11 Section 15-10. The Veterinary Medicine and Surgery
12 Practice Act of 2004 is amended by changing Sections 25 and
13 25.19 as follows:

14 (225 ILCS 115/25) (from Ch. 111, par. 7025)

15 (Section scheduled to be repealed on January 1, 2014)

16 Sec. 25. Disciplinary actions.

17 1. The Department may refuse to issue or renew, or may
18 revoke, suspend, place on probation, reprimand, or take other
19 disciplinary action as the Department may deem appropriate,
20 including fines not to exceed \$1,000 for each violation, with
21 regard to any license or certificate for any one or combination
22 of the following:

23 A. Material misstatement in furnishing information to
24 the Department.

1 B. Violations of this Act, or of the rules adopted
2 pursuant to this Act.

3 C. Conviction of any crime under the laws of the United
4 States or any state or territory of the United States that
5 is a felony or that is a misdemeanor, an essential element
6 of which is dishonesty, or of any crime that is directly
7 related to the practice of the profession.

8 D. Making any misrepresentation for the purpose of
9 obtaining licensure or certification, or violating any
10 provision of this Act or the rules adopted pursuant to this
11 Act pertaining to advertising.

12 E. Professional incompetence.

13 F. Gross malpractice.

14 G. Aiding or assisting another person in violating any
15 provision of this Act or rules.

16 H. Failing, within 60 days, to provide information in
17 response to a written request made by the Department.

18 I. Engaging in dishonorable, unethical, or
19 unprofessional conduct of a character likely to deceive,
20 defraud, or harm the public.

21 J. Habitual or excessive use or addiction to alcohol,
22 narcotics, stimulants, or any other chemical agent or drug
23 that results in the inability to practice with reasonable
24 judgment, skill, or safety.

25 K. Discipline by another state, District of Columbia,
26 territory, or foreign nation, if at least one of the

1 grounds for the discipline is the same or substantially
2 equivalent to those set forth herein.

3 L. Directly or indirectly giving to or receiving from
4 any person, firm, corporation, partnership or association
5 any fee, commission, rebate, or other form of compensation
6 for professional services not actually or personally
7 rendered.

8 M. A finding by the Board that the licensee or
9 certificate holder, after having his license or
10 certificate placed on probationary status, has violated
11 the terms of probation.

12 N. Willfully making or filing false records or reports
13 in his practice, including but not limited to false records
14 filed with State agencies or departments.

15 O. Physical illness, including but not limited to,
16 deterioration through the aging process, or loss of motor
17 skill which results in the inability to practice the
18 profession with reasonable judgment, skill, or safety.

19 P. Solicitation of professional services other than
20 permitted advertising.

21 Q. Having professional connection with or lending
22 one's name, directly or indirectly, to any illegal
23 practitioner of veterinary medicine and surgery and the
24 various branches thereof.

25 R. Conviction of or cash compromise of a charge or
26 violation of the Harrison Act or the Illinois Controlled

1 Substances Act, regulating narcotics.

2 S. Fraud or dishonesty in applying, treating, or
3 reporting on tuberculin or other biological tests.

4 T. Failing to report, as required by law, or making
5 false report of any contagious or infectious diseases.

6 U. Fraudulent use or misuse of any health certificate,
7 shipping certificate, brand inspection certificate, or
8 other blank forms used in practice that might lead to the
9 dissemination of disease or the transportation of diseased
10 animals dead or alive; or dilatory methods, willful
11 neglect, or misrepresentation in the inspection of milk,
12 meat, poultry, and the by-products thereof.

13 V. Conviction on a charge of cruelty to animals.

14 W. Failure to keep one's premises and all equipment
15 therein in a clean and sanitary condition.

16 X. Failure to provide satisfactory proof of having
17 participated in approved continuing education programs.

18 Y. Failure to (i) file a return, (ii) pay the tax,
19 penalty, or interest shown in a filed return, or (iii) pay
20 any final assessment of tax, penalty, or interest, as
21 required by any tax Act administered by the Illinois
22 Department of Revenue, until the requirements of that tax
23 Act are satisfied.

24 Z. Conviction by any court of competent jurisdiction,
25 either within or outside this State, of any violation of
26 any law governing the practice of veterinary medicine, if

1 the Department determines, after investigation, that the
2 person has not been sufficiently rehabilitated to warrant
3 the public trust.

4 AA. Promotion of the sale of drugs, devices,
5 appliances, or goods provided for a patient in any manner
6 to exploit the client for financial gain of the
7 veterinarian.

8 BB. Gross, willful, or continued overcharging for
9 professional services, including filing false statements
10 for collection of fees for which services are not rendered.

11 CC. Practicing under a false or, except as provided by
12 law, an assumed name.

13 DD. Fraud or misrepresentation in applying for, or
14 procuring, a license under this Act or in connection with
15 applying for renewal of a license under this Act.

16 EE. Cheating on or attempting to subvert the licensing
17 examination administered under this Act.

18 FF. Using, prescribing, or selling a prescription drug
19 or the extra-label use of a prescription drug by any means
20 in the absence of a valid veterinarian-client-patient
21 relationship.

22 GG. Failing to report a case of suspected aggravated
23 cruelty, torture, or animal fighting pursuant to Section
24 3.07 or 4.01 of the Humane Care for Animals Act or Section
25 26-5 or 48-1 of the Criminal Code of 1961.

26 2. The determination by a circuit court that a licensee or

1 certificate holder is subject to involuntary admission or
2 judicial admission as provided in the Mental Health and
3 Developmental Disabilities Code operates as an automatic
4 suspension. The suspension will end only upon a finding by a
5 court that the patient is no longer subject to involuntary
6 admission or judicial admission and issues an order so finding
7 and discharging the patient; and upon the recommendation of the
8 Board to the Secretary that the licensee or certificate holder
9 be allowed to resume his practice.

10 3. All proceedings to suspend, revoke, place on
11 probationary status, or take any other disciplinary action as
12 the Department may deem proper, with regard to a license or
13 certificate on any of the foregoing grounds, must be commenced
14 within 3 years after receipt by the Department of a complaint
15 alleging the commission of or notice of the conviction order
16 for any of the acts described in this Section. Except for
17 proceedings brought for violations of items (CC), (DD), or
18 (EE), no action shall be commenced more than 5 years after the
19 date of the incident or act alleged to have violated this
20 Section. In the event of the settlement of any claim or cause
21 of action in favor of the claimant or the reduction to final
22 judgment of any civil action in favor of the plaintiff, the
23 claim, cause of action, or civil action being grounded on the
24 allegation that a person licensed or certified under this Act
25 was negligent in providing care, the Department shall have an
26 additional period of one year from the date of the settlement

1 or final judgment in which to investigate and begin formal
2 disciplinary proceedings under Section 25.2 of this Act, except
3 as otherwise provided by law. The time during which the holder
4 of the license or certificate was outside the State of Illinois
5 shall not be included within any period of time limiting the
6 commencement of disciplinary action by the Department.

7 4. The Department may refuse to issue or take disciplinary
8 action concerning the license of any person who fails to file a
9 return, to pay the tax, penalty, or interest shown in a filed
10 return, or to pay any final assessment of tax, penalty, or
11 interest as required by any tax Act administered by the
12 Department of Revenue, until such time as the requirements of
13 any such tax Act are satisfied as determined by the Department
14 of Revenue.

15 5. In enforcing this Section, the Board, upon a showing of
16 a possible violation, may compel a licensee or applicant to
17 submit to a mental or physical examination, or both, as
18 required by and at the expense of the Department. The examining
19 physicians or clinical psychologists shall be those
20 specifically designated by the Board. The Board or the
21 Department may order (i) the examining physician to present
22 testimony concerning the mental or physical examination of a
23 licensee or applicant or (ii) the examining clinical
24 psychologist to present testimony concerning the mental
25 examination of a licensee or applicant. No information shall be
26 excluded by reason of any common law or statutory privilege

1 relating to communications between a licensee or applicant and
2 the examining physician or clinical psychologist. An
3 individual to be examined may have, at his or her own expense,
4 another physician or clinical psychologist of his or her choice
5 present during all aspects of the examination. Failure of an
6 individual to submit to a mental or physical examination, when
7 directed, is grounds for suspension of his or her license. The
8 license must remain suspended until the person submits to the
9 examination or the Board finds, after notice and hearing, that
10 the refusal to submit to the examination was with reasonable
11 cause.

12 If the Board finds an individual unable to practice because
13 of the reasons set forth in this Section, the Board must
14 require the individual to submit to care, counseling, or
15 treatment by a physician or clinical psychologist approved by
16 the Board, as a condition, term, or restriction for continued,
17 reinstated, or renewed licensure to practice. In lieu of care,
18 counseling, or treatment, the Board may recommend that the
19 Department file a complaint to immediately suspend or revoke
20 the license of the individual or otherwise discipline the
21 licensee.

22 Any individual whose license was granted, continued,
23 reinstated, or renewed subject to conditions, terms, or
24 restrictions, as provided for in this Section, or any
25 individual who was disciplined or placed on supervision
26 pursuant to this Section must be referred to the Secretary for

1 a determination as to whether the person shall have his or her
2 license suspended immediately, pending a hearing by the Board.
3 (Source: P.A. 96-1322, eff. 7-27-10.)

4 (225 ILCS 115/25.19)

5 (Section scheduled to be repealed on January 1, 2014)

6 Sec. 25.19. Mandatory reporting. Nothing in this Act
7 exempts a licensee from the mandatory reporting requirements
8 regarding suspected acts of aggravated cruelty, torture, and
9 animal fighting imposed under Sections 3.07 and 4.01 of the
10 Humane Care for Animals Act and Section 26-5 or 48-1 of the
11 Criminal Code of 1961.

12 (Source: P.A. 93-281, eff. 12-31-03.)

13 Section 15-15. The Humane Care for Animals Act is amended
14 by changing Sections 3.03-1, 3.04, 3.05, 4.01, and 4.02 as
15 follows:

16 (510 ILCS 70/3.03-1)

17 Sec. 3.03-1. Depiction of animal cruelty.

18 (a) "Depiction of animal cruelty" means any visual or
19 auditory depiction, including any photograph, motion-picture
20 film, video recording, electronic image, or sound recording,
21 that would constitute a violation of Section 3.01, 3.02, 3.03,
22 or 4.01 of the Humane Care for Animals Act or Section 26-5 or
23 48-1 of the Criminal Code of 1961.

1 (b) No person may knowingly create, sell, market, offer to
2 market or sell, or possess a depiction of animal cruelty. No
3 person may place that depiction in commerce for commercial gain
4 or entertainment. This Section does not apply when the
5 depiction has religious, political, scientific, educational,
6 law enforcement or humane investigator training, journalistic,
7 artistic, or historical value; or involves rodeos, sanctioned
8 livestock events, or normal husbandry practices.

9 The creation, sale, marketing, offering to sell or market,
10 or possession of the depiction of animal cruelty is illegal
11 regardless of whether the maiming, mutilation, torture,
12 wounding, abuse, killing, or any other conduct took place in
13 this State.

14 (c) Any person convicted of violating this Section is
15 guilty of a Class A misdemeanor. A second or subsequent
16 violation is a Class 4 felony. In addition to any other penalty
17 provided by law, upon conviction for violating this Section,
18 the court may order the convicted person to undergo a
19 psychological or psychiatric evaluation and to undergo any
20 treatment at the convicted person's expense that the court
21 determines to be appropriate after due consideration of the
22 evaluation. If the convicted person is a juvenile, the court
23 shall order the convicted person to undergo a psychological or
24 psychiatric evaluation and to undergo treatment that the court
25 determines to be appropriate after due consideration of the
26 evaluation.

1 (Source: P.A. 92-776, eff. 1-1-03.)

2 (510 ILCS 70/3.04)

3 Sec. 3.04. Arrests and seizures; penalties.

4 (a) Any law enforcement officer making an arrest for an
5 offense involving one or more companion animals under Section
6 3.01, 3.02, or 3.03 of this Act may lawfully take possession of
7 some or all of the companion animals in the possession of the
8 person arrested. The officer, after taking possession of the
9 companion animals, must file with the court before whom the
10 complaint is made against any person so arrested an affidavit
11 stating the name of the person charged in the complaint, a
12 description of the condition of the companion animal or
13 companion animals taken, and the time and place the companion
14 animal or companion animals were taken, together with the name
15 of the person from whom the companion animal or companion
16 animals were taken and name of the person who claims to own the
17 companion animal or companion animals if different from the
18 person from whom the companion animal or companion animals were
19 seized. He or she must at the same time deliver an inventory of
20 the companion animal or companion animals taken to the court of
21 competent jurisdiction. The officer must place the companion
22 animal or companion animals in the custody of an animal control
23 or animal shelter and the agency must retain custody of the
24 companion animal or companion animals subject to an order of
25 the court adjudicating the charges on the merits and before

1 which the person complained against is required to appear for
2 trial. The State's Attorney may, within 14 days after the
3 seizure, file a "petition for forfeiture prior to trial" before
4 the court having criminal jurisdiction over the alleged
5 charges, asking for permanent forfeiture of the companion
6 animals seized. The petition shall be filed with the court,
7 with copies served on the impounding agency, the owner, and
8 anyone claiming an interest in the animals. In a "petition for
9 forfeiture prior to trial", the burden is on the prosecution to
10 prove by a preponderance of the evidence that the person
11 arrested violated Section 3.01, 3.02, 3.03, or 4.01 of this Act
12 or Section 26-5 or 48-1 of the Criminal Code of 1961.

13 (b) An owner whose companion animal or companion animals
14 are removed by a law enforcement officer under this Section
15 must be given written notice of the circumstances of the
16 removal and of any legal remedies available to him or her. The
17 notice must be posted at the place of seizure, or delivered to
18 a person residing at the place of seizure or, if the address of
19 the owner is different from the address of the person from whom
20 the companion animal or companion animals were seized,
21 delivered by registered mail to his or her last known address.

22 (c) In addition to any other penalty provided by law, upon
23 conviction for violating Sections 3, 3.01, 3.02, or 3.03 the
24 court may order the convicted person to forfeit to an animal
25 control or animal shelter the animal or animals that are the
26 basis of the conviction. Upon an order of forfeiture, the

1 convicted person is deemed to have permanently relinquished all
2 rights to the animal or animals that are the basis of the
3 conviction. The forfeited animal or animals shall be adopted or
4 humanely euthanized. In no event may the convicted person or
5 anyone residing in his or her household be permitted to adopt
6 the forfeited animal or animals. The court, additionally, may
7 order that the convicted person and persons dwelling in the
8 same household as the convicted person who conspired, aided, or
9 abetted in the unlawful act that was the basis of the
10 conviction, or who knew or should have known of the unlawful
11 act, may not own, harbor, or have custody or control of any
12 other animals for a period of time that the court deems
13 reasonable.

14 (Source: P.A. 95-560, eff. 8-30-07.)

15 (510 ILCS 70/3.05)

16 Sec. 3.05. Security for companion animals and animals used
17 for fighting purposes.

18 (a) In the case of companion animals as defined in Section
19 2.01a or animals used for fighting purposes in violation of
20 Section 4.01 of this Act or Section 26-5 or 48-1 of the
21 Criminal Code of 1961, the animal control or animal shelter
22 having custody of the animal or animals may file a petition
23 with the court requesting that the person from whom the animal
24 or animals are seized, or the owner of the animal or animals,
25 be ordered to post security. The security must be in an amount

1 sufficient to secure payment of all reasonable expenses
2 expected to be incurred by the animal control or animal shelter
3 in caring for and providing for the animal or animals pending
4 the disposition of the charges. Reasonable expenses include,
5 but are not limited to, estimated medical care and boarding of
6 the animal or animals for 30 days. The amount of the security
7 shall be determined by the court after taking into
8 consideration all of the facts and circumstances of the case,
9 including, but not limited to, the recommendation of the
10 impounding organization having custody and care of the seized
11 animal or animals and the cost of caring for the animal or
12 animals. If security has been posted in accordance with this
13 Section, the animal control or animal shelter may draw from the
14 security the actual costs incurred by the agency in caring for
15 the seized animal or animals.

16 (b) Upon receipt of a petition, the court must set a
17 hearing on the petition, to be conducted within 5 business days
18 after the petition is filed. The petitioner must serve a true
19 copy of the petition upon the defendant and the State's
20 Attorney for the county in which the animal or animals were
21 seized. The petitioner must also serve a true copy of the
22 petition on any interested person. For the purposes of this
23 subsection, "interested person" means an individual,
24 partnership, firm, joint stock company, corporation,
25 association, trust, estate, or other legal entity that the
26 court determines may have a pecuniary interest in the animal or

1 animals that are the subject of the petition. The court must
2 set a hearing date to determine any interested parties. The
3 court may waive for good cause shown the posting of security.

4 (c) If the court orders the posting of security, the
5 security must be posted with the clerk of the court within 5
6 business days after the hearing. If the person ordered to post
7 security does not do so, the animal or animals are forfeited by
8 operation of law and the animal control or animal shelter
9 having control of the animal or animals must dispose of the
10 animal or animals through adoption or must humanely euthanize
11 the animal. In no event may the defendant or any person
12 residing in the defendant's household adopt the animal or
13 animals.

14 (d) The impounding organization may file a petition with
15 the court upon the expiration of the 30-day period requesting
16 the posting of additional security. The court may order the
17 person from whom the animal or animals were seized, or the
18 owner of the animal or animals, to post additional security
19 with the clerk of the court to secure payment of reasonable
20 expenses for an additional period of time pending a
21 determination by the court of the charges against the person
22 from whom the animal or animals were seized.

23 (e) In no event may the security prevent the impounding
24 organization having custody and care of the animal or animals
25 from disposing of the animal or animals before the expiration
26 of the 30-day period covered by the security if the court makes

1 a final determination of the charges against the person from
2 whom the animal or animals were seized. Upon the adjudication
3 of the charges, the person who posted the security is entitled
4 to a refund of the security, in whole or in part, for any
5 expenses not incurred by the impounding organization.

6 (f) Notwithstanding any other provision of this Section to
7 the contrary, the court may order a person charged with any
8 violation of this Act to provide necessary food, water,
9 shelter, and care for any animal or animals that are the basis
10 of the charge without the removal of the animal or animals from
11 their existing location and until the charges against the
12 person are adjudicated. Until a final determination of the
13 charges is made, any law enforcement officer, animal control
14 officer, Department investigator, or an approved humane
15 investigator may be authorized by an order of the court to make
16 regular visits to the place where the animal or animals are
17 being kept to ascertain if the animal or animals are receiving
18 necessary food, water, shelter, and care. Nothing in this
19 Section prevents any law enforcement officer, Department
20 investigator, or approved humane investigator from applying
21 for a warrant under this Section to seize any animal or animals
22 being held by the person charged pending the adjudication of
23 the charges if it is determined that the animal or animals are
24 not receiving the necessary food, water, shelter, or care.

25 (g) Nothing in this Act shall be construed to prevent the
26 voluntary, permanent relinquishment of any animal by its owner

1 to an animal control or animal shelter in lieu of posting
2 security or proceeding to a forfeiture hearing. Voluntary
3 relinquishment shall have no effect on the criminal charges
4 that may be pursued by the appropriate authorities.

5 (h) If an owner of a companion animal is acquitted by the
6 court of charges made pursuant to this Act, the court shall
7 further order that any security that has been posted for the
8 animal shall be returned to the owner by the impounding
9 organization.

10 (i) The provisions of this Section only pertain to
11 companion animals and animals used for fighting purposes.

12 (Source: P.A. 92-454, eff. 1-1-02; 92-650, eff. 7-11-02.)

13 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

14 Sec. 4.01. Animals in entertainment. This Section does not
15 apply when the only animals involved are dogs. (Section 48-1
16 ~~26-5~~ of the Criminal Code of 1961, rather than this Section,
17 applies when the only animals involved are dogs.)

18 (a) No person may own, capture, breed, train, or lease any
19 animal which he or she knows or should know is intended for use
20 in any show, exhibition, program, or other activity featuring
21 or otherwise involving a fight between such animal and any
22 other animal or human, or the intentional killing of any animal
23 for the purpose of sport, wagering, or entertainment.

24 (b) No person shall promote, conduct, carry on, advertise,
25 collect money for or in any other manner assist or aid in the

1 presentation for purposes of sport, wagering, or
2 entertainment, any show, exhibition, program, or other
3 activity involving a fight between 2 or more animals or any
4 animal and human, or the intentional killing of any animal.

5 (c) No person shall sell or offer for sale, ship,
6 transport, or otherwise move, or deliver or receive any animal
7 which he or she knows or should know has been captured, bred,
8 or trained, or will be used, to fight another animal or human
9 or be intentionally killed, for the purpose of sport, wagering,
10 or entertainment.

11 (d) No person shall manufacture for sale, shipment,
12 transportation or delivery any device or equipment which that
13 person knows or should know is intended for use in any show,
14 exhibition, program, or other activity featuring or otherwise
15 involving a fight between 2 or more animals, or any human and
16 animal, or the intentional killing of any animal for purposes
17 of sport, wagering or entertainment.

18 (e) No person shall own, possess, sell or offer for sale,
19 ship, transport, or otherwise move any equipment or device
20 which such person knows or should know is intended for use in
21 connection with any show, exhibition, program, or activity
22 featuring or otherwise involving a fight between 2 or more
23 animals, or any animal and human, or the intentional killing of
24 any animal for purposes of sport, wagering or entertainment.

25 (f) No person shall make available any site, structure, or
26 facility, whether enclosed or not, which he or she knows or

1 should know is intended to be used for the purpose of
2 conducting any show, exhibition, program, or other activity
3 involving a fight between 2 or more animals, or any animal and
4 human, or the intentional killing of any animal.

5 (g) No person shall knowingly attend or otherwise patronize
6 any show, exhibition, program, or other activity featuring or
7 otherwise involving a fight between 2 or more animals, or any
8 animal and human, or the intentional killing of any animal for
9 the purposes of sport, wagering or entertainment.

10 (h) (Blank).

11 (i) Any animals or equipment involved in a violation of
12 this Section shall be immediately seized and impounded under
13 Section 12 by the Department when located at any show,
14 exhibition, program, or other activity featuring or otherwise
15 involving an animal fight for the purposes of sport, wagering,
16 or entertainment.

17 (j) Any vehicle or conveyance other than a common carrier
18 that is used in violation of this Section shall be seized,
19 held, and offered for sale at public auction by the sheriff's
20 department of the proper jurisdiction, and the proceeds from
21 the sale shall be remitted to the general fund of the county
22 where the violation took place.

23 (k) Any veterinarian in this State who is presented with an
24 animal for treatment of injuries or wounds resulting from
25 fighting where there is a reasonable possibility that the
26 animal was engaged in or utilized for a fighting event for the

1 purposes of sport, wagering, or entertainment shall file a
2 report with the Department and cooperate by furnishing the
3 owners' names, dates, and descriptions of the animal or animals
4 involved. Any veterinarian who in good faith complies with the
5 requirements of this subsection has immunity from any
6 liability, civil, criminal, or otherwise, that may result from
7 his or her actions. For the purposes of any proceedings, civil
8 or criminal, the good faith of the veterinarian shall be
9 rebuttably presumed.

10 (l) No person shall solicit a minor to violate this
11 Section.

12 (m) The penalties for violations of this Section shall be
13 as follows:

14 (1) A person convicted of violating subsection (a),
15 (b), or (c) of this Section or any rule, regulation, or
16 order of the Department pursuant thereto is guilty of a
17 Class 4 felony for the first offense. A second or
18 subsequent offense involving the violation of subsection
19 (a), (b), or (c) of this Section or any rule, regulation,
20 or order of the Department pursuant thereto is a Class 3
21 felony.

22 (2) A person convicted of violating subsection (d),
23 (e), or (f) of this Section or any rule, regulation, or
24 order of the Department pursuant thereto is guilty of a
25 Class 4 felony for the first offense. A second or
26 subsequent violation is a Class 3 felony.

1 (3) A person convicted of violating subsection (g) of
2 this Section or any rule, regulation, or order of the
3 Department pursuant thereto is guilty of a Class 4 felony
4 for the first offense. A second or subsequent violation is
5 a Class 3 felony.

6 (4) A person convicted of violating subsection (l) of
7 this Section is guilty of a Class 4 felony for the first
8 offense. A second or subsequent violation is a Class 3
9 felony.

10 (n) A person who commits a felony violation of this Section
11 is subject to the property forfeiture provisions set forth in
12 Article 124B of the Code of Criminal Procedure of 1963.

13 (Source: P.A. 95-331, eff. 8-21-07; 95-560, eff. 8-30-07;
14 96-226, eff. 8-11-09; 96-712, eff. 1-1-10; 96-1000, eff.
15 7-2-10.)

16 (510 ILCS 70/4.02) (from Ch. 8, par. 704.02)

17 Sec. 4.02. Arrests; reports.

18 (a) Any law enforcement officer making an arrest for an
19 offense involving one or more animals under Section 4.01 of
20 this Act or Section 48-1 ~~26-5~~ of the Criminal Code of 1961
21 shall lawfully take possession of all animals and all
22 paraphernalia, implements, or other property or things used or
23 employed, or about to be employed, in the violation of any of
24 the provisions of Section 4.01 of this Act or Section 48-1 ~~26-5~~
25 of the Criminal Code of 1961. When a law enforcement officer

1 has taken possession of such animals, paraphernalia,
2 implements or other property or things, he or she shall file
3 with the court before whom the complaint is made against any
4 person so arrested an affidavit stating therein the name of the
5 person charged in the complaint, a description of the property
6 so taken and the time and place of the taking thereof together
7 with the name of the person from whom the same was taken and
8 name of the person who claims to own such property, if
9 different from the person from whom the animals were seized and
10 if known, and that the affiant has reason to believe and does
11 believe, stating the ground of the belief, that the animals and
12 property so taken were used or employed, or were about to be
13 used or employed, in a violation of Section 4.01 of this Act or
14 Section 48-1 ~~26-5~~ of the Criminal Code of 1961. He or she shall
15 thereupon deliver an inventory of the property so taken to the
16 court of competent jurisdiction. A law enforcement officer may
17 humanely euthanize animals that are severely injured.

18 An owner whose animals are removed for a violation of
19 Section 4.01 of this Act or Section 48-1 ~~26-5~~ of the Criminal
20 Code of 1961 must be given written notice of the circumstances
21 of the removal and of any legal remedies available to him or
22 her. The notice must be posted at the place of seizure or
23 delivered to a person residing at the place of seizure or, if
24 the address of the owner is different from the address of the
25 person from whom the animals were seized, delivered by
26 registered mail to his or her last known address.

1 The animal control or animal shelter having custody of the
2 animals may file a petition with the court requesting that the
3 person from whom the animals were seized or the owner of the
4 animals be ordered to post security pursuant to Section 3.05 of
5 this Act.

6 Upon the conviction of the person so charged, all animals
7 shall be adopted or humanely euthanized and property so seized
8 shall be adjudged by the court to be forfeited. Any outstanding
9 costs incurred by the impounding facility in boarding and
10 treating the animals pending the disposition of the case and
11 disposing of the animals upon a conviction must be borne by the
12 person convicted. In no event may the animals be adopted by the
13 defendant or anyone residing in his or her household. If the
14 court finds that the State either failed to prove the criminal
15 allegations or failed to prove that the animals were used in
16 fighting, the court must direct the delivery of the animals and
17 the other property not previously forfeited to the owner of the
18 animals and property.

19 Any person authorized by this Section to care for an
20 animal, to treat an animal, or to attempt to restore an animal
21 to good health and who is acting in good faith is immune from
22 any civil or criminal liability that may result from his or her
23 actions.

24 An animal control warden, animal control administrator,
25 animal shelter employee, or approved humane investigator may
26 humanely euthanize severely injured, diseased, or suffering

1 animal in exigent circumstances.

2 (b) Any veterinarian in this State who is presented with an
3 animal for treatment of injuries or wounds resulting from
4 fighting where there is a reasonable possibility that the
5 animal was engaged in or utilized for a fighting event shall
6 file a report with the Department and cooperate by furnishing
7 the owners' names, date of receipt of the animal or animals and
8 treatment administered, and descriptions of the animal or
9 animals involved. Any veterinarian who in good faith makes a
10 report, as required by this subsection (b), is immune from any
11 liability, civil, criminal, or otherwise, resulting from his or
12 her actions. For the purposes of any proceedings, civil or
13 criminal, the good faith of any such veterinarian shall be
14 presumed.

15 (Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650,
16 eff. 7-11-02; 92-651, eff. 7-11-02.)

17 Section 15-17. The Illinois Vehicle Code is amended by
18 changing Sections 6-106.1 and 6-508 as follows:

19 (625 ILCS 5/6-106.1)

20 Sec. 6-106.1. School bus driver permit.

21 (a) The Secretary of State shall issue a school bus driver
22 permit to those applicants who have met all the requirements of
23 the application and screening process under this Section to
24 insure the welfare and safety of children who are transported

1 on school buses throughout the State of Illinois. Applicants
2 shall obtain the proper application required by the Secretary
3 of State from their prospective or current employer and submit
4 the completed application to the prospective or current
5 employer along with the necessary fingerprint submission as
6 required by the Department of State Police to conduct
7 fingerprint based criminal background checks on current and
8 future information available in the state system and current
9 information available through the Federal Bureau of
10 Investigation's system. Applicants who have completed the
11 fingerprinting requirements shall not be subjected to the
12 fingerprinting process when applying for subsequent permits or
13 submitting proof of successful completion of the annual
14 refresher course. Individuals who on the effective date of this
15 Act possess a valid school bus driver permit that has been
16 previously issued by the appropriate Regional School
17 Superintendent are not subject to the fingerprinting
18 provisions of this Section as long as the permit remains valid
19 and does not lapse. The applicant shall be required to pay all
20 related application and fingerprinting fees as established by
21 rule including, but not limited to, the amounts established by
22 the Department of State Police and the Federal Bureau of
23 Investigation to process fingerprint based criminal background
24 investigations. All fees paid for fingerprint processing
25 services under this Section shall be deposited into the State
26 Police Services Fund for the cost incurred in processing the

1 fingerprint based criminal background investigations. All
2 other fees paid under this Section shall be deposited into the
3 Road Fund for the purpose of defraying the costs of the
4 Secretary of State in administering this Section. All
5 applicants must:

6 1. be 21 years of age or older;

7 2. possess a valid and properly classified driver's
8 license issued by the Secretary of State;

9 3. possess a valid driver's license, which has not been
10 revoked, suspended, or canceled for 3 years immediately
11 prior to the date of application, or have not had his or
12 her commercial motor vehicle driving privileges
13 disqualified within the 3 years immediately prior to the
14 date of application;

15 4. successfully pass a written test, administered by
16 the Secretary of State, on school bus operation, school bus
17 safety, and special traffic laws relating to school buses
18 and submit to a review of the applicant's driving habits by
19 the Secretary of State at the time the written test is
20 given;

21 5. demonstrate ability to exercise reasonable care in
22 the operation of school buses in accordance with rules
23 promulgated by the Secretary of State;

24 6. demonstrate physical fitness to operate school
25 buses by submitting the results of a medical examination,
26 including tests for drug use for each applicant not subject

1 to such testing pursuant to federal law, conducted by a
2 licensed physician, an advanced practice nurse who has a
3 written collaborative agreement with a collaborating
4 physician which authorizes him or her to perform medical
5 examinations, or a physician assistant who has been
6 delegated the performance of medical examinations by his or
7 her supervising physician within 90 days of the date of
8 application according to standards promulgated by the
9 Secretary of State;

10 7. affirm under penalties of perjury that he or she has
11 not made a false statement or knowingly concealed a
12 material fact in any application for permit;

13 8. have completed an initial classroom course,
14 including first aid procedures, in school bus driver safety
15 as promulgated by the Secretary of State; and after
16 satisfactory completion of said initial course an annual
17 refresher course; such courses and the agency or
18 organization conducting such courses shall be approved by
19 the Secretary of State; failure to complete the annual
20 refresher course, shall result in cancellation of the
21 permit until such course is completed;

22 9. not have been under an order of court supervision
23 for or convicted of 2 or more serious traffic offenses, as
24 defined by rule, within one year prior to the date of
25 application that may endanger the life or safety of any of
26 the driver's passengers within the duration of the permit

1 period;

2 10. not have been under an order of court supervision
3 for or convicted of reckless driving, aggravated reckless
4 driving, driving while under the influence of alcohol,
5 other drug or drugs, intoxicating compound or compounds or
6 any combination thereof, or reckless homicide resulting
7 from the operation of a motor vehicle within 3 years of the
8 date of application;

9 11. not have been convicted of committing or attempting
10 to commit any one or more of the following offenses: (i)
11 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,
12 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
13 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
14 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
15 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,
16 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,
17 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,
18 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,
19 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
20 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,
21 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
22 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,
23 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 19-6, 20-1,
24 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,
25 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 31A-1,
26 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section

1 8-1, and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1),
2 (e)(2), (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and
3 in subsection (a) and subsection (b), clause (1), of
4 Section 12-4, and in subsection (A), clauses (a) and (b),
5 of Section 24-3, and those offenses contained in Article
6 29D of the Criminal Code of 1961; (ii) those offenses
7 defined in the Cannabis Control Act except those offenses
8 defined in subsections (a) and (b) of Section 4, and
9 subsection (a) of Section 5 of the Cannabis Control Act;
10 (iii) those offenses defined in the Illinois Controlled
11 Substances Act; (iv) those offenses defined in the
12 Methamphetamine Control and Community Protection Act; (v)
13 any offense committed or attempted in any other state or
14 against the laws of the United States, which if committed
15 or attempted in this State would be punishable as one or
16 more of the foregoing offenses; (vi) the offenses defined
17 in Section 4.1 and 5.1 of the Wrongs to Children Act or
18 Section 11-9.1A of the Criminal Code of 1961; (vii) those
19 offenses defined in Section 6-16 of the Liquor Control Act
20 of 1934; and (viii) those offenses defined in the
21 Methamphetamine Precursor Control Act;

22 12. not have been repeatedly involved as a driver in
23 motor vehicle collisions or been repeatedly convicted of
24 offenses against laws and ordinances regulating the
25 movement of traffic, to a degree which indicates lack of
26 ability to exercise ordinary and reasonable care in the

1 safe operation of a motor vehicle or disrespect for the
2 traffic laws and the safety of other persons upon the
3 highway;

4 13. not have, through the unlawful operation of a motor
5 vehicle, caused an accident resulting in the death of any
6 person;

7 14. not have, within the last 5 years, been adjudged to
8 be afflicted with or suffering from any mental disability
9 or disease; and

10 15. consent, in writing, to the release of results of
11 reasonable suspicion drug and alcohol testing under
12 Section 6-106.1c of this Code by the employer of the
13 applicant to the Secretary of State.

14 (b) A school bus driver permit shall be valid for a period
15 specified by the Secretary of State as set forth by rule. It
16 shall be renewable upon compliance with subsection (a) of this
17 Section.

18 (c) A school bus driver permit shall contain the holder's
19 driver's license number, legal name, residence address, zip
20 code, and date of birth, a brief description of the holder and
21 a space for signature. The Secretary of State may require a
22 suitable photograph of the holder.

23 (d) The employer shall be responsible for conducting a
24 pre-employment interview with prospective school bus driver
25 candidates, distributing school bus driver applications and
26 medical forms to be completed by the applicant, and submitting

1 the applicant's fingerprint cards to the Department of State
2 Police that are required for the criminal background
3 investigations. The employer shall certify in writing to the
4 Secretary of State that all pre-employment conditions have been
5 successfully completed including the successful completion of
6 an Illinois specific criminal background investigation through
7 the Department of State Police and the submission of necessary
8 fingerprints to the Federal Bureau of Investigation for
9 criminal history information available through the Federal
10 Bureau of Investigation system. The applicant shall present the
11 certification to the Secretary of State at the time of
12 submitting the school bus driver permit application.

13 (e) Permits shall initially be provisional upon receiving
14 certification from the employer that all pre-employment
15 conditions have been successfully completed, and upon
16 successful completion of all training and examination
17 requirements for the classification of the vehicle to be
18 operated, the Secretary of State shall provisionally issue a
19 School Bus Driver Permit. The permit shall remain in a
20 provisional status pending the completion of the Federal Bureau
21 of Investigation's criminal background investigation based
22 upon fingerprinting specimens submitted to the Federal Bureau
23 of Investigation by the Department of State Police. The Federal
24 Bureau of Investigation shall report the findings directly to
25 the Secretary of State. The Secretary of State shall remove the
26 bus driver permit from provisional status upon the applicant's

1 successful completion of the Federal Bureau of Investigation's
2 criminal background investigation.

3 (f) A school bus driver permit holder shall notify the
4 employer and the Secretary of State if he or she is issued an
5 order of court supervision for or convicted in another state of
6 an offense that would make him or her ineligible for a permit
7 under subsection (a) of this Section. The written notification
8 shall be made within 5 days of the entry of the order of court
9 supervision or conviction. Failure of the permit holder to
10 provide the notification is punishable as a petty offense for a
11 first violation and a Class B misdemeanor for a second or
12 subsequent violation.

13 (g) Cancellation; suspension; notice and procedure.

14 (1) The Secretary of State shall cancel a school bus
15 driver permit of an applicant whose criminal background
16 investigation discloses that he or she is not in compliance
17 with the provisions of subsection (a) of this Section.

18 (2) The Secretary of State shall cancel a school bus
19 driver permit when he or she receives notice that the
20 permit holder fails to comply with any provision of this
21 Section or any rule promulgated for the administration of
22 this Section.

23 (3) The Secretary of State shall cancel a school bus
24 driver permit if the permit holder's restricted commercial
25 or commercial driving privileges are withdrawn or
26 otherwise invalidated.

1 (4) The Secretary of State may not issue a school bus
2 driver permit for a period of 3 years to an applicant who
3 fails to obtain a negative result on a drug test as
4 required in item 6 of subsection (a) of this Section or
5 under federal law.

6 (5) The Secretary of State shall forthwith suspend a
7 school bus driver permit for a period of 3 years upon
8 receiving notice that the holder has failed to obtain a
9 negative result on a drug test as required in item 6 of
10 subsection (a) of this Section or under federal law.

11 (6) The Secretary of State shall suspend a school bus
12 driver permit for a period of 3 years upon receiving notice
13 from the employer that the holder failed to perform the
14 inspection procedure set forth in subsection (a) or (b) of
15 Section 12-816 of this Code.

16 (7) The Secretary of State shall suspend a school bus
17 driver permit for a period of 3 years upon receiving notice
18 from the employer that the holder refused to submit to an
19 alcohol or drug test as required by Section 6-106.1c or has
20 submitted to a test required by that Section which
21 disclosed an alcohol concentration of more than 0.00 or
22 disclosed a positive result on a National Institute on Drug
23 Abuse five-drug panel, utilizing federal standards set
24 forth in 49 CFR 40.87.

25 The Secretary of State shall notify the State
26 Superintendent of Education and the permit holder's

1 prospective or current employer that the applicant has (1) has
2 failed a criminal background investigation or (2) is no longer
3 eligible for a school bus driver permit; and of the related
4 cancellation of the applicant's provisional school bus driver
5 permit. The cancellation shall remain in effect pending the
6 outcome of a hearing pursuant to Section 2-118 of this Code.
7 The scope of the hearing shall be limited to the issuance
8 criteria contained in subsection (a) of this Section. A
9 petition requesting a hearing shall be submitted to the
10 Secretary of State and shall contain the reason the individual
11 feels he or she is entitled to a school bus driver permit. The
12 permit holder's employer shall notify in writing to the
13 Secretary of State that the employer has certified the removal
14 of the offending school bus driver from service prior to the
15 start of that school bus driver's next workshift. An employing
16 school board that fails to remove the offending school bus
17 driver from service is subject to the penalties defined in
18 Section 3-14.23 of the School Code. A school bus contractor who
19 violates a provision of this Section is subject to the
20 penalties defined in Section 6-106.11.

21 All valid school bus driver permits issued under this
22 Section prior to January 1, 1995, shall remain effective until
23 their expiration date unless otherwise invalidated.

24 (h) When a school bus driver permit holder who is a service
25 member is called to active duty, the employer of the permit
26 holder shall notify the Secretary of State, within 30 days of

1 notification from the permit holder, that the permit holder has
2 been called to active duty. Upon notification pursuant to this
3 subsection, (i) the Secretary of State shall characterize the
4 permit as inactive until a permit holder renews the permit as
5 provided in subsection (i) of this Section, and (ii) if a
6 permit holder fails to comply with the requirements of this
7 Section while called to active duty, the Secretary of State
8 shall not characterize the permit as invalid.

9 (i) A school bus driver permit holder who is a service
10 member returning from active duty must, within 90 days, renew a
11 permit characterized as inactive pursuant to subsection (h) of
12 this Section by complying with the renewal requirements of
13 subsection (b) of this Section.

14 (j) For purposes of subsections (h) and (i) of this
15 Section:

16 "Active duty" means active duty pursuant to an executive
17 order of the President of the United States, an act of the
18 Congress of the United States, or an order of the Governor.

19 "Service member" means a member of the Armed Services or
20 reserve forces of the United States or a member of the Illinois
21 National Guard.

22 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;
23 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.
24 7-22-10; 96-1551, Article 1, Section 950, eff. 7-1-11; 96-1551,
25 Article 2, Section 1025, eff. 7-1-11; 97-224, eff. 7-28-11;
26 97-229, eff. 7-28-11; 97-333, eff. 8-12-11; 97-466, eff.

1 1-1-12; revised 9-15-11.)

2 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

3 Sec. 6-508. Commercial Driver's License (CDL) -
4 qualification standards.

5 (a) Testing.

6 (1) General. No person shall be issued an original or
7 renewal CDL unless that person is domiciled in this State.
8 The Secretary shall cause to be administered such tests as
9 the Secretary deems necessary to meet the requirements of
10 49 C.F.R. Part 383, subparts F, G, H, and J.

11 (2) Third party testing. The Secretary of state may
12 authorize a "third party tester", pursuant to 49 C.F.R.
13 Part 383.75, to administer the skills test or tests
14 specified by Federal Motor Carrier Safety Administration
15 pursuant to the Commercial Motor Vehicle Safety Act of 1986
16 and any appropriate federal rule.

17 (b) Waiver of Skills Test. The Secretary of State may waive
18 the skills test specified in this Section for a driver
19 applicant for a commercial driver license who meets the
20 requirements of 49 C.F.R. Part 383.77 and Part 383.123.

21 (b-1) No person shall be issued a commercial driver
22 instruction permit or CDL unless the person certifies to the
23 Secretary one of the following types of driving operations in
24 which he or she will be engaged:

25 (1) non-excepted interstate;

- 1 (2) non-excepted intrastate;
2 (3) excepted interstate; or
3 (4) excepted intrastate.

4 (b-2) Persons who hold a commercial driver instruction
5 permit or CDL on January 30, 2012 must certify to the Secretary
6 no later than January 30, 2014 one of the following applicable
7 self-certifications:

- 8 (1) non-excepted interstate;
9 (2) non-excepted intrastate;
10 (3) excepted interstate; or
11 (4) excepted intrastate.

12 (c) Limitations on issuance of a CDL. A CDL, or a
13 commercial driver instruction permit, shall not be issued to a
14 person while the person is subject to a disqualification from
15 driving a commercial motor vehicle, or unless otherwise
16 permitted by this Code, while the person's driver's license is
17 suspended, revoked or cancelled in any state, or any territory
18 or province of Canada; nor may a CDL be issued to a person who
19 has a CDL issued by any other state, or foreign jurisdiction,
20 unless the person first surrenders all such licenses. No CDL
21 shall be issued to or renewed for a person who does not meet
22 the requirement of 49 CFR 391.41(b)(11). The requirement may be
23 met with the aid of a hearing aid.

24 (c-1) The Secretary may issue a CDL with a school bus
25 driver endorsement to allow a person to drive the type of bus
26 described in subsection (d-5) of Section 6-104 of this Code.

1 The CDL with a school bus driver endorsement may be issued only
2 to a person meeting the following requirements:

3 (1) the person has submitted his or her fingerprints to
4 the Department of State Police in the form and manner
5 prescribed by the Department of State Police. These
6 fingerprints shall be checked against the fingerprint
7 records now and hereafter filed in the Department of State
8 Police and Federal Bureau of Investigation criminal
9 history records databases;

10 (2) the person has passed a written test, administered
11 by the Secretary of State, on charter bus operation,
12 charter bus safety, and certain special traffic laws
13 relating to school buses determined by the Secretary of
14 State to be relevant to charter buses, and submitted to a
15 review of the driver applicant's driving habits by the
16 Secretary of State at the time the written test is given;

17 (3) the person has demonstrated physical fitness to
18 operate school buses by submitting the results of a medical
19 examination, including tests for drug use; and

20 (4) the person has not been convicted of committing or
21 attempting to commit any one or more of the following
22 offenses: (i) those offenses defined in Sections 8-1.2,
23 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
24 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
25 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
26 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,

1 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
2 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
3 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
4 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
5 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
6 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
7 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
8 12-21.5, 12-21.6, 12-33, 16-16, 16-16.1, 18-1, 18-2, 18-3,
9 18-4, 18-5, 19-6, 20-1, 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1,
10 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3,
11 24-3.5, 31A-1, 31A-1.1, 33A-2, and 33D-1, and in subsection
12 (b) of Section 8-1, and in subdivisions (a)(1), (a)(2),
13 (b)(1), (e)(1), (e)(2), (e)(3), (e)(4), and (f)(1) of
14 Section 12-3.05, and in subsection (a) and subsection (b),
15 clause (1), of Section 12-4, and in subsection (A), clauses
16 (a) and (b), of Section 24-3, and those offenses contained
17 in Article 29D of the Criminal Code of 1961; (ii) those
18 offenses defined in the Cannabis Control Act except those
19 offenses defined in subsections (a) and (b) of Section 4,
20 and subsection (a) of Section 5 of the Cannabis Control
21 Act; (iii) those offenses defined in the Illinois
22 Controlled Substances Act; (iv) those offenses defined in
23 the Methamphetamine Control and Community Protection Act;
24 (v) any offense committed or attempted in any other state
25 or against the laws of the United States, which if
26 committed or attempted in this State would be punishable as

1 one or more of the foregoing offenses; (vi) the offenses
2 defined in Sections 4.1 and 5.1 of the Wrongs to Children
3 Act or Section 11-9.1A of the Criminal Code of 1961; (vii)
4 those offenses defined in Section 6-16 of the Liquor
5 Control Act of 1934; and (viii) those offenses defined in
6 the Methamphetamine 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; 96-1551, Article 1, Section 95, eff.
5 7-1-11; 96-1551, Article 2, Section 1025, eff. 7-1-11; 97-208,
6 eff. 1-1-12; revised 9-26-11.)

7 Section 15-20. The Clerks of Courts Act is amended by
8 changing Sections 27.3a, 27.5 and 27.6 as follows:

9 (705 ILCS 105/27.3a)

10 (Text of Section before amendment by P.A. 97-46)

11 Sec. 27.3a. Fees for automated record keeping and State
12 Police operations.

13 1. The expense of establishing and maintaining automated
14 record keeping systems in the offices of the clerks of the
15 circuit court shall be borne by the county. To defray such
16 expense in any county having established such an automated
17 system or which elects to establish such a system, the county
18 board may require the clerk of the circuit court in their
19 county to charge and collect a court automation fee of not less
20 than \$1 nor more than \$15 to be charged and collected by the
21 clerk of the court. Such fee shall be paid at the time of
22 filing the first pleading, paper or other appearance filed by
23 each party in all civil cases or by the defendant in any
24 felony, traffic, misdemeanor, municipal ordinance, or

1 conservation case upon a judgment of guilty or grant of
2 supervision, provided that the record keeping system which
3 processes the case category for which the fee is charged is
4 automated or has been approved for automation by the county
5 board, and provided further that no additional fee shall be
6 required if more than one party is presented in a single
7 pleading, paper or other appearance. Such fee shall be
8 collected in the manner in which all other fees or costs are
9 collected.

10 1.5. Starting on the effective date of this amendatory Act
11 of the 96th General Assembly, a clerk of the circuit court in
12 any county that imposes a fee pursuant to subsection 1 of this
13 Section, shall charge and collect an additional fee in an
14 amount equal to the amount of the fee imposed pursuant to
15 subsection 1 of this Section. This additional fee shall be paid
16 by the defendant in any felony, traffic, misdemeanor, local
17 ordinance, or conservation case upon a judgment of guilty or
18 grant of supervision.

19 2. With respect to the fee imposed under subsection 1 of
20 this Section, each clerk shall commence such charges and
21 collections upon receipt of written notice from the chairman of
22 the county board together with a certified copy of the board's
23 resolution, which the clerk shall file of record in his office.

24 3. With respect to the fee imposed under subsection 1 of
25 this Section, such fees shall be in addition to all other fees
26 and charges of such clerks, and assessable as costs, and may be

1 waived only if the judge specifically provides for the waiver
2 of the court automation fee. The fees shall be remitted monthly
3 by such clerk to the county treasurer, to be retained by him in
4 a special fund designated as the court automation fund. The
5 fund shall be audited by the county auditor, and the board
6 shall make expenditure from the fund in payment of any cost
7 related to the automation of court records, including hardware,
8 software, research and development costs and personnel related
9 thereto, provided that the expenditure is approved by the clerk
10 of the court and by the chief judge of the circuit court or his
11 designate.

12 4. With respect to the fee imposed under subsection 1 of
13 this Section, such fees shall not be charged in any matter
14 coming to any such clerk on change of venue, nor in any
15 proceeding to review the decision of any administrative
16 officer, agency or body.

17 5. With respect to the additional fee imposed under
18 subsection 1.5 of this Section, the fee shall be remitted by
19 the circuit clerk to the State Treasurer within one month after
20 receipt for deposit into the State Police Operations Assistance
21 Fund.

22 6. With respect to the additional fees imposed under
23 subsection 1.5 of this Section, the Director of State Police
24 may direct the use of these fees for homeland security purposes
25 by transferring these fees on a quarterly basis from the State
26 Police Operations Assistance Fund into the Illinois Law

1 Enforcement Alarm Systems (ILEAS) Fund for homeland security
2 initiatives programs. The transferred fees shall be allocated,
3 subject to the approval of the ILEAS Executive Board, as
4 follows: (i) 66.6% shall be used for homeland security
5 initiatives and (ii) 33.3% shall be used for airborne
6 operations. The ILEAS Executive Board shall annually supply the
7 Director of State Police with a report of the use of these
8 fees.

9 (Source: P.A. 96-1029, eff. 7-13-10; 97-453, eff. 8-19-11.)

10 (Text of Section after amendment by P.A. 97-46)

11 Sec. 27.3a. Fees for automated record keeping and State and
12 Conservation Police operations.

13 1. The expense of establishing and maintaining automated
14 record keeping systems in the offices of the clerks of the
15 circuit court shall be borne by the county. To defray such
16 expense in any county having established such an automated
17 system or which elects to establish such a system, the county
18 board may require the clerk of the circuit court in their
19 county to charge and collect a court automation fee of not less
20 than \$1 nor more than \$15 to be charged and collected by the
21 clerk of the court. Such fee shall be paid at the time of
22 filing the first pleading, paper or other appearance filed by
23 each party in all civil cases or by the defendant in any
24 felony, traffic, misdemeanor, municipal ordinance, or
25 conservation case upon a judgment of guilty or grant of

1 supervision, provided that the record keeping system which
2 processes the case category for which the fee is charged is
3 automated or has been approved for automation by the county
4 board, and provided further that no additional fee shall be
5 required if more than one party is presented in a single
6 pleading, paper or other appearance. Such fee shall be
7 collected in the manner in which all other fees or costs are
8 collected.

9 1.5. Starting on the effective date of this amendatory Act
10 of the 96th General Assembly, a clerk of the circuit court in
11 any county that imposes a fee pursuant to subsection 1 of this
12 Section, shall charge and collect an additional fee in an
13 amount equal to the amount of the fee imposed pursuant to
14 subsection 1 of this Section. This additional fee shall be paid
15 by the defendant in any felony, traffic, misdemeanor, or local
16 ordinance case upon a judgment of guilty or grant of
17 supervision. This fee shall not be paid by the defendant for
18 any conservation violation listed in subsection 1.6 of this
19 Section.

20 1.6. Starting on July 1, 2012 (the effective date of Public
21 Act 97-46) ~~this amendatory Act of the 97th General Assembly~~, a
22 clerk of the circuit court in any county that imposes a fee
23 pursuant to subsection 1 of this Section shall charge and
24 collect an additional fee in an amount equal to the amount of
25 the fee imposed pursuant to subsection 1 of this Section. This
26 additional fee shall be paid by the defendant upon a judgment

1 of guilty or grant of supervision for a conservation violation
2 under the State Parks Act, the Recreational Trails of Illinois
3 Act, the Illinois Explosives Act, the Timber Buyers Licensing
4 Act, the Forest Products Transportation Act, the Firearm Owners
5 Identification Card Act, the Environmental Protection Act, the
6 Fish and Aquatic Life Code, the Wildlife Code, the Cave
7 Protection Act, the Illinois Exotic Weed Act, the Illinois
8 Forestry Development Act, the Ginseng Harvesting Act, the
9 Illinois Lake Management Program Act, the Illinois Natural
10 Areas Preservation Act, the Illinois Open Land Trust Act, the
11 Open Space Lands Acquisition and Development Act, the Illinois
12 Prescribed Burning Act, the State Forest Act, the Water Use Act
13 of 1983, the Illinois Youth and Young Adult Employment Act of
14 1986, the Snowmobile Registration and Safety Act, the Boat
15 Registration and Safety Act, the Illinois Dangerous Animals
16 Act, the Hunter and Fishermen Interference Prohibition Act, the
17 Wrongful Tree Cutting Act, or Section 11-1426.1, 11-1426.2,
18 11-1427, 11-1427.1, 11-1427.2, 11-1427.3, 11-1427.4, or
19 11-1427.5 of the Illinois Vehicle Code, or Section 48-3 or
20 48-10 of the Criminal Code of 1961.

21 2. With respect to the fee imposed under subsection 1 of
22 this Section, each clerk shall commence such charges and
23 collections upon receipt of written notice from the chairman of
24 the county board together with a certified copy of the board's
25 resolution, which the clerk shall file of record in his office.

26 3. With respect to the fee imposed under subsection 1 of

1 this Section, such fees shall be in addition to all other fees
2 and charges of such clerks, and assessable as costs, and may be
3 waived only if the judge specifically provides for the waiver
4 of the court automation fee. The fees shall be remitted monthly
5 by such clerk to the county treasurer, to be retained by him in
6 a special fund designated as the court automation fund. The
7 fund shall be audited by the county auditor, and the board
8 shall make expenditure from the fund in payment of any cost
9 related to the automation of court records, including hardware,
10 software, research and development costs and personnel related
11 thereto, provided that the expenditure is approved by the clerk
12 of the court and by the chief judge of the circuit court or his
13 designate.

14 4. With respect to the fee imposed under subsection 1 of
15 this Section, such fees shall not be charged in any matter
16 coming to any such clerk on change of venue, nor in any
17 proceeding to review the decision of any administrative
18 officer, agency or body.

19 5. With respect to the additional fee imposed under
20 subsection 1.5 of this Section, the fee shall be remitted by
21 the circuit clerk to the State Treasurer within one month after
22 receipt for deposit into the State Police Operations Assistance
23 Fund.

24 6. With respect to the additional fees imposed under
25 subsection 1.5 of this Section, the Director of State Police
26 may direct the use of these fees for homeland security purposes

1 by transferring these fees on a quarterly basis from the State
2 Police Operations Assistance Fund into the Illinois Law
3 Enforcement Alarm Systems (ILEAS) Fund for homeland security
4 initiatives programs. The transferred fees shall be allocated,
5 subject to the approval of the ILEAS Executive Board, as
6 follows: (i) 66.6% shall be used for homeland security
7 initiatives and (ii) 33.3% shall be used for airborne
8 operations. The ILEAS Executive Board shall annually supply the
9 Director of State Police with a report of the use of these
10 fees.

11 7. ~~6.~~ With respect to the additional fee imposed under
12 subsection 1.6 of this Section, the fee shall be remitted by
13 the circuit clerk to the State Treasurer within one month after
14 receipt for deposit into the Conservation Police Operations
15 Assistance Fund.

16 (Source: P.A. 96-1029, eff. 7-13-10; 97-46, eff. 7-1-12;
17 97-453, eff. 8-19-11; revised 10-4-11.)

18 (705 ILCS 105/27.5) (from Ch. 25, par. 27.5)

19 Sec. 27.5. (a) All fees, fines, costs, additional
20 penalties, bail balances assessed or forfeited, and any other
21 amount paid by a person to the circuit clerk that equals an
22 amount less than \$55, except restitution under Section 5-5-6 of
23 the Unified Code of Corrections, reimbursement for the costs of
24 an emergency response as provided under Section 11-501 of the
25 Illinois Vehicle Code, any fees collected for attending a

1 traffic safety program under paragraph (c) of Supreme Court
2 Rule 529, any fee collected on behalf of a State's Attorney
3 under Section 4-2002 of the Counties Code or a sheriff under
4 Section 4-5001 of the Counties Code, or any cost imposed under
5 Section 124A-5 of the Code of Criminal Procedure of 1963, for
6 convictions, orders of supervision, or any other disposition
7 for a violation of Chapters 3, 4, 6, 11, and 12 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, and except as otherwise
11 provided in this Section, shall be disbursed within 60 days
12 after receipt by the circuit clerk as follows: 47% shall be
13 disbursed to the entity authorized by law to receive the fine
14 imposed in the case; 12% shall be disbursed to the State
15 Treasurer; and 41% shall be disbursed to the county's general
16 corporate fund. Of the 12% disbursed to the State Treasurer,
17 1/6 shall be deposited by the State Treasurer into the Violent
18 Crime Victims Assistance Fund, 1/2 shall be deposited into the
19 Traffic and Criminal Conviction Surcharge Fund, and 1/3 shall
20 be deposited into the Drivers Education Fund. For fiscal years
21 1992 and 1993, amounts deposited into the Violent Crime Victims
22 Assistance Fund, the Traffic and Criminal Conviction Surcharge
23 Fund, or the Drivers Education Fund shall not exceed 110% of
24 the amounts deposited into those funds in fiscal year 1991. Any
25 amount that exceeds the 110% limit shall be distributed as
26 follows: 50% shall be disbursed to the county's general

1 corporate fund and 50% shall be disbursed to the entity
2 authorized by law to receive the fine imposed in the case. Not
3 later than March 1 of each year the circuit clerk shall submit
4 a report of the amount of funds remitted to the State Treasurer
5 under this Section during the preceding year based upon
6 independent verification of fines and fees. All counties shall
7 be subject to this Section, except that counties with a
8 population under 2,000,000 may, by ordinance, elect not to be
9 subject to this Section. For offenses subject to this Section,
10 judges shall impose one total sum of money payable for
11 violations. The circuit clerk may add on no additional amounts
12 except for amounts that are required by Sections 27.3a and
13 27.3c of this Act, Section 16-104c of the Illinois Vehicle
14 Code, and subsection (a) of Section 5-1101 of the Counties
15 Code, unless those amounts are specifically waived by the
16 judge. With respect to money collected by the circuit clerk as
17 a result of forfeiture of bail, ex parte judgment or guilty
18 plea pursuant to Supreme Court Rule 529, the circuit clerk
19 shall first deduct and pay amounts required by Sections 27.3a
20 and 27.3c of this Act. Unless a court ordered payment schedule
21 is implemented or fee requirements are waived pursuant to a
22 court order, the circuit clerk may add to any unpaid fees and
23 costs a delinquency amount equal to 5% of the unpaid fees that
24 remain unpaid after 30 days, 10% of the unpaid fees that remain
25 unpaid after 60 days, and 15% of the unpaid fees that remain
26 unpaid after 90 days. Notice to those parties may be made by

1 signage posting or publication. The additional delinquency
2 amounts collected under this Section shall be deposited in the
3 Circuit Court Clerk Operation and Administrative Fund to be
4 used to defray administrative costs incurred by the circuit
5 clerk in performing the duties required to collect and disburse
6 funds. This Section is a denial and limitation of home rule
7 powers and functions under subsection (h) of Section 6 of
8 Article VII of the Illinois Constitution.

9 (b) The following amounts must be remitted to the State
10 Treasurer for deposit into the Illinois Animal Abuse Fund:

11 (1) 50% of the amounts collected for felony offenses
12 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
13 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
14 Animals Act and Section 26-5 or 48-1 of the Criminal Code
15 of 1961;

16 (2) 20% of the amounts collected for Class A and Class
17 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
18 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
19 for Animals Act and Section 26-5 or 48-1 of the Criminal
20 Code of 1961; and

21 (3) 50% of the amounts collected for Class C
22 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
23 for Animals Act and Section 26-5 or 48-1 of the Criminal
24 Code of 1961.

25 (c) Any person who receives a disposition of court
26 supervision for a violation of the Illinois Vehicle Code or a

1 similar provision of a local ordinance shall, in addition to
2 any other fines, fees, and court costs, pay an additional fee
3 of \$29, to be disbursed as provided in Section 16-104c of the
4 Illinois Vehicle Code. In addition to the fee of \$29, the
5 person shall also pay a fee of \$6, if not waived by the court.
6 If this \$6 fee is collected, \$5.50 of the fee shall be
7 deposited into the Circuit Court Clerk Operation and
8 Administrative Fund created by the Clerk of the Circuit Court
9 and 50 cents of the fee shall be deposited into the Prisoner
10 Review Board Vehicle and Equipment Fund in the State treasury.

11 (d) Any person convicted of, pleading guilty to, or placed
12 on supervision for a serious traffic violation, as defined in
13 Section 1-187.001 of the Illinois Vehicle Code, a violation of
14 Section 11-501 of the Illinois Vehicle Code, or a violation of
15 a similar provision of a local ordinance shall pay an
16 additional fee of \$35, to be disbursed as provided in Section
17 16-104d of that Code.

18 This subsection (d) becomes inoperative 7 years after the
19 effective date of Public Act 95-154.

20 (e) In all counties having a population of 3,000,000 or
21 more inhabitants:

22 (1) A person who is found guilty of or pleads guilty to
23 violating subsection (a) of Section 11-501 of the Illinois
24 Vehicle Code, including any person placed on court
25 supervision for violating subsection (a), shall be fined
26 \$750 as provided for by subsection (f) of Section 11-501.01

1 of the Illinois Vehicle Code, payable to the circuit clerk,
2 who shall distribute the money pursuant to subsection (f)
3 of Section 11-501.01 of the Illinois Vehicle Code.

4 (2) When a crime laboratory DUI analysis fee of \$150,
5 provided for by Section 5-9-1.9 of the Unified Code of
6 Corrections is assessed, it shall be disbursed by the
7 circuit clerk as provided by subsection (f) of Section
8 5-9-1.9 of the Unified Code of Corrections.

9 (3) When a fine for a violation of subsection (a) of
10 Section 11-605 of the Illinois Vehicle Code is \$150 or
11 greater, the additional \$50 which is charged as provided
12 for by subsection (f) of Section 11-605 of the Illinois
13 Vehicle Code shall be disbursed by the circuit clerk to a
14 school district or districts for school safety purposes as
15 provided by subsection (f) of Section 11-605.

16 (4) When a fine for a violation of subsection (a) of
17 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
18 greater, the additional \$50 which is charged as provided
19 for by subsection (c) of Section 11-1002.5 of the Illinois
20 Vehicle Code shall be disbursed by the circuit clerk to a
21 school district or districts for school safety purposes as
22 provided by subsection (c) of Section 11-1002.5 of the
23 Illinois Vehicle Code.

24 (5) When a mandatory drug court fee of up to \$5 is
25 assessed as provided in subsection (f) of Section 5-1101 of
26 the Counties Code, it shall be disbursed by the circuit

1 clerk as provided in subsection (f) of Section 5-1101 of
2 the Counties Code.

3 (6) When a mandatory teen court, peer jury, youth
4 court, or other youth diversion program fee is assessed as
5 provided in subsection (e) of Section 5-1101 of the
6 Counties Code, it shall be disbursed by the circuit clerk
7 as provided in subsection (e) of Section 5-1101 of the
8 Counties Code.

9 (7) When a Children's Advocacy Center fee is assessed
10 pursuant to subsection (f-5) of Section 5-1101 of the
11 Counties Code, it shall be disbursed by the circuit clerk
12 as provided in subsection (f-5) of Section 5-1101 of the
13 Counties Code.

14 (8) When a victim impact panel fee is assessed pursuant
15 to subsection (b) of Section 11-501.01 of the Illinois
16 Vehicle Code, it shall be disbursed by the circuit clerk to
17 the victim impact panel to be attended by the defendant.

18 (9) When a new fee collected in traffic cases is
19 enacted after January 1, 2010 (the effective date of Public
20 Act 96-735), it shall be excluded from the percentage
21 disbursement provisions of this Section unless otherwise
22 indicated by law.

23 (f) Any person who receives a disposition of court
24 supervision for a violation of Section 11-501 of the Illinois
25 Vehicle Code shall, in addition to any other fines, fees, and
26 court costs, pay an additional fee of \$50, which shall be

1 collected by the circuit clerk and then remitted to the State
2 Treasurer for deposit into the Roadside Memorial Fund, a
3 special fund in the State treasury. However, the court may
4 waive the fee if full restitution is complied with. Subject to
5 appropriation, all moneys in the Roadside Memorial Fund shall
6 be used by the Department of Transportation to pay fees imposed
7 under subsection (f) of Section 20 of the Roadside Memorial
8 Act. The fee shall be remitted by the circuit clerk within one
9 month after receipt to the State Treasurer for deposit into the
10 Roadside Memorial Fund.

11 (g) For any conviction or disposition of court supervision
12 for a violation of Section 11-1429 of the Illinois Vehicle
13 Code, the circuit clerk shall distribute the fines paid by the
14 person as specified by subsection (h) of Section 11-1429 of the
15 Illinois Vehicle Code.

16 (Source: P.A. 96-286, eff. 8-11-09; 96-576, eff. 8-18-09;
17 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10;
18 96-1000, eff. 7-2-10; 96-1175, eff. 9-20-10; 96-1342, eff.
19 1-1-11; 97-333, eff. 8-12-11.)

20 (705 ILCS 105/27.6)

21 (Section as amended by P.A. 96-286, 96-576, 96-578, 96-625,
22 96-667, 96-1175, 96-1342, and 97-434)

23 Sec. 27.6. (a) All fees, fines, costs, additional
24 penalties, bail balances assessed or forfeited, and any other
25 amount paid by a person to the circuit clerk equalling an

1 amount of \$55 or more, except the fine imposed by Section
2 5-9-1.15 of the Unified Code of Corrections, the additional fee
3 required by subsections (b) and (c), restitution under Section
4 5-5-6 of the Unified Code of Corrections, contributions to a
5 local anti-crime program ordered pursuant to Section
6 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
7 Corrections, reimbursement for the costs of an emergency
8 response as provided under Section 11-501 of the Illinois
9 Vehicle Code, any fees collected for attending a traffic safety
10 program under paragraph (c) of Supreme Court Rule 529, any fee
11 collected on behalf of a State's Attorney under Section 4-2002
12 of the Counties Code or a sheriff under Section 4-5001 of the
13 Counties Code, or any cost imposed under Section 124A-5 of the
14 Code of Criminal Procedure of 1963, for convictions, orders of
15 supervision, or any other disposition for a violation of
16 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
17 similar provision of a local ordinance, and any violation of
18 the Child Passenger Protection Act, or a similar provision of a
19 local ordinance, and except as otherwise provided in this
20 Section shall be disbursed within 60 days after receipt by the
21 circuit clerk as follows: 44.5% shall be disbursed to the
22 entity authorized by law to receive the fine imposed in the
23 case; 16.825% shall be disbursed to the State Treasurer; and
24 38.675% shall be disbursed to the county's general corporate
25 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
26 shall be deposited by the State Treasurer into the Violent

1 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
2 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
3 be deposited into the Drivers Education Fund, and 6.948/17
4 shall be deposited into the Trauma Center Fund. Of the 6.948/17
5 deposited into the Trauma Center Fund from the 16.825%
6 disbursed to the State Treasurer, 50% shall be disbursed to the
7 Department of Public Health and 50% shall be disbursed to the
8 Department of Healthcare and Family Services. For fiscal year
9 1993, amounts deposited into the Violent Crime Victims
10 Assistance Fund, the Traffic and Criminal Conviction Surcharge
11 Fund, or the Drivers Education Fund shall not exceed 110% of
12 the amounts deposited into those funds in fiscal year 1991. Any
13 amount that exceeds the 110% limit shall be distributed as
14 follows: 50% shall be disbursed to the county's general
15 corporate fund and 50% shall be disbursed to the entity
16 authorized by law to receive the fine imposed in the case. Not
17 later than March 1 of each year the circuit clerk shall submit
18 a report of the amount of funds remitted to the State Treasurer
19 under this Section during the preceding year based upon
20 independent verification of fines and fees. All counties shall
21 be subject to this Section, except that counties with a
22 population under 2,000,000 may, by ordinance, elect not to be
23 subject to this Section. For offenses subject to this Section,
24 judges shall impose one total sum of money payable for
25 violations. The circuit clerk may add on no additional amounts
26 except for amounts that are required by Sections 27.3a and

1 27.3c of this Act, unless those amounts are specifically waived
2 by the judge. With respect to money collected by the circuit
3 clerk as a result of forfeiture of bail, ex parte judgment or
4 guilty plea pursuant to Supreme Court Rule 529, the circuit
5 clerk shall first deduct and pay amounts required by Sections
6 27.3a and 27.3c of this Act. This Section is a denial and
7 limitation of home rule powers and functions under subsection
8 (h) of Section 6 of Article VII of the Illinois Constitution.

9 (b) In addition to any other fines and court costs assessed
10 by the courts, any person convicted or receiving an order of
11 supervision for driving under the influence of alcohol or drugs
12 shall pay an additional fee of \$100 to the clerk of the circuit
13 court. This amount, less 2 1/2% that shall be used to defray
14 administrative costs incurred by the clerk, shall be remitted
15 by the clerk to the Treasurer within 60 days after receipt for
16 deposit into the Trauma Center Fund. This additional fee of
17 \$100 shall not be considered a part of the fine for purposes of
18 any reduction in the fine for time served either before or
19 after sentencing. Not later than March 1 of each year the
20 Circuit Clerk shall submit a report of the amount of funds
21 remitted to the State Treasurer under this subsection during
22 the preceding calendar year.

23 (b-1) In addition to any other fines and court costs
24 assessed by the courts, any person convicted or receiving an
25 order of supervision for driving under the influence of alcohol
26 or drugs shall pay an additional fee of \$5 to the clerk of the

1 circuit court. This amount, less 2 1/2% that shall be used to
2 defray administrative costs incurred by the clerk, shall be
3 remitted by the clerk to the Treasurer within 60 days after
4 receipt for deposit into the Spinal Cord Injury Paralysis Cure
5 Research Trust Fund. This additional fee of \$5 shall not be
6 considered a part of the fine for purposes of any reduction in
7 the fine for time served either before or after sentencing. Not
8 later than March 1 of each year the Circuit Clerk shall submit
9 a report of the amount of funds remitted to the State Treasurer
10 under this subsection during the preceding calendar year.

11 (c) In addition to any other fines and court costs assessed
12 by the courts, any person convicted for a violation of Sections
13 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
14 person sentenced for a violation of the Cannabis Control Act,
15 the Illinois Controlled Substances Act, or the Methamphetamine
16 Control and Community Protection Act shall pay an additional
17 fee of \$100 to the clerk of the circuit court. This amount,
18 less 2 1/2% that shall be used to defray administrative costs
19 incurred by the clerk, shall be remitted by the clerk to the
20 Treasurer within 60 days after receipt for deposit into the
21 Trauma Center Fund. This additional fee of \$100 shall not be
22 considered a part of the fine for purposes of any reduction in
23 the fine for time served either before or after sentencing. Not
24 later than March 1 of each year the Circuit Clerk shall submit
25 a report of the amount of funds remitted to the State Treasurer
26 under this subsection during the preceding calendar year.

1 (c-1) In addition to any other fines and court costs
2 assessed by the courts, any person sentenced for a violation of
3 the Cannabis Control Act, the Illinois Controlled Substances
4 Act, or the Methamphetamine Control and Community Protection
5 Act shall pay an additional fee of \$5 to the clerk of the
6 circuit court. This amount, less 2 1/2% that shall be used to
7 defray administrative costs incurred by the clerk, shall be
8 remitted by the clerk to the Treasurer within 60 days after
9 receipt for deposit into the Spinal Cord Injury Paralysis Cure
10 Research Trust Fund. This additional fee of \$5 shall not be
11 considered a part of the fine for purposes of any reduction in
12 the fine for time served either before or after sentencing. Not
13 later than March 1 of each year the Circuit Clerk shall submit
14 a report of the amount of funds remitted to the State Treasurer
15 under this subsection during the preceding calendar year.

16 (d) The following amounts must be remitted to the State
17 Treasurer for deposit into the Illinois Animal Abuse Fund:

18 (1) 50% of the amounts collected for felony offenses
19 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
20 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
21 Animals Act and Section 26-5 or 48-1 of the Criminal Code
22 of 1961;

23 (2) 20% of the amounts collected for Class A and Class
24 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
25 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
26 for Animals Act and Section 26-5 or 48-1 of the Criminal

1 Code of 1961; and

2 (3) 50% of the amounts collected for Class C
3 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
4 for Animals Act and Section 26-5 or 48-1 of the Criminal
5 Code of 1961.

6 (e) Any person who receives a disposition of court
7 supervision for a violation of the Illinois Vehicle Code or a
8 similar provision of a local ordinance shall, in addition to
9 any other fines, fees, and court costs, pay an additional fee
10 of \$29, to be disbursed as provided in Section 16-104c of the
11 Illinois Vehicle Code. In addition to the fee of \$29, the
12 person shall also pay a fee of \$6, if not waived by the court.
13 If this \$6 fee is collected, \$5.50 of the fee shall be
14 deposited into the Circuit Court Clerk Operation and
15 Administrative Fund created by the Clerk of the Circuit Court
16 and 50 cents of the fee shall be deposited into the Prisoner
17 Review Board Vehicle and Equipment Fund in the State treasury.

18 (f) This Section does not apply to the additional child
19 pornography fines assessed and collected under Section
20 5-9-1.14 of the Unified Code of Corrections.

21 (g) (Blank).

22 (h) (Blank).

23 (i) Of the amounts collected as fines under subsection (b)
24 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
25 deposited into the Illinois Military Family Relief Fund and 1%
26 shall be deposited into the Circuit Court Clerk Operation and

1 Administrative Fund created by the Clerk of the Circuit Court
2 to be used to offset the costs incurred by the Circuit Court
3 Clerk in performing the additional duties required to collect
4 and disburse funds to entities of State and local government as
5 provided by law.

6 (j) Any person convicted of, pleading guilty to, or placed
7 on supervision for a serious traffic violation, as defined in
8 Section 1-187.001 of the Illinois Vehicle Code, a violation of
9 Section 11-501 of the Illinois Vehicle Code, or a violation of
10 a similar provision of a local ordinance shall pay an
11 additional fee of \$35, to be disbursed as provided in Section
12 16-104d of that Code.

13 This subsection (j) becomes inoperative 7 years after the
14 effective date of Public Act 95-154.

15 (k) For any conviction or disposition of court supervision
16 for a violation of Section 11-1429 of the Illinois Vehicle
17 Code, the circuit clerk shall distribute the fines paid by the
18 person as specified by subsection (h) of Section 11-1429 of the
19 Illinois Vehicle Code.

20 (l) Any person who receives a disposition of court
21 supervision for a violation of Section 11-501 of the Illinois
22 Vehicle Code or a similar provision of a local ordinance shall,
23 in addition to any other fines, fees, and court costs, pay an
24 additional fee of \$50, which shall be collected by the circuit
25 clerk and then remitted to the State Treasurer for deposit into
26 the Roadside Memorial Fund, a special fund in the State

1 treasury. However, the court may waive the fee if full
2 restitution is complied with. Subject to appropriation, all
3 moneys in the Roadside Memorial Fund shall be used by the
4 Department of Transportation to pay fees imposed under
5 subsection (f) of Section 20 of the Roadside Memorial Act. The
6 fee shall be remitted by the circuit clerk within one month
7 after receipt to the State Treasurer for deposit into the
8 Roadside Memorial Fund.

9 (m) Of the amounts collected as fines under subsection (c)
10 of Section 411.4 of the Illinois Controlled Substances Act or
11 subsection (c) of Section 90 of the Methamphetamine Control and
12 Community Protection Act, 99% shall be deposited to the law
13 enforcement agency or fund specified and 1% shall be deposited
14 into the Circuit Court Clerk Operation and Administrative Fund
15 to be used to offset the costs incurred by the Circuit Court
16 Clerk in performing the additional duties required to collect
17 and disburse funds to entities of State and local government as
18 provided by law.

19 (Source: P.A. 95-191, eff. 1-1-08; 95-291, eff. 1-1-08; 95-428,
20 eff. 8-24-07; 95-600, eff. 6-1-08; 95-876, eff. 8-21-08;
21 96-286, eff. 8-11-09; 96-576, eff. 8-18-09; 96-578, eff.
22 8-18-09; 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-1175,
23 eff. 9-20-10; 96-1342, eff. 1-1-11; revised 9-16-10.)

24 (Section as amended by P.A. 96-576, 96-578, 96-625, 96-667,
25 96-735, 96-1175, 96-1342, and 97-434)

1 Sec. 27.6. (a) All fees, fines, costs, additional
2 penalties, bail balances assessed or forfeited, and any other
3 amount paid by a person to the circuit clerk equalling an
4 amount of \$55 or more, except the fine imposed by Section
5 5-9-1.15 of the Unified Code of Corrections, the additional fee
6 required by subsections (b) and (c), restitution under Section
7 5-5-6 of the Unified Code of Corrections, contributions to a
8 local anti-crime program ordered pursuant to Section
9 5-6-3(b)(13) or Section 5-6-3.1(c)(13) of the Unified Code of
10 Corrections, reimbursement for the costs of an emergency
11 response as provided under Section 11-501 of the Illinois
12 Vehicle Code, any fees collected for attending a traffic safety
13 program under paragraph (c) of Supreme Court Rule 529, any fee
14 collected on behalf of a State's Attorney under Section 4-2002
15 of the Counties Code or a sheriff under Section 4-5001 of the
16 Counties Code, or any cost imposed under Section 124A-5 of the
17 Code of Criminal Procedure of 1963, for convictions, orders of
18 supervision, or any other disposition for a violation of
19 Chapters 3, 4, 6, 11, and 12 of the Illinois Vehicle Code, or a
20 similar provision of a local ordinance, and any violation of
21 the Child Passenger Protection Act, or a similar provision of a
22 local ordinance, and except as otherwise provided in this
23 Section shall be disbursed within 60 days after receipt by the
24 circuit clerk as follows: 44.5% shall be disbursed to the
25 entity authorized by law to receive the fine imposed in the
26 case; 16.825% shall be disbursed to the State Treasurer; and

1 38.675% shall be disbursed to the county's general corporate
2 fund. Of the 16.825% disbursed to the State Treasurer, 2/17
3 shall be deposited by the State Treasurer into the Violent
4 Crime Victims Assistance Fund, 5.052/17 shall be deposited into
5 the Traffic and Criminal Conviction Surcharge Fund, 3/17 shall
6 be deposited into the Drivers Education Fund, and 6.948/17
7 shall be deposited into the Trauma Center Fund. Of the 6.948/17
8 deposited into the Trauma Center Fund from the 16.825%
9 disbursed to the State Treasurer, 50% shall be disbursed to the
10 Department of Public Health and 50% shall be disbursed to the
11 Department of Healthcare and Family Services. For fiscal year
12 1993, amounts deposited into the Violent Crime Victims
13 Assistance Fund, the Traffic and Criminal Conviction Surcharge
14 Fund, or the Drivers Education Fund shall not exceed 110% of
15 the amounts deposited into those funds in fiscal year 1991. Any
16 amount that exceeds the 110% limit shall be distributed as
17 follows: 50% shall be disbursed to the county's general
18 corporate fund and 50% shall be disbursed to the entity
19 authorized by law to receive the fine imposed in the case. Not
20 later than March 1 of each year the circuit clerk shall submit
21 a report of the amount of funds remitted to the State Treasurer
22 under this Section during the preceding year based upon
23 independent verification of fines and fees. All counties shall
24 be subject to this Section, except that counties with a
25 population under 2,000,000 may, by ordinance, elect not to be
26 subject to this Section. For offenses subject to this Section,

1 judges shall impose one total sum of money payable for
2 violations. The circuit clerk may add on no additional amounts
3 except for amounts that are required by Sections 27.3a and
4 27.3c of this Act, Section 16-104c of the Illinois Vehicle
5 Code, and subsection (a) of Section 5-1101 of the Counties
6 Code, unless those amounts are specifically waived by the
7 judge. With respect to money collected by the circuit clerk as
8 a result of forfeiture of bail, ex parte judgment or guilty
9 plea pursuant to Supreme Court Rule 529, the circuit clerk
10 shall first deduct and pay amounts required by Sections 27.3a
11 and 27.3c of this Act. Unless a court ordered payment schedule
12 is implemented or fee requirements are waived pursuant to court
13 order, the clerk of the court may add to any unpaid fees and
14 costs a delinquency amount equal to 5% of the unpaid fees that
15 remain unpaid after 30 days, 10% of the unpaid fees that remain
16 unpaid after 60 days, and 15% of the unpaid fees that remain
17 unpaid after 90 days. Notice to those parties may be made by
18 signage posting or publication. The additional delinquency
19 amounts collected under this Section shall be deposited in the
20 Circuit Court Clerk Operation and Administrative Fund to be
21 used to defray administrative costs incurred by the circuit
22 clerk in performing the duties required to collect and disburse
23 funds. This Section is a denial and limitation of home rule
24 powers and functions under subsection (h) of Section 6 of
25 Article VII of the Illinois Constitution.

26 (b) In addition to any other fines and court costs assessed

1 by the courts, any person convicted or receiving an order of
2 supervision for driving under the influence of alcohol or drugs
3 shall pay an additional fee of \$100 to the clerk of the circuit
4 court. This amount, less 2 1/2% that shall be used to defray
5 administrative costs incurred by the clerk, shall be remitted
6 by the clerk to the Treasurer within 60 days after receipt for
7 deposit into the Trauma Center Fund. This additional fee of
8 \$100 shall not be considered a part of the fine for purposes of
9 any reduction in the fine for time served either before or
10 after sentencing. Not later than March 1 of each year the
11 Circuit Clerk shall submit a report of the amount of funds
12 remitted to the State Treasurer under this subsection during
13 the preceding calendar year.

14 (b-1) In addition to any other fines and court costs
15 assessed by the courts, any person convicted or receiving an
16 order of supervision for driving under the influence of alcohol
17 or drugs shall pay an additional fee of \$5 to the clerk of the
18 circuit court. This amount, less 2 1/2% that shall be used to
19 defray administrative costs incurred by the clerk, shall be
20 remitted by the clerk to the Treasurer within 60 days after
21 receipt for deposit into the Spinal Cord Injury Paralysis Cure
22 Research Trust Fund. This additional fee of \$5 shall not be
23 considered a part of the fine for purposes of any reduction in
24 the fine for time served either before or after sentencing. Not
25 later than March 1 of each year the Circuit Clerk shall submit
26 a report of the amount of funds remitted to the State Treasurer

1 under this subsection during the preceding calendar year.

2 (c) In addition to any other fines and court costs assessed
3 by the courts, any person convicted for a violation of Sections
4 24-1.1, 24-1.2, or 24-1.5 of the Criminal Code of 1961 or a
5 person sentenced for a violation of the Cannabis Control Act,
6 the Illinois Controlled Substances Act, or the Methamphetamine
7 Control and Community Protection Act shall pay an additional
8 fee of \$100 to the clerk of the circuit court. This amount,
9 less 2 1/2% that shall be used to defray administrative costs
10 incurred by the clerk, shall be remitted by the clerk to the
11 Treasurer within 60 days after receipt for deposit into the
12 Trauma Center Fund. This additional fee of \$100 shall not be
13 considered a part of the fine for purposes of any reduction in
14 the fine for time served either before or after sentencing. Not
15 later than March 1 of each year the Circuit Clerk shall submit
16 a report of the amount of funds remitted to the State Treasurer
17 under this subsection during the preceding calendar year.

18 (c-1) In addition to any other fines and court costs
19 assessed by the courts, any person sentenced for a violation of
20 the Cannabis Control Act, the Illinois Controlled Substances
21 Act, or the Methamphetamine Control and Community Protection
22 Act shall pay an additional fee of \$5 to the clerk of the
23 circuit court. This amount, less 2 1/2% that shall be used to
24 defray administrative costs incurred by the clerk, shall be
25 remitted by the clerk to the Treasurer within 60 days after
26 receipt for deposit into the Spinal Cord Injury Paralysis Cure

1 Research Trust Fund. This additional fee of \$5 shall not be
2 considered a part of the fine for purposes of any reduction in
3 the fine for time served either before or after sentencing. Not
4 later than March 1 of each year the Circuit Clerk shall submit
5 a report of the amount of funds remitted to the State Treasurer
6 under this subsection during the preceding calendar year.

7 (d) The following amounts must be remitted to the State
8 Treasurer for deposit into the Illinois Animal Abuse Fund:

9 (1) 50% of the amounts collected for felony offenses
10 under Sections 3, 3.01, 3.02, 3.03, 4, 4.01, 4.03, 4.04, 5,
11 5.01, 6, 7, 7.5, 7.15, and 16 of the Humane Care for
12 Animals Act and Section 26-5 or 48-1 of the Criminal Code
13 of 1961;

14 (2) 20% of the amounts collected for Class A and Class
15 B misdemeanors under Sections 3, 3.01, 4, 4.01, 4.03, 4.04,
16 5, 5.01, 6, 7, 7.1, 7.5, 7.15, and 16 of the Humane Care
17 for Animals Act and Section 26-5 or 48-1 of the Criminal
18 Code of 1961; and

19 (3) 50% of the amounts collected for Class C
20 misdemeanors under Sections 4.01 and 7.1 of the Humane Care
21 for Animals Act and Section 26-5 or 48-1 of the Criminal
22 Code of 1961.

23 (e) Any person who receives a disposition of court
24 supervision for a violation of the Illinois Vehicle Code or a
25 similar provision of a local ordinance shall, in addition to
26 any other fines, fees, and court costs, pay an additional fee

1 of \$29, to be disbursed as provided in Section 16-104c of the
2 Illinois Vehicle Code. In addition to the fee of \$29, the
3 person shall also pay a fee of \$6, if not waived by the court.
4 If this \$6 fee is collected, \$5.50 of the fee shall be
5 deposited into the Circuit Court Clerk Operation and
6 Administrative Fund created by the Clerk of the Circuit Court
7 and 50 cents of the fee shall be deposited into the Prisoner
8 Review Board Vehicle and Equipment Fund in the State treasury.

9 (f) This Section does not apply to the additional child
10 pornography fines assessed and collected under Section
11 5-9-1.14 of the Unified Code of Corrections.

12 (g) Any person convicted of or pleading guilty to a serious
13 traffic violation, as defined in Section 1-187.001 of the
14 Illinois Vehicle Code, shall pay an additional fee of \$35, to
15 be disbursed as provided in Section 16-104d of that Code. This
16 subsection (g) becomes inoperative 7 years after the effective
17 date of Public Act 95-154.

18 (h) In all counties having a population of 3,000,000 or
19 more inhabitants,

20 (1) A person who is found guilty of or pleads guilty to
21 violating subsection (a) of Section 11-501 of the Illinois
22 Vehicle Code, including any person placed on court
23 supervision for violating subsection (a), shall be fined
24 \$750 as provided for by subsection (f) of Section 11-501.01
25 of the Illinois Vehicle Code, payable to the circuit clerk,
26 who shall distribute the money pursuant to subsection (f)

1 of Section 11-501.01 of the Illinois Vehicle Code.

2 (2) When a crime laboratory DUI analysis fee of \$150,
3 provided for by Section 5-9-1.9 of the Unified Code of
4 Corrections is assessed, it shall be disbursed by the
5 circuit clerk as provided by subsection (f) of Section
6 5-9-1.9 of the Unified Code of Corrections.

7 (3) When a fine for a violation of Section 11-605.1 of
8 the Illinois Vehicle Code is \$250 or greater, the person
9 who violated that Section shall be charged an additional
10 \$125 as provided for by subsection (e) of Section 11-605.1
11 of the Illinois Vehicle Code, which shall be disbursed by
12 the circuit clerk to a State or county Transportation
13 Safety Highway Hire-back Fund as provided by subsection (e)
14 of Section 11-605.1 of the Illinois Vehicle Code.

15 (4) When a fine for a violation of subsection (a) of
16 Section 11-605 of the Illinois Vehicle Code is \$150 or
17 greater, the additional \$50 which is charged as provided
18 for by subsection (f) of Section 11-605 of the Illinois
19 Vehicle Code shall be disbursed by the circuit clerk to a
20 school district or districts for school safety purposes as
21 provided by subsection (f) of Section 11-605.

22 (5) When a fine for a violation of subsection (a) of
23 Section 11-1002.5 of the Illinois Vehicle Code is \$150 or
24 greater, the additional \$50 which is charged as provided
25 for by subsection (c) of Section 11-1002.5 of the Illinois
26 Vehicle Code shall be disbursed by the circuit clerk to a

1 school district or districts for school safety purposes as
2 provided by subsection (c) of Section 11-1002.5 of the
3 Illinois Vehicle Code.

4 (6) When a mandatory drug court fee of up to \$5 is
5 assessed as provided in subsection (f) of Section 5-1101 of
6 the Counties Code, it shall be disbursed by the circuit
7 clerk as provided in subsection (f) of Section 5-1101 of
8 the Counties Code.

9 (7) When a mandatory teen court, peer jury, youth
10 court, or other youth diversion program fee is assessed as
11 provided in subsection (e) of Section 5-1101 of the
12 Counties Code, it shall be disbursed by the circuit clerk
13 as provided in subsection (e) of Section 5-1101 of the
14 Counties Code.

15 (8) When a Children's Advocacy Center fee is assessed
16 pursuant to subsection (f-5) of Section 5-1101 of the
17 Counties Code, it shall be disbursed by the circuit clerk
18 as provided in subsection (f-5) of Section 5-1101 of the
19 Counties Code.

20 (9) When a victim impact panel fee is assessed pursuant
21 to subsection (b) of Section 11-501.01 of the Vehicle Code,
22 it shall be disbursed by the circuit clerk to the victim
23 impact panel to be attended by the defendant.

24 (10) When a new fee collected in traffic cases is
25 enacted after the effective date of this subsection (h), it
26 shall be excluded from the percentage disbursement

1 provisions of this Section unless otherwise indicated by
2 law.

3 (i) Of the amounts collected as fines under subsection (b)
4 of Section 3-712 of the Illinois Vehicle Code, 99% shall be
5 deposited into the Illinois Military Family Relief Fund and 1%
6 shall be deposited into the Circuit Court Clerk Operation and
7 Administrative Fund created by the Clerk of the Circuit Court
8 to be used to offset the costs incurred by the Circuit Court
9 Clerk in performing the additional duties required to collect
10 and disburse funds to entities of State and local government as
11 provided by law.

12 (j) (Blank).

13 (k) For any conviction or disposition of court supervision
14 for a violation of Section 11-1429 of the Illinois Vehicle
15 Code, the circuit clerk shall distribute the fines paid by the
16 person as specified by subsection (h) of Section 11-1429 of the
17 Illinois Vehicle Code.

18 (l) Any person who receives a disposition of court
19 supervision for a violation of Section 11-501 of the Illinois
20 Vehicle Code or a similar provision of a local ordinance shall,
21 in addition to any other fines, fees, and court costs, pay an
22 additional fee of \$50, which shall be collected by the circuit
23 clerk and then remitted to the State Treasurer for deposit into
24 the Roadside Memorial Fund, a special fund in the State
25 treasury. However, the court may waive the fee if full
26 restitution is complied with. Subject to appropriation, all

1 moneys in the Roadside Memorial Fund shall be used by the
2 Department of Transportation to pay fees imposed under
3 subsection (f) of Section 20 of the Roadside Memorial Act. The
4 fee shall be remitted by the circuit clerk within one month
5 after receipt to the State Treasurer for deposit into the
6 Roadside Memorial Fund.

7 (m) Of the amounts collected as fines under subsection (c)
8 of Section 411.4 of the Illinois Controlled Substances Act or
9 subsection (c) of Section 90 of the Methamphetamine Control and
10 Community Protection Act, 99% shall be deposited to the law
11 enforcement agency or fund specified and 1% shall be deposited
12 into the Circuit Court Clerk Operation and Administrative Fund
13 to be used to offset the costs incurred by the Circuit Court
14 Clerk in performing the additional duties required to collect
15 and disburse funds to entities of State and local government as
16 provided by law.

17 (Source: P.A. 96-576, eff. 8-18-09; 96-578, eff. 8-18-09;
18 96-625, eff. 1-1-10; 96-667, eff. 8-25-09; 96-735, eff. 1-1-10;
19 96-1175, eff. 9-20-10; 96-1342, eff. 1-1-11; 97-434, eff.
20 1-1-12.)

21 Section 15-25. The Juvenile Court Act of 1987 is amended by
22 changing Sections 3-40 and 5-715 as follows:

23 (705 ILCS 405/3-40)

24 Sec. 3-40. Minors involved in electronic dissemination of

1 indecent visual depictions in need of supervision.

2 (a) For the purposes of this Section:

3 "Computer" has the meaning ascribed to it in Section 17-0.5
4 ~~16D-2~~ of the Criminal Code of 1961.

5 "Electronic communication device" means an electronic
6 device, including but not limited to a wireless telephone,
7 personal digital assistant, or a portable or mobile computer,
8 that is capable of transmitting images or pictures.

9 "Indecent visual depiction" means a depiction or portrayal
10 in any pose, posture, or setting involving a lewd exhibition of
11 the unclothed or transparently clothed genitals, pubic area,
12 buttocks, or, if such person is female, a fully or partially
13 developed breast of the person.

14 "Minor" means a person under 18 years of age.

15 (b) A minor shall not distribute or disseminate an indecent
16 visual depiction of another minor through the use of a computer
17 or electronic communication device.

18 (c) Adjudication. A minor who violates subsection (b) of
19 this Section may be subject to a petition for adjudication and
20 adjudged a minor in need of supervision.

21 (d) Kinds of dispositional orders. A minor found to be in
22 need of supervision under this Section may be:

23 (1) ordered to obtain counseling or other supportive
24 services to address the acts that led to the need for
25 supervision; or

26 (2) ordered to perform community service.

1 (e) Nothing in this Section shall be construed to prohibit
2 a prosecution for disorderly conduct, public indecency, child
3 pornography, a violation of Article 26.5 ~~the~~ Harassing and
4 Obscene Communications of the Criminal Code of 1961 Act, or any
5 other applicable provision of law.

6 (Source: P.A. 96-1087, eff. 1-1-11.)

7 (705 ILCS 405/5-715)

8 Sec. 5-715. Probation.

9 (1) The period of probation or conditional discharge shall
10 not exceed 5 years or until the minor has attained the age of
11 21 years, whichever is less, except as provided in this Section
12 for a minor who is found to be guilty for an offense which is
13 first degree murder, a Class X felony or a forcible felony. The
14 juvenile court may terminate probation or conditional
15 discharge and discharge the minor at any time if warranted by
16 the conduct of the minor and the ends of justice; provided,
17 however, that the period of probation for a minor who is found
18 to be guilty for an offense which is first degree murder, a
19 Class X felony, or a forcible felony shall be at least 5 years.

20 (2) The court may as a condition of probation or of
21 conditional discharge require that the minor:

22 (a) not violate any criminal statute of any
23 jurisdiction;

24 (b) make a report to and appear in person before any
25 person or agency as directed by the court;

1 (c) work or pursue a course of study or vocational
2 training;

3 (d) undergo medical or psychiatric treatment, rendered
4 by a psychiatrist or psychological treatment rendered by a
5 clinical psychologist or social work services rendered by a
6 clinical social worker, or treatment for drug addiction or
7 alcoholism;

8 (e) attend or reside in a facility established for the
9 instruction or residence of persons on probation;

10 (f) support his or her dependents, if any;

11 (g) refrain from possessing a firearm or other
12 dangerous weapon, or an automobile;

13 (h) permit the probation officer to visit him or her at
14 his or her home or elsewhere;

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

16 (j) attend school;

17 (j-5) with the consent of the superintendent of the
18 facility, attend an educational program at a facility other
19 than the school in which the offense was committed if he or
20 she committed a crime of violence as defined in Section 2
21 of the Crime Victims Compensation Act in a school, on the
22 real property comprising a school, or within 1,000 feet of
23 the real property comprising a school;

24 (k) attend a non-residential program for youth;

25 (l) make restitution under the terms of subsection (4)
26 of Section 5-710;

1 (m) contribute to his or her own support at home or in
2 a foster home;

3 (n) perform some reasonable public or community
4 service;

5 (o) participate with community corrections programs
6 including unified delinquency intervention services
7 administered by the Department of Human Services subject to
8 Section 5 of the Children and Family Services Act;

9 (p) pay costs;

10 (q) serve a term of home confinement. In addition to
11 any other applicable condition of probation or conditional
12 discharge, the conditions of home confinement shall be that
13 the minor:

14 (i) remain within the interior premises of the
15 place designated for his or her confinement during the
16 hours designated by the court;

17 (ii) admit any person or agent designated by the
18 court into the minor's place of confinement at any time
19 for purposes of verifying the minor's compliance with
20 the conditions of his or her confinement; and

21 (iii) use an approved electronic monitoring device
22 if ordered by the court subject to Article 8A of
23 Chapter V of the Unified Code of Corrections;

24 (r) refrain from entering into a designated geographic
25 area except upon terms as the court finds appropriate. The
26 terms may include consideration of the purpose of the

1 entry, the time of day, other persons accompanying the
2 minor, and advance approval by a probation officer, if the
3 minor has been placed on probation, or advance approval by
4 the court, if the minor has been placed on conditional
5 discharge;

6 (s) refrain from having any contact, directly or
7 indirectly, with certain specified persons or particular
8 types of persons, including but not limited to members of
9 street gangs and drug users or dealers;

10 (s-5) undergo a medical or other procedure to have a
11 tattoo symbolizing allegiance to a street gang removed from
12 his or her body;

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

20 (u) comply with other conditions as may be ordered by
21 the court.

22 (3) The court may as a condition of probation or of
23 conditional discharge require that a minor found guilty on any
24 alcohol, cannabis, methamphetamine, or controlled substance
25 violation, refrain from acquiring a driver's license during the
26 period of probation or conditional discharge. If the minor is

1 in possession of a permit or license, the court may require
2 that the minor refrain from driving or operating any motor
3 vehicle during the period of probation or conditional
4 discharge, except as may be necessary in the course of the
5 minor's lawful employment.

6 (3.5) The court shall, as a condition of probation or of
7 conditional discharge, require that a minor found to be guilty
8 and placed on probation for reasons that include a violation of
9 Section 3.02 or Section 3.03 of the Humane Care for Animals Act
10 or paragraph (4) ~~(d)~~ of subsection (a) ~~(1)~~ of Section 21-1 of
11 the Criminal Code of 1961 undergo medical or psychiatric
12 treatment rendered by a psychiatrist or psychological
13 treatment rendered by a clinical psychologist. The condition
14 may be in addition to any other condition.

15 (3.10) The court shall order that a minor placed on
16 probation or conditional discharge for a sex offense as defined
17 in the Sex Offender Management Board Act undergo and
18 successfully complete sex offender treatment. The treatment
19 shall be in conformance with the standards developed under the
20 Sex Offender Management Board Act and conducted by a treatment
21 provider approved by the Board. The treatment shall be at the
22 expense of the person evaluated based upon that person's
23 ability to pay for the treatment.

24 (4) A minor on probation or conditional discharge shall be
25 given a certificate setting forth the conditions upon which he
26 or she is being released.

1 (5) The court shall impose upon a minor placed on probation
2 or conditional discharge, as a condition of the probation or
3 conditional discharge, a fee of \$50 for each month of probation
4 or conditional discharge supervision ordered by the court,
5 unless after determining the inability of the minor placed on
6 probation or conditional discharge to pay the fee, the court
7 assesses a lesser amount. The court may not impose the fee on a
8 minor who is made a ward of the State under this Act while the
9 minor is in placement. The fee shall be imposed only upon a
10 minor who is actively supervised by the probation and court
11 services department. The court may order the parent, guardian,
12 or legal custodian of the minor to pay some or all of the fee on
13 the minor's behalf.

14 (6) The General Assembly finds that in order to protect the
15 public, the juvenile justice system must compel compliance with
16 the conditions of probation by responding to violations with
17 swift, certain, and fair punishments and intermediate
18 sanctions. The Chief Judge of each circuit shall adopt a system
19 of structured, intermediate sanctions for violations of the
20 terms and conditions of a sentence of supervision, probation or
21 conditional discharge, under this Act.

22 The court shall provide as a condition of a disposition of
23 probation, conditional discharge, or supervision, that the
24 probation agency may invoke any sanction from the list of
25 intermediate sanctions adopted by the chief judge of the
26 circuit court for violations of the terms and conditions of the

1 sentence of probation, conditional discharge, or supervision,
2 subject to the provisions of Section 5-720 of this Act.

3 (Source: P.A. 96-1414, eff. 1-1-11.)

4 Section 15-30. The Code of Criminal Procedure of 1963 is
5 amended by changing Sections 111-8, 115-10, 115-10.3, 124B-10,
6 124B-100, 124B-600, 124B-700, 124B-710, and 124B-905 as
7 follows:

8 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

9 Sec. 111-8. Orders of protection to prohibit domestic
10 violence.

11 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,
12 10-3.1, 10-4, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
13 11-1.60, 11-14.3 that involves soliciting for a prostitute,
14 11-14.4 that involves soliciting for a juvenile prostitute,
15 11-15, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, 11-20a, 12-1,
16 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3, 12-3.5, 12-4, 12-4.1,
17 12-4.3, 12-4.6, 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5,
18 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 19-4, 19-6, 21-1,
19 21-2, ~~or~~ 21-3, or 26.5-2 of the Criminal Code of 1961 or
20 Section 1-1 of the Harassing and Obscene Communications Act is
21 alleged in an information, complaint or indictment on file, and
22 the alleged offender and victim are family or household
23 members, as defined in the Illinois Domestic Violence Act, as
24 now or hereafter amended, the People through the respective

1 State's Attorneys may by separate petition and upon notice to
2 the defendant, except as provided in subsection (c) herein,
3 request the court to issue an order of protection.

4 (b) In addition to any other remedies specified in Section
5 208 of the Illinois Domestic Violence Act, as now or hereafter
6 amended, the order may direct the defendant to initiate no
7 contact with the alleged victim or victims who are family or
8 household members and to refrain from entering the residence,
9 school or place of business of the alleged victim or victims.

10 (c) The court may grant emergency relief without notice
11 upon a showing of immediate and present danger of abuse to the
12 victim or minor children of the victim and may enter a
13 temporary order pending notice and full hearing on the matter.

14 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;
15 P.A. 96-1551, Article 2, Section 1040, eff. 7-1-11; revised
16 9-30-11.)

17 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

18 Sec. 115-10. Certain hearsay exceptions.

19 (a) In a prosecution for a physical or sexual act
20 perpetrated upon or against a child under the age of 13, or a
21 person who was a moderately, severely, or profoundly
22 intellectually disabled person as defined in this Code and in
23 Section 2-10.1 of the Criminal Code of 1961 at the time the act
24 was committed, including but not limited to prosecutions for
25 violations of Sections 11-1.20 through 11-1.60 or 12-13 through

1 12-16 of the Criminal Code of 1961 and prosecutions for
2 violations of Sections 10-1 (kidnapping), 10-2 (aggravated
3 kidnapping), 10-3 (unlawful restraint), 10-3.1 (aggravated
4 unlawful restraint), 10-4 (forcible detention), 10-5 (child
5 abduction), 10-6 (harboring a runaway), 10-7 (aiding or
6 abetting child abduction), 11-9 (public indecency), 11-11
7 (sexual relations within families), 11-21 (harmful material),
8 12-1 (assault), 12-2 (aggravated assault), 12-3 (battery),
9 12-3.2 (domestic battery), 12-3.3 (aggravated domestic
10 battery), 12-3.05 or 12-4 (aggravated battery), 12-4.1
11 (heinous battery), 12-4.2 (aggravated battery with a firearm),
12 12-4.3 (aggravated battery of a child), 12-4.7 (drug induced
13 infliction of great bodily harm), 12-5 (reckless conduct), 12-6
14 (intimidation), 12-6.1 or 12-6.5 (compelling organization
15 membership of persons), 12-7.1 (hate crime), 12-7.3
16 (stalking), 12-7.4 (aggravated stalking), 12-10 (tattooing
17 body of minor), 12-11 or 19-6 (home invasion), 12-21.5 (child
18 abandonment), 12-21.6 (endangering the life or health of a
19 child) or 12-32 (ritual mutilation) of the Criminal Code of
20 1961 or any sex offense as defined in subsection (B) of Section
21 2 of the Sex Offender Registration Act, the following evidence
22 shall be admitted as an exception to the hearsay rule:

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

26 (2) testimony of an out of court statement made by the

1 victim describing any complaint of such act or matter or
2 detail pertaining to any act which is an element of an
3 offense which is the subject of a prosecution for a sexual
4 or physical act against that victim.

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

6 (1) The court finds in a hearing conducted outside the
7 presence of the jury that the time, content, and
8 circumstances of the statement provide sufficient
9 safeguards of reliability; and

10 (2) The child or moderately, severely, or profoundly
11 intellectually disabled person either:

12 (A) testifies at the proceeding; or

13 (B) is unavailable as a witness and there is
14 corroborative evidence of the act which is the subject
15 of the statement; and

16 (3) In a case involving an offense perpetrated against
17 a child under the age of 13, the out of court statement was
18 made before the victim attained 13 years of age or within 3
19 months after the commission of the offense, whichever
20 occurs later, but the statement may be admitted regardless
21 of the age of the victim at the time of the proceeding.

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 age and maturity of the child, or the intellectual capabilities

1 of the moderately, severely, or profoundly intellectually
2 disabled person, the nature of the statement, the circumstances
3 under which the statement was made, and any other relevant
4 factor.

5 (d) The proponent of the statement shall give the adverse
6 party reasonable notice of his intention to offer the statement
7 and the particulars of the statement.

8 (e) Statements described in paragraphs (1) and (2) of
9 subsection (a) shall not be excluded on the basis that they
10 were obtained as a result of interviews conducted pursuant to a
11 protocol adopted by a Child Advocacy Advisory Board as set
12 forth in subsections (c), (d), and (e) of Section 3 of the
13 Children's Advocacy Center Act or that an interviewer or
14 witness to the interview was or is an employee, agent, or
15 investigator of a State's Attorney's office.

16 (Source: P.A. 95-892, eff. 1-1-09; 96-710, eff. 1-1-10;
17 96-1551, Article 1, Section 965, eff. 7-1-11; 96-1551, Article
18 2, Section 1040, eff. 7-1-11; 97-227, eff. 1-1-12; revised
19 9-14-11.)

20 (725 ILCS 5/115-10.3)

21 Sec. 115-10.3. Hearsay exception regarding elder adults.

22 (a) In a prosecution for a physical act, abuse, neglect, or
23 financial exploitation perpetrated upon or against an eligible
24 adult, as defined in the Elder Abuse and Neglect Act, who has
25 been diagnosed by a physician to suffer from (i) any form of

1 dementia, developmental disability, or other form of mental
2 incapacity or (ii) any physical infirmity, including but not
3 limited to prosecutions for violations of Sections 10-1, 10-2,
4 10-3, 10-3.1, 10-4, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
5 11-1.60, 11-11, 12-1, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3,
6 12-4, 12-4.1, 12-4.2, 12-4.5, 12-4.6, 12-4.7, 12-5, 12-6,
7 12-7.3, 12-7.4, 12-11, 12-11.1, 12-13, 12-14, 12-15, 12-16,
8 12-21, 16-1, 16-1.3, 17-1, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4,
9 18-5, 18-6, 19-6, 20-1.1, 24-1.2, and 33A-2, or subsection (b)
10 of Section 12-4.4a, of the Criminal Code of 1961, the following
11 evidence shall be admitted as an exception to the hearsay rule:

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

15 (2) testimony of an out of court statement made by the
16 eligible adult, describing any complaint of such act or
17 matter or detail pertaining to any act which is an element
18 of an offense which is the subject of a prosecution for a
19 physical act, abuse, neglect, or financial exploitation
20 perpetrated upon or against the eligible adult.

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

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

26 (2) The eligible adult either:

1 (A) testifies at the proceeding; or

2 (B) is unavailable as a witness and there is
3 corroborative evidence of the act which is the subject
4 of the statement.

5 (c) If a statement is admitted pursuant to this Section,
6 the court shall instruct the jury that it is for the jury to
7 determine the weight and credibility to be given the statement
8 and that, in making the determination, it shall consider the
9 condition of the eligible adult, the nature of the statement,
10 the circumstances under which the statement was made, and any
11 other relevant factor.

12 (d) The proponent of the statement shall give the adverse
13 party reasonable notice of his or her intention to offer the
14 statement and the particulars of the statement.

15 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;
16 96-1551, Article 2, Section 1040, eff. 7-1-11; 96-1551, Article
17 10, Section 10-145, eff. 7-1-11; revised 9-30-11.)

18 (725 ILCS 5/124B-10)

19 Sec. 124B-10. Applicability; offenses. This Article
20 applies to forfeiture of property in connection with the
21 following:

22 (1) A violation of Section 10A-10 of the Criminal Code
23 of 1961 (involuntary servitude; involuntary servitude of a
24 minor; trafficking of persons for forced labor or
25 services).

1 (2) A violation of subdivision (a)(1) of Section
2 11-14.4 of the Criminal Code of 1961 (promoting juvenile
3 prostitution) or a violation of Section 11-17.1 of the
4 Criminal Code of 1961 (keeping a place of juvenile
5 prostitution).

6 (3) A violation of subdivision (a)(4) of Section
7 11-14.4 of the Criminal Code of 1961 (promoting juvenile
8 prostitution) or a violation of Section 11-19.2 of the
9 Criminal Code of 1961 (exploitation of a child).

10 (4) A violation of Section 11-20 of the Criminal Code
11 of 1961 (obscenity).

12 (5) A second or subsequent violation of Section 11-20.1
13 of the Criminal Code of 1961 (child pornography).

14 (6) A violation of Section 11-20.1B or 11-20.3 of the
15 Criminal Code of 1961 (aggravated child pornography).

16 (7) A violation of Section 17-50 ~~16D-5~~ of the Criminal
17 Code of 1961 (computer fraud).

18 (8) A felony violation of Section 17-6.3 ~~Article 17B~~ of
19 the Criminal Code of 1961 (WIC fraud).

20 (9) A felony violation of Section 48-1 ~~26-5~~ of the
21 Criminal Code of 1961 (dog fighting).

22 (10) A violation of Article 29D of the Criminal Code of
23 1961 (terrorism).

24 (11) A felony violation of Section 4.01 of the Humane
25 Care for Animals Act (animals in entertainment).

26 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11.)

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

1 offense of child pornography in violation of Section
2 11-20.1 of that Code.

3 (6) In the case of forfeiture authorized under Section
4 11-20.1B or 11-20.3 of the Criminal Code of 1961, "offense"
5 means the offense of aggravated child pornography in
6 violation of Section 11-20.1B or 11-20.3 of that Code.

7 (7) In the case of forfeiture authorized under Section
8 17-50 ~~16D-6~~ of the Criminal Code of 1961, "offense" means
9 the offense of computer fraud in violation of Section 17-50
10 ~~16D-5~~ of that Code.

11 (8) In the case of forfeiture authorized under Section
12 17-6.3 ~~17B-25~~ of the Criminal Code of 1961, "offense" means
13 any felony violation of Section 17-6.3 ~~Article 17B~~ of that
14 Code.

15 (9) In the case of forfeiture authorized under Section
16 29D-65 of the Criminal Code of 1961, "offense" means any
17 offense under Article 29D of that Code.

18 (10) In the case of forfeiture authorized under Section
19 4.01 of the Humane Care for Animals Act or Section 48-1
20 ~~26-5~~ of the Criminal Code of 1961, "offense" means any
21 felony offense under either of those Sections.

22 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11.)

23 (725 ILCS 5/124B-600)

24 Sec. 124B-600. Persons and property subject to forfeiture.

25 A person who commits the offense of computer fraud as set forth

1 in Section 17-50 ~~16D-5~~ of the Criminal Code of 1961 shall
2 forfeit any property that the sentencing court determines,
3 after a forfeiture hearing under this Article, the person has
4 acquired or maintained, directly or indirectly, in whole or in
5 part, as a result of that offense. The person shall also
6 forfeit any interest in, securities of, claim against, or
7 contractual right of any kind that affords the person a source
8 of influence over any enterprise that the person has
9 established, operated, controlled, conducted, or participated
10 in conducting, if the person's relationship to or connection
11 with any such thing or activity directly or indirectly, in
12 whole or in part, is traceable to any item or benefit that the
13 person has obtained or acquired through computer fraud.

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

15 (725 ILCS 5/124B-700)

16 Sec. 124B-700. Persons and property subject to forfeiture.
17 A person who commits a felony violation of Article 17-6.3 ~~17B~~
18 of the Criminal Code of 1961 shall forfeit any property that
19 the sentencing court determines, after a forfeiture hearing
20 under this Article, (i) the person has acquired, in whole or in
21 part, as a result of committing the violation or (ii) the
22 person has maintained or used, in whole or in part, to
23 facilitate, directly or indirectly, the commission of the
24 violation. The person shall also forfeit any interest in,
25 securities of, claim against, or contractual right of any kind

1 that affords the person a source of influence over any
2 enterprise that the person has established, operated,
3 controlled, conducted, or participated in conducting, if the
4 person's relationship to or connection with any such thing or
5 activity directly or indirectly, in whole or in part, is
6 traceable to any item or benefit that the person has obtained
7 or acquired as a result of a felony violation of Article 17-6.3
8 ~~17B~~ of the Criminal Code of 1961. Property subject to
9 forfeiture under this Part 700 includes the following:

10 (1) All moneys, things of value, books, records, and
11 research products and materials that are used or intended
12 to be used in committing a felony violation of Article
13 17-6.3 ~~17B~~ of the Criminal Code of 1961.

14 (2) Everything of value furnished, or intended to be
15 furnished, in exchange for a substance in violation of
16 Article 17-6.3 ~~17B~~ of the Criminal Code of 1961; all
17 proceeds traceable to that exchange; and all moneys,
18 negotiable instruments, and securities used or intended to
19 be used to commit or in any manner to facilitate the
20 commission of a felony violation of Article 17-6.3 ~~17B~~ of
21 the Criminal Code of 1961.

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

1 manner or part, to commit or in any manner to facilitate
2 the commission of a felony violation of Article 17-6.3 ~~17B~~
3 of the Criminal Code of 1961 or that is the proceeds of any
4 act that constitutes a felony violation of Article 17-6.3
5 ~~17B~~ of the Criminal Code of 1961.

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

7 (725 ILCS 5/124B-710)

8 Sec. 124B-710. Sale of forfeited property by Director of
9 State Police; return to seizing agency or prosecutor.

10 (a) The court shall authorize the Director of State Police
11 to seize any property declared forfeited under this Article on
12 terms and conditions the court deems proper.

13 (b) When property is forfeited under this Part 700, the
14 Director of State Police shall sell the property unless the
15 property is required by law to be destroyed or is harmful to
16 the public. The Director shall distribute the proceeds of the
17 sale, together with any moneys forfeited or seized, in
18 accordance with Section 124B-715.

19 (c) On the application of the seizing agency or prosecutor
20 who was responsible for the investigation, arrest, and
21 prosecution that lead to the forfeiture, however, the Director
22 may return any item of forfeited property to the seizing agency
23 or prosecutor for official use in the enforcement of laws
24 relating to Article 17-6.3 ~~17B~~ of the Criminal Code of 1961 if
25 the agency or prosecutor can demonstrate that the item

1 requested would be useful to the agency or prosecutor in their
2 enforcement efforts. When any real property returned to the
3 seizing agency is sold by the agency or its unit of government,
4 the proceeds of the sale shall be delivered to the Director and
5 distributed in accordance with Section 124B-715.

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

7 (725 ILCS 5/124B-905)

8 Sec. 124B-905. Persons and property subject to forfeiture.
9 A person who commits a felony violation of Section 4.01 of the
10 Humane Care for Animals Act or a felony violation of Section
11 48-1 ~~26-5~~ of the Criminal Code of 1961 shall forfeit the
12 following:

13 (1) Any moneys, profits, or proceeds the person
14 acquired, in whole or in part, as a result of committing
15 the violation.

16 (2) Any real property or interest in real property that
17 the sentencing court determines, after a forfeiture
18 hearing under this Article, (i) the person has acquired, in
19 whole or in part, as a result of committing the violation
20 or (ii) the person has maintained or used, in whole or in
21 part, to facilitate, directly or indirectly, the
22 commission of the violation. Real property subject to
23 forfeiture under this Part 900 includes property that
24 belongs to any of the following:

25 (A) The person organizing the show, exhibition,

1 program, or other activity described in subsections
2 (a) through (g) of Section 4.01 of the Humane Care for
3 Animals Act or Section 48-1 ~~26-5~~ of the Criminal Code
4 of 1961.

5 (B) Any other person participating in the activity
6 described in subsections (a) through (g) of Section
7 4.01 of the Humane Care for Animals Act or Section 48-1
8 ~~26-5~~ of the Criminal Code of 1961 who is related to the
9 organization and operation of the activity.

10 (C) Any person who knowingly allowed the
11 activities to occur on his or her premises.

12 The person shall also forfeit any interest in, securities
13 of, claim against, or contractual right of any kind that
14 affords the person a source of influence over any enterprise
15 that the person has established, operated, controlled,
16 conducted, or participated in conducting, if the person's
17 relationship to or connection with any such thing or activity
18 directly or indirectly, in whole or in part, is traceable to
19 any item or benefit that the person has obtained or acquired as
20 a result of a felony violation of Section 4.01 of the Humane
21 Care for Animals Act or a felony violation of Section 48-1 ~~26-5~~
22 of the Criminal Code of 1961.

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

24 Section 15-35. The Unified Code of Corrections is amended
25 by changing Sections 5-5-3, 5-5-3.2, 5-5-5, 5-6-1 and 5-8-4 as

1 follows:

2 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

3 Sec. 5-5-3. Disposition.

4 (a) (Blank).

5 (b) (Blank).

6 (c) (1) (Blank).

7 (2) A period of probation, a term of periodic
8 imprisonment or conditional discharge shall not be imposed
9 for the following offenses. The court shall sentence the
10 offender to not less than the minimum term of imprisonment
11 set forth in this Code for the following offenses, and may
12 order a fine or restitution or both in conjunction with
13 such term of imprisonment:

14 (A) First degree murder where the death penalty is
15 not imposed.

16 (B) Attempted first degree murder.

17 (C) A Class X felony.

18 (D) A violation of Section 401.1 or 407 of the
19 Illinois Controlled Substances Act, or a violation of
20 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
21 of that Act which relates to more than 5 grams of a
22 substance containing heroin, cocaine, fentanyl, or an
23 analog thereof.

24 (E) A violation of Section 5.1 or 9 of the Cannabis
25 Control Act.

1 (F) A Class 2 or greater felony if the offender had
2 been convicted of a Class 2 or greater felony,
3 including any state or federal conviction for an
4 offense that contained, at the time it was committed,
5 the same elements as an offense now (the date of the
6 offense committed after the prior Class 2 or greater
7 felony) classified as a Class 2 or greater felony,
8 within 10 years of the date on which the offender
9 committed the offense for which he or she is being
10 sentenced, except as otherwise provided in Section
11 40-10 of the Alcoholism and Other Drug Abuse and
12 Dependency Act.

13 (F-5) A violation of Section 24-1, 24-1.1, or
14 24-1.6 of the Criminal Code of 1961 for which
15 imprisonment is prescribed in those Sections.

16 (G) Residential burglary, except as otherwise
17 provided in Section 40-10 of the Alcoholism and Other
18 Drug Abuse and Dependency Act.

19 (H) Criminal sexual assault.

20 (I) Aggravated battery of a senior citizen as
21 described in Section 12-4.6 or subdivision (a)(4) of
22 Section 12-3.05.

23 (J) A forcible felony if the offense was related to
24 the activities of an organized gang.

25 Before July 1, 1994, for the purposes of this
26 paragraph, "organized gang" means an association of 5

1 or more persons, with an established hierarchy, that
2 encourages members of the association to perpetrate
3 crimes or provides support to the members of the
4 association who do commit crimes.

5 Beginning July 1, 1994, for the purposes of this
6 paragraph, "organized gang" has the meaning ascribed
7 to it in Section 10 of the Illinois Streetgang
8 Terrorism Omnibus Prevention Act.

9 (K) Vehicular hijacking.

10 (L) A second or subsequent conviction for the
11 offense of hate crime when the underlying offense upon
12 which the hate crime is based is felony aggravated
13 assault or felony mob action.

14 (M) A second or subsequent conviction for the
15 offense of institutional vandalism if the damage to the
16 property exceeds \$300.

17 (N) A Class 3 felony violation of paragraph (1) of
18 subsection (a) of Section 2 of the Firearm Owners
19 Identification Card Act.

20 (O) A violation of Section 12-6.1 or 12-6.5 of the
21 Criminal Code of 1961.

22 (P) A violation of paragraph (1), (2), (3), (4),
23 (5), or (7) of subsection (a) of Section 11-20.1 of the
24 Criminal Code of 1961.

25 (Q) A violation of subsection (b) or (b-5) of
26 Section 20-1, Section 20-1.2 or 20-1.3 of the Criminal

1 Code of 1961.

2 (R) A violation of Section 24-3A of the Criminal
3 Code of 1961.

4 (S) (Blank).

5 (T) A second or subsequent violation of the
6 Methamphetamine Control and Community Protection Act.

7 (U) A second or subsequent violation of Section
8 6-303 of the Illinois Vehicle Code committed while his
9 or her driver's license, permit, or privilege was
10 revoked because of a violation of Section 9-3 of the
11 Criminal Code of 1961, relating to the offense of
12 reckless homicide, or a similar provision of a law of
13 another state.

14 (V) A violation of paragraph (4) of subsection (c)
15 of Section 11-20.1B or paragraph (4) of subsection (c)
16 of Section 11-20.3 of the Criminal Code of 1961.

17 (W) A violation of Section 24-3.5 of the Criminal
18 Code of 1961.

19 (X) A violation of subsection (a) of Section 31-1a
20 of the Criminal Code of 1961.

21 (Y) A conviction for unlawful possession of a
22 firearm by a street gang member when the firearm was
23 loaded or contained firearm ammunition.

24 (Z) A Class 1 felony committed while he or she was
25 serving a term of probation or conditional discharge
26 for a felony.

1 (AA) Theft of property exceeding \$500,000 and not
2 exceeding \$1,000,000 in value.

3 (BB) Laundering of criminally derived property of
4 a value exceeding \$500,000.

5 (CC) Knowingly selling, offering for sale, holding
6 for sale, or using 2,000 or more counterfeit items or
7 counterfeit items having a retail value in the
8 aggregate of \$500,000 or more.

9 (DD) A conviction for aggravated assault under
10 paragraph (6) of subsection (c) of Section 12-2 of the
11 Criminal Code of 1961 if the firearm is aimed toward
12 the person against whom the firearm is being used.

13 (3) (Blank).

14 (4) A minimum term of imprisonment of not less than 10
15 consecutive days or 30 days of community service shall be
16 imposed for a violation of paragraph (c) of Section 6-303
17 of the Illinois Vehicle Code.

18 (4.1) (Blank).

19 (4.2) Except as provided in paragraphs (4.3) and (4.8)
20 of this subsection (c), a minimum of 100 hours of community
21 service shall be imposed for a second violation of Section
22 6-303 of the Illinois Vehicle Code.

23 (4.3) A minimum term of imprisonment of 30 days or 300
24 hours of community service, as determined by the court,
25 shall be imposed for a second violation of subsection (c)
26 of Section 6-303 of the Illinois Vehicle Code.

1 (4.4) Except as provided in paragraphs (4.5), (4.6),
2 and (4.9) of this subsection (c), a minimum term of
3 imprisonment of 30 days or 300 hours of community service,
4 as determined by the court, shall be imposed for a third or
5 subsequent violation of Section 6-303 of the Illinois
6 Vehicle Code.

7 (4.5) A minimum term of imprisonment of 30 days shall
8 be imposed for a third violation of subsection (c) of
9 Section 6-303 of the Illinois Vehicle Code.

10 (4.6) Except as provided in paragraph (4.10) of this
11 subsection (c), a minimum term of imprisonment of 180 days
12 shall be imposed for a fourth or subsequent violation of
13 subsection (c) of Section 6-303 of the Illinois Vehicle
14 Code.

15 (4.7) A minimum term of imprisonment of not less than
16 30 consecutive days, or 300 hours of community service,
17 shall be imposed for a violation of subsection (a-5) of
18 Section 6-303 of the Illinois Vehicle Code, as provided in
19 subsection (b-5) of that Section.

20 (4.8) A mandatory prison sentence shall be imposed for
21 a second violation of subsection (a-5) of Section 6-303 of
22 the Illinois Vehicle Code, as provided in subsection (c-5)
23 of that Section. The person's driving privileges shall be
24 revoked for a period of not less than 5 years from the date
25 of his or her release from prison.

26 (4.9) A mandatory prison sentence of not less than 4

1 and not more than 15 years shall be imposed for a third
2 violation of subsection (a-5) of Section 6-303 of the
3 Illinois Vehicle Code, as provided in subsection (d-2.5) of
4 that Section. The person's driving privileges shall be
5 revoked for the remainder of his or her life.

6 (4.10) A mandatory prison sentence for a Class 1 felony
7 shall be imposed, and the person shall be eligible for an
8 extended term sentence, for a fourth or subsequent
9 violation of subsection (a-5) of Section 6-303 of the
10 Illinois Vehicle Code, as provided in subsection (d-3.5) of
11 that Section. The person's driving privileges shall be
12 revoked for the remainder of his or her life.

13 (5) The court may sentence a corporation or
14 unincorporated association convicted of any offense to:

15 (A) a period of conditional discharge;

16 (B) a fine;

17 (C) make restitution to the victim under Section
18 5-5-6 of this Code.

19 (5.1) In addition to any other penalties imposed, and
20 except as provided in paragraph (5.2) or (5.3), a person
21 convicted of violating subsection (c) of Section 11-907 of
22 the Illinois Vehicle Code shall have his or her driver's
23 license, permit, or privileges suspended for at least 90
24 days but not more than one year, if the violation resulted
25 in damage to the property of another person.

26 (5.2) In addition to any other penalties imposed, and

1 except as provided in paragraph (5.3), a person convicted
2 of violating subsection (c) of Section 11-907 of the
3 Illinois Vehicle Code shall have his or her driver's
4 license, permit, or privileges suspended for at least 180
5 days but not more than 2 years, if the violation resulted
6 in injury to another person.

7 (5.3) In addition to any other penalties imposed, a
8 person convicted of violating subsection (c) of Section
9 11-907 of the Illinois Vehicle Code shall have his or her
10 driver's license, permit, or privileges suspended for 2
11 years, if the violation resulted in the death of another
12 person.

13 (5.4) In addition to any other penalties imposed, a
14 person convicted of violating Section 3-707 of the Illinois
15 Vehicle Code shall have his or her driver's license,
16 permit, or privileges suspended for 3 months and until he
17 or she has paid a reinstatement fee of \$100.

18 (5.5) In addition to any other penalties imposed, a
19 person convicted of violating Section 3-707 of the Illinois
20 Vehicle Code during a period in which his or her driver's
21 license, permit, or privileges were suspended for a
22 previous violation of that Section shall have his or her
23 driver's license, permit, or privileges suspended for an
24 additional 6 months after the expiration of the original
25 3-month suspension and until he or she has paid a
26 reinstatement fee of \$100.

1 (6) (Blank).

2 (7) (Blank).

3 (8) (Blank).

4 (9) A defendant convicted of a second or subsequent
5 offense of ritualized abuse of a child may be sentenced to
6 a term of natural life imprisonment.

7 (10) (Blank).

8 (11) The court shall impose a minimum fine of \$1,000
9 for a first offense and \$2,000 for a second or subsequent
10 offense upon a person convicted of or placed on supervision
11 for battery when the individual harmed was a sports
12 official or coach at any level of competition and the act
13 causing harm to the sports official or coach occurred
14 within an athletic facility or within the immediate
15 vicinity of the athletic facility at which the sports
16 official or coach was an active participant of the athletic
17 contest held at the athletic facility. For the purposes of
18 this paragraph (11), "sports official" means a person at an
19 athletic contest who enforces the rules of the contest,
20 such as an umpire or referee; "athletic facility" means an
21 indoor or outdoor playing field or recreational area where
22 sports activities are conducted; and "coach" means a person
23 recognized as a coach by the sanctioning authority that
24 conducted the sporting event.

25 (12) A person may not receive a disposition of court
26 supervision for a violation of Section 5-16 of the Boat

1 Registration and Safety Act if that person has previously
2 received a disposition of court supervision for a violation
3 of that Section.

4 (13) A person convicted of or placed on court
5 supervision for an assault or aggravated assault when the
6 victim and the offender are family or household members as
7 defined in Section 103 of the Illinois Domestic Violence
8 Act of 1986 or convicted of domestic battery or aggravated
9 domestic battery may be required to attend a Partner Abuse
10 Intervention Program under protocols set forth by the
11 Illinois Department of Human Services under such terms and
12 conditions imposed by the court. The costs of such classes
13 shall be paid by the offender.

14 (d) In any case in which a sentence originally imposed is
15 vacated, the case shall be remanded to the trial court. The
16 trial court shall hold a hearing under Section 5-4-1 of the
17 Unified Code of Corrections which may include evidence of the
18 defendant's life, moral character and occupation during the
19 time since the original sentence was passed. The trial court
20 shall then impose sentence upon the defendant. The trial court
21 may impose any sentence which could have been imposed at the
22 original trial subject to Section 5-5-4 of the Unified Code of
23 Corrections. If a sentence is vacated on appeal or on
24 collateral attack due to the failure of the trier of fact at
25 trial to determine beyond a reasonable doubt the existence of a
26 fact (other than a prior conviction) necessary to increase the

1 punishment for the offense beyond the statutory maximum
2 otherwise applicable, either the defendant may be re-sentenced
3 to a term within the range otherwise provided or, if the State
4 files notice of its intention to again seek the extended
5 sentence, the defendant shall be afforded a new trial.

6 (e) In cases where prosecution for aggravated criminal
7 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
8 Code of 1961 results in conviction of a defendant who was a
9 family member of the victim at the time of the commission of
10 the offense, the court shall consider the safety and welfare of
11 the victim and may impose a sentence of probation only where:

12 (1) the court finds (A) or (B) or both are appropriate:

13 (A) the defendant is willing to undergo a court
14 approved counseling program for a minimum duration of 2
15 years; or

16 (B) the defendant is willing to participate in a
17 court approved plan including but not limited to the
18 defendant's:

19 (i) removal from the household;

20 (ii) restricted contact with the victim;

21 (iii) continued financial support of the
22 family;

23 (iv) restitution for harm done to the victim;

24 and

25 (v) compliance with any other measures that
26 the court may deem appropriate; and

1 (2) the court orders the defendant to pay for the
2 victim's counseling services, to the extent that the court
3 finds, after considering the defendant's income and
4 assets, that the defendant is financially capable of paying
5 for such services, if the victim was under 18 years of age
6 at the time the offense was committed and requires
7 counseling as a result of the offense.

8 Probation may be revoked or modified pursuant to Section
9 5-6-4; except where the court determines at the hearing that
10 the defendant violated a condition of his or her probation
11 restricting contact with the victim or other family members or
12 commits another offense with the victim or other family
13 members, the court shall revoke the defendant's probation and
14 impose a term of imprisonment.

15 For the purposes of this Section, "family member" and
16 "victim" shall have the meanings ascribed to them in Section
17 11-0.1 of the Criminal Code of 1961.

18 (f) (Blank).

19 (g) Whenever a defendant is convicted of an offense under
20 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
21 11-14.3, 11-14.4 except for an offense that involves keeping a
22 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
23 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
24 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the
25 defendant shall undergo medical testing to determine whether
26 the defendant has any sexually transmissible disease,

1 including a test for infection with human immunodeficiency
2 virus (HIV) or any other identified causative agent of acquired
3 immunodeficiency syndrome (AIDS). Any such medical test shall
4 be performed only by appropriately licensed medical
5 practitioners and may include an analysis of any bodily fluids
6 as well as an examination of the defendant's person. Except as
7 otherwise provided by law, the results of such test shall be
8 kept strictly confidential by all medical personnel involved in
9 the testing and must be personally delivered in a sealed
10 envelope to the judge of the court in which the conviction was
11 entered for the judge's inspection in camera. Acting in
12 accordance with the best interests of the victim and the
13 public, the judge shall have the discretion to determine to
14 whom, if anyone, the results of the testing may be revealed.
15 The court shall notify the defendant of the test results. The
16 court shall also notify the victim if requested by the victim,
17 and if the victim is under the age of 15 and if requested by the
18 victim's parents or legal guardian, the court shall notify the
19 victim's parents or legal guardian of the test results. The
20 court shall provide information on the availability of HIV
21 testing and counseling at Department of Public Health
22 facilities to all parties to whom the results of the testing
23 are revealed and shall direct the State's Attorney to provide
24 the information to the victim when possible. A State's Attorney
25 may petition the court to obtain the results of any HIV test
26 administered under this Section, and the court shall grant the

1 disclosure if the State's Attorney shows it is relevant in
2 order to prosecute a charge of criminal transmission of HIV
3 under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961
4 against the defendant. The court shall order that the cost of
5 any such test shall be paid by the county and may be taxed as
6 costs against the convicted defendant.

7 (g-5) When an inmate is tested for an airborne communicable
8 disease, as determined by the Illinois Department of Public
9 Health including but not limited to tuberculosis, the results
10 of the test shall be personally delivered by the warden or his
11 or her designee in a sealed envelope to the judge of the court
12 in which the inmate must appear for the judge's inspection in
13 camera if requested by the judge. Acting in accordance with the
14 best interests of those in the courtroom, the judge shall have
15 the discretion to determine what if any precautions need to be
16 taken to prevent transmission of the disease in the courtroom.

17 (h) Whenever a defendant is convicted of an offense under
18 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
19 defendant shall undergo medical testing to determine whether
20 the defendant has been exposed to human immunodeficiency virus
21 (HIV) or any other identified causative agent of acquired
22 immunodeficiency syndrome (AIDS). Except as otherwise provided
23 by law, the results of such test shall be kept strictly
24 confidential by all medical personnel involved in the testing
25 and must be personally delivered in a sealed envelope to the
26 judge of the court in which the conviction was entered for the

1 judge's inspection in camera. Acting in accordance with the
2 best interests of the public, the judge shall have the
3 discretion to determine to whom, if anyone, the results of the
4 testing may be revealed. The court shall notify the defendant
5 of a positive test showing an infection with the human
6 immunodeficiency virus (HIV). The court shall provide
7 information on the availability of HIV testing and counseling
8 at Department of Public Health facilities to all parties to
9 whom the results of the testing are revealed and shall direct
10 the State's Attorney to provide the information to the victim
11 when possible. A State's Attorney may petition the court to
12 obtain the results of any HIV test administered under this
13 Section, and the court shall grant the disclosure if the
14 State's Attorney shows it is relevant in order to prosecute a
15 charge of criminal transmission of HIV under Section 12-5.01 or
16 12-16.2 of the Criminal Code of 1961 against the defendant. The
17 court shall order that the cost of any such test shall be paid
18 by the county and may be taxed as costs against the convicted
19 defendant.

20 (i) All fines and penalties imposed under this Section for
21 any violation of Chapters 3, 4, 6, and 11 of the Illinois
22 Vehicle Code, or a similar provision of a local ordinance, and
23 any violation of the Child Passenger Protection Act, or a
24 similar provision of a local ordinance, shall be collected and
25 disbursed by the circuit clerk as provided under Section 27.5
26 of the Clerks of Courts Act.

1 (j) In cases when prosecution for any violation of Section
2 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
3 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
4 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
5 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
6 12-15, or 12-16 of the Criminal Code of 1961, any violation of
7 the Illinois Controlled Substances Act, any violation of the
8 Cannabis Control Act, or any violation of the Methamphetamine
9 Control and Community Protection Act results in conviction, a
10 disposition of court supervision, or an order of probation
11 granted under Section 10 of the Cannabis Control Act, Section
12 410 of the Illinois Controlled Substance Act, or Section 70 of
13 the Methamphetamine Control and Community Protection Act of a
14 defendant, the court shall determine whether the defendant is
15 employed by a facility or center as defined under the Child
16 Care Act of 1969, a public or private elementary or secondary
17 school, or otherwise works with children under 18 years of age
18 on a daily basis. When a defendant is so employed, the court
19 shall order the Clerk of the Court to send a copy of the
20 judgment of conviction or order of supervision or probation to
21 the defendant's employer by certified mail. If the employer of
22 the defendant is a school, the Clerk of the Court shall direct
23 the mailing of a copy of the judgment of conviction or order of
24 supervision or probation to the appropriate regional
25 superintendent of schools. The regional superintendent of
26 schools shall notify the State Board of Education of any

1 notification under this subsection.

2 (j-5) A defendant at least 17 years of age who is convicted
3 of a felony and who has not been previously convicted of a
4 misdemeanor or felony and who is sentenced to a term of
5 imprisonment in the Illinois Department of Corrections shall as
6 a condition of his or her sentence be required by the court to
7 attend educational courses designed to prepare the defendant
8 for a high school diploma and to work toward a high school
9 diploma or to work toward passing the high school level Test of
10 General Educational Development (GED) or to work toward
11 completing a vocational training program offered by the
12 Department of Corrections. If a defendant fails to complete the
13 educational training required by his or her sentence during the
14 term of incarceration, the Prisoner Review Board shall, as a
15 condition of mandatory supervised release, require the
16 defendant, at his or her own expense, to pursue a course of
17 study toward a high school diploma or passage of the GED test.
18 The Prisoner Review Board shall revoke the mandatory supervised
19 release of a defendant who wilfully fails to comply with this
20 subsection (j-5) upon his or her release from confinement in a
21 penal institution while serving a mandatory supervised release
22 term; however, the inability of the defendant after making a
23 good faith effort to obtain financial aid or pay for the
24 educational training shall not be deemed a wilful failure to
25 comply. The Prisoner Review Board shall recommit the defendant
26 whose mandatory supervised release term has been revoked under

1 this subsection (j-5) as provided in Section 3-3-9. This
2 subsection (j-5) does not apply to a defendant who has a high
3 school diploma or has successfully passed the GED test. This
4 subsection (j-5) does not apply to a defendant who is
5 determined by the court to be developmentally disabled or
6 otherwise mentally incapable of completing the educational or
7 vocational program.

8 (k) (Blank).

9 (l) (A) Except as provided in paragraph (C) of subsection
10 (l), whenever a defendant, who is an alien as defined by
11 the Immigration and Nationality Act, is convicted of any
12 felony or misdemeanor offense, the court after sentencing
13 the defendant may, upon motion of the State's Attorney,
14 hold sentence in abeyance and remand the defendant to the
15 custody of the Attorney General of the United States or his
16 or her designated agent to be deported when:

17 (1) a final order of deportation has been issued
18 against the defendant pursuant to proceedings under
19 the Immigration and Nationality Act, and

20 (2) the deportation of the defendant would not
21 deprecate the seriousness of the defendant's conduct
22 and would not be inconsistent with the ends of justice.

23 Otherwise, the defendant shall be sentenced as
24 provided in this Chapter V.

25 (B) If the defendant has already been sentenced for a
26 felony or misdemeanor offense, or has been placed on

1 probation under Section 10 of the Cannabis Control Act,
2 Section 410 of the Illinois Controlled Substances Act, or
3 Section 70 of the Methamphetamine Control and Community
4 Protection Act, the court may, upon motion of the State's
5 Attorney to suspend the sentence imposed, commit the
6 defendant to the custody of the Attorney General of the
7 United States or his or her designated agent when:

8 (1) a final order of deportation has been issued
9 against the defendant pursuant to proceedings under
10 the Immigration and Nationality Act, and

11 (2) the deportation of the defendant would not
12 deprecate the seriousness of the defendant's conduct
13 and would not be inconsistent with the ends of justice.

14 (C) This subsection (1) does not apply to offenders who
15 are subject to the provisions of paragraph (2) of
16 subsection (a) of Section 3-6-3.

17 (D) Upon motion of the State's Attorney, if a defendant
18 sentenced under this Section returns to the jurisdiction of
19 the United States, the defendant shall be recommitted to
20 the custody of the county from which he or she was
21 sentenced. Thereafter, the defendant shall be brought
22 before the sentencing court, which may impose any sentence
23 that was available under Section 5-5-3 at the time of
24 initial sentencing. In addition, the defendant shall not be
25 eligible for additional good conduct credit for
26 meritorious service as provided under Section 3-6-6.

1 (m) A person convicted of criminal defacement of property
2 under Section 21-1.3 of the Criminal Code of 1961, in which the
3 property damage exceeds \$300 and the property damaged is a
4 school building, shall be ordered to perform community service
5 that may include cleanup, removal, or painting over the
6 defacement.

7 (n) The court may sentence a person convicted of a
8 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
9 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
10 of 1961 (i) to an impact incarceration program if the person is
11 otherwise eligible for that program under Section 5-8-1.1, (ii)
12 to community service, or (iii) if the person is an addict or
13 alcoholic, as defined in the Alcoholism and Other Drug Abuse
14 and Dependency Act, to a substance or alcohol abuse program
15 licensed under that Act.

16 (o) Whenever a person is convicted of a sex offense as
17 defined in Section 2 of the Sex Offender Registration Act, the
18 defendant's driver's license or permit shall be subject to
19 renewal on an annual basis in accordance with the provisions of
20 license renewal established by the Secretary of State.

21 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
22 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
23 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
24 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
25 97-159, eff. 7-21-11; revised 9-14-11.)

1 (730 ILCS 5/5-5-3.2)

2 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
3 Sentencing.

4 (a) The following factors shall be accorded weight in favor
5 of imposing a term of imprisonment or may be considered by the
6 court as reasons to impose a more severe sentence under Section
7 5-8-1 or Article 4.5 of Chapter V:

8 (1) the defendant's conduct caused or threatened
9 serious harm;

10 (2) the defendant received compensation for committing
11 the offense;

12 (3) the defendant has a history of prior delinquency or
13 criminal activity;

14 (4) the defendant, by the duties of his office or by
15 his position, was obliged to prevent the particular offense
16 committed or to bring the offenders committing it to
17 justice;

18 (5) the defendant held public office at the time of the
19 offense, and the offense related to the conduct of that
20 office;

21 (6) the defendant utilized his professional reputation
22 or position in the community to commit the offense, or to
23 afford him an easier means of committing it;

24 (7) the sentence is necessary to deter others from
25 committing the same crime;

26 (8) the defendant committed the offense against a

1 person 60 years of age or older or such person's property;

2 (9) the defendant committed the offense against a
3 person who is physically handicapped or such person's
4 property;

5 (10) by reason of another individual's actual or
6 perceived race, color, creed, religion, ancestry, gender,
7 sexual orientation, physical or mental disability, or
8 national origin, the defendant committed the offense
9 against (i) the person or property of that individual; (ii)
10 the person or property of a person who has an association
11 with, is married to, or has a friendship with the other
12 individual; or (iii) the person or property of a relative
13 (by blood or marriage) of a person described in clause (i)
14 or (ii). For the purposes of this Section, "sexual
15 orientation" means heterosexuality, homosexuality, or
16 bisexuality;

17 (11) the offense took place in a place of worship or on
18 the grounds of a place of worship, immediately prior to,
19 during or immediately following worship services. For
20 purposes of this subparagraph, "place of worship" shall
21 mean any church, synagogue or other building, structure or
22 place used primarily for religious worship;

23 (12) the defendant was convicted of a felony committed
24 while he was released on bail or his own recognizance
25 pending trial for a prior felony and was convicted of such
26 prior felony, or the defendant was convicted of a felony

1 committed while he was serving a period of probation,
2 conditional discharge, or mandatory supervised release
3 under subsection (d) of Section 5-8-1 for a prior felony;

4 (13) the defendant committed or attempted to commit a
5 felony while he was wearing a bulletproof vest. For the
6 purposes of this paragraph (13), a bulletproof vest is any
7 device which is designed for the purpose of protecting the
8 wearer from bullets, shot or other lethal projectiles;

9 (14) the defendant held a position of trust or
10 supervision such as, but not limited to, family member as
11 defined in Section 11-0.1 of the Criminal Code of 1961,
12 teacher, scout leader, baby sitter, or day care worker, in
13 relation to a victim under 18 years of age, and the
14 defendant committed an offense in violation of Section
15 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
16 11-14.4 except for an offense that involves keeping a place
17 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
18 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
19 or 12-16 of the Criminal Code of 1961 against that victim;

20 (15) the defendant committed an offense related to the
21 activities of an organized gang. For the purposes of this
22 factor, "organized gang" has the meaning ascribed to it in
23 Section 10 of the Streetgang Terrorism Omnibus Prevention
24 Act;

25 (16) the defendant committed an offense in violation of
26 one of the following Sections while in a school, regardless

1 of the time of day or time of year; on any conveyance
2 owned, leased, or contracted by a school to transport
3 students to or from school or a school related activity; on
4 the real property of a school; or on a public way within
5 1,000 feet of the real property comprising any school:
6 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
7 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
8 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
9 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
10 18-2, or 33A-2, or Section 12-3.05 except for subdivision
11 (a) (4) or (g) (1), of the Criminal Code of 1961;

12 (16.5) the defendant committed an offense in violation
13 of one of the following Sections while in a day care
14 center, regardless of the time of day or time of year; on
15 the real property of a day care center, regardless of the
16 time of day or time of year; or on a public way within
17 1,000 feet of the real property comprising any day care
18 center, regardless of the time of day or time of year:
19 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
20 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
21 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
22 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
23 18-2, or 33A-2, or Section 12-3.05 except for subdivision
24 (a) (4) or (g) (1), of the Criminal Code of 1961;

25 (17) the defendant committed the offense by reason of
26 any person's activity as a community policing volunteer or

1 to prevent any person from engaging in activity as a
2 community policing volunteer. For the purpose of this
3 Section, "community policing volunteer" has the meaning
4 ascribed to it in Section 2-3.5 of the Criminal Code of
5 1961;

6 (18) the defendant committed the offense in a nursing
7 home or on the real property comprising a nursing home. For
8 the purposes of this paragraph (18), "nursing home" means a
9 skilled nursing or intermediate long term care facility
10 that is subject to license by the Illinois Department of
11 Public Health under the Nursing Home Care Act, the
12 Specialized Mental Health Rehabilitation Act, or the ID/DD
13 Community Care Act;

14 (19) the defendant was a federally licensed firearm
15 dealer and was previously convicted of a violation of
16 subsection (a) of Section 3 of the Firearm Owners
17 Identification Card Act and has now committed either a
18 felony violation of the Firearm Owners Identification Card
19 Act or an act of armed violence while armed with a firearm;

20 (20) the defendant (i) committed the offense of
21 reckless homicide under Section 9-3 of the Criminal Code of
22 1961 or the offense of driving under the influence of
23 alcohol, other drug or drugs, intoxicating compound or
24 compounds or any combination thereof under Section 11-501
25 of the Illinois Vehicle Code or a similar provision of a
26 local ordinance and (ii) was operating a motor vehicle in

1 excess of 20 miles per hour over the posted speed limit as
2 provided in Article VI of Chapter 11 of the Illinois
3 Vehicle Code;

4 (21) the defendant (i) committed the offense of
5 reckless driving or aggravated reckless driving under
6 Section 11-503 of the Illinois Vehicle Code and (ii) was
7 operating a motor vehicle in excess of 20 miles per hour
8 over the posted speed limit as provided in Article VI of
9 Chapter 11 of the Illinois Vehicle Code;

10 (22) the defendant committed the offense against a
11 person that the defendant knew, or reasonably should have
12 known, was a member of the Armed Forces of the United
13 States serving on active duty. For purposes of this clause
14 (22), the term "Armed Forces" means any of the Armed Forces
15 of the United States, including a member of any reserve
16 component thereof or National Guard unit called to active
17 duty;

18 (23) the defendant committed the offense against a
19 person who was elderly, disabled, or infirm by taking
20 advantage of a family or fiduciary relationship with the
21 elderly, disabled, or infirm person;

22 (24) the defendant committed any offense under Section
23 11-20.1 of the Criminal Code of 1961 and possessed 100 or
24 more images;

25 (25) the defendant committed the offense while the
26 defendant or the victim was in a train, bus, or other

1 vehicle used for public transportation;

2 (26) the defendant committed the offense of child
3 pornography or aggravated child pornography, specifically
4 including paragraph (1), (2), (3), (4), (5), or (7) of
5 subsection (a) of Section 11-20.1 of the Criminal Code of
6 1961 where a child engaged in, solicited for, depicted in,
7 or posed in any act of sexual penetration or bound,
8 fettered, or subject to sadistic, masochistic, or
9 sadomasochistic abuse in a sexual context and specifically
10 including paragraph (1), (2), (3), (4), (5), or (7) of
11 subsection (a) of Section 11-20.3 of the Criminal Code of
12 1961 where a child engaged in, solicited for, depicted in,
13 or posed in any act of sexual penetration or bound,
14 fettered, or subject to sadistic, masochistic, or
15 sadomasochistic abuse in a sexual context; or

16 (27) the defendant committed the offense of first
17 degree murder, assault, aggravated assault, battery,
18 aggravated battery, robbery, armed robbery, or aggravated
19 robbery against a person who was a veteran and the
20 defendant knew, or reasonably should have known, that the
21 person was a veteran performing duties as a representative
22 of a veterans' organization. For the purposes of this
23 paragraph (27), "veteran" means an Illinois resident who
24 has served as a member of the United States Armed Forces, a
25 member of the Illinois National Guard, or a member of the
26 United States Reserve Forces; and "veterans' organization"

1 means an organization comprised of members of which
2 substantially all are individuals who are veterans or
3 spouses, widows, or widowers of veterans, the primary
4 purpose of which is to promote the welfare of its members
5 and to provide assistance to the general public in such a
6 way as to confer a public benefit.

7 For the purposes of this Section:

8 "School" is defined as a public or private elementary or
9 secondary school, community college, college, or university.

10 "Day care center" means a public or private State certified
11 and licensed day care center as defined in Section 2.09 of the
12 Child Care Act of 1969 that displays a sign in plain view
13 stating that the property is a day care center.

14 "Public transportation" means the transportation or
15 conveyance of persons by means available to the general public,
16 and includes paratransit services.

17 (b) The following factors, related to all felonies, may be
18 considered by the court as reasons to impose an extended term
19 sentence under Section 5-8-2 upon any offender:

20 (1) When a defendant is convicted of any felony, after
21 having been previously convicted in Illinois or any other
22 jurisdiction of the same or similar class felony or greater
23 class felony, when such conviction has occurred within 10
24 years after the previous conviction, excluding time spent
25 in custody, and such charges are separately brought and
26 tried and arise out of different series of acts; or

1 (2) When a defendant is convicted of any felony and the
2 court finds that the offense was accompanied by
3 exceptionally brutal or heinous behavior indicative of
4 wanton cruelty; or

5 (3) When a defendant is convicted of any felony
6 committed against:

7 (i) a person under 12 years of age at the time of
8 the offense or such person's property;

9 (ii) a person 60 years of age or older at the time
10 of the offense or such person's property; or

11 (iii) a person physically handicapped at the time
12 of the offense or such person's property; or

13 (4) When a defendant is convicted of any felony and the
14 offense involved any of the following types of specific
15 misconduct committed as part of a ceremony, rite,
16 initiation, observance, performance, practice or activity
17 of any actual or ostensible religious, fraternal, or social
18 group:

19 (i) the brutalizing or torturing of humans or
20 animals;

21 (ii) the theft of human corpses;

22 (iii) the kidnapping of humans;

23 (iv) the desecration of any cemetery, religious,
24 fraternal, business, governmental, educational, or
25 other building or property; or

26 (v) ritualized abuse of a child; or

1 (5) When a defendant is convicted of a felony other
2 than conspiracy and the court finds that the felony was
3 committed under an agreement with 2 or more other persons
4 to commit that offense and the defendant, with respect to
5 the other individuals, occupied a position of organizer,
6 supervisor, financier, or any other position of management
7 or leadership, and the court further finds that the felony
8 committed was related to or in furtherance of the criminal
9 activities of an organized gang or was motivated by the
10 defendant's leadership in an organized gang; or

11 (6) When a defendant is convicted of an offense
12 committed while using a firearm with a laser sight attached
13 to it. For purposes of this paragraph, "laser sight" has
14 the meaning ascribed to it in Section 26-7 ~~24.6-5~~ of the
15 Criminal Code of 1961; or

16 (7) When a defendant who was at least 17 years of age
17 at the time of the commission of the offense is convicted
18 of a felony and has been previously adjudicated a
19 delinquent minor under the Juvenile Court Act of 1987 for
20 an act that if committed by an adult would be a Class X or
21 Class 1 felony when the conviction has occurred within 10
22 years after the previous adjudication, excluding time
23 spent in custody; or

24 (8) When a defendant commits any felony and the
25 defendant used, possessed, exercised control over, or
26 otherwise directed an animal to assault a law enforcement

1 officer engaged in the execution of his or her official
2 duties or in furtherance of the criminal activities of an
3 organized gang in which the defendant is engaged.

4 (c) The following factors may be considered by the court as
5 reasons to impose an extended term sentence under Section 5-8-2
6 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

7 (1) When a defendant is convicted of first degree
8 murder, after having been previously convicted in Illinois
9 of any offense listed under paragraph (c)(2) of Section
10 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
11 within 10 years after the previous conviction, excluding
12 time spent in custody, and the charges are separately
13 brought and tried and arise out of different series of
14 acts.

15 (1.5) When a defendant is convicted of first degree
16 murder, after having been previously convicted of domestic
17 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
18 (720 ILCS 5/12-3.3) committed on the same victim or after
19 having been previously convicted of violation of an order
20 of protection (720 ILCS 5/12-30) in which the same victim
21 was the protected person.

22 (2) When a defendant is convicted of voluntary
23 manslaughter, second degree murder, involuntary
24 manslaughter, or reckless homicide in which the defendant
25 has been convicted of causing the death of more than one
26 individual.

1 (3) When a defendant is convicted of aggravated
2 criminal sexual assault or criminal sexual assault, when
3 there is a finding that aggravated criminal sexual assault
4 or criminal sexual assault was also committed on the same
5 victim by one or more other individuals, and the defendant
6 voluntarily participated in the crime with the knowledge of
7 the participation of the others in the crime, and the
8 commission of the crime was part of a single course of
9 conduct during which there was no substantial change in the
10 nature of the criminal objective.

11 (4) If the victim was under 18 years of age at the time
12 of the commission of the offense, when a defendant is
13 convicted of aggravated criminal sexual assault or
14 predatory criminal sexual assault of a child under
15 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
16 of Section 12-14.1 of the Criminal Code of 1961 (720 ILCS
17 5/11-1.40 or 5/12-14.1).

18 (5) When a defendant is convicted of a felony violation
19 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
20 5/24-1) and there is a finding that the defendant is a
21 member of an organized gang.

22 (6) When a defendant was convicted of unlawful use of
23 weapons under Section 24-1 of the Criminal Code of 1961
24 (720 ILCS 5/24-1) for possessing a weapon that is not
25 readily distinguishable as one of the weapons enumerated in
26 Section 24-1 of the Criminal Code of 1961 (720 ILCS

1 5/24-1).

2 (7) When a defendant is convicted of an offense
3 involving the illegal manufacture of a controlled
4 substance under Section 401 of the Illinois Controlled
5 Substances Act (720 ILCS 570/401), the illegal manufacture
6 of methamphetamine under Section 25 of the Methamphetamine
7 Control and Community Protection Act (720 ILCS 646/25), or
8 the illegal possession of explosives and an emergency
9 response officer in the performance of his or her duties is
10 killed or injured at the scene of the offense while
11 responding to the emergency caused by the commission of the
12 offense. In this paragraph, "emergency" means a situation
13 in which a person's life, health, or safety is in jeopardy;
14 and "emergency response officer" means a peace officer,
15 community policing volunteer, fireman, emergency medical
16 technician-ambulance, emergency medical
17 technician-intermediate, emergency medical
18 technician-paramedic, ambulance driver, other medical
19 assistance or first aid personnel, or hospital emergency
20 room personnel.

21 (d) For the purposes of this Section, "organized gang" has
22 the meaning ascribed to it in Section 10 of the Illinois
23 Streetgang Terrorism Omnibus Prevention Act.

24 (e) The court may impose an extended term sentence under
25 Article 4.5 of Chapter V upon an offender who has been
26 convicted of a felony violation of Section 12-13, 12-14,

1 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 when the
2 victim of the offense is under 18 years of age at the time of
3 the commission of the offense and, during the commission of the
4 offense, the victim was under the influence of alcohol,
5 regardless of whether or not the alcohol was supplied by the
6 offender; and the offender, at the time of the commission of
7 the offense, knew or should have known that the victim had
8 consumed alcohol.

9 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,
10 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;
11 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.
12 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,
13 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,
14 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; revised 9-14-11.)

15 (730 ILCS 5/5-5-5) (from Ch. 38, par. 1005-5-5)

16 Sec. 5-5-5. Loss and Restoration of Rights.

17 (a) Conviction and disposition shall not entail the loss by
18 the defendant of any civil rights, except under this Section
19 and Sections 29-6 and 29-10 of The Election Code, as now or
20 hereafter amended.

21 (b) A person convicted of a felony shall be ineligible to
22 hold an office created by the Constitution of this State until
23 the completion of his sentence.

24 (c) A person sentenced to imprisonment shall lose his right
25 to vote until released from imprisonment.

1 (d) On completion of sentence of imprisonment or upon
2 discharge from probation, conditional discharge or periodic
3 imprisonment, or at any time thereafter, all license rights and
4 privileges granted under the authority of this State which have
5 been revoked or suspended because of conviction of an offense
6 shall be restored unless the authority having jurisdiction of
7 such license rights finds after investigation and hearing that
8 restoration is not in the public interest. This paragraph (d)
9 shall not apply to the suspension or revocation of a license to
10 operate a motor vehicle under the Illinois Vehicle Code.

11 (e) Upon a person's discharge from incarceration or parole,
12 or upon a person's discharge from probation or at any time
13 thereafter, the committing court may enter an order certifying
14 that the sentence has been satisfactorily completed when the
15 court believes it would assist in the rehabilitation of the
16 person and be consistent with the public welfare. Such order
17 may be entered upon the motion of the defendant or the State or
18 upon the court's own motion.

19 (f) Upon entry of the order, the court shall issue to the
20 person in whose favor the order has been entered a certificate
21 stating that his behavior after conviction has warranted the
22 issuance of the order.

23 (g) This Section shall not affect the right of a defendant
24 to collaterally attack his conviction or to rely on it in bar
25 of subsequent proceedings for the same offense.

26 (h) No application for any license specified in subsection

1 (i) of this Section granted under the authority of this State
2 shall be denied by reason of an eligible offender who has
3 obtained a certificate of relief from disabilities, as defined
4 in Article 5.5 of this Chapter, having been previously
5 convicted of one or more criminal offenses, or by reason of a
6 finding of lack of "good moral character" when the finding is
7 based upon the fact that the applicant has previously been
8 convicted of one or more criminal offenses, unless:

9 (1) there is a direct relationship between one or more
10 of the previous criminal offenses and the specific license
11 sought; or

12 (2) the issuance of the license would involve an
13 unreasonable risk to property or to the safety or welfare
14 of specific individuals or the general public.

15 In making such a determination, the licensing agency shall
16 consider the following factors:

17 (1) the public policy of this State, as expressed in
18 Article 5.5 of this Chapter, to encourage the licensure and
19 employment of persons previously convicted of one or more
20 criminal offenses;

21 (2) the specific duties and responsibilities
22 necessarily related to the license being sought;

23 (3) the bearing, if any, the criminal offenses or
24 offenses for which the person was previously convicted will
25 have on his or her fitness or ability to perform one or
26 more such duties and responsibilities;

1 (4) the time which has elapsed since the occurrence of
2 the criminal offense or offenses;

3 (5) the age of the person at the time of occurrence of
4 the criminal offense or offenses;

5 (6) the seriousness of the offense or offenses;

6 (7) any information produced by the person or produced
7 on his or her behalf in regard to his or her rehabilitation
8 and good conduct, including a certificate of relief from
9 disabilities issued to the applicant, which certificate
10 shall create a presumption of rehabilitation in regard to
11 the offense or offenses specified in the certificate; and

12 (8) the legitimate interest of the licensing agency in
13 protecting property, and the safety and welfare of specific
14 individuals or the general public.

15 (i) A certificate of relief from disabilities shall be
16 issued only for a license or certification issued under the
17 following Acts:

18 (1) the Animal Welfare Act; except that a certificate
19 of relief from disabilities may not be granted to provide
20 for the issuance or restoration of a license under the
21 Animal Welfare Act for any person convicted of violating
22 Section 3, 3.01, 3.02, 3.03, 3.03-1, or 4.01 of the Humane
23 Care for Animals Act or Section 26-5 or 48-1 of the
24 Criminal Code of 1961;

25 (2) the Illinois Athletic Trainers Practice Act;

26 (3) the Barber, Cosmetology, Esthetics, Hair Braiding,

1 and Nail Technology Act of 1985;

2 (4) the Boiler and Pressure Vessel Repairer Regulation
3 Act;

4 (5) the Boxing and Full-contact Martial Arts Act;

5 (6) the Illinois Certified Shorthand Reporters Act of
6 1984;

7 (7) the Illinois Farm Labor Contractor Certification
8 Act;

9 (8) the Interior Design Title Act;

10 (9) the Illinois Professional Land Surveyor Act of
11 1989;

12 (10) the Illinois Landscape Architecture Act of 1989;

13 (11) the Marriage and Family Therapy Licensing Act;

14 (12) the Private Employment Agency Act;

15 (13) the Professional Counselor and Clinical
16 Professional Counselor Licensing Act;

17 (14) the Real Estate License Act of 2000;

18 (15) the Illinois Roofing Industry Licensing Act;

19 (16) the Professional Engineering Practice Act of
20 1989;

21 (17) the Water Well and Pump Installation Contractor's
22 License Act;

23 (18) the Electrologist Licensing Act;

24 (19) the Auction License Act;

25 (20) Illinois Architecture Practice Act of 1989;

26 (21) the Dietetic and Nutrition Services Practice Act;

1 (22) the Environmental Health Practitioner Licensing
2 Act;

3 (23) the Funeral Directors and Embalmers Licensing
4 Code;

5 (24) the Land Sales Registration Act of 1999;

6 (25) the Professional Geologist Licensing Act;

7 (26) the Illinois Public Accounting Act; and

8 (27) the Structural Engineering Practice Act of 1989.

9 (Source: P.A. 96-1246, eff. 1-1-11; 97-119, eff. 7-14-11.)

10 (730 ILCS 5/5-6-1) (from Ch. 38, par. 1005-6-1)

11 Sec. 5-6-1. Sentences of Probation and of Conditional
12 Discharge and Disposition of Supervision. The General Assembly
13 finds that in order to protect the public, the criminal justice
14 system must compel compliance with the conditions of probation
15 by responding to violations with swift, certain and fair
16 punishments and intermediate sanctions. The Chief Judge of each
17 circuit shall adopt a system of structured, intermediate
18 sanctions for violations of the terms and conditions of a
19 sentence of probation, conditional discharge or disposition of
20 supervision.

21 (a) Except where specifically prohibited by other
22 provisions of this Code, the court shall impose a sentence of
23 probation or conditional discharge upon an offender unless,
24 having regard to the nature and circumstance of the offense,
25 and to the history, character and condition of the offender,

1 the court is of the opinion that:

2 (1) his imprisonment or periodic imprisonment is
3 necessary for the protection of the public; or

4 (2) probation or conditional discharge would deprecate
5 the seriousness of the offender's conduct and would be
6 inconsistent with the ends of justice; or

7 (3) a combination of imprisonment with concurrent or
8 consecutive probation when an offender has been admitted
9 into a drug court program under Section 20 of the Drug
10 Court Treatment Act is necessary for the protection of the
11 public and for the rehabilitation of the offender.

12 The court shall impose as a condition of a sentence of
13 probation, conditional discharge, or supervision, that the
14 probation agency may invoke any sanction from the list of
15 intermediate sanctions adopted by the chief judge of the
16 circuit court for violations of the terms and conditions of the
17 sentence of probation, conditional discharge, or supervision,
18 subject to the provisions of Section 5-6-4 of this Act.

19 (b) The court may impose a sentence of conditional
20 discharge for an offense if the court is of the opinion that
21 neither a sentence of imprisonment nor of periodic imprisonment
22 nor of probation supervision is appropriate.

23 (b-1) Subsections (a) and (b) of this Section do not apply
24 to a defendant charged with a misdemeanor or felony under the
25 Illinois Vehicle Code or reckless homicide under Section 9-3 of
26 the Criminal Code of 1961 if the defendant within the past 12

1 months has been convicted of or pleaded guilty to a misdemeanor
2 or felony under the Illinois Vehicle Code or reckless homicide
3 under Section 9-3 of the Criminal Code of 1961.

4 (c) The court may, upon a plea of guilty or a stipulation
5 by the defendant of the facts supporting the charge or a
6 finding of guilt, defer further proceedings and the imposition
7 of a sentence, and enter an order for supervision of the
8 defendant, if the defendant is not charged with: (i) a Class A
9 misdemeanor, as defined by the following provisions of the
10 Criminal Code of 1961: Sections 11-9.1; 12-3.2; 11-1.50 or
11 12-15; 26-5; 31-1; 31-6; 31-7; paragraphs (2) and (3) of
12 subsection (a) ~~subsections (b) and (c)~~ of Section 21-1;
13 paragraph (1) through (5), (8), (10), and (11) of subsection
14 (a) of Section 24-1; (ii) a Class A misdemeanor violation of
15 Section 3.01, 3.03-1, or 4.01 of the Humane Care for Animals
16 Act; or (iii) a felony. If the defendant is not barred from
17 receiving an order for supervision as provided in this
18 subsection, the court may enter an order for supervision after
19 considering the circumstances of the offense, and the history,
20 character and condition of the offender, if the court is of the
21 opinion that:

22 (1) the offender is not likely to commit further
23 crimes;

24 (2) the defendant and the public would be best served
25 if the defendant were not to receive a criminal record; and

26 (3) in the best interests of justice an order of

1 supervision is more appropriate than a sentence otherwise
2 permitted under this Code.

3 (c-5) Subsections (a), (b), and (c) of this Section do not
4 apply to a defendant charged with a second or subsequent
5 violation of Section 6-303 of the Illinois Vehicle Code
6 committed while his or her driver's license, permit or
7 privileges were revoked because of a violation of Section 9-3
8 of the Criminal Code of 1961, relating to the offense of
9 reckless homicide, or a similar provision of a law of another
10 state.

11 (d) The provisions of paragraph (c) shall not apply to a
12 defendant charged with violating Section 11-501 of the Illinois
13 Vehicle Code or a similar provision of a local ordinance when
14 the defendant has previously been:

15 (1) convicted for a violation of Section 11-501 of the
16 Illinois Vehicle Code or a similar provision of a local
17 ordinance or any similar law or ordinance of another state;
18 or

19 (2) assigned supervision for a violation of Section
20 11-501 of the Illinois Vehicle Code or a similar provision
21 of a local ordinance or any similar law or ordinance of
22 another state; or

23 (3) pleaded guilty to or stipulated to the facts
24 supporting a charge or a finding of guilty to a violation
25 of Section 11-503 of the Illinois Vehicle Code or a similar
26 provision of a local ordinance or any similar law or

1 ordinance of another state, and the plea or stipulation was
2 the result of a plea agreement.

3 The court shall consider the statement of the prosecuting
4 authority with regard to the standards set forth in this
5 Section.

6 (e) The provisions of paragraph (c) shall not apply to a
7 defendant charged with violating Section 16-25 or 16A-3 of the
8 Criminal Code of 1961 if said defendant has within the last 5
9 years been:

10 (1) convicted for a violation of Section 16-25 or 16A-3
11 of the Criminal Code of 1961; or

12 (2) assigned supervision for a violation of Section
13 16-25 or 16A-3 of the Criminal Code of 1961.

14 The court shall consider the statement of the prosecuting
15 authority with regard to the standards set forth in this
16 Section.

17 (f) The provisions of paragraph (c) shall not apply to a
18 defendant charged with violating Sections 15-111, 15-112,
19 15-301, paragraph (b) of Section 6-104, Section 11-605, Section
20 11-1002.5, or Section 11-1414 of the Illinois Vehicle Code or a
21 similar provision of a local ordinance.

22 (g) Except as otherwise provided in paragraph (i) of this
23 Section, the provisions of paragraph (c) shall not apply to a
24 defendant charged with violating Section 3-707, 3-708, 3-710,
25 or 5-401.3 of the Illinois Vehicle Code or a similar provision
26 of a local ordinance if the defendant has within the last 5

1 years been:

2 (1) convicted for a violation of Section 3-707, 3-708,
3 3-710, or 5-401.3 of the Illinois Vehicle Code or a similar
4 provision of a local ordinance; or

5 (2) assigned supervision for a violation of Section
6 3-707, 3-708, 3-710, or 5-401.3 of the Illinois Vehicle
7 Code or a similar provision of a local ordinance.

8 The court shall consider the statement of the prosecuting
9 authority with regard to the standards set forth in this
10 Section.

11 (h) The provisions of paragraph (c) shall not apply to a
12 defendant under the age of 21 years charged with violating a
13 serious traffic offense as defined in Section 1-187.001 of the
14 Illinois Vehicle Code:

15 (1) unless the defendant, upon payment of the fines,
16 penalties, and costs provided by law, agrees to attend and
17 successfully complete a traffic safety program approved by
18 the court under standards set by the Conference of Chief
19 Circuit Judges. The accused shall be responsible for
20 payment of any traffic safety program fees. If the accused
21 fails to file a certificate of successful completion on or
22 before the termination date of the supervision order, the
23 supervision shall be summarily revoked and conviction
24 entered. The provisions of Supreme Court Rule 402 relating
25 to pleas of guilty do not apply in cases when a defendant
26 enters a guilty plea under this provision; or

1 (2) if the defendant has previously been sentenced
2 under the provisions of paragraph (c) on or after January
3 1, 1998 for any serious traffic offense as defined in
4 Section 1-187.001 of the Illinois Vehicle Code.

5 (h-1) The provisions of paragraph (c) shall not apply to a
6 defendant under the age of 21 years charged with an offense
7 against traffic regulations governing the movement of vehicles
8 or any violation of Section 6-107 or Section 12-603.1 of the
9 Illinois Vehicle Code, unless the defendant, upon payment of
10 the fines, penalties, and costs provided by law, agrees to
11 attend and successfully complete a traffic safety program
12 approved by the court under standards set by the Conference of
13 Chief Circuit Judges. The accused shall be responsible for
14 payment of any traffic safety program fees. If the accused
15 fails to file a certificate of successful completion on or
16 before the termination date of the supervision order, the
17 supervision shall be summarily revoked and conviction entered.
18 The provisions of Supreme Court Rule 402 relating to pleas of
19 guilty do not apply in cases when a defendant enters a guilty
20 plea under this provision.

21 (i) The provisions of paragraph (c) shall not apply to a
22 defendant charged with violating Section 3-707 of the Illinois
23 Vehicle Code or a similar provision of a local ordinance if the
24 defendant has been assigned supervision for a violation of
25 Section 3-707 of the Illinois Vehicle Code or a similar
26 provision of a local ordinance.

1 (j) The provisions of paragraph (c) shall not apply to a
2 defendant charged with violating Section 6-303 of the Illinois
3 Vehicle Code or a similar provision of a local ordinance when
4 the revocation or suspension was for a violation of Section
5 11-501 or a similar provision of a local ordinance or a
6 violation of Section 11-501.1 or paragraph (b) of Section
7 11-401 of the Illinois Vehicle Code if the defendant has within
8 the last 10 years been:

9 (1) convicted for a violation of Section 6-303 of the
10 Illinois Vehicle Code or a similar provision of a local
11 ordinance; or

12 (2) assigned supervision for a violation of Section
13 6-303 of the Illinois Vehicle Code or a similar provision
14 of a local ordinance.

15 (k) The provisions of paragraph (c) shall not apply to a
16 defendant charged with violating any provision of the Illinois
17 Vehicle Code or a similar provision of a local ordinance that
18 governs the movement of vehicles if, within the 12 months
19 preceding the date of the defendant's arrest, the defendant has
20 been assigned court supervision on 2 occasions for a violation
21 that governs the movement of vehicles under the Illinois
22 Vehicle Code or a similar provision of a local ordinance. The
23 provisions of this paragraph (k) do not apply to a defendant
24 charged with violating Section 11-501 of the Illinois Vehicle
25 Code or a similar provision of a local ordinance.

26 (1) A defendant charged with violating any provision of the

1 Illinois Vehicle Code or a similar provision of a local
2 ordinance who receives a disposition of supervision under
3 subsection (c) shall pay an additional fee of \$29, to be
4 collected as provided in Sections 27.5 and 27.6 of the Clerks
5 of Courts Act. In addition to the \$29 fee, the person shall
6 also pay a fee of \$6, which, if not waived by the court, shall
7 be collected as provided in Sections 27.5 and 27.6 of the
8 Clerks of Courts Act. The \$29 fee shall be disbursed as
9 provided in Section 16-104c of the Illinois Vehicle Code. If
10 the \$6 fee is collected, \$5.50 of the fee shall be deposited
11 into the Circuit Court Clerk Operation and Administrative Fund
12 created by the Clerk of the Circuit Court and 50 cents of the
13 fee shall be deposited into the Prisoner Review Board Vehicle
14 and Equipment Fund in the State treasury.

15 (m) Any person convicted of, pleading guilty to, or placed
16 on supervision for a serious traffic violation, as defined in
17 Section 1-187.001 of the Illinois Vehicle Code, a violation of
18 Section 11-501 of the Illinois Vehicle Code, or a violation of
19 a similar provision of a local ordinance shall pay an
20 additional fee of \$35, to be disbursed as provided in Section
21 16-104d of that Code.

22 This subsection (m) becomes inoperative 7 years after
23 October 13, 2007 (the effective date of Public Act 95-154).

24 (n) The provisions of paragraph (c) shall not apply to any
25 person under the age of 18 who commits an offense against
26 traffic regulations governing the movement of vehicles or any

1 violation of Section 6-107 or Section 12-603.1 of the Illinois
2 Vehicle Code, except upon personal appearance of the defendant
3 in court and upon the written consent of the defendant's parent
4 or legal guardian, executed before the presiding judge. The
5 presiding judge shall have the authority to waive this
6 requirement upon the showing of good cause by the defendant.

7 (o) The provisions of paragraph (c) shall not apply to a
8 defendant charged with violating Section 6-303 of the Illinois
9 Vehicle Code or a similar provision of a local ordinance when
10 the suspension was for a violation of Section 11-501.1 of the
11 Illinois Vehicle Code and when:

12 (1) at the time of the violation of Section 11-501.1 of
13 the Illinois Vehicle Code, the defendant was a first
14 offender pursuant to Section 11-500 of the Illinois Vehicle
15 Code and the defendant failed to obtain a monitoring device
16 driving permit; or

17 (2) at the time of the violation of Section 11-501.1 of
18 the Illinois Vehicle Code, the defendant was a first
19 offender pursuant to Section 11-500 of the Illinois Vehicle
20 Code, had subsequently obtained a monitoring device
21 driving permit, but was driving a vehicle not equipped with
22 a breath alcohol ignition interlock device as defined in
23 Section 1-129.1 of the Illinois Vehicle Code.

24 (p) The provisions of paragraph (c) shall not apply to a
25 defendant charged with violating subsection (b) of Section
26 11-601.5 of the Illinois Vehicle Code or a similar provision of

1 a local ordinance.

2 (Source: P.A. 96-253, eff. 8-11-09; 96-286, eff. 8-11-09;
3 96-328, eff. 8-11-09; 96-625, eff. 1-1-10; 96-1000, eff.
4 7-2-10; 96-1002, eff. 1-1-11; 96-1175, eff. 9-20-10; 96-1551,
5 eff. 7-1-11; 97-333, eff. 8-12-11; 97-597, eff. 1-1-12.)

6 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

7 Sec. 5-8-4. Concurrent and consecutive terms of
8 imprisonment.

9 (a) Concurrent terms; multiple or additional sentences.
10 When an Illinois court (i) imposes multiple sentences of
11 imprisonment on a defendant at the same time or (ii) imposes a
12 sentence of imprisonment on a defendant who is already subject
13 to a sentence of imprisonment imposed by an Illinois court, a
14 court of another state, or a federal court, then the sentences
15 shall run concurrently unless otherwise determined by the
16 Illinois court under this Section.

17 (b) Concurrent terms; misdemeanor and felony. A defendant
18 serving a sentence for a misdemeanor who is convicted of a
19 felony and sentenced to imprisonment shall be transferred to
20 the Department of Corrections, and the misdemeanor sentence
21 shall be merged in and run concurrently with the felony
22 sentence.

23 (c) Consecutive terms; permissive. The court may impose
24 consecutive sentences in any of the following circumstances:

25 (1) If, having regard to the nature and circumstances

1 of the offense and the history and character of the
2 defendant, it is the opinion of the court that consecutive
3 sentences are required to protect the public from further
4 criminal conduct by the defendant, the basis for which the
5 court shall set forth in the record.

6 (2) If one of the offenses for which a defendant was
7 convicted was a violation of Section 32-5.2 (aggravated
8 false personation of a peace officer) of the Criminal Code
9 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
10 (b) (5) or (b) (6) of Section 17-2 of that Code (720 ILCS
11 5/17-2) and the offense was committed in attempting or
12 committing a forcible felony.

13 (d) Consecutive terms; mandatory. The court shall impose
14 consecutive sentences in each of the following circumstances:

15 (1) One of the offenses for which the defendant was
16 convicted was first degree murder or a Class X or Class 1
17 felony and the defendant inflicted severe bodily injury.

18 (2) The defendant was convicted of a violation of
19 Section 11-20.1 (child pornography), 11-20.1B or 11-20.3
20 (aggravated child pornography), 11-1.20 or 12-13 (criminal
21 sexual assault), 11-1.30 or 12-14 (aggravated criminal
22 sexual assault), or 11-1.40 or 12-14.1 (predatory criminal
23 sexual assault of a child) of the Criminal Code of 1961
24 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3, 5/11-1.20,
25 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or 5/12-14.1).

26 (3) The defendant was convicted of armed violence based

1 upon the predicate offense of any of the following:
2 solicitation of murder, solicitation of murder for hire,
3 heinous battery as described in Section 12-4.1 or
4 subdivision (a)(2) of Section 12-3.05, aggravated battery
5 of a senior citizen as described in Section 12-4.6 or
6 subdivision (a)(4) of Section 12-3.05, criminal sexual
7 assault, a violation of subsection (g) of Section 5 of the
8 Cannabis Control Act (720 ILCS 550/5), cannabis
9 trafficking, a violation of subsection (a) of Section 401
10 of the Illinois Controlled Substances Act (720 ILCS
11 570/401), controlled substance trafficking involving a
12 Class X felony amount of controlled substance under Section
13 401 of the Illinois Controlled Substances Act (720 ILCS
14 570/401), a violation of the Methamphetamine Control and
15 Community Protection Act (720 ILCS 646/), calculated
16 criminal drug conspiracy, or streetgang criminal drug
17 conspiracy.

18 (4) The defendant was convicted of the offense of
19 leaving the scene of a motor vehicle accident involving
20 death or personal injuries under Section 11-401 of the
21 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
22 aggravated driving under the influence of alcohol, other
23 drug or drugs, or intoxicating compound or compounds, or
24 any combination thereof under Section 11-501 of the
25 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
26 homicide under Section 9-3 of the Criminal Code of 1961

1 (720 ILCS 5/9-3), or (C) both an offense described in item
2 (A) and an offense described in item (B).

3 (5) The defendant was convicted of a violation of
4 Section 9-3.1 (concealment of homicidal death) or Section
5 12-20.5 (dismembering a human body) of the Criminal Code of
6 1961 (720 ILCS 5/9-3.1 or 5/12-20.5).

7 (5.5) The defendant was convicted of a violation of
8 Section 24-3.7 (use of a stolen firearm in the commission
9 of an offense) of the Criminal Code of 1961.

10 (6) If the defendant was in the custody of the
11 Department of Corrections at the time of the commission of
12 the offense, the sentence shall be served consecutive to
13 the sentence under which the defendant is held by the
14 Department of Corrections. If, however, the defendant is
15 sentenced to punishment by death, the sentence shall be
16 executed at such time as the court may fix without regard
17 to the sentence under which the defendant may be held by
18 the Department.

19 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
20 for escape or attempted escape shall be served consecutive
21 to the terms under which the offender is held by the
22 Department of Corrections.

23 (8) If a person charged with a felony commits a
24 separate felony while on pretrial release or in pretrial
25 detention in a county jail facility or county detention
26 facility, then the sentences imposed upon conviction of

1 these felonies shall be served consecutively regardless of
2 the order in which the judgments of conviction are entered.

3 (8.5) If a person commits a battery against a county
4 correctional officer or sheriff's employee while serving a
5 sentence or in pretrial detention in a county jail
6 facility, then the sentence imposed upon conviction of the
7 battery shall be served consecutively with the sentence
8 imposed upon conviction of the earlier misdemeanor or
9 felony, regardless of the order in which the judgments of
10 conviction are entered.

11 (9) If a person admitted to bail following conviction
12 of a felony commits a separate felony while free on bond or
13 if a person detained in a county jail facility or county
14 detention facility following conviction of a felony
15 commits a separate felony while in detention, then any
16 sentence following conviction of the separate felony shall
17 be consecutive to that of the original sentence for which
18 the defendant was on bond or detained.

19 (10) If a person is found to be in possession of an
20 item of contraband, as defined in ~~clause (c) (2) of~~ Section
21 31A-0.1 ~~31A-1.1~~ of the Criminal Code of 1961, while serving
22 a sentence in a county jail or while in pre-trial detention
23 in a county jail, the sentence imposed upon conviction for
24 the offense of possessing contraband in a penal institution
25 shall be served consecutively to the sentence imposed for
26 the offense in which the person is serving sentence in the

1 county jail or serving pretrial detention, regardless of
2 the order in which the judgments of conviction are entered.

3 (11) If a person is sentenced for a violation of bail
4 bond under Section 32-10 of the Criminal Code of 1961, any
5 sentence imposed for that violation shall be served
6 consecutive to the sentence imposed for the charge for
7 which bail had been granted and with respect to which the
8 defendant has been convicted.

9 (e) Consecutive terms; subsequent non-Illinois term. If an
10 Illinois court has imposed a sentence of imprisonment on a
11 defendant and the defendant is subsequently sentenced to a term
12 of imprisonment by a court of another state or a federal court,
13 then the Illinois sentence shall run consecutively to the
14 sentence imposed by the court of the other state or the federal
15 court. That same Illinois court, however, may order that the
16 Illinois sentence run concurrently with the sentence imposed by
17 the court of the other state or the federal court, but only if
18 the defendant applies to that same Illinois court within 30
19 days after the sentence imposed by the court of the other state
20 or the federal court is finalized.

21 (f) Consecutive terms; aggregate maximums and minimums.
22 The aggregate maximum and aggregate minimum of consecutive
23 sentences shall be determined as follows:

24 (1) For sentences imposed under law in effect prior to
25 February 1, 1978, the aggregate maximum of consecutive
26 sentences shall not exceed the maximum term authorized

1 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
2 Chapter V for the 2 most serious felonies involved. The
3 aggregate minimum period of consecutive sentences shall
4 not exceed the highest minimum term authorized under
5 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
6 V for the 2 most serious felonies involved. When sentenced
7 only for misdemeanors, a defendant shall not be
8 consecutively sentenced to more than the maximum for one
9 Class A misdemeanor.

10 (2) For sentences imposed under the law in effect on or
11 after February 1, 1978, the aggregate of consecutive
12 sentences for offenses that were committed as part of a
13 single course of conduct during which there was no
14 substantial change in the nature of the criminal objective
15 shall not exceed the sum of the maximum terms authorized
16 under Article 4.5 of Chapter V for the 2 most serious
17 felonies involved, but no such limitation shall apply for
18 offenses that were not committed as part of a single course
19 of conduct during which there was no substantial change in
20 the nature of the criminal objective. When sentenced only
21 for misdemeanors, a defendant shall not be consecutively
22 sentenced to more than the maximum for one Class A
23 misdemeanor.

24 (g) Consecutive terms; manner served. In determining the
25 manner in which consecutive sentences of imprisonment, one or
26 more of which is for a felony, will be served, the Department

1 of Corrections shall treat the defendant as though he or she
2 had been committed for a single term subject to each of the
3 following:

4 (1) The maximum period of a term of imprisonment shall
5 consist of the aggregate of the maximums of the imposed
6 indeterminate terms, if any, plus the aggregate of the
7 imposed determinate sentences for felonies, plus the
8 aggregate of the imposed determinate sentences for
9 misdemeanors, subject to subsection (f) of this Section.

10 (2) The parole or mandatory supervised release term
11 shall be as provided in paragraph (e) of Section 5-4.5-50
12 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
13 involved.

14 (3) The minimum period of imprisonment shall be the
15 aggregate of the minimum and determinate periods of
16 imprisonment imposed by the court, subject to subsection
17 (f) of this Section.

18 (4) The defendant shall be awarded credit against the
19 aggregate maximum term and the aggregate minimum term of
20 imprisonment for all time served in an institution since
21 the commission of the offense or offenses and as a
22 consequence thereof at the rate specified in Section 3-6-3
23 (730 ILCS 5/3-6-3).

24 (Source: P.A. 96-190, eff. 1-1-10; 96-1000, eff. 7-2-10;
25 96-1200, eff. 7-22-10; 96-1551, Article 1, Section 970, eff.
26 7-1-11; 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551,

1 Article 10, Section 10-150, eff. 7-1-11; 97-475, eff. 8-22-11;
2 revised 9-14-11.)

3 Section 15-40. The Arsonist Registration Act is amended by
4 changing Section 5 as follows:

5 (730 ILCS 148/5)

6 Sec. 5. Definitions. In this Act:

7 (a) "Arsonist" means any person who is:

8 (1) charged under Illinois law, or any substantially
9 similar federal, Uniform Code of Military Justice, sister
10 state, or foreign country law, with an arson offense, set
11 forth in subsection (b) of this Section or the attempt to
12 commit an included arson offense, and:

13 (i) is convicted of such offense or an attempt to
14 commit such offense; or

15 (ii) is found not guilty by reason of insanity of
16 such offense or an attempt to commit such offense; or

17 (iii) is found not guilty by reason of insanity
18 under subsection (c) of Section 104-25 of the Code of
19 Criminal Procedure of 1963 of such offense or an
20 attempt to commit such offense; or

21 (iv) is the subject of a finding not resulting in
22 an acquittal at a hearing conducted under subsection
23 (a) of Section 104-25 of the Code of Criminal Procedure
24 of 1963 for the alleged commission or attempted

1 commission of such offense; or

2 (v) is found not guilty by reason of insanity
3 following a hearing conducted under a federal, Uniform
4 Code of Military Justice, sister state, or foreign
5 country law substantially similar to subsection (c) of
6 Section 104-25 of the Code of Criminal Procedure of
7 1963 of such offense or of the attempted commission of
8 such offense; or

9 (vi) is the subject of a finding not resulting in
10 an acquittal at a hearing conducted under a federal,
11 Uniform Code of Military Justice, sister state, or
12 foreign country law substantially similar to
13 subsection (a) of Section 104-25 of the Code of
14 Criminal Procedure of 1963 for the alleged violation or
15 attempted commission of such offense;

16 (2) is a minor who has been tried and convicted in an
17 adult criminal prosecution as the result of committing or
18 attempting to commit an offense specified in subsection (b)
19 of this Section or a violation of any substantially similar
20 federal, Uniform Code of Military Justice, sister state, or
21 foreign country law. Convictions that result from or are
22 connected with the same act, or result from offenses
23 committed at the same time, shall be counted for the
24 purpose of this Act as one conviction. Any conviction set
25 aside under law is not a conviction for purposes of this
26 Act.

1 (b) "Arson offense" means:

2 (1) A violation of any of the following Sections of the
3 Criminal Code of 1961:

4 (i) 20-1 (arson),

5 (ii) 20-1.1 (aggravated arson),

6 (iii) 20-1(b) or 20-1.2 (residential arson),

7 (iv) 20-1(b-5) or 20-1.3 (place of worship arson),

8 (v) 20-2 (possession of explosives or explosive or
9 incendiary devices), or

10 (vi) An attempt to commit any of the offenses
11 listed in clauses (i) through (v).

12 (2) A violation of any former law of this State
13 substantially equivalent to any offense listed in
14 subsection (b) of this Section.

15 (c) A conviction for an offense of federal law, Uniform
16 Code of Military Justice, or the law of another state or a
17 foreign country that is substantially equivalent to any offense
18 listed in subsection (b) of this Section shall constitute a
19 conviction for the purpose of this Act.

20 (d) "Law enforcement agency having jurisdiction" means the
21 Chief of Police in each of the municipalities in which the
22 arsonist expects to reside, work, or attend school (1) upon his
23 or her discharge, parole or release or (2) during the service
24 of his or her sentence of probation or conditional discharge,
25 or the Sheriff of the county, in the event no Police Chief
26 exists or if the offender intends to reside, work, or attend

1 school in an unincorporated area. "Law enforcement agency
2 having jurisdiction" includes the location where out-of-state
3 students attend school and where out-of-state employees are
4 employed or are otherwise required to register.

5 (e) "Out-of-state student" means any arsonist, as defined
6 in this Section, who is enrolled in Illinois, on a full-time or
7 part-time basis, in any public or private educational
8 institution, including, but not limited to, any secondary
9 school, trade or professional institution, or institution of
10 higher learning.

11 (f) "Out-of-state employee" means any arsonist, as defined
12 in this Section, who works in Illinois, regardless of whether
13 the individual receives payment for services performed, for a
14 period of time of 10 or more days or for an aggregate period of
15 time of 30 or more days during any calendar year. Persons who
16 operate motor vehicles in the State accrue one day of
17 employment time for any portion of a day spent in Illinois.

18 (g) "I-CLEAR" means the Illinois Citizens and Law
19 Enforcement Analysis and Reporting System.

20 (Source: P.A. 93-949, eff. 1-1-05.)

21 Section 15-45. The Murderer and Violent Offender Against
22 Youth Registration Act is amended by changing Section 5 as
23 follows:

24 (730 ILCS 154/5)

1 Sec. 5. Definitions.

2 (a) As used in this Act, "violent offender against youth"
3 means any person who is:

4 (1) charged pursuant to Illinois law, or any
5 substantially similar federal, Uniform Code of Military
6 Justice, sister state, or foreign country law, with a
7 violent offense against youth set forth in subsection (b)
8 of this Section or the attempt to commit an included
9 violent offense against youth, and:

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

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

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

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

23 (E) is found not guilty by reason of insanity
24 following a hearing conducted pursuant to a federal,
25 Uniform Code of Military Justice, sister state, or
26 foreign country law substantially similar to

1 subsection (c) of Section 104-25 of the Code of
2 Criminal Procedure of 1963 of such offense or of the
3 attempted commission of such offense; or

4 (F) is the subject of a finding not resulting in an
5 acquittal at a hearing conducted pursuant to a federal,
6 Uniform Code of Military Justice, sister state, or
7 foreign country law substantially similar to
8 subsection (c) of Section 104-25 of the Code of
9 Criminal Procedure of 1963 for the alleged violation or
10 attempted commission of such offense; or

11 (2) adjudicated a juvenile delinquent as the result of
12 committing or attempting to commit an act which, if
13 committed by an adult, would constitute any of the offenses
14 specified in subsection (b) or (c-5) of this Section or a
15 violation of any substantially similar federal, Uniform
16 Code of Military Justice, sister state, or foreign country
17 law, or found guilty under Article V of the Juvenile Court
18 Act of 1987 of committing or attempting to commit an act
19 which, if committed by an adult, would constitute any of
20 the offenses specified in subsection (b) or (c-5) of this
21 Section or a violation of any substantially similar
22 federal, Uniform Code of Military Justice, sister state, or
23 foreign country law.

24 Convictions that result from or are connected with the same
25 act, or result from offenses committed at the same time, shall
26 be counted for the purpose of this Act as one conviction. Any

1 conviction set aside pursuant to law is not a conviction for
2 purposes of this Act.

3 For purposes of this Section, "convicted" shall have the
4 same meaning as "adjudicated". For the purposes of this Act, a
5 person who is defined as a violent offender against youth as a
6 result of being adjudicated a juvenile delinquent under
7 paragraph (2) of this subsection (a) upon attaining 17 years of
8 age shall be considered as having committed the violent offense
9 against youth on or after the 17th birthday of the violent
10 offender against youth. Registration of juveniles upon
11 attaining 17 years of age shall not extend the original
12 registration of 10 years from the date of conviction.

13 (b) As used in this Act, "violent offense against youth"
14 means:

15 (1) A violation of any of the following Sections of the
16 Criminal Code of 1961, when the victim is a person under 18
17 years of age and the offense was committed on or after
18 January 1, 1996:

19 10-1 (kidnapping),
20 10-2 (aggravated kidnapping),
21 10-3 (unlawful restraint),
22 10-3.1 (aggravated unlawful restraint).

23 An attempt to commit any of these offenses.

24 (2) First degree murder under Section 9-1 of the
25 Criminal Code of 1961, when the victim was a person under
26 18 years of age and the defendant was at least 17 years of

1 age at the time of the commission of the offense.

2 (3) Child abduction under paragraph (10) of subsection
3 (b) of Section 10-5 of the Criminal Code of 1961 committed
4 by luring or attempting to lure a child under the age of 16
5 into a motor vehicle, building, house trailer, or dwelling
6 place without the consent of the parent or lawful custodian
7 of the child for other than a lawful purpose and the
8 offense was committed on or after January 1, 1998.

9 (4) A violation or attempted violation of the following
10 Section of the Criminal Code of 1961 when the offense was
11 committed on or after July 1, 1999:

12 10-4 (forcible detention, if the victim is under 18
13 years of age).

14 (4.1) Involuntary manslaughter under Section 9-3 of
15 the Criminal Code of 1961 where baby shaking was the
16 proximate cause of death of the victim of the offense.

17 (4.2) Endangering the life or health of a child under
18 Section 12-21.6 of the Criminal Code of 1961 that results
19 in the death of the child where baby shaking was the
20 proximate cause of the death of the child.

21 (4.3) Domestic battery resulting in bodily harm under
22 Section 12-3.2 of the Criminal Code of 1961 when the
23 defendant was 18 years or older and the victim was under 18
24 years of age and the offense was committed on or after July
25 26, 2010.

26 (4.4) A violation or attempted violation of any of the

1 following Sections or clauses of the Criminal Code of 1961
2 when the victim was under 18 years of age and the offense
3 was committed on or after (1) July 26, 2000 if the
4 defendant was 18 years of age or older or (2) July 26, 2010
5 and the defendant was under the age of 18:

6 12-3.3 (aggravated domestic battery),

7 12-3.05(a)(1), 12-3.05(d)(2), 12-3.05(f)(1),

8 12-4(a), 12-4(b)(1) or 12-4(b)(14) (aggravated
9 battery),

10 12-3.05(a)(2) or 12-4.1 (heinous battery),

11 12-3.05(b) or 12-4.3 (aggravated battery of a
12 child),

13 12-3.1(a-5) or 12-4.4 (aggravated battery of an
14 unborn child),

15 12-33 (ritualized abuse of a child).

16 (4.5) A violation or attempted violation of any of the
17 following Sections of the Criminal Code of 1961 when the
18 victim was under 18 years of age and the offense was
19 committed on or after (1) August 1, 2001 if the defendant
20 was 18 years of age or older or (2) August 1, 2011 and the
21 defendant was under the age of 18:

22 12-3.05(e)(1), (2), (3), or (4) or 12-4.2

23 (aggravated battery with a firearm),

24 12-3.05(e)(5), (6), (7), or (8) or 12-4.2-5

25 (aggravated battery with a machine gun),

26 12-11 or 19-6 (home invasion).

1 (5) A violation of any former law of this State
2 substantially equivalent to any offense listed in this
3 subsection (b).

4 (b-5) For the purposes of this Section, "first degree
5 murder of an adult" means first degree murder under Section 9-1
6 of the Criminal Code of 1961 when the victim was a person 18
7 years of age or older at the time of the commission of the
8 offense.

9 (c) A conviction for an offense of federal law, Uniform
10 Code of Military Justice, or the law of another state or a
11 foreign country that is substantially equivalent to any offense
12 listed in subsections (b) and (c-5) of this Section shall
13 constitute a conviction for the purpose of this Act.

14 (c-5) A person at least 17 years of age at the time of the
15 commission of the offense who is convicted of first degree
16 murder under Section 9-1 of the Criminal Code of 1961, against
17 a person under 18 years of age, shall be required to register
18 for natural life. A conviction for an offense of federal,
19 Uniform Code of Military Justice, sister state, or foreign
20 country law that is substantially equivalent to any offense
21 listed in this subsection (c-5) shall constitute a conviction
22 for the purpose of this Act. This subsection (c-5) applies to a
23 person who committed the offense before June 1, 1996 only if
24 the person is incarcerated in an Illinois Department of
25 Corrections facility on August 20, 2004.

26 (c-6) A person who is convicted or adjudicated delinquent

1 of first degree murder of an adult shall be required to
2 register for a period of 10 years after conviction or
3 adjudication if not confined to a penal institution, hospital,
4 or any other institution or facility, and if confined, for a
5 period of 10 years after parole, discharge, or release from any
6 such facility. A conviction for an offense of federal, Uniform
7 Code of Military Justice, sister state, or foreign country law
8 that is substantially equivalent to any offense listed in
9 subsection (c-6) of this Section shall constitute a conviction
10 for the purpose of this Act. This subsection (c-6) does not
11 apply to those individuals released from incarceration more
12 than 10 years prior to January 1, 2012 (the effective date of
13 Public Act 97-154) ~~this amendatory Act of the 97th General~~
14 ~~Assembly.~~

15 (d) As used in this Act, "law enforcement agency having
16 jurisdiction" means the Chief of Police in each of the
17 municipalities in which the violent offender against youth
18 expects to reside, work, or attend school (1) upon his or her
19 discharge, parole or release or (2) during the service of his
20 or her sentence of probation or conditional discharge, or the
21 Sheriff of the county, in the event no Police Chief exists or
22 if the offender intends to reside, work, or attend school in an
23 unincorporated area. "Law enforcement agency having
24 jurisdiction" includes the location where out-of-state
25 students attend school and where out-of-state employees are
26 employed or are otherwise required to register.

1 (e) As used in this Act, "supervising officer" means the
2 assigned Illinois Department of Corrections parole agent or
3 county probation officer.

4 (f) As used in this Act, "out-of-state student" means any
5 violent offender against youth who is enrolled in Illinois, on
6 a full-time or part-time basis, in any public or private
7 educational institution, including, but not limited to, any
8 secondary school, trade or professional institution, or
9 institution of higher learning.

10 (g) As used in this Act, "out-of-state employee" means any
11 violent offender against youth who works in Illinois,
12 regardless of whether the individual receives payment for
13 services performed, for a period of time of 10 or more days or
14 for an aggregate period of time of 30 or more days during any
15 calendar year. Persons who operate motor vehicles in the State
16 accrue one day of employment time for any portion of a day
17 spent in Illinois.

18 (h) As used in this Act, "school" means any public or
19 private educational institution, including, but not limited
20 to, any elementary or secondary school, trade or professional
21 institution, or institution of higher education.

22 (i) As used in this Act, "fixed residence" means any and
23 all places that a violent offender against youth resides for an
24 aggregate period of time of 5 or more days in a calendar year.

25 (j) As used in this Act, "baby shaking" means the vigorous
26 shaking of an infant or a young child that may result in

1 bleeding inside the head and cause one or more of the following
2 conditions: irreversible brain damage; blindness, retinal
3 hemorrhage, or eye damage; cerebral palsy; hearing loss; spinal
4 cord injury, including paralysis; seizures; learning
5 disability; central nervous system injury; closed head injury;
6 rib fracture; subdural hematoma; or death.

7 (Source: P.A. 96-1115, eff. 1-1-11; 96-1294, eff. 7-26-10;
8 97-154, eff. 1-1-12; 97-333, eff. 8-12-11; 97-432, eff.
9 8-16-11; revised 10-4-11.)

10 ARTICLE 20.

11 (720 ILCS 110/Act rep.)

12 Section 20-1. The Communications Consumer Privacy Act is
13 repealed.

14 (720 ILCS 125/Act rep.)

15 Section 20-2. The Hunter and Fishermen Interference
16 Prohibition Act is repealed.

17 (720 ILCS 135/Act rep.)

18 Section 20-3. The Harassing and Obscene Communications Act
19 is repealed.

20 (720 ILCS 210/Act rep.)

21 Section 20-6. The Animal Registration Under False

1 Pretenses Act is repealed.

2 (720 ILCS 215/Act rep.)

3 Section 20-7. The Animal Research and Production
4 Facilities Protection Act is repealed.

5 (720 ILCS 230/Act rep.)

6 Section 20-16. The Business Use of Military Terms Act is
7 repealed.

8 (720 ILCS 310/Act rep.)

9 Section 20-21. The Governmental Uneconomic Practices Act
10 is repealed.

11 (720 ILCS 315/Act rep.)

12 Section 20-22. The Horse Mutilation Act is repealed.

13 (720 ILCS 320/Act rep.)

14 Section 20-23. The Horse Racing False Entries Act is
15 repealed.

16 (720 ILCS 340/Act rep.)

17 Section 20-26. The Sale of Maps Act is repealed.

18 (720 ILCS 355/Act rep.)

19 Section 20-36. The Stallion and Jack Pedigree Act is

1 repealed.

2 (720 ILCS 395/Act rep.)

3 Section 20-46. The Video Movie Sales and Rentals Act is
4 repealed.

5 (720 ILCS 535/Act rep.)

6 Section 20-56. The Air Rifle Act is repealed.

7 (720 ILCS 540/Act rep.)

8 Section 20-57. The Bail Bond False Statement Act is
9 repealed.

10 (720 ILCS 565/Act rep.)

11 Section 20-61. The Container Label Obliteration Act is
12 repealed.

13 (720 ILCS 585/Act rep.)

14 Section 20-62. The Illinois Dangerous Animals Act is
15 repealed.

16 (720 ILCS 595/Act rep.)

17 Section 20-63. The Draft Card Mutilation Act is repealed.

18 (720 ILCS 610/Act rep.)

19 Section 20-65. The Feeding Garbage to Animals Act is

1 repealed.

2 (720 ILCS 620/Act rep.)

3 Section 20-67. The Flag Desecration Act is repealed.

4 (720 ILCS 630/Act rep.)

5 Section 20-71. The Guide Dog Access Act is repealed.

6 (720 ILCS 645/Act rep.)

7 Section 20-72. The Legislative Misconduct Act is repealed.

8 ARTICLE 99.

9 Section 99-5. Illinois Compiled Statutes reassignment.

10 The Legislative Reference Bureau shall reassign the
11 following Acts to the specified locations in the Illinois
12 Compiled Statutes and file appropriate documents with the Index
13 Division of the Office of the Secretary of State in accordance
14 with subsection (c) of Section 5.04 of the Legislative
15 Reference Bureau Act:

16 The Taxpreparer Disclosure of Information Act,
17 reassigned from 720 ILCS 140/ to 815 ILCS 535/.

18 The Aircraft Crash Parts Act, reassigned from 720 ILCS
19 205/ to 620 ILCS 70/.

20 The Appliance Tag Act, reassigned from 720 ILCS 220/ to
21 815 ILCS 302/.

1 The Auction Sales Sign Act, reassigned from 720 ILCS
2 225/ to 815 ILCS 303/.

3 The Loan Advertising to Bankrupts Act, reassigned from
4 720 ILCS 330/ to 815 ILCS 185/.

5 The Sale or Pledge of Goods by Minors Act, reassigned
6 from 720 ILCS 345/ to 815 ILCS 407/.

7 The Sale Price Ad Act, reassigned from 720 ILCS 350/ to
8 815 ILCS 408/.

9 The Ticket Sale and Resale Act, reassigned from 720
10 ILCS 375/ to 815 ILCS 414/.

11 The Title Page Act, reassigned from 720 ILCS 380/ to
12 815 ILCS 417/.

13 The Uneconomic Practices Act, reassigned from 720 ILCS
14 385/ to 815 ILCS 423/.

15 The Wild Plant Conservation Act, reassigned from 720
16 ILCS 400/ to 525 ILCS 47/.

17 The Abandoned Refrigerator Act, reassigned from 720
18 ILCS 505/ to 430 ILCS 150/.

19 The Aerial Exhibitors Safety Act, reassigned from 720
20 ILCS 530/ to 820 ILCS 270/.

21 The Illinois Clean Public Elevator Air Act, reassigned
22 from 720 ILCS 560/ to 410 ILCS 83/.

23 The Excavation Fence Act, reassigned from 720 ILCS 605/
24 to 430 ILCS 165/.

25 The Fire Extinguisher Service Act, reassigned from 720
26 ILCS 615/ to 425 ILCS 17/.

1 The Grain Coloring Act, reassigned from 720 ILCS 625/
2 to 505 ILCS 86/.

3 The Nitroglycerin Transportation Act, reassigned from
4 720 ILCS 650/ to 430 ILCS 32/.

5 The Outdoor Lighting Installation Act, reassigned from
6 720 ILCS 655/ to 430/ ILCS 155.

7 The Party Line Emergency Act, reassigned from 720 ILCS
8 660/ to 220 ILCS 66/.

9 The Peephole Installation Act, reassigned from 720
10 ILCS 665/ to 430 ILCS 160/.

11 The Retail Sale and Distribution of Novelty Lighters
12 Prohibition Act, reassigned from 720 ILCS 668/ to 815 ILCS
13 406/.

14 Section 99-10. No acceleration or delay. Where this Act
15 makes changes in a statute that is represented in this Act by
16 text that is not yet or no longer in effect (for example, a
17 Section represented by multiple versions), the use of that text
18 does not accelerate or delay the taking effect of (i) the
19 changes made by this Act or (ii) provisions derived from any
20 other Public Act.