

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 1.

5 Section 1-5. The Criminal Code of 1961 is amended by  
6 changing and renumbering Sections 12-4.9, 12-10, 12-10.1,  
7 12-21.5, 12-21.6, 12-22, 33D-1, 44-2, and 44-3 and by adding  
8 the heading of Article 12C, the headings of Subdivisions 1, 5,  
9 10, and 15 of Article 12C, and Sections 12C-20, 12C-25, 12C-50,  
10 12C-60, and 12C-70 as follows:

11 (720 ILCS 5/Art. 12C heading new)

12 ARTICLE 12C. HARMS TO CHILDREN

13 (720 ILCS 5/Art. 12C, Subdiv. 1 heading new)

14 SUBDIVISION 1. ENDANGERMENT AND NEGLECT OFFENSES

15 (720 ILCS 5/12C-5) (was 720 ILCS 5/12-21.6)

16 Sec. 12C-5 ~~12-21.6~~. Endangering the life or health of a  
17 child.

18 (a) A person commits endangering the life or health of a  
19 child when he or she knowingly: (1) causes or permits ~~It is~~  
20 ~~unlawful for any person to willfully cause or permit~~ the life

1 or health of a child under the age of 18 to be endangered; or  
2 (2) causes or permits ~~to willfully cause or permit~~ a child to  
3 be placed in circumstances that endanger the child's life or  
4 health. It is not a violation of this Section ~~, except that it~~  
5 ~~is not unlawful~~ for a person to relinquish a child in  
6 accordance with the Abandoned Newborn Infant Protection Act.

7 (b) A trier of fact may infer ~~There is a rebuttable~~  
8 ~~presumption~~ that ~~a person committed the offense if he or she~~  
9 ~~left~~ a child 6 years of age or younger is unattended if that  
10 child is left in a motor vehicle for more than 10 minutes.

11 (c) "Unattended" means either: (i) not accompanied by a  
12 person 14 years of age or older; or (ii) if accompanied by a  
13 person 14 years of age or older, out of sight of that person.

14 (d) Sentence. A violation of this Section is a Class A  
15 misdemeanor. A second or subsequent violation of this Section  
16 is a Class 3 felony. A violation of this Section that is a  
17 proximate cause of the death of the child is a Class 3 felony  
18 for which a person, if sentenced to a term of imprisonment,  
19 shall be sentenced to a term of not less than 2 years and not  
20 more than 10 years. A parent, who is found to be in violation  
21 of this Section with respect to his or her child, may be  
22 sentenced to probation for this offense pursuant to Section  
23 12C-15.

24 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;  
25 92-515, eff. 6-1-02; 92-651, eff. 7-11-02.)

1 (720 ILCS 5/12C-10) (was 720 ILCS 5/12-21.5)

2 Sec. 12C-10 ~~12-21.5~~. Child abandonment ~~Abandonment~~.

3 (a) A person commits ~~the offense of~~ child abandonment when  
4 he or she, as a parent, guardian, or other person having  
5 physical custody or control of a child, without regard for the  
6 mental or physical health, safety, or welfare of that child,  
7 knowingly leaves that child who is under the age of 13 without  
8 supervision by a responsible person over the age of 14 for a  
9 period of 24 hours or more. It is not a violation of this  
10 Section for a person to relinquish ~~, except that a person does~~  
11 ~~not commit the offense of child abandonment when he or she~~  
12 ~~relinquishes~~ a child in accordance with the Abandoned Newborn  
13 Infant Protection Act.

14 (b) For the purposes of determining whether the child was  
15 left without regard for the mental or physical health, safety,  
16 or welfare of that child, the trier of fact shall consider the  
17 following factors:

18 (1) the age of the child;

19 (2) the number of children left at the location;

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

24 (4) the duration of time in which the child was left  
25 without supervision;

26 (5) the condition and location of the place where the

1 child was left without supervision;

2 (6) the time of day or night when the child was left  
3 without supervision;

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

7 (8) the location of the parent, guardian, or other  
8 person having physical custody or control of the child at  
9 the time the child was left without supervision, the  
10 physical distance the child was from the parent, guardian,  
11 or other person having physical custody or control of the  
12 child at the time the child was without supervision;

13 (9) whether the child's movement was restricted, or the  
14 child was otherwise locked within a room or other  
15 structure;

16 (10) whether the child was given a phone number of a  
17 person or location to call in the event of an emergency and  
18 whether the child was capable of making an emergency call;

19 (11) whether there was food and other provision left  
20 for the child;

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

26 (13) the age and physical and mental capabilities of

1 the person or persons who provided supervision for the  
2 child;

3 (14) any other factor that would endanger the health or  
4 safety of that particular child;

5 (15) whether the child was left under the supervision  
6 of another person.

7 (d) Child abandonment is a Class 4 felony. A second or  
8 subsequent offense after a prior conviction is a Class 3  
9 felony. A parent, who is found to be in violation of this  
10 Section with respect to his or her child, may be sentenced to  
11 probation for this offense pursuant to Section 12C-15.

12 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

13 (720 ILCS 5/12C-15) (was 720 ILCS 5/12-22)

14 Sec. 12C-15 ~~12-22~~. Child abandonment or endangerment;  
15 probation ~~Probation~~.

16 (a) Whenever a parent of a child as determined by the court  
17 on the facts before it, pleads guilty to or is found guilty of,  
18 with respect to his or her child, child abandonment under  
19 Section 12C-10 ~~12-21.5~~ of this Article ~~the Criminal Code of~~  
20 ~~1961~~ or endangering the life or health of a child under Section  
21 12C-5 ~~12-21.6~~ of this Article ~~the Criminal Code of 1961~~, the  
22 court may, without entering a judgment of guilt and with the  
23 consent of the person, defer further proceedings and place the  
24 person upon probation upon the reasonable terms and conditions  
25 as the court may require. At least one term of the probation

1 shall require the person to cooperate with the Department of  
2 Children and Family Services at the times and in the programs  
3 that the Department of Children and Family Services may  
4 require.

5 (b) Upon fulfillment of the terms and conditions imposed  
6 under subsection (a), the court shall discharge the person and  
7 dismiss the proceedings. Discharge and dismissal under this  
8 Section shall be without court adjudication of guilt and shall  
9 not be considered a conviction for purposes of disqualification  
10 or disabilities imposed by law upon conviction of a crime.  
11 However, a record of the disposition shall be reported by the  
12 clerk of the circuit court to the Department of State Police  
13 under Section 2.1 of the Criminal Identification Act, and the  
14 record shall be maintained and provided to any civil authority  
15 in connection with a determination of whether the person is an  
16 acceptable candidate for the care, custody and supervision of  
17 children.

18 (c) Discharge and dismissal under this Section may occur  
19 only once.

20 (d) Probation under this Section may not be for a period of  
21 less than 2 years.

22 (e) If the child dies of the injuries alleged, this Section  
23 shall be inapplicable.

24 (Source: P.A. 88-479.)

25 (720 ILCS 5/12C-20 new)

1       Sec. 12C-20. Abandonment of a school bus containing  
2 children.

3       (a) A school bus driver commits abandonment of a school bus  
4 containing children when he or she knowingly abandons the  
5 school bus while it contains any children who are without other  
6 adult supervision, except in an emergency where the driver is  
7 seeking help or otherwise acting in the best interests of the  
8 children.

9       (b) Sentence. A violation of this Section is a Class A  
10 misdemeanor for a first offense, and a Class 4 felony for a  
11 second or subsequent offense.

12       (720 ILCS 5/12C-25 new)

13       Sec. 12C-25. Contributing to the dependency and neglect of  
14 a minor.

15       (a) Any parent, legal guardian or person having the custody  
16 of a child under the age of 18 years commits contributing to  
17 the dependency and neglect of a minor when he or she knowingly:  
18 (1) causes, aids, or encourages such minor to be or to become a  
19 dependent and neglected minor; (2) does acts which directly  
20 tend to render any such minor so dependent and neglected; or  
21 (3) fails to do that which will directly tend to prevent such  
22 state of dependency and neglect. It is not a violation of this  
23 Section for a person to relinquish a child in accordance with  
24 the Abandoned Newborn Infant Protection Act.

25       (b) "Dependent and neglected minor" means any child who,

1 while under the age of 18 years, for any reason is destitute,  
2 homeless or abandoned; or dependent upon the public for  
3 support; or has not proper parental care or guardianship; or  
4 habitually begs or receives alms; or is found living in any  
5 house of ill fame or with any vicious or disreputable person;  
6 or has a home which by reason of neglect, cruelty or depravity  
7 on the part of its parents, guardian or any other person in  
8 whose care it may be is an unfit place for such child; and any  
9 child who while under the age of 10 years is found begging,  
10 peddling or selling any articles or singing or playing any  
11 musical instrument for gain upon the street or giving any  
12 public entertainments or accompanies or is used in aid of any  
13 person so doing.

14 (c) Sentence. A violation of this Section is a Class A  
15 misdemeanor.

16 (d) The husband or wife of the defendant shall be a  
17 competent witness to testify in any case under this Section and  
18 to all matters relevant thereto.

19 (720 ILCS 5/12C-30) (was 720 ILCS 5/33D-1)

20 Sec. 12C-30 ~~33D-1~~. Contributing to the delinquency or  
21 criminal delinquency of a minor.

22 (a) Contributing to the delinquency of a minor. A person  
23 commits contributing to the delinquency of a minor when he or  
24 she knowingly: (1) causes, aids, or encourages a minor to be or  
25 to become a delinquent minor; or (2) does acts which directly



1 tend to render any minor so delinquent.

2 (b) ~~(a)~~ Contributing to the criminal delinquency of a minor  
3 juvenile. ~~A~~ Any person of the age of 21 years and upwards  
4 commits contributing to the criminal delinquency of a minor  
5 when he or she, ~~who~~ with the intent to promote or facilitate  
6 the commission of an offense solicits, compels or directs a  
7 minor in the commission of the offense that is either: (i) a  
8 felony ~~or when the minor is misdemeanor, solicits, compels or~~  
9 directs any person under the age of 17 years; or (ii) a  
10 misdemeanor when the minor is under the age of 18 years ~~in the~~  
11 commission of the offense ~~commits the offense of contributing~~  
12 to the criminal delinquency of a juvenile.

13 (c) "Delinquent minor" means any minor who prior to his or  
14 her 17th birthday has violated or attempted to violate,  
15 regardless of where the act occurred, any federal or State law  
16 or county or municipal ordinance, and any minor who prior to  
17 his or her 18th birthday has violated or attempted to violate,  
18 regardless of where the act occurred, any federal or State law  
19 or county or municipal ordinance classified as a misdemeanor  
20 offense.

21 (d) Sentence.

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

24 (2) A violation of subsection (b) is:

25 (i) a Class C misdemeanor if the offense committed  
26 is a petty offense or a business offense;

1           (ii) a Class B misdemeanor if the offense committed  
2           is a Class C misdemeanor;

3           (iii) a Class A misdemeanor if the offense  
4           committed is a Class B misdemeanor;

5           (iv) a Class 4 felony if the offense committed is a  
6           Class A misdemeanor;

7           (v) a Class 3 felony if the offense committed is a  
8           Class 4 felony;

9           (vi) a Class 2 felony if the offense committed is a  
10           Class 3 felony;

11           (vii) a Class 1 felony if the offense committed is  
12           a Class 2 felony; and

13           (viii) a Class X felony if the offense committed is  
14           a Class 1 felony or a Class X felony.

15           (3) A violation of subsection (b) incurs the same  
16           penalty as first degree murder if the committed offense is  
17           first degree murder.

18           (e) The husband or wife of the defendant shall be a  
19           competent witness to testify in any case under this Section and  
20           to all matters relevant thereto.

21           ~~(b) Sentence. Contributing to the criminal delinquency of a~~  
22           ~~juvenile is a felony one grade higher than the offense~~  
23           ~~committed, if the offense committed is a felony, except when~~  
24           ~~the offense committed is first degree murder or a Class X~~  
25           ~~felony. When the offense committed is first degree murder or a~~  
26           ~~Class X felony, the penalty for contributing to the criminal~~

~~delinquency of a juvenile is the same as the penalty for first degree murder or a Class X felony, respectively. Contributing to the criminal delinquency of a juvenile is a misdemeanor one grade higher than the offense committed, if the offense committed is a misdemeanor, except when the offense committed is a Class A misdemeanor. If the offense committed is a Class A misdemeanor, the penalty for contributing to the criminal delinquency of a juvenile is a Class 4 felony.~~

(Source: P.A. 91-337, eff. 1-1-00.)

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

SUBDIVISION 5. BODILY HARM OFFENSES

(720 ILCS 5/12C-35) (was 720 ILCS 5/12-10)

Sec. 12C-35 ~~12-10~~. Tattooing the body of a minor. ~~Tattooing Body of Minor.~~

(a) A ~~Any~~ person, other than a person licensed to practice medicine in all its branches, commits tattooing the body of a minor when he or she knowingly or recklessly ~~who~~ tattoos or offers to tattoo a person under the age of 18 ~~is guilty of a Class A misdemeanor.~~

(b) A ~~Any~~ person who is an owner or employee of ~~employed by~~ a business that performs tattooing, other than a person licensed to practice medicine in all its branches, may not permit a person under 18 years of age to enter or remain on the premises where tattooing is being performed unless the person

1 under 18 years of age is accompanied by his or her parent or  
2 legal guardian. ~~A violation of this subsection (b) is a Class A~~  
3 ~~misdemeanor.~~

4 (c) ~~As used in this Section, to "Tattoo tattoo"~~ means to  
5 insert pigment under the surface of the skin of a human being,  
6 by pricking with a needle or otherwise, so as to produce an  
7 indelible mark or figure visible through the skin.

8 (d) Subsection (a) of this Section does not apply to a  
9 person under 18 years of age who tattoos or offers to tattoo  
10 another person under 18 years of age away from the premises of  
11 any business at which tattooing is performed.

12 (e) Sentence. A violation of this Section is a Class A  
13 misdemeanor.

14 (Source: P.A. 94-684, eff. 1-1-06.)

15 (720 ILCS 5/12C-40) (was 720 ILCS 5/12-10.1)

16 Sec. 12C-40 ~~12-10.1~~. Piercing the body of a minor.

17 (a) (1) A Any person commits piercing the body of a minor  
18 when he or she knowingly or recklessly who pierces the body or  
19 oral cavity of a person under 18 years of age without written  
20 consent of a parent or legal guardian of that person ~~commits~~  
21 ~~the offense of piercing the body of a minor~~. Before the oral  
22 cavity of a person under 18 years of age may be pierced, the  
23 written consent form signed by the parent or legal guardian  
24 must contain a provision in substantially the following form:

25 "I understand that the oral piercing of the tongue, lips,

1 cheeks, or any other area of the oral cavity carries serious  
2 risk of infection or damage to the mouth and teeth, or both  
3 infection and damage to those areas, that could result but is  
4 not limited to nerve damage, numbness, and life threatening  
5 blood clots.".

6 A person who pierces the oral cavity of a person under 18  
7 years of age without obtaining a signed written consent form  
8 from a parent or legal guardian of the person that includes the  
9 provision describing the health risks of body piercing,  
10 violates this Section.

11 (2) A ~~(1.5)~~ Any person who is an owner or employed by a  
12 business that performs body piercing may not permit a person  
13 under 18 years of age to enter or remain on the premises where  
14 body piercing is being performed unless the person under 18  
15 years of age is accompanied by his or her parent or legal  
16 guardian.

17 ~~(2) Sentence. A violation of clause (a)(1) or (a)(1.5) of~~  
18 ~~this Section is a Class A misdemeanor.~~

19 (b) ~~Definition. As used in this Section, to "Pierce pierce"~~  
20 means to make a hole in the body ~~or oral cavity~~ in order to  
21 insert or allow the insertion of any ring, hoop, stud, or other  
22 object for the purpose of ornamentation of the body. "Piercing"  
23 does not include tongue splitting as defined in Section  
24 12-10.2. The term "body" includes the oral cavity.

25 (c) Exceptions. This Section may not be construed in any  
26 way to prohibit any injection, incision, acupuncture, or

1 similar medical or dental procedure performed by a licensed  
2 health care professional or other person authorized to perform  
3 that procedure or the presence on the premises where that  
4 procedure is being performed by a health care professional or  
5 other person authorized to perform that procedure of a person  
6 under 18 years of age who is not accompanied by a parent or  
7 legal guardian. This Section does not prohibit ear piercing.  
8 This Section does not apply to a minor emancipated under the  
9 Juvenile Court Act of 1987 or the Emancipation of Minors Act or  
10 by marriage. This Section does not apply to a person under 18  
11 years of age who pierces the body or oral cavity of another  
12 person under 18 years of age away from the premises of any  
13 business at which body piercing or oral cavity piercing is  
14 performed.

15 (d) Sentence. A violation of this Section is a Class A  
16 misdemeanor.

17 (Source: P.A. 93-449, eff. 1-1-04; 94-684, eff. 1-1-06.)

18 (720 ILCS 5/12C-45) (was 720 ILCS 5/12-4.9)

19 Sec. 12C-45 ~~12-4.9~~. Drug induced infliction of harm to a  
20 child athlete. ~~Drug induced infliction of aggravated battery to~~  
21 ~~a child athlete.~~

22 (a) A person commits drug induced infliction of harm to a  
23 child athlete when he or she knowingly ~~Any person who~~  
24 distributes a drug to or encourages the ingestion of a drug by  
25 a person under the age of 18 with the intent that the person

1 under the age of 18 ingest the drug for the purpose of a quick  
2 weight gain or loss in connection with participation in  
3 athletics ~~is guilty of the offense of drug induced infliction~~  
4 ~~of aggravated battery of a child athlete.~~

5 (b) This Section does not apply to care under usual and  
6 customary standards of medical practice by a physician licensed  
7 to practice medicine in all its branches or ~~not~~ to the sale of  
8 drugs or products by a retail merchant.

9 (c) ~~(b)~~ Drug induced infliction of harm ~~aggravated battery~~  
10 to a child athlete is a Class A misdemeanor. A second or  
11 subsequent violation is a Class 4 felony.

12 (Source: P.A. 89-632, eff. 1-1-97.)

13 (720 ILCS 5/12C-50 new)

14 Sec. 12C-50. Hazing.

15 (a) A person commits hazing when he or she knowingly  
16 requires the performance of any act by a student or other  
17 person in a school, college, university, or other educational  
18 institution of this State, for the purpose of induction or  
19 admission into any group, organization, or society associated  
20 or connected with that institution, if:

21 (1) the act is not sanctioned or authorized by that  
22 educational institution; and

23 (2) the act results in bodily harm to any person.

24 (b) Sentence. Hazing is a Class A misdemeanor, except that  
25 hazing that results in death or great bodily harm is a Class 4

1 felony.

2 (720 ILCS 5/Art. 12C, Subdiv. 10 heading new)

3 SUBDIVISION 10. CURFEW OFFENSES

4 (720 ILCS 5/12C-60 new)

5 Sec. 12C-60. Curfew.

6 (a) Curfew offenses.

7 (1) A minor commits a curfew offense when he or she  
8 remains in any public place or on the premises of any  
9 establishment during curfew hours.

10 (2) A parent or guardian of a minor or other person in  
11 custody or control of a minor commits a curfew offense when  
12 he or she knowingly permits the minor to remain in any  
13 public place or on the premises of any establishment during  
14 curfew hours.

15 (b) Curfew defenses. It is a defense to prosecution under  
16 subsection (a) that the minor was:

17 (1) accompanied by the minor's parent or guardian or  
18 other person in custody or control of the minor;

19 (2) on an errand at the direction of the minor's parent  
20 or guardian, without any detour or stop;

21 (3) in a motor vehicle involved in interstate travel;

22 (4) engaged in an employment activity or going to or  
23 returning home from an employment activity, without any  
24 detour or stop;



1           (5) involved in an emergency;

2           (6) on the sidewalk abutting the minor's residence or  
3           abutting the residence of a next-door neighbor if the  
4           neighbor did not complain to the police department about  
5           the minor's presence;

6           (7) attending an official school, religious, or other  
7           recreational activity supervised by adults and sponsored  
8           by a government or governmental agency, a civic  
9           organization, or another similar entity that takes  
10          responsibility for the minor, or going to or returning home  
11          from, without any detour or stop, an official school,  
12          religious, or other recreational activity supervised by  
13          adults and sponsored by a government or governmental  
14          agency, a civic organization, or another similar entity  
15          that takes responsibility for the minor;

16          (8) exercising First Amendment rights protected by the  
17          United States Constitution, such as the free exercise of  
18          religion, freedom of speech, and the right of assembly; or

19          (9) married or had been married or is an emancipated  
20          minor under the Emancipation of Minors Act.

21          (c) Enforcement. Before taking any enforcement action  
22          under this Section, a law enforcement officer shall ask the  
23          apparent offender's age and reason for being in the public  
24          place. The officer shall not issue a citation or make an arrest  
25          under this Section unless the officer reasonably believes that  
26          an offense has occurred and that, based on any response and

1 other circumstances, no defense in subsection (b) is present.

2 (d) Definitions. In this Section:

3 (1) "Curfew hours" means:

4 (A) Between 12:01 a.m. and 6:00 a.m. on Saturday;

5 (B) Between 12:01 a.m. and 6:00 a.m. on Sunday; and

6 (C) Between 11:00 p.m. on Sunday to Thursday,  
7 inclusive, and 6:00 a.m. on the following day.

8 (2) "Emergency" means an unforeseen combination of  
9 circumstances or the resulting state that calls for  
10 immediate action. The term includes, but is not limited to,  
11 a fire, a natural disaster, an automobile accident, or any  
12 situation requiring immediate action to prevent serious  
13 bodily injury or loss of life.

14 (3) "Establishment" means any privately-owned place of  
15 business operated for a profit to which the public is  
16 invited, including, but not limited to, any place of  
17 amusement or entertainment.

18 (4) "Guardian" means:

19 (A) a person who, under court order, is the  
20 guardian of the person of a minor; or

21 (B) a public or private agency with whom a minor  
22 has been placed by a court.

23 (5) "Minor" means any person under 17 years of age.

24 (6) "Parent" means a person who is:

25 (A) a natural parent, adoptive parent, or  
26 step-parent of another person; or

1           (B) at least 18 years of age and authorized by a  
2           parent or guardian to have the care and custody of a  
3           minor.

4           (7) "Public place" means any place to which the public  
5           or a substantial group of the public has access and  
6           includes, but is not limited to, streets, highways, and the  
7           common areas of schools, hospitals, apartment houses,  
8           office buildings, transport facilities, and shops.

9           (8) "Remain" means to:

10           (A) linger or stay; or

11           (B) fail to leave premises when requested to do so  
12           by a police officer or the owner, operator, or other  
13           person in control of the premises.

14           (9) "Serious bodily injury" means bodily injury that  
15           creates a substantial risk of death or that causes death,  
16           serious permanent disfigurement, or protracted loss or  
17           impairment of the function of any bodily member or organ.

18           (e) Sentence. A violation of this Section is a petty  
19           offense with a fine of not less than \$10 nor more than \$500,  
20           except that neither a person who has been made a ward of the  
21           court under the Juvenile Court Act of 1987, nor that person's  
22           legal guardian, shall be subject to any fine. In addition to or  
23           instead of the fine imposed by this Section, the court may  
24           order a parent, legal guardian, or other person convicted of a  
25           violation of subsection (a) of this Section to perform  
26           community service as determined by the court, except that the

1 legal guardian of a person who has been made a ward of the  
2 court under the Juvenile Court Act of 1987 may not be ordered  
3 to perform community service. The dates and times established  
4 for the performance of community service by the parent, legal  
5 guardian, or other person convicted of a violation of  
6 subsection (a) of this Section shall not conflict with the  
7 dates and times that the person is employed in his or her  
8 regular occupation.

9 (f) County, municipal and other local boards and bodies  
10 authorized to adopt local police laws and regulations under the  
11 constitution and laws of this State may exercise legislative or  
12 regulatory authority over this subject matter by ordinance or  
13 resolution incorporating the substance of this Section or  
14 increasing the requirements thereof or otherwise not in  
15 conflict with this Section.

16 (720 ILCS 5/Art. 12C, Subdiv. 15 heading new)

17 SUBDIVISION 15. MISCELLANEOUS OFFENSES

18 (720 ILCS 5/12C-65) (was 720 ILCS 5/44-2 and 5/44-3)

19 Sec. 12C-65 ~~44-2~~. Unlawful transfer of a  
20 telecommunications device to a minor.

21 (a) A person commits unlawful transfer of a  
22 telecommunications device to a minor when he or she gives,  
23 sells or otherwise transfers possession of a  
24 telecommunications device to a person under 18 years of age

1 with the intent that the device be used to commit any offense  
2 under this Code, the Cannabis Control Act, the Illinois  
3 Controlled Substances Act, or the Methamphetamine Control and  
4 Community Protection Act.

5 (b) "Telecommunications device" or "device" means a device  
6 which is portable or which may be installed in a motor vehicle,  
7 boat or other means of transportation, and which is capable of  
8 receiving or transmitting speech, data, signals or other  
9 information, including but not limited to paging devices,  
10 cellular and mobile telephones, and radio transceivers,  
11 transmitters and receivers, but not including radios designed  
12 to receive only standard AM and FM broadcasts.

13 (c) Sentence. A violation of this Section ~~(b) Unlawful~~  
14 ~~transfer of a telecommunications device to a minor~~ is a Class A  
15 misdemeanor.

16 (d) Seizure and forfeiture of property. Any person who  
17 commits the offense of unlawful transfer of a  
18 telecommunications device to a minor as set forth in this  
19 Section is subject to the property forfeiture provisions in  
20 Article 124B of the Code of Criminal Procedure of 1963. See.  
21 ~~44-3. (a) Seizure. Any telecommunications device possessed by a~~  
22 ~~person on the real property of any elementary or secondary~~  
23 ~~school without the authority of the school principal, or used~~  
24 ~~in the commission of an offense prohibited by this Code, the~~  
25 ~~Illinois Controlled Substances Act, the Cannabis Control Act,~~  
26 ~~or the Methamphetamine Control and Community Protection Act or~~

1 ~~which constitutes evidence of the commission of such offenses~~  
2 ~~may be seized and delivered forthwith to the investigating law~~  
3 ~~enforcement agency. A person who is not a student of the~~  
4 ~~particular elementary or secondary school, who is on school~~  
5 ~~property as an invitee of the school, and who has possession of~~  
6 ~~a telecommunication device for lawful and legitimate purposes,~~  
7 ~~shall not need to obtain authority from the school principal to~~  
8 ~~possess the telecommunication device on school property. Such~~  
9 ~~telecommunication device shall not be seized unless it was used~~  
10 ~~in the commission of an offense specified above, or constitutes~~  
11 ~~evidence of such an offense. Within 15 days after such delivery~~  
12 ~~the investigating law enforcement agency shall give notice of~~  
13 ~~seizure to any known owners, lienholders and secured parties of~~  
14 ~~such property. Within that 15 day period the investigating law~~  
15 ~~enforcement agency shall also notify the State's Attorney of~~  
16 ~~the county of seizure about the seizure.~~

17 ~~(b) Rights of lienholders and secured parties. The~~  
18 ~~State's Attorney shall promptly release a~~  
19 ~~telecommunications device seized under the provisions of~~  
20 ~~this Article to any lienholder or secured party if such~~  
21 ~~lienholder or secured party shows to the State's Attorney~~  
22 ~~that his lien or security interest is bona fide and was~~  
23 ~~created without actual knowledge that such~~  
24 ~~telecommunications device was or possessed in violation of~~  
25 ~~this Section or used or to be used in the commission of the~~  
26 ~~offense charged.~~

1 ~~(c) Action for forfeiture.~~

2 ~~(1) The State's Attorney in the county in which~~  
3 ~~such seizure occurs if he finds that such forfeiture~~  
4 ~~was incurred without willful negligence or without any~~  
5 ~~intention on the part of the owner of the~~  
6 ~~telecommunications device or a lienholder or secured~~  
7 ~~party to violate the law, or finds the existence of~~  
8 ~~such mitigating circumstances as to justify remission~~  
9 ~~of the forfeiture, may cause the investigating law~~  
10 ~~enforcement agency to remit the same upon such terms~~  
11 ~~and conditions as the State's Attorney deems~~  
12 ~~reasonable and just. The State's Attorney shall~~  
13 ~~exercise his discretion under the foregoing provision~~  
14 ~~of this Section promptly after notice is given in~~  
15 ~~accordance with subsection (a). If the State's~~  
16 ~~Attorney does not cause the forfeiture to be remitted~~  
17 ~~he shall forthwith bring an action for forfeiture in~~  
18 ~~the circuit court within whose jurisdiction the~~  
19 ~~seizure and confiscation has taken place. The State's~~  
20 ~~Attorney shall give notice of the forfeiture~~  
21 ~~proceeding by mailing a copy of the complaint in the~~  
22 ~~forfeiture proceeding to the persons and in the manner~~  
23 ~~set forth in subsection (a). The owner of the device or~~  
24 ~~any person with any right, title, or interest in the~~  
25 ~~device may within 20 days after the mailing of such~~  
26 ~~notice file a verified answer to the complaint and may~~

1           ~~appear at the hearing on the action for forfeiture. The~~  
2           ~~State shall show at such hearing by a preponderance of~~  
3           ~~the evidence that the device was used in the commission~~  
4           ~~of an offense described in subsection (a). The owner of~~  
5           ~~the device or any person with any right, title, or~~  
6           ~~interest in the device may show by a preponderance of~~  
7           ~~the evidence that he did not know, and did not have~~  
8           ~~reason to know, that the device was possessed in~~  
9           ~~violation of this Section or to be used in the~~  
10           ~~commission of such an offense or that any of the~~  
11           ~~exceptions set forth in subsection (d) are applicable.~~  
12           ~~Unless the State shall make such showing, the Court~~  
13           ~~shall order the device released to the owner. Where the~~  
14           ~~State has made such showing, the Court may order the~~  
15           ~~device destroyed; may upon the request of the~~  
16           ~~investigating law enforcement agency, order it~~  
17           ~~delivered to any local, municipal or county law~~  
18           ~~enforcement agency, or the Department of State Police~~  
19           ~~or the Department of Revenue of the State of Illinois;~~  
20           ~~or may order it sold at public auction.~~

21           ~~(2) A copy of the order shall be filed with the~~  
22           ~~investigating law enforcement agency of the county in~~  
23           ~~which the seizure occurs. Such order, when filed,~~  
24           ~~confers ownership of the device to the department or~~  
25           ~~agency to whom it is delivered or any purchaser~~  
26           ~~thereof. The investigating law enforcement agency~~



1           ~~shall comply promptly with instructions to remit~~  
2           ~~received from the State's Attorney or Attorney General~~  
3           ~~in accordance with paragraph (1) of this subsection or~~  
4           ~~subsection (d).~~

5           ~~(3) The proceeds of any sale at public auction~~  
6           ~~pursuant to this subsection, after payment of all liens~~  
7           ~~and deduction of the reasonable charges and expenses~~  
8           ~~incurred by the investigating law enforcement agency~~  
9           ~~in storing and selling the device, shall be paid into~~  
10          ~~the general fund of the level of government responsible~~  
11          ~~for the operation of the investigating law enforcement~~  
12          ~~agency.~~

13          ~~(d) Exceptions to forfeiture. No device shall be~~  
14          ~~forfeited under the provisions of subsection (c) by reason~~  
15          ~~of any act or omission established by the owner thereof to~~  
16          ~~have been committed or omitted by any person other than the~~  
17          ~~owner while the device was unlawfully in the possession of~~  
18          ~~a person who acquired possession thereof in violation of~~  
19          ~~the criminal laws of the United States, or of any state.~~

20          ~~(e) Remission by Attorney General. Whenever any owner~~  
21          ~~of, or other person interested in, a device seized under~~  
22          ~~the provisions of this Section files with the Attorney~~  
23          ~~General before the sale or destruction of the device a~~  
24          ~~petition for the remission of such forfeiture the Attorney~~  
25          ~~General if he finds that such forfeiture was incurred~~  
26          ~~without willful negligence or without any intention on the~~

~~part of the owner or any person with any right, title or interest in the device to violate the law, or finds the existence of such mitigating circumstances as to justify the remission of forfeiture, may cause the same to be remitted upon such terms and conditions as he deems reasonable and just, or order discontinuance of any forfeiture proceeding relating thereto.~~

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

(720 ILCS 5/12C-70 new)

Sec. 12C-70. Adoption compensation prohibited.

(a) Receipt of compensation for placing out prohibited; exception. No person and no agency, association, corporation, institution, society, or other organization, except a child welfare agency as defined by the Child Care Act of 1969, shall knowingly request, receive or accept any compensation or thing of value, directly or indirectly, for providing adoption services, as defined in Section 2.24 of the Child Care Act of 1969.

(b) Payment of compensation for placing out prohibited. No person shall knowingly pay or give any compensation or thing of value, directly or indirectly, for providing adoption services, as defined in Section 2.24 of the Child Care Act of 1969, including placing out of a child to any person or to any agency, association, corporation, institution, society, or other organization except a child welfare agency as defined by

1 the Child Care Act of 1969.

2 (c) Certain payments of salaries and medical expenses not  
3 prevented.

4 (1) The provisions of this Section shall not be  
5 construed to prevent the payment of salaries or other  
6 compensation by a licensed child welfare agency providing  
7 adoption services, as that term is defined by the Child  
8 Care Act of 1969, to the officers, employees, agents,  
9 contractors, or any other persons acting on behalf of the  
10 child welfare agency, provided that such salaries and  
11 compensation are consistent with subsection (a) of Section  
12 14.5 of the Child Care Act of 1969.

13 (2) The provisions of this Section shall not be  
14 construed to prevent the payment by a prospective adoptive  
15 parent of reasonable and actual medical fees or hospital  
16 charges for services rendered in connection with the birth  
17 of such child, if such payment is made to the physician or  
18 hospital who or which rendered the services or to the  
19 biological mother of the child or to prevent the receipt of  
20 such payment by such physician, hospital, or mother.

21 (3) The provisions of this Section shall not be  
22 construed to prevent a prospective adoptive parent from  
23 giving a gift or gifts or other thing or things of value to  
24 a biological parent provided that the total value of such  
25 gift or gifts or thing or things of value does not exceed  
26 \$200.

1 (d) Payment of certain expenses.

2 (1) A prospective adoptive parent shall be permitted to  
3 pay the reasonable living expenses of the biological  
4 parents of the child sought to be adopted, in addition to  
5 those expenses set forth in subsection (c), only in  
6 accordance with the provisions of this subsection (d).

7 "Reasonable living expenses" means those expenses  
8 related to activities of daily living and meeting basic  
9 needs, including, but not limited to, lodging, food, and  
10 clothing for the biological parents during the biological  
11 mother's pregnancy and for no more than 120 days prior to  
12 the biological mother's expected date of delivery and for  
13 no more than 60 days after the birth of the child. The term  
14 does not include expenses for lost wages, gifts,  
15 educational expenses, or other similar expenses of the  
16 biological parents.

17 (2) (A) The prospective adoptive parents may seek leave  
18 of the court to pay the reasonable living expenses of  
19 the biological parents. They shall be permitted to pay  
20 the reasonable living expenses of the biological  
21 parents only upon prior order of the circuit court  
22 where the petition for adoption will be filed, or if  
23 the petition for adoption has been filed in the circuit  
24 court where the petition is pending.

25 (B) Notwithstanding clause (2) (A) of this  
26 subsection (d), a prospective adoptive parent may

1       advance a maximum of \$1,000 for reasonable birth parent  
2       living expenses without prior order of court. The  
3       prospective adoptive parents shall present a final  
4       accounting of all expenses to the court prior to the  
5       entry of a final judgment order for adoption.

6           (C) If the court finds an accounting by the  
7       prospective adoptive parents to be incomplete or  
8       deceptive or to contain amounts which are unauthorized  
9       or unreasonable, the court may order a new accounting  
10       or the repayment of amounts found to be excessive or  
11       unauthorized or make any other orders it deems  
12       appropriate.

13       (3) Payments under this subsection (d) shall be  
14       permitted only in those circumstances where there is a  
15       demonstrated need for the payment of such expenses to  
16       protect the health of the biological parents or the health  
17       of the child sought to be adopted.

18       (4) Payment of their reasonable living expenses, as  
19       provided in this subsection (d), shall not obligate the  
20       biological parents to place the child for adoption. In the  
21       event the biological parents choose not to place the child  
22       for adoption, the prospective adoptive parents shall have  
23       no right to seek reimbursement from the biological parents,  
24       or from any relative or associate of the biological  
25       parents, of moneys paid to, or on behalf of, the biological  
26       parents pursuant to a court order under this subsection

1       (d).

2           (5) Notwithstanding paragraph (4) of this subsection  
3       (d), a prospective adoptive parent may seek reimbursement  
4       of reasonable living expenses from a person who receives  
5       such payments only if the person who accepts payment of  
6       reasonable living expenses before the child's birth, as  
7       described in paragraph (4) of this subsection (d), knows  
8       that the person on whose behalf he or she is accepting  
9       payment is not pregnant at the time of the receipt of such  
10       payments or the person receives reimbursement for  
11       reasonable living expenses simultaneously from more than  
12       one prospective adoptive parent without the knowledge of  
13       the prospective adoptive parent.

14           (6) No person or entity shall offer, provide, or  
15       co-sign a loan or any other credit accommodation, directly  
16       or indirectly, with a biological parent or a relative or  
17       associate of a biological parent based on the contingency  
18       of a surrender or placement of a child for adoption.

19           (7) Within 14 days after the completion of all payments  
20       for reasonable living expenses of the biological parents  
21       under this subsection (d), the prospective adoptive  
22       parents shall present a final accounting of all those  
23       expenses to the court. The accounting shall also include  
24       the verified statements of the prospective adoptive  
25       parents, each attorney of record, and the biological  
26       parents or parents to whom or on whose behalf the payments

1 were made attesting to the accuracy of the accounting.

2 (8) If the placement of a child for adoption is made in  
3 accordance with the Interstate Compact on the Placement of  
4 Children, and if the sending state permits the payment of  
5 any expenses of biological parents that are not permitted  
6 under this Section, then the payment of those expenses  
7 shall not be a violation of this Section. In that event,  
8 the prospective adoptive parents shall file an accounting  
9 of all payments of the expenses of the biological parent or  
10 parents with the court in which the petition for adoption  
11 is filed or is to be filed. The accounting shall include a  
12 copy of the statutory provisions of the sending state that  
13 permit payments in addition to those permitted by this  
14 Section and a copy of all orders entered in the sending  
15 state that relate to expenses of the biological parents  
16 paid by the prospective adoptive parents in the sending  
17 state.

18 (9) The prospective adoptive parents shall be  
19 permitted to pay the reasonable attorney's fees of a  
20 biological parent's attorney in connection with  
21 proceedings under this Section or in connection with  
22 proceedings for the adoption of the child if the amount of  
23 fees of the attorney is \$1,000 or less. If the amount of  
24 attorney's fees of each biological parent exceeds \$1,000,  
25 the attorney's fees shall be paid only after a petition  
26 seeking leave to pay those fees is filed with the court in

1 which the adoption proceeding is filed or to be filed. The  
2 court shall review the petition for leave to pay attorney's  
3 fees, and if the court determines that the fees requested  
4 are reasonable, the court shall permit the petitioners to  
5 pay them. If the court determines that the fees requested  
6 are not reasonable, the court shall determine and set the  
7 reasonable attorney's fees of the biological parents'  
8 attorney which may be paid by the petitioners. The  
9 prospective adoptive parents shall present a final  
10 accounting of all those fees to the court prior to the  
11 entry of a final judgment order for adoption.

12 (10) The court may appoint a guardian ad litem for an  
13 unborn child to represent the interests of the child in  
14 proceedings under this subsection (d).

15 (11) The provisions of this subsection (d) apply to a  
16 person who is a prospective adoptive parent. This  
17 subsection (d) does not apply to a licensed child welfare  
18 agency, as that term is defined in the Child Care Act of  
19 1969, whose payments are governed by the Child Care Act of  
20 1969 and the Department of Children and Family Services  
21 rules adopted thereunder.

22 (e) Injunctive relief.

23 (A) Whenever it appears that any person, agency,  
24 association, corporation, institution, society, or  
25 other organization is engaged or about to engage in any  
26 acts or practices that constitute or will constitute a



1 violation of this Section, the Department of Children  
2 and Family Services shall inform the Attorney General  
3 and the State's Attorney of the appropriate county.  
4 Under such circumstances, the Attorney General or the  
5 State's Attorney may initiate injunction proceedings.  
6 Upon a proper showing, any circuit court may enter a  
7 permanent or preliminary injunction or temporary  
8 restraining order without bond to enforce this Section  
9 or any rule adopted under this Section in addition to  
10 any other penalties and other remedies provided in this  
11 Section.

12 (B) Whenever it appears that any person, agency,  
13 association, corporation, institution, society, or  
14 other organization is engaged or is about to engage in  
15 any act or practice that constitutes or will constitute  
16 a violation of any rule adopted under the authority of  
17 this Section, the Department of Children and Family  
18 Services may inform the Attorney General and the  
19 State's Attorney of the appropriate county. Under such  
20 circumstances, the Attorney General or the State's  
21 Attorney may initiate injunction proceedings. Upon a  
22 proper showing, any circuit court may enter a permanent  
23 or preliminary injunction or a temporary restraining  
24 order without bond to enforce this Section or any rule  
25 adopted under this Section, in addition to any other  
26 penalties and remedies provided in this Section.

1       (f) A violation of this Section on a first conviction is a  
2       Class 4 felony, and on a second or subsequent conviction is a  
3       Class 3 felony.

4       (g) "Adoption services" has the meaning given that term in  
5       the Child Care Act of 1969.

6       (h) "Placing out" means to arrange for the free care or  
7       placement of a child in a family other than that of the child's  
8       parent, stepparent, grandparent, brother, sister, uncle or  
9       aunt or legal guardian, for the purpose of adoption or for the  
10      purpose of providing care.

11      (i) "Prospective adoptive parent" means a person or persons  
12      who have filed or intend to file a petition to adopt a child  
13      under the Adoption Act.

14                                  Article 5.

15                Section 5-1. Short title. This Act may be cited as the  
16        Yo-Yo Waterball Sales Prohibition Act.

17                Section 5-5. Definition. In this Act, "yo-yo waterball"  
18        means a water yo-yo or a soft, rubber-like ball that is filled  
19        with a liquid and is attached to an elastic cord.

20                Section 5-10. Sale of yo-yo waterballs prohibited. It is  
21        unlawful to sell a yo-yo waterball in this State.

1 Section 5-15. Sentence. A person who sells a yo-yo  
2 waterball in this State is guilty of a business offense  
3 punishable by a fine of \$1,001 for each violation. Each sale of  
4 a yo-yo waterball in violation of this Act is a separate  
5 violation.

6 Article 10.

7 Section 10-900. The School Code is amended by changing  
8 Section 21B-80 as follows:

9 (105 ILCS 5/21B-80)

10 Sec. 21B-80. Conviction of certain offenses as grounds for  
11 revocation of license.

12 (a) As used in this Section:

13 "Narcotics offense" means any one or more of the following  
14 offenses:

15 (1) Any offense defined in the Cannabis Control Act,  
16 except those defined in subdivisions (a) and (b) of Section  
17 4 and subdivision (a) of Section 5 of the Cannabis Control  
18 Act and any offense for which the holder of a license is  
19 placed on probation under the provisions of Section 10 of  
20 the Cannabis Control Act, provided that if the terms and  
21 conditions of probation required by the court are not  
22 fulfilled, the offense is not eligible for this exception.

23 (2) Any offense defined in the Illinois Controlled

1 Substances Act, except any offense for which the holder of  
2 a license is placed on probation under the provisions of  
3 Section 410 of the Illinois Controlled Substances Act,  
4 provided that if the terms and conditions of probation  
5 required by the court are not fulfilled, the offense is not  
6 eligible for this exception.

7 (3) Any offense defined in the Methamphetamine Control  
8 and Community Protection Act, except any offense for which  
9 the holder of a license is placed on probation under the  
10 provision of Section 70 of that Act, provided that if the  
11 terms and conditions of probation required by the court are  
12 not fulfilled, the offense is not eligible for this  
13 exception.

14 (4) Any attempt to commit any of the offenses listed in  
15 items (1) through (3) of this definition.

16 (5) Any offense committed or attempted in any other  
17 state or against the laws of the United States that, if  
18 committed or attempted in this State, would have been  
19 punishable as one or more of the offenses listed in items  
20 (1) through (4) of this definition.

21 The changes made by Public Act 96-431 to the definition of  
22 "narcotics offense" are declaratory of existing law.

23 "Sex offense" means any one or more of the following  
24 offenses:

25 (A) Any offense defined in Sections 11-6, ~~and~~ 11-9  
26 through 11-9.5, inclusive, and 11-30, of the Criminal Code

1 of 1961; Sections 11-14 through 11-21, inclusive, of the  
2 Criminal Code of 1961; Sections 11-23 (if punished as a  
3 Class 3 felony), 11-24, 11-25, and 11-26 of the Criminal  
4 Code of 1961; and Sections 11-1.20, 11-1.30, 11-1.40,  
5 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14, 12-14.1, 12-15,  
6 12-16, 12-32, ~~and~~ 12-33, and 12C-45 of the Criminal Code of  
7 1961.

8 (B) Any attempt to commit any of the offenses listed in  
9 item (A) of this definition.

10 (C) Any offense committed or attempted in any other  
11 state that, if committed or attempted in this State, would  
12 have been punishable as one or more of the offenses listed  
13 in items (A) and (B) of this definition.

14 (b) Whenever the holder of any license issued pursuant to  
15 this Article has been convicted of any sex offense or narcotics  
16 offense, the State Superintendent of Education shall forthwith  
17 suspend the license. If the conviction is reversed and the  
18 holder is acquitted of the offense in a new trial or the  
19 charges against him or her are dismissed, the State  
20 Superintendent of Education shall forthwith terminate the  
21 suspension of the license. When the conviction becomes final,  
22 the State Superintendent of Education shall forthwith revoke  
23 the license.

24 (c) Whenever the holder of a license issued pursuant to  
25 this Article has been convicted of attempting to commit,  
26 conspiring to commit, soliciting, or committing first degree

1 murder or a Class X felony or any offense committed or  
2 attempted in any other state or against the laws of the United  
3 States that, if committed or attempted in this State, would  
4 have been punishable as one or more of the foregoing offenses,  
5 the State Superintendent of Education shall forthwith suspend  
6 the license. If the conviction is reversed and the holder is  
7 acquitted of that offense in a new trial or the charges that he  
8 or she committed that offense are dismissed, the State  
9 Superintendent of Education shall forthwith terminate the  
10 suspension of the license. When the conviction becomes final,  
11 the State Superintendent of Education shall forthwith revoke  
12 the license.

13 (Source: P.A. 97-607, eff. 8-26-11; incorporates 96-1551, eff.  
14 7-1-11; revised 10-13-11.)

15 Section 10-905. The Child Care Act of 1969 is amended by  
16 changing Section 14.6 as follows:

17 (225 ILCS 10/14.6)

18 Sec. 14.6. Agency payment of salaries or other  
19 compensation.

20 (a) A licensed child welfare agency may pay salaries or  
21 other compensation to its officers, employees, agents,  
22 contractors, or any other persons acting on its behalf for  
23 providing adoption services, provided that all of the following  
24 limitations apply:

1           (1) The fees, wages, salaries, or other compensation of  
2           any description paid to the officers, employees,  
3           contractors, or any other person acting on behalf of a  
4           child welfare agency providing adoption services shall not  
5           be unreasonably high in relation to the services actually  
6           rendered. Every form of compensation shall be taken into  
7           account in determining whether fees, wages, salaries, or  
8           compensation are unreasonably high, including, but not  
9           limited to, salary, bonuses, deferred and non-cash  
10          compensation, retirement funds, medical and liability  
11          insurance, loans, and other benefits such as the use,  
12          purchase, or lease of vehicles, expense accounts, and food,  
13          housing, and clothing allowances.

14          (2) Any earnings, if applicable, or compensation paid  
15          to the child welfare agency's directors, stockholders, or  
16          members of its governing body shall not be unreasonably  
17          high in relation to the services rendered.

18          (3) Persons providing adoption services for a child  
19          welfare agency may be compensated only for services  
20          actually rendered and only on a fee-for-service, hourly  
21          wage, or salary basis.

22          (b) The Department may adopt rules setting forth the  
23          criteria to determine what constitutes unreasonably high fees  
24          and compensation as those terms are used in this Section. In  
25          determining the reasonableness of fees, wages, salaries, and  
26          compensation under paragraphs (1) and (2) of subsection (a) of

1 this Section, the Department shall take into account the  
2 location, number, and qualifications of staff, workload  
3 requirements, budget, and size of the agency or person and  
4 available norms for compensation within the adoption  
5 community. Every licensed child welfare agency providing  
6 adoption services shall provide the Department and the Attorney  
7 General with a report, on an annual basis, providing a  
8 description of the fees, wages, salaries and other compensation  
9 described in paragraphs (1), (2), and (3) of this Section.  
10 Nothing in Section 12C-70 of the Criminal Code of 1961 ~~the~~  
11 ~~Adoption Compensation Prohibition Act~~ shall be construed to  
12 prevent a child welfare agency from charging fees or the  
13 payment of salaries and compensation as limited in this Section  
14 and any applicable Section of this Act or the Adoption Act.

15 (c) This Section does not apply to international adoption  
16 services performed by those child welfare agencies governed by  
17 the 1993 Hague Convention on Protection of Children and  
18 Cooperation in Respect of Intercountry Adoption and the  
19 Intercountry Adoption Act of 2000.

20 (d) Eligible agencies may be deemed compliant with this  
21 Section.

22 (Source: P.A. 94-586, eff. 8-15-05.)

23 Section 10-910. The Health Care Worker Background Check Act  
24 is amended by changing Section 25 as follows:



1 (225 ILCS 46/25)

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

4 (a) In the discretion of the Director of Public Health, as  
5 soon after January 1, 1996, January 1, 1997, January 1, 2006,  
6 or October 1, 2007, as applicable, and as is reasonably  
7 practical, no health care employer shall knowingly hire,  
8 employ, or retain any individual in a position with duties  
9 involving direct care for clients, patients, or residents, and  
10 no long-term care facility shall knowingly hire, employ, or  
11 retain any individual in a position with duties that involve or  
12 may involve contact with residents or access to the living  
13 quarters or the financial, medical, or personal records of  
14 residents, who has been convicted of committing or attempting  
15 to commit one or more of the following offenses: those defined  
16 in Sections 8-1(b), 8-1.1, 8-1.2, 9-1, 9-1.2, 9-2, 9-2.1, 9-3,  
17 9-3.1, 9-3.2, 9-3.3, 9-3.4, 10-1, 10-2, 10-3, 10-3.1, 10-4,  
18 10-5, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6,  
19 11-9.1, 11-9.5, 11-19.2, 11-20.1, 11-20.1B, 11-20.3, 12-1,  
20 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,  
21 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,  
22 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32,  
23 12-33, 12C-5, 16-1, 16-1.3, 16-25, 16A-3, 17-3, 17-56, 18-1,  
24 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1,  
25 24-1.2, 24-1.5, or 33A-2, or subdivision (a)(4) of Section  
26 11-14.4~~7~~ or in subsection (a) of Section 12-3 or subsection (a)

1 or (b) of Section 12-4.4a, of the Criminal Code of 1961; those  
2 provided in Section 4 of the Wrongs to Children Act; those  
3 provided in Section 53 of the Criminal Jurisprudence Act; those  
4 defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control  
5 Act; those defined in the Methamphetamine Control and Community  
6 Protection Act; or those defined in Sections 401, 401.1, 404,  
7 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances  
8 Act, unless the applicant or employee obtains a waiver pursuant  
9 to Section 40.

10 (a-1) In the discretion of the Director of Public Health,  
11 as soon after January 1, 2004 or October 1, 2007, as  
12 applicable, and as is reasonably practical, no health care  
13 employer shall knowingly hire any individual in a position with  
14 duties involving direct care for clients, patients, or  
15 residents, and no long-term care facility shall knowingly hire  
16 any individual in a position with duties that involve or may  
17 involve contact with residents or access to the living quarters  
18 or the financial, medical, or personal records of residents,  
19 who has (i) been convicted of committing or attempting to  
20 commit one or more of the offenses defined in Section 12-3.3,  
21 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33, 17-34, 17-36,  
22 17-44, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or  
23 24-3.3, or subsection (b) of Section 17-32, of the Criminal  
24 Code of 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois  
25 Credit Card and Debit Card Act; or Section 11-9.1A of the  
26 Criminal Code of 1961 or Section 5.1 of the Wrongs to Children

1 Act; or (ii) violated Section 50-50 of the Nurse Practice Act,  
2 unless the applicant or employee obtains a waiver pursuant to  
3 Section 40 of this Act.

4 A health care employer is not required to retain an  
5 individual in a position with duties involving direct care for  
6 clients, patients, or residents, and no long-term care facility  
7 is required to retain an individual in a position with duties  
8 that involve or may involve contact with residents or access to  
9 the living quarters or the financial, medical, or personal  
10 records of residents, who has been convicted of committing or  
11 attempting to commit one or more of the offenses enumerated in  
12 this subsection.

13 (b) A health care employer shall not hire, employ, or  
14 retain any individual in a position with duties involving  
15 direct care of clients, patients, or residents, and no  
16 long-term care facility shall knowingly hire, employ, or retain  
17 any individual in a position with duties that involve or may  
18 involve contact with residents or access to the living quarters  
19 or the financial, medical, or personal records of residents, if  
20 the health care employer becomes aware that the individual has  
21 been convicted in another state of committing or attempting to  
22 commit an offense that has the same or similar elements as an  
23 offense listed in subsection (a) or (a-1), as verified by court  
24 records, records from a state agency, or an FBI criminal  
25 history record check, unless the applicant or employee obtains  
26 a waiver pursuant to Section 40 of this Act. This shall not be

1 construed to mean that a health care employer has an obligation  
2 to conduct a criminal history records check in other states in  
3 which an employee has resided.

4 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, Article 1, Section  
5 930, eff. 7-1-11; 96-1551, Article 2, Section 995, eff. 7-1-11;  
6 96-1551, Article 10, Section 10-40, eff. 7-1-11; 97-597, eff.  
7 1-1-12.)

8 Section 10-915. The Abandoned Newborn Infant Protection  
9 Act is amended by changing Section 25 as follows:

10 (325 ILCS 2/25)

11 Sec. 25. Immunity for relinquishing person.

12 (a) The act of relinquishing a newborn infant to a  
13 hospital, police station, fire station, or emergency medical  
14 facility in accordance with this Act does not, by itself,  
15 constitute a basis for a finding of abuse, neglect, or  
16 abandonment of the infant pursuant to the laws of this State  
17 nor does it, by itself, constitute a violation of Section 12C-5  
18 or 12C-10 ~~12-21.5 or 12-21.6~~ of the Criminal Code of 1961.

19 (b) If there is suspected child abuse or neglect that is  
20 not based solely on the newborn infant's relinquishment to a  
21 hospital, police station, fire station, or emergency medical  
22 facility, the personnel of the hospital, police station, fire  
23 station, or emergency medical facility who are mandated  
24 reporters under the Abused and Neglected Child Reporting Act

1 must report the abuse or neglect pursuant to that Act.

2 (c) Neither a child protective investigation nor a criminal  
3 investigation may be initiated solely because a newborn infant  
4 is relinquished pursuant to this Act.

5 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;  
6 93-820, eff. 7-27-04.)

7 Section 10-920. The Illinois Vehicle Code is amended by  
8 changing Sections 6-106.1 and 6-508 as follows:

9 (625 ILCS 5/6-106.1)

10 Sec. 6-106.1. School bus driver permit.

11 (a) The Secretary of State shall issue a school bus driver  
12 permit to those applicants who have met all the requirements of  
13 the application and screening process under this Section to  
14 insure the welfare and safety of children who are transported  
15 on school buses throughout the State of Illinois. Applicants  
16 shall obtain the proper application required by the Secretary  
17 of State from their prospective or current employer and submit  
18 the completed application to the prospective or current  
19 employer along with the necessary fingerprint submission as  
20 required by the Department of State Police to conduct  
21 fingerprint based criminal background checks on current and  
22 future information available in the state system and current  
23 information available through the Federal Bureau of  
24 Investigation's system. Applicants who have completed the

1 fingerprinting requirements shall not be subjected to the  
2 fingerprinting process when applying for subsequent permits or  
3 submitting proof of successful completion of the annual  
4 refresher course. Individuals who on the effective date of this  
5 Act possess a valid school bus driver permit that has been  
6 previously issued by the appropriate Regional School  
7 Superintendent are not subject to the fingerprinting  
8 provisions of this Section as long as the permit remains valid  
9 and does not lapse. The applicant shall be required to pay all  
10 related application and fingerprinting fees as established by  
11 rule including, but not limited to, the amounts established by  
12 the Department of State Police and the Federal Bureau of  
13 Investigation to process fingerprint based criminal background  
14 investigations. All fees paid for fingerprint processing  
15 services under this Section shall be deposited into the State  
16 Police Services Fund for the cost incurred in processing the  
17 fingerprint based criminal background investigations. All  
18 other fees paid under this Section shall be deposited into the  
19 Road Fund for the purpose of defraying the costs of the  
20 Secretary of State in administering this Section. All  
21 applicants must:

- 22 1. be 21 years of age or older;
- 23 2. possess a valid and properly classified driver's  
24 license issued by the Secretary of State;
- 25 3. possess a valid driver's license, which has not been  
26 revoked, suspended, or canceled for 3 years immediately

1 prior to the date of application, or have not had his or  
2 her commercial motor vehicle driving privileges  
3 disqualified within the 3 years immediately prior to the  
4 date of application;

5 4. successfully pass a written test, administered by  
6 the Secretary of State, on school bus operation, school bus  
7 safety, and special traffic laws relating to school buses  
8 and submit to a review of the applicant's driving habits by  
9 the Secretary of State at the time the written test is  
10 given;

11 5. demonstrate ability to exercise reasonable care in  
12 the operation of school buses in accordance with rules  
13 promulgated by the Secretary of State;

14 6. demonstrate physical fitness to operate school  
15 buses by submitting the results of a medical examination,  
16 including tests for drug use for each applicant not subject  
17 to such testing pursuant to federal law, conducted by a  
18 licensed physician, an advanced practice nurse who has a  
19 written collaborative agreement with a collaborating  
20 physician which authorizes him or her to perform medical  
21 examinations, or a physician assistant who has been  
22 delegated the performance of medical examinations by his or  
23 her supervising physician within 90 days of the date of  
24 application according to standards promulgated by the  
25 Secretary of State;

26 7. affirm under penalties of perjury that he or she has

1 not made a false statement or knowingly concealed a  
2 material fact in any application for permit;

3 8. have completed an initial classroom course,  
4 including first aid procedures, in school bus driver safety  
5 as promulgated by the Secretary of State; and after  
6 satisfactory completion of said initial course an annual  
7 refresher course; such courses and the agency or  
8 organization conducting such courses shall be approved by  
9 the Secretary of State; failure to complete the annual  
10 refresher course, shall result in cancellation of the  
11 permit until such course is completed;

12 9. not have been under an order of court supervision  
13 for or convicted of 2 or more serious traffic offenses, as  
14 defined by rule, within one year prior to the date of  
15 application that may endanger the life or safety of any of  
16 the driver's passengers within the duration of the permit  
17 period;

18 10. not have been under an order of court supervision  
19 for or convicted of reckless driving, aggravated reckless  
20 driving, driving while under the influence of alcohol,  
21 other drug or drugs, intoxicating compound or compounds or  
22 any combination thereof, or reckless homicide resulting  
23 from the operation of a motor vehicle within 3 years of the  
24 date of application;

25 11. not have been convicted of committing or attempting  
26 to commit any one or more of the following offenses: (i)



1 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,  
2 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,  
3 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,  
4 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,  
5 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,  
6 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,  
7 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,  
8 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,  
9 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,  
10 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,  
11 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,  
12 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,  
13 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,  
14 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3,  
15 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7,  
16 24-2.1, 24-3.3, 24-3.5, 31A-1, 31A-1.1, 33A-2, and 33D-1,  
17 and in subsection (b) of Section 8-1, and in subdivisions  
18 (a) (1), (a) (2), (b) (1), (e) (1), (e) (2), (e) (3), (e) (4),  
19 and (f) (1) of Section 12-3.05, and in subsection (a) and  
20 subsection (b), clause (1), of Section 12-4, and in  
21 subsection (A), clauses (a) and (b), of Section 24-3, and  
22 those offenses contained in Article 29D of the Criminal  
23 Code of 1961; (ii) those offenses defined in the Cannabis  
24 Control Act except those offenses defined in subsections  
25 (a) and (b) of Section 4, and subsection (a) of Section 5  
26 of the Cannabis Control Act; (iii) those offenses defined

1 in the Illinois Controlled Substances Act; (iv) those  
2 offenses defined in the Methamphetamine Control and  
3 Community Protection Act; (v) any offense committed or  
4 attempted in any other state or against the laws of the  
5 United States, which if committed or attempted in this  
6 State would be punishable as one or more of the foregoing  
7 offenses; (vi) the offenses defined in Section 4.1 and 5.1  
8 of the Wrongs to Children Act or Section 11-9.1A of the  
9 Criminal Code of 1961; (vii) those offenses defined in  
10 Section 6-16 of the Liquor Control Act of 1934; and (viii)  
11 those offenses defined in the Methamphetamine Precursor  
12 Control Act;

13 12. not have been repeatedly involved as a driver in  
14 motor vehicle collisions or been repeatedly convicted of  
15 offenses against laws and ordinances regulating the  
16 movement of traffic, to a degree which indicates lack of  
17 ability to exercise ordinary and reasonable care in the  
18 safe operation of a motor vehicle or disrespect for the  
19 traffic laws and the safety of other persons upon the  
20 highway;

21 13. not have, through the unlawful operation of a motor  
22 vehicle, caused an accident resulting in the death of any  
23 person;

24 14. not have, within the last 5 years, been adjudged to  
25 be afflicted with or suffering from any mental disability  
26 or disease; and

1           15. consent, in writing, to the release of results of  
2           reasonable suspicion drug and alcohol testing under  
3           Section 6-106.1c of this Code by the employer of the  
4           applicant to the Secretary of State.

5           (b) A school bus driver permit shall be valid for a period  
6           specified by the Secretary of State as set forth by rule. It  
7           shall be renewable upon compliance with subsection (a) of this  
8           Section.

9           (c) A school bus driver permit shall contain the holder's  
10          driver's license number, legal name, residence address, zip  
11          code, and date of birth, a brief description of the holder and  
12          a space for signature. The Secretary of State may require a  
13          suitable photograph of the holder.

14          (d) The employer shall be responsible for conducting a  
15          pre-employment interview with prospective school bus driver  
16          candidates, distributing school bus driver applications and  
17          medical forms to be completed by the applicant, and submitting  
18          the applicant's fingerprint cards to the Department of State  
19          Police that are required for the criminal background  
20          investigations. The employer shall certify in writing to the  
21          Secretary of State that all pre-employment conditions have been  
22          successfully completed including the successful completion of  
23          an Illinois specific criminal background investigation through  
24          the Department of State Police and the submission of necessary  
25          fingerprints to the Federal Bureau of Investigation for  
26          criminal history information available through the Federal

1 Bureau of Investigation system. The applicant shall present the  
2 certification to the Secretary of State at the time of  
3 submitting the school bus driver permit application.

4 (e) Permits shall initially be provisional upon receiving  
5 certification from the employer that all pre-employment  
6 conditions have been successfully completed, and upon  
7 successful completion of all training and examination  
8 requirements for the classification of the vehicle to be  
9 operated, the Secretary of State shall provisionally issue a  
10 School Bus Driver Permit. The permit shall remain in a  
11 provisional status pending the completion of the Federal Bureau  
12 of Investigation's criminal background investigation based  
13 upon fingerprinting specimens submitted to the Federal Bureau  
14 of Investigation by the Department of State Police. The Federal  
15 Bureau of Investigation shall report the findings directly to  
16 the Secretary of State. The Secretary of State shall remove the  
17 bus driver permit from provisional status upon the applicant's  
18 successful completion of the Federal Bureau of Investigation's  
19 criminal background investigation.

20 (f) A school bus driver permit holder shall notify the  
21 employer and the Secretary of State if he or she is issued an  
22 order of court supervision for or convicted in another state of  
23 an offense that would make him or her ineligible for a permit  
24 under subsection (a) of this Section. The written notification  
25 shall be made within 5 days of the entry of the order of court  
26 supervision or conviction. Failure of the permit holder to

1 provide the notification is punishable as a petty offense for a  
2 first violation and a Class B misdemeanor for a second or  
3 subsequent violation.

4 (g) Cancellation; suspension; notice and procedure.

5 (1) The Secretary of State shall cancel a school bus  
6 driver permit of an applicant whose criminal background  
7 investigation discloses that he or she is not in compliance  
8 with the provisions of subsection (a) of this Section.

9 (2) The Secretary of State shall cancel a school bus  
10 driver permit when he or she receives notice that the  
11 permit holder fails to comply with any provision of this  
12 Section or any rule promulgated for the administration of  
13 this Section.

14 (3) The Secretary of State shall cancel a school bus  
15 driver permit if the permit holder's restricted commercial  
16 or commercial driving privileges are withdrawn or  
17 otherwise invalidated.

18 (4) The Secretary of State may not issue a school bus  
19 driver permit for a period of 3 years to an applicant who  
20 fails to obtain a negative result on a drug test as  
21 required in item 6 of subsection (a) of this Section or  
22 under federal law.

23 (5) The Secretary of State shall forthwith suspend a  
24 school bus driver permit for a period of 3 years upon  
25 receiving notice that the holder has failed to obtain a  
26 negative result on a drug test as required in item 6 of

1 subsection (a) of this Section or under federal law.

2 (6) The Secretary of State shall suspend a school bus  
3 driver permit for a period of 3 years upon receiving notice  
4 from the employer that the holder failed to perform the  
5 inspection procedure set forth in subsection (a) or (b) of  
6 Section 12-816 of this Code.

7 (7) The Secretary of State shall suspend a school bus  
8 driver permit for a period of 3 years upon receiving notice  
9 from the employer that the holder refused to submit to an  
10 alcohol or drug test as required by Section 6-106.1c or has  
11 submitted to a test required by that Section which  
12 disclosed an alcohol concentration of more than 0.00 or  
13 disclosed a positive result on a National Institute on Drug  
14 Abuse five-drug panel, utilizing federal standards set  
15 forth in 49 CFR 40.87.

16 The Secretary of State shall notify the State  
17 Superintendent of Education and the permit holder's  
18 prospective or current employer that the applicant has (1) has  
19 failed a criminal background investigation or (2) is no longer  
20 eligible for a school bus driver permit; and of the related  
21 cancellation of the applicant's provisional school bus driver  
22 permit. The cancellation shall remain in effect pending the  
23 outcome of a hearing pursuant to Section 2-118 of this Code.  
24 The scope of the hearing shall be limited to the issuance  
25 criteria contained in subsection (a) of this Section. A  
26 petition requesting a hearing shall be submitted to the

1 Secretary of State and shall contain the reason the individual  
2 feels he or she is entitled to a school bus driver permit. The  
3 permit holder's employer shall notify in writing to the  
4 Secretary of State that the employer has certified the removal  
5 of the offending school bus driver from service prior to the  
6 start of that school bus driver's next workshift. An employing  
7 school board that fails to remove the offending school bus  
8 driver from service is subject to the penalties defined in  
9 Section 3-14.23 of the School Code. A school bus contractor who  
10 violates a provision of this Section is subject to the  
11 penalties defined in Section 6-106.11.

12 All valid school bus driver permits issued under this  
13 Section prior to January 1, 1995, shall remain effective until  
14 their expiration date unless otherwise invalidated.

15 (h) When a school bus driver permit holder who is a service  
16 member is called to active duty, the employer of the permit  
17 holder shall notify the Secretary of State, within 30 days of  
18 notification from the permit holder, that the permit holder has  
19 been called to active duty. Upon notification pursuant to this  
20 subsection, (i) the Secretary of State shall characterize the  
21 permit as inactive until a permit holder renews the permit as  
22 provided in subsection (i) of this Section, and (ii) if a  
23 permit holder fails to comply with the requirements of this  
24 Section while called to active duty, the Secretary of State  
25 shall not characterize the permit as invalid.

26 (i) A school bus driver permit holder who is a service

1 member returning from active duty must, within 90 days, renew a  
2 permit characterized as inactive pursuant to subsection (h) of  
3 this Section by complying with the renewal requirements of  
4 subsection (b) of this Section.

5 (j) For purposes of subsections (h) and (i) of this  
6 Section:

7 "Active duty" means active duty pursuant to an executive  
8 order of the President of the United States, an act of the  
9 Congress of the United States, or an order of the Governor.

10 "Service member" means a member of the Armed Services or  
11 reserve forces of the United States or a member of the Illinois  
12 National Guard.

13 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;  
14 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.  
15 7-22-10; 96-1551, Article 1, Section 950, eff. 7-1-11; 96-1551,  
16 Article 2, Section 1025, eff. 7-1-11; 97-224, eff. 7-28-11;  
17 97-229, eff. 7-28-11; 97-333, eff. 8-12-11; 97-466, eff.  
18 1-1-12; revised 9-15-11.)

19 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

20 Sec. 6-508. Commercial Driver's License (CDL) -  
21 qualification standards.

22 (a) Testing.

23 (1) General. No person shall be issued an original or  
24 renewal CDL unless that person is domiciled in this State.

25 The Secretary shall cause to be administered such tests as



1 the Secretary deems necessary to meet the requirements of  
2 49 C.F.R. Part 383, subparts F, G, H, and J.

3 (2) Third party testing. The Secretary of state may  
4 authorize a "third party tester", pursuant to 49 C.F.R.  
5 Part 383.75, to administer the skills test or tests  
6 specified by Federal Motor Carrier Safety Administration  
7 pursuant to the Commercial Motor Vehicle Safety Act of 1986  
8 and any appropriate federal rule.

9 (b) Waiver of Skills Test. The Secretary of State may waive  
10 the skills test specified in this Section for a driver  
11 applicant for a commercial driver license who meets the  
12 requirements of 49 C.F.R. Part 383.77 and Part 383.123.

13 (b-1) No person shall be issued a commercial driver  
14 instruction permit or CDL unless the person certifies to the  
15 Secretary one of the following types of driving operations in  
16 which he or she will be engaged:

- 17 (1) non-excepted interstate;  
18 (2) non-excepted intrastate;  
19 (3) excepted interstate; or  
20 (4) excepted intrastate.

21 (b-2) Persons who hold a commercial driver instruction  
22 permit or CDL on January 30, 2012 must certify to the Secretary  
23 no later than January 30, 2014 one of the following applicable  
24 self-certifications:

- 25 (1) non-excepted interstate;  
26 (2) non-excepted intrastate;

1 (3) excepted interstate; or

2 (4) excepted intrastate.

3 (c) Limitations on issuance of a CDL. A CDL, or a  
4 commercial driver instruction permit, shall not be issued to a  
5 person while the person is subject to a disqualification from  
6 driving a commercial motor vehicle, or unless otherwise  
7 permitted by this Code, while the person's driver's license is  
8 suspended, revoked or cancelled in any state, or any territory  
9 or province of Canada; nor may a CDL be issued to a person who  
10 has a CDL issued by any other state, or foreign jurisdiction,  
11 unless the person first surrenders all such licenses. No CDL  
12 shall be issued to or renewed for a person who does not meet  
13 the requirement of 49 CFR 391.41(b)(11). The requirement may be  
14 met with the aid of a hearing aid.

15 (c-1) The Secretary may issue a CDL with a school bus  
16 driver endorsement to allow a person to drive the type of bus  
17 described in subsection (d-5) of Section 6-104 of this Code.  
18 The CDL with a school bus driver endorsement may be issued only  
19 to a person meeting the following requirements:

20 (1) the person has submitted his or her fingerprints to  
21 the Department of State Police in the form and manner  
22 prescribed by the Department of State Police. These  
23 fingerprints shall be checked against the fingerprint  
24 records now and hereafter filed in the Department of State  
25 Police and Federal Bureau of Investigation criminal  
26 history records databases;

1           (2) the person has passed a written test, administered  
2 by the Secretary of State, on charter bus operation,  
3 charter bus safety, and certain special traffic laws  
4 relating to school buses determined by the Secretary of  
5 State to be relevant to charter buses, and submitted to a  
6 review of the driver applicant's driving habits by the  
7 Secretary of State at the time the written test is given;

8           (3) the person has demonstrated physical fitness to  
9 operate school buses by submitting the results of a medical  
10 examination, including tests for drug use; and

11           (4) the person has not been convicted of committing or  
12 attempting to commit any one or more of the following  
13 offenses: (i) those offenses defined in Sections 8-1.2,  
14 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,  
15 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,  
16 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,  
17 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,  
18 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,  
19 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
20 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,  
21 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,  
22 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,  
23 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,  
24 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,  
25 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,  
26 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1,

1 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,  
2 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 31A-1,  
3 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section  
4 8-1, and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1),  
5 (e)(2), (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and  
6 in subsection (a) and subsection (b), clause (1), of  
7 Section 12-4, and in subsection (A), clauses (a) and (b),  
8 of Section 24-3, and those offenses contained in Article  
9 29D of the Criminal Code of 1961; (ii) those offenses  
10 defined in the Cannabis Control Act except those offenses  
11 defined in subsections (a) and (b) of Section 4, and  
12 subsection (a) of Section 5 of the Cannabis Control Act;  
13 (iii) those offenses defined in the Illinois Controlled  
14 Substances Act; (iv) those offenses defined in the  
15 Methamphetamine Control and Community Protection Act; (v)  
16 any offense committed or attempted in any other state or  
17 against the laws of the United States, which if committed  
18 or attempted in this State would be punishable as one or  
19 more of the foregoing offenses; (vi) the offenses defined  
20 in Sections 4.1 and 5.1 of the Wrongs to Children Act or  
21 Section 11-9.1A of the Criminal Code of 1961; (vii) those  
22 offenses defined in Section 6-16 of the Liquor Control Act  
23 of 1934; and (viii) those offenses defined in the  
24 Methamphetamine Precursor Control Act.

25 The Department of State Police shall charge a fee for  
26 conducting the criminal history records check, which shall be

1 deposited into the State Police Services Fund and may not  
2 exceed the actual cost of the records check.

3 (c-2) The Secretary shall issue a CDL with a school bus  
4 endorsement to allow a person to drive a school bus as defined  
5 in this Section. The CDL shall be issued according to the  
6 requirements outlined in 49 C.F.R. 383. A person may not  
7 operate a school bus as defined in this Section without a  
8 school bus endorsement. The Secretary of State may adopt rules  
9 consistent with Federal guidelines to implement this  
10 subsection (c-2).

11 (d) Commercial driver instruction permit. A commercial  
12 driver instruction permit may be issued to any person holding a  
13 valid Illinois driver's license if such person successfully  
14 passes such tests as the Secretary determines to be necessary.  
15 A commercial driver instruction permit shall not be issued to a  
16 person who does not meet the requirements of 49 CFR 391.41  
17 (b)(11), except for the renewal of a commercial driver  
18 instruction permit for a person who possesses a commercial  
19 instruction permit prior to the effective date of this  
20 amendatory Act of 1999.

21 (Source: P.A. 95-331, eff. 8-21-07; 95-382, eff. 8-23-07;  
22 96-1182, eff. 7-22-10; 96-1551, Article 1, Section 95, eff.  
23 7-1-11; 96-1551, Article 2, Section 1025, eff. 7-1-11; 97-208,  
24 eff. 1-1-12; revised 9-26-11.)

25 (720 ILCS 5/12-21.7 rep.)

1 (720 ILCS 5/Art. 33D rep.)

2 (720 ILCS 5/Art. 44 rep.)

3 Section 10-925. The Criminal Code of 1961 is amended by  
4 repealing Section 12-21.7 and Articles 33D and 44.

5 (720 ILCS 120/Act rep.)

6 Section 10-930. The Hazing Act is repealed.

7 (720 ILCS 130/Act rep.)

8 Section 10-935. The Neglected Children Offense Act is  
9 repealed.

10 (720 ILCS 150/4.1 rep.)

11 Section 10-940. The Wrongs to Children Act is amended by  
12 repealing Section 4.1.

13 (720 ILCS 525/Act rep.)

14 Section 10-945. The Adoption Compensation Prohibition Act  
15 is repealed.

16 (720 ILCS 555/Act rep.)

17 Section 10-950. The Child Curfew Act is repealed.

18 Section 10-955. The Code of Criminal Procedure of 1963 is  
19 amended by changing Sections 115-10, 124B-10, and 124B-100 and  
20 by adding Part 1000 to Article 124B as follows:

1 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

2 Sec. 115-10. Certain hearsay exceptions.

3 (a) In a prosecution for a physical or sexual act  
4 perpetrated upon or against a child under the age of 13, or a  
5 person who was a moderately, severely, or profoundly  
6 intellectually disabled person as defined in this Code and in  
7 Section 2-10.1 of the Criminal Code of 1961 at the time the act  
8 was committed, including but not limited to prosecutions for  
9 violations of Sections 11-1.20 through 11-1.60 or 12-13 through  
10 12-16 of the Criminal Code of 1961 and prosecutions for  
11 violations of Sections 10-1 (kidnapping), 10-2 (aggravated  
12 kidnapping), 10-3 (unlawful restraint), 10-3.1 (aggravated  
13 unlawful restraint), 10-4 (forcible detention), 10-5 (child  
14 abduction), 10-6 (harboring a runaway), 10-7 (aiding or  
15 abetting child abduction), 11-9 (public indecency), 11-11  
16 (sexual relations within families), 11-21 (harmful material),  
17 12-1 (assault), 12-2 (aggravated assault), 12-3 (battery),  
18 12-3.2 (domestic battery), 12-3.3 (aggravated domestic  
19 battery), 12-3.05 or 12-4 (aggravated battery), 12-4.1  
20 (heinous battery), 12-4.2 (aggravated battery with a firearm),  
21 12-4.3 (aggravated battery of a child), 12-4.7 (drug induced  
22 infliction of great bodily harm), 12-5 (reckless conduct), 12-6  
23 (intimidation), 12-6.1 or 12-6.5 (compelling organization  
24 membership of persons), 12-7.1 (hate crime), 12-7.3  
25 (stalking), 12-7.4 (aggravated stalking), 12-10 or 12C-35

1 (tattooing the body of a minor), 12-11 (home invasion), 12-21.5  
2 or 12C-10 (child abandonment), 12-21.6 or 12C-5 (endangering  
3 the life or health of a child) or 12-32 (ritual mutilation) of  
4 the Criminal Code of 1961 or any sex offense as defined in  
5 subsection (B) of Section 2 of the Sex Offender Registration  
6 Act, the following evidence shall be admitted as an exception  
7 to the hearsay rule:

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

11 (2) testimony of an out of court statement made by the  
12 victim describing any complaint of such act or matter or  
13 detail pertaining to any act which is an element of an  
14 offense which is the subject of a prosecution for a sexual  
15 or physical act against that victim.

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

17 (1) The court finds in a hearing conducted outside the  
18 presence of the jury that the time, content, and  
19 circumstances of the statement provide sufficient  
20 safeguards of reliability; and

21 (2) The child or moderately, severely, or profoundly  
22 intellectually disabled person either:

23 (A) testifies at the proceeding; or

24 (B) is unavailable as a witness and there is  
25 corroborative evidence of the act which is the subject  
26 of the statement; and



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

7           (c) If a statement is admitted pursuant to this Section,  
8           the court shall instruct the jury that it is for the jury to  
9           determine the weight and credibility to be given the statement  
10          and that, in making the determination, it shall consider the  
11          age and maturity of the child, or the intellectual capabilities  
12          of the moderately, severely, or profoundly intellectually  
13          disabled person, the nature of the statement, the circumstances  
14          under which the statement was made, and any other relevant  
15          factor.

16          (d) The proponent of the statement shall give the adverse  
17          party reasonable notice of his intention to offer the statement  
18          and the particulars of the statement.

19          (e) Statements described in paragraphs (1) and (2) of  
20          subsection (a) shall not be excluded on the basis that they  
21          were obtained as a result of interviews conducted pursuant to a  
22          protocol adopted by a Child Advocacy Advisory Board as set  
23          forth in subsections (c), (d), and (e) of Section 3 of the  
24          Children's Advocacy Center Act or that an interviewer or  
25          witness to the interview was or is an employee, agent, or  
26          investigator of a State's Attorney's office.

1 (Source: P.A. 95-892, eff. 1-1-09; 96-710, eff. 1-1-10;  
2 96-1551, Article 1, Section 965, eff. 7-1-11; 96-1551, Article  
3 2, Section 1040, eff. 7-1-11; 97-227, eff. 1-1-12; revised  
4 9-14-11.)

5 (725 ILCS 5/124B-10)

6 Sec. 124B-10. Applicability; offenses. This Article  
7 applies to forfeiture of property in connection with the  
8 following:

9 (1) A violation of Section 10A-10 of the Criminal Code  
10 of 1961 (involuntary servitude; involuntary servitude of a  
11 minor; trafficking of persons for forced labor or  
12 services).

13 (2) A violation of subdivision (a)(1) of Section  
14 11-14.4 of the Criminal Code of 1961 (promoting juvenile  
15 prostitution) or a violation of Section 11-17.1 of the  
16 Criminal Code of 1961 (keeping a place of juvenile  
17 prostitution).

18 (3) A violation of subdivision (a)(4) of Section  
19 11-14.4 of the Criminal Code of 1961 (promoting juvenile  
20 prostitution) or a violation of Section 11-19.2 of the  
21 Criminal Code of 1961 (exploitation of a child).

22 (4) A violation of Section 11-20 of the Criminal Code  
23 of 1961 (obscenity).

24 (5) A second or subsequent violation of Section 11-20.1  
25 of the Criminal Code of 1961 (child pornography).

1 (6) A violation of Section 11-20.1B or 11-20.3 of the  
2 Criminal Code of 1961 (aggravated child pornography).

3 (7) A violation of Section 12C-65 of the Criminal Code  
4 of 1961 (unlawful transfer of a telecommunications device  
5 to a minor).

6 (8) ~~(7)~~ A violation of Section 16D-5 of the Criminal  
7 Code of 1961 (computer fraud).

8 (9) ~~(8)~~ A felony violation of Article 17B of the  
9 Criminal Code of 1961 (WIC fraud).

10 (10) ~~(9)~~ A felony violation of Section 26-5 of the  
11 Criminal Code of 1961 (dog fighting).

12 (11) ~~(10)~~ A violation of Article 29D of the Criminal  
13 Code of 1961 (terrorism).

14 (12) ~~(11)~~ A felony violation of Section 4.01 of the  
15 Humane Care for Animals Act (animals in entertainment).

16 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11.)

17 (725 ILCS 5/124B-100)

18 Sec. 124B-100. Definition; "offense". For purposes of this  
19 Article, "offense" is defined as follows:

20 (1) In the case of forfeiture authorized under Section  
21 10A-15 of the Criminal Code of 1961, "offense" means the  
22 offense of involuntary servitude, involuntary servitude of  
23 a minor, or trafficking of persons for forced labor or  
24 services in violation of Section 10A-10 of that Code.

25 (2) In the case of forfeiture authorized under

1 subdivision (a) (1) of Section 11-14.4, or Section 11-17.1,  
2 of the Criminal Code of 1961, "offense" means the offense  
3 of promoting juvenile prostitution or keeping a place of  
4 juvenile prostitution in violation of subdivision (a) (1)  
5 of Section 11-14.4, or Section 11-17.1, of that Code.

6 (3) In the case of forfeiture authorized under  
7 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,  
8 of the Criminal Code of 1961, "offense" means the offense  
9 of promoting juvenile prostitution or exploitation of a  
10 child in violation of subdivision (a) (4) of Section  
11 11-14.4, or Section 11-19.2, of that Code.

12 (4) In the case of forfeiture authorized under Section  
13 11-20 of the Criminal Code of 1961, "offense" means the  
14 offense of obscenity in violation of that Section.

15 (5) In the case of forfeiture authorized under Section  
16 11-20.1 of the Criminal Code of 1961, "offense" means the  
17 offense of child pornography in violation of Section  
18 11-20.1 of that Code.

19 (6) In the case of forfeiture authorized under Section  
20 11-20.1B or 11-20.3 of the Criminal Code of 1961, "offense"  
21 means the offense of aggravated child pornography in  
22 violation of Section 11-20.1B or 11-20.3 of that Code.

23 (7) In the case of forfeiture authorized under Section  
24 12C-65 of the Criminal Code of 1961, "offense" means the  
25 offense of unlawful transfer of a telecommunications  
26 device to a minor in violation of Section 12C-65 of that

1        Code.

2            (8) ~~(7)~~ In the case of forfeiture authorized under  
3        Section 16D-6 of the Criminal Code of 1961, "offense" means  
4        the offense of computer fraud in violation of Section 16D-5  
5        of that Code.

6            (9) ~~(8)~~ In the case of forfeiture authorized under  
7        Section 17B-25 of the Criminal Code of 1961, "offense"  
8        means any felony violation of Article 17B of that Code.

9            (10) ~~(9)~~ In the case of forfeiture authorized under  
10       Section 29D-65 of the Criminal Code of 1961, "offense"  
11       means any offense under Article 29D of that Code.

12           (11) ~~(10)~~ In the case of forfeiture authorized under  
13       Section 4.01 of the Humane Care for Animals Act or Section  
14       26-5 of the Criminal Code of 1961, "offense" means any  
15       felony offense under either of those Sections.

16           (12) In the case of forfeiture authorized under Section  
17       124B-1000(b) of the Code of Criminal Procedure of 1963,  
18       "offense" means an offense prohibited by the Criminal Code  
19       of 1961, the Illinois Controlled Substances Act, the  
20       Cannabis Control Act, or the Methamphetamine Control and  
21       Community Protection Act, or an offense involving a  
22       telecommunications device possessed by a person on the real  
23       property of any elementary or secondary school without  
24       authority of the school principal.

25        (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11.)

1 (725 ILCS 5/Art. 124B Pt. 1000 heading new)

2 Part 1000. Unlawful Telecommunications Device

3 (725 ILCS 5/124B-1000 new)

4 Sec. 124B-1000. Persons and property subject to  
5 forfeiture.

6 (a) A person who commits the offense of unlawful transfer  
7 of a telecommunications device to a minor in violation of  
8 Section 12C-65 of the Criminal Code of 1961 shall forfeit any  
9 telecommunications device used in the commission of the offense  
10 or which constitutes evidence of the commission of such  
11 offense.

12 (b) A person who commits an offense prohibited by the  
13 Criminal Code of 1961, the Illinois Controlled Substances Act,  
14 the Cannabis Control Act, or the Methamphetamine Control and  
15 Community Protection Act, or an offense involving a  
16 telecommunications device possessed by a person on the real  
17 property of any elementary or secondary school without  
18 authority of the school principal shall forfeit any  
19 telecommunications device used in the commission of the offense  
20 or which constitutes evidence of the commission of such  
21 offense. A person who is not a student of the particular  
22 elementary or secondary school, who is on school property as an  
23 invitee of the school, and who has possession of a  
24 telecommunications device for lawful and legitimate purposes,  
25 shall not need to obtain authority from the school principal to

1 possess the telecommunications device on school property.

2 (725 ILCS 5/124B-1010 new)

3 Sec. 124B-1010. Seizure. A telecommunications device  
4 subject to forfeiture may be seized and delivered forthwith to  
5 the investigating law enforcement agency. Such  
6 telecommunications device shall not be seized unless it was  
7 used in the commission of an offense specified in Section  
8 124B-1000, or constitutes evidence of such an offense. Within  
9 15 days after such delivery, the investigating law enforcement  
10 agency shall give notice of seizure to any known owners, lien  
11 holders and secured parties of such property. Within that 15  
12 day period the investigating law enforcement agency shall also  
13 notify the State's Attorney of the county of seizure about the  
14 seizure.

15 (725 ILCS 5/124B-1020 new)

16 Sec. 124B-1020. Exception to forfeiture. No  
17 telecommunications device shall be forfeited by reason of any  
18 act or omission established by the owner thereof to have been  
19 committed or omitted by any person other than the owner while  
20 the device was unlawfully in the possession of a person who  
21 acquired possession thereof in violation of the criminal laws  
22 of the United States, or of any state.

23 (725 ILCS 5/124B-1030 new)

1       Sec. 124B-1030. Transfer of property. Upon the court's  
2 determination that the telecommunications device is subject to  
3 forfeiture, the court may, notwithstanding the provisions of  
4 Section 124B-165(a), upon the request of the investigating law  
5 enforcement agency, order the property delivered to any local,  
6 municipal or county law enforcement agency, or the Department  
7 of State Police or the Department of Revenue of the State of  
8 Illinois.

9           (725 ILCS 5/124B-1040 new)

10       Sec. 124B-1040. Distribution of property from sale of  
11 proceeds. The proceeds of any sale of property, after payment  
12 of all liens and deduction of the reasonable charges and  
13 expenses incurred by the investigating law enforcement agency  
14 in storing and selling the property, shall be paid into the  
15 general fund of the level of government responsible for the  
16 operation of the investigating law enforcement agency.

17           (725 ILCS 5/124B-1045 new)

18       Sec. 124B-1045. Definition. "Telecommunications device"  
19 means a device which is portable or which may be installed in a  
20 motor vehicle, boat, or other means of transportation, and  
21 which is capable of receiving or transmitting speech, data,  
22 signals, or other information, including but not limited to  
23 paging devices, cellular and mobile telephones, and radio  
24 transceivers, transmitters and receivers, but not including



1 radios designed to receive only standard AM and FM broadcasts.

2 (725 ILCS 5/124B-1050 new)

3 Sec. 124B-1050. Standard forfeiture provisions  
4 incorporated by reference. All of the provisions of Part 100 of  
5 this Article are incorporated by reference into this Part 1000.

6 Section 10-960. The Child Murderer and Violent Offender  
7 Against Youth Registration Act is amended by changing Section 5  
8 as follows:

9 (730 ILCS 154/5)

10 Sec. 5. Definitions.

11 (a) As used in this Act, "violent offender against youth"  
12 means any person who is:

13 (1) charged pursuant to Illinois law, or any  
14 substantially similar federal, Uniform Code of Military  
15 Justice, sister state, or foreign country law, with a  
16 violent offense against youth set forth in subsection (b)  
17 of this Section or the attempt to commit an included  
18 violent offense against youth, and:

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

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

23 (C) is found not guilty by reason of insanity

1           pursuant to subsection (c) of Section 104-25 of the  
2           Code of Criminal Procedure of 1963 of such offense or  
3           an attempt to commit such offense; or

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

9           (E) is found not guilty by reason of insanity  
10          following a hearing conducted pursuant to a federal,  
11          Uniform Code of Military Justice, sister state, or  
12          foreign country law substantially similar to  
13          subsection (c) of Section 104-25 of the Code of  
14          Criminal Procedure of 1963 of such offense or of the  
15          attempted commission of such offense; or

16          (F) is the subject of a finding not resulting in an  
17          acquittal at a hearing conducted pursuant to a federal,  
18          Uniform Code of Military Justice, sister state, or  
19          foreign country law substantially similar to  
20          subsection (c) of Section 104-25 of the Code of  
21          Criminal Procedure of 1963 for the alleged violation or  
22          attempted commission of such offense; or

23          (2) adjudicated a juvenile delinquent as the result of  
24          committing or attempting to commit an act which, if  
25          committed by an adult, would constitute any of the offenses  
26          specified in subsection (b) or (c-5) of this Section or a

1 violation of any substantially similar federal, Uniform  
2 Code of Military Justice, sister state, or foreign country  
3 law, or found guilty under Article V of the Juvenile Court  
4 Act of 1987 of committing or attempting to commit an act  
5 which, if committed by an adult, would constitute any of  
6 the offenses specified in subsection (b) or (c-5) of this  
7 Section or a violation of any substantially similar  
8 federal, Uniform Code of Military Justice, sister state, or  
9 foreign country law.

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

15 For purposes of this Section, "convicted" shall have the  
16 same meaning as "adjudicated". For the purposes of this Act, a  
17 person who is defined as a violent offender against youth as a  
18 result of being adjudicated a juvenile delinquent under  
19 paragraph (2) of this subsection (a) upon attaining 17 years of  
20 age shall be considered as having committed the violent offense  
21 against youth on or after the 17th birthday of the violent  
22 offender against youth. Registration of juveniles upon  
23 attaining 17 years of age shall not extend the original  
24 registration of 10 years from the date of conviction.

25 (b) As used in this Act, "violent offense against youth"  
26 means:

1           (1) A violation of any of the following Sections of the  
2 Criminal Code of 1961, when the victim is a person under 18  
3 years of age and the offense was committed on or after  
4 January 1, 1996:

5           10-1 (kidnapping),

6           10-2 (aggravated kidnapping),

7           10-3 (unlawful restraint),

8           10-3.1 (aggravated unlawful restraint).

9           An attempt to commit any of these offenses.

10          (2) First degree murder under Section 9-1 of the  
11 Criminal Code of 1961, when the victim was a person under  
12 18 years of age and the defendant was at least 17 years of  
13 age at the time of the commission of the offense.

14          (3) Child abduction under paragraph (10) of subsection  
15 (b) of Section 10-5 of the Criminal Code of 1961 committed  
16 by luring or attempting to lure a child under the age of 16  
17 into a motor vehicle, building, house trailer, or dwelling  
18 place without the consent of the parent or lawful custodian  
19 of the child for other than a lawful purpose and the  
20 offense was committed on or after January 1, 1998.

21          (4) A violation or attempted violation of the following  
22 Section of the Criminal Code of 1961 when the offense was  
23 committed on or after July 1, 1999:

24           10-4 (forcible detention, if the victim is under 18  
25 years of age).

26          (4.1) Involuntary manslaughter under Section 9-3 of

1 the Criminal Code of 1961 where baby shaking was the  
2 proximate cause of death of the victim of the offense.

3 (4.2) Endangering the life or health of a child under  
4 Section 12-21.6 or 12C-5 of the Criminal Code of 1961 that  
5 results in the death of the child where baby shaking was  
6 the proximate cause of the death of the child.

7 (4.3) Domestic battery resulting in bodily harm under  
8 Section 12-3.2 of the Criminal Code of 1961 when the  
9 defendant was 18 years or older and the victim was under 18  
10 years of age and the offense was committed on or after July  
11 26, 2010.

12 (4.4) A violation or attempted violation of any of the  
13 following Sections or clauses of the Criminal Code of 1961  
14 when the victim was under 18 years of age and the offense  
15 was committed on or after (1) July 26, 2000 if the  
16 defendant was 18 years of age or older or (2) July 26, 2010  
17 and the defendant was under the age of 18:

18 12-3.3 (aggravated domestic battery),  
19 12-3.05(a) (1), 12-3.05(d) (2), 12-3.05(f) (1),  
20 12-4(a), 12-4(b) (1) or 12-4(b) (14) (aggravated  
21 battery),  
22 12-3.05(a) (2) or 12-4.1 (heinous battery),  
23 12-3.05(b) or 12-4.3 (aggravated battery of a  
24 child),  
25 12-3.1(a-5) or 12-4.4 (aggravated battery of an  
26 unborn child),

1 12-33 (ritualized abuse of a child).

2 (4.5) A violation or attempted violation of any of the  
3 following Sections of the Criminal Code of 1961 when the  
4 victim was under 18 years of age and the offense was  
5 committed on or after (1) August 1, 2001 if the defendant  
6 was 18 years of age or older or (2) August 1, 2011 and the  
7 defendant was under the age of 18:

8 12-3.05(e) (1), (2), (3), or (4) or 12-4.2

9 (aggravated battery with a firearm),

10 12-3.05(e) (5), (6), (7), or (8) or 12-4.2-5

11 (aggravated battery with a machine gun),

12 12-11 (home invasion).

13 (5) A violation of any former law of this State  
14 substantially equivalent to any offense listed in this  
15 subsection (b).

16 (b-5) For the purposes of this Section, "first degree  
17 murder of an adult" means first degree murder under Section 9-1  
18 of the Criminal Code of 1961 when the victim was a person 18  
19 years of age or older at the time of the commission of the  
20 offense.

21 (c) A conviction for an offense of federal law, Uniform  
22 Code of Military Justice, or the law of another state or a  
23 foreign country that is substantially equivalent to any offense  
24 listed in subsections (b) and (c-5) of this Section shall  
25 constitute a conviction for the purpose of this Act.

26 (c-5) A person at least 17 years of age at the time of the

1 commission of the offense who is convicted of first degree  
2 murder under Section 9-1 of the Criminal Code of 1961, against  
3 a person under 18 years of age, shall be required to register  
4 for natural life. A conviction for an offense of federal,  
5 Uniform Code of Military Justice, sister state, or foreign  
6 country law that is substantially equivalent to any offense  
7 listed in this subsection (c-5) shall constitute a conviction  
8 for the purpose of this Act. This subsection (c-5) applies to a  
9 person who committed the offense before June 1, 1996 only if  
10 the person is incarcerated in an Illinois Department of  
11 Corrections facility on August 20, 2004.

12 (c-6) A person who is convicted or adjudicated delinquent  
13 of first degree murder of an adult shall be required to  
14 register for a period of 10 years after conviction or  
15 adjudication if not confined to a penal institution, hospital,  
16 or any other institution or facility, and if confined, for a  
17 period of 10 years after parole, discharge, or release from any  
18 such facility. A conviction for an offense of federal, Uniform  
19 Code of Military Justice, sister state, or foreign country law  
20 that is substantially equivalent to any offense listed in  
21 subsection (c-6) of this Section shall constitute a conviction  
22 for the purpose of this Act. This subsection (c-6) does not  
23 apply to those individuals released from incarceration more  
24 than 10 years prior to January 1, 2012 (the effective date of  
25 Public Act 97-154) ~~this amendatory Act of the 97th General~~  
26 ~~Assembly.~~

1           (d) As used in this Act, "law enforcement agency having  
2 jurisdiction" means the Chief of Police in each of the  
3 municipalities in which the violent offender against youth  
4 expects to reside, work, or attend school (1) upon his or her  
5 discharge, parole or release or (2) during the service of his  
6 or her sentence of probation or conditional discharge, or the  
7 Sheriff of the county, in the event no Police Chief exists or  
8 if the offender intends to reside, work, or attend school in an  
9 unincorporated area. "Law enforcement agency having  
10 jurisdiction" includes the location where out-of-state  
11 students attend school and where out-of-state employees are  
12 employed or are otherwise required to register.

13           (e) As used in this Act, "supervising officer" means the  
14 assigned Illinois Department of Corrections parole agent or  
15 county probation officer.

16           (f) As used in this Act, "out-of-state student" means any  
17 violent offender against youth who is enrolled in Illinois, on  
18 a full-time or part-time basis, in any public or private  
19 educational institution, including, but not limited to, any  
20 secondary school, trade or professional institution, or  
21 institution of higher learning.

22           (g) As used in this Act, "out-of-state employee" means any  
23 violent offender against youth who works in Illinois,  
24 regardless of whether the individual receives payment for  
25 services performed, for a period of time of 10 or more days or  
26 for an aggregate period of time of 30 or more days during any



1 calendar year. Persons who operate motor vehicles in the State  
2 accrue one day of employment time for any portion of a day  
3 spent in Illinois.

4 (h) As used in this Act, "school" means any public or  
5 private educational institution, including, but not limited  
6 to, any elementary or secondary school, trade or professional  
7 institution, or institution of higher education.

8 (i) As used in this Act, "fixed residence" means any and  
9 all places that a violent offender against youth resides for an  
10 aggregate period of time of 5 or more days in a calendar year.

11 (j) As used in this Act, "baby shaking" means the vigorous  
12 shaking of an infant or a young child that may result in  
13 bleeding inside the head and cause one or more of the following  
14 conditions: irreversible brain damage; blindness, retinal  
15 hemorrhage, or eye damage; cerebral palsy; hearing loss; spinal  
16 cord injury, including paralysis; seizures; learning  
17 disability; central nervous system injury; closed head injury;  
18 rib fracture; subdural hematoma; or death.

19 (Source: P.A. 96-1115, eff. 1-1-11; 96-1294, eff. 7-26-10;  
20 97-154, eff. 1-1-12; 97-333, eff. 8-12-11; 97-432, eff.  
21 8-16-11; revised 10-4-11.)

22 Section 10-965. The Adoption Act is amended by changing  
23 Section 14 as follows:

24 (750 ILCS 50/14) (from Ch. 40, par. 1517)

1           Sec. 14. Judgment.

2           (a) Prior to the entry of the judgment for order of  
3 adoption in any case other than an adoption of a related child  
4 or of an adult, each petitioner and each person, agency,  
5 association, corporation, institution, society or organization  
6 involved in the adoption of the child, except a child welfare  
7 agency, shall execute an affidavit setting forth the hospital  
8 and medical costs, legal fees, counseling fees, and any other  
9 fees or expenditures paid in accordance with the Adoption  
10 Compensation Prohibition Act or Section 12C-70 of the Criminal  
11 Code of 1961.

12           (b) Before the entry of the judgment for adoption, each  
13 child welfare agency involved in the adoption of the child  
14 shall file an affidavit concerning the costs, expenses,  
15 contributions, fees, compensation, or other things of value  
16 which have been given, promised, or received including but not  
17 limited to hospital and medical costs, legal fees, social  
18 services, living expenses, or any other expenses related to the  
19 adoption paid in accordance with the Adoption Compensation  
20 Prohibition Act or Section 12C-70 of the Criminal Code of 1961.

21           If the total amount paid by the child welfare agency is  
22 \$4,500 or more, the affidavit shall contain an itemization of  
23 expenditures.

24           If the total amount paid by the child welfare agency is  
25 less than \$4,500, the agency may file an unitemized affidavit  
26 stating that the total amount paid is less than \$4,500 unless

1 the court, in its discretion, requires that agency to file an  
2 itemized affidavit.

3 (c) No affidavit need be filed in the case of an adoption  
4 of a related child or an adult, nor shall an affidavit be  
5 required to be filed by a non-consenting parent, or by any  
6 judge, or clerk, involved in an official capacity in the  
7 adoption proceedings.

8 (d) All affidavits filed in accordance with this Section  
9 shall be under penalty of perjury and shall include, but are  
10 not limited to, hospital and medical costs, legal fees, social  
11 services, living expenses or any other expenses related to the  
12 adoption or to the placement of the child, whether or not the  
13 payments are permitted by applicable laws.

14 (e) Upon the expiration of 6 months after the date of any  
15 interim order vesting temporary care, custody and control of a  
16 child, other than a related child, in the petitioners, entered  
17 pursuant to this Act, the petitioners may apply to the court  
18 for a judgment of adoption. Notice of such application shall be  
19 served by the petitioners upon the investigating agency or the  
20 person making such investigation, and the guardian ad litem.  
21 After the hearing on such application, at which the petitioners  
22 and the child shall appear in person, unless their presence is  
23 waived by the court for good cause shown, the court may enter a  
24 judgment for adoption, provided the court is satisfied from the  
25 report of the investigating agency or the person making the  
26 investigation, and from the evidence, if any, introduced, that

1 the adoption is for the welfare of the child and that there is  
2 a valid consent, or that no consent is required as provided in  
3 Section 8 of this Act.

4 (f) A judgment for adoption of a related child, an adult,  
5 or a child as to whose adoption an agency or person authorized  
6 by law has the right of authority to consent may be entered at  
7 any time after service of process and after the return day  
8 designated therein.

9 (f-5) A standby adoption judgment may be entered upon  
10 notice of the death of the consenting parent or upon the  
11 consenting parent's request that a final judgment for adoption  
12 be entered. The notice must be provided to the court within 60  
13 days after the standby adoptive parent's receipt of knowledge  
14 of death of the consenting parent or the consenting parent's  
15 request that a final judgment for adoption be entered. If the  
16 court finds that adoption is for the welfare of the child and  
17 that there is a valid consent, including consent for standby  
18 adoption, which is still in effect, or that no consent is  
19 required under Section 8 of the Act, a judgment for adoption  
20 shall be entered unless the court finds by clear and convincing  
21 evidence that it is no longer in the best interest of the child  
22 for the adoption to be finalized.

23 (g) No special findings of fact or certificate of evidence  
24 shall be necessary in any case to support the judgment.

25 (h) Only the circuit court that entered the judgment of the  
26 adoption may order the issuance of any contents of the court

1 file or that the original birth record of the adoptee be  
2 provided to any persons.

3 (Source: P.A. 93-732, eff. 1-1-05.)

4 ARTICLE 15

5 Section 15-5. The Children and Family Services Act is  
6 amended by changing Section 7 as follows:

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

8 Sec. 7. Placement of children; considerations.

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

15 (b) In placing a child under this Act, the Department may  
16 place a child with a relative if the Department determines that  
17 the relative will be able to adequately provide for the child's  
18 safety and welfare based on the factors set forth in the  
19 Department's rules governing relative placements, and that the  
20 placement is consistent with the child's best interests, taking  
21 into consideration the factors set out in subsection (4.05) of  
22 Section 1-3 of the Juvenile Court Act of 1987.

23 When the Department first assumes custody of a child, in

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

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

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

21 When the Department determines that the child requires  
22 placement in an environment, other than a home environment, the  
23 Department shall continue to make reasonable efforts to  
24 identify and locate relatives to serve as visitation resources  
25 for the child and potential future placement resources, except  
26 when the Department determines that those efforts would be

1 futile or inconsistent with the child's best interests.

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

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

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

23 The Department may not place a child with a relative, with  
24 the exception of certain circumstances which may be waived as  
25 defined by the Department in rules, if the results of a check  
26 of the Law Enforcement Agencies Data System (LEADS) identifies

1 a prior criminal conviction of the relative or any adult member  
2 of the relative's household for any of the following offenses  
3 under the Criminal Code of 1961:

4 (1) murder;

5 (1.1) solicitation of murder;

6 (1.2) solicitation of murder for hire;

7 (1.3) intentional homicide of an unborn child;

8 (1.4) voluntary manslaughter of an unborn child;

9 (1.5) involuntary manslaughter;

10 (1.6) reckless homicide;

11 (1.7) concealment of a homicidal death;

12 (1.8) involuntary manslaughter of an unborn child;

13 (1.9) reckless homicide of an unborn child;

14 (1.10) drug-induced homicide;

15 (2) a sex offense under Article 11, except offenses  
16 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,  
17 11-40, and 11-45;

18 (3) kidnapping;

19 (3.1) aggravated unlawful restraint;

20 (3.2) forcible detention;

21 (3.3) aiding and abetting child abduction;

22 (4) aggravated kidnapping;

23 (5) child abduction;

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

26 (7) criminal sexual assault;



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

1           any of the foregoing offenses.

2           For the purpose of this subsection, "relative" shall include  
3           any person, 21 years of age or over, other than the parent, who  
4           (i) is currently related to the child in any of the following  
5           ways by blood or adoption: grandparent, sibling,  
6           great-grandparent, uncle, aunt, nephew, niece, first cousin,  
7           second cousin, godparent, great-uncle, or great-aunt; or (ii)  
8           is the spouse of such a relative; or (iii) is the child's  
9           step-father, step-mother, or adult step-brother or  
10          step-sister; "relative" also includes a person related in any  
11          of the foregoing ways to a sibling of a child, even though the  
12          person is not related to the child, when the child and its  
13          sibling are placed together with that person. For children who  
14          have been in the guardianship of the Department, have been  
15          adopted, and are subsequently returned to the temporary custody  
16          or guardianship of the Department, a "relative" may also  
17          include any person who would have qualified as a relative under  
18          this paragraph prior to the adoption, but only if the  
19          Department determines, and documents, that it would be in the  
20          child's best interests to consider this person a relative,  
21          based upon the factors for determining best interests set forth  
22          in subsection (4.05) of Section 1-3 of the Juvenile Court Act  
23          of 1987. A relative with whom a child is placed pursuant to  
24          this subsection may, but is not required to, apply for  
25          licensure as a foster family home pursuant to the Child Care  
26          Act of 1969; provided, however, that as of July 1, 1995, foster

1 care payments shall be made only to licensed foster family  
2 homes pursuant to the terms of Section 5 of this Act.

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

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

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

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

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

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

18 (Source: P.A. 96-1551, Article 1, Section 900, eff. 7-1-11;  
19 96-1551, Article 2, Section 920, eff. 7-1-11; revised 9-30-11.)

20 Section 15-10. The Criminal Identification Act is amended  
21 by changing Section 5.2 as follows:

22 (20 ILCS 2630/5.2)

23 Sec. 5.2. Expungement and sealing.

24 (a) General Provisions.

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

4           (A) The following terms shall have the meanings  
5 ascribed to them in the Unified Code of Corrections,  
6 730 ILCS 5/5-1-2 through 5/5-1-22:

- 7                   (i) Business Offense (730 ILCS 5/5-1-2),  
8                   (ii) Charge (730 ILCS 5/5-1-3),  
9                   (iii) Court (730 ILCS 5/5-1-6),  
10                   (iv) Defendant (730 ILCS 5/5-1-7),  
11                   (v) Felony (730 ILCS 5/5-1-9),  
12                   (vi) Imprisonment (730 ILCS 5/5-1-10),  
13                   (vii) Judgment (730 ILCS 5/5-1-12),  
14                   (viii) Misdemeanor (730 ILCS 5/5-1-14),  
15                   (ix) Offense (730 ILCS 5/5-1-15),  
16                   (x) Parole (730 ILCS 5/5-1-16),  
17                   (xi) Petty Offense (730 ILCS 5/5-1-17),  
18                   (xii) Probation (730 ILCS 5/5-1-18),  
19                   (xiii) Sentence (730 ILCS 5/5-1-19),  
20                   (xiv) Supervision (730 ILCS 5/5-1-21), and  
21                   (xv) Victim (730 ILCS 5/5-1-22).

22           (B) As used in this Section, "charge not initiated  
23 by arrest" means a charge (as defined by 730 ILCS  
24 5/5-1-3) brought against a defendant where the  
25 defendant is not arrested prior to or as a direct  
26 result of the charge.

1 (C) "Conviction" means a judgment of conviction or  
2 sentence entered upon a plea of guilty or upon a  
3 verdict or finding of guilty of an offense, rendered by  
4 a legally constituted jury or by a court of competent  
5 jurisdiction authorized to try the case without a jury.  
6 An order of supervision successfully completed by the  
7 petitioner is not a conviction. An order of qualified  
8 probation (as defined in subsection (a)(1)(J))  
9 successfully completed by the petitioner is not a  
10 conviction. An order of supervision or an order of  
11 qualified probation that is terminated  
12 unsatisfactorily is a conviction, unless the  
13 unsatisfactory termination is reversed, vacated, or  
14 modified and the judgment of conviction, if any, is  
15 reversed or vacated.

16 (D) "Criminal offense" means a petty offense,  
17 business offense, misdemeanor, felony, or municipal  
18 ordinance violation (as defined in subsection  
19 (a)(1)(H)). As used in this Section, a minor traffic  
20 offense (as defined in subsection (a)(1)(G)) shall not  
21 be considered a criminal offense.

22 (E) "Expunge" means to physically destroy the  
23 records or return them to the petitioner and to  
24 obliterate the petitioner's name from any official  
25 index or public record, or both. Nothing in this Act  
26 shall require the physical destruction of the circuit

1 court file, but such records relating to arrests or  
2 charges, or both, ordered expunged shall be impounded  
3 as required by subsections (d)(9)(A)(ii) and  
4 (d)(9)(B)(ii).

5 (F) As used in this Section, "last sentence" means  
6 the sentence, order of supervision, or order of  
7 qualified probation (as defined by subsection  
8 (a)(1)(J)), for a criminal offense (as defined by  
9 subsection (a)(1)(D)) that terminates last in time in  
10 any jurisdiction, regardless of whether the petitioner  
11 has included the criminal offense for which the  
12 sentence or order of supervision or qualified  
13 probation was imposed in his or her petition. If  
14 multiple sentences, orders of supervision, or orders  
15 of qualified probation terminate on the same day and  
16 are last in time, they shall be collectively considered  
17 the "last sentence" regardless of whether they were  
18 ordered to run concurrently.

19 (G) "Minor traffic offense" means a petty offense,  
20 business offense, or Class C misdemeanor under the  
21 Illinois Vehicle Code or a similar provision of a  
22 municipal or local ordinance.

23 (H) "Municipal ordinance violation" means an  
24 offense defined by a municipal or local ordinance that  
25 is criminal in nature and with which the petitioner was  
26 charged or for which the petitioner was arrested and

1 released without charging.

2 (I) "Petitioner" means an adult or a minor  
3 prosecuted as an adult who has applied for relief under  
4 this Section.

5 (J) "Qualified probation" means an order of  
6 probation under Section 10 of the Cannabis Control Act,  
7 Section 410 of the Illinois Controlled Substances Act,  
8 Section 70 of the Methamphetamine Control and  
9 Community Protection Act, Section 12-4.3(b)(1) and (2)  
10 of the Criminal Code of 1961 (as those provisions  
11 existed before their deletion by Public Act 89-313),  
12 Section 10-102 of the Illinois Alcoholism and Other  
13 Drug Dependency Act, Section 40-10 of the Alcoholism  
14 and Other Drug Abuse and Dependency Act, or Section 10  
15 of the Steroid Control Act. For the purpose of this  
16 Section, "successful completion" of an order of  
17 qualified probation under Section 10-102 of the  
18 Illinois Alcoholism and Other Drug Dependency Act and  
19 Section 40-10 of the Alcoholism and Other Drug Abuse  
20 and Dependency Act means that the probation was  
21 terminated satisfactorily and the judgment of  
22 conviction was vacated.

23 (K) "Seal" means to physically and electronically  
24 maintain the records, unless the records would  
25 otherwise be destroyed due to age, but to make the  
26 records unavailable without a court order, subject to



1 the exceptions in Sections 12 and 13 of this Act. The  
2 petitioner's name shall also be obliterated from the  
3 official index required to be kept by the circuit court  
4 clerk under Section 16 of the Clerks of Courts Act, but  
5 any index issued by the circuit court clerk before the  
6 entry of the order to seal shall not be affected.

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

11 (M) "Terminate" as it relates to a sentence or  
12 order of supervision or qualified probation includes  
13 either satisfactory or unsatisfactory termination of  
14 the sentence, unless otherwise specified in this  
15 Section.

16 (2) Minor Traffic Offenses. Orders of supervision or  
17 convictions for minor traffic offenses shall not affect a  
18 petitioner's eligibility to expunge or seal records  
19 pursuant to this Section.

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

23 (A) the sealing or expungement of the records of  
24 arrests or charges not initiated by arrest that result  
25 in an order of supervision for or conviction of: (i)  
26 any sexual offense committed against a minor; (ii)

1 Section 11-501 of the Illinois Vehicle Code or a  
2 similar provision of a local ordinance; or (iii)  
3 Section 11-503 of the Illinois Vehicle Code or a  
4 similar provision of a local ordinance.

5 (B) the sealing or expungement of records of minor  
6 traffic offenses (as defined in subsection (a)(1)(G)),  
7 unless the petitioner was arrested and released  
8 without charging.

9 (C) the sealing of the records of arrests or  
10 charges not initiated by arrest which result in an  
11 order of supervision, an order of qualified probation  
12 (as defined in subsection (a)(1)(J)), or a conviction  
13 for the following offenses:

14 (i) offenses included in Article 11 of the  
15 Criminal Code of 1961 or a similar provision of a  
16 local ordinance, except Section 11-14 of the  
17 Criminal Code of 1961 or a similar provision of a  
18 local ordinance;

19 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30, or  
20 26-5 of the Criminal Code of 1961 or a similar  
21 provision of a local ordinance;

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

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

1           (v) any offense or attempted offense that  
2           would subject a person to registration under the  
3           Sex Offender Registration Act.

4           (D) the sealing of the records of an arrest which  
5           results in the petitioner being charged with a felony  
6           offense or records of a charge not initiated by arrest  
7           for a felony offense unless:

8                   (i) the charge is amended to a misdemeanor and  
9                   is otherwise eligible to be sealed pursuant to  
10                  subsection (c);

11                   (ii) the charge is brought along with another  
12                  charge as a part of one case and the charge results  
13                  in acquittal, dismissal, or conviction when the  
14                  conviction was reversed or vacated, and another  
15                  charge brought in the same case results in a  
16                  disposition for a misdemeanor offense that is  
17                  eligible to be sealed pursuant to subsection (c) or  
18                  a disposition listed in paragraph (i), (iii), or  
19                  (iv) of this subsection;

20                   (iii) the charge results in first offender  
21                  probation as set forth in subsection (c) (2) (E);

22                   (iv) the charge is for a Class 4 felony offense  
23                  listed in subsection (c) (2) (F) or the charge is  
24                  amended to a Class 4 felony offense listed in  
25                  subsection (c) (2) (F). Records of arrests which  
26                  result in the petitioner being charged with a Class

1           4 felony offense listed in subsection (c)(2)(F),  
2           records of charges not initiated by arrest for  
3           Class 4 felony offenses listed in subsection  
4           (c)(2)(F), and records of charges amended to a  
5           Class 4 felony offense listed in (c)(2)(F) may be  
6           sealed, regardless of the disposition, subject to  
7           any waiting periods set forth in subsection  
8           (c)(3);

9           (v) the charge results in acquittal,  
10          dismissal, or the petitioner's release without  
11          conviction; or

12          (vi) the charge results in a conviction, but  
13          the conviction was reversed or vacated.

14          (b) Expungement.

15           (1) A petitioner may petition the circuit court to  
16           expunge the records of his or her arrests and charges not  
17           initiated by arrest when:

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

20           (B) Each arrest or charge not initiated by arrest  
21           sought to be expunged resulted in: (i) acquittal,  
22           dismissal, or the petitioner's release without  
23           charging, unless excluded by subsection (a)(3)(B);  
24           (ii) a conviction which was vacated or reversed, unless  
25           excluded by subsection (a)(3)(B); (iii) an order of  
26           supervision and such supervision was successfully

1 completed by the petitioner, unless excluded by  
2 subsection (a) (3) (A) or (a) (3) (B); or (iv) an order of  
3 qualified probation (as defined in subsection  
4 (a) (1) (J)) and such probation was successfully  
5 completed by the petitioner.

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

7 (A) When the arrest or charge not initiated by  
8 arrest sought to be expunged resulted in an acquittal,  
9 dismissal, the petitioner's release without charging,  
10 or the reversal or vacation of a conviction, there is  
11 no waiting period to petition for the expungement of  
12 such records.

13 (B) When the arrest or charge not initiated by  
14 arrest sought to be expunged resulted in an order of  
15 supervision, successfully completed by the petitioner,  
16 the following time frames will apply:

17 (i) Those arrests or charges that resulted in  
18 orders of supervision under Section 3-707, 3-708,  
19 3-710, or 5-401.3 of the Illinois Vehicle Code or a  
20 similar provision of a local ordinance, or under  
21 Section 11-1.50, 12-3.2, or 12-15 of the Criminal  
22 Code of 1961 or a similar provision of a local  
23 ordinance, shall not be eligible for expungement  
24 until 5 years have passed following the  
25 satisfactory termination of the supervision.

26 (ii) Those arrests or charges that resulted in

1 orders of supervision for any other offenses shall  
2 not be eligible for expungement until 2 years have  
3 passed following the satisfactory termination of  
4 the supervision.

5 (C) When the arrest or charge not initiated by  
6 arrest sought to be expunged resulted in an order of  
7 qualified probation, successfully completed by the  
8 petitioner, such records shall not be eligible for  
9 expungement until 5 years have passed following the  
10 satisfactory termination of the probation.

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

15 (4) Whenever a person has been arrested for or  
16 convicted of any offense, in the name of a person whose  
17 identity he or she has stolen or otherwise come into  
18 possession of, the aggrieved person from whom the identity  
19 was stolen or otherwise obtained without authorization,  
20 upon learning of the person having been arrested using his  
21 or her identity, may, upon verified petition to the chief  
22 judge of the circuit wherein the arrest was made, have a  
23 court order entered nunc pro tunc by the Chief Judge to  
24 correct the arrest record, conviction record, if any, and  
25 all official records of the arresting authority, the  
26 Department, other criminal justice agencies, the

1 prosecutor, and the trial court concerning such arrest, if  
2 any, by removing his or her name from all such records in  
3 connection with the arrest and conviction, if any, and by  
4 inserting in the records the name of the offender, if known  
5 or ascertainable, in lieu of the aggrieved's name. The  
6 records of the circuit court clerk shall be sealed until  
7 further order of the court upon good cause shown and the  
8 name of the aggrieved person obliterated on the official  
9 index required to be kept by the circuit court clerk under  
10 Section 16 of the Clerks of Courts Act, but the order shall  
11 not affect any index issued by the circuit court clerk  
12 before the entry of the order. Nothing in this Section  
13 shall limit the Department of State Police or other  
14 criminal justice agencies or prosecutors from listing  
15 under an offender's name the false names he or she has  
16 used.

17 (5) Whenever a person has been convicted of criminal  
18 sexual assault, aggravated criminal sexual assault,  
19 predatory criminal sexual assault of a child, criminal  
20 sexual abuse, or aggravated criminal sexual abuse, the  
21 victim of that offense may request that the State's  
22 Attorney of the county in which the conviction occurred  
23 file a verified petition with the presiding trial judge at  
24 the petitioner's trial to have a court order entered to  
25 seal the records of the circuit court clerk in connection  
26 with the proceedings of the trial court concerning that

1 offense. However, the records of the arresting authority  
2 and the Department of State Police concerning the offense  
3 shall not be sealed. The court, upon good cause shown,  
4 shall make the records of the circuit court clerk in  
5 connection with the proceedings of the trial court  
6 concerning the offense available for public inspection.

7 (6) If a conviction has been set aside on direct review  
8 or on collateral attack and the court determines by clear  
9 and convincing evidence that the petitioner was factually  
10 innocent of the charge, the court shall enter an  
11 expungement order as provided in subsection (b) of Section  
12 5-5-4 of the Unified Code of Corrections.

13 (7) Nothing in this Section shall prevent the  
14 Department of State Police from maintaining all records of  
15 any person who is admitted to probation upon terms and  
16 conditions and who fulfills those terms and conditions  
17 pursuant to Section 10 of the Cannabis Control Act, Section  
18 410 of the Illinois Controlled Substances Act, Section 70  
19 of the Methamphetamine Control and Community Protection  
20 Act, Section 12-4.3 or subdivision (b)(1) of Section  
21 12-3.05 of the Criminal Code of 1961, Section 10-102 of the  
22 Illinois Alcoholism and Other Drug Dependency Act, Section  
23 40-10 of the Alcoholism and Other Drug Abuse and Dependency  
24 Act, or Section 10 of the Steroid Control Act.

25 (c) Sealing.

26 (1) Applicability. Notwithstanding any other provision



1 of this Act to the contrary, and cumulative with any rights  
2 to expungement of criminal records, this subsection  
3 authorizes the sealing of criminal records of adults and of  
4 minors prosecuted as adults.

5 (2) Eligible Records. The following records may be  
6 sealed:

7 (A) All arrests resulting in release without  
8 charging;

9 (B) Arrests or charges not initiated by arrest  
10 resulting in acquittal, dismissal, or conviction when  
11 the conviction was reversed or vacated, except as  
12 excluded by subsection (a) (3) (B);

13 (C) Arrests or charges not initiated by arrest  
14 resulting in orders of supervision successfully  
15 completed by the petitioner, unless excluded by  
16 subsection (a) (3);

17 (D) Arrests or charges not initiated by arrest  
18 resulting in convictions unless excluded by subsection  
19 (a) (3);

20 (E) Arrests or charges not initiated by arrest  
21 resulting in orders of first offender probation under  
22 Section 10 of the Cannabis Control Act, Section 410 of  
23 the Illinois Controlled Substances Act, or Section 70  
24 of the Methamphetamine Control and Community  
25 Protection Act; and

26 (F) Arrests or charges not initiated by arrest

1 resulting in Class 4 felony convictions for the  
2 following offenses:

- 3 (i) Section 11-14 of the Criminal Code of 1961;  
4 (ii) Section 4 of the Cannabis Control Act;  
5 (iii) Section 402 of the Illinois Controlled  
6 Substances Act;  
7 (iv) the Methamphetamine Precursor Control  
8 Act; and  
9 (v) the Steroid Control Act.

10 (3) When Records Are Eligible to Be Sealed. Records  
11 identified as eligible under subsection (c)(2) may be  
12 sealed as follows:

13 (A) Records identified as eligible under  
14 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any  
15 time.

16 (B) Records identified as eligible under  
17 subsection (c)(2)(C) may be sealed (i) 3 years after  
18 the termination of petitioner's last sentence (as  
19 defined in subsection (a)(1)(F)) if the petitioner has  
20 never been convicted of a criminal offense (as defined  
21 in subsection (a)(1)(D)); or (ii) 4 years after the  
22 termination of the petitioner's last sentence (as  
23 defined in subsection (a)(1)(F)) if the petitioner has  
24 ever been convicted of a criminal offense (as defined  
25 in subsection (a)(1)(D)).

26 (C) Records identified as eligible under

1 subsections (c) (2) (D), (c) (2) (E), and (c) (2) (F) may be  
2 sealed 4 years after the termination of the  
3 petitioner's last sentence (as defined in subsection  
4 (a) (1) (F)).

5 (4) Subsequent felony convictions. A person may not  
6 have subsequent felony conviction records sealed as  
7 provided in this subsection (c) if he or she is convicted  
8 of any felony offense after the date of the sealing of  
9 prior felony convictions as provided in this subsection  
10 (c). The court may, upon conviction for a subsequent felony  
11 offense, order the unsealing of prior felony conviction  
12 records previously ordered sealed by the court.

13 (5) Notice of eligibility for sealing. Upon entry of a  
14 disposition for an eligible record under this subsection  
15 (c), the petitioner shall be informed by the court of the  
16 right to have the records sealed and the procedures for the  
17 sealing of the records.

18 (d) Procedure. The following procedures apply to  
19 expungement under subsections (b) and (e), and sealing under  
20 subsection (c):

21 (1) Filing the petition. Upon becoming eligible to  
22 petition for the expungement or sealing of records under  
23 this Section, the petitioner shall file a petition  
24 requesting the expungement or sealing of records with the  
25 clerk of the court where the arrests occurred or the  
26 charges were brought, or both. If arrests occurred or

1 charges were brought in multiple jurisdictions, a petition  
2 must be filed in each such jurisdiction. The petitioner  
3 shall pay the applicable fee, if not waived.

4 (2) Contents of petition. The petition shall be  
5 verified and shall contain the petitioner's name, date of  
6 birth, current address and, for each arrest or charge not  
7 initiated by arrest sought to be sealed or expunged, the  
8 case number, the date of arrest (if any), the identity of  
9 the arresting authority, and such other information as the  
10 court may require. During the pendency of the proceeding,  
11 the petitioner shall promptly notify the circuit court  
12 clerk of any change of his or her address.

13 (3) Drug test. The petitioner must attach to the  
14 petition proof that the petitioner has passed a test taken  
15 within 30 days before the filing of the petition showing  
16 the absence within his or her body of all illegal  
17 substances as defined by the Illinois Controlled  
18 Substances Act, the Methamphetamine Control and Community  
19 Protection Act, and the Cannabis Control Act if he or she  
20 is petitioning to seal felony records pursuant to clause  
21 (c) (2) (E) or (c) (2) (F) (ii)-(v) or if he or she is  
22 petitioning to expunge felony records of a qualified  
23 probation pursuant to clause (b) (1) (B) (iv).

24 (4) Service of petition. The circuit court clerk shall  
25 promptly serve a copy of the petition on the State's  
26 Attorney or prosecutor charged with the duty of prosecuting

1 the offense, the Department of State Police, the arresting  
2 agency and the chief legal officer of the unit of local  
3 government effecting the arrest.

4 (5) Objections.

5 (A) Any party entitled to notice of the petition  
6 may file an objection to the petition. All objections  
7 shall be in writing, shall be filed with the circuit  
8 court clerk, and shall state with specificity the basis  
9 of the objection.

10 (B) Objections to a petition to expunge or seal  
11 must be filed within 60 days of the date of service of  
12 the petition.

13 (6) Entry of order.

14 (A) The Chief Judge of the circuit wherein the  
15 charge was brought, any judge of that circuit  
16 designated by the Chief Judge, or in counties of less  
17 than 3,000,000 inhabitants, the presiding trial judge  
18 at the petitioner's trial, if any, shall rule on the  
19 petition to expunge or seal as set forth in this  
20 subsection (d)(6).

21 (B) Unless the State's Attorney or prosecutor, the  
22 Department of State Police, the arresting agency, or  
23 the chief legal officer files an objection to the  
24 petition to expunge or seal within 60 days from the  
25 date of service of the petition, the court shall enter  
26 an order granting or denying the petition.

1           (7) Hearings. If an objection is filed, the court shall  
2           set a date for a hearing and notify the petitioner and all  
3           parties entitled to notice of the petition of the hearing  
4           date at least 30 days prior to the hearing, and shall hear  
5           evidence on whether the petition should or should not be  
6           granted, and shall grant or deny the petition to expunge or  
7           seal the records based on the evidence presented at the  
8           hearing.

9           (8) Service of order. After entering an order to  
10          expunge or seal records, the court must provide copies of  
11          the order to the Department, in a form and manner  
12          prescribed by the Department, to the petitioner, to the  
13          State's Attorney or prosecutor charged with the duty of  
14          prosecuting the offense, to the arresting agency, to the  
15          chief legal officer of the unit of local government  
16          effecting the arrest, and to such other criminal justice  
17          agencies as may be ordered by the court.

18          (9) Effect of order.

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

21                   (i) the records shall be expunged (as defined  
22                   in subsection (a) (1) (E)) by the arresting agency,  
23                   the Department, and any other agency as ordered by  
24                   the court, within 60 days of the date of service of  
25                   the order, unless a motion to vacate, modify, or  
26                   reconsider the order is filed pursuant to

1 paragraph (12) of subsection (d) of this Section;

2 (ii) the records of the circuit court clerk  
3 shall be impounded until further order of the court  
4 upon good cause shown and the name of the  
5 petitioner obliterated on the official index  
6 required to be kept by the circuit court clerk  
7 under Section 16 of the Clerks of Courts Act, but  
8 the order shall not affect any index issued by the  
9 circuit court clerk before the entry of the order;  
10 and

11 (iii) in response to an inquiry for expunged  
12 records, the court, the Department, or the agency  
13 receiving such inquiry, shall reply as it does in  
14 response to inquiries when no records ever  
15 existed.

16 (B) Upon entry of an order to expunge records  
17 pursuant to (b) (2) (B) (i) or (b) (2) (C), or both:

18 (i) the records shall be expunged (as defined  
19 in subsection (a) (1) (E)) by the arresting agency  
20 and any other agency as ordered by the court,  
21 within 60 days of the date of service of the order,  
22 unless a motion to vacate, modify, or reconsider  
23 the order is filed pursuant to paragraph (12) of  
24 subsection (d) of this Section;

25 (ii) the records of the circuit court clerk  
26 shall be impounded until further order of the court

1           upon good cause shown and the name of the  
2           petitioner obliterated on the official index  
3           required to be kept by the circuit court clerk  
4           under Section 16 of the Clerks of Courts Act, but  
5           the order shall not affect any index issued by the  
6           circuit court clerk before the entry of the order;

7           (iii) the records shall be impounded by the  
8           Department within 60 days of the date of service of  
9           the order as ordered by the court, unless a motion  
10          to vacate, modify, or reconsider the order is filed  
11          pursuant to paragraph (12) of subsection (d) of  
12          this Section;

13          (iv) records impounded by the Department may  
14          be disseminated by the Department only as required  
15          by law or to the arresting authority, the State's  
16          Attorney, and the court upon a later arrest for the  
17          same or a similar offense or for the purpose of  
18          sentencing for any subsequent felony, and to the  
19          Department of Corrections upon conviction for any  
20          offense; and

21          (v) in response to an inquiry for such records  
22          from anyone not authorized by law to access such  
23          records the court, the Department, or the agency  
24          receiving such inquiry shall reply as it does in  
25          response to inquiries when no records ever  
26          existed.



1           (C) Upon entry of an order to seal records under  
2           subsection (c), the arresting agency, any other agency  
3           as ordered by the court, the Department, and the court  
4           shall seal the records (as defined in subsection  
5           (a) (1) (K)). In response to an inquiry for such records  
6           from anyone not authorized by law to access such  
7           records the court, the Department, or the agency  
8           receiving such inquiry shall reply as it does in  
9           response to inquiries when no records ever existed.

10          (10) Fees. The Department may charge the petitioner a  
11          fee equivalent to the cost of processing any order to  
12          expunge or seal records. Notwithstanding any provision of  
13          the Clerks of Courts Act to the contrary, the circuit court  
14          clerk may charge a fee equivalent to the cost associated  
15          with the sealing or expungement of records by the circuit  
16          court clerk. From the total filing fee collected for the  
17          petition to seal or expunge, the circuit court clerk shall  
18          deposit \$10 into the Circuit Court Clerk Operation and  
19          Administrative Fund, to be used to offset the costs  
20          incurred by the circuit court clerk in performing the  
21          additional duties required to serve the petition to seal or  
22          expunge on all parties. The circuit court clerk shall  
23          collect and forward the Department of State Police portion  
24          of the fee to the Department and it shall be deposited in  
25          the State Police Services Fund.

26          (11) Final Order. No court order issued under the

1 expungement or sealing provisions of this Section shall  
2 become final for purposes of appeal until 30 days after  
3 service of the order on the petitioner and all parties  
4 entitled to notice of the petition.

5 (12) Motion to Vacate, Modify, or Reconsider. The  
6 petitioner or any party entitled to notice may file a  
7 motion to vacate, modify, or reconsider the order granting  
8 or denying the petition to expunge or seal within 60 days  
9 of service of the order.

10 (e) Whenever a person who has been convicted of an offense  
11 is granted a pardon by the Governor which specifically  
12 authorizes expungement, he or she may, upon verified petition  
13 to the Chief Judge of the circuit where the person had been  
14 convicted, any judge of the circuit designated by the Chief  
15 Judge, or in counties of less than 3,000,000 inhabitants, the  
16 presiding trial judge at the defendant's trial, have a court  
17 order entered expunging the record of arrest from the official  
18 records of the arresting authority and order that the records  
19 of the circuit court clerk and the Department be sealed until  
20 further order of the court upon good cause shown or as  
21 otherwise provided herein, and the name of the defendant  
22 obliterated from the official index requested to be kept by the  
23 circuit court clerk under Section 16 of the Clerks of Courts  
24 Act in connection with the arrest and conviction for the  
25 offense for which he or she had been pardoned but the order  
26 shall not affect any index issued by the circuit court clerk

1 before the entry of the order. All records sealed by the  
2 Department may be disseminated by the Department only as  
3 required by law or to the arresting authority, the State's  
4 Attorney, and the court upon a later arrest for the same or  
5 similar offense or for the purpose of sentencing for any  
6 subsequent felony. Upon conviction for any subsequent offense,  
7 the Department of Corrections shall have access to all sealed  
8 records of the Department pertaining to that individual. Upon  
9 entry of the order of expungement, the circuit court clerk  
10 shall promptly mail a copy of the order to the person who was  
11 pardoned.

12 (f) Subject to available funding, the Illinois Department  
13 of Corrections shall conduct a study of the impact of sealing,  
14 especially on employment and recidivism rates, utilizing a  
15 random sample of those who apply for the sealing of their  
16 criminal records under Public Act 93-211. At the request of the  
17 Illinois Department of Corrections, records of the Illinois  
18 Department of Employment Security shall be utilized as  
19 appropriate to assist in the study. The study shall not  
20 disclose any data in a manner that would allow the  
21 identification of any particular individual or employing unit.  
22 The study shall be made available to the General Assembly no  
23 later than September 1, 2010.

24 (Source: P.A. 96-409, eff. 1-1-10; 96-1401, eff. 7-29-10;  
25 96-1532, eff. 1-1-12; 96-1551, Article 1, Section 905, eff.  
26 7-1-11; 96-1551, Article 2, Section 925, eff. 7-1-11; 97-443,

1 eff. 8-19-11; revised 9-6-11.)

2 Section 15-15. The Illinois Municipal Code is amended by  
3 changing Section 10-1-7 as follows:

4 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

5 Sec. 10-1-7. Examination of applicants; disqualifications.

6 (a) All applicants for offices or places in the classified  
7 service, except those mentioned in Section 10-1-17, are subject  
8 to examination. The examination shall be public, competitive,  
9 and open to all citizens of the United States, with specified  
10 limitations as to residence, age, health, habits and moral  
11 character.

12 (b) Residency requirements in effect at the time an  
13 individual enters the fire or police service of a municipality  
14 (other than a municipality that has more than 1,000,000  
15 inhabitants) cannot be made more restrictive for that  
16 individual during his or her period of service for that  
17 municipality, or be made a condition of promotion, except for  
18 the rank or position of Fire or Police Chief.

19 (c) No person with a record of misdemeanor convictions  
20 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,  
21 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,  
22 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,  
23 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a) (1) and  
24 (a) (2) (C) of Section 11-14.3, and subsections (1), (6) and (8)

1 of Section 24-1 of the Criminal Code of 1961 or arrested for  
2 any cause but not convicted on that cause shall be disqualified  
3 from taking the examination on grounds of habits or moral  
4 character, unless the person is attempting to qualify for a  
5 position on the police department, in which case the conviction  
6 or arrest may be considered as a factor in determining the  
7 person's habits or moral character.

8 (d) Persons entitled to military preference under Section  
9 10-1-16 shall not be subject to limitations specifying age  
10 unless they are applicants for a position as a fireman or a  
11 policeman having no previous employment status as a fireman or  
12 policeman in the regularly constituted fire or police  
13 department of the municipality, in which case they must not  
14 have attained their 35th birthday, except any person who has  
15 served as an auxiliary police officer under Section 3.1-30-20  
16 for at least 5 years and is under 40 years of age.

17 (e) All employees of a municipality of less than 500,000  
18 population (except those who would be excluded from the  
19 classified service as provided in this Division 1) who are  
20 holding that employment as of the date a municipality adopts  
21 this Division 1, or as of July 17, 1959, whichever date is the  
22 later, and who have held that employment for at least 2 years  
23 immediately before that later date, and all firemen and  
24 policemen regardless of length of service who were either  
25 appointed to their respective positions by the board of fire  
26 and police commissioners under the provisions of Division 2 of

1 this Article or who are serving in a position (except as a  
2 temporary employee) in the fire or police department in the  
3 municipality on the date a municipality adopts this Division 1,  
4 or as of July 17, 1959, whichever date is the later, shall  
5 become members of the classified civil service of the  
6 municipality without examination.

7 (f) The examinations shall be practical in their character,  
8 and shall relate to those matters that will fairly test the  
9 relative capacity of the persons examined to discharge the  
10 duties of the positions to which they seek to be appointed. The  
11 examinations shall include tests of physical qualifications,  
12 health, and (when appropriate) manual skill. If an applicant is  
13 unable to pass the physical examination solely as the result of  
14 an injury received by the applicant as the result of the  
15 performance of an act of duty while working as a temporary  
16 employee in the position for which he or she is being examined,  
17 however, the physical examination shall be waived and the  
18 applicant shall be considered to have passed the examination.  
19 No questions in any examination shall relate to political or  
20 religious opinions or affiliations. Results of examinations  
21 and the eligible registers prepared from the results shall be  
22 published by the commission within 60 days after any  
23 examinations are held.

24 (g) The commission shall control all examinations, and may,  
25 whenever an examination is to take place, designate a suitable  
26 number of persons, either in or not in the official service of

1 the municipality, to be examiners. The examiners shall conduct  
2 the examinations as directed by the commission and shall make a  
3 return or report of the examinations to the commission. If the  
4 appointed examiners are in the official service of the  
5 municipality, the examiners shall not receive extra  
6 compensation for conducting the examinations. The commission  
7 may at any time substitute any other person, whether or not in  
8 the service of the municipality, in the place of any one  
9 selected as an examiner. The commission members may themselves  
10 at any time act as examiners without appointing examiners. The  
11 examiners at any examination shall not all be members of the  
12 same political party.

13 (h) In municipalities of 500,000 or more population, no  
14 person who has attained his or her 35th birthday shall be  
15 eligible to take an examination for a position as a fireman or  
16 a policeman unless the person has had previous employment  
17 status as a policeman or fireman in the regularly constituted  
18 police or fire department of the municipality, except as  
19 provided in this Section.

20 (i) In municipalities of more than 5,000 but not more than  
21 200,000 inhabitants, no person who has attained his or her 35th  
22 birthday shall be eligible to take an examination for a  
23 position as a fireman or a policeman unless the person has had  
24 previous employment status as a policeman or fireman in the  
25 regularly constituted police or fire department of the  
26 municipality, except as provided in this Section.

1           (j) In all municipalities, applicants who are 20 years of  
2 age and who have successfully completed 2 years of law  
3 enforcement studies at an accredited college or university may  
4 be considered for appointment to active duty with the police  
5 department. An applicant described in this subsection (j) who  
6 is appointed to active duty shall not have power of arrest, nor  
7 shall the applicant be permitted to carry firearms, until he or  
8 she reaches 21 years of age.

9           (k) In municipalities of more than 500,000 population,  
10 applications for examination for and appointment to positions  
11 as firefighters or police shall be made available at various  
12 branches of the public library of the municipality.

13           (l) No municipality having a population less than 1,000,000  
14 shall require that any fireman appointed to the lowest rank  
15 serve a probationary employment period of longer than one year.  
16 The limitation on periods of probationary employment provided  
17 in this amendatory Act of 1989 is an exclusive power and  
18 function of the State. Pursuant to subsection (h) of Section 6  
19 of Article VII of the Illinois Constitution, a home rule  
20 municipality having a population less than 1,000,000 must  
21 comply with this limitation on periods of probationary  
22 employment, which is a denial and limitation of home rule  
23 powers. Notwithstanding anything to the contrary in this  
24 Section, the probationary employment period limitation may be  
25 extended for a firefighter who is required, as a condition of  
26 employment, to be a certified paramedic, during which time the



1 sole reason that a firefighter may be discharged without a  
2 hearing is for failing to meet the requirements for paramedic  
3 certification.

4 (m) To the extent that this Section or any other Section in  
5 this Division conflicts with Section 10-1-7.1 or 10-1-7.2, then  
6 Section 10-1-7.1 or 10-1-7.2 shall control.

7 (Source: P.A. 96-1551, eff. 7-1-11; 97-0251, eff. 8-4-11;  
8 revised 9-15-11.)

9 Section 15-20. The Metropolitan Transit Authority Act is  
10 amended by changing Section 28b as follows:

11 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

12 Sec. 28b. Any person applying for a position as a driver of  
13 a vehicle owned by a private carrier company which provides  
14 public transportation pursuant to an agreement with the  
15 Authority shall be required to authorize an investigation by  
16 the private carrier company to determine if the applicant has  
17 been convicted of any of the following offenses: (i) those  
18 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,  
19 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
20 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,  
21 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,  
22 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-4.3, 12-4.4,  
23 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15,  
24 12-16, 12-16.1, 18-1, 18-2, 20-1, 20-1.1, 31A-1, 31A-1.1, and

1 33A-2, in subsection (a) and subsection (b), clause (1), of  
2 Section 12-4, in subdivisions (a)(1), (b)(1), and (f)(1) of  
3 Section 12-3.05, and in subsection (a-5) of Section 12-3.1 of  
4 the Criminal Code of 1961; (ii) those offenses defined in the  
5 Cannabis Control Act except those offenses defined in  
6 subsections (a) and (b) of Section 4, and subsection (a) of  
7 Section 5 of the Cannabis Control Act (iii) those offenses  
8 defined in the Illinois Controlled Substances Act; (iv) those  
9 offenses defined in the Methamphetamine Control and Community  
10 Protection Act; and (v) any offense committed or attempted in  
11 any other state or against the laws of the United States, which  
12 if committed or attempted in this State would be punishable as  
13 one or more of the foregoing offenses. Upon receipt of this  
14 authorization, the private carrier company shall submit the  
15 applicant's name, sex, race, date of birth, fingerprints and  
16 social security number to the Department of State Police on  
17 forms prescribed by the Department. The Department of State  
18 Police shall conduct an investigation to ascertain if the  
19 applicant has been convicted of any of the above enumerated  
20 offenses. The Department shall charge the private carrier  
21 company a fee for conducting the investigation, which fee shall  
22 be deposited in the State Police Services Fund and shall not  
23 exceed the cost of the inquiry; and the applicant shall not be  
24 charged a fee for such investigation by the private carrier  
25 company. The Department of State Police shall furnish, pursuant  
26 to positive identification, records of convictions, until

1 expunged, to the private carrier company which requested the  
2 investigation. A copy of the record of convictions obtained  
3 from the Department shall be provided to the applicant. Any  
4 record of conviction received by the private carrier company  
5 shall be confidential. Any person who releases any confidential  
6 information concerning any criminal convictions of an  
7 applicant shall be guilty of a Class A misdemeanor, unless  
8 authorized by this Section.

9 (Source: P.A. 96-1551, Article 1, Section 920, eff. 7-1-11;  
10 96-1551, Article 2, Section 960, eff. 7-1-11; revised 9-30-11.)

11 Section 15-25. The Child Care Act of 1969 is amended by  
12 changing Section 4.2 as follows:

13 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

14 Sec. 4.2. (a) No applicant may receive a license from the  
15 Department and no person may be employed by a licensed child  
16 care facility who refuses to authorize an investigation as  
17 required by Section 4.1.

18 (b) In addition to the other provisions of this Section, no  
19 applicant may receive a license from the Department and no  
20 person may be employed by a child care facility licensed by the  
21 Department who has been declared a sexually dangerous person  
22 under "An Act in relation to sexually dangerous persons, and  
23 providing for their commitment, detention and supervision",  
24 approved July 6, 1938, as amended, or convicted of committing

1 or attempting to commit any of the following offenses  
2 stipulated under the Criminal Code of 1961:

3 (1) murder;

4 (1.1) solicitation of murder;

5 (1.2) solicitation of murder for hire;

6 (1.3) intentional homicide of an unborn child;

7 (1.4) voluntary manslaughter of an unborn child;

8 (1.5) involuntary manslaughter;

9 (1.6) reckless homicide;

10 (1.7) concealment of a homicidal death;

11 (1.8) involuntary manslaughter of an unborn child;

12 (1.9) reckless homicide of an unborn child;

13 (1.10) drug-induced homicide;

14 (2) a sex offense under Article 11, except offenses  
15 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,  
16 11-40, and 11-45;

17 (3) kidnapping;

18 (3.1) aggravated unlawful restraint;

19 (3.2) forcible detention;

20 (3.3) harboring a runaway;

21 (3.4) aiding and abetting child abduction;

22 (4) aggravated kidnapping;

23 (5) child abduction;

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

26 (7) criminal sexual assault;

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

1 (26) ritualized abuse of a child;

2 (27) an offense in any other jurisdiction the elements  
3 of which are similar and bear a substantial relationship to  
4 any of the foregoing offenses.

5 (b-1) In addition to the other provisions of this Section,  
6 beginning January 1, 2004, no new applicant and, on the date of  
7 licensure renewal, no current licensee may operate or receive a  
8 license from the Department to operate, no person may be  
9 employed by, and no adult person may reside in a child care  
10 facility licensed by the Department who has been convicted of  
11 committing or attempting to commit any of the following  
12 offenses or an offense in any other jurisdiction the elements  
13 of which are similar and bear a substantial relationship to any  
14 of the following offenses:

15 (I) BODILY HARM

16 (1) Felony aggravated assault.

17 (2) Vehicular endangerment.

18 (3) Felony domestic battery.

19 (4) Aggravated battery.

20 (5) Heinous battery.

21 (6) Aggravated battery with a firearm.

22 (7) Aggravated battery of an unborn child.

23 (8) Aggravated battery of a senior citizen.

24 (9) Intimidation.

1           (10) Compelling organization membership of persons.

2           (11) Abuse and criminal neglect of a long term care  
3           facility resident.

4           (12) Felony violation of an order of protection.

5           (II) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

6           (1) Felony unlawful use of weapons.

7           (2) Aggravated discharge of a firearm.

8           (3) Reckless discharge of a firearm.

9           (4) Unlawful use of metal piercing bullets.

10          (5) Unlawful sale or delivery of firearms on the  
11          premises of any school.

12          (6) Disarming a police officer.

13          (7) Obstructing justice.

14          (8) Concealing or aiding a fugitive.

15          (9) Armed violence.

16          (10) Felony contributing to the criminal delinquency  
17          of a juvenile.

18                                       (III) DRUG OFFENSES

19          (1) Possession of more than 30 grams of cannabis.

20          (2) Manufacture of more than 10 grams of cannabis.

21          (3) Cannabis trafficking.

22          (4) Delivery of cannabis on school grounds.

1 (5) Unauthorized production of more than 5 cannabis  
2 sativa plants.

3 (6) Calculated criminal cannabis conspiracy.

4 (7) Unauthorized manufacture or delivery of controlled  
5 substances.

6 (8) Controlled substance trafficking.

7 (9) Manufacture, distribution, or advertisement of  
8 look-alike substances.

9 (10) Calculated criminal drug conspiracy.

10 (11) Street gang criminal drug conspiracy.

11 (12) Permitting unlawful use of a building.

12 (13) Delivery of controlled, counterfeit, or  
13 look-alike substances to persons under age 18, or at truck  
14 stops, rest stops, or safety rest areas, or on school  
15 property.

16 (14) Using, engaging, or employing persons under 18 to  
17 deliver controlled, counterfeit, or look-alike substances.

18 (15) Delivery of controlled substances.

19 (16) Sale or delivery of drug paraphernalia.

20 (17) Felony possession, sale, or exchange of  
21 instruments adapted for use of a controlled substance,  
22 methamphetamine, or cannabis by subcutaneous injection.

23 (18) Felony possession of a controlled substance.

24 (19) Any violation of the Methamphetamine Control and  
25 Community Protection Act.

26 (b-2) For child care facilities other than foster family



1 homes, the Department may issue a new child care facility  
2 license to or renew the existing child care facility license of  
3 an applicant, a person employed by a child care facility, or an  
4 applicant who has an adult residing in a home child care  
5 facility who was convicted of an offense described in  
6 subsection (b-1), provided that all of the following  
7 requirements are met:

8 (1) The relevant criminal offense occurred more than 5  
9 years prior to the date of application or renewal, except  
10 for drug offenses. The relevant drug offense must have  
11 occurred more than 10 years prior to the date of  
12 application or renewal, unless the applicant passed a drug  
13 test, arranged and paid for by the child care facility, no  
14 less than 5 years after the offense.

15 (2) The Department must conduct a background check and  
16 assess all convictions and recommendations of the child  
17 care facility to determine if waiver shall apply in  
18 accordance with Department administrative rules and  
19 procedures.

20 (3) The applicant meets all other requirements and  
21 qualifications to be licensed as the pertinent type of  
22 child care facility under this Act and the Department's  
23 administrative rules.

24 (c) In addition to the other provisions of this Section, no  
25 applicant may receive a license from the Department to operate  
26 a foster family home, and no adult person may reside in a

1 foster family home licensed by the Department, who has been  
2 convicted of committing or attempting to commit any of the  
3 following offenses stipulated under the Criminal Code of 1961,  
4 the Cannabis Control Act, the Methamphetamine Control and  
5 Community Protection Act, and the Illinois Controlled  
6 Substances Act:

7 (I) OFFENSES DIRECTED AGAINST THE PERSON

8 (A) KIDNAPPING AND RELATED OFFENSES

9 (1) Unlawful restraint.

10 (B) BODILY HARM

11 (2) Felony aggravated assault.

12 (3) Vehicular endangerment.

13 (4) Felony domestic battery.

14 (5) Aggravated battery.

15 (6) Heinous battery.

16 (7) Aggravated battery with a firearm.

17 (8) Aggravated battery of an unborn child.

18 (9) Aggravated battery of a senior citizen.

19 (10) Intimidation.

20 (11) Compelling organization membership of persons.

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

23 (13) Felony violation of an order of protection.

## 1 (II) OFFENSES DIRECTED AGAINST PROPERTY

2 (14) Felony theft.

3 (15) Robbery.

4 (16) Armed robbery.

5 (17) Aggravated robbery.

6 (18) Vehicular hijacking.

7 (19) Aggravated vehicular hijacking.

8 (20) Burglary.

9 (21) Possession of burglary tools.

10 (22) Residential burglary.

11 (23) Criminal fortification of a residence or  
12 building.

13 (24) Arson.

14 (25) Aggravated arson.

15 (26) Possession of explosive or explosive incendiary  
16 devices.

## 17 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

18 (27) Felony unlawful use of weapons.

19 (28) Aggravated discharge of a firearm.

20 (29) Reckless discharge of a firearm.

21 (30) Unlawful use of metal piercing bullets.

22 (31) Unlawful sale or delivery of firearms on the

1 premises of any school.

2 (32) Disarming a police officer.

3 (33) Obstructing justice.

4 (34) Concealing or aiding a fugitive.

5 (35) Armed violence.

6 (36) Felony contributing to the criminal delinquency  
7 of a juvenile.

8 (IV) DRUG OFFENSES

9 (37) Possession of more than 30 grams of cannabis.

10 (38) Manufacture of more than 10 grams of cannabis.

11 (39) Cannabis trafficking.

12 (40) Delivery of cannabis on school grounds.

13 (41) Unauthorized production of more than 5 cannabis  
14 sativa plants.

15 (42) Calculated criminal cannabis conspiracy.

16 (43) Unauthorized manufacture or delivery of  
17 controlled substances.

18 (44) Controlled substance trafficking.

19 (45) Manufacture, distribution, or advertisement of  
20 look-alike substances.

21 (46) Calculated criminal drug conspiracy.

22 (46.5) Streetgang criminal drug conspiracy.

23 (47) Permitting unlawful use of a building.

24 (48) Delivery of controlled, counterfeit, or

1 look-alike substances to persons under age 18, or at truck  
2 stops, rest stops, or safety rest areas, or on school  
3 property.

4 (49) Using, engaging, or employing persons under 18 to  
5 deliver controlled, counterfeit, or look-alike substances.

6 (50) Delivery of controlled substances.

7 (51) Sale or delivery of drug paraphernalia.

8 (52) Felony possession, sale, or exchange of  
9 instruments adapted for use of a controlled substance,  
10 methamphetamine, or cannabis by subcutaneous injection.

11 (53) Any violation of the Methamphetamine Control and  
12 Community Protection Act.

13 (d) Notwithstanding subsection (c), the Department may  
14 issue a new foster family home license or may renew an existing  
15 foster family home license of an applicant who was convicted of  
16 an offense described in subsection (c), provided all of the  
17 following requirements are met:

18 (1) The relevant criminal offense or offenses occurred  
19 more than 10 years prior to the date of application or  
20 renewal.

21 (2) The applicant had previously disclosed the  
22 conviction or convictions to the Department for purposes of  
23 a background check.

24 (3) After the disclosure, the Department either placed  
25 a child in the home or the foster family home license was  
26 issued.

1           (4) During the background check, the Department had  
2           assessed and waived the conviction in compliance with the  
3           existing statutes and rules in effect at the time of the  
4           waiver.

5           (5) The applicant meets all other requirements and  
6           qualifications to be licensed as a foster family home under  
7           this Act and the Department's administrative rules.

8           (6) The applicant has a history of providing a safe,  
9           stable home environment and appears able to continue to  
10          provide a safe, stable home environment.

11          (Source: P.A. 96-1551, Article 1, Section 925, eff. 7-1-11;  
12          96-1551, Article 2, Section 990, eff. 7-1-11; revised 9-30-11.)

13          Section 15-30. The Nursing Home Administrators Licensing  
14          and Disciplinary Act is amended by changing Section 17 as  
15          follows:

16                 (225 ILCS 70/17) (from Ch. 111, par. 3667)

17                 Sec. 17. Grounds for disciplinary action.

18                 (a) The Department may impose fines not to exceed \$10,000  
19                 or may refuse to issue or to renew, or may revoke, suspend,  
20                 place on probation, censure, reprimand or take other  
21                 disciplinary or non-disciplinary action with regard to the  
22                 license of any person, for any one or combination of the  
23                 following causes:

24                         (1) Intentional material misstatement in furnishing

1 information to the Department.

2 (2) Conviction of or entry of a plea of guilty or nolo  
3 contendere to any crime that is a felony under the laws of  
4 the United States or any state or territory thereof or a  
5 misdemeanor of which an essential element is dishonesty or  
6 that is directly related to the practice of the profession  
7 of nursing home administration.

8 (3) Making any misrepresentation for the purpose of  
9 obtaining a license, or violating any provision of this  
10 Act.

11 (4) Immoral conduct in the commission of any act, such  
12 as sexual abuse or sexual misconduct, related to the  
13 licensee's practice.

14 (5) Failing to respond within 30 days, to a written  
15 request made by the Department for information.

16 (6) Engaging in dishonorable, unethical or  
17 unprofessional conduct of a character likely to deceive,  
18 defraud or harm the public.

19 (7) Habitual use or addiction to alcohol, narcotics,  
20 stimulants, or any other chemical agent or drug which  
21 results in the inability to practice with reasonable  
22 judgment, skill or safety.

23 (8) Discipline by another U.S. jurisdiction if at least  
24 one of the grounds for the discipline is the same or  
25 substantially equivalent to those set forth herein.

26 (9) A finding by the Department that the licensee,

1 after having his or her license placed on probationary  
2 status has violated the terms of probation.

3 (10) Willfully making or filing false records or  
4 reports in his or her practice, including but not limited  
5 to false records filed with State agencies or departments.

6 (11) Physical illness, mental illness, or other  
7 impairment or disability, including, but not limited to,  
8 deterioration through the aging process, or loss of motor  
9 skill that results in the inability to practice the  
10 profession with reasonable judgment, skill or safety.

11 (12) Disregard or violation of this Act or of any rule  
12 issued pursuant to this Act.

13 (13) Aiding or abetting another in the violation of  
14 this Act or any rule or regulation issued pursuant to this  
15 Act.

16 (14) Allowing one's license to be used by an unlicensed  
17 person.

18 (15) (Blank).

19 (16) Professional incompetence in the practice of  
20 nursing home administration.

21 (17) Conviction of a violation of Section 12-19 or  
22 subsection (a) of Section 12-4.4a of the Criminal Code of  
23 1961 for the abuse and criminal neglect of a long term care  
24 facility resident.

25 (18) Violation of the Nursing Home Care Act, the  
26 Specialized Mental Health Rehabilitation Act, or the ID/DD



1 Community Care Act or of any rule issued under the Nursing  
2 Home Care Act, the Specialized Mental Health  
3 Rehabilitation Act, or the ID/DD Community Care Act. A  
4 final adjudication of a Type "AA" violation of the Nursing  
5 Home Care Act made by the Illinois Department of Public  
6 Health, as identified by rule, relating to the hiring,  
7 training, planning, organizing, directing, or supervising  
8 the operation of a nursing home and a licensee's failure to  
9 comply with this Act or the rules adopted under this Act,  
10 shall create a rebuttable presumption of a violation of  
11 this subsection.

12 (19) Failure to report to the Department any adverse  
13 final action taken against the licensee by a licensing  
14 authority of another state, territory of the United States,  
15 or foreign country; or by any governmental or law  
16 enforcement agency; or by any court for acts or conduct  
17 similar to acts or conduct that would constitute grounds  
18 for disciplinary action under this Section.

19 (20) Failure to report to the Department the surrender  
20 of a license or authorization to practice as a nursing home  
21 administrator in another state or jurisdiction for acts or  
22 conduct similar to acts or conduct that would constitute  
23 grounds for disciplinary action under this Section.

24 (21) Failure to report to the Department any adverse  
25 judgment, settlement, or award arising from a liability  
26 claim related to acts or conduct similar to acts or conduct

1           that would constitute grounds for disciplinary action  
2           under this Section.

3           All proceedings to suspend, revoke, place on probationary  
4           status, or take any other disciplinary action as the Department  
5           may deem proper, with regard to a license on any of the  
6           foregoing grounds, must be commenced within 5 years next after  
7           receipt by the Department of (i) a complaint alleging the  
8           commission of or notice of the conviction order for any of the  
9           acts described herein or (ii) a referral for investigation  
10          under Section 3-108 of the Nursing Home Care Act.

11          The entry of an order or judgment by any circuit court  
12          establishing that any person holding a license under this Act  
13          is a person in need of mental treatment operates as a  
14          suspension of that license. That person may resume their  
15          practice only upon the entry of a Department order based upon a  
16          finding by the Board that they have been determined to be  
17          recovered from mental illness by the court and upon the Board's  
18          recommendation that they be permitted to resume their practice.

19          The Department, upon the recommendation of the Board, may  
20          adopt rules which set forth standards to be used in determining  
21          what constitutes:

22                 (i) when a person will be deemed sufficiently  
23                 rehabilitated to warrant the public trust;

24                 (ii) dishonorable, unethical or unprofessional conduct  
25                 of a character likely to deceive, defraud, or harm the  
26                 public;

1           (iii) immoral conduct in the commission of any act  
2           related to the licensee's practice; and

3           (iv) professional incompetence in the practice of  
4           nursing home administration.

5           However, no such rule shall be admissible into evidence in  
6           any civil action except for review of a licensing or other  
7           disciplinary action under this Act.

8           In enforcing this Section, the Department or Board, upon a  
9           showing of a possible violation, may compel any individual  
10          licensed to practice under this Act, or who has applied for  
11          licensure pursuant to this Act, to submit to a mental or  
12          physical examination, or both, as required by and at the  
13          expense of the Department. The examining physician or  
14          physicians shall be those specifically designated by the  
15          Department or Board. The Department or Board may order the  
16          examining physician to present testimony concerning this  
17          mental or physical examination of the licensee or applicant. No  
18          information shall be excluded by reason of any common law or  
19          statutory privilege relating to communications between the  
20          licensee or applicant and the examining physician. The  
21          individual to be examined may have, at his or her own expense,  
22          another physician of his or her choice present during all  
23          aspects of the examination. Failure of any individual to submit  
24          to mental or physical examination, when directed, shall be  
25          grounds for suspension of his or her license until such time as  
26          the individual submits to the examination if the Department

1 finds, after notice and hearing, that the refusal to submit to  
2 the examination was without reasonable cause.

3 If the Department or Board finds an individual unable to  
4 practice because of the reasons set forth in this Section, the  
5 Department or Board shall require such individual to submit to  
6 care, counseling, or treatment by physicians approved or  
7 designated by the Department or Board, as a condition, term, or  
8 restriction for continued, reinstated, or renewed licensure to  
9 practice; or in lieu of care, counseling, or treatment, the  
10 Department may file, or the Board may recommend to the  
11 Department to file, a complaint to immediately suspend, revoke,  
12 or otherwise discipline the license of the individual. Any  
13 individual whose license was granted pursuant to this Act or  
14 continued, reinstated, renewed, disciplined or supervised,  
15 subject to such terms, conditions or restrictions who shall  
16 fail to comply with such terms, conditions or restrictions  
17 shall be referred to the Secretary for a determination as to  
18 whether the licensee shall have his or her license suspended  
19 immediately, pending a hearing by the Department. In instances  
20 in which the Secretary immediately suspends a license under  
21 this Section, a hearing upon such person's license must be  
22 convened by the Board within 30 days after such suspension and  
23 completed without appreciable delay. The Department and Board  
24 shall have the authority to review the subject administrator's  
25 record of treatment and counseling regarding the impairment, to  
26 the extent permitted by applicable federal statutes and

1 regulations safeguarding the confidentiality of medical  
2 records.

3 An individual licensed under this Act, affected under this  
4 Section, shall be afforded an opportunity to demonstrate to the  
5 Department or Board that he or she can resume practice in  
6 compliance with acceptable and prevailing standards under the  
7 provisions of his or her license.

8 (b) Any individual or organization acting in good faith,  
9 and not in a wilful and wanton manner, in complying with this  
10 Act by providing any report or other information to the  
11 Department, or assisting in the investigation or preparation of  
12 such information, or by participating in proceedings of the  
13 Department, or by serving as a member of the Board, shall not,  
14 as a result of such actions, be subject to criminal prosecution  
15 or civil damages.

16 (c) Members of the Board, and persons retained under  
17 contract to assist and advise in an investigation, shall be  
18 indemnified by the State for any actions occurring within the  
19 scope of services on or for the Board, done in good faith and  
20 not wilful and wanton in nature. The Attorney General shall  
21 defend all such actions unless he or she determines either that  
22 there would be a conflict of interest in such representation or  
23 that the actions complained of were not in good faith or were  
24 wilful and wanton.

25 Should the Attorney General decline representation, a  
26 person entitled to indemnification under this Section shall

1 have the right to employ counsel of his or her choice, whose  
2 fees shall be provided by the State, after approval by the  
3 Attorney General, unless there is a determination by a court  
4 that the member's actions were not in good faith or were wilful  
5 and wanton.

6 A person entitled to indemnification under this Section  
7 must notify the Attorney General within 7 days of receipt of  
8 notice of the initiation of any action involving services of  
9 the Board. Failure to so notify the Attorney General shall  
10 constitute an absolute waiver of the right to a defense and  
11 indemnification.

12 The Attorney General shall determine within 7 days after  
13 receiving such notice, whether he or she will undertake to  
14 represent a person entitled to indemnification under this  
15 Section.

16 (d) The determination by a circuit court that a licensee is  
17 subject to involuntary admission or judicial admission as  
18 provided in the Mental Health and Developmental Disabilities  
19 Code, as amended, operates as an automatic suspension. Such  
20 suspension will end only upon a finding by a court that the  
21 patient is no longer subject to involuntary admission or  
22 judicial admission and issues an order so finding and  
23 discharging the patient; and upon the recommendation of the  
24 Board to the Secretary that the licensee be allowed to resume  
25 his or her practice.

26 (e) The Department may refuse to issue or may suspend the

1 license of any person who fails to file a return, or to pay the  
2 tax, penalty or interest shown in a filed return, or to pay any  
3 final assessment of tax, penalty or interest, as required by  
4 any tax Act administered by the Department of Revenue, until  
5 such time as the requirements of any such tax Act are  
6 satisfied.

7 (f) The Department of Public Health shall transmit to the  
8 Department a list of those facilities which receive an "A"  
9 violation as defined in Section 1-129 of the Nursing Home Care  
10 Act.

11 (Source: P.A. 96-339, eff. 7-1-10; 96-1372, eff. 7-29-10;  
12 96-1551, eff. 7-1-11; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;  
13 revised 9-26-11.)

14 Section 15-35. The Fire Sprinkler Contractor Licensing Act  
15 is amended by changing Section 32 as follows:

16 (225 ILCS 317/32)

17 Sec. 32. Application for building permit; identity theft. A  
18 person who knowingly, in the course of applying for a building  
19 permit with a unit of local government, provides the license  
20 number of a fire sprinkler contractor whom he or she does not  
21 intend to have perform the work on the fire sprinkler portion  
22 of the project commits identity theft under paragraph (8) ~~(9)~~  
23 of subsection (a) of Section 16-30 of the Criminal Code of  
24 1961.

1 (Source: P.A. 96-1455, eff. 8-20-10; 97-333, eff. 8-12-11;  
2 97-597, eff. 1-1-12; revised 9-26-11.)

3 Section 15-40. The Illinois Roofing Industry Licensing Act  
4 is amended by changing Section 5 as follows:

5 (225 ILCS 335/5) (from Ch. 111, par. 7505)

6 (Section scheduled to be repealed on January 1, 2016)

7 Sec. 5. Display of license number; advertising.

8 (a) Each State licensed roofing contractor shall affix the  
9 roofing contractor license number and the licensee's name, as  
10 it appears on the license, to all of his or her contracts and  
11 bids. In addition, the official issuing building permits shall  
12 affix the roofing contractor license number to each application  
13 for a building permit and on each building permit issued and  
14 recorded.

15 (a-5) A person who knowingly, in the course of applying for  
16 a building permit with a unit of local government, provides the  
17 roofing license number of a roofing contractor whom he or she  
18 does not intend to have perform the work on the roofing portion  
19 of the project commits identity theft under paragraph (8) of  
20 subsection (a) of Section 16-30 of the Criminal Code of 1961.

21 (b) (Blank).

22 (c) Every holder of a license shall display it in a  
23 conspicuous place in his or her principal office, place of  
24 business, or place of employment.



1           (d) No person licensed under this Act may advertise  
2 services regulated by this Act unless that person includes in  
3 the advertisement the roofing contractor license number and the  
4 licensee's name, as it appears on the license. Nothing  
5 contained in this subsection requires the publisher of  
6 advertising for roofing contractor services to investigate or  
7 verify the accuracy of the license number provided by the  
8 licensee.

9           (e) A person who advertises services regulated by this Act  
10 who knowingly (i) fails to display the license number and the  
11 licensee's name, as it appears on the license, in any manner  
12 required by this Section, (ii) fails to provide a publisher  
13 with the correct license number as required by subsection (d),  
14 or (iii) provides a publisher with a false license number or a  
15 license number of another person, or a person who knowingly  
16 allows his or her license number to be displayed or used by  
17 another person to circumvent any provisions of this Section, is  
18 guilty of a Class A misdemeanor with a fine of \$1,000, and, in  
19 addition, is subject to the administrative enforcement  
20 provisions of this Act. Each day that an advertisement runs or  
21 each day that a person knowingly allows his or her license to  
22 be displayed or used in violation of this Section constitutes a  
23 separate offense.

24           (Source: P.A. 96-624, eff. 1-1-10; 96-1324, eff. 7-27-10;  
25 97-235, eff. 1-1-12; 97-597, eff. 1-1-12; revised 9-30-11.)

1 Section 15-45. The Illinois Vehicle Code is amended by  
2 changing Section 6-206 as follows:

3 (625 ILCS 5/6-206)

4 Sec. 6-206. Discretionary authority to suspend or revoke  
5 license or permit; Right to a hearing.

6 (a) The Secretary of State is authorized to suspend or  
7 revoke the driving privileges of any person without preliminary  
8 hearing upon a showing of the person's records or other  
9 sufficient evidence that the person:

10 1. Has committed an offense for which mandatory  
11 revocation of a driver's license or permit is required upon  
12 conviction;

13 2. Has been convicted of not less than 3 offenses  
14 against traffic regulations governing the movement of  
15 vehicles committed within any 12 month period. No  
16 revocation or suspension shall be entered more than 6  
17 months after the date of last conviction;

18 3. Has been repeatedly involved as a driver in motor  
19 vehicle collisions or has been repeatedly convicted of  
20 offenses against laws and ordinances regulating the  
21 movement of traffic, to a degree that indicates lack of  
22 ability to exercise ordinary and reasonable care in the  
23 safe operation of a motor vehicle or disrespect for the  
24 traffic laws and the safety of other persons upon the  
25 highway;

1           4. Has by the unlawful operation of a motor vehicle  
2           caused or contributed to an accident resulting in injury  
3           requiring immediate professional treatment in a medical  
4           facility or doctor's office to any person, except that any  
5           suspension or revocation imposed by the Secretary of State  
6           under the provisions of this subsection shall start no  
7           later than 6 months after being convicted of violating a  
8           law or ordinance regulating the movement of traffic, which  
9           violation is related to the accident, or shall start not  
10          more than one year after the date of the accident,  
11          whichever date occurs later;

12          5. Has permitted an unlawful or fraudulent use of a  
13          driver's license, identification card, or permit;

14          6. Has been lawfully convicted of an offense or  
15          offenses in another state, including the authorization  
16          contained in Section 6-203.1, which if committed within  
17          this State would be grounds for suspension or revocation;

18          7. Has refused or failed to submit to an examination  
19          provided for by Section 6-207 or has failed to pass the  
20          examination;

21          8. Is ineligible for a driver's license or permit under  
22          the provisions of Section 6-103;

23          9. Has made a false statement or knowingly concealed a  
24          material fact or has used false information or  
25          identification in any application for a license,  
26          identification card, or permit;

1           10. Has possessed, displayed, or attempted to  
2 fraudulently use any license, identification card, or  
3 permit not issued to the person;

4           11. Has operated a motor vehicle upon a highway of this  
5 State when the person's driving privilege or privilege to  
6 obtain a driver's license or permit was revoked or  
7 suspended unless the operation was authorized by a  
8 monitoring device driving permit, judicial driving permit  
9 issued prior to January 1, 2009, probationary license to  
10 drive, or a restricted driving permit issued under this  
11 Code;

12           12. Has submitted to any portion of the application  
13 process for another person or has obtained the services of  
14 another person to submit to any portion of the application  
15 process for the purpose of obtaining a license,  
16 identification card, or permit for some other person;

17           13. Has operated a motor vehicle upon a highway of this  
18 State when the person's driver's license or permit was  
19 invalid under the provisions of Sections 6-107.1 and 6-110;

20           14. Has committed a violation of Section 6-301,  
21 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
22 of the Illinois Identification Card Act;

23           15. Has been convicted of violating Section 21-2 of the  
24 Criminal Code of 1961 relating to criminal trespass to  
25 vehicles in which case, the suspension shall be for one  
26 year;

1           16. Has been convicted of violating Section 11-204 of  
2 this Code relating to fleeing from a peace officer;

3           17. Has refused to submit to a test, or tests, as  
4 required under Section 11-501.1 of this Code and the person  
5 has not sought a hearing as provided for in Section  
6 11-501.1;

7           18. Has, since issuance of a driver's license or  
8 permit, been adjudged to be afflicted with or suffering  
9 from any mental disability or disease;

10          19. Has committed a violation of paragraph (a) or (b)  
11 of Section 6-101 relating to driving without a driver's  
12 license;

13          20. Has been convicted of violating Section 6-104  
14 relating to classification of driver's license;

15          21. Has been convicted of violating Section 11-402 of  
16 this Code relating to leaving the scene of an accident  
17 resulting in damage to a vehicle in excess of \$1,000, in  
18 which case the suspension shall be for one year;

19          22. Has used a motor vehicle in violating paragraph  
20 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
21 the Criminal Code of 1961 relating to unlawful use of  
22 weapons, in which case the suspension shall be for one  
23 year;

24          23. Has, as a driver, been convicted of committing a  
25 violation of paragraph (a) of Section 11-502 of this Code  
26 for a second or subsequent time within one year of a

1 similar violation;

2 24. Has been convicted by a court-martial or punished  
3 by non-judicial punishment by military authorities of the  
4 United States at a military installation in Illinois of or  
5 for a traffic related offense that is the same as or  
6 similar to an offense specified under Section 6-205 or  
7 6-206 of this Code;

8 25. Has permitted any form of identification to be used  
9 by another in the application process in order to obtain or  
10 attempt to obtain a license, identification card, or  
11 permit;

12 26. Has altered or attempted to alter a license or has  
13 possessed an altered license, identification card, or  
14 permit;

15 27. Has violated Section 6-16 of the Liquor Control Act  
16 of 1934;

17 28. Has been convicted of the illegal possession, while  
18 operating or in actual physical control, as a driver, of a  
19 motor vehicle, of any controlled substance prohibited  
20 under the Illinois Controlled Substances Act, any cannabis  
21 prohibited under the Cannabis Control Act, or any  
22 methamphetamine prohibited under the Methamphetamine  
23 Control and Community Protection Act, in which case the  
24 person's driving privileges shall be suspended for one  
25 year, and any driver who is convicted of a second or  
26 subsequent offense, within 5 years of a previous

1 conviction, for the illegal possession, while operating or  
2 in actual physical control, as a driver, of a motor  
3 vehicle, of any controlled substance prohibited under the  
4 Illinois Controlled Substances Act, any cannabis  
5 prohibited under the Cannabis Control Act, or any  
6 methamphetamine prohibited under the Methamphetamine  
7 Control and Community Protection Act shall be suspended for  
8 5 years. Any defendant found guilty of this offense while  
9 operating a motor vehicle, shall have an entry made in the  
10 court record by the presiding judge that this offense did  
11 occur while the defendant was operating a motor vehicle and  
12 order the clerk of the court to report the violation to the  
13 Secretary of State;

14 29. Has been convicted of the following offenses that  
15 were committed while the person was operating or in actual  
16 physical control, as a driver, of a motor vehicle: criminal  
17 sexual assault, predatory criminal sexual assault of a  
18 child, aggravated criminal sexual assault, criminal sexual  
19 abuse, aggravated criminal sexual abuse, juvenile pimping,  
20 soliciting for a juvenile prostitute, promoting juvenile  
21 prostitution as described in subdivision (a)(1), (a)(2),  
22 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961,  
23 and the manufacture, sale or delivery of controlled  
24 substances or instruments used for illegal drug use or  
25 abuse in which case the driver's driving privileges shall  
26 be suspended for one year;

1           30. Has been convicted a second or subsequent time for  
2 any combination of the offenses named in paragraph 29 of  
3 this subsection, in which case the person's driving  
4 privileges shall be suspended for 5 years;

5           31. Has refused to submit to a test as required by  
6 Section 11-501.6 or has submitted to a test resulting in an  
7 alcohol concentration of 0.08 or more or any amount of a  
8 drug, substance, or compound resulting from the unlawful  
9 use or consumption of cannabis as listed in the Cannabis  
10 Control Act, a controlled substance as listed in the  
11 Illinois Controlled Substances Act, an intoxicating  
12 compound as listed in the Use of Intoxicating Compounds  
13 Act, or methamphetamine as listed in the Methamphetamine  
14 Control and Community Protection Act, in which case the  
15 penalty shall be as prescribed in Section 6-208.1;

16           32. Has been convicted of Section 24-1.2 of the  
17 Criminal Code of 1961 relating to the aggravated discharge  
18 of a firearm if the offender was located in a motor vehicle  
19 at the time the firearm was discharged, in which case the  
20 suspension shall be for 3 years;

21           33. Has as a driver, who was less than 21 years of age  
22 on the date of the offense, been convicted a first time of  
23 a violation of paragraph (a) of Section 11-502 of this Code  
24 or a similar provision of a local ordinance;

25           34. Has committed a violation of Section 11-1301.5 of  
26 this Code;



1           35. Has committed a violation of Section 11-1301.6 of  
2 this Code;

3           36. Is under the age of 21 years at the time of arrest  
4 and has been convicted of not less than 2 offenses against  
5 traffic regulations governing the movement of vehicles  
6 committed within any 24 month period. No revocation or  
7 suspension shall be entered more than 6 months after the  
8 date of last conviction;

9           37. Has committed a violation of subsection (c) of  
10 Section 11-907 of this Code that resulted in damage to the  
11 property of another or the death or injury of another;

12           38. Has been convicted of a violation of Section 6-20  
13 of the Liquor Control Act of 1934 or a similar provision of  
14 a local ordinance;

15           39. Has committed a second or subsequent violation of  
16 Section 11-1201 of this Code;

17           40. Has committed a violation of subsection (a-1) of  
18 Section 11-908 of this Code;

19           41. Has committed a second or subsequent violation of  
20 Section 11-605.1 of this Code, a similar provision of a  
21 local ordinance, or a similar violation in any other state  
22 within 2 years of the date of the previous violation, in  
23 which case the suspension shall be for 90 days;

24           42. Has committed a violation of subsection (a-1) of  
25 Section 11-1301.3 of this Code;

26           43. Has received a disposition of court supervision for

1 a violation of subsection (a), (d), or (e) of Section 6-20  
2 of the Liquor Control Act of 1934 or a similar provision of  
3 a local ordinance, in which case the suspension shall be  
4 for a period of 3 months;

5 44. Is under the age of 21 years at the time of arrest  
6 and has been convicted of an offense against traffic  
7 regulations governing the movement of vehicles after  
8 having previously had his or her driving privileges  
9 suspended or revoked pursuant to subparagraph 36 of this  
10 Section; or

11 45. Has, in connection with or during the course of a  
12 formal hearing conducted under Section 2-118 of this Code:  
13 (i) committed perjury; (ii) submitted fraudulent or  
14 falsified documents; (iii) submitted documents that have  
15 been materially altered; or (iv) submitted, as his or her  
16 own, documents that were in fact prepared or composed for  
17 another person.

18 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
19 and 27 of this subsection, license means any driver's license,  
20 any traffic ticket issued when the person's driver's license is  
21 deposited in lieu of bail, a suspension notice issued by the  
22 Secretary of State, a duplicate or corrected driver's license,  
23 a probationary driver's license or a temporary driver's  
24 license.

25 (b) If any conviction forming the basis of a suspension or  
26 revocation authorized under this Section is appealed, the

1 Secretary of State may rescind or withhold the entry of the  
2 order of suspension or revocation, as the case may be, provided  
3 that a certified copy of a stay order of a court is filed with  
4 the Secretary of State. If the conviction is affirmed on  
5 appeal, the date of the conviction shall relate back to the  
6 time the original judgment of conviction was entered and the 6  
7 month limitation prescribed shall not apply.

8 (c) 1. Upon suspending or revoking the driver's license or  
9 permit of any person as authorized in this Section, the  
10 Secretary of State shall immediately notify the person in  
11 writing of the revocation or suspension. The notice to be  
12 deposited in the United States mail, postage prepaid, to the  
13 last known address of the person.

14 2. If the Secretary of State suspends the driver's  
15 license of a person under subsection 2 of paragraph (a) of  
16 this Section, a person's privilege to operate a vehicle as  
17 an occupation shall not be suspended, provided an affidavit  
18 is properly completed, the appropriate fee received, and a  
19 permit issued prior to the effective date of the  
20 suspension, unless 5 offenses were committed, at least 2 of  
21 which occurred while operating a commercial vehicle in  
22 connection with the driver's regular occupation. All other  
23 driving privileges shall be suspended by the Secretary of  
24 State. Any driver prior to operating a vehicle for  
25 occupational purposes only must submit the affidavit on  
26 forms to be provided by the Secretary of State setting

1       forth the facts of the person's occupation. The affidavit  
2       shall also state the number of offenses committed while  
3       operating a vehicle in connection with the driver's regular  
4       occupation. The affidavit shall be accompanied by the  
5       driver's license. Upon receipt of a properly completed  
6       affidavit, the Secretary of State shall issue the driver a  
7       permit to operate a vehicle in connection with the driver's  
8       regular occupation only. Unless the permit is issued by the  
9       Secretary of State prior to the date of suspension, the  
10      privilege to drive any motor vehicle shall be suspended as  
11      set forth in the notice that was mailed under this Section.  
12      If an affidavit is received subsequent to the effective  
13      date of this suspension, a permit may be issued for the  
14      remainder of the suspension period.

15           The provisions of this subparagraph shall not apply to  
16      any driver required to possess a CDL for the purpose of  
17      operating a commercial motor vehicle.

18           Any person who falsely states any fact in the affidavit  
19      required herein shall be guilty of perjury under Section  
20      6-302 and upon conviction thereof shall have all driving  
21      privileges revoked without further rights.

22           3. At the conclusion of a hearing under Section 2-118  
23      of this Code, the Secretary of State shall either rescind  
24      or continue an order of revocation or shall substitute an  
25      order of suspension; or, good cause appearing therefor,  
26      rescind, continue, change, or extend the order of

1 suspension. If the Secretary of State does not rescind the  
2 order, the Secretary may upon application, to relieve undue  
3 hardship (as defined by the rules of the Secretary of  
4 State), issue a restricted driving permit granting the  
5 privilege of driving a motor vehicle between the  
6 petitioner's residence and petitioner's place of  
7 employment or within the scope of the petitioner's  
8 employment related duties, or to allow the petitioner to  
9 transport himself or herself, or a family member of the  
10 petitioner's household to a medical facility, to receive  
11 necessary medical care, to allow the petitioner to  
12 transport himself or herself to and from alcohol or drug  
13 remedial or rehabilitative activity recommended by a  
14 licensed service provider, or to allow the petitioner to  
15 transport himself or herself or a family member of the  
16 petitioner's household to classes, as a student, at an  
17 accredited educational institution, or to allow the  
18 petitioner to transport children, elderly persons, or  
19 disabled persons who do not hold driving privileges and are  
20 living in the petitioner's household to and from daycare.  
21 The petitioner must demonstrate that no alternative means  
22 of transportation is reasonably available and that the  
23 petitioner will not endanger the public safety or welfare.  
24 Those multiple offenders identified in subdivision (b)4 of  
25 Section 6-208 of this Code, however, shall not be eligible  
26 for the issuance of a restricted driving permit.

1           (A) If a person's license or permit is revoked or  
2           suspended due to 2 or more convictions of violating  
3           Section 11-501 of this Code or a similar provision of a  
4           local ordinance or a similar out-of-state offense, or  
5           Section 9-3 of the Criminal Code of 1961, where the use  
6           of alcohol or other drugs is recited as an element of  
7           the offense, or a similar out-of-state offense, or a  
8           combination of these offenses, arising out of separate  
9           occurrences, that person, if issued a restricted  
10          driving permit, may not operate a vehicle unless it has  
11          been equipped with an ignition interlock device as  
12          defined in Section 1-129.1.

13          (B) If a person's license or permit is revoked or  
14          suspended 2 or more times within a 10 year period due  
15          to any combination of:

16               (i) a single conviction of violating Section  
17               11-501 of this Code or a similar provision of a  
18               local ordinance or a similar out-of-state offense  
19               or Section 9-3 of the Criminal Code of 1961, where  
20               the use of alcohol or other drugs is recited as an  
21               element of the offense, or a similar out-of-state  
22               offense; or

23               (ii) a statutory summary suspension or  
24               revocation under Section 11-501.1; or

25               (iii) a suspension under Section 6-203.1;  
26          arising out of separate occurrences; that person, if

1 issued a restricted driving permit, may not operate a  
2 vehicle unless it has been equipped with an ignition  
3 interlock device as defined in Section 1-129.1.

4 (C) The person issued a permit conditioned upon the  
5 use of an ignition interlock device must pay to the  
6 Secretary of State DUI Administration Fund an amount  
7 not to exceed \$30 per month. The Secretary shall  
8 establish by rule the amount and the procedures, terms,  
9 and conditions relating to these fees.

10 (D) If the restricted driving permit is issued for  
11 employment purposes, then the prohibition against  
12 operating a motor vehicle that is not equipped with an  
13 ignition interlock device does not apply to the  
14 operation of an occupational vehicle owned or leased by  
15 that person's employer when used solely for employment  
16 purposes.

17 (E) In each case the Secretary may issue a  
18 restricted driving permit for a period deemed  
19 appropriate, except that all permits shall expire  
20 within one year from the date of issuance. The  
21 Secretary may not, however, issue a restricted driving  
22 permit to any person whose current revocation is the  
23 result of a second or subsequent conviction for a  
24 violation of Section 11-501 of this Code or a similar  
25 provision of a local ordinance or any similar  
26 out-of-state offense, or Section 9-3 of the Criminal

1 Code of 1961, where the use of alcohol or other drugs  
2 is recited as an element of the offense, or any similar  
3 out-of-state offense, or any combination of those  
4 offenses, until the expiration of at least one year  
5 from the date of the revocation. A restricted driving  
6 permit issued under this Section shall be subject to  
7 cancellation, revocation, and suspension by the  
8 Secretary of State in like manner and for like cause as  
9 a driver's license issued under this Code may be  
10 cancelled, revoked, or suspended; except that a  
11 conviction upon one or more offenses against laws or  
12 ordinances regulating the movement of traffic shall be  
13 deemed sufficient cause for the revocation,  
14 suspension, or cancellation of a restricted driving  
15 permit. The Secretary of State may, as a condition to  
16 the issuance of a restricted driving permit, require  
17 the applicant to participate in a designated driver  
18 remedial or rehabilitative program. The Secretary of  
19 State is authorized to cancel a restricted driving  
20 permit if the permit holder does not successfully  
21 complete the program.

22 (c-3) In the case of a suspension under paragraph 43 of  
23 subsection (a), reports received by the Secretary of State  
24 under this Section shall, except during the actual time the  
25 suspension is in effect, be privileged information and for use  
26 only by the courts, police officers, prosecuting authorities,



1 the driver licensing administrator of any other state, the  
2 Secretary of State, or the parent or legal guardian of a driver  
3 under the age of 18. However, beginning January 1, 2008, if the  
4 person is a CDL holder, the suspension shall also be made  
5 available to the driver licensing administrator of any other  
6 state, the U.S. Department of Transportation, and the affected  
7 driver or motor carrier or prospective motor carrier upon  
8 request.

9 (c-4) In the case of a suspension under paragraph 43 of  
10 subsection (a), the Secretary of State shall notify the person  
11 by mail that his or her driving privileges and driver's license  
12 will be suspended one month after the date of the mailing of  
13 the notice.

14 (c-5) The Secretary of State may, as a condition of the  
15 reissuance of a driver's license or permit to an applicant  
16 whose driver's license or permit has been suspended before he  
17 or she reached the age of 21 years pursuant to any of the  
18 provisions of this Section, require the applicant to  
19 participate in a driver remedial education course and be  
20 retested under Section 6-109 of this Code.

21 (d) This Section is subject to the provisions of the  
22 Drivers License Compact.

23 (e) The Secretary of State shall not issue a restricted  
24 driving permit to a person under the age of 16 years whose  
25 driving privileges have been suspended or revoked under any  
26 provisions of this Code.

1 (f) In accordance with 49 C.F.R. 384, the Secretary of  
2 State may not issue a restricted driving permit for the  
3 operation of a commercial motor vehicle to a person holding a  
4 CDL whose driving privileges have been suspended, revoked,  
5 cancelled, or disqualified under any provisions of this Code.

6 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;  
7 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.  
8 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,  
9 eff. 8-12-11; revised 9-15-11.)

10 Section 15-50. The Juvenile Court Act of 1987 is amended by  
11 changing Sections 2-25, 3-26, 4-23, and 5-730 as follows:

12 (705 ILCS 405/2-25) (from Ch. 37, par. 802-25)

13 Sec. 2-25. Order of protection.

14 (1) The court may make an order of protection in assistance  
15 of or as a condition of any other order authorized by this Act.  
16 The order of protection shall be based on the health, safety  
17 and best interests of the minor and may set forth reasonable  
18 conditions of behavior to be observed for a specified period.  
19 Such an order may require a person:

20 (a) to stay away from the home or the minor;

21 (b) to permit a parent to visit the minor at stated  
22 periods;

23 (c) to abstain from offensive conduct against the  
24 minor, his parent or any person to whom custody of the

1 minor is awarded;

2 (d) to give proper attention to the care of the home;

3 (e) to cooperate in good faith with an agency to which  
4 custody of a minor is entrusted by the court or with an  
5 agency or association to which the minor is referred by the  
6 court;

7 (f) to prohibit and prevent any contact whatsoever with  
8 the respondent minor by a specified individual or  
9 individuals who are alleged in either a criminal or  
10 juvenile proceeding to have caused injury to a respondent  
11 minor or a sibling of a respondent minor;

12 (g) to refrain from acts of commission or omission that  
13 tend to make the home not a proper place for the minor;

14 (h) to refrain from contacting the minor and the foster  
15 parents in any manner that is not specified in writing in  
16 the case plan.

17 (2) The court shall enter an order of protection to  
18 prohibit and prevent any contact between a respondent minor or  
19 a sibling of a respondent minor and any person named in a  
20 petition seeking an order of protection who has been convicted  
21 of heinous battery or aggravated battery under subdivision  
22 (a)(2) of Section 12-3.05, aggravated battery of a child or  
23 aggravated battery under subdivision (b)(1) of Section  
24 12-3.05, criminal sexual assault, aggravated criminal sexual  
25 assault, predatory criminal sexual assault of a child, criminal  
26 sexual abuse, or aggravated criminal sexual abuse as described

1 in the Criminal Code of 1961, or has been convicted of an  
2 offense that resulted in the death of a child, or has violated  
3 a previous order of protection under this Section.

4 (3) When the court issues an order of protection against  
5 any person as provided by this Section, the court shall direct  
6 a copy of such order to the Sheriff of that county. The Sheriff  
7 shall furnish a copy of the order of protection to the  
8 Department of State Police within 24 hours of receipt, in the  
9 form and manner required by the Department. The Department of  
10 State Police shall maintain a complete record and index of such  
11 orders of protection and make this data available to all local  
12 law enforcement agencies.

13 (4) After notice and opportunity for hearing afforded to a  
14 person subject to an order of protection, the order may be  
15 modified or extended for a further specified period or both or  
16 may be terminated if the court finds that the health, safety,  
17 and best interests of the minor and the public will be served  
18 thereby.

19 (5) An order of protection may be sought at any time during  
20 the course of any proceeding conducted pursuant to this Act if  
21 such an order is consistent with the health, safety, and best  
22 interests of the minor. Any person against whom an order of  
23 protection is sought may retain counsel to represent him at a  
24 hearing, and has rights to be present at the hearing, to be  
25 informed prior to the hearing in writing of the contents of the  
26 petition seeking a protective order and of the date, place and

1 time of such hearing, and to cross examine witnesses called by  
2 the petitioner and to present witnesses and argument in  
3 opposition to the relief sought in the petition.

4 (6) Diligent efforts shall be made by the petitioner to  
5 serve any person or persons against whom any order of  
6 protection is sought with written notice of the contents of the  
7 petition seeking a protective order and of the date, place and  
8 time at which the hearing on the petition is to be held. When a  
9 protective order is being sought in conjunction with a  
10 temporary custody hearing, if the court finds that the person  
11 against whom the protective order is being sought has been  
12 notified of the hearing or that diligent efforts have been made  
13 to notify such person, the court may conduct a hearing. If a  
14 protective order is sought at any time other than in  
15 conjunction with a temporary custody hearing, the court may not  
16 conduct a hearing on the petition in the absence of the person  
17 against whom the order is sought unless the petitioner has  
18 notified such person by personal service at least 3 days before  
19 the hearing or has sent written notice by first class mail to  
20 such person's last known address at least 5 days before the  
21 hearing.

22 (7) A person against whom an order of protection is being  
23 sought who is neither a parent, guardian, legal custodian or  
24 responsible relative as described in Section 1-5 is not a party  
25 or respondent as defined in that Section and shall not be  
26 entitled to the rights provided therein. Such person does not

1 have a right to appointed counsel or to be present at any  
2 hearing other than the hearing in which the order of protection  
3 is being sought or a hearing directly pertaining to that order.  
4 Unless the court orders otherwise, such person does not have a  
5 right to inspect the court file.

6 (8) All protective orders entered under this Section shall  
7 be in writing. Unless the person against whom the order was  
8 obtained was present in court when the order was issued, the  
9 sheriff, other law enforcement official or special process  
10 server shall promptly serve that order upon that person and  
11 file proof of such service, in the manner provided for service  
12 of process in civil proceedings. The person against whom the  
13 protective order was obtained may seek a modification of the  
14 order by filing a written motion to modify the order within 7  
15 days after actual receipt by the person of a copy of the order.  
16 Any modification of the order granted by the court must be  
17 determined to be consistent with the best interests of the  
18 minor.

19 (9) If a petition is filed charging a violation of a  
20 condition contained in the protective order and if the court  
21 determines that this violation is of a critical service  
22 necessary to the safety and welfare of the minor, the court may  
23 proceed to findings and an order for temporary custody.

24 (Source: P.A. 95-405, eff. 6-1-08; 96-1551, Article 1, Section  
25 955, eff. 7-1-11; 96-1551, Article 2, Section 1030, eff.  
26 7-1-11; revised 9-30-11.)

1 (705 ILCS 405/3-26) (from Ch. 37, par. 803-26)

2 Sec. 3-26. Order of protection.

3 (1) The court may make an order of protection in assistance  
4 of or as a condition of any other order authorized by this Act.  
5 The order of protection may set forth reasonable conditions of  
6 behavior to be observed for a specified period. Such an order  
7 may require a person:

8 (a) To stay away from the home or the minor;

9 (b) To permit a parent to visit the minor at stated  
10 periods;

11 (c) To abstain from offensive conduct against the  
12 minor, his parent or any person to whom custody of the  
13 minor is awarded;

14 (d) To give proper attention to the care of the home;

15 (e) To cooperate in good faith with an agency to which  
16 custody of a minor is entrusted by the court or with an  
17 agency or association to which the minor is referred by the  
18 court;

19 (f) To prohibit and prevent any contact whatsoever with  
20 the respondent minor by a specified individual or  
21 individuals who are alleged in either a criminal or  
22 juvenile proceeding to have caused injury to a respondent  
23 minor or a sibling of a respondent minor;

24 (g) To refrain from acts of commission or omission that  
25 tend to make the home not a proper place for the minor.

1           (2) The court shall enter an order of protection to  
2 prohibit and prevent any contact between a respondent minor or  
3 a sibling of a respondent minor and any person named in a  
4 petition seeking an order of protection who has been convicted  
5 of heinous battery or aggravated battery under subdivision  
6 (a)(2) of Section 12-3.05, aggravated battery of a child or  
7 aggravated battery under subdivision (b)(1) of Section  
8 12-3.05, criminal sexual assault, aggravated criminal sexual  
9 assault, predatory criminal sexual assault of a child, criminal  
10 sexual abuse, or aggravated criminal sexual abuse as described  
11 in the Criminal Code of 1961, or has been convicted of an  
12 offense that resulted in the death of a child, or has violated  
13 a previous order of protection under this Section.

14           (3) When the court issues an order of protection against  
15 any person as provided by this Section, the court shall direct  
16 a copy of such order to the Sheriff of that county. The Sheriff  
17 shall furnish a copy of the order of protection to the  
18 Department of State Police within 24 hours of receipt, in the  
19 form and manner required by the Department. The Department of  
20 State Police shall maintain a complete record and index of such  
21 orders of protection and make this data available to all local  
22 law enforcement agencies.

23           (4) After notice and opportunity for hearing afforded to a  
24 person subject to an order of protection, the order may be  
25 modified or extended for a further specified period or both or  
26 may be terminated if the court finds that the best interests of



1 the minor and the public will be served thereby.

2 (5) An order of protection may be sought at any time during  
3 the course of any proceeding conducted pursuant to this Act.  
4 Any person against whom an order of protection is sought may  
5 retain counsel to represent him at a hearing, and has rights to  
6 be present at the hearing, to be informed prior to the hearing  
7 in writing of the contents of the petition seeking a protective  
8 order and of the date, place and time of such hearing, and to  
9 cross examine witnesses called by the petitioner and to present  
10 witnesses and argument in opposition to the relief sought in  
11 the petition.

12 (6) Diligent efforts shall be made by the petitioner to  
13 serve any person or persons against whom any order of  
14 protection is sought with written notice of the contents of the  
15 petition seeking a protective order and of the date, place and  
16 time at which the hearing on the petition is to be held. When a  
17 protective order is being sought in conjunction with a shelter  
18 care hearing, if the court finds that the person against whom  
19 the protective order is being sought has been notified of the  
20 hearing or that diligent efforts have been made to notify such  
21 person, the court may conduct a hearing. If a protective order  
22 is sought at any time other than in conjunction with a shelter  
23 care hearing, the court may not conduct a hearing on the  
24 petition in the absence of the person against whom the order is  
25 sought unless the petitioner has notified such person by  
26 personal service at least 3 days before the hearing or has sent

1 written notice by first class mail to such person's last known  
2 address at least 5 days before the hearing.

3 (7) A person against whom an order of protection is being  
4 sought who is neither a parent, guardian, legal custodian or  
5 responsible relative as described in Section 1-5 is not a party  
6 or respondent as defined in that Section and shall not be  
7 entitled to the rights provided therein. Such person does not  
8 have a right to appointed counsel or to be present at any  
9 hearing other than the hearing in which the order of protection  
10 is being sought or a hearing directly pertaining to that order.  
11 Unless the court orders otherwise, such person does not have a  
12 right to inspect the court file.

13 (8) All protective orders entered under this Section shall  
14 be in writing. Unless the person against whom the order was  
15 obtained was present in court when the order was issued, the  
16 sheriff, other law enforcement official or special process  
17 server shall promptly serve that order upon that person and  
18 file proof of such service, in the manner provided for service  
19 of process in civil proceedings. The person against whom the  
20 protective order was obtained may seek a modification of the  
21 order by filing a written motion to modify the order within 7  
22 days after actual receipt by the person of a copy of the order.

23 (Source: P.A. 96-1551, Article 1, Section 995, eff. 7-1-11;  
24 96-1551, Article 2, Section 1030, eff. 7-1-11; revised  
25 9-30-11.)

1 (705 ILCS 405/4-23) (from Ch. 37, par. 804-23)

2 Sec. 4-23. Order of protection.

3 (1) The court may make an order of protection in assistance  
4 of or as a condition of any other order authorized by this Act.  
5 The order of protection may set forth reasonable conditions of  
6 behavior to be observed for a specified period. Such an order  
7 may require a person:

8 (a) To stay away from the home or the minor;

9 (b) To permit a parent to visit the minor at stated  
10 periods;

11 (c) To abstain from offensive conduct against the  
12 minor, his parent or any person to whom custody of the  
13 minor is awarded;

14 (d) To give proper attention to the care of the home;

15 (e) To cooperate in good faith with an agency to which  
16 custody of a minor is entrusted by the court or with an  
17 agency or association to which the minor is referred by the  
18 court;

19 (f) To prohibit and prevent any contact whatsoever with  
20 the respondent minor by a specified individual or  
21 individuals who are alleged in either a criminal or  
22 juvenile proceeding to have caused injury to a respondent  
23 minor or a sibling of a respondent minor;

24 (g) To refrain from acts of commission or omission that  
25 tend to make the home not a proper place for the minor.

26 (2) The court shall enter an order of protection to

1 prohibit and prevent any contact between a respondent minor or  
2 a sibling of a respondent minor and any person named in a  
3 petition seeking an order of protection who has been convicted  
4 of heinous battery or aggravated battery under subdivision  
5 (a)(2) of Section 12-3.05, aggravated battery of a child or  
6 aggravated battery under subdivision (b)(1) of Section  
7 12-3.05, criminal sexual assault, aggravated criminal sexual  
8 assault, predatory criminal sexual assault of a child, criminal  
9 sexual abuse, or aggravated criminal sexual abuse as described  
10 in the Criminal Code of 1961, or has been convicted of an  
11 offense that resulted in the death of a child, or has violated  
12 a previous order of protection under this Section.

13 (3) When the court issues an order of protection against  
14 any person as provided by this Section, the court shall direct  
15 a copy of such order to the Sheriff of that county. The Sheriff  
16 shall furnish a copy of the order of protection to the  
17 Department of State Police within 24 hours of receipt, in the  
18 form and manner required by the Department. The Department of  
19 State Police shall maintain a complete record and index of such  
20 orders of protection and make this data available to all local  
21 law enforcement agencies.

22 (4) After notice and opportunity for hearing afforded to a  
23 person subject to an order of protection, the order may be  
24 modified or extended for a further specified period or both or  
25 may be terminated if the court finds that the best interests of  
26 the minor and the public will be served thereby.

1           (5) An order of protection may be sought at any time during  
2 the course of any proceeding conducted pursuant to this Act.  
3 Any person against whom an order of protection is sought may  
4 retain counsel to represent him at a hearing, and has rights to  
5 be present at the hearing, to be informed prior to the hearing  
6 in writing of the contents of the petition seeking a protective  
7 order and of the date, place and time of such hearing, and to  
8 cross examine witnesses called by the petitioner and to present  
9 witnesses and argument in opposition to the relief sought in  
10 the petition.

11           (6) Diligent efforts shall be made by the petitioner to  
12 serve any person or persons against whom any order of  
13 protection is sought with written notice of the contents of the  
14 petition seeking a protective order and of the date, place and  
15 time at which the hearing on the petition is to be held. When a  
16 protective order is being sought in conjunction with a shelter  
17 care hearing, if the court finds that the person against whom  
18 the protective order is being sought has been notified of the  
19 hearing or that diligent efforts have been made to notify such  
20 person, the court may conduct a hearing. If a protective order  
21 is sought at any time other than in conjunction with a shelter  
22 care hearing, the court may not conduct a hearing on the  
23 petition in the absence of the person against whom the order is  
24 sought unless the petitioner has notified such person by  
25 personal service at least 3 days before the hearing or has sent  
26 written notice by first class mail to such person's last known

1 address at least 5 days before the hearing.

2 (7) A person against whom an order of protection is being  
3 sought who is neither a parent, guardian, legal custodian or  
4 responsible relative as described in Section 1-5 is not a party  
5 or respondent as defined in that Section and shall not be  
6 entitled to the rights provided therein. Such person does not  
7 have a right to appointed counsel or to be present at any  
8 hearing other than the hearing in which the order of protection  
9 is being sought or a hearing directly pertaining to that order.  
10 Unless the court orders otherwise, such person does not have a  
11 right to inspect the court file.

12 (8) All protective orders entered under this Section shall  
13 be in writing. Unless the person against whom the order was  
14 obtained was present in court when the order was issued, the  
15 sheriff, other law enforcement official or special process  
16 server shall promptly serve that order upon that person and  
17 file proof of such service, in the manner provided for service  
18 of process in civil proceedings. The person against whom the  
19 protective order was obtained may seek a modification of the  
20 order by filing a written motion to modify the order within 7  
21 days after actual receipt by the person of a copy of the order.

22 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;  
23 96-1551, Article 2, Section 1030, eff. 7-1-11; revised  
24 9-30-11.)

25 (705 ILCS 405/5-730)

1           Sec. 5-730. Order of protection.

2           (1) The court may make an order of protection in assistance  
3 of or as a condition of any other order authorized by this Act.  
4 The order of protection may set forth reasonable conditions of  
5 behavior to be observed for a specified period. The order may  
6 require a person:

7                   (a) to stay away from the home or the minor;

8                   (b) to permit a parent to visit the minor at stated  
9 periods;

10                   (c) to abstain from offensive conduct against the  
11 minor, his or her parent or any person to whom custody of  
12 the minor is awarded;

13                   (d) to give proper attention to the care of the home;

14                   (e) to cooperate in good faith with an agency to which  
15 custody of a minor is entrusted by the court or with an  
16 agency or association to which the minor is referred by the  
17 court;

18                   (f) to prohibit and prevent any contact whatsoever with  
19 the respondent minor by a specified individual or  
20 individuals who are alleged in either a criminal or  
21 juvenile proceeding to have caused injury to a respondent  
22 minor or a sibling of a respondent minor;

23                   (g) to refrain from acts of commission or omission that  
24 tend to make the home not a proper place for the minor.

25           (2) The court shall enter an order of protection to  
26 prohibit and prevent any contact between a respondent minor or

1 a sibling of a respondent minor and any person named in a  
2 petition seeking an order of protection who has been convicted  
3 of heinous battery or aggravated battery under subdivision  
4 (a)(2) of Section 12-3.05, aggravated battery of a child or  
5 aggravated battery under subdivision (b)(1) of Section  
6 12-3.05, criminal sexual assault, aggravated criminal sexual  
7 assault, predatory criminal sexual assault of a child, criminal  
8 sexual abuse, or aggravated criminal sexual abuse as described  
9 in the Criminal Code of 1961, or has been convicted of an  
10 offense that resulted in the death of a child, or has violated  
11 a previous order of protection under this Section.

12 (3) When the court issues an order of protection against  
13 any person as provided by this Section, the court shall direct  
14 a copy of such order to the sheriff of that county. The sheriff  
15 shall furnish a copy of the order of protection to the  
16 Department of State Police within 24 hours of receipt, in the  
17 form and manner required by the Department. The Department of  
18 State Police shall maintain a complete record and index of the  
19 orders of protection and make this data available to all local  
20 law enforcement agencies.

21 (4) After notice and opportunity for hearing afforded to a  
22 person subject to an order of protection, the order may be  
23 modified or extended for a further specified period or both or  
24 may be terminated if the court finds that the best interests of  
25 the minor and the public will be served by the modification,  
26 extension, or termination.



1           (5) An order of protection may be sought at any time during  
2 the course of any proceeding conducted under this Act. Any  
3 person against whom an order of protection is sought may retain  
4 counsel to represent him or her at a hearing, and has rights to  
5 be present at the hearing, to be informed prior to the hearing  
6 in writing of the contents of the petition seeking a protective  
7 order and of the date, place, and time of the hearing, and to  
8 cross-examine witnesses called by the petitioner and to present  
9 witnesses and argument in opposition to the relief sought in  
10 the petition.

11           (6) Diligent efforts shall be made by the petitioner to  
12 serve any person or persons against whom any order of  
13 protection is sought with written notice of the contents of the  
14 petition seeking a protective order and of the date, place and  
15 time at which the hearing on the petition is to be held. When a  
16 protective order is being sought in conjunction with a shelter  
17 care or detention hearing, if the court finds that the person  
18 against whom the protective order is being sought has been  
19 notified of the hearing or that diligent efforts have been made  
20 to notify the person, the court may conduct a hearing. If a  
21 protective order is sought at any time other than in  
22 conjunction with a shelter care or detention hearing, the court  
23 may not conduct a hearing on the petition in the absence of the  
24 person against whom the order is sought unless the petitioner  
25 has notified the person by personal service at least 3 days  
26 before the hearing or has sent written notice by first class

1 mail to the person's last known address at least 5 days before  
2 the hearing.

3 (7) A person against whom an order of protection is being  
4 sought who is neither a parent, guardian, or legal custodian or  
5 responsible relative as described in Section 1-5 of this Act or  
6 is not a party or respondent as defined in that Section shall  
7 not be entitled to the rights provided in that Section. The  
8 person does not have a right to appointed counsel or to be  
9 present at any hearing other than the hearing in which the  
10 order of protection is being sought or a hearing directly  
11 pertaining to that order. Unless the court orders otherwise,  
12 the person does not have a right to inspect the court file.

13 (8) All protective orders entered under this Section shall  
14 be in writing. Unless the person against whom the order was  
15 obtained was present in court when the order was issued, the  
16 sheriff, other law enforcement official, or special process  
17 server shall promptly serve that order upon that person and  
18 file proof of that service, in the manner provided for service  
19 of process in civil proceedings. The person against whom the  
20 protective order was obtained may seek a modification of the  
21 order by filing a written motion to modify the order within 7  
22 days after actual receipt by the person of a copy of the order.

23 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;  
24 96-1551, Article 2, Section 1030, eff. 7-1-11; revised  
25 9-30-11.)

1 Section 15-55. The Criminal Code of 1961 is amended by  
2 changing Sections 2-10.1, 11-1.10, 11-1.30, 11-1.60, 11-1.80,  
3 11-9.4-1, 11-14.1, 11-14.4, 11-18.1, 11-20.1, 11-20.1B, 12-2,  
4 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-6.2, 12-7.1, 12-7.3,  
5 12-7.4, 12-7.5, 16-0.1, 16-7, 16-30, 17-2, 17-3, 17-10.2,  
6 17-10.6, 24-3.8, 24-3.9, 36-1, and 36.5-5 as follows:

7 (720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

8 Sec. 2-10.1. "Severely or profoundly intellectually  
9 disabled person" means a person (i) whose intelligence quotient  
10 does not exceed 40 or (ii) whose intelligence quotient does not  
11 exceed 55 and who suffers from significant mental illness to  
12 the extent that the person's ability to exercise rational  
13 judgment is impaired. In any proceeding in which the defendant  
14 is charged with committing a violation of Section 10-2, 10-5,  
15 11-1.30, 11-1.60, 11-14.4, 11-15.1, 11-19.1, 11-19.2, 11-20.1,  
16 11-20.1B, 11-20.3, 12-4.3, 12-14, or 12-16, or subdivision  
17 (b) (1) of Section 12-3.05, of this Code against a victim who is  
18 alleged to be a severely or profoundly intellectually disabled  
19 person, any findings concerning the victim's status as a  
20 severely or profoundly intellectually disabled person, made by  
21 a court after a judicial admission hearing concerning the  
22 victim under Articles V and VI of Chapter 4 of the Mental  
23 Health and Developmental Disabilities Code shall be  
24 admissible.

25 (Source: P.A. 96-1551, Article 1, Section 960, eff. 7-1-11;

1 96-1551, Article 2, Section 1035, eff. 7-1-11; 97-227, eff.  
2 1-1-12; revised 9-12-11.)

3 (720 ILCS 5/11-1.10) (was 720 ILCS 5/12-18)

4 Sec. 11-1.10. General provisions concerning offenses  
5 described in Sections 11-1.20 through 11-1.60.

6 (a) No person accused of violating Section 11-1.20,  
7 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code shall be  
8 presumed to be incapable of committing an offense prohibited by  
9 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this  
10 Code because of age, physical condition or relationship to the  
11 victim. Nothing in this Section shall be construed to modify or  
12 abrogate the affirmative defense of infancy under Section 6-1  
13 of this Code or the provisions of Section 5-805 of the Juvenile  
14 Court Act of 1987.

15 (b) Any medical examination or procedure which is conducted  
16 by a physician, nurse, medical or hospital personnel, parent,  
17 or caretaker for purposes and in a manner consistent with  
18 reasonable medical standards is not an offense under Section  
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code.

20 (c) (Blank).

21 (d) (Blank).

22 (e) After a finding at a preliminary hearing that there is  
23 probable cause to believe that an accused has committed a  
24 violation of Section 11-1.20, 11-1.30, or 11-1.40 of this Code,  
25 or after an indictment is returned charging an accused with a

1 violation of Section 11-1.20, 11-1.30, or 11-1.40 of this Code,  
2 or after a finding that a defendant charged with a violation of  
3 Section 11-1.20, 11-1.30, or 11-1.40 of this Code is unfit to  
4 stand trial pursuant to Section 104-16 of the Code of Criminal  
5 Procedure of 1963 where the finding is made prior to  
6 preliminary hearing, at the request of the person who was the  
7 victim of the violation of Section 11-1.20, 11-1.30, or  
8 11-1.40, the prosecuting State's attorney shall seek an order  
9 from the court to compel the accused to be tested within 48  
10 hours for any sexually transmissible disease, including a test  
11 for infection with human immunodeficiency virus (HIV). The  
12 medical tests shall be performed only by appropriately licensed  
13 medical practitioners. Such testing shall consist of a test  
14 approved by the Illinois Department of Public Health to  
15 determine the presence of HIV infection, based upon  
16 recommendations of the United States Centers for Disease  
17 Control and Prevention ~~The test for infection with human~~  
18 ~~immunodeficiency virus (HIV) shall consist of an enzyme linked~~  
19 ~~immunosorbent assay (ELISA) test, or such other test as may be~~  
20 ~~approved by the Illinois Department of Public Health;~~ in the  
21 event of a positive result, a ~~the Western Blot Assay or a more~~  
22 reliable supplemental ~~confirmatory~~ test based upon  
23 recommendations of the United States Centers for Disease  
24 Control and Prevention shall be administered. The results of  
25 the tests and any follow-up tests shall be kept strictly  
26 confidential by all medical personnel involved in the testing

1 and must be personally delivered in a sealed envelope to the  
2 victim, to the defendant, to the State's Attorney, and to the  
3 judge who entered the order, for the judge's inspection in  
4 camera. The judge shall provide to the victim a referral to the  
5 Illinois Department of Public Health HIV/AIDS toll-free  
6 hotline for counseling and information in connection with the  
7 test result. Acting in accordance with the best interests of  
8 the victim and the public, the judge shall have the discretion  
9 to determine to whom, if anyone, the result of the testing may  
10 be revealed; however, in no case shall the identity of the  
11 victim be disclosed. The court shall order that the cost of the  
12 tests shall be paid by the county, and shall be taxed as costs  
13 against the accused if convicted.

14 (f) Whenever any law enforcement officer has reasonable  
15 cause to believe that a person has been delivered a controlled  
16 substance without his or her consent, the law enforcement  
17 officer shall advise the victim about seeking medical treatment  
18 and preserving evidence.

19 (g) Every hospital providing emergency hospital services  
20 to an alleged sexual assault survivor, when there is reasonable  
21 cause to believe that a person has been delivered a controlled  
22 substance without his or her consent, shall designate personnel  
23 to provide:

24 (1) An explanation to the victim about the nature and  
25 effects of commonly used controlled substances and how such  
26 controlled substances are administered.

1           (2) An offer to the victim of testing for the presence  
2 of such controlled substances.

3           (3) A disclosure to the victim that all controlled  
4 substances or alcohol ingested by the victim will be  
5 disclosed by the test.

6           (4) A statement that the test is completely voluntary.

7           (5) A form for written authorization for sample  
8 analysis of all controlled substances and alcohol ingested  
9 by the victim.

10          A physician licensed to practice medicine in all its  
11 branches may agree to be a designated person under this  
12 subsection.

13          No sample analysis may be performed unless the victim  
14 returns a signed written authorization within 30 days after the  
15 sample was collected.

16          Any medical treatment or care under this subsection shall  
17 be only in accordance with the order of a physician licensed to  
18 practice medicine in all of its branches. Any testing under  
19 this subsection shall be only in accordance with the order of a  
20 licensed individual authorized to order the testing.

21          (Source: P.A. 95-926, eff. 8-26-08; 96-1551, eff. 7-1-11;  
22 incorporates 97-244, eff. 8-4-11; revised 9-12-11.)

23          (720 ILCS 5/11-1.30) (was 720 ILCS 5/12-14)

24          Sec. 11-1.30. Aggravated Criminal Sexual Assault.

25          (a) A person commits aggravated criminal sexual assault if

1 that person commits criminal sexual assault and any of the  
2 following aggravating circumstances exist during the  
3 commission of the offense or, for purposes of paragraph (7),  
4 occur as part of the same course of conduct as the commission  
5 of the offense:

6 (1) the person displays, threatens to use, or uses a  
7 dangerous weapon, other than a firearm, or any other object  
8 fashioned or used in a manner that leads the victim, under  
9 the circumstances, reasonably to believe that the object is  
10 a dangerous weapon;

11 (2) the person causes bodily harm to the victim, except  
12 as provided in paragraph (10);

13 (3) the person acts in a manner that threatens or  
14 endangers the life of the victim or any other person;

15 (4) the person commits the criminal sexual assault  
16 during the course of committing or attempting to commit any  
17 other felony;

18 (5) the victim is 60 years of age or older;

19 (6) the victim is a physically handicapped person;

20 (7) the person delivers (by injection, inhalation,  
21 ingestion, transfer of possession, or any other means) any  
22 controlled substance to the victim without the victim's  
23 consent or by threat or deception for other than medical  
24 purposes;

25 (8) the person is armed with a firearm;

26 (9) the person personally discharges a firearm during



1 the commission of the offense; or

2 (10) the person personally discharges a firearm during  
3 the commission of the offense, and that discharge  
4 proximately causes great bodily harm, permanent  
5 disability, permanent disfigurement, or death to another  
6 person.

7 (b) A person commits aggravated criminal sexual assault if  
8 that person is under 17 years of age and: (i) commits an act of  
9 sexual penetration with a victim who is under 9 years of age;  
10 or (ii) commits an act of sexual penetration with a victim who  
11 is at least 9 years of age but under 13 years of age and the  
12 person uses force or threat of force to commit the act.

13 (c) A person commits aggravated criminal sexual assault if  
14 that person commits an act of sexual penetration with a victim  
15 who is a severely or profoundly intellectually disabled  
16 ~~mentally retarded~~ person.

17 (d) Sentence.

18 (1) Aggravated criminal sexual assault in violation of  
19 paragraph (2), (3), (4), (5), (6), or (7) of subsection (a)  
20 or in violation of subsection (b) or (c) is a Class X  
21 felony. A violation of subsection (a)(1) is a Class X  
22 felony for which 10 years shall be added to the term of  
23 imprisonment imposed by the court. A violation of  
24 subsection (a)(8) is a Class X felony for which 15 years  
25 shall be added to the term of imprisonment imposed by the  
26 court. A violation of subsection (a)(9) is a Class X felony

1 for which 20 years shall be added to the term of  
2 imprisonment imposed by the court. A violation of  
3 subsection (a)(10) is a Class X felony for which 25 years  
4 or up to a term of natural life imprisonment shall be added  
5 to the term of imprisonment imposed by the court.

6 (2) A person who is convicted of a second or subsequent  
7 offense of aggravated criminal sexual assault, or who is  
8 convicted of the offense of aggravated criminal sexual  
9 assault after having previously been convicted of the  
10 offense of criminal sexual assault or the offense of  
11 predatory criminal sexual assault of a child, or who is  
12 convicted of the offense of aggravated criminal sexual  
13 assault after having previously been convicted under the  
14 laws of this or any other state of an offense that is  
15 substantially equivalent to the offense of criminal sexual  
16 assault, the offense of aggravated criminal sexual assault  
17 or the offense of predatory criminal sexual assault of a  
18 child, shall be sentenced to a term of natural life  
19 imprisonment. The commission of the second or subsequent  
20 offense is required to have been after the initial  
21 conviction for this paragraph (2) to apply.

22 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-227, eff.  
23 1-1-12; revised 9-12-11.)

24 (720 ILCS 5/11-1.60) (was 720 ILCS 5/12-16)

25 Sec. 11-1.60. Aggravated Criminal Sexual Abuse.

1           (a) A person commits aggravated criminal sexual abuse if  
2 that person commits criminal sexual abuse and any of the  
3 following aggravating circumstances exist (i) during the  
4 commission of the offense or (ii) for purposes of paragraph  
5 (7), as part of the same course of conduct as the commission of  
6 the offense:

7           (1) the person displays, threatens to use, or uses a  
8 dangerous weapon or any other object fashioned or used in a  
9 manner that leads the victim, under the circumstances,  
10 reasonably to believe that the object is a dangerous  
11 weapon;

12           (2) the person causes bodily harm to the victim;

13           (3) the victim is 60 years of age or older;

14           (4) the victim is a physically handicapped person;

15           (5) the person acts in a manner that threatens or  
16 endangers the life of the victim or any other person;

17           (6) the person commits the criminal sexual abuse during  
18 the course of committing or attempting to commit any other  
19 felony; or

20           (7) the person delivers (by injection, inhalation,  
21 ingestion, transfer of possession, or any other means) any  
22 controlled substance to the victim for other than medical  
23 purposes without the victim's consent or by threat or  
24 deception.

25           (b) A person commits aggravated criminal sexual abuse if  
26 that person commits an act of sexual conduct with a victim who

1 is under 18 years of age and the person is a family member.

2 (c) A person commits aggravated criminal sexual abuse if:

3 (1) that person is 17 years of age or over and: (i)  
4 commits an act of sexual conduct with a victim who is under  
5 13 years of age; or (ii) commits an act of sexual conduct  
6 with a victim who is at least 13 years of age but under 17  
7 years of age and the person uses force or threat of force  
8 to commit the act; or

9 (2) that person is under 17 years of age and: (i)  
10 commits an act of sexual conduct with a victim who is under  
11 9 years of age; or (ii) commits an act of sexual conduct  
12 with a victim who is at least 9 years of age but under 17  
13 years of age and the person uses force or threat of force  
14 to commit the act.

15 (d) A person commits aggravated criminal sexual abuse if  
16 that person commits an act of sexual penetration or sexual  
17 conduct with a victim who is at least 13 years of age but under  
18 17 years of age and the person is at least 5 years older than  
19 the victim.

20 (e) A person commits aggravated criminal sexual abuse if  
21 that person commits an act of sexual conduct with a victim who  
22 is a severely or profoundly intellectually disabled ~~mentally~~  
23 ~~retarded~~ person.

24 (f) A person commits aggravated criminal sexual abuse if  
25 that person commits an act of sexual conduct with a victim who  
26 is at least 13 years of age but under 18 years of age and the

1 person is 17 years of age or over and holds a position of  
2 trust, authority, or supervision in relation to the victim.

3 (g) Sentence. Aggravated criminal sexual abuse is a Class 2  
4 felony.

5 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-227, eff.  
6 1-1-12; revised 9-12-11.)

7 (720 ILCS 5/11-1.80) (was 720 ILCS 5/12-18.1)

8 Sec. 11-1.80. Civil Liability.

9 (a) If any person has been convicted of any offense defined  
10 in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,  
11 12-14, 12-14.1, 12-15, or 12-16 of this Act, a victim of such  
12 offense has a cause of action for damages against any person or  
13 entity who, by the manufacture, production, or wholesale  
14 distribution of any obscene material which was possessed or  
15 viewed by the person convicted of the offense, proximately  
16 caused such person, through his or her reading or viewing of  
17 the obscene material, to commit the violation of Section  
18 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
19 12-14.1, 12-15, or 12-16. No victim may recover in any such  
20 action unless he or she proves by a preponderance of the  
21 evidence that: (1) the reading or viewing of the specific  
22 obscene material manufactured, produced, or distributed  
23 wholesale by the defendant proximately caused the person  
24 convicted of the violation of Section 11-1.20, 11-1.30,  
25 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or

1 12-16 to commit such violation and (2) the defendant knew or  
2 had reason to know that the manufacture, production, or  
3 wholesale distribution of such material was likely to cause a  
4 violation of an offense substantially of the type enumerated.

5 (b) The manufacturer, producer or wholesale distributor  
6 shall be liable to the victim for:

7 (1) actual damages incurred by the victim, including  
8 medical costs;

9 (2) court costs and reasonable attorneys fees;

10 (3) infliction of emotional distress;

11 (4) pain and suffering; and

12 (5) loss of consortium.

13 (c) Every action under this Section shall be commenced  
14 within 3 years after the conviction of the defendant for a  
15 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
16 11-1.60, 12-13, 12-14, 12-15 or 12-16 of this Code. However, if  
17 the victim was under the age of 18 years at the time of the  
18 conviction of the defendant for a violation of Section 11-1.20,  
19 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1,  
20 12-15 or 12-16 of this Code, an action under this Section shall  
21 be commenced within 3 years after the victim attains the age of  
22 18 years.

23 (d) For the purposes of this Section:

24 (1) "obscene" has the meaning ascribed to it in subsection  
25 (b) of Section 11-20 of this Code;

26 (2) "wholesale distributor" means any individual,

1 partnership, corporation, association, or other legal entity  
2 which stands between the manufacturer and the retail seller in  
3 purchases, consignments, contracts for sale or rental of the  
4 obscene material;

5 (3) "producer" means any individual, partnership,  
6 corporation, association, or other legal entity which finances  
7 or supervises, to any extent, the production or making of  
8 obscene material;

9 (4) "manufacturer" means any individual, partnership,  
10 corporation, association, or other legal entity which  
11 manufactures, assembles or produces obscene material.

12 (Source: P.A. 96-1551, Article 2, Section 5, eff. 7-1-11;  
13 96-1551, Article 2, Section 1035, eff. 7-1-11; revised 5-3-11.)

14 (720 ILCS 5/11-9.4-1)

15 Sec. 11-9.4-1. Sexual predator and child sex offender;  
16 presence or loitering in or near public parks prohibited.

17 (a) For the purposes of this Section:

18 "Child sex offender" has the meaning ascribed to it in  
19 subsection (d) of Section 11-9.3 ~~11-9.4~~ of this Code, but  
20 does not include as a sex offense under paragraph (2) of  
21 subsection (d) of Section 11-9.3 ~~11-9.4~~, the offenses under  
22 subsections (b) and (c) of Section 11-1.50 or subsections  
23 (b) and (c) of Section 12-15 of this Code.

24 "Public park" includes a park, forest preserve, or  
25 conservation area under the jurisdiction of the State or a

1 unit of local government.

2 "Loiter" means:

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

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

10 "Sexual predator" has the meaning ascribed to it in  
11 subsection (E) of Section 2 of the Sex Offender  
12 Registration Act.

13 (b) It is unlawful for a sexual predator or a child sex  
14 offender to knowingly be present in any public park building or  
15 on real property comprising any public park.

16 (c) It is unlawful for a sexual predator or a child sex  
17 offender to knowingly loiter on a public way within 500 feet of  
18 a public park building or real property comprising any public  
19 park. For the purposes of this subsection (c), the 500 feet  
20 distance shall be measured from the edge of the property  
21 comprising the public park building or the real property  
22 comprising the public park.

23 (d) Sentence. A person who violates this Section is guilty  
24 of a Class A misdemeanor, except that a second or subsequent  
25 violation is a Class 4 felony.

26 (Source: P.A. 96-1099, eff. 1-1-11; revised 10-12-11.)



1 (720 ILCS 5/11-14.1)

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

3 (a) Any person who offers a person not his or her spouse  
4 any money, property, token, object, or article or anything of  
5 value for that person or any other person not his or her spouse  
6 to perform any act of sexual penetration as defined in Section  
7 11-0.1 of this Code, or any touching or fondling of the sex  
8 organs of one person by another person for the purpose of  
9 sexual arousal or gratification, commits solicitation of a  
10 sexual act.

11 (b) Sentence. Solicitation of a sexual act is a Class A  
12 misdemeanor. Solicitation of a sexual act from a person who is  
13 under the age of 18 or who is severely or profoundly  
14 intellectually disabled is a Class 4 felony.

15 (b-5) It is an affirmative defense to a charge of  
16 solicitation of a sexual act with a person who is under the age  
17 of 18 or who is severely or profoundly intellectually disabled  
18 that the accused reasonably believed the person was of the age  
19 of 18 years or over or was not a severely or profoundly  
20 intellectually disabled person at the time of the act giving  
21 rise to the charge.

22 (Source: P.A. 96-1464, eff. 8-20-10; 96-1551, eff. 7-1-11;  
23 97-227, eff. 1-1-12; revised 9-12-11.)

24 (720 ILCS 5/11-14.4)

1           Sec. 11-14.4. Promoting juvenile prostitution.

2           (a) Any person who knowingly performs any of the following  
3 acts commits promoting juvenile prostitution:

4           (1) advances prostitution as defined in Section  
5 11-0.1, where the minor engaged in prostitution, or any  
6 person engaged in prostitution in the place, is under 18  
7 years of age or is severely or profoundly intellectually  
8 disabled ~~mentally retarded~~ at the time of the offense;

9           (2) profits from prostitution by any means where the  
10 prostituted person is under 18 years of age or is severely  
11 or profoundly intellectually disabled ~~mentally retarded~~ at  
12 the time of the offense;

13           (3) profits from prostitution by any means where the  
14 prostituted person is under 13 years of age at the time of  
15 the offense;

16           (4) confines a child under the age of 18 or a severely  
17 or profoundly intellectually disabled ~~mentally retarded~~  
18 person against his or her will by the infliction or threat  
19 of imminent infliction of great bodily harm or permanent  
20 disability or disfigurement or by administering to the  
21 child or severely or profoundly intellectually disabled  
22 ~~mentally retarded~~ person, without his or her consent or by  
23 threat or deception and for other than medical purposes,  
24 any alcoholic intoxicant or a drug as defined in the  
25 Illinois Controlled Substances Act or the Cannabis Control  
26 Act or methamphetamine as defined in the Methamphetamine

1 Control and Community Protection Act and:

2 (A) compels the child or severely or profoundly  
3 intellectually disabled ~~mentally retarded~~ person to  
4 engage in prostitution;

5 (B) arranges a situation in which the child or  
6 severely or profoundly intellectually disabled  
7 ~~mentally retarded~~ person may practice prostitution; or

8 (C) profits from prostitution by the child or  
9 severely or profoundly intellectually disabled  
10 ~~mentally retarded~~ person.

11 (b) For purposes of this Section, administering drugs, as  
12 defined in subdivision (a) (4), or an alcoholic intoxicant to a  
13 child under the age of 13 or a severely or profoundly  
14 intellectually disabled ~~mentally retarded~~ person shall be  
15 deemed to be without consent if the administering is done  
16 without the consent of the parents or legal guardian or if the  
17 administering is performed by the parents or legal guardian for  
18 other than medical purposes.

19 (c) If the accused did not have a reasonable opportunity to  
20 observe the prostituted person, it is an affirmative defense to  
21 a charge of promoting juvenile prostitution, except for a  
22 charge under subdivision (a) (4), that the accused reasonably  
23 believed the person was of the age of 18 years or over or was  
24 not a severely or profoundly intellectually disabled ~~mentally~~  
25 ~~retarded~~ person at the time of the act giving rise to the  
26 charge.

1 (d) Sentence. A violation of subdivision (a)(1) is a Class  
2 1 felony, unless committed within 1,000 feet of real property  
3 comprising a school, in which case it is a Class X felony. A  
4 violation of subdivision (a)(2) is a Class 1 felony. A  
5 violation of subdivision (a)(3) is a Class X felony. A  
6 violation of subdivision (a)(4) is a Class X felony, for which  
7 the person shall be sentenced to a term of imprisonment of not  
8 less than 6 years and not more than 60 years. A second or  
9 subsequent violation of subdivision (a)(1), (a)(2), or (a)(3),  
10 or any combination of convictions under subdivision (a)(1),  
11 (a)(2), or (a)(3) and Sections 11-14 (prostitution), 11-14.1  
12 (solicitation of a sexual act), 11-14.3 (promoting  
13 prostitution), 11-15 (soliciting for a prostitute), 11-15.1  
14 (soliciting for a juvenile prostitute), 11-16 (pandering),  
15 11-17 (keeping a place of prostitution), 11-17.1 (keeping a  
16 place of juvenile prostitution), 11-18 (patronizing a  
17 prostitute), 11-18.1 (patronizing a juvenile prostitute),  
18 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated  
19 juvenile pimping), or 11-19.2 (exploitation of a child) of this  
20 Code, is a Class X felony.

21 (e) Forfeiture. Any person convicted of a violation of this  
22 Section that involves promoting juvenile prostitution by  
23 keeping a place of juvenile prostitution or convicted of a  
24 violation of subdivision (a)(4) is subject to the property  
25 forfeiture provisions set forth in Article 124B of the Code of  
26 Criminal Procedure of 1963.

1 (f) For the purposes of this Section, "prostituted person"  
2 means any person who engages in, or agrees or offers to engage  
3 in, any act of sexual penetration as defined in Section 11-0.1  
4 of this Code for any money, property, token, object, or article  
5 or anything of value, or any touching or fondling of the sex  
6 organs of one person by another person, for any money,  
7 property, token, object, or article or anything of value, for  
8 the purpose of sexual arousal or gratification.

9 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-227, eff.  
10 1-1-12; revised 9-12-11.)

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

12 Sec. 11-18.1. Patronizing a minor engaged in prostitution.

13 (a) Any person who engages in an act of sexual penetration  
14 as defined in Section 11-0.1 of this Code with a person engaged  
15 in prostitution who is under 18 years of age or is a severely  
16 or profoundly intellectually disabled person commits  
17 patronizing a minor engaged in prostitution.

18 (a-5) Any person who engages in any touching or fondling,  
19 with a person engaged in prostitution who either is under 18  
20 years of age or is a severely or profoundly intellectually  
21 disabled ~~mentally retarded~~ person, of the sex organs of one  
22 person by the other person, with the intent to achieve sexual  
23 arousal or gratification, commits patronizing a minor engaged  
24 in prostitution.

25 (b) It is an affirmative defense to the charge of

1 patronizing a minor engaged in prostitution that the accused  
2 reasonably believed that the person was of the age of 18 years  
3 or over or was not a severely or profoundly intellectually  
4 disabled person at the time of the act giving rise to the  
5 charge.

6 (c) Sentence. A person who commits patronizing a juvenile  
7 prostitute is guilty of a Class 3 felony, unless committed  
8 within 1,000 feet of real property comprising a school, in  
9 which case it is a Class 2 felony. A person convicted of a  
10 second or subsequent violation of this Section, or of any  
11 combination of such number of convictions under this Section  
12 and Sections 11-14 (prostitution), 11-14.1 (solicitation of a  
13 sexual act), 11-14.3 (promoting prostitution), 11-14.4  
14 (promoting juvenile prostitution), 11-15 (soliciting for a  
15 prostitute), 11-15.1 (soliciting for a juvenile prostitute),  
16 11-16 (pandering), 11-17 (keeping a place of prostitution),  
17 11-17.1 (keeping a place of juvenile prostitution), 11-18  
18 (patronizing a prostitute), 11-19 (pimping), 11-19.1 (juvenile  
19 pimping or aggravated juvenile pimping), or 11-19.2  
20 (exploitation of a child) of this Code, is guilty of a Class 2  
21 felony. The fact of such conviction is not an element of the  
22 offense and may not be disclosed to the jury during trial  
23 unless otherwise permitted by issues properly raised during  
24 such trial.

25 (Source: P.A. 96-1464, eff. 8-20-10; 96-1551, eff. 7-1-11;  
26 97-227, eff. 1-1-12; revised 10-12-11.)

1 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

2 Sec. 11-20.1. Child pornography.

3 (a) A person commits child pornography who:

4 (1) films, videotapes, photographs, or otherwise  
5 depicts or portrays by means of any similar visual medium  
6 or reproduction or depicts by computer any child whom he or  
7 she knows or reasonably should know to be under the age of  
8 18 and at least 13 years of age or any severely or  
9 profoundly intellectually disabled person where such child  
10 or severely or profoundly intellectually disabled person  
11 is:

12 (i) actually or by simulation engaged in any act of  
13 sexual penetration or sexual conduct with any person or  
14 animal; or

15 (ii) actually or by simulation engaged in any act  
16 of sexual penetration or sexual conduct involving the  
17 sex organs of the child or severely or profoundly  
18 intellectually disabled person and the mouth, anus, or  
19 sex organs of another person or animal; or which  
20 involves the mouth, anus or sex organs of the child or  
21 severely or profoundly intellectually disabled person  
22 and the sex organs of another person or animal; or

23 (iii) actually or by simulation engaged in any act  
24 of masturbation; or

25 (iv) actually or by simulation portrayed as being

1           the object of, or otherwise engaged in, any act of lewd  
2           fondling, touching, or caressing involving another  
3           person or animal; or

4           (v) actually or by simulation engaged in any act of  
5           excretion or urination within a sexual context; or

6           (vi) actually or by simulation portrayed or  
7           depicted as bound, fettered, or subject to sadistic,  
8           masochistic, or sadomasochistic abuse in any sexual  
9           context; or

10          (vii) depicted or portrayed in any pose, posture or  
11          setting involving a lewd exhibition of the unclothed or  
12          transparently clothed genitals, pubic area, buttocks,  
13          or, if such person is female, a fully or partially  
14          developed breast of the child or other person; or

15          (2) with the knowledge of the nature or content  
16          thereof, reproduces, disseminates, offers to disseminate,  
17          exhibits or possesses with intent to disseminate any film,  
18          videotape, photograph or other similar visual reproduction  
19          or depiction by computer of any child or severely or  
20          profoundly intellectually disabled person whom the person  
21          knows or reasonably should know to be under the age of 18  
22          and at least 13 years of age or to be a severely or  
23          profoundly intellectually disabled person, engaged in any  
24          activity described in subparagraphs (i) through (vii) of  
25          paragraph (1) of this subsection; or

26          (3) with knowledge of the subject matter or theme



1       thereof, produces any stage play, live performance, film,  
2       videotape or other similar visual portrayal or depiction by  
3       computer which includes a child whom the person knows or  
4       reasonably should know to be under the age of 18 and at  
5       least 13 years of age or a severely or profoundly  
6       intellectually disabled person engaged in any activity  
7       described in subparagraphs (i) through (vii) of paragraph  
8       (1) of this subsection; or

9           (4) solicits, uses, persuades, induces, entices, or  
10       coerces any child whom he or she knows or reasonably should  
11       know to be under the age of 18 and at least 13 years of age  
12       or a severely or profoundly intellectually disabled person  
13       to appear in any stage play, live presentation, film,  
14       videotape, photograph or other similar visual reproduction  
15       or depiction by computer in which the child or severely or  
16       profoundly intellectually disabled person is or will be  
17       depicted, actually or by simulation, in any act, pose or  
18       setting described in subparagraphs (i) through (vii) of  
19       paragraph (1) of this subsection; or

20           (5) is a parent, step-parent, legal guardian or other  
21       person having care or custody of a child whom the person  
22       knows or reasonably should know to be under the age of 18  
23       and at least 13 years of age or a severely or profoundly  
24       intellectually disabled person and who knowingly permits,  
25       induces, promotes, or arranges for such child or severely  
26       or profoundly intellectually disabled person to appear in

1 any stage play, live performance, film, videotape,  
2 photograph or other similar visual presentation, portrayal  
3 or simulation or depiction by computer of any act or  
4 activity described in subparagraphs (i) through (vii) of  
5 paragraph (1) of this subsection; or

6 (6) with knowledge of the nature or content thereof,  
7 possesses any film, videotape, photograph or other similar  
8 visual reproduction or depiction by computer of any child  
9 or severely or profoundly intellectually disabled person  
10 whom the person knows or reasonably should know to be under  
11 the age of 18 and at least 13 years of age or to be a  
12 severely or profoundly intellectually disabled person,  
13 engaged in any activity described in subparagraphs (i)  
14 through (vii) of paragraph (1) of this subsection; or

15 (7) solicits, or knowingly uses, persuades, induces,  
16 entices, or coerces, a person to provide a child under the  
17 age of 18 and at least 13 years of age or a severely or  
18 profoundly intellectually disabled person to appear in any  
19 videotape, photograph, film, stage play, live  
20 presentation, or other similar visual reproduction or  
21 depiction by computer in which the child or severely or  
22 profoundly intellectually disabled person will be  
23 depicted, actually or by simulation, in any act, pose, or  
24 setting described in subparagraphs (i) through (vii) of  
25 paragraph (1) of this subsection.

26 (b) (1) It shall be an affirmative defense to a charge of

1 child pornography that the defendant reasonably believed,  
2 under all of the circumstances, that the child was 18 years  
3 of age or older or that the person was not a severely or  
4 profoundly intellectually disabled person but only where,  
5 prior to the act or acts giving rise to a prosecution under  
6 this Section, he or she took some affirmative action or  
7 made a bonafide inquiry designed to ascertain whether the  
8 child was 18 years of age or older or that the person was  
9 not a severely or profoundly intellectually disabled  
10 person and his or her reliance upon the information so  
11 obtained was clearly reasonable.

12 (1.5) Telecommunications carriers, commercial mobile  
13 service providers, and providers of information services,  
14 including, but not limited to, Internet service providers  
15 and hosting service providers, are not liable under this  
16 Section by virtue of the transmission, storage, or caching  
17 of electronic communications or messages of others or by  
18 virtue of the provision of other related  
19 telecommunications, commercial mobile services, or  
20 information services used by others in violation of this  
21 Section.

22 (2) (Blank).

23 (3) The charge of child pornography shall not apply to  
24 the performance of official duties by law enforcement or  
25 prosecuting officers or persons employed by law  
26 enforcement or prosecuting agencies, court personnel or

1 attorneys, nor to bonafide treatment or professional  
2 education programs conducted by licensed physicians,  
3 psychologists or social workers.

4 (4) If the defendant possessed more than one of the  
5 same film, videotape or visual reproduction or depiction by  
6 computer in which child pornography is depicted, then the  
7 trier of fact may infer that the defendant possessed such  
8 materials with the intent to disseminate them.

9 (5) The charge of child pornography does not apply to a  
10 person who does not voluntarily possess a film, videotape,  
11 or visual reproduction or depiction by computer in which  
12 child pornography is depicted. Possession is voluntary if  
13 the defendant knowingly procures or receives a film,  
14 videotape, or visual reproduction or depiction for a  
15 sufficient time to be able to terminate his or her  
16 possession.

17 (6) Any violation of paragraph (1), (2), (3), (4), (5),  
18 or (7) of subsection (a) that includes a child engaged in,  
19 solicited for, depicted in, or posed in any act of sexual  
20 penetration or bound, fettered, or subject to sadistic,  
21 masochistic, or sadomasochistic abuse in a sexual context  
22 shall be deemed a crime of violence.

23 (c) If the violation does not involve a film, videotape, or  
24 other moving depiction, a violation of paragraph (1), (4), (5),  
25 or (7) of subsection (a) is a Class 1 felony with a mandatory  
26 minimum fine of \$2,000 and a maximum fine of \$100,000. If the

1 violation involves a film, videotape, or other moving  
2 depiction, a violation of paragraph (1), (4), (5), or (7) of  
3 subsection (a) is a Class X felony with a mandatory minimum  
4 fine of \$2,000 and a maximum fine of \$100,000. If the violation  
5 does not involve a film, videotape, or other moving depiction,  
6 a violation of paragraph (3) of subsection (a) is a Class 1  
7 felony with a mandatory minimum fine of \$1500 and a maximum  
8 fine of \$100,000. If the violation involves a film, videotape,  
9 or other moving depiction, a violation of paragraph (3) of  
10 subsection (a) is a Class X felony with a mandatory minimum  
11 fine of \$1500 and a maximum fine of \$100,000. If the violation  
12 does not involve a film, videotape, or other moving depiction,  
13 a violation of paragraph (2) of subsection (a) is a Class 1  
14 felony with a mandatory minimum fine of \$1000 and a maximum  
15 fine of \$100,000. If the violation involves a film, videotape,  
16 or other moving depiction, a violation of paragraph (2) of  
17 subsection (a) is a Class X felony with a mandatory minimum  
18 fine of \$1000 and a maximum fine of \$100,000. If the violation  
19 does not involve a film, videotape, or other moving depiction,  
20 a violation of paragraph (6) of subsection (a) is a Class 3  
21 felony with a mandatory minimum fine of \$1000 and a maximum  
22 fine of \$100,000. If the violation involves a film, videotape,  
23 or other moving depiction, a violation of paragraph (6) of  
24 subsection (a) is a Class 2 felony with a mandatory minimum  
25 fine of \$1000 and a maximum fine of \$100,000.

26 (d) If a person is convicted of a second or subsequent

1 violation of this Section within 10 years of a prior  
2 conviction, the court shall order a presentence psychiatric  
3 examination of the person. The examiner shall report to the  
4 court whether treatment of the person is necessary.

5 (e) Any film, videotape, photograph or other similar visual  
6 reproduction or depiction by computer which includes a child  
7 under the age of 18 and at least 13 years of age or a severely  
8 or profoundly intellectually disabled person engaged in any  
9 activity described in subparagraphs (i) through (vii) or  
10 paragraph 1 of subsection (a), and any material or equipment  
11 used or intended for use in photographing, filming, printing,  
12 producing, reproducing, manufacturing, projecting, exhibiting,  
13 depiction by computer, or disseminating such material shall be  
14 seized and forfeited in the manner, method and procedure  
15 provided by Section 36-1 of this Code for the seizure and  
16 forfeiture of vessels, vehicles and aircraft.

17 In addition, any person convicted under this Section is  
18 subject to the property forfeiture provisions set forth in  
19 Article 124B of the Code of Criminal Procedure of 1963.

20 (e-5) Upon the conclusion of a case brought under this  
21 Section, the court shall seal all evidence depicting a victim  
22 or witness that is sexually explicit. The evidence may be  
23 unsealed and viewed, on a motion of the party seeking to unseal  
24 and view the evidence, only for good cause shown and in the  
25 discretion of the court. The motion must expressly set forth  
26 the purpose for viewing the material. The State's attorney and

1 the victim, if possible, shall be provided reasonable notice of  
2 the hearing on the motion to unseal the evidence. Any person  
3 entitled to notice of a hearing under this subsection (e-5) may  
4 object to the motion.

5 (f) Definitions. For the purposes of this Section:

6 (1) "Disseminate" means (i) to sell, distribute,  
7 exchange or transfer possession, whether with or without  
8 consideration or (ii) to make a depiction by computer  
9 available for distribution or downloading through the  
10 facilities of any telecommunications network or through  
11 any other means of transferring computer programs or data  
12 to a computer.

13 (2) "Produce" means to direct, promote, advertise,  
14 publish, manufacture, issue, present or show.

15 (3) "Reproduce" means to make a duplication or copy.

16 (4) "Depict by computer" means to generate or create,  
17 or cause to be created or generated, a computer program or  
18 data that, after being processed by a computer either alone  
19 or in conjunction with one or more computer programs,  
20 results in a visual depiction on a computer monitor,  
21 screen, or display.

22 (5) "Depiction by computer" means a computer program or  
23 data that, after being processed by a computer either alone  
24 or in conjunction with one or more computer programs,  
25 results in a visual depiction on a computer monitor,  
26 screen, or display.

1           (6) "Computer", "computer program", and "data" have  
2 the meanings ascribed to them in Section 16D-2 of this  
3 Code.

4           (7) For the purposes of this Section, "child  
5 pornography" includes a film, videotape, photograph, or  
6 other similar visual medium or reproduction or depiction by  
7 computer that is, or appears to be, that of a person,  
8 either in part, or in total, under the age of 18 and at  
9 least 13 years of age or a severely or profoundly  
10 intellectually disabled ~~mentally-retarded~~ person,  
11 regardless of the method by which the film, videotape,  
12 photograph, or other similar visual medium or reproduction  
13 or depiction by computer is created, adopted, or modified  
14 to appear as such. "Child pornography" also includes a  
15 film, videotape, photograph, or other similar visual  
16 medium or reproduction or depiction by computer that is  
17 advertised, promoted, presented, described, or distributed  
18 in such a manner that conveys the impression that the film,  
19 videotape, photograph, or other similar visual medium or  
20 reproduction or depiction by computer is of a person under  
21 the age of 18 and at least 13 years of age or a severely or  
22 profoundly intellectually disabled ~~mentally-retarded~~  
23 person.

24           (g) Re-enactment; findings; purposes.

25           (1) The General Assembly finds and declares that:

26           (i) Section 50-5 of Public Act 88-680, effective



1           January 1, 1995, contained provisions amending the  
2           child pornography statute, Section 11-20.1 of the  
3           Criminal Code of 1961. Section 50-5 also contained  
4           other provisions.

5           (ii) In addition, Public Act 88-680 was entitled  
6           "AN ACT to create a Safe Neighborhoods Law". (A)  
7           Article 5 was entitled JUVENILE JUSTICE and amended the  
8           Juvenile Court Act of 1987. (B) Article 15 was entitled  
9           GANGS and amended various provisions of the Criminal  
10          Code of 1961 and the Unified Code of Corrections. (C)  
11          Article 20 was entitled ALCOHOL ABUSE and amended  
12          various provisions of the Illinois Vehicle Code. (D)  
13          Article 25 was entitled DRUG ABUSE and amended the  
14          Cannabis Control Act and the Illinois Controlled  
15          Substances Act. (E) Article 30 was entitled FIREARMS  
16          and amended the Criminal Code of 1961 and the Code of  
17          Criminal Procedure of 1963. (F) Article 35 amended the  
18          Criminal Code of 1961, the Rights of Crime Victims and  
19          Witnesses Act, and the Unified Code of Corrections. (G)  
20          Article 40 amended the Criminal Code of 1961 to  
21          increase the penalty for compelling organization  
22          membership of persons. (H) Article 45 created the  
23          Secure Residential Youth Care Facility Licensing Act  
24          and amended the State Finance Act, the Juvenile Court  
25          Act of 1987, the Unified Code of Corrections, and the  
26          Private Correctional Facility Moratorium Act. (I)

1 Article 50 amended the WIC Vendor Management Act, the  
2 Firearm Owners Identification Card Act, the Juvenile  
3 Court Act of 1987, the Criminal Code of 1961, the  
4 Wrongs to Children Act, and the Unified Code of  
5 Corrections.

6 (iii) On September 22, 1998, the Third District  
7 Appellate Court in *People v. Dainty*, 701 N.E. 2d 118,  
8 ruled that Public Act 88-680 violates the single  
9 subject clause of the Illinois Constitution (Article  
10 IV, Section 8 (d)) and was unconstitutional in its  
11 entirety. As of the time this amendatory Act of 1999  
12 was prepared, *People v. Dainty* was still subject to  
13 appeal.

14 (iv) Child pornography is a vital concern to the  
15 people of this State and the validity of future  
16 prosecutions under the child pornography statute of  
17 the Criminal Code of 1961 is in grave doubt.

18 (2) It is the purpose of this amendatory Act of 1999 to  
19 prevent or minimize any problems relating to prosecutions  
20 for child pornography that may result from challenges to  
21 the constitutional validity of Public Act 88-680 by  
22 re-enacting the Section relating to child pornography that  
23 was included in Public Act 88-680.

24 (3) This amendatory Act of 1999 re-enacts Section  
25 11-20.1 of the Criminal Code of 1961, as it has been  
26 amended. This re-enactment is intended to remove any

1 question as to the validity or content of that Section; it  
2 is not intended to supersede any other Public Act that  
3 amends the text of the Section as set forth in this  
4 amendatory Act of 1999. The material is shown as existing  
5 text (i.e., without underscoring) because, as of the time  
6 this amendatory Act of 1999 was prepared, People v. Dainty  
7 was subject to appeal to the Illinois Supreme Court.

8 (4) The re-enactment by this amendatory Act of 1999 of  
9 Section 11-20.1 of the Criminal Code of 1961 relating to  
10 child pornography that was amended by Public Act 88-680 is  
11 not intended, and shall not be construed, to imply that  
12 Public Act 88-680 is invalid or to limit or impair any  
13 legal argument concerning whether those provisions were  
14 substantially re-enacted by other Public Acts.

15 (Source: P.A. 96-292, eff. 1-1-10; 96-712, eff. 1-1-10;  
16 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-157, eff.  
17 1-1-12; 97-227, eff. 1-1-12; revised 9-12-11.)

18 (720 ILCS 5/11-20.1B) (was 720 ILCS 5/11-20.3)

19 Sec. 11-20.1B. Aggravated child pornography.

20 (a) A person commits aggravated child pornography who:

21 (1) films, videotapes, photographs, or otherwise  
22 depicts or portrays by means of any similar visual medium  
23 or reproduction or depicts by computer any child whom he or  
24 she knows or reasonably should know to be under the age of  
25 13 years where such child is:

1 (i) actually or by simulation engaged in any act of  
2 sexual penetration or sexual conduct with any person or  
3 animal; or

4 (ii) actually or by simulation engaged in any act  
5 of sexual penetration or sexual conduct involving the  
6 sex organs of the child and the mouth, anus, or sex  
7 organs of another person or animal; or which involves  
8 the mouth, anus or sex organs of the child and the sex  
9 organs of another person or animal; or

10 (iii) actually or by simulation engaged in any act  
11 of masturbation; or

12 (iv) actually or by simulation portrayed as being  
13 the object of, or otherwise engaged in, any act of lewd  
14 fondling, touching, or caressing involving another  
15 person or animal; or

16 (v) actually or by simulation engaged in any act of  
17 excretion or urination within a sexual context; or

18 (vi) actually or by simulation portrayed or  
19 depicted as bound, fettered, or subject to sadistic,  
20 masochistic, or sadomasochistic abuse in any sexual  
21 context; or

22 (vii) depicted or portrayed in any pose, posture or  
23 setting involving a lewd exhibition of the unclothed or  
24 transparently clothed genitals, pubic area, buttocks,  
25 or, if such person is female, a fully or partially  
26 developed breast of the child or other person; or

1           (2) with the knowledge of the nature or content  
2           thereof, reproduces, disseminates, offers to disseminate,  
3           exhibits or possesses with intent to disseminate any film,  
4           videotape, photograph or other similar visual reproduction  
5           or depiction by computer of any child whom the person knows  
6           or reasonably should know to be under the age of 13 engaged  
7           in any activity described in subparagraphs (i) through  
8           (vii) of paragraph (1) of this subsection; or

9           (3) with knowledge of the subject matter or theme  
10          thereof, produces any stage play, live performance, film,  
11          videotape or other similar visual portrayal or depiction by  
12          computer which includes a child whom the person knows or  
13          reasonably should know to be under the age of 13 engaged in  
14          any activity described in subparagraphs (i) through (vii)  
15          of paragraph (1) of this subsection; or

16          (4) solicits, uses, persuades, induces, entices, or  
17          coerces any child whom he or she knows or reasonably should  
18          know to be under the age of 13 to appear in any stage play,  
19          live presentation, film, videotape, photograph or other  
20          similar visual reproduction or depiction by computer in  
21          which the child or severely or profoundly intellectually  
22          disabled ~~mentally retarded~~ person is or will be depicted,  
23          actually or by simulation, in any act, pose or setting  
24          described in subparagraphs (i) through (vii) of paragraph  
25          (1) of this subsection; or

26          (5) is a parent, step-parent, legal guardian or other

1 person having care or custody of a child whom the person  
2 knows or reasonably should know to be under the age of 13  
3 and who knowingly permits, induces, promotes, or arranges  
4 for such child to appear in any stage play, live  
5 performance, film, videotape, photograph or other similar  
6 visual presentation, portrayal or simulation or depiction  
7 by computer of any act or activity described in  
8 subparagraphs (i) through (vii) of paragraph (1) of this  
9 subsection; or

10 (6) with knowledge of the nature or content thereof,  
11 possesses any film, videotape, photograph or other similar  
12 visual reproduction or depiction by computer of any child  
13 whom the person knows or reasonably should know to be under  
14 the age of 13 engaged in any activity described in  
15 subparagraphs (i) through (vii) of paragraph (1) of this  
16 subsection; or

17 (7) solicits, or knowingly uses, persuades, induces,  
18 entices, or coerces a person to provide a child under the  
19 age of 13 to appear in any videotape, photograph, film,  
20 stage play, live presentation, or other similar visual  
21 reproduction or depiction by computer in which the child  
22 will be depicted, actually or by simulation, in any act,  
23 pose, or setting described in subparagraphs (i) through  
24 (vii) of paragraph (1) of this subsection.

25 (b)(1) It shall be an affirmative defense to a charge of  
26 aggravated child pornography that the defendant reasonably

1 believed, under all of the circumstances, that the child was 13  
2 years of age or older, but only where, prior to the act or acts  
3 giving rise to a prosecution under this Section, he or she took  
4 some affirmative action or made a bonafide inquiry designed to  
5 ascertain whether the child was 13 years of age or older and  
6 his or her reliance upon the information so obtained was  
7 clearly reasonable.

8 (2) The charge of aggravated child pornography shall not  
9 apply to the performance of official duties by law enforcement  
10 or prosecuting officers or persons employed by law enforcement  
11 or prosecuting agencies, court personnel or attorneys, nor to  
12 bonafide treatment or professional education programs  
13 conducted by licensed physicians, psychologists or social  
14 workers.

15 (3) If the defendant possessed more than 3 of the same  
16 film, videotape or visual reproduction or depiction by computer  
17 in which aggravated child pornography is depicted, then the  
18 trier of fact may infer that the defendant possessed such  
19 materials with the intent to disseminate them.

20 (4) The charge of aggravated child pornography does not  
21 apply to a person who does not voluntarily possess a film,  
22 videotape, or visual reproduction or depiction by computer in  
23 which aggravated child pornography is depicted. Possession is  
24 voluntary if the defendant knowingly procures or receives a  
25 film, videotape, or visual reproduction or depiction for a  
26 sufficient time to be able to terminate his or her possession.

1           (5) Any violation of paragraph (1), (2), (3), (4), (5), or  
2           (7) of subsection (a) that includes a child engaged in,  
3           solicited for, depicted in, or posed in any act of sexual  
4           penetration or bound, fettered, or subject to sadistic,  
5           masochistic, or sadomasochistic abuse in a sexual context shall  
6           be deemed a crime of violence.

7           (c) Sentence: (1) A person who commits a violation of  
8           paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) is  
9           guilty of a Class X felony with a mandatory minimum fine of  
10          \$2,000 and a maximum fine of \$100,000.

11          (2) A person who commits a violation of paragraph (6) of  
12          subsection (a) is guilty of a Class 2 felony with a mandatory  
13          minimum fine of \$1000 and a maximum fine of \$100,000.

14          (3) A person who commits a violation of paragraph (1), (2),  
15          (3), (4), (5), or (7) of subsection (a) where the defendant has  
16          previously been convicted under the laws of this State or any  
17          other state of the offense of child pornography, aggravated  
18          child pornography, aggravated criminal sexual abuse,  
19          aggravated criminal sexual assault, predatory criminal sexual  
20          assault of a child, or any of the offenses formerly known as  
21          rape, deviate sexual assault, indecent liberties with a child,  
22          or aggravated indecent liberties with a child where the victim  
23          was under the age of 18 years or an offense that is  
24          substantially equivalent to those offenses, is guilty of a  
25          Class X felony for which the person shall be sentenced to a  
26          term of imprisonment of not less than 9 years with a mandatory



1 minimum fine of \$2,000 and a maximum fine of \$100,000.

2 (4) A person who commits a violation of paragraph (6) of  
3 subsection (a) where the defendant has previously been  
4 convicted under the laws of this State or any other state of  
5 the offense of child pornography, aggravated child  
6 pornography, aggravated criminal sexual abuse, aggravated  
7 criminal sexual assault, predatory criminal sexual assault of a  
8 child, or any of the offenses formerly known as rape, deviate  
9 sexual assault, indecent liberties with a child, or aggravated  
10 indecent liberties with a child where the victim was under the  
11 age of 18 years or an offense that is substantially equivalent  
12 to those offenses, is guilty of a Class 1 felony with a  
13 mandatory minimum fine of \$1000 and a maximum fine of \$100,000.

14 (d) If a person is convicted of a second or subsequent  
15 violation of this Section within 10 years of a prior  
16 conviction, the court shall order a presentence psychiatric  
17 examination of the person. The examiner shall report to the  
18 court whether treatment of the person is necessary.

19 (e) Any film, videotape, photograph or other similar visual  
20 reproduction or depiction by computer which includes a child  
21 under the age of 13 engaged in any activity described in  
22 subparagraphs (i) through (vii) of paragraph (1) of subsection  
23 (a), and any material or equipment used or intended for use in  
24 photographing, filming, printing, producing, reproducing,  
25 manufacturing, projecting, exhibiting, depiction by computer,  
26 or disseminating such material shall be seized and forfeited in

1 the manner, method and procedure provided by Section 36-1 of  
2 this Code for the seizure and forfeiture of vessels, vehicles  
3 and aircraft.

4 In addition, any person convicted under this Section is  
5 subject to the property forfeiture provisions set forth in  
6 Article 124B of the Code of Criminal Procedure of 1963.

7 (e-5) Upon the conclusion of a case brought under this  
8 Section, the court shall seal all evidence depicting a victim  
9 or witness that is sexually explicit. The evidence may be  
10 unsealed and viewed, on a motion of the party seeking to unseal  
11 and view the evidence, only for good cause shown and in the  
12 discretion of the court. The motion must expressly set forth  
13 the purpose for viewing the material. The State's attorney and  
14 the victim, if possible, shall be provided reasonable notice of  
15 the hearing on the motion to unseal the evidence. Any person  
16 entitled to notice of a hearing under this subsection (e-5) may  
17 object to the motion.

18 (f) Definitions. For the purposes of this Section:

19 (1) "Disseminate" means (i) to sell, distribute,  
20 exchange or transfer possession, whether with or without  
21 consideration or (ii) to make a depiction by computer  
22 available for distribution or downloading through the  
23 facilities of any telecommunications network or through  
24 any other means of transferring computer programs or data  
25 to a computer.

26 (2) "Produce" means to direct, promote, advertise,

1 publish, manufacture, issue, present or show.

2 (3) "Reproduce" means to make a duplication or copy.

3 (4) "Depict by computer" means to generate or create,  
4 or cause to be created or generated, a computer program or  
5 data that, after being processed by a computer either alone  
6 or in conjunction with one or more computer programs,  
7 results in a visual depiction on a computer monitor,  
8 screen, or display.

9 (5) "Depiction by computer" means a computer program or  
10 data that, after being processed by a computer either alone  
11 or in conjunction with one or more computer programs,  
12 results in a visual depiction on a computer monitor,  
13 screen, or display.

14 (6) "Computer", "computer program", and "data" have  
15 the meanings ascribed to them in Section 16D-2 of this  
16 Code.

17 (7) For the purposes of this Section, "child" means a  
18 person, either in part or in total, under the age of 13,  
19 regardless of the method by which the film, videotape,  
20 photograph, or other similar visual medium or reproduction  
21 or depiction by computer is created, adopted, or modified  
22 to appear as such.

23 (g) When a charge of aggravated child pornography is  
24 brought, the age of the child is an element of the offense to  
25 be resolved by the trier of fact as either exceeding or not  
26 exceeding the age in question. The trier of fact can rely on

1 its own everyday observations and common experiences in making  
2 this determination.

3 (Source: P.A. 95-579, eff. 6-1-08; 96-292, eff. 1-1-10; 96-712,  
4 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11;  
5 incorporates 97-227, eff. 1-1-12; revised 9-12-11.)

6 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

7 Sec. 12-2. Aggravated assault.

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

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

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

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

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

24 (4) A peace officer, community policing volunteer,  
25 fireman, private security officer, emergency management

1 worker, emergency medical technician, or utility worker:

2 (i) performing his or her official duties;

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

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

7 (5) A correctional officer or probation officer:

8 (i) performing his or her official duties;

9 (ii) assaulted to prevent performance of his or her  
10 official duties; or

11 (iii) assaulted in retaliation for performing his  
12 or her official duties.

13 (6) A correctional institution employee, a county  
14 juvenile detention center employee who provides direct and  
15 continuous supervision of residents of a juvenile  
16 detention center, including a county juvenile detention  
17 center employee who supervises recreational activity for  
18 residents of a juvenile detention center, or a Department  
19 of Human Services employee, Department of Human Services  
20 officer, or employee of a subcontractor of the Department  
21 of Human Services supervising or controlling sexually  
22 dangerous persons or sexually violent persons:

23 (i) performing his or her official duties;

24 (ii) assaulted to prevent performance of his or her  
25 official duties; or

26 (iii) assaulted in retaliation for performing his

1 or her official duties.

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

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

7 (9) A sports official or coach actively participating  
8 in any level of athletic competition within a sports venue,  
9 on an indoor playing field or outdoor playing field, or  
10 within the immediate vicinity of such a facility or field.

11 (10) A person authorized to serve process under Section  
12 2-202 of the Code of Civil Procedure or a special process  
13 server appointed by the circuit court, while that  
14 individual is in the performance of his or her duties as a  
15 process server.

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

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

23 (2) Discharges a firearm, other than from a motor  
24 vehicle.

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

26 (4) Wears a hood, robe, or mask to conceal his or her

1 identity.

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

7 (6) Uses a firearm, other than by discharging the  
8 firearm, against a peace officer, community policing  
9 volunteer, fireman, private security officer, emergency  
10 management worker, emergency medical technician, employee  
11 of a police department, employee of a sheriff's department,  
12 or traffic control municipal employee:

13 (i) performing his or her official duties;

14 (ii) assaulted to prevent performance of his or her  
15 official duties; or

16 (iii) assaulted in retaliation for performing his  
17 or her official duties.

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

22 (8) Without justification operates a motor vehicle in a  
23 manner which places a person listed in subdivision (b)(4),  
24 in reasonable apprehension of being struck by the moving  
25 motor vehicle.

26 (d) Sentence. Aggravated assault as defined in subdivision

1 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),  
2 (c) (1), or (c) (4) is a Class A misdemeanor, except that  
3 aggravated assault as defined in subdivision (b) (4) and (b) (7)  
4 is a Class 4 felony if a Category I, Category II, or Category  
5 III weapon is used in the commission of the assault. Aggravated  
6 assault as defined in subdivision (b) (5), (b) (6), (b) (10),  
7 (c) (2), (c) (5), (c) (6), or (c) (7) is a Class 4 felony.  
8 Aggravated assault as defined in subdivision (c) (3) or (c) (8)  
9 is a Class 3 felony.

10 (e) For the purposes of this Section, "Category I weapon",  
11 "Category II weapon, and "Category III weapon" have the  
12 meanings ascribed to those terms in Section 33A-1 of this Code.  
13 ~~an employee of a county juvenile detention center who provides~~  
14 ~~direct and continuous supervision of residents of a juvenile~~  
15 ~~detention center, including an employee of a county juvenile~~  
16 ~~detention center who supervises recreational activity for~~  
17 ~~residents of a juvenile detention center,~~

18 ~~;~~ or

19 ~~(20) Knows the individual assaulted to be either:~~

20 ~~(A) a person authorized to serve process under~~  
21 ~~Section 2-202 of the Code of Civil Procedure; or~~

22 ~~(B) a special process server appointed by the~~  
23 ~~circuit court;~~

24 ~~while that individual is in the performance of his or her~~  
25 ~~duties as a process server.~~

26 ~~, and (20)~~



1 (Source: P.A. 96-201, eff. 8-10-09; 96-1000, eff. 7-2-10;  
2 96-1109, eff. 1-1-11; 96-1398, eff. 7-29-10; 96-1551, eff.  
3 7-1-11; 97-225, eff. 7-28-11; 97-313, eff. 1-1-12; 97-333, eff.  
4 8-12-11; revised 9-12-11.)

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

6 Sec. 12-3.05. Aggravated battery.

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

11 (1) Causes great bodily harm or permanent disability or  
12 disfigurement.

13 (2) Causes severe and permanent disability, great  
14 bodily harm, or disfigurement by means of a caustic or  
15 flammable substance, a poisonous gas, a deadly biological  
16 or chemical contaminant or agent, a radioactive substance,  
17 or a bomb or explosive compound.

18 (3) Causes great bodily harm or permanent disability or  
19 disfigurement to an individual whom the person knows to be  
20 a peace officer, community policing volunteer, fireman,  
21 private security officer, correctional institution  
22 employee, or Department of Human Services employee  
23 supervising or controlling sexually dangerous persons or  
24 sexually violent persons:

25 (i) performing his or her official duties;

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

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

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

7           (5) Strangles another individual.

8           (b) Offense based on injury to a child or intellectually  
9           disabled ~~mentally retarded~~ person. A person who is at least 18  
10          years of age commits aggravated battery when, in committing a  
11          battery, he or she knowingly and without legal justification by  
12          any means:

13           (1) causes great bodily harm or permanent disability or  
14           disfigurement to any child under the age of 13 years, or to  
15           any severely or profoundly intellectually disabled  
16           ~~mentally retarded~~ person; or

17           (2) causes bodily harm or disability or disfigurement  
18           to any child under the age of 13 years or to any severely  
19           or profoundly intellectually disabled ~~mentally retarded~~  
20           person.

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

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

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

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

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

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

15 (i) performing his or her official duties;

16 (ii) battered to prevent performance of his or her  
17 official duties; or

18 (iii) battered in retaliation for performing his  
19 or her official duties.

20 (5) A judge, emergency management worker, emergency  
21 medical technician, or utility worker:

22 (i) performing his or her official duties;

23 (ii) battered to prevent performance of his or her  
24 official duties; or

25 (iii) battered in retaliation for performing his  
26 or her official duties.

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

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

6           (8) A taxi driver on duty.

7           (9) A merchant who detains the person for an alleged  
8           commission of retail theft under Section 16-26 of this Code  
9           and the person without legal justification by any means  
10          causes bodily harm to the merchant.

11          (10) A person authorized to serve process under Section  
12          2-202 of the Code of Civil Procedure or a special process  
13          server appointed by the circuit court while that individual  
14          is in the performance of his or her duties as a process  
15          server.

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

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

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

1 institution employee, or emergency management worker:

2 (i) performing his or her official duties;

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

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

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

12 (i) performing his or her official duties;

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

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

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

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

25 (6) Discharges a machine gun or a firearm equipped with  
26 a silencer, and causes any injury to a person he or she

1 knows to be a peace officer, community policing volunteer,  
2 person summoned by a police officer, fireman, private  
3 security officer, correctional institution employee or  
4 emergency management worker:

5 (i) performing his or her official duties;

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

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

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

14 (i) performing his or her official duties;

15 (ii) battered to prevent performance of his or her  
16 official duties; or

17 (iii) battered in retaliation for performing his  
18 or her official duties.

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

25 (f) Offense based on use of a weapon or device. A person  
26 commits aggravated battery when, in committing a battery, he or

1 she does any of the following:

2 (1) Uses a deadly weapon other than by discharge of a  
3 firearm, or uses an air rifle as defined in the Air Rifle  
4 Act.

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

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

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

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

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

1 physical injury if eaten.

2 (3) Knowingly causes or attempts to cause a  
3 correctional institution employee or Department of Human  
4 Services employee to come into contact with blood, seminal  
5 fluid, urine, or feces by throwing, tossing, or expelling  
6 the fluid or material, and the person is an inmate of a  
7 penal institution or is a sexually dangerous person or  
8 sexually violent person in the custody of the Department of  
9 Human Services.

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

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

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

16 Aggravated battery as defined in subdivision (a)(1) is a  
17 Class 1 felony when the aggravated battery was intentional and  
18 involved the infliction of torture, as defined in paragraph  
19 (14) of subsection (b) of Section 9-1 of this Code, as the  
20 infliction of or subjection to extreme physical pain, motivated  
21 by an intent to increase or prolong the pain, suffering, or  
22 agony of the victim.

23 Aggravated battery under subdivision (a)(5) is a Class 1  
24 felony if:

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



1           (B) the person caused great bodily harm or permanent  
2           disability or disfigurement to the other person while  
3           committing the offense; or

4           (C) the person has been previously convicted of a  
5           violation of subdivision (a)(5) under the laws of this  
6           State or laws similar to subdivision (a)(5) of any other  
7           state.

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

10          Aggravated battery as defined in subdivision (a)(2) is a  
11          Class X felony for which a person shall be sentenced to a term  
12          of imprisonment of a minimum of 6 years and a maximum of 45  
13          years.

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

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

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

26          Aggravated battery as defined in subdivision (b)(1) is a

1 Class X felony, except that:

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

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

8 (3) if, during the commission of the offense, the  
9 person personally discharged a firearm that proximately  
10 caused great bodily harm, permanent disability, permanent  
11 disfigurement, or death to another person, 25 years or up  
12 to a term of natural life shall be added to the term of  
13 imprisonment imposed by the court.

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

15 "Building or other structure used to provide shelter" has  
16 the meaning ascribed to "shelter" in Section 1 of the Domestic  
17 Violence Shelters Act.

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

20 "Domestic violence shelter" means any building or other  
21 structure used to provide shelter or other services to victims  
22 or to the dependent children of victims of domestic violence  
23 pursuant to the Illinois Domestic Violence Act of 1986 or the  
24 Domestic Violence Shelters Act, or any place within 500 feet of  
25 such a building or other structure in the case of a person who  
26 is going to or from such a building or other structure.

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

4 "Machine gun" has the meaning ascribed to it in Section  
5 24-1 of this Code.

6 "Merchant" has the meaning ascribed to it in Section 16-0.1  
7 of this Code.

8 "Strangle" means intentionally impeding the normal  
9 breathing or circulation of the blood of an individual by  
10 applying pressure on the throat or neck of that individual or  
11 by blocking the nose or mouth of that individual.

12 (Source: P.A. 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;  
13 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-597, eff.  
14 1-1-12; incorporates 97-227, eff. 1-1-12, 97-313, eff. 1-1-12,  
15 and 97-467, eff. 1-1-12; revised 10-12-11.)

16 (720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)

17 Sec. 12-3.2. Domestic battery.

18 (a) A person commits domestic battery if he or she  
19 knowingly without legal justification by any means:

20 (1) Causes bodily harm to any family or household  
21 member;

22 (2) Makes physical contact of an insulting or provoking  
23 nature with any family or household member.

24 (b) Sentence. Domestic battery is a Class A misdemeanor.  
25 Domestic battery is a Class 4 felony if the defendant has any

1 prior conviction under this Code for domestic battery (Section  
2 12-3.2) or violation of an order of protection (Section 12-3.4  
3 or 12-30), or any prior conviction under the law of another  
4 jurisdiction for an offense which is substantially similar.  
5 Domestic battery is a Class 4 felony if the defendant has any  
6 prior conviction under this Code for first degree murder  
7 (Section 9-1), attempt to commit first degree murder (Section  
8 8-4), aggravated domestic battery (Section 12-3.3), aggravated  
9 battery (Section 12-3.05 or 12-4), heinous battery (Section  
10 12-4.1), aggravated battery with a firearm (Section 12-4.2),  
11 aggravated battery with a machine gun or a firearm equipped  
12 with a silencer (Section 12-4.2-5), aggravated battery of a  
13 child (Section 12-4.3), aggravated battery of an unborn child  
14 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),  
15 aggravated battery of a senior citizen (Section 12-4.6),  
16 stalking (Section 12-7.3), aggravated stalking (Section  
17 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13),  
18 aggravated criminal sexual assault (Section 11-1.30 or 12-14),  
19 kidnapping (Section 10-1), aggravated kidnapping (Section  
20 10-2), predatory criminal sexual assault of a child (Section  
21 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section  
22 11-1.60 or 12-16), unlawful restraint (Section 10-3),  
23 aggravated unlawful restraint (Section 10-3.1), aggravated  
24 arson (Section 20-1.1), or aggravated discharge of a firearm  
25 (Section 24-1.2), or any prior conviction under the law of  
26 another jurisdiction for any offense that is substantially

1 similar to the offenses listed in this Section, when any of  
2 these offenses have been committed against a family or  
3 household member. In addition to any other sentencing  
4 alternatives, for any second or subsequent conviction of  
5 violating this Section, the offender shall be mandatorily  
6 sentenced to a minimum of 72 consecutive hours of imprisonment.  
7 The imprisonment shall not be subject to suspension, nor shall  
8 the person be eligible for probation in order to reduce the  
9 sentence.

10 (c) Domestic battery committed in the presence of a child.  
11 In addition to any other sentencing alternatives, a defendant  
12 who commits, in the presence of a child, a felony domestic  
13 battery (enhanced under subsection (b)), aggravated domestic  
14 battery (Section 12-3.3), aggravated battery (Section 12-3.05  
15 or 12-4), unlawful restraint (Section 10-3), or aggravated  
16 unlawful restraint (Section 10-3.1) against a family or  
17 household member shall be required to serve a mandatory minimum  
18 imprisonment of 10 days or perform 300 hours of community  
19 service, or both. The defendant shall further be liable for the  
20 cost of any counseling required for the child at the discretion  
21 of the court in accordance with subsection (b) of Section 5-5-6  
22 of the Unified Code of Corrections. For purposes of this  
23 Section, "child" means a person under 18 years of age who is  
24 the defendant's or victim's child or step-child or who is a  
25 minor child residing within or visiting the household of the  
26 defendant or victim.

1 (d) Upon conviction of domestic battery, the court shall  
2 advise the defendant orally or in writing, substantially as  
3 follows: "An individual convicted of domestic battery may be  
4 subject to federal criminal penalties for possessing,  
5 transporting, shipping, or receiving any firearm or ammunition  
6 in violation of the federal Gun Control Act of 1968 (18 U.S.C.  
7 922(g) (8) and (9))." A notation shall be made in the court file  
8 that the admonition was given.

9 (Source: P.A. 96-287, eff. 8-11-09; 96-1551, Article 1, Section  
10 5, eff. 7-1-11; 96-1551, Article 2, Section 1035, eff. 7-1-11;  
11 revised 9-30-11.)

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

13 Sec. 12-3.4. Violation of an order of protection.

14 (a) A person commits violation of an order of protection  
15 if:

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

19 (i) a remedy in a valid order of protection  
20 authorized under paragraphs (1), (2), (3), (14), or  
21 (14.5) of subsection (b) of Section 214 of the Illinois  
22 Domestic Violence Act of 1986,

23 (ii) a remedy, which is substantially similar to  
24 the remedies authorized under paragraphs (1), (2),  
25 (3), (14) or (14.5) of subsection (b) of Section 214 of

1           the Illinois Domestic Violence Act of 1986, in a valid  
2           order of protection, which is authorized under the laws  
3           of another state, tribe or United States territory,

4           (iii) any other remedy when the act constitutes a  
5           crime against the protected parties as the term  
6           protected parties is defined in Section 112A-4 of the  
7           Code of Criminal Procedure of 1963; and

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

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

22          (a-5) Failure to provide reasonable notice and opportunity  
23          to be heard shall be an affirmative defense to any charge or  
24          process filed seeking enforcement of a foreign order of  
25          protection.

26          (b) Nothing in this Section shall be construed to diminish

1 the inherent authority of the courts to enforce their lawful  
2 orders through civil or criminal contempt proceedings.

3 (c) The limitations placed on law enforcement liability by  
4 Section 305 of the Illinois Domestic Violence Act of 1986 apply  
5 to actions taken under this Section.

6 (d) Violation of an order of protection is a Class A  
7 misdemeanor. Violation of an order of protection is a Class 4  
8 felony if the defendant has any prior conviction under this  
9 Code for domestic battery (Section 12-3.2) or violation of an  
10 order of protection (Section 12-3.4 or 12-30). Violation of an  
11 order of protection is a Class 4 felony if the defendant has  
12 any prior conviction under this Code for first degree murder  
13 (Section 9-1), attempt to commit first degree murder (Section  
14 8-4), aggravated domestic battery (Section 12-3.3), aggravated  
15 battery (Section 12-3.05 or 12-4), heinous battery (Section  
16 12-4.1), aggravated battery with a firearm (Section 12-4.2),  
17 aggravated battery with a machine gun or a firearm equipped  
18 with a silencer (Section 12-4.2-5), aggravated battery of a  
19 child (Section 12-4.3), aggravated battery of an unborn child  
20 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),  
21 aggravated battery of a senior citizen (Section 12-4.6),  
22 stalking (Section 12-7.3), aggravated stalking (Section  
23 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13),  
24 aggravated criminal sexual assault (Section 11-1.30 or 12-14),  
25 kidnapping (Section 10-1), aggravated kidnapping (Section  
26 10-2), predatory criminal sexual assault of a child (Section



1 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section  
2 11-1.60 or 12-16), unlawful restraint (Section 10-3),  
3 aggravated unlawful restraint (Section 10-3.1), aggravated  
4 arson (Section 20-1.1), aggravated discharge of a firearm  
5 (Section 24-1.2), or a violation of any former law of this  
6 State that is substantially similar to any listed offense, when  
7 any of these offenses have been committed against a family or  
8 household member as defined in Section 112A-3 of the Code of  
9 Criminal Procedure of 1963. The court shall impose a minimum  
10 penalty of 24 hours imprisonment for defendant's second or  
11 subsequent violation of any order of protection; unless the  
12 court explicitly finds that an increased penalty or such period  
13 of imprisonment would be manifestly unjust. In addition to any  
14 other penalties, the court may order the defendant to pay a  
15 fine as authorized under Section 5-9-1 of the Unified Code of  
16 Corrections or to make restitution to the victim under Section  
17 5-5-6 of the Unified Code of Corrections. In addition to any  
18 other penalties, including those imposed by Section 5-9-1.5 of  
19 the Unified Code of Corrections, the court shall impose an  
20 additional fine of \$20 as authorized by Section 5-9-1.11 of the  
21 Unified Code of Corrections upon any person convicted of or  
22 placed on supervision for a violation of this Section. The  
23 additional fine shall be imposed for each violation of this  
24 Section.

25 (e) (Blank).

26 (f) A defendant who directed the actions of a third party

1 to violate this Section, under the principles of accountability  
2 set forth in Article 5 of this Code, is guilty of violating  
3 this Section as if the same had been personally done by the  
4 defendant, without regard to the mental state of the third  
5 party acting at the direction of the defendant.

6 (Source: P.A. 96-1551, Article 1, Section 5, eff. 7-1-11;  
7 96-1551, Article 2, Section 1035, eff. 7-1-11; incorporates  
8 97-311, eff. 8-11-11; revised 9-11-11.)

9 (720 ILCS 5/12-4.4a)

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

13 (a) Abuse or criminal neglect of a long term care facility  
14 resident.

15 (1) A person or an owner or licensee commits abuse of a  
16 long term care facility resident when he or she knowingly  
17 causes any physical or mental injury to, or commits any  
18 sexual offense in this Code against, a resident.

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

22 (A) performs acts that cause a resident's life to  
23 be endangered, health to be injured, or pre-existing  
24 physical or mental condition to deteriorate, or that  
25 create the substantial likelihood that an elderly

1 person's or person with a disability's life will be  
2 endangered, health will be injured, or pre-existing  
3 physical or mental condition will deteriorate;

4 (B) fails to perform acts that he or she knows or  
5 reasonably should know are necessary to maintain or  
6 preserve the life or health of a resident, and that  
7 failure causes the resident's life to be endangered,  
8 health to be injured, or pre-existing physical or  
9 mental condition to deteriorate, or that create the  
10 substantial likelihood that an elderly person's or  
11 person with a disability's life will be endangered,  
12 health will be injured, or pre-existing physical or  
13 mental condition will deteriorate; or

14 (C) abandons a resident.

15 (3) A person or an owner or licensee commits neglect of  
16 a long term care facility resident when he or she  
17 negligently fails to provide adequate medical care,  
18 personal care, or maintenance to the resident which results  
19 in physical or mental injury or deterioration of the  
20 resident's physical or mental condition. An owner or  
21 licensee is guilty under this subdivision (a)(3), however,  
22 only if the owner or licensee failed to exercise reasonable  
23 care in the hiring, training, supervising, or providing of  
24 staff or other related routine administrative  
25 responsibilities.

26 (b) Criminal abuse or neglect of an elderly person or

1 person with a disability.

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

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

8 (B) fails to perform acts that he or she knows or  
9 reasonably should know are necessary to maintain or  
10 preserve the life or health of the person, and that  
11 failure causes the person's life to be endangered,  
12 health to be injured, or pre-existing physical or  
13 mental condition to deteriorate;

14 (C) abandons the person;

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

17 (E) exposes the person to willful deprivation.

18 (2) It is not a defense to criminal abuse or neglect of  
19 an elderly person or person with a disability that the  
20 caregiver reasonably believed that the victim was not an  
21 elderly person or person with a disability.

22 (c) Offense not applicable.

23 (1) Nothing in this Section applies to a physician  
24 licensed to practice medicine in all its branches or a duly  
25 licensed nurse providing care within the scope of his or  
26 her professional judgment and within the accepted

1 standards of care within the community.

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

7 (3) Nothing in this Section applies to the medical  
8 supervision, regulation, or control of the remedial care or  
9 treatment of residents in a long term care facility  
10 conducted for those who rely upon treatment by prayer or  
11 spiritual means in accordance with the creed or tenets of  
12 any well-recognized church or religious denomination as  
13 described in Section 3-803 of the Nursing Home Care Act, Section 3-803 of the Specialized Mental Health  
14 Rehabilitation Act, or Section 3-803 of the ID/DD ~~MR/DD~~  
15 Community Care Act.  
16

17 (4) Nothing in this Section prohibits a caregiver from  
18 providing treatment to an elderly person or person with a  
19 disability by spiritual means through prayer alone and care  
20 consistent therewith in lieu of medical care and treatment  
21 in accordance with the tenets and practices of any church  
22 or religious denomination of which the elderly person or  
23 person with a disability is a member.

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

1 (d) Sentence.

2 (1) Long term care facility. Abuse of a long term care  
3 facility resident is a Class 3 felony. Criminal neglect of  
4 a long term care facility resident is a Class 4 felony,  
5 unless it results in the resident's death in which case it  
6 is a Class 3 felony. Neglect of a long term care facility  
7 resident is a petty offense.

8 (2) Caregiver. Criminal abuse or neglect of an elderly  
9 person or person with a disability is a Class 3 felony,  
10 unless it results in the person's death in which case it is  
11 a Class 2 felony, and if imprisonment is imposed it shall  
12 be for a minimum term of 3 years and a maximum term of 14  
13 years.

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

15 "Abandon" means to desert or knowingly forsake a resident  
16 or an elderly person or person with a disability under  
17 circumstances in which a reasonable person would continue to  
18 provide care and custody.

19 "Caregiver" means a person who has a duty to provide for an  
20 elderly person or person with a disability's health and  
21 personal care, at the elderly person or person with a  
22 disability's place of residence, including, but not limited to,  
23 food and nutrition, shelter, hygiene, prescribed medication,  
24 and medical care and treatment, and includes any of the  
25 following:

26 (1) A parent, spouse, adult child, or other relative by

1 blood or marriage who resides with or resides in the same  
2 building with or regularly visits the elderly person or  
3 person with a disability, knows or reasonably should know  
4 of such person's physical or mental impairment, and knows  
5 or reasonably should know that such person is unable to  
6 adequately provide for his or her own health and personal  
7 care.

8 (2) A person who is employed by the elderly person or  
9 person with a disability or by another to reside with or  
10 regularly visit the elderly person or person with a  
11 disability and provide for such person's health and  
12 personal care.

13 (3) A person who has agreed for consideration to reside  
14 with or regularly visit the elderly person or person with a  
15 disability and provide for such person's health and  
16 personal care.

17 (4) A person who has been appointed by a private or  
18 public agency or by a court of competent jurisdiction to  
19 provide for the elderly person or person with a  
20 disability's health and personal care.

21 "Caregiver" does not include a long-term care facility  
22 licensed or certified under the Nursing Home Care Act or a  
23 facility licensed or certified under the ID/DD ~~MR/DD~~ Community  
24 Care Act or the Specialized Mental Health Rehabilitation Act,  
25 or any administrative, medical, or other personnel of such a  
26 facility, or a health care provider who is licensed under the

1 Medical Practice Act of 1987 and renders care in the ordinary  
2 course of his or her profession.

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

6 "Licensee" means the individual or entity licensed to  
7 operate a facility under the Nursing Home Care Act, the  
8 Specialized Mental Health Rehabilitation Act, the ID/DD ~~MR/DD~~  
9 Community Care Act, or the Assisted Living and Shared Housing  
10 Act.

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

25 "Owner" means the owner a long term care facility as  
26 provided in the Nursing Home Care Act, the owner of a facility



1 as provided under the Specialized Mental Health Rehabilitation  
2 Act, the owner of a facility as provided in the ID/DD ~~MR/DD~~  
3 Community Care Act, or the owner of an assisted living or  
4 shared housing establishment as provided in the Assisted Living  
5 and Shared Housing Act.

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

11 "Resident" means a person residing in a long term care  
12 facility.

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

16 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-38, eff.  
17 6-28-11, and 97-227, eff. 1-1-12; revised 9-12-11.)

18 (720 ILCS 5/12-6.2)

19 Sec. 12-6.2. Aggravated intimidation.

20 (a) A person commits aggravated intimidation when he or she  
21 commits intimidation and:

22 (1) the person committed the offense in furtherance of  
23 the activities of an organized gang or because of the  
24 person's membership in or allegiance to an organized gang;  
25 or

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

3 (3) the following conditions are met:

4 (A) the person knew that the victim was a peace  
5 officer, a correctional institution employee, a  
6 fireman, a community policing volunteer, ~~or~~ or ~~(v)~~ a  
7 civilian reporting information regarding a forcible  
8 felony to a law enforcement agency; and

9 (B) the offense was committed:

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

12 (ii) to prevent the victim from performing his  
13 or her official duties;

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

16 (iv) by reason of any person's activity as a  
17 community policing volunteer; or

18 (v) because the person reported information  
19 regarding a forcible felony to a law enforcement  
20 agency.

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

26 (c) (Blank).

1 (Source: P.A. 96-1551, eff. 7-1-11; 97-162, eff. 1-1-12;  
2 revised 9-12-11.)

3 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

4 Sec. 12-7.1. Hate crime.

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

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

24 (b-5) Hate crime is a Class 3 felony for a first offense  
25 and a Class 2 felony for a second or subsequent offense if

1 committed:

2 (1) in a church, synagogue, mosque, or other building,  
3 structure, or place used for religious worship or other  
4 religious purpose;

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

7 (3) in a school or other educational facility,  
8 including an administrative facility or public or private  
9 dormitory facility of or associated with the school or  
10 other educational facility;

11 (4) in a public park or an ethnic or religious  
12 community center;

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

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

19 (b-10) Upon imposition of any sentence, the trial court  
20 shall also either order restitution paid to the victim or  
21 impose a fine up to \$1,000. In addition, any order of probation  
22 or conditional discharge entered following a conviction or an  
23 adjudication of delinquency shall include a condition that the  
24 offender perform public or community service of no less than  
25 200 hours if that service is established in the county where  
26 the offender was convicted of hate crime. In addition, any

1 order of probation or conditional discharge entered following a  
2 conviction or an adjudication of delinquency shall include a  
3 condition that the offender enroll in an educational program  
4 discouraging hate crimes if the offender caused criminal damage  
5 to property consisting of religious fixtures, objects, or  
6 decorations. The educational program may be administered, as  
7 determined by the court, by a university, college, community  
8 college, non-profit organization, or the Holocaust and  
9 Genocide Commission. Nothing in this subsection (b-10)  
10 prohibits courses discouraging hate crimes from being made  
11 available online. The court may also impose any other condition  
12 of probation or conditional discharge under this Section.

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

26 (d) "Sexual orientation" means heterosexuality,

1 homosexuality, or bisexuality.

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

4 (720 ILCS 5/12-7.3) (from Ch. 38, par. 12-7.3)

5 Sec. 12-7.3. Stalking.

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

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

12 (2) suffer other emotional distress.

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

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

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

25 (a-5) A person commits stalking when he or she has

1 previously been convicted of stalking another person and  
2 knowingly and without lawful justification on one occasion:

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

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

8 (b) Sentence. Stalking is a Class 4 felony; a second or  
9 subsequent conviction is a Class 3 felony.

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

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

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

25 (3) "Emotional distress" means significant mental  
26 suffering, anxiety or alarm.

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

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

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

24           (7) "Places a person under surveillance" means: (1)  
25 remaining present outside the person's school, place of  
26 employment, vehicle, other place occupied by the person, or



1 residence other than the residence of the defendant; or (2)  
2 placing an electronic tracking device on the person or the  
3 person's property.

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

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

9 (d) Exemptions.

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

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

24 (3) Telecommunications carriers, commercial mobile  
25 service providers, and providers of information services,  
26 including, but not limited to, Internet service providers

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

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

12 (d-10) A defendant who directed the actions of a third  
13 party to violate this Section, under the principles of  
14 accountability set forth in Article 5 of this Code, is guilty  
15 of violating this Section as if the same had been personally  
16 done by the defendant, without regard to the mental state of  
17 the third party acting at the direction of the defendant.

18 (Source: P.A. 96-686, eff. 1-1-10; 96-1551, eff. 7-1-11;  
19 97-311, eff. 8-11-11; revised 9-19-11.)

20 (720 ILCS 5/12-7.4) (from Ch. 38, par. 12-7.4)

21 Sec. 12-7.4. Aggravated stalking.

22 (a) A person commits aggravated stalking when he or she  
23 commits stalking and:

24 (1) causes bodily harm to the victim;

25 (2) confines or restrains the victim; or

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

6           (a-1) A person commits aggravated stalking when he or she  
7 is required to register under the Sex Offender Registration Act  
8 or has been previously required to register under that Act and  
9 commits the offense of stalking when the victim of the stalking  
10 is also the victim of the offense for which the sex offender is  
11 required to register under the Sex Offender Registration Act or  
12 a family member of the victim.

13           (b) Sentence. Aggravated stalking is a Class 3 felony; a  
14 second or subsequent conviction is a Class 2 felony.

15           (c) Exemptions.

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

1 included in those agreements.

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

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

15 (d) A defendant who directed the actions of a third party  
16 to violate this Section, under the principles of accountability  
17 set forth in Article 5 of this Code, is guilty of violating  
18 this Section as if the same had been personally done by the  
19 defendant, without regard to the mental state of the third  
20 party acting at the direction of the defendant.

21 (Source: P.A. 96-686, eff. 1-1-10; 96-1551, eff. 7-1-11;  
22 97-311, eff. 8-11-11; 97-468, eff. 1-1-12; revised 9-12-11.)

23 (720 ILCS 5/12-7.5)

24 Sec. 12-7.5. Cyberstalking.

25 (a) A person commits cyberstalking when he or she engages

1 in a course of conduct using electronic communication directed  
2 at a specific person, and he or she knows or should know that  
3 would cause a reasonable person to:

4 (1) fear for his or her safety or the safety of a third  
5 person; or

6 (2) suffer other emotional distress.

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

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

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

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

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

1           (1) which communicates a threat of immediate or future  
2           bodily harm, sexual assault, confinement, or restraint,  
3           where the threat is directed towards that person or a  
4           family member of that person, or

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

8           (3) which knowingly solicits the commission of an act  
9           by any person which would be a violation of this Code  
10          directed towards that person or a family member of that  
11          person.

12          (b) Sentence. Cyberstalking is a Class 4 felony; a second  
13          or subsequent conviction is a Class 3 felony.

14          (c) For purposes of this Section:

15           (1) "Course of conduct" means 2 or more acts, including  
16           but not limited to acts in which a defendant directly,  
17           indirectly, or through third parties, by any action,  
18           method, device, or means follows, monitors, observes,  
19           surveils, threatens, or communicates to or about, a person,  
20           engages in other non-consensual contact, or interferes  
21           with or damages a person's property or pet. The  
22           incarceration in a penal institution of a person who  
23           commits the course of conduct is not a bar to prosecution  
24           under this Section.

25           (2) "Electronic communication" means any transfer of  
26           signs, signals, writings, sounds, data, or intelligence of

1 any nature transmitted in whole or in part by a wire,  
2 radio, electromagnetic, photoelectric, or photo-optical  
3 system. "Electronic communication" includes transmissions  
4 through an electronic device including, but not limited to,  
5 a telephone, cellular phone, computer, or pager, which  
6 communication includes, but is not limited to, e-mail,  
7 instant message, text message, or voice mail.

8 (3) "Emotional distress" means significant mental  
9 suffering, anxiety or alarm.

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

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

23 (6) "Reasonable person" means a person in the victim's  
24 circumstances, with the victim's knowledge of the  
25 defendant and the defendant's prior acts.

26 (7) "Third party" means any person other than the

1 person violating these provisions and the person or persons  
2 towards whom the violator's actions are directed.

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

13 (e) A defendant who directed the actions of a third party  
14 to violate this Section, under the principles of accountability  
15 set forth in Article 5 of this Code, is guilty of violating  
16 this Section as if the same had been personally done by the  
17 defendant, without regard to the mental state of the third  
18 party acting at the direction of the defendant.

19 (Source: P.A. 96-328, eff. 8-11-09; 96-686, eff. 1-1-10;  
20 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-303, eff.  
21 8-11-11; 97-311, eff. 8-11-11; revised 9-12-11.)

22 (720 ILCS 5/16-0.1)

23 Sec. 16-0.1. Definitions. In this Article, unless the  
24 context clearly requires otherwise, the following terms are  
25 defined as indicated:



1 "Access" means to use, instruct, communicate with, store  
2 data in, retrieve or intercept data from, or otherwise utilize  
3 any services of a computer.

4 "Coin-operated machine" includes any automatic vending  
5 machine or any part thereof, parking meter, coin telephone,  
6 coin-operated transit turnstile, transit fare box, coin  
7 laundry machine, coin dry cleaning machine, amusement machine,  
8 music machine, vending machine dispensing goods or services, or  
9 money changer.

10 "Communication device" means any type of instrument,  
11 device, machine, or equipment which is capable of transmitting,  
12 acquiring, decrypting, or receiving any telephonic,  
13 electronic, data, Internet access, audio, video, microwave, or  
14 radio transmissions, signals, communications, or services,  
15 including the receipt, acquisition, transmission, or  
16 decryption of all such communications, transmissions, signals,  
17 or services provided by or through any cable television, fiber  
18 optic, telephone, satellite, microwave, radio, Internet-based,  
19 data transmission, or wireless distribution network, system or  
20 facility; or any part, accessory, or component thereof,  
21 including any computer circuit, security module, smart card,  
22 software, computer chip, electronic mechanism or other  
23 component, accessory or part of any communication device which  
24 is capable of facilitating the transmission, decryption,  
25 acquisition or reception of all such communications,  
26 transmissions, signals, or services.

1 "Communication service" means any service lawfully  
2 provided for a charge or compensation to facilitate the lawful  
3 origination, transmission, emission, or reception of signs,  
4 signals, data, writings, images, and sounds or intelligence of  
5 any nature by telephone, including cellular telephones or a  
6 wire, wireless, radio, electromagnetic, photo-electronic or  
7 photo-optical system; and also any service lawfully provided by  
8 any radio, telephone, cable television, fiber optic,  
9 satellite, microwave, Internet-based or wireless distribution  
10 network, system, facility or technology, including, but not  
11 limited to, any and all electronic, data, video, audio,  
12 Internet access, telephonic, microwave and radio  
13 communications, transmissions, signals and services, and any  
14 such communications, transmissions, signals and services  
15 lawfully provided directly or indirectly by or through any of  
16 those networks, systems, facilities or technologies.

17 "Communication service provider" means: (1) any person or  
18 entity providing any communication service, whether directly  
19 or indirectly, as a reseller, including, but not limited to, a  
20 cellular, paging or other wireless communications company or  
21 other person or entity which, for a fee, supplies the facility,  
22 cell site, mobile telephone switching office or other equipment  
23 or communication service; (2) any person or entity owning or  
24 operating any cable television, fiber optic, satellite,  
25 telephone, wireless, microwave, radio, data transmission or  
26 Internet-based distribution network, system or facility; and

1 (3) any person or entity providing any communication service  
2 directly or indirectly by or through any such distribution  
3 system, network or facility.

4 "Computer" means a device that accepts, processes, stores,  
5 retrieves or outputs data, and includes but is not limited to  
6 auxiliary storage and telecommunications devices connected to  
7 computers.

8 "Continuing course of conduct" means a series of acts, and  
9 the accompanying mental state necessary for the crime in  
10 question, irrespective of whether the series of acts are  
11 continuous or intermittent.

12 "Delivery container" means any bakery basket of wire or  
13 plastic used to transport or store bread or bakery products,  
14 any dairy case of wire or plastic used to transport or store  
15 dairy products, and any dolly or cart of 2 or 4 wheels used to  
16 transport or store any bakery or dairy product.

17 "Document-making implement" means any implement,  
18 impression, template, computer file, computer disc, electronic  
19 device, computer hardware, computer software, instrument, or  
20 device that is used to make a real or fictitious or fraudulent  
21 personal identification document.

22 "Financial transaction device" means any of the following:

- 23 (1) An electronic funds transfer card.  
24 (2) A credit card.  
25 (3) A debit card.  
26 (4) A point-of-sale card.

1           (5) Any instrument, device, card, plate, code, account  
2           number, personal identification number, or a record or copy  
3           of a code, account number, or personal identification  
4           number or other means of access to a credit account or  
5           deposit account, or a driver's license or State  
6           identification card used to access a proprietary account,  
7           other than access originated solely by a paper instrument,  
8           that can be used alone or in conjunction with another  
9           access device, for any of the following purposes:

10           (A) Obtaining money, cash refund or credit  
11           account, credit, goods, services, or any other thing of  
12           value.

13           (B) Certifying or guaranteeing to a person or  
14           business the availability to the device holder of funds  
15           on deposit to honor a draft or check payable to the  
16           order of that person or business.

17           (C) Providing the device holder access to a deposit  
18           account for the purpose of making deposits,  
19           withdrawing funds, transferring funds between deposit  
20           accounts, obtaining information pertaining to a  
21           deposit account, or making an electronic funds  
22           transfer.

23           "Full retail value" means the merchant's stated or  
24           advertised price of the merchandise. "Full retail value"  
25           includes the aggregate value of property obtained from retail  
26           thefts committed by the same person as part of a continuing

1 course of conduct from one or more mercantile establishments in  
2 a single transaction or in separate transactions over a period  
3 of one year.

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

14 "Library card" means a card or plate issued by a library  
15 facility for purposes of identifying the person to whom the  
16 library card was issued as authorized to borrow library  
17 material, subject to all limitations and conditions imposed on  
18 the borrowing by the library facility issuing such card.

19 "Library facility" includes any public library or museum,  
20 or any library or museum of an educational, historical or  
21 eleemosynary institution, organization or society.

22 "Library material" includes any book, plate, picture,  
23 photograph, engraving, painting, sculpture, statue, artifact,  
24 drawing, map, newspaper, pamphlet, broadside, magazine,  
25 manuscript, document, letter, microfilm, sound recording,  
26 audiovisual material, magnetic or other tape, electronic data

1 processing record or other documentary, written or printed  
2 material regardless of physical form or characteristics, or any  
3 part thereof, belonging to, or on loan to or otherwise in the  
4 custody of a library facility.

5 "Manufacture or assembly of an unlawful access device"  
6 means to make, produce or assemble an unlawful access device or  
7 to modify, alter, program or re-program any instrument, device,  
8 machine, equipment or software so that it is capable of  
9 defeating or circumventing any technology, device or software  
10 used by the provider, owner or licensee of a communication  
11 service or of any data, audio or video programs or  
12 transmissions to protect any such communication, data, audio or  
13 video services, programs or transmissions from unauthorized  
14 access, acquisition, disclosure, receipt, decryption,  
15 communication, transmission or re-transmission.

16 "Manufacture or assembly of an unlawful communication  
17 device" means to make, produce or assemble an unlawful  
18 communication or wireless device or to modify, alter, program  
19 or reprogram a communication or wireless device to be capable  
20 of acquiring, disrupting, receiving, transmitting, decrypting,  
21 or facilitating the acquisition, disruption, receipt,  
22 transmission or decryption of, a communication service without  
23 the express consent or express authorization of the  
24 communication service provider, or to knowingly assist others  
25 in those activities.

26 "Master sound recording" means the original physical

1 object on which a given set of sounds were first recorded and  
2 which the original object from which all subsequent sound  
3 recordings embodying the same set of sounds are directly or  
4 indirectly derived.

5 "Merchandise" means any item of tangible personal  
6 property, including motor fuel.

7 "Merchant" means an owner or operator of any retail  
8 mercantile establishment or any agent, employee, lessee,  
9 consignee, officer, director, franchisee, or independent  
10 contractor of the owner or operator. "Merchant" also means a  
11 person who receives from an authorized user of a payment card,  
12 or someone the person believes to be an authorized user, a  
13 payment card or information from a payment card, or what the  
14 person believes to be a payment card or information from a  
15 payment card, as the instrument for obtaining, purchasing or  
16 receiving goods, services, money, or anything else of value  
17 from the person.

18 "Motor fuel" means a liquid, regardless of its properties,  
19 used to propel a vehicle, including gasoline and diesel.

20 "Online" means the use of any electronic or wireless device  
21 to access the Internet.

22 "Payment card" means a credit card, charge card, debit  
23 card, or any other card that is issued to an authorized card  
24 user and that allows the user to obtain, purchase, or receive  
25 goods, services, money, or anything else of value from a  
26 merchant.

1           "Person with a disability" means a person who suffers from  
2 a physical or mental impairment resulting from disease, injury,  
3 functional disorder or congenital condition that impairs the  
4 individual's mental or physical ability to independently  
5 manage his or her property or financial resources, or both.

6           "Personal identification document" means a birth  
7 certificate, a driver's license, a State identification card, a  
8 public, government, or private employment identification card,  
9 a social security card, a firearm owner's identification card,  
10 a credit card, a debit card, or a passport issued to or on  
11 behalf of a person other than the offender, or any document  
12 made or issued, or falsely purported to have been made or  
13 issued, by or under the authority of the United States  
14 Government, the State of Illinois, or any other state political  
15 subdivision of any state, or any other governmental or  
16 quasi-governmental organization that is of a type intended for  
17 the purpose of identification of an individual, or any such  
18 document made or altered in a manner that it falsely purports  
19 to have been made on behalf of or issued to another person or  
20 by the authority of one who did not give that authority.

21           "Personal identifying information" means any of the  
22 following information:

- 23           (1) A person's name.
- 24           (2) A person's address.
- 25           (3) A person's date of birth.
- 26           (4) A person's telephone number.



1           (5) A person's driver's license number or State of  
2 Illinois identification card as assigned by the Secretary  
3 of State of the State of Illinois or a similar agency of  
4 another state.

5           (6) A person's social security number.

6           (7) A person's public, private, or government  
7 employer, place of employment, or employment  
8 identification number.

9           (8) The maiden name of a person's mother.

10          (9) The number assigned to a person's depository  
11 account, savings account, or brokerage account.

12          (10) The number assigned to a person's credit or debit  
13 card, commonly known as a "Visa Card", "MasterCard",  
14 "American Express Card", "Discover Card", or other similar  
15 cards whether issued by a financial institution,  
16 corporation, or business entity.

17          (11) Personal identification numbers.

18          (12) Electronic identification numbers.

19          (13) Digital signals.

20          (14) User names, passwords, and any other word, number,  
21 character or combination of the same usable in whole or  
22 part to access information relating to a specific  
23 individual, or to the actions taken, communications made or  
24 received, or other activities or transactions of a specific  
25 individual.

26          (15) Any other numbers or information which can be used

1 to access a person's financial resources, or to identify a  
2 specific individual, or the actions taken, communications  
3 made or received, or other activities or transactions of a  
4 specific individual.

5 "Premises of a retail mercantile establishment" includes,  
6 but is not limited to, the retail mercantile establishment; any  
7 common use areas in shopping centers; and all parking areas set  
8 aside by a merchant or on behalf of a merchant for the parking  
9 of vehicles for the convenience of the patrons of such retail  
10 mercantile establishment.

11 "Public water, gas, or power supply, or other public  
12 services" mean any service subject to regulation by the  
13 Illinois Commerce Commission; any service furnished by a public  
14 utility that is owned and operated by any political  
15 subdivision, public institution of higher education or  
16 municipal corporation of this State; any service furnished by  
17 any public utility that is owned by such political subdivision,  
18 public institution of higher education, or municipal  
19 corporation and operated by any of its lessees or operating  
20 agents; any service furnished by an electric cooperative as  
21 defined in Section 3.4 of the Electric Supplier Act; or  
22 wireless service or other service regulated by the Federal  
23 Communications Commission.

24 "Publish" means to communicate or disseminate information  
25 to any one or more persons, either orally, in person, or by  
26 telephone, radio or television or in writing of any kind,

1 including, without limitation, a letter or memorandum,  
2 circular or handbill, newspaper or magazine article or book.

3 "Radio frequency identification device" means any  
4 implement, computer file, computer disc, electronic device,  
5 computer hardware, computer software, or instrument that is  
6 used to activate, read, receive, or decode information stored  
7 on a RFID tag or transponder attached to a personal  
8 identification document.

9 "RFID tag or transponder" means a chip or device that  
10 contains personal identifying information from which the  
11 personal identifying information can be read or decoded by  
12 another device emitting a radio frequency that activates or  
13 powers a radio frequency emission response from the chip or  
14 transponder.

15 "Reencoder" means an electronic device that places encoded  
16 information from the magnetic strip or stripe of a payment card  
17 onto the magnetic strip or stripe of a different payment card.

18 "Retail mercantile establishment" means any place where  
19 merchandise is displayed, held, stored or offered for sale to  
20 the public.

21 "Scanning device" means a scanner, reader, or any other  
22 electronic device that is used to access, read, scan, obtain,  
23 memorize, or store, temporarily or permanently, information  
24 encoded on the magnetic strip or stripe of a payment card.

25 "Shopping cart" means those push carts of the type or types  
26 which are commonly provided by grocery stores, drug stores or

1 other retail mercantile establishments for the use of the  
2 public in transporting commodities in stores and markets and,  
3 incidentally, from the stores to a place outside the store.

4 "Sound or audio visual recording" means any sound or audio  
5 visual phonograph record, disc, pre-recorded tape, film, wire,  
6 magnetic tape or other object, device or medium, now known or  
7 hereafter invented, by which sounds or images may be reproduced  
8 with or without the use of any additional machine, equipment or  
9 device.

10 "Theft detection device remover" means any tool or device  
11 specifically designed and intended to be used to remove any  
12 theft detection device from any merchandise.

13 "Under-ring" means to cause the cash register or other  
14 sales recording device to reflect less than the full retail  
15 value of the merchandise.

16 "Unidentified sound or audio visual recording" means a  
17 sound or audio visual recording without the actual name and  
18 full and correct street address of the manufacturer, and the  
19 name of the actual performers or groups prominently and legibly  
20 printed on the outside cover or jacket and on the label of such  
21 sound or audio visual recording.

22 "Unlawful access device" means any type of instrument,  
23 device, machine, equipment, technology, or software which is  
24 primarily possessed, used, designed, assembled, manufactured,  
25 sold, distributed or offered, promoted or advertised for the  
26 purpose of defeating or circumventing any technology, device or

1 software, or any component or part thereof, used by the  
2 provider, owner or licensee of any communication service or of  
3 any data, audio or video programs or transmissions to protect  
4 any such communication, audio or video services, programs or  
5 transmissions from unauthorized access, acquisition, receipt,  
6 decryption, disclosure, communication, transmission or  
7 re-transmission.

8 "Unlawful communication device" means any electronic  
9 serial number, mobile identification number, personal  
10 identification number or any communication or wireless device  
11 that is capable of acquiring or facilitating the acquisition of  
12 a communication service without the express consent or express  
13 authorization of the communication service provider, or that  
14 has been altered, modified, programmed or reprogrammed, alone  
15 or in conjunction with another communication or wireless device  
16 or other equipment, to so acquire or facilitate the  
17 unauthorized acquisition of a communication service. "Unlawful  
18 communication device" also means:

19 (1) any phone altered to obtain service without the  
20 express consent or express authorization of the  
21 communication service provider, tumbler phone, counterfeit  
22 or clone phone, tumbler microchip, counterfeit or clone  
23 microchip, scanning receiver of wireless communication  
24 service or other instrument capable of disguising its  
25 identity or location or of gaining unauthorized access to a  
26 communications or wireless system operated by a

1 communication service provider; and

2 (2) any communication or wireless device which is  
3 capable of, or has been altered, designed, modified,  
4 programmed or reprogrammed, alone or in conjunction with  
5 another communication or wireless device or devices, so as  
6 to be capable of, facilitating the disruption,  
7 acquisition, receipt, transmission or decryption of a  
8 communication service without the express consent or  
9 express authorization of the communication service  
10 provider, including, but not limited to, any device,  
11 technology, product, service, equipment, computer software  
12 or component or part thereof, primarily distributed, sold,  
13 designed, assembled, manufactured, modified, programmed,  
14 reprogrammed or used for the purpose of providing the  
15 unauthorized receipt of, transmission of, disruption of,  
16 decryption of, access to or acquisition of any  
17 communication service provided by any communication  
18 service provider.

19 "Vehicle" means a motor vehicle, motorcycle, or farm  
20 implement that is self-propelled and that uses motor fuel for  
21 propulsion.

22 "Wireless device" includes any type of instrument, device,  
23 machine, or equipment that is capable of transmitting or  
24 receiving telephonic, electronic or radio communications, or  
25 any part of such instrument, device, machine, or equipment, or  
26 any computer circuit, computer chip, electronic mechanism, or

1 other component that is capable of facilitating the  
2 transmission or reception of telephonic, electronic, or radio  
3 communications.

4 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-388, eff.  
5 1-1-12; revised 9-21-11.)

6 (720 ILCS 5/16-7) (from Ch. 38, par. 16-7)

7 Sec. 16-7. Unlawful use of recorded sounds or images.

8 (a) A person commits unlawful use of recorded sounds or  
9 images when he or she knowingly or recklessly:

10 (1) transfers or causes to be transferred without the  
11 consent of the owner, any sounds or images recorded on any  
12 sound or audio visual recording with the intent of selling  
13 or causing to be sold, or using or causing to be used for  
14 profit the article to which such sounds or recordings of  
15 sound are transferred;

16 (2) sells, offers for sale, advertises for sale, uses  
17 or causes to be used for profit any such article described  
18 in subdivision (a) (1) without consent of the owner;

19 (3) offers or makes available for a fee, rental or any  
20 other form of compensation, directly or indirectly, any  
21 equipment or machinery for the purpose of use by another to  
22 reproduce or transfer, without the consent of the owner,  
23 any sounds or images recorded on any sound or audio visual  
24 recording to another sound or audio visual recording or for  
25 the purpose of use by another to manufacture any sound or

1 audio visual recording in violation of subsection (b); or

2 (4) transfers or causes to be transferred without the  
3 consent of the owner, any live performance with the intent  
4 of selling or causing to be sold, or using or causing to be  
5 used for profit the sound or audio visual recording to  
6 which the performance is transferred.

7 (b) A person commits unlawful use of unidentified sound or  
8 audio visual recordings when he or she knowingly, recklessly,  
9 or negligently for profit manufacturers, sells, distributes,  
10 vends, circulates, performs, leases, possesses, or otherwise  
11 deals in and with unidentified sound or audio visual recordings  
12 or causes the manufacture, sale, distribution, vending,  
13 circulation, performance, lease, or other dealing in and with  
14 unidentified sound or audio visual recordings.

15 (c) For the purposes of this Section, "owner" means the  
16 person who owns the master sound recording on which sound is  
17 recorded and from which the transferred recorded sounds are  
18 directly or indirectly derived, or the person who owns the  
19 rights to record or authorize the recording of a live  
20 performance.

21 For the purposes of this Section, "manufacturer" means the  
22 person who actually makes or causes to be made a sound or audio  
23 visual recording. "Manufacturer" does not include a person who  
24 manufactures the medium upon which sounds or visual images can  
25 be recorded or stored, or who manufactures the cartridge or  
26 casing itself.



1 (d) Sentence. Unlawful use of recorded sounds or images or  
2 unidentified sound or audio visual recordings is a Class 4  
3 felony; however:

4 (1) If the offense involves more than 100 but not  
5 exceeding 1000 unidentified sound recordings or more than 7  
6 but not exceeding 65 unidentified audio visual recordings  
7 during any 180 day period the authorized fine is up to  
8 \$100,000; and

9 (2) If the offense involves more than 1,000  
10 unidentified sound recordings or more than 65 unidentified  
11 audio visual recordings during any 180 day period the  
12 authorized fine is up to \$250,000.

13 (e) Upon conviction of any violation of subsection (b), the  
14 offender shall be sentenced to make restitution to any owner or  
15 lawful producer of a master sound or audio visual recording, or  
16 to the trade association representing such owner or lawful  
17 producer, that has suffered injury resulting from the crime.  
18 The order of restitution shall be based on the aggregate  
19 wholesale value of lawfully manufactured and authorized sound  
20 or audio visual recordings corresponding to the non-conforming  
21 recorded devices involved in the offense, and shall include  
22 investigative costs relating to the offense.

23 (f) Subsection (a) of this Section shall neither enlarge  
24 nor diminish the rights of parties in private litigation.

25 (g) Subsection (a) of this Section does not apply to any  
26 person engaged in the business of radio or television

1 broadcasting who transfers, or causes to be transferred, any  
2 sounds (other than from the sound track of a motion picture)  
3 solely for the purpose of broadcast transmission.

4 (h) Each individual manufacture, distribution or sale or  
5 transfer for a consideration of such recorded devices in  
6 contravention of subsection (a) of this Section constitutes a  
7 separate violation of this Section. Each individual  
8 manufacture, sale, distribution, vending, circulation,  
9 performance, lease, possession, or other dealing in and with an  
10 unidentified sound or audio visual recording under subsection  
11 (b) of this Section constitutes a separate violation of this  
12 Section.

13 (i) Any sound or audio visual recordings containing  
14 transferred sounds or a performance whose transfer was not  
15 authorized by the owner of the master sound recording or  
16 performance, or any unidentified sound or audio visual  
17 recording used, in violation of this Section, or in the attempt  
18 to commit such violation as defined in Section 8-4, or in a  
19 conspiracy to commit such violation as defined in Section 8-2,  
20 or in a solicitation to commit such offense as defined in  
21 Section 8-1, may be confiscated and destroyed upon conclusion  
22 of the case or cases to which they are relevant, except that  
23 the court may enter an order preserving them as evidence for  
24 use in other cases or pending the final determination of an  
25 appeal.

26 (j) It is an affirmative defense to any charge of unlawful

1 use of recorded sounds or images that the recorded sounds or  
2 images so used are public domain material. For purposes of this  
3 Section, recorded sounds are deemed to be in the public domain  
4 if the recorded sounds were copyrighted pursuant to the  
5 copyright laws of the United States, as the same may be amended  
6 from time to time, and the term of the copyright and any  
7 extensions or renewals thereof has expired.

8 (k) ~~(j)~~ With respect to sound recordings (other than  
9 accompanying a motion picture or other audiovisual work), this  
10 Section applies only to sound recordings that were initially  
11 recorded before February 15, 1972.

12 (Source: P.A. 97-538, eff. 1-1-12; 97-597, eff. 1-1-12; revised  
13 9-12-11.)

14 (720 ILCS 5/16-30)

15 Sec. 16-30. Identity theft; aggravated identity theft.

16 (a) A person commits identity theft when he or she  
17 knowingly:

18 (1) uses any personal identifying information or  
19 personal identification document of another person to  
20 fraudulently obtain credit, money, goods, services, or  
21 other property; ~~or~~

22 (2) uses any personal identification information or  
23 personal identification document of another with intent to  
24 commit any felony not set forth in paragraph (1) of this  
25 subsection (a); ~~or~~

1           (3) obtains, records, possesses, sells, transfers,  
2 purchases, or manufactures any personal identification  
3 information or personal identification document of another  
4 with intent to commit any felony; ~~or~~

5           (4) uses, obtains, records, possesses, sells,  
6 transfers, purchases, or manufactures any personal  
7 identification information or personal identification  
8 document of another knowing that such personal  
9 identification information or personal identification  
10 documents were stolen or produced without lawful  
11 authority; ~~or~~

12           (5) uses, transfers, or possesses document-making  
13 implements to produce false identification or false  
14 documents with knowledge that they will be used by the  
15 person or another to commit any felony; ~~or~~

16           (6) uses any personal identification information or  
17 personal identification document of another to portray  
18 himself or herself as that person, or otherwise, for the  
19 purpose of gaining access to any personal identification  
20 information or personal identification document of that  
21 person, without the prior express permission of that  
22 person; ~~or~~

23           (7) uses any personal identification information or  
24 personal identification document of another for the  
25 purpose of gaining access to any record of the actions  
26 taken, communications made or received, or other

1 activities or transactions of that person, without the  
2 prior express permission of that person; ~~or~~

3 (7.5) uses, possesses, or transfers a radio frequency  
4 identification device capable of obtaining or processing  
5 personal identifying information from a radio frequency  
6 identification (RFID) tag or transponder with knowledge  
7 that the device will be used by the person or another to  
8 commit a felony violation of State law or any violation of  
9 this Article; or

10 (8) in the course of applying for a building permit  
11 with a unit of local government, provides the license  
12 number of a roofing or fire sprinkler contractor whom he or  
13 she does not intend to have perform the work on the roofing  
14 or fire sprinkler portion of the project; it is an  
15 affirmative defense to prosecution under this paragraph  
16 (8) that the building permit applicant promptly informed  
17 the unit of local government that issued the building  
18 permit of any change in the roofing or fire sprinkler  
19 contractor.

20 (b) Aggravated identity theft. A person commits aggravated  
21 identity theft when he or she commits identity theft as set  
22 forth in subsection (a) of this Section:

23 (1) against a person 60 years of age or older or a  
24 person with a disability; or

25 (2) in furtherance of the activities of an organized  
26 gang.

1           A defense to aggravated identity theft does not exist  
2 merely because the accused reasonably believed the victim to be  
3 a person less than 60 years of age. For the purposes of this  
4 subsection, "organized gang" has the meaning ascribed in  
5 Section 10 of the Illinois Streetgang Terrorism Omnibus  
6 Prevention Act.

7           (c) Knowledge shall be determined by an evaluation of all  
8 circumstances surrounding the use of the other person's  
9 identifying information or document.

10           (d) When a charge of identity theft or aggravated identity  
11 theft of credit, money, goods, services, or other property  
12 exceeding a specified value is brought, the value of the  
13 credit, money, goods, services, or other property is an element  
14 of the offense to be resolved by the trier of fact as either  
15 exceeding or not exceeding the specified value.

16           (e) Sentence.

17           (1) Identity theft.

18           (A) A person convicted of identity theft in  
19 violation of paragraph (1) of subsection (a) shall be  
20 sentenced as follows:

21           (i) Identity theft of credit, money, goods,  
22 services, or other property not exceeding \$300 in  
23 value is a Class 4 felony. A person who has been  
24 previously convicted of identity theft of less  
25 than \$300 who is convicted of a second or  
26 subsequent offense of identity theft of less than

1           \$300 is guilty of a Class 3 felony. A person who  
2           has been convicted of identity theft of less than  
3           \$300 who has been previously convicted of any type  
4           of theft, robbery, armed robbery, burglary,  
5           residential burglary, possession of burglary  
6           tools, home invasion, home repair fraud,  
7           aggravated home repair fraud, or financial  
8           exploitation of an elderly or disabled person is  
9           guilty of a Class 3 felony. Identity theft of  
10          credit, money, goods, services, or other property  
11          not exceeding \$300 in value when the victim of the  
12          identity theft is an active duty member of the  
13          Armed Services or Reserve Forces of the United  
14          States or of the Illinois National Guard serving in  
15          a foreign country is a Class 3 felony. A person who  
16          has been previously convicted of identity theft of  
17          less than \$300 who is convicted of a second or  
18          subsequent offense of identity theft of less than  
19          \$300 when the victim of the identity theft is an  
20          active duty member of the Armed Services or Reserve  
21          Forces of the United States or of the Illinois  
22          National Guard serving in a foreign country is  
23          guilty of a Class 2 felony. A person who has been  
24          convicted of identity theft of less than \$300 when  
25          the victim of the identity theft is an active duty  
26          member of the Armed Services or Reserve Forces of

1           the United States or of the Illinois National Guard  
2           serving in a foreign country who has been  
3           previously convicted of any type of theft,  
4           robbery, armed robbery, burglary, residential  
5           burglary, possession of burglary tools, home  
6           invasion, home repair fraud, aggravated home  
7           repair fraud, or financial exploitation of an  
8           elderly or disabled person is guilty of a Class 2  
9           felony.

10           (ii) Identity theft of credit, money, goods,  
11           services, or other property exceeding \$300 and not  
12           exceeding \$2,000 in value is a Class 3 felony.  
13           Identity theft of credit, money, goods, services,  
14           or other property exceeding \$300 and not exceeding  
15           \$2,000 in value when the victim of the identity  
16           theft is an active duty member of the Armed  
17           Services or Reserve Forces of the United States or  
18           of the Illinois National Guard serving in a foreign  
19           country is a Class 2 felony.

20           (iii) Identity theft of credit, money, goods,  
21           services, or other property exceeding \$2,000 and  
22           not exceeding \$10,000 in value is a Class 2 felony.  
23           Identity theft of credit, money, goods, services,  
24           or other property exceeding \$2,000 and not  
25           exceeding \$10,000 in value when the victim of the  
26           identity theft is an active duty member of the



1           Armed Services or Reserve Forces of the United  
2           States or of the Illinois National Guard serving in  
3           a foreign country is a Class 1 felony.

4           (iv) Identity theft of credit, money, goods,  
5           services, or other property exceeding \$10,000 and  
6           not exceeding \$100,000 in value is a Class 1  
7           felony. Identity theft of credit, money, goods,  
8           services, or other property exceeding \$10,000 and  
9           not exceeding \$100,000 in value when the victim of  
10          the identity theft is an active duty member of the  
11          Armed Services or Reserve Forces of the United  
12          States or of the Illinois National Guard serving in  
13          a foreign country is a Class X felony.

14          (v) Identity theft of credit, money, goods,  
15          services, or other property exceeding \$100,000 in  
16          value is a Class X felony.

17          (B) A person convicted of any offense enumerated in  
18          paragraphs (2) through (7.5) ~~(7)~~ of subsection (a) is  
19          guilty of a Class 3 felony. A person convicted of any  
20          offense enumerated in paragraphs (2) through (7.5) ~~(7)~~  
21          of subsection (a) when the victim of the identity theft  
22          is an active duty member of the Armed Services or  
23          Reserve Forces of the United States or of the Illinois  
24          National Guard serving in a foreign country is guilty  
25          of a Class 2 felony.

26          (C) A person convicted of any offense enumerated in

1 paragraphs (2) through (5) and (7.5) of subsection (a)  
2 a second or subsequent time is guilty of a Class 2  
3 felony. A person convicted of any offense enumerated in  
4 paragraphs (2) through (5) and (7.5) of subsection (a)  
5 a second or subsequent time when the victim of the  
6 identity theft is an active duty member of the Armed  
7 Services or Reserve Forces of the United States or of  
8 the Illinois National Guard serving in a foreign  
9 country is guilty of a Class 1 felony.

10 (D) A person who, within a 12-month period, is  
11 found in violation of any offense enumerated in  
12 paragraphs (2) through (7.5) ~~(7)~~ of subsection (a) with  
13 respect to the identifiers of, or other information  
14 relating to, 3 or more separate individuals, at the  
15 same time or consecutively, is guilty of a Class 2  
16 felony. A person who, within a 12-month period, is  
17 found in violation of any offense enumerated in  
18 paragraphs (2) through (7.5) ~~(7)~~ of subsection (a) with  
19 respect to the identifiers of, or other information  
20 relating to, 3 or more separate individuals, at the  
21 same time or consecutively, when the victim of the  
22 identity theft is an active duty member of the Armed  
23 Services or Reserve Forces of the United States or of  
24 the Illinois National Guard serving in a foreign  
25 country is guilty of a Class 1 felony.

26 (E) A person convicted of identity theft in

1 violation of paragraph (2) of subsection (a) who uses  
2 any personal identification information or personal  
3 identification document of another to purchase  
4 methamphetamine manufacturing material as defined in  
5 Section 10 of the Methamphetamine Control and  
6 Community Protection Act with the intent to unlawfully  
7 manufacture methamphetamine is guilty of a Class 2  
8 felony for a first offense and a Class 1 felony for a  
9 second or subsequent offense. A person convicted of  
10 identity theft in violation of paragraph (2) of  
11 subsection (a) who uses any personal identification  
12 information or personal identification document of  
13 another to purchase methamphetamine manufacturing  
14 material as defined in Section 10 of the  
15 Methamphetamine Control and Community Protection Act  
16 with the intent to unlawfully manufacture  
17 methamphetamine when the victim of the identity theft  
18 is an active duty member of the Armed Services or  
19 Reserve Forces of the United States or of the Illinois  
20 National Guard serving in a foreign country is guilty  
21 of a Class 1 felony for a first offense and a Class X  
22 felony for a second or subsequent offense.

23 (F) A person convicted of identity theft in  
24 violation of paragraph (8) of subsection (a) of this  
25 Section is guilty of a Class 4 felony.

26 (2) Aggravated identity theft.

1 (A) Aggravated identity theft of credit, money,  
2 goods, services, or other property not exceeding \$300  
3 in value is a Class 3 felony.

4 (B) Aggravated identity theft of credit, money,  
5 goods, services, or other property exceeding \$300 and  
6 not exceeding \$10,000 in value is a Class 2 felony.

7 (C) Aggravated identity theft of credit, money,  
8 goods, services, or other property exceeding \$10,000  
9 in value and not exceeding \$100,000 in value is a Class  
10 1 felony.

11 (D) Aggravated identity theft of credit, money,  
12 goods, services, or other property exceeding \$100,000  
13 in value is a Class X felony.

14 (E) Aggravated identity theft for a violation of  
15 any offense enumerated in paragraphs (2) through (7.5)  
16 ~~(7)~~ of subsection (a) of this Section is a Class 2  
17 felony.

18 (F) Aggravated identity theft when a person who,  
19 within a 12-month period, is found in violation of any  
20 offense enumerated in paragraphs (2) through (7.5) ~~(7)~~  
21 of subsection (a) of this Section with identifiers of,  
22 or other information relating to, 3 or more separate  
23 individuals, at the same time or consecutively, is a  
24 Class 1 felony.

25 (G) A person who has been previously convicted of  
26 aggravated identity theft regardless of the value of

1           the property involved who is convicted of a second or  
2           subsequent offense of aggravated identity theft  
3           regardless of the value of the property involved is  
4           guilty of a Class X felony.

5           (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-333, eff.  
6           8-12-11, and 97-388, eff. 1-1-12; revised 9-21-11.)

7           (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)  
8           Sec. 17-2. False personation; solicitation.

9           (a) False personation; solicitation.

10           (1) A person commits a false personation when he or she  
11           knowingly and falsely represents himself or herself to be a  
12           member or representative of any veterans' or public safety  
13           personnel organization or a representative of any  
14           charitable organization, or when he or she knowingly  
15           exhibits or uses in any manner any decal, badge or insignia  
16           of any charitable, public safety personnel, or veterans'  
17           organization when not authorized to do so by the  
18           charitable, public safety personnel, or veterans'  
19           organization. "Public safety personnel organization" has  
20           the meaning ascribed to that term in Section 1 of the  
21           Solicitation for Charity Act.

22           (2) A person commits a false personation when he or she  
23           knowingly and falsely represents himself or herself to be a  
24           veteran in seeking employment or public office. In this  
25           paragraph, "veteran" means a person who has served in the

1 Armed Services or Reserve Forces of the United States.

2 (2.5) ~~(a-7)~~ A person commits a false personation when  
3 he or she knowingly and falsely represents himself or  
4 herself to be:

5 (A) ~~(1)~~ another actual person and does an act in  
6 such assumed character with intent to intimidate,  
7 threaten, injure, defraud, or to obtain a benefit from  
8 another; or

9 (B) ~~(2)~~ a representative of an actual person or  
10 organization and does an act in such false capacity  
11 with intent to obtain a benefit or to injure or defraud  
12 another.

13 (3) No person shall knowingly use the words "Police",  
14 "Police Department", "Patrolman", "Sergeant",  
15 "Lieutenant", "Peace Officer", "Sheriff's Police",  
16 "Sheriff", "Officer", "Law Enforcement", "Trooper",  
17 "Deputy", "Deputy Sheriff", "State Police", or any other  
18 words to the same effect (i) in the title of any  
19 organization, magazine, or other publication without the  
20 express approval of the named public safety personnel  
21 organization's governing board or (ii) in combination with  
22 the name of any state, state agency, public university, or  
23 unit of local government without the express written  
24 authorization of that state, state agency, public  
25 university, or unit of local government.

26 (4) No person may knowingly claim or represent that he

1 or she is acting on behalf of any public safety personnel  
2 organization when soliciting financial contributions or  
3 selling or delivering or offering to sell or deliver any  
4 merchandise, goods, services, memberships, or  
5 advertisements unless the chief of the police department,  
6 fire department, and the corporate or municipal authority  
7 thereof, or the sheriff has first entered into a written  
8 agreement with the person or with an organization with  
9 which the person is affiliated and the agreement permits  
10 the activity and specifies and states clearly and fully the  
11 purpose for which the proceeds of the solicitation,  
12 contribution, or sale will be used.

13 (5) No person, when soliciting financial contributions  
14 or selling or delivering or offering to sell or deliver any  
15 merchandise, goods, services, memberships, or  
16 advertisements may claim or represent that he or she is  
17 representing or acting on behalf of any nongovernmental  
18 organization by any name which includes "officer", "peace  
19 officer", "police", "law enforcement", "trooper",  
20 "sheriff", "deputy", "deputy sheriff", "State police", or  
21 any other word or words which would reasonably be  
22 understood to imply that the organization is composed of  
23 law enforcement personnel unless:

24 (A) the person is actually representing or acting  
25 on behalf of the nongovernmental organization;

26 (B) the nongovernmental organization is controlled

1 by and governed by a membership of and represents a  
2 group or association of active duty peace officers,  
3 retired peace officers, or injured peace officers; and

4 (C) before commencing the solicitation or the sale  
5 or the offers to sell any merchandise, goods, services,  
6 memberships, or advertisements, a written contract  
7 between the soliciting or selling person and the  
8 nongovernmental organization, which specifies and  
9 states clearly and fully the purposes for which the  
10 proceeds of the solicitation, contribution, or sale  
11 will be used, has been entered into.

12 (6) No person, when soliciting financial contributions  
13 or selling or delivering or offering to sell or deliver any  
14 merchandise, goods, services, memberships, or  
15 advertisements, may knowingly claim or represent that he or  
16 she is representing or acting on behalf of any  
17 nongovernmental organization by any name which includes  
18 the term "fireman", "fire fighter", "paramedic", or any  
19 other word or words which would reasonably be understood to  
20 imply that the organization is composed of fire fighter or  
21 paramedic personnel unless:

22 (A) the person is actually representing or acting  
23 on behalf of the nongovernmental organization;

24 (B) the nongovernmental organization is controlled  
25 by and governed by a membership of and represents a  
26 group or association of active duty, retired, or



1 injured fire fighters (for the purposes of this  
2 Section, "fire fighter" has the meaning ascribed to  
3 that term in Section 2 of the Illinois Fire Protection  
4 Training Act) or active duty, retired, or injured  
5 emergency medical technicians - ambulance, emergency  
6 medical technicians - intermediate, emergency medical  
7 technicians - paramedic, ambulance drivers, or other  
8 medical assistance or first aid personnel; and

9 (C) before commencing the solicitation or the sale  
10 or delivery or the offers to sell or deliver any  
11 merchandise, goods, services, memberships, or  
12 advertisements, the soliciting or selling person and  
13 the nongovernmental organization have entered into a  
14 written contract that specifies and states clearly and  
15 fully the purposes for which the proceeds of the  
16 solicitation, contribution, or sale will be used.

17 (7) No person may knowingly claim or represent that he  
18 or she is an airman, airline employee, airport employee, or  
19 contractor at an airport in order to obtain the uniform,  
20 identification card, license, or other identification  
21 paraphernalia of an airman, airline employee, airport  
22 employee, or contractor at an airport.

23 (8) No person, firm, copartnership, or corporation  
24 (except corporations organized and doing business under  
25 the Pawners Societies Act) shall knowingly use a name that  
26 contains in it the words "Pawners' Society".

1 (b) False personation; public officials and employees  
2 ~~judicial process~~. A person commits a false personation if he or  
3 she knowingly and falsely represents himself or herself to be  
4 any of the following:

5 (1) An attorney authorized to practice law for purposes  
6 of compensation or consideration. This paragraph (b)(1)  
7 does not apply to a person who unintentionally fails to pay  
8 attorney registration fees established by Supreme Court  
9 Rule.

10 (2) A public officer or a public employee or an  
11 official or employee of the federal government.

12 (2.3) A public officer, a public employee, or an  
13 official or employee of the federal government, and the  
14 false representation is made in furtherance of the  
15 commission of felony.

16 (2.7) A public officer or a public employee, and the  
17 false representation is for the purpose of effectuating  
18 identity theft as defined in Section 16-30 of this Code.

19 (3) A peace officer.

20 (4) A peace officer while carrying a deadly weapon.

21 (5) A peace officer in attempting or committing a  
22 felony.

23 (6) A peace officer in attempting or committing a  
24 forcible felony.

25 (7) The parent, legal guardian, or other relation of a  
26 minor child to any public official, public employee, or

1 elementary or secondary school employee or administrator.

2 (8) A fire fighter.

3 (9) A fire fighter while carrying a deadly weapon.

4 (10) A fire fighter in attempting or committing a  
5 felony.

6 (11) An emergency management worker of any  
7 jurisdiction in this State.

8 (12) An emergency management worker of any  
9 jurisdiction in this State in attempting or committing a  
10 felony. For the purposes of this subsection (b), "emergency  
11 management worker" has the meaning provided under Section  
12 2-6.6 of this Code.

13 (b-5) The trier of fact may infer that a person falsely  
14 represents himself or herself to be a public officer or a  
15 public employee or an official or employee of the federal  
16 government if the person:

17 (1) wears or displays without authority any uniform,  
18 badge, insignia, or facsimile thereof by which a public  
19 officer or public employee or official or employee of the  
20 federal government is lawfully distinguished; or

21 (2) falsely expresses by word or action that he or she  
22 is a public officer or public employee or official or  
23 employee of the federal government and is acting with  
24 approval or authority of a public agency or department.

25 (c) Fraudulent advertisement of a corporate name.

26 (1) A company, association, or individual commits

1 fraudulent advertisement of a corporate name if he, she, or  
2 it, not being incorporated, puts forth a sign or  
3 advertisement and assumes, for the purpose of soliciting  
4 business, a corporate name.

5 (2) Nothing contained in this subsection (c) prohibits  
6 a corporation, company, association, or person from using a  
7 divisional designation or trade name in conjunction with  
8 its corporate name or assumed name under Section 4.05 of  
9 the Business Corporation Act of 1983 or, if it is a member  
10 of a partnership or joint venture, from doing partnership  
11 or joint venture business under the partnership or joint  
12 venture name. The name under which the joint venture or  
13 partnership does business may differ from the names of the  
14 members. Business may not be conducted or transacted under  
15 that joint venture or partnership name, however, unless all  
16 provisions of the Assumed Business Name Act have been  
17 complied with. Nothing in this subsection (c) permits a  
18 foreign corporation to do business in this State without  
19 complying with all Illinois laws regulating the doing of  
20 business by foreign corporations. No foreign corporation  
21 may conduct or transact business in this State as a member  
22 of a partnership or joint venture that violates any  
23 Illinois law regulating or pertaining to the doing of  
24 business by foreign corporations in Illinois.

25 (3) The provisions of this subsection (c) do not apply  
26 to limited partnerships formed under the Revised Uniform

1 Limited Partnership Act or under the Uniform Limited  
2 Partnership Act (2001).

3 (d) False law enforcement badges.

4 (1) A person commits false law enforcement badges if he  
5 or she knowingly produces, sells, or distributes a law  
6 enforcement badge without the express written consent of  
7 the law enforcement agency represented on the badge or, in  
8 case of a reorganized or defunct law enforcement agency,  
9 its successor law enforcement agency.

10 (2) It is a defense to false law enforcement badges  
11 that the law enforcement badge is used or is intended to be  
12 used exclusively: (i) as a memento or in a collection or  
13 exhibit; (ii) for decorative purposes; or (iii) for a  
14 dramatic presentation, such as a theatrical, film, or  
15 television production.

16 (e) False medals.

17 (1) A person commits a false personation if he or she  
18 knowingly and falsely represents himself or herself to be a  
19 recipient of, or wears on his or her person, any of the  
20 following medals if that medal was not awarded to that  
21 person by the United States Government, irrespective of  
22 branch of service: The Congressional Medal of Honor, The  
23 Distinguished Service Cross, The Navy Cross, The Air Force  
24 Cross, The Silver Star, The Bronze Star, or the Purple  
25 Heart.

26 (2) It is a defense to a prosecution under paragraph

1 (e)(1) that the medal is used, or is intended to be used,  
2 exclusively:

3 (A) for a dramatic presentation, such as a  
4 theatrical, film, or television production, or a  
5 historical re-enactment; or

6 (B) for a costume worn, or intended to be worn, by  
7 a person under 18 years of age.

8 (f) Sentence.

9 (1) A violation of paragraph (a)(8) is a petty offense  
10 subject to a fine of not less than \$5 nor more than \$100,  
11 and the person, firm, copartnership, or corporation  
12 commits an additional petty offense for each day he, she,  
13 or it continues to commit the violation. A violation of  
14 paragraph (c)(1) is a petty offense, and the company,  
15 association, or person commits an additional petty offense  
16 for each day he, she, or it continues to commit the  
17 violation. A violation of subsection (e) is a petty offense  
18 for which the offender shall be fined at least \$100 and not  
19 more than \$200.

20 (2) A violation of paragraph (a)(1) or (a)(3) is a  
21 Class C misdemeanor.

22 (3) A violation of paragraph (a)(2), (a)(2.5), (a)(7),  
23 ~~(a)(7)~~, (b)(2), or (b)(7) or subsection (d) is a Class A  
24 misdemeanor. A second or subsequent violation of  
25 subsection (d) is a Class 3 felony.

26 (4) A violation of paragraph (a)(4), (a)(5), (a)(6),

1 (b) (1), (b) (2.3), (b) (2.7), (b) (3), (b) (8), or (b) (11) is a  
2 Class 4 felony.

3 (5) A violation of paragraph (b) (4), (b) (9), or (b) (12)  
4 is a Class 3 felony.

5 (6) A violation of paragraph (b) (5) or (b) (10) is a  
6 Class 2 felony.

7 (7) A violation of paragraph (b) (6) is a Class 1  
8 felony.

9 (g) ~~(e)~~ A violation of subsection (a) (1) through (a) (7) or  
10 subsection (e) of this Section may be accomplished in person or  
11 by any means of communication, including but not limited to the  
12 use of an Internet website or any form of electronic  
13 communication.

14 (Source: P.A. 96-328, eff. 8-11-09; 96-1551, eff. 7-1-11;  
15 97-219, eff. 1-1-12; 97-597, eff. 1-1-12; incorporates change  
16 to Sec. 32-5 from 97-219; revised 10-12-11.)

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

18 Sec. 17-3. Forgery.

19 (a) A person commits forgery when, with intent to defraud,  
20 he or she knowingly:

21 (1) makes a false document or alters any document to  
22 make it false and that document is apparently capable of  
23 defrauding another; or

24 (2) issues or delivers such document knowing it to have  
25 been thus made or altered; or

1           (3) possesses, with intent to issue or deliver, any  
2 such document knowing it to have been thus made or altered;

3 or

4           (4) unlawfully uses the digital signature, as defined  
5 in the Financial Institutions Electronic Documents and  
6 Digital Signature Act, of another; or

7           (5) unlawfully uses the signature device of another to  
8 create an electronic signature of that other person, as  
9 those terms are defined in the Electronic Commerce Security  
10 Act.

11           (b) (Blank).

12           (c) A document apparently capable of defrauding another  
13 includes, but is not limited to, one by which any right,  
14 obligation or power with reference to any person or property  
15 may be created, transferred, altered or terminated. A document  
16 includes any record or electronic record as those terms are  
17 defined in the Electronic Commerce Security Act. For purposes  
18 of this Section, a document also includes a Universal Price  
19 Code Label or coin.

20           (c-5) For purposes of this Section, "false document" or  
21 "document that is false" includes, but is not limited to, a  
22 document whose contents are false in some material way, or that  
23 purports to have been made by another or at another time, or  
24 with different provisions, or by authority of one who did not  
25 give such authority.

26           (d) Sentence.



1           (1) Except as provided in paragraphs (2) and (3),  
2           forgery is a Class 3 felony.

3           (2) Forgery is a Class 4 felony when only one Universal  
4           Price Code Label is forged.

5           (3) Forgery is a Class A misdemeanor when an academic  
6           degree or coin is forged.

7           (e) It is not a violation of this Section if a false  
8           academic degree explicitly states "for novelty purposes only".  
9           (Source: P.A. 96-1551, eff. 7-1-11; 97-231, eff. 1-1-12;  
10          revised 9-14-11.)

11          (720 ILCS 5/17-10.2) (was 720 ILCS 5/17-29)

12          Sec. 17-10.2. Businesses owned by minorities, females, and  
13          persons with disabilities; fraudulent contracts with  
14          governmental units.

15          (a) In this Section:

16                 "Minority person" means a person who is any of the  
17                 following:

18                         (1) American Indian or Alaska Native (a person having  
19                         origins in any of the original peoples of North and South  
20                         America, including Central America, and who maintains  
21                         tribal affiliation or community attachment).

22                         (2) Asian (a person having origins in any of the  
23                         original peoples of the Far East, Southeast Asia, or the  
24                         Indian subcontinent, including, but not limited to,  
25                         Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,

1 the Philippine Islands, Thailand, and Vietnam).

2 (3) Black or African American (a person having origins  
3 in any of the black racial groups of Africa). Terms such as  
4 "Haitian" or "Negro" can be used in addition to "Black or  
5 African American".

6 (4) Hispanic or Latino (a person of Cuban, Mexican,  
7 Puerto Rican, South or Central American, or other Spanish  
8 culture or origin, regardless of race).

9 (5) Native Hawaiian or Other Pacific Islander (a person  
10 having origins in any of the original peoples of Hawaii,  
11 Guam, Samoa, or other Pacific Islands).

12 ~~(1) African American (a person having origins in any of~~  
13 ~~the black racial groups in Africa); (2) Hispanic (a person~~  
14 ~~of Spanish or Portuguese culture with origins in Mexico,~~  
15 ~~South or Central America, or the Caribbean Islands,~~  
16 ~~regardless of race); (3) Asian American (a person having~~  
17 ~~origins in any of the original peoples of the Far East,~~  
18 ~~Southeast Asia, the Indian Subcontinent or the Pacific~~  
19 ~~Islands); or (4) Native American or Alaskan Native (a~~  
20 ~~person having origins in any of the original peoples of~~  
21 ~~North America).~~

22 "Female" means a person who is of the female gender.

23 "Person with a disability" means a person who is a  
24 person qualifying as being disabled.

25 "Disabled" means a severe physical or mental  
26 disability that: (1) results from: amputation, arthritis,

1 autism, blindness, burn injury, cancer, cerebral palsy,  
2 cystic fibrosis, deafness, head injury, heart disease,  
3 hemiplegia, hemophilia, respiratory or pulmonary  
4 dysfunction, an intellectual disability ~~mental~~  
5 ~~retardation~~, mental illness, multiple sclerosis, muscular  
6 dystrophy, musculoskeletal disorders, neurological  
7 disorders, including stroke and epilepsy, paraplegia,  
8 quadriplegia and other spinal cord conditions, sickle cell  
9 anemia, specific learning disabilities, or end stage renal  
10 failure disease; and (2) substantially limits one or more  
11 of the person's major life activities.

12 "Minority owned business" means a business concern  
13 that is at least 51% owned by one or more minority persons,  
14 or in the case of a corporation, at least 51% of the stock  
15 in which is owned by one or more minority persons; and the  
16 management and daily business operations of which are  
17 controlled by one or more of the minority individuals who  
18 own it.

19 "Female owned business" means a business concern that  
20 is at least 51% owned by one or more females, or, in the  
21 case of a corporation, at least 51% of the stock in which  
22 is owned by one or more females; and the management and  
23 daily business operations of which are controlled by one or  
24 more of the females who own it.

25 "Business owned by a person with a disability" means a  
26 business concern that is at least 51% owned by one or more

1 persons with a disability and the management and daily  
2 business operations of which are controlled by one or more  
3 of the persons with disabilities who own it. A  
4 not-for-profit agency for persons with disabilities that  
5 is exempt from taxation under Section 501 of the Internal  
6 Revenue Code of 1986 is also considered a "business owned  
7 by a person with a disability".

8 "Governmental unit" means the State, a unit of local  
9 government, or school district.

10 (b) In addition to any other penalties imposed by law or by  
11 an ordinance or resolution of a unit of local government or  
12 school district, any individual or entity that knowingly  
13 obtains, or knowingly assists another to obtain, a contract  
14 with a governmental unit, or a subcontract or written  
15 commitment for a subcontract under a contract with a  
16 governmental unit, by falsely representing that the individual  
17 or entity, or the individual or entity assisted, is a minority  
18 owned business, female owned business, or business owned by a  
19 person with a disability is guilty of a Class 2 felony,  
20 regardless of whether the preference for awarding the contract  
21 to a minority owned business, female owned business, or  
22 business owned by a person with a disability was established by  
23 statute or by local ordinance or resolution.

24 (c) In addition to any other penalties authorized by law,  
25 the court shall order that an individual or entity convicted of  
26 a violation of this Section must pay to the governmental unit

1 that awarded the contract a penalty equal to one and one-half  
2 times the amount of the contract obtained because of the false  
3 representation.

4 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-227, eff.  
5 1-1-12, and 97-396, eff. 1-1-12; revised 9-14-11.)

6 (720 ILCS 5/17-10.6)

7 Sec. 17-10.6. Financial institution fraud.

8 (a) Misappropriation of financial institution property. A  
9 person commits misappropriation of a financial institution's  
10 property whenever he or she knowingly obtains or exerts  
11 unauthorized control over any of the moneys, funds, credits,  
12 assets, securities, or other property owned by or under the  
13 custody or control of a financial institution, or under the  
14 custody or care of any agent, officer, director, or employee of  
15 such financial institution.

16 (b) Commercial bribery of a financial institution.

17 (1) A person commits commercial bribery of a financial  
18 institution when he or she knowingly confers or offers or  
19 agrees to confer any benefit upon any employee, agent, or  
20 fiduciary without the consent of the latter's employer or  
21 principal, with the intent to influence his or her conduct  
22 in relation to his or her employer's or principal's  
23 affairs.

24 (2) An employee, agent, or fiduciary of a financial  
25 institution commits commercial bribery of a financial

1 institution when, without the consent of his or her  
2 employer or principal, he or she knowingly solicits,  
3 accepts, or agrees to accept any benefit from another  
4 person upon an agreement or understanding that such benefit  
5 will influence his or her conduct in relation to his or her  
6 employer's or principal's affairs.

7 (c) Financial institution fraud. A person commits  
8 financial institution fraud when he or she knowingly executes  
9 or attempts to execute a scheme or artifice:

10 (1) to defraud a financial institution; or

11 (2) to obtain any of the moneys, funds, credits,  
12 assets, securities, or other property owned by or under the  
13 custody or control of a financial institution, by means of  
14 pretenses, representations, or promises he or she knows to  
15 be false.

16 (d) Loan fraud. A person commits loan fraud when he or she  
17 knowingly, with intent to defraud, makes any false statement or  
18 report, or overvalues any land, property, or security, with the  
19 intent to influence in any way the action of a financial  
20 institution to act upon any application, advance, discount,  
21 purchase, purchase agreement, repurchase agreement,  
22 commitment, or loan, or any change or extension of any of the  
23 same, by renewal, deferment of action, or otherwise, or the  
24 acceptance, release, or substitution of security.

25 (e) Concealment of collateral. A person commits  
26 concealment of collateral when he or she, with intent to

1 defraud, knowingly conceals, removes, disposes of, or converts  
2 to the person's own use or to that of another any property  
3 mortgaged or pledged to or held by a financial institution.

4 (f) Financial institution robbery. A person commits  
5 robbery when he or she knowingly, by force or threat of force,  
6 or by intimidation, takes, or attempts to take, from the person  
7 or presence of another, or obtains or attempts to obtain by  
8 extortion, any property or money or any other thing of value  
9 belonging to, or in the care, custody, control, management, or  
10 possession of, a financial institution.

11 (g) Conspiracy to commit a financial crime.

12 (1) A person commits conspiracy to commit a financial  
13 crime when, with the intent that any violation of this  
14 Section be committed, he or she agrees with another person  
15 to the commission of that offense.

16 (2) No person may be convicted of conspiracy to commit  
17 a financial crime unless an overt act or acts in  
18 furtherance of the agreement is alleged and proved to have  
19 been committed by that person or by a co-conspirator and  
20 the accused is a part of a common scheme or plan to engage  
21 in the unlawful activity.

22 (3) It shall not be a defense to conspiracy to commit a  
23 financial crime that the person or persons with whom the  
24 accused is alleged to have conspired:

25 (A) has not been prosecuted or convicted;

26 (B) has been convicted of a different offense;

1 (C) is not amenable to justice;

2 (D) has been acquitted; or

3 (E) lacked the capacity to commit the offense.

4 (h) Continuing financial crimes enterprise. A person  
5 commits a continuing financial crimes enterprise when he or she  
6 knowingly, within an 18-month period, commits 3 or more  
7 separate offenses constituting any combination of the  
8 following:

9 (1) an offense under this Section;

10 (2) a felony offense in violation of Section 16A-3 or  
11 subsection (a) of Section 16-25 or paragraph (4) or (5) of  
12 subsection (a) of Section 16-1 of this Code for the purpose  
13 of reselling or otherwise re-entering the merchandise in  
14 commerce, including conveying the merchandise to a  
15 merchant in exchange for anything of value; or

16 (3), if involving a financial institution, any other  
17 felony offense ~~offenses~~ under this Code.

18 (i) Organizer of a continuing financial crimes enterprise.

19 (1) A person commits being an organizer of a continuing  
20 financial crimes enterprise when he or she:

21 (A) with the intent to commit any offense ~~under~~  
22 ~~this Section,~~ agrees with another person to the  
23 commission of any combination of the following  
24 offenses on 3 or more separate occasions within an  
25 18-month period:

26 (i) an offense under this Section;



1                   (ii) a felony offense in violation of Section  
2                   16A-3 or subsection (a) of Section 16-25 or  
3                   paragraph (4) or (5) of subsection (a) of Section  
4                   16-1 of this Code for the purpose of reselling or  
5                   otherwise re-entering the merchandise in commerce,  
6                   including conveying the merchandise to a merchant  
7                   in exchange for anything of value; or

8                   (iii) ~~if involving a financial institution,~~  
9                   any other felony offense under this Code, ~~agrees~~  
10                   ~~with another person to the commission of that~~  
11                   ~~offense on 3 or more separate occasions within an~~  
12                   ~~18-month period; and~~

13                   (B) with respect to the other persons within the  
14                   conspiracy, occupies a position of organizer,  
15                   supervisor, or financier or other position of  
16                   management.

17                   (2) The person with whom the accused agreed to commit  
18                   the 3 or more offenses under this Section, or, if involving  
19                   a financial institution, any other felony offenses under  
20                   this Code, need not be the same person or persons for each  
21                   offense, as long as the accused was a part of the common  
22                   scheme or plan to engage in each of the 3 or more alleged  
23                   offenses.

24                   (j) Sentence.

25                   (1) Except as otherwise provided in this subsection, a  
26                   violation of this Section, the full value of which:

1 (A) does not exceed \$500, is a Class A misdemeanor;

2 (B) does not exceed \$500, and the person has been  
3 previously convicted of a financial crime or any type  
4 of theft, robbery, armed robbery, burglary,  
5 residential burglary, possession of burglary tools, or  
6 home invasion, is guilty of a Class 4 felony;

7 (C) exceeds \$500 but does not exceed \$10,000, is a  
8 Class 3 felony;

9 (D) exceeds \$10,000 but does not exceed \$100,000,  
10 is a Class 2 felony;

11 (E) exceeds \$100,000 but does not exceed \$500,000,  
12 is a Class 1 felony;

13 (F) exceeds \$500,000 but does not exceed  
14 \$1,000,000, is a Class 1 non-probationable felony;  
15 when a charge of financial crime, the full value of  
16 which exceeds \$500,000 but does not exceed \$1,000,000,  
17 is brought, the value of the financial crime involved  
18 is an element of the offense to be resolved by the  
19 trier of fact as either exceeding or not exceeding  
20 \$500,000;

21 (G) exceeds \$1,000,000, is a Class X felony; when a  
22 charge of financial crime, the full value of which  
23 exceeds \$1,000,000, is brought, the value of the  
24 financial crime involved is an element of the offense  
25 to be resolved by the trier of fact as either exceeding  
26 or not exceeding \$1,000,000.

1 (2) A violation of subsection (f) is a Class 1 felony.

2 (3) A violation of subsection (h) is a Class 1 felony.

3 (4) A violation for subsection (i) is a Class X felony.

4 (k) A "financial crime" means an offense described in this  
5 Section.

6 (l) Period of limitations. The period of limitations for  
7 prosecution of any offense defined in this Section begins at  
8 the time when the last act in furtherance of the offense is  
9 committed.

10 (m) Forfeiture. Any violation of subdivision (2) of  
11 subsection (h) or subdivision (i)(1)(A)(ii) shall be subject to  
12 the remedies, procedures, and forfeiture as set forth in  
13 subsections (f) through (s) of Section 29B-1 of this Code.

14 (Source: P.A. 96-1551, eff. 7-1-11; incorporates P.A. 96-1532,  
15 eff. 1-1-12, and 97-147, eff. 1-1-12; revised 10-12-11.)

16 (720 ILCS 5/24-3.8)

17 Sec. 24-3.8. Possession of a stolen firearm.

18 (a) A person commits possession of a stolen firearm when he  
19 or she, not being entitled to the possession of a firearm,  
20 possesses ~~or delivers~~ the firearm, knowing it to have been  
21 stolen or converted. The trier of fact may infer that a person  
22 who possesses a firearm with knowledge that its serial number  
23 has been removed or altered has knowledge that the firearm is  
24 stolen or converted.

25 (b) Possession of a stolen firearm is a Class 2 felony.

1 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-347, eff.  
2 1-1-12; revised 9-21-11.)

3 (720 ILCS 5/24-3.9)

4 Sec. 24-3.9. Aggravated possession of a stolen firearm.

5 (a) A person commits aggravated possession of a stolen  
6 firearm when he or she:

7 (1) Not being entitled to the possession of not less  
8 than 2 and not more than 5 firearms, possesses ~~or delivers~~  
9 those firearms at the same time or within a one-year  
10 period, knowing the firearms to have been stolen or  
11 converted.

12 (2) Not being entitled to the possession of not less  
13 than 6 and not more than 10 firearms, possesses ~~or delivers~~  
14 those firearms at the same time or within a 2-year period,  
15 knowing the firearms to have been stolen or converted.

16 (3) Not being entitled to the possession of not less  
17 than 11 and not more than 20 firearms, possesses ~~or~~  
18 ~~delivers~~ those firearms at the same time or within a 3-year  
19 period, knowing the firearms to have been stolen or  
20 converted.

21 (4) Not being entitled to the possession of not less  
22 than 21 and not more than 30 firearms, possesses ~~or~~  
23 ~~delivers~~ those firearms at the same time or within a 4-year  
24 period, knowing the firearms to have been stolen or  
25 converted.

1           (5) Not being entitled to the possession of more than  
2           30 firearms, possesses ~~or delivers~~ those firearms at the  
3           same time or within a 5-year period, knowing the firearms  
4           to have been stolen or converted.

5           (b) The trier of fact may infer that a person who possesses  
6           a firearm with knowledge that its serial number has been  
7           removed or altered has knowledge that the firearm is stolen or  
8           converted.

9           (c) Sentence.

10           (1) A person who violates paragraph (1) of subsection  
11           (a) of this Section commits a Class 1 felony.

12           (2) A person who violates paragraph (2) of subsection  
13           (a) of this Section commits a Class X felony for which he  
14           or she shall be sentenced to a term of imprisonment of not  
15           less than 6 years and not more than 30 years.

16           (3) A person who violates paragraph (3) of subsection  
17           (a) of this Section commits a Class X felony for which he  
18           or she shall be sentenced to a term of imprisonment of not  
19           less than 6 years and not more than 40 years.

20           (4) A person who violates paragraph (4) of subsection  
21           (a) of this Section commits a Class X felony for which he  
22           or she shall be sentenced to a term of imprisonment of not  
23           less than 6 years and not more than 50 years.

24           (5) A person who violates paragraph (5) of subsection  
25           (a) of this Section commits a Class X felony for which he  
26           or she shall be sentenced to a term of imprisonment of not

1           less than 6 years and not more than 60 years.  
2           (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-347, eff.  
3           1-1-12; revised 9-21-11.)

4           (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

5           Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used  
6           with the knowledge and consent of the owner in the commission  
7           of, or in the attempt to commit as defined in Section 8-4 of  
8           this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,  
9           11-1.20, 11-1.30, 11-1.40, 11-6, 11-14.4 except for keeping a  
10          place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
11          11-20.1, 11-20.1B, 11-20.3, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3,  
12          12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 16-1 if the theft is of  
13          precious metal or of scrap metal, 18-2, 19-1, 19-2, 19-3, 20-1,  
14          20-2, 24-1.2, 24-1.2-5, 24-1.5, 28-1, or 29D-15.2 of this Code,  
15          subdivision (a) (1), (a) (2), (a) (4), (b) (1), (e) (1), (e) (2),  
16          (e) (3), (e) (4), (e) (5), (e) (6), or (e) (7) of Section 12-3.05,  
17          paragraph (a) of Section 12-4 of this Code, paragraph (a) of  
18          Section 11-1.50, paragraph (a) of Section 12-15, paragraph (a),  
19          (c), or (d) of Section 11-1.60, or paragraphs (a), (c) or (d)  
20          of Section 12-16 of this Code, or paragraph (a) (6) or (a) (7) of  
21          Section 24-1 of this Code; (b) Section 21, 22, 23, 24 or 26 of  
22          the Cigarette Tax Act if the vessel, vehicle or aircraft  
23          contains more than 10 cartons of such cigarettes; (c) Section  
24          28, 29 or 30 of the Cigarette Use Tax Act if the vessel,  
25          vehicle or aircraft contains more than 10 cartons of such

1 cigarettes; (d) Section 44 of the Environmental Protection Act;  
2 (e) 11-204.1 of the Illinois Vehicle Code; (f) (1) driving  
3 under the influence of alcohol or other drug or drugs,  
4 intoxicating compound or compounds or any combination thereof  
5 under Section 11-501 of the Illinois Vehicle Code during a  
6 period in which his or her driving privileges are revoked or  
7 suspended where the revocation or suspension was for driving  
8 under the influence of alcohol or other drug or drugs,  
9 intoxicating compound or compounds or any combination thereof,  
10 Section 11-501.1, paragraph (b) of Section 11-401, or for  
11 reckless homicide as defined in Section 9-3 of the Criminal  
12 Code of 1961; (2) driving while under the influence of alcohol,  
13 other drug or drugs, intoxicating compound or compounds or any  
14 combination thereof and has been previously convicted of  
15 reckless homicide or a similar provision of a law of another  
16 state relating to reckless homicide in which the person was  
17 determined to have been under the influence of alcohol, other  
18 drug or drugs, or intoxicating compound or compounds as an  
19 element of the offense or the person has previously been  
20 convicted of committing a violation of driving under the  
21 influence of alcohol or other drug or drugs, intoxicating  
22 compound or compounds or any combination thereof and was  
23 involved in a motor vehicle accident that resulted in death,  
24 great bodily harm, or permanent disability or disfigurement to  
25 another, when the violation was a proximate cause of the death  
26 or injuries; (3) the person committed a violation of driving

1 under the influence of alcohol or other drug or drugs,  
2 intoxicating compound or compounds or any combination thereof  
3 under Section 11-501 of the Illinois Vehicle Code or a similar  
4 provision for the third or subsequent time; (4) the person  
5 committed the violation while he or she did not possess a  
6 driver's license or permit or a restricted driving permit or a  
7 judicial driving permit or a monitoring device driving permit;  
8 or (5) the person committed the violation while he or she knew  
9 or should have known that the vehicle he or she was driving was  
10 not covered by a liability insurance policy; (g) an offense  
11 described in subsection (g) of Section 6-303 of the Illinois  
12 Vehicle Code; or (h) an offense described in subsection (e) of  
13 Section 6-101 of the Illinois Vehicle Code; may be seized and  
14 delivered forthwith to the sheriff of the county of seizure.

15 Within 15 days after such delivery the sheriff shall give  
16 notice of seizure to each person according to the following  
17 method: Upon each such person whose right, title or interest is  
18 of record in the office of the Secretary of State, the  
19 Secretary of Transportation, the Administrator of the Federal  
20 Aviation Agency, or any other Department of this State, or any  
21 other state of the United States if such vessel, vehicle or  
22 aircraft is required to be so registered, as the case may be,  
23 by mailing a copy of the notice by certified mail to the  
24 address as given upon the records of the Secretary of State,  
25 the Department of Aeronautics, Department of Public Works and  
26 Buildings or any other Department of this State or the United



1 States if such vessel, vehicle or aircraft is required to be so  
2 registered. Within that 15 day period the sheriff shall also  
3 notify the State's Attorney of the county of seizure about the  
4 seizure.

5 In addition, any mobile or portable equipment used in the  
6 commission of an act which is in violation of Section 7g of the  
7 Metropolitan Water Reclamation District Act shall be subject to  
8 seizure and forfeiture under the same procedures provided in  
9 this Article for the seizure and forfeiture of vessels,  
10 vehicles and aircraft, and any such equipment shall be deemed a  
11 vessel, vehicle or aircraft for purposes of this Article.

12 When a person discharges a firearm at another individual  
13 from a vehicle with the knowledge and consent of the owner of  
14 the vehicle and with the intent to cause death or great bodily  
15 harm to that individual and as a result causes death or great  
16 bodily harm to that individual, the vehicle shall be subject to  
17 seizure and forfeiture under the same procedures provided in  
18 this Article for the seizure and forfeiture of vehicles used in  
19 violations of clauses (a), (b), (c), or (d) of this Section.

20 If the spouse of the owner of a vehicle seized for an  
21 offense described in subsection (g) of Section 6-303 of the  
22 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),  
23 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section  
24 11-501 of the Illinois Vehicle Code, or Section 9-3 of this  
25 Code makes a showing that the seized vehicle is the only source  
26 of transportation and it is determined that the financial

1 hardship to the family as a result of the seizure outweighs the  
2 benefit to the State from the seizure, the vehicle may be  
3 forfeited to the spouse or family member and the title to the  
4 vehicle shall be transferred to the spouse or family member who  
5 is properly licensed and who requires the use of the vehicle  
6 for employment or family transportation purposes. A written  
7 declaration of forfeiture of a vehicle under this Section shall  
8 be sufficient cause for the title to be transferred to the  
9 spouse or family member. The provisions of this paragraph shall  
10 apply only to one forfeiture per vehicle. If the vehicle is the  
11 subject of a subsequent forfeiture proceeding by virtue of a  
12 subsequent conviction of either spouse or the family member,  
13 the spouse or family member to whom the vehicle was forfeited  
14 under the first forfeiture proceeding may not utilize the  
15 provisions of this paragraph in another forfeiture proceeding.  
16 If the owner of the vehicle seized owns more than one vehicle,  
17 the procedure set out in this paragraph may be used for only  
18 one vehicle.

19 Property declared contraband under Section 40 of the  
20 Illinois Streetgang Terrorism Omnibus Prevention Act may be  
21 seized and forfeited under this Article.

22 (Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10;  
23 96-1000, eff. 7-2-10; 96-1267, eff. 7-26-10; 96-1289, eff.  
24 1-1-11; 96-1551, Article 1, Section 960, eff. 7-1-11; 96-1551,  
25 Article 2, Section 1035, eff. 7-1-11; 97-333, eff. 8-12-11;  
26 revised 9-14-11.)

1 (720 ILCS 5/36.5-5)

2 Sec. 36.5-5. Vehicle impoundment.

3 (a) In addition to any other penalty provided by law, a  
4 peace officer who arrests a person for a violation of Section  
5 10-9, 11-14 ~~10-14~~, 11-14.1, 11-14.3, 11-14.4, 11-18, or 11-18.1  
6 of this Code, may tow and impound any vehicle used by the  
7 person in the commission of the offense. The person arrested  
8 for one or more such violations shall be charged a \$1,000 fee,  
9 to be paid to the unit of government that made the arrest. The  
10 person may recover the vehicle from the impound after a minimum  
11 of 2 hours after arrest upon payment of the fee.

12 (b) \$500 of the fee shall be distributed to the unit of  
13 government whose peace officers made the arrest, for the costs  
14 incurred by the unit of government to tow and impound the  
15 vehicle. Upon the defendant's conviction of one or more of the  
16 offenses in connection with which the vehicle was impounded and  
17 the fee imposed under this Section, the remaining \$500 of the  
18 fee shall be deposited into the DHS State Projects ~~Violent~~  
19 ~~Crime Victims Assistance~~ Fund and shall be used by the  
20 Department of Human Services to make grants to non-governmental  
21 organizations to provide services for persons encountered  
22 during the course of an investigation into any violation of  
23 Section 10-9, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,  
24 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,  
25 11-19.1, or 11-19.2 of this Code, provided such persons

1 constitute prostituted persons or other victims of human  
2 trafficking.

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

10 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 96-1503, eff.  
11 1-27-11, and 97-333, eff. 8-12-11; revised 9-14-11.)

12 Section 15-60. The Code of Criminal Procedure of 1963 is  
13 amended by changing Sections 110-6.3, 110-10, 111-8, 115-7.3,  
14 and 115-10.3 as follows:

15 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

16 Sec. 110-6.3. Denial of bail in stalking and aggravated  
17 stalking offenses.

18 (a) Upon verified petition by the State, the court shall  
19 hold a hearing to determine whether bail should be denied to a  
20 defendant who is charged with stalking or aggravated stalking,  
21 when it is alleged that the defendant's admission to bail poses  
22 a real and present threat to the physical safety of the alleged  
23 victim of the offense, and denial of release on bail or  
24 personal recognizance is necessary to prevent fulfillment of

1 the threat upon which the charge is based.

2 (1) A petition may be filed without prior notice to the  
3 defendant at the first appearance before a judge, or within  
4 21 calendar days, except as provided in Section 110-6,  
5 after arrest and release of the defendant upon reasonable  
6 notice to defendant; provided that while the petition is  
7 pending before the court, the defendant if previously  
8 released shall not be detained.

9 (2) The hearing shall be held immediately upon the  
10 defendant's appearance before the court, unless for good  
11 cause shown the defendant or the State seeks a continuance.  
12 A continuance on motion of the defendant may not exceed 5  
13 calendar days, and the defendant may be held in custody  
14 during the continuance. A continuance on the motion of the  
15 State may not exceed 3 calendar days; however, the  
16 defendant may be held in custody during the continuance  
17 under this provision if the defendant has been previously  
18 found to have violated an order of protection or has been  
19 previously convicted of, or granted court supervision for,  
20 any of the offenses set forth in Sections 11-1.20, 11-1.30,  
21 11-1.40, 11-1.50, 11-1.60, 12-2, 12-3.05, 12-3.2, 12-3.3,  
22 12-4, 12-4.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15  
23 or 12-16 of the Criminal Code of 1961, against the same  
24 person as the alleged victim of the stalking or aggravated  
25 stalking offense.

26 (b) The court may deny bail to the defendant when, after

1 the hearing, it is determined that:

2 (1) the proof is evident or the presumption great that  
3 the defendant has committed the offense of stalking or  
4 aggravated stalking; and

5 (2) the defendant poses a real and present threat to  
6 the physical safety of the alleged victim of the offense;  
7 and

8 (3) the denial of release on bail or personal  
9 recognizance is necessary to prevent fulfillment of the  
10 threat upon which the charge is based; and

11 (4) the court finds that no condition or combination of  
12 conditions set forth in subsection (b) of Section 110-10 of  
13 this Code, including mental health treatment at a community  
14 mental health center, hospital, or facility of the  
15 Department of Human Services, can reasonably assure the  
16 physical safety of the alleged victim of the offense.

17 (c) Conduct of the hearings.

18 (1) The hearing on the defendant's culpability and  
19 threat to the alleged victim of the offense shall be  
20 conducted in accordance with the following provisions:

21 (A) Information used by the court in its findings  
22 or stated in or offered at the hearing may be by way of  
23 proffer based upon reliable information offered by the  
24 State or by defendant. Defendant has the right to be  
25 represented by counsel, and if he is indigent, to have  
26 counsel appointed for him. Defendant shall have the

1 opportunity to testify, to present witnesses in his own  
2 behalf, and to cross-examine witnesses if any are  
3 called by the State. The defendant has the right to  
4 present witnesses in his favor. When the ends of  
5 justice so require, the court may exercise its  
6 discretion and compel the appearance of a complaining  
7 witness. The court shall state on the record reasons  
8 for granting a defense request to compel the presence  
9 of a complaining witness. Cross-examination of a  
10 complaining witness at the pretrial detention hearing  
11 for the purpose of impeaching the witness' credibility  
12 is insufficient reason to compel the presence of the  
13 witness. In deciding whether to compel the appearance  
14 of a complaining witness, the court shall be  
15 considerate of the emotional and physical well-being  
16 of the witness. The pretrial detention hearing is not  
17 to be used for the purposes of discovery, and the post  
18 arraignment rules of discovery do not apply. The State  
19 shall tender to the defendant, prior to the hearing,  
20 copies of defendant's criminal history, if any, if  
21 available, and any written or recorded statements and  
22 the substance of any oral statements made by any  
23 person, if relied upon by the State. The rules  
24 concerning the admissibility of evidence in criminal  
25 trials do not apply to the presentation and  
26 consideration of information at the hearing. At the

1 trial concerning the offense for which the hearing was  
2 conducted neither the finding of the court nor any  
3 transcript or other record of the hearing shall be  
4 admissible in the State's case in chief, but shall be  
5 admissible for impeachment, or as provided in Section  
6 115-10.1 of this Code, or in a perjury proceeding.

7 (B) A motion by the defendant to suppress evidence  
8 or to suppress a confession shall not be entertained.  
9 Evidence that proof may have been obtained as the  
10 result of an unlawful search and seizure or through  
11 improper interrogation is not relevant to this state of  
12 the prosecution.

13 (2) The facts relied upon by the court to support a  
14 finding that:

15 (A) the defendant poses a real and present threat  
16 to the physical safety of the alleged victim of the  
17 offense; and

18 (B) the denial of release on bail or personal  
19 recognizance is necessary to prevent fulfillment of  
20 the threat upon which the charge is based;

21 shall be supported by clear and convincing evidence  
22 presented by the State.

23 (d) Factors to be considered in making a determination of  
24 the threat to the alleged victim of the offense. The court may,  
25 in determining whether the defendant poses, at the time of the  
26 hearing, a real and present threat to the physical safety of



1 the alleged victim of the offense, consider but shall not be  
2 limited to evidence or testimony concerning:

3 (1) The nature and circumstances of the offense  
4 charged;

5 (2) The history and characteristics of the defendant  
6 including:

7 (A) Any evidence of the defendant's prior criminal  
8 history indicative of violent, abusive or assaultive  
9 behavior, or lack of that behavior. The evidence may  
10 include testimony or documents received in juvenile  
11 proceedings, criminal, quasi-criminal, civil  
12 commitment, domestic relations or other proceedings;

13 (B) Any evidence of the defendant's psychological,  
14 psychiatric or other similar social history that tends  
15 to indicate a violent, abusive, or assaultive nature,  
16 or lack of any such history.

17 (3) The nature of the threat which is the basis of the  
18 charge against the defendant;

19 (4) Any statements made by, or attributed to the  
20 defendant, together with the circumstances surrounding  
21 them;

22 (5) The age and physical condition of any person  
23 assaulted by the defendant;

24 (6) Whether the defendant is known to possess or have  
25 access to any weapon or weapons;

26 (7) Whether, at the time of the current offense or any

1 other offense or arrest, the defendant was on probation,  
2 parole, mandatory supervised release or other release from  
3 custody pending trial, sentencing, appeal or completion of  
4 sentence for an offense under federal or state law;

5 (8) Any other factors, including those listed in  
6 Section 110-5 of this Code, deemed by the court to have a  
7 reasonable bearing upon the defendant's propensity or  
8 reputation for violent, abusive or assaultive behavior, or  
9 lack of that behavior.

10 (e) The court shall, in any order denying bail to a person  
11 charged with stalking or aggravated stalking:

12 (1) briefly summarize the evidence of the defendant's  
13 culpability and its reasons for concluding that the  
14 defendant should be held without bail;

15 (2) direct that the defendant be committed to the  
16 custody of the sheriff for confinement in the county jail  
17 pending trial;

18 (3) direct that the defendant be given a reasonable  
19 opportunity for private consultation with counsel, and for  
20 communication with others of his choice by visitation, mail  
21 and telephone; and

22 (4) direct that the sheriff deliver the defendant as  
23 required for appearances in connection with court  
24 proceedings.

25 (f) If the court enters an order for the detention of the  
26 defendant under subsection (e) of this Section, the defendant

1 shall be brought to trial on the offense for which he is  
2 detained within 90 days after the date on which the order for  
3 detention was entered. If the defendant is not brought to trial  
4 within the 90 day period required by this subsection (f), he  
5 shall not be held longer without bail. In computing the 90 day  
6 period, the court shall omit any period of delay resulting from  
7 a continuance granted at the request of the defendant. The  
8 court shall immediately notify the alleged victim of the  
9 offense that the defendant has been admitted to bail under this  
10 subsection.

11 (g) Any person shall be entitled to appeal any order  
12 entered under this Section denying bail to the defendant.

13 (h) The State may appeal any order entered under this  
14 Section denying any motion for denial of bail.

15 (i) Nothing in this Section shall be construed as modifying  
16 or limiting in any way the defendant's presumption of innocence  
17 in further criminal proceedings.

18 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;  
19 96-1551, Article 2, Section 1040, eff. 7-1-11; revised  
20 9-30-11.)

21 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

22 Sec. 110-10. Conditions of bail bond.

23 (a) If a person is released prior to conviction, either  
24 upon payment of bail security or on his or her own  
25 recognizance, the conditions of the bail bond shall be that he

1 or she will:

2 (1) Appear to answer the charge in the court having  
3 jurisdiction on a day certain and thereafter as ordered by  
4 the court until discharged or final order of the court;

5 (2) Submit himself or herself to the orders and process  
6 of the court;

7 (3) Not depart this State without leave of the court;

8 (4) Not violate any criminal statute of any  
9 jurisdiction;

10 (5) At a time and place designated by the court,  
11 surrender all firearms in his or her possession to a law  
12 enforcement officer designated by the court to take custody  
13 of and impound the firearms and physically surrender his or  
14 her Firearm Owner's Identification Card to the clerk of the  
15 circuit court when the offense the person has been charged  
16 with is a forcible felony, stalking, aggravated stalking,  
17 domestic battery, any violation of the Illinois Controlled  
18 Substances Act, the Methamphetamine Control and Community  
19 Protection Act, or the Cannabis Control Act that is  
20 classified as a Class 2 or greater felony, or any felony  
21 violation of Article 24 of the Criminal Code of 1961; the  
22 court may, however, forgo the imposition of this condition  
23 when the circumstances of the case clearly do not warrant  
24 it or when its imposition would be impractical; if the  
25 Firearm Owner's Identification Card is confiscated, the  
26 clerk of the circuit court shall mail the confiscated card

1 to the Illinois State Police; all legally possessed  
2 firearms shall be returned to the person upon the charges  
3 being dismissed, or if the person is found not guilty,  
4 unless the finding of not guilty is by reason of insanity;  
5 and

6 (6) At a time and place designated by the court, submit  
7 to a psychological evaluation when the person has been  
8 charged with a violation of item (4) of subsection (a) of  
9 Section 24-1 of the Criminal Code of 1961 and that  
10 violation occurred in a school or in any conveyance owned,  
11 leased, or contracted by a school to transport students to  
12 or from school or a school-related activity, or on any  
13 public way within 1,000 feet of real property comprising  
14 any school.

15 Psychological evaluations ordered pursuant to this Section  
16 shall be completed promptly and made available to the State,  
17 the defendant, and the court. As a further condition of bail  
18 under these circumstances, the court shall order the defendant  
19 to refrain from entering upon the property of the school,  
20 including any conveyance owned, leased, or contracted by a  
21 school to transport students to or from school or a  
22 school-related activity, or on any public way within 1,000 feet  
23 of real property comprising any school. Upon receipt of the  
24 psychological evaluation, either the State or the defendant may  
25 request a change in the conditions of bail, pursuant to Section  
26 110-6 of this Code. The court may change the conditions of bail

1 to include a requirement that the defendant follow the  
2 recommendations of the psychological evaluation, including  
3 undergoing psychiatric treatment. The conclusions of the  
4 psychological evaluation and any statements elicited from the  
5 defendant during its administration are not admissible as  
6 evidence of guilt during the course of any trial on the charged  
7 offense, unless the defendant places his or her mental  
8 competency in issue.

9 (b) The court may impose other conditions, such as the  
10 following, if the court finds that such conditions are  
11 reasonably necessary to assure the defendant's appearance in  
12 court, protect the public from the defendant, or prevent the  
13 defendant's unlawful interference with the orderly  
14 administration of justice:

15 (1) Report to or appear in person before such person or  
16 agency as the court may direct;

17 (2) Refrain from possessing a firearm or other  
18 dangerous weapon;

19 (3) Refrain from approaching or communicating with  
20 particular persons or classes of persons;

21 (4) Refrain from going to certain described  
22 geographical areas or premises;

23 (5) Refrain from engaging in certain activities or  
24 indulging in intoxicating liquors or in certain drugs;

25 (6) Undergo treatment for drug addiction or  
26 alcoholism;

- 1           (7) Undergo medical or psychiatric treatment;
- 2           (8) Work or pursue a course of study or vocational  
3 training;
- 4           (9) Attend or reside in a facility designated by the  
5 court;
- 6           (10) Support his or her dependents;
- 7           (11) If a minor resides with his or her parents or in a  
8 foster home, attend school, attend a non-residential  
9 program for youths, and contribute to his or her own  
10 support at home or in a foster home;
- 11           (12) Observe any curfew ordered by the court;
- 12           (13) Remain in the custody of such designated person or  
13 organization agreeing to supervise his release. Such third  
14 party custodian shall be responsible for notifying the  
15 court if the defendant fails to observe the conditions of  
16 release which the custodian has agreed to monitor, and  
17 shall be subject to contempt of court for failure so to  
18 notify the court;
- 19           (14) Be placed under direct supervision of the Pretrial  
20 Services Agency, Probation Department or Court Services  
21 Department in a pretrial bond home supervision capacity  
22 with or without the use of an approved electronic  
23 monitoring device subject to Article 8A of Chapter V of the  
24 Unified Code of Corrections;
- 25           (14.1) The court shall impose upon a defendant who is  
26 charged with any alcohol, cannabis, methamphetamine, or

1 controlled substance violation and is placed under direct  
2 supervision of the Pretrial Services Agency, Probation  
3 Department or Court Services Department in a pretrial bond  
4 home supervision capacity with the use of an approved  
5 monitoring device, as a condition of such bail bond, a fee  
6 that represents costs incidental to the electronic  
7 monitoring for each day of such bail supervision ordered by  
8 the court, unless after determining the inability of the  
9 defendant to pay the fee, the court assesses a lesser fee  
10 or no fee as the case may be. The fee shall be collected by  
11 the clerk of the circuit court. The clerk of the circuit  
12 court shall pay all monies collected from this fee to the  
13 county treasurer for deposit in the substance abuse  
14 services fund under Section 5-1086.1 of the Counties Code;

15 (14.2) The court shall impose upon all defendants,  
16 including those defendants subject to paragraph (14.1)  
17 above, placed under direct supervision of the Pretrial  
18 Services Agency, Probation Department or Court Services  
19 Department in a pretrial bond home supervision capacity  
20 with the use of an approved monitoring device, as a  
21 condition of such bail bond, a fee which shall represent  
22 costs incidental to such electronic monitoring for each day  
23 of such bail supervision ordered by the court, unless after  
24 determining the inability of the defendant to pay the fee,  
25 the court assesses a lesser fee or no fee as the case may  
26 be. The fee shall be collected by the clerk of the circuit



1 court. The clerk of the circuit court shall pay all monies  
2 collected from this fee to the county treasurer who shall  
3 use the monies collected to defray the costs of  
4 corrections. The county treasurer shall deposit the fee  
5 collected in the county working cash fund under Section  
6 6-27001 or Section 6-29002 of the Counties Code, as the  
7 case may be;

8 (14.3) The Chief Judge of the Judicial Circuit may  
9 establish reasonable fees to be paid by a person receiving  
10 pretrial services while under supervision of a pretrial  
11 services agency, probation department, or court services  
12 department. Reasonable fees may be charged for pretrial  
13 services including, but not limited to, pretrial  
14 supervision, diversion programs, electronic monitoring,  
15 victim impact services, drug and alcohol testing, DNA  
16 testing, GPS electronic monitoring, assessments and  
17 evaluations related to domestic violence and other  
18 victims, and victim mediation services. The person  
19 receiving pretrial services may be ordered to pay all costs  
20 incidental to pretrial services in accordance with his or  
21 her ability to pay those costs;

22 (14.4) For persons charged with violating Section  
23 11-501 of the Illinois Vehicle Code, refrain from operating  
24 a motor vehicle not equipped with an ignition interlock  
25 device, as defined in Section 1-129.1 of the Illinois  
26 Vehicle Code, pursuant to the rules promulgated by the

1 Secretary of State for the installation of ignition  
2 interlock devices. Under this condition the court may allow  
3 a defendant who is not self-employed to operate a vehicle  
4 owned by the defendant's employer that is not equipped with  
5 an ignition interlock device in the course and scope of the  
6 defendant's employment;

7 (15) Comply with the terms and conditions of an order  
8 of protection issued by the court under the Illinois  
9 Domestic Violence Act of 1986 or an order of protection  
10 issued by the court of another state, tribe, or United  
11 States territory;

12 (16) Under Section 110-6.5 comply with the conditions  
13 of the drug testing program; and

14 (17) Such other reasonable conditions as the court may  
15 impose.

16 (c) When a person is charged with an offense under Section  
17 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,  
18 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961",  
19 involving a victim who is a minor under 18 years of age living  
20 in the same household with the defendant at the time of the  
21 offense, in granting bail or releasing the defendant on his own  
22 recognizance, the judge shall impose conditions to restrict the  
23 defendant's access to the victim which may include, but are not  
24 limited to conditions that he will:

25 1. Vacate the Household.

26 2. Make payment of temporary support to his dependents.

1           3. Refrain from contact or communication with the child  
2           victim, except as ordered by the court.

3           (d) When a person is charged with a criminal offense and  
4           the victim is a family or household member as defined in  
5           Article 112A, conditions shall be imposed at the time of the  
6           defendant's release on bond that restrict the defendant's  
7           access to the victim. Unless provided otherwise by the court,  
8           the restrictions shall include requirements that the defendant  
9           do the following:

10           (1) refrain from contact or communication with the  
11           victim for a minimum period of 72 hours following the  
12           defendant's release; and

13           (2) refrain from entering or remaining at the victim's  
14           residence for a minimum period of 72 hours following the  
15           defendant's release.

16           (e) Local law enforcement agencies shall develop  
17           standardized bond forms for use in cases involving family or  
18           household members as defined in Article 112A, including  
19           specific conditions of bond as provided in subsection (d).  
20           Failure of any law enforcement department to develop or use  
21           those forms shall in no way limit the applicability and  
22           enforcement of subsections (d) and (f).

23           (f) If the defendant is admitted to bail after conviction  
24           the conditions of the bail bond shall be that he will, in  
25           addition to the conditions set forth in subsections (a) and (b)  
26           hereof:

- 1           (1) Duly prosecute his appeal;
- 2           (2) Appear at such time and place as the court may
- 3           direct;
- 4           (3) Not depart this State without leave of the court;
- 5           (4) Comply with such other reasonable conditions as the
- 6           court may impose; and
- 7           (5) If the judgment is affirmed or the cause reversed
- 8           and remanded for a new trial, forthwith surrender to the
- 9           officer from whose custody he was bailed.

10          (g) Upon a finding of guilty for any felony offense, the

11          defendant shall physically surrender, at a time and place

12          designated by the court, any and all firearms in his or her

13          possession and his or her Firearm Owner's Identification Card

14          as a condition of remaining on bond pending sentencing.

15          (Source: P.A. 96-340, eff. 8-11-09; 96-1551, eff. 7-1-11;

16          97-401, eff. 1-1-12; revised 9-14-11.)

17          (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

18          Sec. 111-8. Orders of protection to prohibit domestic

19          violence.

20          (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,

21          10-3.1, 10-4, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50,

22          11-1.60, 11-14.3 that involves soliciting for a prostitute,

23          11-14.4 that involves soliciting for a juvenile prostitute,

24          11-15, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, 11-20a, 12-1,

25          12-2, 12-3, 12-3.05, 12-3.2, 12-3.3, 12-3.5, 12-4, 12-4.1,

1 12-4.3, 12-4.6, 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5,  
2 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 19-4, 21-1, 21-2,  
3 or 21-3 of the Criminal Code of 1961 or Section 1-1 of the  
4 Harassing and Obscene Communications Act is alleged in an  
5 information, complaint or indictment on file, and the alleged  
6 offender and victim are family or household members, as defined  
7 in the Illinois Domestic Violence Act, as now or hereafter  
8 amended, the People through the respective State's Attorneys  
9 may by separate petition and upon notice to the defendant,  
10 except as provided in subsection (c) herein, request the court  
11 to issue an order of protection.

12 (b) In addition to any other remedies specified in Section  
13 208 of the Illinois Domestic Violence Act, as now or hereafter  
14 amended, the order may direct the defendant to initiate no  
15 contact with the alleged victim or victims who are family or  
16 household members and to refrain from entering the residence,  
17 school or place of business of the alleged victim or victims.

18 (c) The court may grant emergency relief without notice  
19 upon a showing of immediate and present danger of abuse to the  
20 victim or minor children of the victim and may enter a  
21 temporary order pending notice and full hearing on the matter.

22 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;  
23 P.A. 96-1551, Article 2, Section 1040, eff. 7-1-11; revised  
24 9-30-11.)

1           Sec. 115-7.3. Evidence in certain cases.

2           (a) This Section applies to criminal cases in which:

3                 (1) the defendant is accused of predatory criminal  
4                 sexual assault of a child, aggravated criminal sexual  
5                 assault, criminal sexual assault, aggravated criminal  
6                 sexual abuse, criminal sexual abuse, child pornography,  
7                 aggravated child pornography, or criminal transmission of  
8                 HIV;

9                 (2) the defendant is accused of battery, aggravated  
10                battery, first degree murder, or second degree murder when  
11                the commission of the offense involves sexual penetration  
12                or sexual conduct as defined in Section 11-0.1 ~~12-12~~ of the  
13                Criminal Code of 1961; or

14                (3) the defendant is tried or retried for any of the  
15                offenses formerly known as rape, deviate sexual assault,  
16                indecent liberties with a child, or aggravated indecent  
17                liberties with a child.

18           (b) If the defendant is accused of an offense set forth in  
19           paragraph (1) or (2) of subsection (a) or the defendant is  
20           tried or retried for any of the offenses set forth in paragraph  
21           (3) of subsection (a), evidence of the defendant's commission  
22           of another offense or offenses set forth in paragraph (1), (2),  
23           or (3) of subsection (a), or evidence to rebut that proof or an  
24           inference from that proof, may be admissible (if that evidence  
25           is otherwise admissible under the rules of evidence) and may be  
26           considered for its bearing on any matter to which it is

1 relevant.

2 (c) In weighing the probative value of the evidence against  
3 undue prejudice to the defendant, the court may consider:

4 (1) the proximity in time to the charged or predicate  
5 offense;

6 (2) the degree of factual similarity to the charged or  
7 predicate offense; or

8 (3) other relevant facts and circumstances.

9 (d) In a criminal case in which the prosecution intends to  
10 offer evidence under this Section, it must disclose the  
11 evidence, including statements of witnesses or a summary of the  
12 substance of any testimony, at a reasonable time in advance of  
13 trial, or during trial if the court excuses pretrial notice on  
14 good cause shown.

15 (e) In a criminal case in which evidence is offered under  
16 this Section, proof may be made by specific instances of  
17 conduct, testimony as to reputation, or testimony in the form  
18 of an expert opinion, except that the prosecution may offer  
19 reputation testimony only after the opposing party has offered  
20 that testimony.

21 (f) In prosecutions for a violation of Section 10-2,  
22 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-3.05, 12-4,  
23 12-13, 12-14, 12-14.1, 12-15, 12-16, or 18-5 of the Criminal  
24 Code of 1961, involving the involuntary delivery of a  
25 controlled substance to a victim, no inference may be made  
26 about the fact that a victim did not consent to a test for the

1 presence of controlled substances.

2 (Source: P.A. 95-892, eff. 1-1-09; 96-1551, eff. 7-1-11;  
3 revised 10-12-11.)

4 (725 ILCS 5/115-10.3)

5 Sec. 115-10.3. Hearsay exception regarding elder adults.

6 (a) In a prosecution for a physical act, abuse, neglect, or  
7 financial exploitation perpetrated upon or against an eligible  
8 adult, as defined in the Elder Abuse and Neglect Act, who has  
9 been diagnosed by a physician to suffer from (i) any form of  
10 dementia, developmental disability, or other form of mental  
11 incapacity or (ii) any physical infirmity, including but not  
12 limited to prosecutions for violations of Sections 10-1, 10-2,  
13 10-3, 10-3.1, 10-4, 11-1.20, 11-1.30, 11-1.40, 11-1.50,  
14 11-1.60, 11-11, 12-1, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3,  
15 12-4, 12-4.1, 12-4.2, 12-4.5, 12-4.6, 12-4.7, 12-5, 12-6,  
16 12-7.3, 12-7.4, 12-11, 12-11.1, 12-13, 12-14, 12-15, 12-16,  
17 12-21, 16-1, 16-1.3, 17-1, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4,  
18 18-5, 20-1.1, 24-1.2, and 33A-2, or subsection (b) of Section  
19 12-4.4a, of the Criminal Code of 1961, the following evidence  
20 shall be admitted as an exception to the hearsay rule:

21 (1) testimony by an eligible adult, of an out of court  
22 statement made by the eligible adult, that he or she  
23 complained of such act to another; and

24 (2) testimony of an out of court statement made by the  
25 eligible adult, describing any complaint of such act or



1 matter or detail pertaining to any act which is an element  
2 of an offense which is the subject of a prosecution for a  
3 physical act, abuse, neglect, or financial exploitation  
4 perpetrated upon or against the eligible adult.

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 eligible adult either:

11 (A) testifies at the proceeding; or

12 (B) is unavailable as a witness and there is  
13 corroborative evidence of the act which is the subject  
14 of the statement.

15 (c) If a statement is admitted pursuant to this Section,  
16 the court shall instruct the jury that it is for the jury to  
17 determine the weight and credibility to be given the statement  
18 and that, in making the determination, it shall consider the  
19 condition of the eligible adult, the nature of the statement,  
20 the circumstances under which the statement was made, and any  
21 other relevant factor.

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

25 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;  
26 96-1551, Article 2, Section 1040, eff. 7-1-11; 96-1551, Article

1 10, Section 10-145, eff. 7-1-11; revised 9-30-11.)

2 Section 15-65. The Unified Code of Corrections is amended  
3 by changing Sections 3-1-2, 3-3-7, 5-3-2, 5-4-3, 5-5-3,  
4 5-5-3.2, 5-6-3, 5-6-3.1, 5-8-1, 5-8-4, and 5-9-1.7 as follows:

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

6 Sec. 3-1-2. Definitions.

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

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

16 (i) A violation of any of the following Sections of the  
17 Criminal Code of 1961: 10-7 (aiding or abetting child  
18 abduction under Section 10-5(b)(10)), 10-5(b)(10) (child  
19 luring), 11-6 (indecent solicitation of a child), 11-6.5  
20 (indecent solicitation of an adult), 11-14.4 (promoting  
21 juvenile prostitution), 11-15.1 (soliciting for a juvenile  
22 prostitute), 11-17.1 (keeping a place of juvenile  
23 prostitution), 11-18.1 (patronizing a juvenile  
24 prostitute), 11-19.1 (juvenile pimping), 11-19.2

1 (exploitation of a child), 11-20.1 (child pornography),  
2 11-20.1B or 11-20.3 (aggravated child pornography),  
3 11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
4 child), or 12-33 (ritualized abuse of a child). An attempt  
5 to commit any of these offenses.

6 (ii) A violation of any of the following Sections of  
7 the Criminal Code of 1961: 11-1.20 or 12-13 (criminal  
8 sexual assault), 11-1.30 or 12-14 (aggravated criminal  
9 sexual assault), 11-1.60 or 12-16 (aggravated criminal  
10 sexual abuse), and subsection (a) of Section 11-1.50 or  
11 subsection (a) of Section 12-15 (criminal sexual abuse). An  
12 attempt to commit any of these offenses.

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

- 16 10-1 (kidnapping),
- 17 10-2 (aggravated kidnapping),
- 18 10-3 (unlawful restraint),
- 19 10-3.1 (aggravated unlawful restraint).

20 An attempt to commit any of these offenses.

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

24 An offense violating federal law or the law of another  
25 state that is substantially equivalent to any offense listed in  
26 this subsection (a-5) shall constitute a sex offense for the

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

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

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

15 (c-5) "Computer scrub software" means any third-party  
16 added software, designed to delete information from the  
17 computer unit, the hard drive, or other software, which would  
18 eliminate and prevent discovery of browser activity, including  
19 but not limited to Internet history, address bar or bars, cache  
20 or caches, and/or cookies, and which would over-write files in  
21 a way so as to make previous computer activity, including but  
22 not limited to website access, more difficult to discover.

23 (d) "Correctional Institution or Facility" means any  
24 building or part of a building where committed persons are kept  
25 in a secured manner.

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

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

7 (f) In the case of functions performed before the effective  
8 date of this amendatory Act of the 94th General Assembly,  
9 "Director" means the Director of the Department of Corrections.  
10 In the case of functions performed on or after the effective  
11 date of this amendatory Act of the 94th General Assembly,  
12 "Director" has the meaning ascribed to it in subsection (f-5).

13 (f-5) In the case of functions performed on or after the  
14 effective date of this amendatory Act of the 94th General  
15 Assembly, references to "Department" or "Director" refer to  
16 either the Department of Corrections or the Director of  
17 Corrections or to the Department of Juvenile Justice or the  
18 Director of Juvenile Justice unless the context is specific to  
19 the Department of Juvenile Justice or the Director of Juvenile  
20 Justice.

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

23 (h) "Discipline" means the rules and regulations for the  
24 maintenance of order and the protection of persons and property  
25 within the institutions and facilities of the Department and  
26 their enforcement.

1           (i) "Escape" means the intentional and unauthorized  
2 absence of a committed person from the custody of the  
3 Department.

4           (j) "Furlough" means an authorized leave of absence from  
5 the Department of Corrections for a designated purpose and  
6 period of time.

7           (k) "Parole" means the conditional and revocable release of  
8 a committed person under the supervision of a parole officer.

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

23           (m) Whenever medical treatment, service, counseling, or  
24 care is referred to in this Unified Code of Corrections, such  
25 term may be construed by the Department or Court, within its  
26 discretion, to include treatment, service or counseling by a

1 Christian Science practitioner or nursing care appropriate  
2 therewith whenever request therefor is made by a person subject  
3 to the provisions of this Act.

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

7 (o) "Wrongfully imprisoned person" means a person who has  
8 been discharged from a prison of this State and has received:

9 (1) a pardon from the Governor stating that such pardon  
10 is issued on the ground of innocence of the crime for which  
11 he or she was imprisoned; or

12 (2) a certificate of innocence from the Circuit Court  
13 as provided in Section 2-702 of the Code of Civil  
14 Procedure.

15 (Source: P.A. 96-362, eff. 1-1-10; 96-710, eff. 1-1-10;  
16 96-1000, eff. 7-2-10; 96-1550, eff. 7-1-11; 96-1551, eff.  
17 7-1-11; revised 9-30-11.)

18 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

19 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised  
20 Release.

21 (a) The conditions of parole or mandatory supervised  
22 release shall be such as the Prisoner Review Board deems  
23 necessary to assist the subject in leading a law-abiding life.  
24 The conditions of every parole and mandatory supervised release  
25 are that the subject:

1           (1) not violate any criminal statute of any  
2 jurisdiction during the parole or release term;

3           (2) refrain from possessing a firearm or other  
4 dangerous weapon;

5           (3) report to an agent of the Department of  
6 Corrections;

7           (4) permit the agent to visit him or her at his or her  
8 home, employment, or elsewhere to the extent necessary for  
9 the agent to discharge his or her duties;

10          (5) attend or reside in a facility established for the  
11 instruction or residence of persons on parole or mandatory  
12 supervised release;

13          (6) secure permission before visiting or writing a  
14 committed person in an Illinois Department of Corrections  
15 facility;

16          (7) report all arrests to an agent of the Department of  
17 Corrections as soon as permitted by the arresting authority  
18 but in no event later than 24 hours after release from  
19 custody and immediately report service or notification of  
20 an order of protection, a civil no contact order, or a  
21 stalking no contact order to an agent of the Department of  
22 Corrections;

23          (7.5) if convicted of a sex offense as defined in the  
24 Sex Offender Management Board Act, the individual shall  
25 undergo and successfully complete sex offender treatment  
26 conducted in conformance with the standards developed by



1 the Sex Offender Management Board Act by a treatment  
2 provider approved by the Board;

3 (7.6) if convicted of a sex offense as defined in the  
4 Sex Offender Management Board Act, refrain from residing at  
5 the same address or in the same condominium unit or  
6 apartment unit or in the same condominium complex or  
7 apartment complex with another person he or she knows or  
8 reasonably should know is a convicted sex offender or has  
9 been placed on supervision for a sex offense; the  
10 provisions of this paragraph do not apply to a person  
11 convicted of a sex offense who is placed in a Department of  
12 Corrections licensed transitional housing facility for sex  
13 offenders, or is in any facility operated or licensed by  
14 the Department of Children and Family Services or by the  
15 Department of Human Services, or is in any licensed medical  
16 facility;

17 (7.7) if convicted for an offense that would qualify  
18 the accused as a sexual predator under the Sex Offender  
19 Registration Act on or after January 1, 2007 (the effective  
20 date of Public Act 94-988), wear an approved electronic  
21 monitoring device as defined in Section 5-8A-2 for the  
22 duration of the person's parole, mandatory supervised  
23 release term, or extended mandatory supervised release  
24 term and if convicted for an offense of criminal sexual  
25 assault, aggravated criminal sexual assault, predatory  
26 criminal sexual assault of a child, criminal sexual abuse,

1 aggravated criminal sexual abuse, or ritualized abuse of a  
2 child committed on or after August 11, 2009 (the effective  
3 date of Public Act 96-236) when the victim was under 18  
4 years of age at the time of the commission of the offense  
5 and the defendant used force or the threat of force in the  
6 commission of the offense wear an approved electronic  
7 monitoring device as defined in Section 5-8A-2 that has  
8 Global Positioning System (GPS) capability for the  
9 duration of the person's parole, mandatory supervised  
10 release term, or extended mandatory supervised release  
11 term;

12 (7.8) if convicted for an offense committed on or after  
13 June 1, 2008 (the effective date of Public Act 95-464) that  
14 would qualify the accused as a child sex offender as  
15 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
16 1961, refrain from communicating with or contacting, by  
17 means of the Internet, a person who is not related to the  
18 accused and whom the accused reasonably believes to be  
19 under 18 years of age; for purposes of this paragraph  
20 (7.8), "Internet" has the meaning ascribed to it in Section  
21 16-0.1 of the Criminal Code of 1961; and a person is not  
22 related to the accused if the person is not: (i) the  
23 spouse, brother, or sister of the accused; (ii) a  
24 descendant of the accused; (iii) a first or second cousin  
25 of the accused; or (iv) a step-child or adopted child of  
26 the accused;

1           (7.9) if convicted under Section 11-6, 11-20.1,  
2           11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961,  
3           consent to search of computers, PDAs, cellular phones, and  
4           other devices under his or her control that are capable of  
5           accessing the Internet or storing electronic files, in  
6           order to confirm Internet protocol addresses reported in  
7           accordance with the Sex Offender Registration Act and  
8           compliance with conditions in this Act;

9           (7.10) if convicted for an offense that would qualify  
10          the accused as a sex offender or sexual predator under the  
11          Sex Offender Registration Act on or after June 1, 2008 (the  
12          effective date of Public Act 95-640), not possess  
13          prescription drugs for erectile dysfunction;

14          (7.11) if convicted for an offense under Section 11-6,  
15          11-9.1, 11-14.4 that involves soliciting for a juvenile  
16          prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
17          of the Criminal Code of 1961, or any attempt to commit any  
18          of these offenses, committed on or after June 1, 2009 (the  
19          effective date of Public Act 95-983):

20                 (i) not access or use a computer or any other  
21                 device with Internet capability without the prior  
22                 written approval of the Department;

23                 (ii) submit to periodic unannounced examinations  
24                 of the offender's computer or any other device with  
25                 Internet capability by the offender's supervising  
26                 agent, a law enforcement officer, or assigned computer

1 or information technology specialist, including the  
2 retrieval and copying of all data from the computer or  
3 device and any internal or external peripherals and  
4 removal of such information, equipment, or device to  
5 conduct a more thorough inspection;

6 (iii) submit to the installation on the offender's  
7 computer or device with Internet capability, at the  
8 offender's expense, of one or more hardware or software  
9 systems to monitor the Internet use; and

10 (iv) submit to any other appropriate restrictions  
11 concerning the offender's use of or access to a  
12 computer or any other device with Internet capability  
13 imposed by the Board, the Department or the offender's  
14 supervising agent;

15 (7.12) if convicted of a sex offense as defined in the  
16 Sex Offender Registration Act committed on or after January  
17 1, 2010 (the effective date of Public Act 96-262), refrain  
18 from accessing or using a social networking website as  
19 defined in Section 17-0.5 of the Criminal Code of 1961;

20 (7.13) if convicted of a sex offense as defined in  
21 Section 2 of the Sex Offender Registration Act committed on  
22 or after January 1, 2010 (the effective date of Public Act  
23 96-362) that requires the person to register as a sex  
24 offender under that Act, may not knowingly use any computer  
25 scrub software on any computer that the sex offender uses;

26 (8) obtain permission of an agent of the Department of

1 Corrections before leaving the State of Illinois;

2 (9) obtain permission of an agent of the Department of  
3 Corrections before changing his or her residence or  
4 employment;

5 (10) consent to a search of his or her person,  
6 property, or residence under his or her control;

7 (11) refrain from the use or possession of narcotics or  
8 other controlled substances in any form, or both, or any  
9 paraphernalia related to those substances and submit to a  
10 urinalysis test as instructed by a parole agent of the  
11 Department of Corrections;

12 (12) not frequent places where controlled substances  
13 are illegally sold, used, distributed, or administered;

14 (13) not knowingly associate with other persons on  
15 parole or mandatory supervised release without prior  
16 written permission of his or her parole agent and not  
17 associate with persons who are members of an organized gang  
18 as that term is defined in the Illinois Streetgang  
19 Terrorism Omnibus Prevention Act;

20 (14) provide true and accurate information, as it  
21 relates to his or her adjustment in the community while on  
22 parole or mandatory supervised release or to his or her  
23 conduct while incarcerated, in response to inquiries by his  
24 or her parole agent or of the Department of Corrections;

25 (15) follow any specific instructions provided by the  
26 parole agent that are consistent with furthering

1 conditions set and approved by the Prisoner Review Board or  
2 by law, exclusive of placement on electronic detention, to  
3 achieve the goals and objectives of his or her parole or  
4 mandatory supervised release or to protect the public.  
5 These instructions by the parole agent may be modified at  
6 any time, as the agent deems appropriate;

7 (16) if convicted of a sex offense as defined in  
8 subsection (a-5) of Section 3-1-2 of this Code, unless the  
9 offender is a parent or guardian of the person under 18  
10 years of age present in the home and no non-familial minors  
11 are present, not participate in a holiday event involving  
12 children under 18 years of age, such as distributing candy  
13 or other items to children on Halloween, wearing a Santa  
14 Claus costume on or preceding Christmas, being employed as  
15 a department store Santa Claus, or wearing an Easter Bunny  
16 costume on or preceding Easter;

17 (17) if convicted of a violation of an order of  
18 protection under Section 12-30 of the Criminal Code of  
19 1961, be placed under electronic surveillance as provided  
20 in Section 5-8A-7 of this Code; ~~and~~

21 (18) comply with the terms and conditions of an order  
22 of protection issued pursuant to the Illinois Domestic  
23 Violence Act of 1986; an order of protection issued by the  
24 court of another state, tribe, or United States territory;  
25 a no contact order issued pursuant to the Civil No Contact  
26 Order Act; or a no contact order issued pursuant to the

1 Stalking No Contact Order Act; ~~and~~

2 (19) ~~(18)~~ if convicted of a violation of the  
3 Methamphetamine Control and Community Protection Act, the  
4 Methamphetamine Precursor Control Act, or a  
5 methamphetamine related offense, be:

6 (A) prohibited from purchasing, possessing, or  
7 having under his or her control any product containing  
8 pseudoephedrine unless prescribed by a physician; and

9 (B) prohibited from purchasing, possessing, or  
10 having under his or her control any product containing  
11 ammonium nitrate.

12 (b) The Board may in addition to other conditions require  
13 that the subject:

14 (1) work or pursue a course of study or vocational  
15 training;

16 (2) undergo medical or psychiatric treatment, or  
17 treatment for drug addiction or alcoholism;

18 (3) attend or reside in a facility established for the  
19 instruction or residence of persons on probation or parole;

20 (4) support his dependents;

21 (5) (blank);

22 (6) (blank);

23 (7) (blank);

24 (7.5) if convicted for an offense committed on or after  
25 the effective date of this amendatory Act of the 95th  
26 General Assembly that would qualify the accused as a child

1 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
2 Criminal Code of 1961, refrain from communicating with or  
3 contacting, by means of the Internet, a person who is  
4 related to the accused and whom the accused reasonably  
5 believes to be under 18 years of age; for purposes of this  
6 paragraph (7.5), "Internet" has the meaning ascribed to it  
7 in Section 16-0.1 of the Criminal Code of 1961; and a  
8 person is related to the accused if the person is: (i) the  
9 spouse, brother, or sister of the accused; (ii) a  
10 descendant of the accused; (iii) a first or second cousin  
11 of the accused; or (iv) a step-child or adopted child of  
12 the accused;

13 (7.6) if convicted for an offense committed on or after  
14 June 1, 2009 (the effective date of Public Act 95-983) that  
15 would qualify as a sex offense as defined in the Sex  
16 Offender Registration Act:

17 (i) not access or use a computer or any other  
18 device with Internet capability without the prior  
19 written approval of the Department;

20 (ii) submit to periodic unannounced examinations  
21 of the offender's computer or any other device with  
22 Internet capability by the offender's supervising  
23 agent, a law enforcement officer, or assigned computer  
24 or information technology specialist, including the  
25 retrieval and copying of all data from the computer or  
26 device and any internal or external peripherals and



1 removal of such information, equipment, or device to  
2 conduct a more thorough inspection;

3 (iii) submit to the installation on the offender's  
4 computer or device with Internet capability, at the  
5 offender's expense, of one or more hardware or software  
6 systems to monitor the Internet use; and

7 (iv) submit to any other appropriate restrictions  
8 concerning the offender's use of or access to a  
9 computer or any other device with Internet capability  
10 imposed by the Board, the Department or the offender's  
11 supervising agent; and

12 (8) in addition, if a minor:

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

14 (ii) attend school;

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

16 or

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

19 (b-1) In addition to the conditions set forth in  
20 subsections (a) and (b), persons required to register as sex  
21 offenders pursuant to the Sex Offender Registration Act, upon  
22 release from the custody of the Illinois Department of  
23 Corrections, may be required by the Board to comply with the  
24 following specific conditions of release:

25 (1) reside only at a Department approved location;

26 (2) comply with all requirements of the Sex Offender

1 Registration Act;

2 (3) notify third parties of the risks that may be  
3 occasioned by his or her criminal record;

4 (4) obtain the approval of an agent of the Department  
5 of Corrections prior to accepting employment or pursuing a  
6 course of study or vocational training and notify the  
7 Department prior to any change in employment, study, or  
8 training;

9 (5) not be employed or participate in any volunteer  
10 activity that involves contact with children, except under  
11 circumstances approved in advance and in writing by an  
12 agent of the Department of Corrections;

13 (6) be electronically monitored for a minimum of 12  
14 months from the date of release as determined by the Board;

15 (7) refrain from entering into a designated geographic  
16 area except upon terms approved in advance by an agent of  
17 the Department of Corrections. The terms may include  
18 consideration of the purpose of the entry, the time of day,  
19 and others accompanying the person;

20 (8) refrain from having any contact, including written  
21 or oral communications, directly or indirectly, personally  
22 or by telephone, letter, or through a third party with  
23 certain specified persons including, but not limited to,  
24 the victim or the victim's family without the prior written  
25 approval of an agent of the Department of Corrections;

26 (9) refrain from all contact, directly or indirectly,

1 personally, by telephone, letter, or through a third party,  
2 with minor children without prior identification and  
3 approval of an agent of the Department of Corrections;

4 (10) neither possess or have under his or her control  
5 any material that is sexually oriented, sexually  
6 stimulating, or that shows male or female sex organs or any  
7 pictures depicting children under 18 years of age nude or  
8 any written or audio material describing sexual  
9 intercourse or that depicts or alludes to sexual activity,  
10 including but not limited to visual, auditory, telephonic,  
11 or electronic media, or any matter obtained through access  
12 to any computer or material linked to computer access use;

13 (11) not patronize any business providing sexually  
14 stimulating or sexually oriented entertainment nor utilize  
15 "900" or adult telephone numbers;

16 (12) not reside near, visit, or be in or about parks,  
17 schools, day care centers, swimming pools, beaches,  
18 theaters, or any other places where minor children  
19 congregate without advance approval of an agent of the  
20 Department of Corrections and immediately report any  
21 incidental contact with minor children to the Department;

22 (13) not possess or have under his or her control  
23 certain specified items of contraband related to the  
24 incidence of sexually offending as determined by an agent  
25 of the Department of Corrections;

26 (14) may be required to provide a written daily log of

1 activities if directed by an agent of the Department of  
2 Corrections;

3 (15) comply with all other special conditions that the  
4 Department may impose that restrict the person from  
5 high-risk situations and limit access to potential  
6 victims;

7 (16) take an annual polygraph exam;

8 (17) maintain a log of his or her travel; or

9 (18) obtain prior approval of his or her parole officer  
10 before driving alone in a motor vehicle.

11 (c) The conditions under which the parole or mandatory  
12 supervised release is to be served shall be communicated to the  
13 person in writing prior to his release, and he shall sign the  
14 same before release. A signed copy of these conditions,  
15 including a copy of an order of protection where one had been  
16 issued by the criminal court, shall be retained by the person  
17 and another copy forwarded to the officer in charge of his  
18 supervision.

19 (d) After a hearing under Section 3-3-9, the Prisoner  
20 Review Board may modify or enlarge the conditions of parole or  
21 mandatory supervised release.

22 (e) The Department shall inform all offenders committed to  
23 the Department of the optional services available to them upon  
24 release and shall assist inmates in availing themselves of such  
25 optional services upon their release on a voluntary basis.

26 (f) (Blank).

1 (Source: P.A. 96-236, eff. 8-11-09; 96-262, eff. 1-1-10;  
2 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-1000, eff.  
3 7-2-10; 96-1539, eff. 3-4-11; 96-1551, Article 2, Section 1065,  
4 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
5 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560, eff. 1-1-12;  
6 97-597, eff. 1-1-12; revised 9-14-11.)

7 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)  
8 Sec. 5-3-2. Presentence Report.

9 (a) In felony cases, the presentence report shall set  
10 forth:

11 (1) the defendant's history of delinquency or  
12 criminality, physical and mental history and condition,  
13 family situation and background, economic status,  
14 education, occupation and personal habits;

15 (2) information about special resources within the  
16 community which might be available to assist the  
17 defendant's rehabilitation, including treatment centers,  
18 residential facilities, vocational training services,  
19 correctional manpower programs, employment opportunities,  
20 special educational programs, alcohol and drug abuse  
21 programming, psychiatric and marriage counseling, and  
22 other programs and facilities which could aid the  
23 defendant's successful reintegration into society;

24 (3) the effect the offense committed has had upon the  
25 victim or victims thereof, and any compensatory benefit

1           that various sentencing alternatives would confer on such  
2           victim or victims;

3           (4) information concerning the defendant's status  
4           since arrest, including his record if released on his own  
5           recognizance, or the defendant's achievement record if  
6           released on a conditional pre-trial supervision program;

7           (5) when appropriate, a plan, based upon the personal,  
8           economic and social adjustment needs of the defendant,  
9           utilizing public and private community resources as an  
10          alternative to institutional sentencing;

11          (6) any other matters that the investigatory officer  
12          deems relevant or the court directs to be included; and

13          (7) information concerning defendant's eligibility for  
14          a sentence to a county impact incarceration program under  
15          Section 5-8-1.2 of this Code.

16          (b) The investigation shall include a physical and mental  
17          examination of the defendant when so ordered by the court. If  
18          the court determines that such an examination should be made,  
19          it shall issue an order that the defendant submit to  
20          examination at such time and place as designated by the court  
21          and that such examination be conducted by a physician,  
22          psychologist or psychiatrist designated by the court. Such an  
23          examination may be conducted in a court clinic if so ordered by  
24          the court. The cost of such examination shall be paid by the  
25          county in which the trial is held.

26          (b-5) In cases involving felony sex offenses in which the

1 offender is being considered for probation only or any felony  
2 offense that is sexually motivated as defined in the Sex  
3 Offender Management Board Act in which the offender is being  
4 considered for probation only, the investigation shall include  
5 a sex offender evaluation by an evaluator approved by the Board  
6 and conducted in conformance with the standards developed under  
7 the Sex Offender Management Board Act. In cases in which the  
8 offender is being considered for any mandatory prison sentence,  
9 the investigation shall not include a sex offender evaluation.

10 (c) In misdemeanor, business offense or petty offense  
11 cases, except as specified in subsection (d) of this Section,  
12 when a presentence report has been ordered by the court, such  
13 presentence report shall contain information on the  
14 defendant's history of delinquency or criminality and shall  
15 further contain only those matters listed in any of paragraphs  
16 (1) through (6) of subsection (a) or in subsection (b) of this  
17 Section as are specified by the court in its order for the  
18 report.

19 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or  
20 12-30 of the Criminal Code of 1961, as amended, the presentence  
21 report shall set forth information about alcohol, drug abuse,  
22 psychiatric, and marriage counseling or other treatment  
23 programs and facilities, information on the defendant's  
24 history of delinquency or criminality, and shall contain those  
25 additional matters listed in any of paragraphs (1) through (6)  
26 of subsection (a) or in subsection (b) of this Section as are

1 specified by the court.

2 (e) Nothing in this Section shall cause the defendant to be  
3 held without bail or to have his bail revoked for the purpose  
4 of preparing the presentence report or making an examination.

5 (Source: P.A. 96-322, eff. 1-1-10; 96-1551, Article 1, Section  
6 970, eff. 7-1-11; 96-1551, Article 2, Section 1065, eff.  
7 7-1-11; revised 9-30-11.)

8 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

9 Sec. 5-4-3. Specimens; genetic marker groups.

10 (a) Any person convicted of, found guilty under the  
11 Juvenile Court Act of 1987 for, or who received a disposition  
12 of court supervision for, a qualifying offense or attempt of a  
13 qualifying offense, convicted or found guilty of any offense  
14 classified as a felony under Illinois law, convicted or found  
15 guilty of any offense requiring registration under the Sex  
16 Offender Registration Act, found guilty or given supervision  
17 for any offense classified as a felony under the Juvenile Court  
18 Act of 1987, convicted or found guilty of, under the Juvenile  
19 Court Act of 1987, any offense requiring registration under the  
20 Sex Offender Registration Act, or institutionalized as a  
21 sexually dangerous person under the Sexually Dangerous Persons  
22 Act, or committed as a sexually violent person under the  
23 Sexually Violent Persons Commitment Act shall, regardless of  
24 the sentence or disposition imposed, be required to submit  
25 specimens of blood, saliva, or tissue to the Illinois



1 Department of State Police in accordance with the provisions of  
2 this Section, provided such person is:

3 (1) convicted of a qualifying offense or attempt of a  
4 qualifying offense on or after July 1, 1990 and sentenced  
5 to a term of imprisonment, periodic imprisonment, fine,  
6 probation, conditional discharge or any other form of  
7 sentence, or given a disposition of court supervision for  
8 the offense;

9 (1.5) found guilty or given supervision under the  
10 Juvenile Court Act of 1987 for a qualifying offense or  
11 attempt of a qualifying offense on or after January 1,  
12 1997;

13 (2) ordered institutionalized as a sexually dangerous  
14 person on or after July 1, 1990;

15 (3) convicted of a qualifying offense or attempt of a  
16 qualifying offense before July 1, 1990 and is presently  
17 confined as a result of such conviction in any State  
18 correctional facility or county jail or is presently  
19 serving a sentence of probation, conditional discharge or  
20 periodic imprisonment as a result of such conviction;

21 (3.5) convicted or found guilty of any offense  
22 classified as a felony under Illinois law or found guilty  
23 or given supervision for such an offense under the Juvenile  
24 Court Act of 1987 on or after August 22, 2002;

25 (4) presently institutionalized as a sexually  
26 dangerous person or presently institutionalized as a

1 person found guilty but mentally ill of a sexual offense or  
2 attempt to commit a sexual offense; or

3 (4.5) ordered committed as a sexually violent person on  
4 or after the effective date of the Sexually Violent Persons  
5 Commitment Act.

6 (a-1) Any person incarcerated in a facility of the Illinois  
7 Department of Corrections or the Illinois Department of  
8 Juvenile Justice on or after August 22, 2002, whether for a  
9 term of years, natural life, or a sentence of death, who has  
10 not yet submitted a specimen of blood, saliva, or tissue shall  
11 be required to submit a specimen of blood, saliva, or tissue  
12 prior to his or her final discharge, or release on parole or  
13 mandatory supervised release, as a condition of his or her  
14 parole or mandatory supervised release, or within 6 months from  
15 August 13, 2009 (the effective date of Public Act 96-426),  
16 whichever is sooner. A person incarcerated on or after August  
17 13, 2009 (the effective date of Public Act 96-426) shall be  
18 required to submit a specimen within 45 days of incarceration,  
19 or prior to his or her final discharge, or release on parole or  
20 mandatory supervised release, as a condition of his or her  
21 parole or mandatory supervised release, whichever is sooner.  
22 These specimens shall be placed into the State or national DNA  
23 database, to be used in accordance with other provisions of  
24 this Section, by the Illinois State Police.

25 (a-2) Any person sentenced to life imprisonment in a  
26 facility of the Illinois Department of Corrections after the

1 effective date of this amendatory Act of the 94th General  
2 Assembly or sentenced to death after the effective date of this  
3 amendatory Act of the 94th General Assembly shall be required  
4 to provide a specimen of blood, saliva, or tissue within 45  
5 days after sentencing or disposition at a collection site  
6 designated by the Illinois Department of State Police. Any  
7 person serving a sentence of life imprisonment in a facility of  
8 the Illinois Department of Corrections on the effective date of  
9 this amendatory Act of the 94th General Assembly or any person  
10 who is under a sentence of death on the effective date of this  
11 amendatory Act of the 94th General Assembly shall be required  
12 to provide a specimen of blood, saliva, or tissue upon request  
13 at a collection site designated by the Illinois Department of  
14 State Police.

15 (a-3) Any person seeking transfer to or residency in  
16 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this  
17 Code, the Interstate Compact for Adult Offender Supervision, or  
18 the Interstate Agreements on Sexually Dangerous Persons Act  
19 shall be required to provide a specimen of blood, saliva, or  
20 tissue within 45 days after transfer to or residency in  
21 Illinois at a collection site designated by the Illinois  
22 Department of State Police.

23 (a-3.1) Any person required by an order of the court to  
24 submit a DNA specimen shall be required to provide a specimen  
25 of blood, saliva, or tissue within 45 days after the court  
26 order at a collection site designated by the Illinois

1 Department of State Police.

2 (a-3.2) On or after January 1, 2012 (the effective date of  
3 Public Act 97-383) ~~this amendatory Act of the 97th General~~  
4 ~~Assembly~~, any person arrested for any of the following  
5 offenses, after an indictment has been returned by a grand  
6 jury, or following a hearing pursuant to Section 109-3 of the  
7 Code of Criminal Procedure of 1963 and a judge finds there is  
8 probable cause to believe the arrestee has committed one of the  
9 designated offenses, or an arrestee has waived a preliminary  
10 hearing shall be required to provide a specimen of blood,  
11 saliva, or tissue within 14 days after such indictment or  
12 hearing at a collection site designated by the Illinois  
13 Department of State Police:

- 14 (A) first degree murder;  
15 (B) home invasion;  
16 (C) predatory criminal sexual assault of a child;  
17 (D) aggravated criminal sexual assault; or  
18 (E) criminal sexual assault.

19 (a-3.3) Any person required to register as a sex offender  
20 under the Sex Offender Registration Act, regardless of the date  
21 of conviction as set forth in subsection (c-5.2) shall be  
22 required to provide a specimen of blood, saliva, or tissue  
23 within the time period prescribed in subsection (c-5.2) at a  
24 collection site designated by the Illinois Department of State  
25 Police.

26 (a-5) Any person who was otherwise convicted of or received

1 a disposition of court supervision for any other offense under  
2 the Criminal Code of 1961 or who was found guilty or given  
3 supervision for such a violation under the Juvenile Court Act  
4 of 1987, may, regardless of the sentence imposed, be required  
5 by an order of the court to submit specimens of blood, saliva,  
6 or tissue to the Illinois Department of State Police in  
7 accordance with the provisions of this Section.

8 (b) Any person required by paragraphs (a)(1), (a)(1.5),  
9 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,  
10 saliva, or tissue shall provide specimens of blood, saliva, or  
11 tissue within 45 days after sentencing or disposition at a  
12 collection site designated by the Illinois Department of State  
13 Police.

14 (c) Any person required by paragraphs (a)(3), (a)(4), and  
15 (a)(4.5) to provide specimens of blood, saliva, or tissue shall  
16 be required to provide such specimens prior to final discharge  
17 or within 6 months from August 13, 2009 (the effective date of  
18 Public Act 96-426), whichever is sooner. These specimens shall  
19 be placed into the State or national DNA database, to be used  
20 in accordance with other provisions of this Act, by the  
21 Illinois State Police.

22 (c-5) Any person required by paragraph (a-3) to provide  
23 specimens of blood, saliva, or tissue shall, where feasible, be  
24 required to provide the specimens before being accepted for  
25 conditioned residency in Illinois under the interstate compact  
26 or agreement, but no later than 45 days after arrival in this

1 State.

2 (c-5.2) Unless it is determined that a registered sex  
3 offender has previously submitted a specimen of blood, saliva,  
4 or tissue that has been placed into the State DNA database, a  
5 person registering as a sex offender shall be required to  
6 submit a specimen at the time of his or her initial  
7 registration pursuant to the Sex Offender Registration Act or,  
8 for a person registered as a sex offender on or prior to  
9 January 1, 2012 (the effective date of Public Act 97-383) ~~this~~  
10 ~~amendatory Act of the 97th General Assembly~~, within one year of  
11 January 1, 2012 (the effective date of Public Act 97-383) ~~this~~  
12 ~~amendatory Act~~ or at the time of his or her next required  
13 registration.

14 (c-6) The Illinois Department of State Police may determine  
15 which type of specimen or specimens, blood, saliva, or tissue,  
16 is acceptable for submission to the Division of Forensic  
17 Services for analysis. The Illinois Department of State Police  
18 may require the submission of fingerprints from anyone required  
19 to give a specimen under this Act.

20 (d) The Illinois Department of State Police shall provide  
21 all equipment and instructions necessary for the collection of  
22 blood specimens. The collection of specimens shall be performed  
23 in a medically approved manner. Only a physician authorized to  
24 practice medicine, a registered nurse or other qualified person  
25 trained in venipuncture may withdraw blood for the purposes of  
26 this Act. The specimens shall thereafter be forwarded to the

1 Illinois Department of State Police, Division of Forensic  
2 Services, for analysis and categorizing into genetic marker  
3 groupings.

4 (d-1) The Illinois Department of State Police shall provide  
5 all equipment and instructions necessary for the collection of  
6 saliva specimens. The collection of saliva specimens shall be  
7 performed in a medically approved manner. Only a person trained  
8 in the instructions promulgated by the Illinois State Police on  
9 collecting saliva may collect saliva for the purposes of this  
10 Section. The specimens shall thereafter be forwarded to the  
11 Illinois Department of State Police, Division of Forensic  
12 Services, for analysis and categorizing into genetic marker  
13 groupings.

14 (d-2) The Illinois Department of State Police shall provide  
15 all equipment and instructions necessary for the collection of  
16 tissue specimens. The collection of tissue specimens shall be  
17 performed in a medically approved manner. Only a person trained  
18 in the instructions promulgated by the Illinois State Police on  
19 collecting tissue may collect tissue for the purposes of this  
20 Section. The specimens shall thereafter be forwarded to the  
21 Illinois Department of State Police, Division of Forensic  
22 Services, for analysis and categorizing into genetic marker  
23 groupings.

24 (d-5) To the extent that funds are available, the Illinois  
25 Department of State Police shall contract with qualified  
26 personnel and certified laboratories for the collection,

1 analysis, and categorization of known specimens, except as  
2 provided in subsection (n) of this Section.

3 (d-6) Agencies designated by the Illinois Department of  
4 State Police and the Illinois Department of State Police may  
5 contract with third parties to provide for the collection or  
6 analysis of DNA, or both, of an offender's blood, saliva, and  
7 tissue specimens, except as provided in subsection (n) of this  
8 Section.

9 (e) The genetic marker groupings shall be maintained by the  
10 Illinois Department of State Police, Division of Forensic  
11 Services.

12 (f) The genetic marker grouping analysis information  
13 obtained pursuant to this Act shall be confidential and shall  
14 be released only to peace officers of the United States, of  
15 other states or territories, of the insular possessions of the  
16 United States, of foreign countries duly authorized to receive  
17 the same, to all peace officers of the State of Illinois and to  
18 all prosecutorial agencies, and to defense counsel as provided  
19 by Section 116-5 of the Code of Criminal Procedure of 1963. The  
20 genetic marker grouping analysis information obtained pursuant  
21 to this Act shall be used only for (i) valid law enforcement  
22 identification purposes and as required by the Federal Bureau  
23 of Investigation for participation in the National DNA  
24 database, (ii) technology validation purposes, (iii) a  
25 population statistics database, (iv) quality assurance  
26 purposes if personally identifying information is removed, (v)



1 assisting in the defense of the criminally accused pursuant to  
2 Section 116-5 of the Code of Criminal Procedure of 1963, or  
3 (vi) identifying and assisting in the prosecution of a person  
4 who is suspected of committing a sexual assault as defined in  
5 Section 1a of the Sexual Assault Survivors Emergency Treatment  
6 Act. Notwithstanding any other statutory provision to the  
7 contrary, all information obtained under this Section shall be  
8 maintained in a single State data base, which may be uploaded  
9 into a national database, and which information may be subject  
10 to expungement only as set forth in subsection (f-1).

11 (f-1) Upon receipt of notification of a reversal of a  
12 conviction based on actual innocence, or of the granting of a  
13 pardon pursuant to Section 12 of Article V of the Illinois  
14 Constitution, if that pardon document specifically states that  
15 the reason for the pardon is the actual innocence of an  
16 individual whose DNA record has been stored in the State or  
17 national DNA identification index in accordance with this  
18 Section by the Illinois Department of State Police, the DNA  
19 record shall be expunged from the DNA identification index, and  
20 the Department shall by rule prescribe procedures to ensure  
21 that the record and any specimens, analyses, or other documents  
22 relating to such record, whether in the possession of the  
23 Department or any law enforcement or police agency, or any  
24 forensic DNA laboratory, including any duplicates or copies  
25 thereof, are destroyed and a letter is sent to the court  
26 verifying the expungement is completed. For specimens required

1 to be collected prior to conviction, unless the individual has  
2 other charges or convictions that require submission of a  
3 specimen, the DNA record for an individual shall be expunged  
4 from the DNA identification databases and the specimen  
5 destroyed upon receipt of a certified copy of a final court  
6 order for each charge against an individual in which the charge  
7 has been dismissed, resulted in acquittal, or that the charge  
8 was not filed within the applicable time period. The Department  
9 shall by rule prescribe procedures to ensure that the record  
10 and any specimens in the possession or control of the  
11 Department are destroyed and a letter is sent to the court  
12 verifying the expungement is completed.

13 (f-5) Any person who intentionally uses genetic marker  
14 grouping analysis information, or any other information  
15 derived from a DNA specimen, beyond the authorized uses as  
16 provided under this Section, or any other Illinois law, is  
17 guilty of a Class 4 felony, and shall be subject to a fine of  
18 not less than \$5,000.

19 (f-6) The Illinois Department of State Police may contract  
20 with third parties for the purposes of implementing this  
21 amendatory Act of the 93rd General Assembly, except as provided  
22 in subsection (n) of this Section. Any other party contracting  
23 to carry out the functions of this Section shall be subject to  
24 the same restrictions and requirements of this Section insofar  
25 as applicable, as the Illinois Department of State Police, and  
26 to any additional restrictions imposed by the Illinois

1 Department of State Police.

2 (g) For the purposes of this Section, "qualifying offense"  
3 means any of the following:

4 (1) any violation or inchoate violation of Section  
5 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or  
6 12-16 of the Criminal Code of 1961;

7 (1.1) any violation or inchoate violation of Section  
8 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,  
9 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which  
10 persons are convicted on or after July 1, 2001;

11 (2) any former statute of this State which defined a  
12 felony sexual offense;

13 (3) (blank);

14 (4) any inchoate violation of Section 9-3.1, 11-9.3,  
15 12-7.3, or 12-7.4 of the Criminal Code of 1961; or

16 (5) any violation or inchoate violation of Article 29D  
17 of the Criminal Code of 1961.

18 (g-5) (Blank).

19 (h) The Illinois Department of State Police shall be the  
20 State central repository for all genetic marker grouping  
21 analysis information obtained pursuant to this Act. The  
22 Illinois Department of State Police may promulgate rules for  
23 the form and manner of the collection of blood, saliva, or  
24 tissue specimens and other procedures for the operation of this  
25 Act. The provisions of the Administrative Review Law shall  
26 apply to all actions taken under the rules so promulgated.

1 (i) (1) A person required to provide a blood, saliva, or  
2 tissue specimen shall cooperate with the collection of the  
3 specimen and any deliberate act by that person intended to  
4 impede, delay or stop the collection of the blood, saliva,  
5 or tissue specimen is a Class 4 felony.

6 (2) In the event that a person's DNA specimen is not  
7 adequate for any reason, the person shall provide another  
8 DNA specimen for analysis. Duly authorized law enforcement  
9 and corrections personnel may employ reasonable force in  
10 cases in which an individual refuses to provide a DNA  
11 specimen required under this Act.

12 (j) Any person required by subsection (a), or any person  
13 who was previously required by subsection (a-3.2), to submit  
14 specimens of blood, saliva, or tissue to the Illinois  
15 Department of State Police for analysis and categorization into  
16 genetic marker grouping, in addition to any other disposition,  
17 penalty, or fine imposed, shall pay an analysis fee of \$250. If  
18 the analysis fee is not paid at the time of sentencing, the  
19 court shall establish a fee schedule by which the entire amount  
20 of the analysis fee shall be paid in full, such schedule not to  
21 exceed 24 months from the time of conviction. The inability to  
22 pay this analysis fee shall not be the sole ground to  
23 incarcerate the person.

24 (k) All analysis and categorization fees provided for by  
25 subsection (j) shall be regulated as follows:

26 (1) The State Offender DNA Identification System Fund

1 is hereby created as a special fund in the State Treasury.

2 (2) All fees shall be collected by the clerk of the  
3 court and forwarded to the State Offender DNA  
4 Identification System Fund for deposit. The clerk of the  
5 circuit court may retain the amount of \$10 from each  
6 collected analysis fee to offset administrative costs  
7 incurred in carrying out the clerk's responsibilities  
8 under this Section.

9 (3) Fees deposited into the State Offender DNA  
10 Identification System Fund shall be used by Illinois State  
11 Police crime laboratories as designated by the Director of  
12 State Police. These funds shall be in addition to any  
13 allocations made pursuant to existing laws and shall be  
14 designated for the exclusive use of State crime  
15 laboratories. These uses may include, but are not limited  
16 to, the following:

17 (A) Costs incurred in providing analysis and  
18 genetic marker categorization as required by  
19 subsection (d).

20 (B) Costs incurred in maintaining genetic marker  
21 groupings as required by subsection (e).

22 (C) Costs incurred in the purchase and maintenance  
23 of equipment for use in performing analyses.

24 (D) Costs incurred in continuing research and  
25 development of new techniques for analysis and genetic  
26 marker categorization.

1           (E) Costs incurred in continuing education,  
2           training, and professional development of forensic  
3           scientists regularly employed by these laboratories.

4           (1) The failure of a person to provide a specimen, or of  
5           any person or agency to collect a specimen, shall in no way  
6           alter the obligation of the person to submit such specimen, or  
7           the authority of the Illinois Department of State Police or  
8           persons designated by the Department to collect the specimen,  
9           or the authority of the Illinois Department of State Police to  
10          accept, analyze and maintain the specimen or to maintain or  
11          upload results of genetic marker grouping analysis information  
12          into a State or national database.

13          (m) If any provision of this amendatory Act of the 93rd  
14          General Assembly is held unconstitutional or otherwise  
15          invalid, the remainder of this amendatory Act of the 93rd  
16          General Assembly is not affected.

17          (n) Neither the Department of State Police, the Division of  
18          Forensic Services, nor any laboratory of the Division of  
19          Forensic Services may contract out forensic testing for the  
20          purpose of an active investigation or a matter pending before a  
21          court of competent jurisdiction without the written consent of  
22          the prosecuting agency. For the purposes of this subsection  
23          (n), "forensic testing" includes the analysis of physical  
24          evidence in an investigation or other proceeding for the  
25          prosecution of a violation of the Criminal Code of 1961 or for  
26          matters adjudicated under the Juvenile Court Act of 1987, and

1 includes the use of forensic databases and databanks, including  
2 DNA, firearm, and fingerprint databases, and expert testimony.

3 (o) Mistake does not invalidate a database match. The  
4 detention, arrest, or conviction of a person based upon a  
5 database match or database information is not invalidated if it  
6 is determined that the specimen was obtained or placed in the  
7 database by mistake.

8 (p) This Section may be referred to as the Illinois DNA  
9 Database Law of 2011.

10 (Source: P.A. 96-426, eff. 8-13-09; 96-642, eff. 8-24-09;  
11 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-383, eff.  
12 1-1-12; revised 9-14-11.)

13 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)  
14 Sec. 5-5-3. Disposition.

15 (a) (Blank).

16 (b) (Blank).

17 (c) (1) (Blank).

18 (2) A period of probation, a term of periodic  
19 imprisonment or conditional discharge shall not be imposed  
20 for the following offenses. The court shall sentence the  
21 offender to not less than the minimum term of imprisonment  
22 set forth in this Code for the following offenses, and may  
23 order a fine or restitution or both in conjunction with  
24 such term of imprisonment:

25 (A) First degree murder where the death penalty is

1 not imposed.

2 (B) Attempted first degree murder.

3 (C) A Class X felony.

4 (D) A violation of Section 401.1 or 407 of the  
5 Illinois Controlled Substances Act, or a violation of  
6 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401  
7 of that Act which relates to more than 5 grams of a  
8 substance containing heroin, cocaine, fentanyl, or an  
9 analog thereof.

10 (E) A violation of Section 5.1 or 9 of the Cannabis  
11 Control Act.

12 (F) A Class 2 or greater felony if the offender had  
13 been convicted of a Class 2 or greater felony,  
14 including any state or federal conviction for an  
15 offense that contained, at the time it was committed,  
16 the same elements as an offense now (the date of the  
17 offense committed after the prior Class 2 or greater  
18 felony) classified as a Class 2 or greater felony,  
19 within 10 years of the date on which the offender  
20 committed the offense for which he or she is being  
21 sentenced, except as otherwise provided in Section  
22 40-10 of the Alcoholism and Other Drug Abuse and  
23 Dependency Act.

24 (F-5) A violation of Section 24-1, 24-1.1, or  
25 24-1.6 of the Criminal Code of 1961 for which  
26 imprisonment is prescribed in those Sections.



1 (G) Residential burglary, except as otherwise  
2 provided in Section 40-10 of the Alcoholism and Other  
3 Drug Abuse and Dependency Act.

4 (H) Criminal sexual assault.

5 (I) Aggravated battery of a senior citizen as  
6 described in Section 12-4.6 or subdivision (a)(4) of  
7 Section 12-3.05.

8 (J) A forcible felony if the offense was related to  
9 the activities of an organized gang.

10 Before July 1, 1994, for the purposes of this  
11 paragraph, "organized gang" means an association of 5  
12 or more persons, with an established hierarchy, that  
13 encourages members of the association to perpetrate  
14 crimes or provides support to the members of the  
15 association who do commit crimes.

16 Beginning July 1, 1994, for the purposes of this  
17 paragraph, "organized gang" has the meaning ascribed  
18 to it in Section 10 of the Illinois Streetgang  
19 Terrorism Omnibus Prevention Act.

20 (K) Vehicular hijacking.

21 (L) A second or subsequent conviction for the  
22 offense of hate crime when the underlying offense upon  
23 which the hate crime is based is felony aggravated  
24 assault or felony mob action.

25 (M) A second or subsequent conviction for the  
26 offense of institutional vandalism if the damage to the

1 property exceeds \$300.

2 (N) A Class 3 felony violation of paragraph (1) of  
3 subsection (a) of Section 2 of the Firearm Owners  
4 Identification Card Act.

5 (O) A violation of Section 12-6.1 or 12-6.5 of the  
6 Criminal Code of 1961.

7 (P) A violation of paragraph (1), (2), (3), (4),  
8 (5), or (7) of subsection (a) of Section 11-20.1 of the  
9 Criminal Code of 1961.

10 (Q) A violation of Section 20-1.2 or 20-1.3 of the  
11 Criminal Code of 1961.

12 (R) A violation of Section 24-3A of the Criminal  
13 Code of 1961.

14 (S) (Blank).

15 (T) A second or subsequent violation of the  
16 Methamphetamine Control and Community Protection Act.

17 (U) A second or subsequent violation of Section  
18 6-303 of the Illinois Vehicle Code committed while his  
19 or her driver's license, permit, or privilege was  
20 revoked because of a violation of Section 9-3 of the  
21 Criminal Code of 1961, relating to the offense of  
22 reckless homicide, or a similar provision of a law of  
23 another state.

24 (V) A violation of paragraph (4) of subsection (c)  
25 of Section 11-20.1B or paragraph (4) of subsection (c)  
26 of Section 11-20.3 of the Criminal Code of 1961.

1 (W) A violation of Section 24-3.5 of the Criminal  
2 Code of 1961.

3 (X) A violation of subsection (a) of Section 31-1a  
4 of the Criminal Code of 1961.

5 (Y) A conviction for unlawful possession of a  
6 firearm by a street gang member when the firearm was  
7 loaded or contained firearm ammunition.

8 (Z) A Class 1 felony committed while he or she was  
9 serving a term of probation or conditional discharge  
10 for a felony.

11 (AA) Theft of property exceeding \$500,000 and not  
12 exceeding \$1,000,000 in value.

13 (BB) Laundering of criminally derived property of  
14 a value exceeding \$500,000.

15 (CC) Knowingly selling, offering for sale, holding  
16 for sale, or using 2,000 or more counterfeit items or  
17 counterfeit items having a retail value in the  
18 aggregate of \$500,000 or more.

19 (DD) A conviction for aggravated assault under  
20 paragraph (6) of subsection (c) of Section 12-2 of the  
21 Criminal Code of 1961 if the firearm is aimed toward  
22 the person against whom the firearm is being used.

23 (3) (Blank).

24 (4) A minimum term of imprisonment of not less than 10  
25 consecutive days or 30 days of community service shall be  
26 imposed for a violation of paragraph (c) of Section 6-303

1 of the Illinois Vehicle Code.

2 (4.1) (Blank).

3 (4.2) Except as provided in paragraphs (4.3) and (4.8)  
4 of this subsection (c), a minimum of 100 hours of community  
5 service shall be imposed for a second violation of Section  
6 6-303 of the Illinois Vehicle Code.

7 (4.3) A minimum term of imprisonment of 30 days or 300  
8 hours of community service, as determined by the court,  
9 shall be imposed for a second violation of subsection (c)  
10 of Section 6-303 of the Illinois Vehicle Code.

11 (4.4) Except as provided in paragraphs (4.5), (4.6),  
12 and (4.9) of this subsection (c), a minimum term of  
13 imprisonment of 30 days or 300 hours of community service,  
14 as determined by the court, shall be imposed for a third or  
15 subsequent violation of Section 6-303 of the Illinois  
16 Vehicle Code.

17 (4.5) A minimum term of imprisonment of 30 days shall  
18 be imposed for a third violation of subsection (c) of  
19 Section 6-303 of the Illinois Vehicle Code.

20 (4.6) Except as provided in paragraph (4.10) of this  
21 subsection (c), a minimum term of imprisonment of 180 days  
22 shall be imposed for a fourth or subsequent violation of  
23 subsection (c) of Section 6-303 of the Illinois Vehicle  
24 Code.

25 (4.7) A minimum term of imprisonment of not less than  
26 30 consecutive days, or 300 hours of community service,

1 shall be imposed for a violation of subsection (a-5) of  
2 Section 6-303 of the Illinois Vehicle Code, as provided in  
3 subsection (b-5) of that Section.

4 (4.8) A mandatory prison sentence shall be imposed for  
5 a second violation of subsection (a-5) of Section 6-303 of  
6 the Illinois Vehicle Code, as provided in subsection (c-5)  
7 of that Section. The person's driving privileges shall be  
8 revoked for a period of not less than 5 years from the date  
9 of his or her release from prison.

10 (4.9) A mandatory prison sentence of not less than 4  
11 and not more than 15 years shall be imposed for a third  
12 violation of subsection (a-5) of Section 6-303 of the  
13 Illinois Vehicle Code, as provided in subsection (d-2.5) of  
14 that Section. The person's driving privileges shall be  
15 revoked for the remainder of his or her life.

16 (4.10) A mandatory prison sentence for a Class 1 felony  
17 shall be imposed, and the person shall be eligible for an  
18 extended term sentence, for a fourth or subsequent  
19 violation of subsection (a-5) of Section 6-303 of the  
20 Illinois Vehicle Code, as provided in subsection (d-3.5) of  
21 that Section. The person's driving privileges shall be  
22 revoked for the remainder of his or her life.

23 (5) The court may sentence a corporation or  
24 unincorporated association convicted of any offense to:

25 (A) a period of conditional discharge;

26 (B) a fine;

1           (C) make restitution to the victim under Section  
2           5-5-6 of this Code.

3           (5.1) In addition to any other penalties imposed, and  
4           except as provided in paragraph (5.2) or (5.3), a person  
5           convicted of violating subsection (c) of Section 11-907 of  
6           the Illinois Vehicle Code shall have his or her driver's  
7           license, permit, or privileges suspended for at least 90  
8           days but not more than one year, if the violation resulted  
9           in damage to the property of another person.

10          (5.2) In addition to any other penalties imposed, and  
11          except as provided in paragraph (5.3), a person convicted  
12          of violating subsection (c) of Section 11-907 of the  
13          Illinois Vehicle Code shall have his or her driver's  
14          license, permit, or privileges suspended for at least 180  
15          days but not more than 2 years, if the violation resulted  
16          in injury to another person.

17          (5.3) In addition to any other penalties imposed, a  
18          person convicted of violating subsection (c) of Section  
19          11-907 of the Illinois Vehicle Code shall have his or her  
20          driver's license, permit, or privileges suspended for 2  
21          years, if the violation resulted in the death of another  
22          person.

23          (5.4) In addition to any other penalties imposed, a  
24          person convicted of violating Section 3-707 of the Illinois  
25          Vehicle Code shall have his or her driver's license,  
26          permit, or privileges suspended for 3 months and until he

1 or she has paid a reinstatement fee of \$100.

2 (5.5) In addition to any other penalties imposed, a  
3 person convicted of violating Section 3-707 of the Illinois  
4 Vehicle Code during a period in which his or her driver's  
5 license, permit, or privileges were suspended for a  
6 previous violation of that Section shall have his or her  
7 driver's license, permit, or privileges suspended for an  
8 additional 6 months after the expiration of the original  
9 3-month suspension and until he or she has paid a  
10 reinstatement fee of \$100.

11 (6) (Blank).

12 (7) (Blank).

13 (8) (Blank).

14 (9) A defendant convicted of a second or subsequent  
15 offense of ritualized abuse of a child may be sentenced to  
16 a term of natural life imprisonment.

17 (10) (Blank).

18 (11) The court shall impose a minimum fine of \$1,000  
19 for a first offense and \$2,000 for a second or subsequent  
20 offense upon a person convicted of or placed on supervision  
21 for battery when the individual harmed was a sports  
22 official or coach at any level of competition and the act  
23 causing harm to the sports official or coach occurred  
24 within an athletic facility or within the immediate  
25 vicinity of the athletic facility at which the sports  
26 official or coach was an active participant of the athletic

1 contest held at the athletic facility. For the purposes of  
2 this paragraph (11), "sports official" means a person at an  
3 athletic contest who enforces the rules of the contest,  
4 such as an umpire or referee; "athletic facility" means an  
5 indoor or outdoor playing field or recreational area where  
6 sports activities are conducted; and "coach" means a person  
7 recognized as a coach by the sanctioning authority that  
8 conducted the sporting event.

9 (12) A person may not receive a disposition of court  
10 supervision for a violation of Section 5-16 of the Boat  
11 Registration and Safety Act if that person has previously  
12 received a disposition of court supervision for a violation  
13 of that Section.

14 (13) A person convicted of or placed on court  
15 supervision for an assault or aggravated assault when the  
16 victim and the offender are family or household members as  
17 defined in Section 103 of the Illinois Domestic Violence  
18 Act of 1986 or convicted of domestic battery or aggravated  
19 domestic battery may be required to attend a Partner Abuse  
20 Intervention Program under protocols set forth by the  
21 Illinois Department of Human Services under such terms and  
22 conditions imposed by the court. The costs of such classes  
23 shall be paid by the offender.

24 (d) In any case in which a sentence originally imposed is  
25 vacated, the case shall be remanded to the trial court. The  
26 trial court shall hold a hearing under Section 5-4-1 of the



1 Unified Code of Corrections which may include evidence of the  
2 defendant's life, moral character and occupation during the  
3 time since the original sentence was passed. The trial court  
4 shall then impose sentence upon the defendant. The trial court  
5 may impose any sentence which could have been imposed at the  
6 original trial subject to Section 5-5-4 of the Unified Code of  
7 Corrections. If a sentence is vacated on appeal or on  
8 collateral attack due to the failure of the trier of fact at  
9 trial to determine beyond a reasonable doubt the existence of a  
10 fact (other than a prior conviction) necessary to increase the  
11 punishment for the offense beyond the statutory maximum  
12 otherwise applicable, either the defendant may be re-sentenced  
13 to a term within the range otherwise provided or, if the State  
14 files notice of its intention to again seek the extended  
15 sentence, the defendant shall be afforded a new trial.

16 (e) In cases where prosecution for aggravated criminal  
17 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
18 Code of 1961 results in conviction of a defendant who was a  
19 family member of the victim at the time of the commission of  
20 the offense, the court shall consider the safety and welfare of  
21 the victim and may impose a sentence of probation only where:

22 (1) the court finds (A) or (B) or both are appropriate:

23 (A) the defendant is willing to undergo a court  
24 approved counseling program for a minimum duration of 2  
25 years; or

26 (B) the defendant is willing to participate in a

1 court approved plan including but not limited to the  
2 defendant's:

3 (i) removal from the household;

4 (ii) restricted contact with the victim;

5 (iii) continued financial support of the  
6 family;

7 (iv) restitution for harm done to the victim;

8 and

9 (v) compliance with any other measures that  
10 the court may deem appropriate; and

11 (2) the court orders the defendant to pay for the  
12 victim's counseling services, to the extent that the court  
13 finds, after considering the defendant's income and  
14 assets, that the defendant is financially capable of paying  
15 for such services, if the victim was under 18 years of age  
16 at the time the offense was committed and requires  
17 counseling as a result of the offense.

18 Probation may be revoked or modified pursuant to Section  
19 5-6-4; except where the court determines at the hearing that  
20 the defendant violated a condition of his or her probation  
21 restricting contact with the victim or other family members or  
22 commits another offense with the victim or other family  
23 members, the court shall revoke the defendant's probation and  
24 impose a term of imprisonment.

25 For the purposes of this Section, "family member" and  
26 "victim" shall have the meanings ascribed to them in Section

1 11-0.1 of the Criminal Code of 1961.

2 (f) (Blank).

3 (g) Whenever a defendant is convicted of an offense under  
4 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,  
5 11-14.3, 11-14.4 except for an offense that involves keeping a  
6 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,  
7 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,  
8 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the  
9 defendant shall undergo medical testing to determine whether  
10 the defendant has any sexually transmissible disease,  
11 including a test for infection with human immunodeficiency  
12 virus (HIV) or any other identified causative agent of acquired  
13 immunodeficiency syndrome (AIDS). Any such medical test shall  
14 be performed only by appropriately licensed medical  
15 practitioners and may include an analysis of any bodily fluids  
16 as well as an examination of the defendant's person. Except as  
17 otherwise provided by law, the results of such test shall be  
18 kept strictly confidential by all medical personnel involved in  
19 the testing and must be personally delivered in a sealed  
20 envelope to the judge of the court in which the conviction was  
21 entered for the judge's inspection in camera. Acting in  
22 accordance with the best interests of the victim and the  
23 public, the judge shall have the discretion to determine to  
24 whom, if anyone, the results of the testing may be revealed.  
25 The court shall notify the defendant of the test results. The  
26 court shall also notify the victim if requested by the victim,

1 and if the victim is under the age of 15 and if requested by the  
2 victim's parents or legal guardian, the court shall notify the  
3 victim's parents or legal guardian of the test results. The  
4 court shall provide information on the availability of HIV  
5 testing and counseling at Department of Public Health  
6 facilities to all parties to whom the results of the testing  
7 are revealed and shall direct the State's Attorney to provide  
8 the information to the victim when possible. A State's Attorney  
9 may petition the court to obtain the results of any HIV test  
10 administered under this Section, and the court shall grant the  
11 disclosure if the State's Attorney shows it is relevant in  
12 order to prosecute a charge of criminal transmission of HIV  
13 under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961  
14 against the defendant. The court shall order that the cost of  
15 any such test shall be paid by the county and may be taxed as  
16 costs against the convicted defendant.

17 (g-5) When an inmate is tested for an airborne communicable  
18 disease, as determined by the Illinois Department of Public  
19 Health including but not limited to tuberculosis, the results  
20 of the test shall be personally delivered by the warden or his  
21 or her designee in a sealed envelope to the judge of the court  
22 in which the inmate must appear for the judge's inspection in  
23 camera if requested by the judge. Acting in accordance with the  
24 best interests of those in the courtroom, the judge shall have  
25 the discretion to determine what if any precautions need to be  
26 taken to prevent transmission of the disease in the courtroom.

1           (h) Whenever a defendant is convicted of an offense under  
2 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
3 defendant shall undergo medical testing to determine whether  
4 the defendant has been exposed to human immunodeficiency virus  
5 (HIV) or any other identified causative agent of acquired  
6 immunodeficiency syndrome (AIDS). Except as otherwise provided  
7 by law, the results of such test shall be kept strictly  
8 confidential by all medical personnel involved in the testing  
9 and must be personally delivered in a sealed envelope to the  
10 judge of the court in which the conviction was entered for the  
11 judge's inspection in camera. Acting in accordance with the  
12 best interests of the public, the judge shall have the  
13 discretion to determine to whom, if anyone, the results of the  
14 testing may be revealed. The court shall notify the defendant  
15 of a positive test showing an infection with the human  
16 immunodeficiency virus (HIV). The court shall provide  
17 information on the availability of HIV testing and counseling  
18 at Department of Public Health facilities to all parties to  
19 whom the results of the testing are revealed and shall direct  
20 the State's Attorney to provide the information to the victim  
21 when possible. A State's Attorney may petition the court to  
22 obtain the results of any HIV test administered under this  
23 Section, and the court shall grant the disclosure if the  
24 State's Attorney shows it is relevant in order to prosecute a  
25 charge of criminal transmission of HIV under Section 12-5.01 or  
26 12-16.2 of the Criminal Code of 1961 against the defendant. The

1 court shall order that the cost of any such test shall be paid  
2 by the county and may be taxed as costs against the convicted  
3 defendant.

4 (i) All fines and penalties imposed under this Section for  
5 any violation of Chapters 3, 4, 6, and 11 of the Illinois  
6 Vehicle Code, or a similar provision of a local ordinance, and  
7 any violation of the Child Passenger Protection Act, or a  
8 similar provision of a local ordinance, shall be collected and  
9 disbursed by the circuit clerk as provided under Section 27.5  
10 of the Clerks of Courts Act.

11 (j) In cases when prosecution for any violation of Section  
12 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,  
13 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,  
14 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,  
15 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,  
16 12-15, or 12-16 of the Criminal Code of 1961, any violation of  
17 the Illinois Controlled Substances Act, any violation of the  
18 Cannabis Control Act, or any violation of the Methamphetamine  
19 Control and Community Protection Act results in conviction, a  
20 disposition of court supervision, or an order of probation  
21 granted under Section 10 of the Cannabis Control Act, Section  
22 410 of the Illinois Controlled Substance Act, or Section 70 of  
23 the Methamphetamine Control and Community Protection Act of a  
24 defendant, the court shall determine whether the defendant is  
25 employed by a facility or center as defined under the Child  
26 Care Act of 1969, a public or private elementary or secondary

1 school, or otherwise works with children under 18 years of age  
2 on a daily basis. When a defendant is so employed, the court  
3 shall order the Clerk of the Court to send a copy of the  
4 judgment of conviction or order of supervision or probation to  
5 the defendant's employer by certified mail. If the employer of  
6 the defendant is a school, the Clerk of the Court shall direct  
7 the mailing of a copy of the judgment of conviction or order of  
8 supervision or probation to the appropriate regional  
9 superintendent of schools. The regional superintendent of  
10 schools shall notify the State Board of Education of any  
11 notification under this subsection.

12 (j-5) A defendant at least 17 years of age who is convicted  
13 of a felony and who has not been previously convicted of a  
14 misdemeanor or felony and who is sentenced to a term of  
15 imprisonment in the Illinois Department of Corrections shall as  
16 a condition of his or her sentence be required by the court to  
17 attend educational courses designed to prepare the defendant  
18 for a high school diploma and to work toward a high school  
19 diploma or to work toward passing the high school level Test of  
20 General Educational Development (GED) or to work toward  
21 completing a vocational training program offered by the  
22 Department of Corrections. If a defendant fails to complete the  
23 educational training required by his or her sentence during the  
24 term of incarceration, the Prisoner Review Board shall, as a  
25 condition of mandatory supervised release, require the  
26 defendant, at his or her own expense, to pursue a course of

1 study toward a high school diploma or passage of the GED test.  
2 The Prisoner Review Board shall revoke the mandatory supervised  
3 release of a defendant who wilfully fails to comply with this  
4 subsection (j-5) upon his or her release from confinement in a  
5 penal institution while serving a mandatory supervised release  
6 term; however, the inability of the defendant after making a  
7 good faith effort to obtain financial aid or pay for the  
8 educational training shall not be deemed a wilful failure to  
9 comply. The Prisoner Review Board shall recommit the defendant  
10 whose mandatory supervised release term has been revoked under  
11 this subsection (j-5) as provided in Section 3-3-9. This  
12 subsection (j-5) does not apply to a defendant who has a high  
13 school diploma or has successfully passed the GED test. This  
14 subsection (j-5) does not apply to a defendant who is  
15 determined by the court to be developmentally disabled or  
16 otherwise mentally incapable of completing the educational or  
17 vocational program.

18 (k) (Blank).

19 (l) (A) Except as provided in paragraph (C) of subsection  
20 (l), whenever a defendant, who is an alien as defined by  
21 the Immigration and Nationality Act, is convicted of any  
22 felony or misdemeanor offense, the court after sentencing  
23 the defendant may, upon motion of the State's Attorney,  
24 hold sentence in abeyance and remand the defendant to the  
25 custody of the Attorney General of the United States or his  
26 or her designated agent to be deported when:



1           (1) a final order of deportation has been issued  
2           against the defendant pursuant to proceedings under  
3           the Immigration and Nationality Act, and

4           (2) the deportation of the defendant would not  
5           deprecate the seriousness of the defendant's conduct  
6           and would not be inconsistent with the ends of justice.

7           Otherwise, the defendant shall be sentenced as  
8           provided in this Chapter V.

9           (B) If the defendant has already been sentenced for a  
10          felony or misdemeanor offense, or has been placed on  
11          probation under Section 10 of the Cannabis Control Act,  
12          Section 410 of the Illinois Controlled Substances Act, or  
13          Section 70 of the Methamphetamine Control and Community  
14          Protection Act, the court may, upon motion of the State's  
15          Attorney to suspend the sentence imposed, commit the  
16          defendant to the custody of the Attorney General of the  
17          United States or his or her designated agent when:

18          (1) a final order of deportation has been issued  
19          against the defendant pursuant to proceedings under  
20          the Immigration and Nationality Act, and

21          (2) the deportation of the defendant would not  
22          deprecate the seriousness of the defendant's conduct  
23          and would not be inconsistent with the ends of justice.

24          (C) This subsection (1) does not apply to offenders who  
25          are subject to the provisions of paragraph (2) of  
26          subsection (a) of Section 3-6-3.

1           (D) Upon motion of the State's Attorney, if a defendant  
2 sentenced under this Section returns to the jurisdiction of  
3 the United States, the defendant shall be recommitted to  
4 the custody of the county from which he or she was  
5 sentenced. Thereafter, the defendant shall be brought  
6 before the sentencing court, which may impose any sentence  
7 that was available under Section 5-5-3 at the time of  
8 initial sentencing. In addition, the defendant shall not be  
9 eligible for additional good conduct credit for  
10 meritorious service as provided under Section 3-6-6.

11           (m) A person convicted of criminal defacement of property  
12 under Section 21-1.3 of the Criminal Code of 1961, in which the  
13 property damage exceeds \$300 and the property damaged is a  
14 school building, shall be ordered to perform community service  
15 that may include cleanup, removal, or painting over the  
16 defacement.

17           (n) The court may sentence a person convicted of a  
18 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
19 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
20 of 1961 (i) to an impact incarceration program if the person is  
21 otherwise eligible for that program under Section 5-8-1.1, (ii)  
22 to community service, or (iii) if the person is an addict or  
23 alcoholic, as defined in the Alcoholism and Other Drug Abuse  
24 and Dependency Act, to a substance or alcohol abuse program  
25 licensed under that Act.

26           (o) Whenever a person is convicted of a sex offense as

1 defined in Section 2 of the Sex Offender Registration Act, the  
2 defendant's driver's license or permit shall be subject to  
3 renewal on an annual basis in accordance with the provisions of  
4 license renewal established by the Secretary of State.

5 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;  
6 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article  
7 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,  
8 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
9 97-159, eff. 7-21-11; revised 9-14-11.)

10 (730 ILCS 5/5-5-3.2)

11 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term  
12 Sentencing.

13 (a) The following factors shall be accorded weight in favor  
14 of imposing a term of imprisonment or may be considered by the  
15 court as reasons to impose a more severe sentence under Section  
16 5-8-1 or Article 4.5 of Chapter V:

17 (1) the defendant's conduct caused or threatened  
18 serious harm;

19 (2) the defendant received compensation for committing  
20 the offense;

21 (3) the defendant has a history of prior delinquency or  
22 criminal activity;

23 (4) the defendant, by the duties of his office or by  
24 his position, was obliged to prevent the particular offense  
25 committed or to bring the offenders committing it to

1 justice;

2 (5) the defendant held public office at the time of the  
3 offense, and the offense related to the conduct of that  
4 office;

5 (6) the defendant utilized his professional reputation  
6 or position in the community to commit the offense, or to  
7 afford him an easier means of committing it;

8 (7) the sentence is necessary to deter others from  
9 committing the same crime;

10 (8) the defendant committed the offense against a  
11 person 60 years of age or older or such person's property;

12 (9) the defendant committed the offense against a  
13 person who is physically handicapped or such person's  
14 property;

15 (10) by reason of another individual's actual or  
16 perceived race, color, creed, religion, ancestry, gender,  
17 sexual orientation, physical or mental disability, or  
18 national origin, the defendant committed the offense  
19 against (i) the person or property of that individual; (ii)  
20 the person or property of a person who has an association  
21 with, is married to, or has a friendship with the other  
22 individual; or (iii) the person or property of a relative  
23 (by blood or marriage) of a person described in clause (i)  
24 or (ii). For the purposes of this Section, "sexual  
25 orientation" means heterosexuality, homosexuality, or  
26 bisexuality;

1           (11) the offense took place in a place of worship or on  
2           the grounds of a place of worship, immediately prior to,  
3           during or immediately following worship services. For  
4           purposes of this subparagraph, "place of worship" shall  
5           mean any church, synagogue or other building, structure or  
6           place used primarily for religious worship;

7           (12) the defendant was convicted of a felony committed  
8           while he was released on bail or his own recognizance  
9           pending trial for a prior felony and was convicted of such  
10          prior felony, or the defendant was convicted of a felony  
11          committed while he was serving a period of probation,  
12          conditional discharge, or mandatory supervised release  
13          under subsection (d) of Section 5-8-1 for a prior felony;

14          (13) the defendant committed or attempted to commit a  
15          felony while he was wearing a bulletproof vest. For the  
16          purposes of this paragraph (13), a bulletproof vest is any  
17          device which is designed for the purpose of protecting the  
18          wearer from bullets, shot or other lethal projectiles;

19          (14) the defendant held a position of trust or  
20          supervision such as, but not limited to, family member as  
21          defined in Section 11-0.1 of the Criminal Code of 1961,  
22          teacher, scout leader, baby sitter, or day care worker, in  
23          relation to a victim under 18 years of age, and the  
24          defendant committed an offense in violation of Section  
25          11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
26          11-14.4 except for an offense that involves keeping a place

1 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
2 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
3 or 12-16 of the Criminal Code of 1961 against that victim;

4 (15) the defendant committed an offense related to the  
5 activities of an organized gang. For the purposes of this  
6 factor, "organized gang" has the meaning ascribed to it in  
7 Section 10 of the Streetgang Terrorism Omnibus Prevention  
8 Act;

9 (16) the defendant committed an offense in violation of  
10 one of the following Sections while in a school, regardless  
11 of the time of day or time of year; on any conveyance  
12 owned, leased, or contracted by a school to transport  
13 students to or from school or a school related activity; on  
14 the real property of a school; or on a public way within  
15 1,000 feet of the real property comprising any school:  
16 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
17 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
18 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
19 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
20 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
21 (a) (4) or (g) (1), of the Criminal Code of 1961;

22 (16.5) the defendant committed an offense in violation  
23 of one of the following Sections while in a day care  
24 center, regardless of the time of day or time of year; on  
25 the real property of a day care center, regardless of the  
26 time of day or time of year; or on a public way within

1 1,000 feet of the real property comprising any day care  
2 center, regardless of the time of day or time of year:  
3 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
4 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
5 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
6 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
7 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
8 (a) (4) or (g) (1), of the Criminal Code of 1961;

9 (17) the defendant committed the offense by reason of  
10 any person's activity as a community policing volunteer or  
11 to prevent any person from engaging in activity as a  
12 community policing volunteer. For the purpose of this  
13 Section, "community policing volunteer" has the meaning  
14 ascribed to it in Section 2-3.5 of the Criminal Code of  
15 1961;

16 (18) the defendant committed the offense in a nursing  
17 home or on the real property comprising a nursing home. For  
18 the purposes of this paragraph (18), "nursing home" means a  
19 skilled nursing or intermediate long term care facility  
20 that is subject to license by the Illinois Department of  
21 Public Health under the Nursing Home Care Act, the  
22 Specialized Mental Health Rehabilitation Act, or the ID/DD  
23 Community Care Act;

24 (19) the defendant was a federally licensed firearm  
25 dealer and was previously convicted of a violation of  
26 subsection (a) of Section 3 of the Firearm Owners

1 Identification Card Act and has now committed either a  
2 felony violation of the Firearm Owners Identification Card  
3 Act or an act of armed violence while armed with a firearm;

4 (20) the defendant (i) committed the offense of  
5 reckless homicide under Section 9-3 of the Criminal Code of  
6 1961 or the offense of driving under the influence of  
7 alcohol, other drug or drugs, intoxicating compound or  
8 compounds or any combination thereof under Section 11-501  
9 of the Illinois Vehicle Code or a similar provision of a  
10 local ordinance and (ii) was operating a motor vehicle in  
11 excess of 20 miles per hour over the posted speed limit as  
12 provided in Article VI of Chapter 11 of the Illinois  
13 Vehicle Code;

14 (21) the defendant (i) committed the offense of  
15 reckless driving or aggravated reckless driving under  
16 Section 11-503 of the Illinois Vehicle Code and (ii) was  
17 operating a motor vehicle in excess of 20 miles per hour  
18 over the posted speed limit as provided in Article VI of  
19 Chapter 11 of the Illinois Vehicle Code;

20 (22) the defendant committed the offense against a  
21 person that the defendant knew, or reasonably should have  
22 known, was a member of the Armed Forces of the United  
23 States serving on active duty. For purposes of this clause  
24 (22), the term "Armed Forces" means any of the Armed Forces  
25 of the United States, including a member of any reserve  
26 component thereof or National Guard unit called to active



1 duty;

2 (23) the defendant committed the offense against a  
3 person who was elderly, disabled, or infirm by taking  
4 advantage of a family or fiduciary relationship with the  
5 elderly, disabled, or infirm person;

6 (24) the defendant committed any offense under Section  
7 11-20.1 of the Criminal Code of 1961 and possessed 100 or  
8 more images;

9 (25) the defendant committed the offense while the  
10 defendant or the victim was in a train, bus, or other  
11 vehicle used for public transportation;

12 (26) the defendant committed the offense of child  
13 pornography or aggravated child pornography, specifically  
14 including paragraph (1), (2), (3), (4), (5), or (7) of  
15 subsection (a) of Section 11-20.1 of the Criminal Code of  
16 1961 where a child engaged in, solicited for, depicted in,  
17 or posed in any act of sexual penetration or bound,  
18 fettered, or subject to sadistic, masochistic, or  
19 sadomasochistic abuse in a sexual context and specifically  
20 including paragraph (1), (2), (3), (4), (5), or (7) of  
21 subsection (a) of Section 11-20.3 of the Criminal Code of  
22 1961 where a child engaged in, solicited for, depicted in,  
23 or posed in any act of sexual penetration or bound,  
24 fettered, or subject to sadistic, masochistic, or  
25 sadomasochistic abuse in a sexual context; or

26 (27) the defendant committed the offense of first

1 degree murder, assault, aggravated assault, battery,  
2 aggravated battery, robbery, armed robbery, or aggravated  
3 robbery against a person who was a veteran and the  
4 defendant knew, or reasonably should have known, that the  
5 person was a veteran performing duties as a representative  
6 of a veterans' organization. For the purposes of this  
7 paragraph (27), "veteran" means an Illinois resident who  
8 has served as a member of the United States Armed Forces, a  
9 member of the Illinois National Guard, or a member of the  
10 United States Reserve Forces; and "veterans' organization"  
11 means an organization comprised of members of which  
12 substantially all are individuals who are veterans or  
13 spouses, widows, or widowers of veterans, the primary  
14 purpose of which is to promote the welfare of its members  
15 and to provide assistance to the general public in such a  
16 way as to confer a public benefit.

17 For the purposes of this Section:

18 "School" is defined as a public or private elementary or  
19 secondary school, community college, college, or university.

20 "Day care center" means a public or private State certified  
21 and licensed day care center as defined in Section 2.09 of the  
22 Child Care Act of 1969 that displays a sign in plain view  
23 stating that the property is a day care center.

24 "Public transportation" means the transportation or  
25 conveyance of persons by means available to the general public,  
26 and includes paratransit services.

1 (b) The following factors, related to all felonies, may be  
2 considered by the court as reasons to impose an extended term  
3 sentence under Section 5-8-2 upon any offender:

4 (1) When a defendant is convicted of any felony, after  
5 having been previously convicted in Illinois or any other  
6 jurisdiction of the same or similar class felony or greater  
7 class felony, when such conviction has occurred within 10  
8 years after the previous conviction, excluding time spent  
9 in custody, and such charges are separately brought and  
10 tried and arise out of different series of acts; or

11 (2) When a defendant is convicted of any felony and the  
12 court finds that the offense was accompanied by  
13 exceptionally brutal or heinous behavior indicative of  
14 wanton cruelty; or

15 (3) When a defendant is convicted of any felony  
16 committed against:

17 (i) a person under 12 years of age at the time of  
18 the offense or such person's property;

19 (ii) a person 60 years of age or older at the time  
20 of the offense or such person's property; or

21 (iii) a person physically handicapped at the time  
22 of the offense or such person's property; or

23 (4) When a defendant is convicted of any felony and the  
24 offense involved any of the following types of specific  
25 misconduct committed as part of a ceremony, rite,  
26 initiation, observance, performance, practice or activity

1 of any actual or ostensible religious, fraternal, or social  
2 group:

3 (i) the brutalizing or torturing of humans or  
4 animals;

5 (ii) the theft of human corpses;

6 (iii) the kidnapping of humans;

7 (iv) the desecration of any cemetery, religious,  
8 fraternal, business, governmental, educational, or  
9 other building or property; or

10 (v) ritualized abuse of a child; or

11 (5) When a defendant is convicted of a felony other  
12 than conspiracy and the court finds that the felony was  
13 committed under an agreement with 2 or more other persons  
14 to commit that offense and the defendant, with respect to  
15 the other individuals, occupied a position of organizer,  
16 supervisor, financier, or any other position of management  
17 or leadership, and the court further finds that the felony  
18 committed was related to or in furtherance of the criminal  
19 activities of an organized gang or was motivated by the  
20 defendant's leadership in an organized gang; or

21 (6) When a defendant is convicted of an offense  
22 committed while using a firearm with a laser sight attached  
23 to it. For purposes of this paragraph, "laser sight" has  
24 the meaning ascribed to it in Section 24.6-5 of the  
25 Criminal Code of 1961; or

26 (7) When a defendant who was at least 17 years of age

1 at the time of the commission of the offense is convicted  
2 of a felony and has been previously adjudicated a  
3 delinquent minor under the Juvenile Court Act of 1987 for  
4 an act that if committed by an adult would be a Class X or  
5 Class 1 felony when the conviction has occurred within 10  
6 years after the previous adjudication, excluding time  
7 spent in custody; or

8 (8) When a defendant commits any felony and the  
9 defendant used, possessed, exercised control over, or  
10 otherwise directed an animal to assault a law enforcement  
11 officer engaged in the execution of his or her official  
12 duties or in furtherance of the criminal activities of an  
13 organized gang in which the defendant is engaged.

14 (c) The following factors may be considered by the court as  
15 reasons to impose an extended term sentence under Section 5-8-2  
16 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

17 (1) When a defendant is convicted of first degree  
18 murder, after having been previously convicted in Illinois  
19 of any offense listed under paragraph (c)(2) of Section  
20 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred  
21 within 10 years after the previous conviction, excluding  
22 time spent in custody, and the charges are separately  
23 brought and tried and arise out of different series of  
24 acts.

25 (1.5) When a defendant is convicted of first degree  
26 murder, after having been previously convicted of domestic

1 battery (720 ILCS 5/12-3.2) or aggravated domestic battery  
2 (720 ILCS 5/12-3.3) committed on the same victim or after  
3 having been previously convicted of violation of an order  
4 of protection (720 ILCS 5/12-30) in which the same victim  
5 was the protected person.

6 (2) When a defendant is convicted of voluntary  
7 manslaughter, second degree murder, involuntary  
8 manslaughter, or reckless homicide in which the defendant  
9 has been convicted of causing the death of more than one  
10 individual.

11 (3) When a defendant is convicted of aggravated  
12 criminal sexual assault or criminal sexual assault, when  
13 there is a finding that aggravated criminal sexual assault  
14 or criminal sexual assault was also committed on the same  
15 victim by one or more other individuals, and the defendant  
16 voluntarily participated in the crime with the knowledge of  
17 the participation of the others in the crime, and the  
18 commission of the crime was part of a single course of  
19 conduct during which there was no substantial change in the  
20 nature of the criminal objective.

21 (4) If the victim was under 18 years of age at the time  
22 of the commission of the offense, when a defendant is  
23 convicted of aggravated criminal sexual assault or  
24 predatory criminal sexual assault of a child under  
25 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
26 of Section 12-14.1 of the Criminal Code of 1961 (720 ILCS

1 5/11-1.40 or 5/12-14.1).

2 (5) When a defendant is convicted of a felony violation  
3 of Section 24-1 of the Criminal Code of 1961 (720 ILCS  
4 5/24-1) and there is a finding that the defendant is a  
5 member of an organized gang.

6 (6) When a defendant was convicted of unlawful use of  
7 weapons under Section 24-1 of the Criminal Code of 1961  
8 (720 ILCS 5/24-1) for possessing a weapon that is not  
9 readily distinguishable as one of the weapons enumerated in  
10 Section 24-1 of the Criminal Code of 1961 (720 ILCS  
11 5/24-1).

12 (7) When a defendant is convicted of an offense  
13 involving the illegal manufacture of a controlled  
14 substance under Section 401 of the Illinois Controlled  
15 Substances Act (720 ILCS 570/401), the illegal manufacture  
16 of methamphetamine under Section 25 of the Methamphetamine  
17 Control and Community Protection Act (720 ILCS 646/25), or  
18 the illegal possession of explosives and an emergency  
19 response officer in the performance of his or her duties is  
20 killed or injured at the scene of the offense while  
21 responding to the emergency caused by the commission of the  
22 offense. In this paragraph, "emergency" means a situation  
23 in which a person's life, health, or safety is in jeopardy;  
24 and "emergency response officer" means a peace officer,  
25 community policing volunteer, fireman, emergency medical  
26 technician-ambulance, emergency medical

1 technician-intermediate, emergency medical  
2 technician-paramedic, ambulance driver, other medical  
3 assistance or first aid personnel, or hospital emergency  
4 room personnel.

5 (d) For the purposes of this Section, "organized gang" has  
6 the meaning ascribed to it in Section 10 of the Illinois  
7 Streetgang Terrorism Omnibus Prevention Act.

8 (e) The court may impose an extended term sentence under  
9 Article 4.5 of Chapter V upon an offender who has been  
10 convicted of a felony violation of Section 12-13, 12-14,  
11 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 when the  
12 victim of the offense is under 18 years of age at the time of  
13 the commission of the offense and, during the commission of the  
14 offense, the victim was under the influence of alcohol,  
15 regardless of whether or not the alcohol was supplied by the  
16 offender; and the offender, at the time of the commission of  
17 the offense, knew or should have known that the victim had  
18 consumed alcohol.

19 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,  
20 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;  
21 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.  
22 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,  
23 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,  
24 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; revised 9-14-11.)

25 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)



1           Sec. 5-6-3. Conditions of Probation and of Conditional  
2 Discharge.

3           (a) The conditions of probation and of conditional  
4 discharge shall be that the person:

5                 (1) not violate any criminal statute of any  
6 jurisdiction;

7                 (2) report to or appear in person before such person or  
8 agency as directed by the court;

9                 (3) refrain from possessing a firearm or other  
10 dangerous weapon where the offense is a felony or, if a  
11 misdemeanor, the offense involved the intentional or  
12 knowing infliction of bodily harm or threat of bodily harm;

13                 (4) not leave the State without the consent of the  
14 court or, in circumstances in which the reason for the  
15 absence is of such an emergency nature that prior consent  
16 by the court is not possible, without the prior  
17 notification and approval of the person's probation  
18 officer. Transfer of a person's probation or conditional  
19 discharge supervision to another state is subject to  
20 acceptance by the other state pursuant to the Interstate  
21 Compact for Adult Offender Supervision;

22                 (5) permit the probation officer to visit him at his  
23 home or elsewhere to the extent necessary to discharge his  
24 duties;

25                 (6) perform no less than 30 hours of community service  
26 and not more than 120 hours of community service, if

1 community service is available in the jurisdiction and is  
2 funded and approved by the county board where the offense  
3 was committed, where the offense was related to or in  
4 furtherance of the criminal activities of an organized gang  
5 and was motivated by the offender's membership in or  
6 allegiance to an organized gang. The community service  
7 shall include, but not be limited to, the cleanup and  
8 repair of any damage caused by a violation of Section  
9 21-1.3 of the Criminal Code of 1961 and similar damage to  
10 property located within the municipality or county in which  
11 the violation occurred. When possible and reasonable, the  
12 community service should be performed in the offender's  
13 neighborhood. For purposes of this Section, "organized  
14 gang" has the meaning ascribed to it in Section 10 of the  
15 Illinois Streetgang Terrorism Omnibus Prevention Act;

16 (7) if he or she is at least 17 years of age and has  
17 been sentenced to probation or conditional discharge for a  
18 misdemeanor or felony in a county of 3,000,000 or more  
19 inhabitants and has not been previously convicted of a  
20 misdemeanor or felony, may be required by the sentencing  
21 court to attend educational courses designed to prepare the  
22 defendant for a high school diploma and to work toward a  
23 high school diploma or to work toward passing the high  
24 school level Test of General Educational Development (GED)  
25 or to work toward completing a vocational training program  
26 approved by the court. The person on probation or

1 conditional discharge must attend a public institution of  
2 education to obtain the educational or vocational training  
3 required by this clause (7). The court shall revoke the  
4 probation or conditional discharge of a person who wilfully  
5 fails to comply with this clause (7). The person on  
6 probation or conditional discharge shall be required to pay  
7 for the cost of the educational courses or GED test, if a  
8 fee is charged for those courses or test. The court shall  
9 resentence the offender whose probation or conditional  
10 discharge has been revoked as provided in Section 5-6-4.  
11 This clause (7) does not apply to a person who has a high  
12 school diploma or has successfully passed the GED test.  
13 This clause (7) does not apply to a person who is  
14 determined by the court to be developmentally disabled or  
15 otherwise mentally incapable of completing the educational  
16 or vocational program;

17 (8) if convicted of possession of a substance  
18 prohibited by the Cannabis Control Act, the Illinois  
19 Controlled Substances Act, or the Methamphetamine Control  
20 and Community Protection Act after a previous conviction or  
21 disposition of supervision for possession of a substance  
22 prohibited by the Cannabis Control Act or Illinois  
23 Controlled Substances Act or after a sentence of probation  
24 under Section 10 of the Cannabis Control Act, Section 410  
25 of the Illinois Controlled Substances Act, or Section 70 of  
26 the Methamphetamine Control and Community Protection Act

1 and upon a finding by the court that the person is  
2 addicted, undergo treatment at a substance abuse program  
3 approved by the court;

4 (8.5) if convicted of a felony sex offense as defined  
5 in the Sex Offender Management Board Act, the person shall  
6 undergo and successfully complete sex offender treatment  
7 by a treatment provider approved by the Board and conducted  
8 in conformance with the standards developed under the Sex  
9 Offender Management Board Act;

10 (8.6) if convicted of a sex offense as defined in the  
11 Sex Offender Management Board Act, refrain from residing at  
12 the same address or in the same condominium unit or  
13 apartment unit or in the same condominium complex or  
14 apartment complex with another person he or she knows or  
15 reasonably should know is a convicted sex offender or has  
16 been placed on supervision for a sex offense; the  
17 provisions of this paragraph do not apply to a person  
18 convicted of a sex offense who is placed in a Department of  
19 Corrections licensed transitional housing facility for sex  
20 offenders;

21 (8.7) if convicted for an offense committed on or after  
22 June 1, 2008 (the effective date of Public Act 95-464) that  
23 would qualify the accused as a child sex offender as  
24 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
25 1961, refrain from communicating with or contacting, by  
26 means of the Internet, a person who is not related to the

1 accused and whom the accused reasonably believes to be  
2 under 18 years of age; for purposes of this paragraph  
3 (8.7), "Internet" has the meaning ascribed to it in Section  
4 16-0.1 of the Criminal Code of 1961; and a person is not  
5 related to the accused if the person is not: (i) the  
6 spouse, brother, or sister of the accused; (ii) a  
7 descendant of the accused; (iii) a first or second cousin  
8 of the accused; or (iv) a step-child or adopted child of  
9 the accused;

10 (8.8) if convicted for an offense under Section 11-6,  
11 11-9.1, 11-14.4 that involves soliciting for a juvenile  
12 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21  
13 of the Criminal Code of 1961, or any attempt to commit any  
14 of these offenses, committed on or after June 1, 2009 (the  
15 effective date of Public Act 95-983):

16 (i) not access or use a computer or any other  
17 device with Internet capability without the prior  
18 written approval of the offender's probation officer,  
19 except in connection with the offender's employment or  
20 search for employment with the prior approval of the  
21 offender's probation officer;

22 (ii) submit to periodic unannounced examinations  
23 of the offender's computer or any other device with  
24 Internet capability by the offender's probation  
25 officer, a law enforcement officer, or assigned  
26 computer or information technology specialist,

1 including the retrieval and copying of all data from  
2 the computer or device and any internal or external  
3 peripherals and removal of such information,  
4 equipment, or device to conduct a more thorough  
5 inspection;

6 (iii) submit to the installation on the offender's  
7 computer or device with Internet capability, at the  
8 offender's expense, of one or more hardware or software  
9 systems to monitor the Internet use; and

10 (iv) submit to any other appropriate restrictions  
11 concerning the offender's use of or access to a  
12 computer or any other device with Internet capability  
13 imposed by the offender's probation officer;

14 (8.9) if convicted of a sex offense as defined in the  
15 Sex Offender Registration Act committed on or after January  
16 1, 2010 (the effective date of Public Act 96-262), refrain  
17 from accessing or using a social networking website as  
18 defined in Section 17-0.5 of the Criminal Code of 1961;

19 (9) if convicted of a felony, physically surrender at a  
20 time and place designated by the court, his or her Firearm  
21 Owner's Identification Card and any and all firearms in his  
22 or her possession;

23 (10) if convicted of a sex offense as defined in  
24 subsection (a-5) of Section 3-1-2 of this Code, unless the  
25 offender is a parent or guardian of the person under 18  
26 years of age present in the home and no non-familial minors

1 are present, not participate in a holiday event involving  
2 children under 18 years of age, such as distributing candy  
3 or other items to children on Halloween, wearing a Santa  
4 Claus costume on or preceding Christmas, being employed as  
5 a department store Santa Claus, or wearing an Easter Bunny  
6 costume on or preceding Easter;

7 (11) if convicted of a sex offense as defined in  
8 Section 2 of the Sex Offender Registration Act committed on  
9 or after January 1, 2010 (the effective date of Public Act  
10 96-362) that requires the person to register as a sex  
11 offender under that Act, may not knowingly use any computer  
12 scrub software on any computer that the sex offender uses;  
13 and

14 (12) if convicted of a violation of the Methamphetamine  
15 Control and Community Protection Act, the Methamphetamine  
16 Precursor Control Act, or a methamphetamine related  
17 offense:

18 (A) prohibited from purchasing, possessing, or  
19 having under his or her control any product containing  
20 pseudoephedrine unless prescribed by a physician; and

21 (B) prohibited from purchasing, possessing, or  
22 having under his or her control any product containing  
23 ammonium nitrate.

24 (b) The Court may in addition to other reasonable  
25 conditions relating to the nature of the offense or the  
26 rehabilitation of the defendant as determined for each

1 defendant in the proper discretion of the Court require that  
2 the person:

3 (1) serve a term of periodic imprisonment under Article  
4 7 for a period not to exceed that specified in paragraph  
5 (d) of Section 5-7-1;

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational  
8 training;

9 (4) undergo medical, psychological or psychiatric  
10 treatment; or treatment for drug addiction or alcoholism;

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

13 (6) support his dependents;

14 (7) and in addition, if a minor:

15 (i) reside with his parents or in a foster home;

16 (ii) attend school;

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

18 (iv) contribute to his own support at home or in a  
19 foster home;

20 (v) with the consent of the superintendent of the  
21 facility, attend an educational program at a facility  
22 other than the school in which the offense was  
23 committed if he or she is convicted of a crime of  
24 violence as defined in Section 2 of the Crime Victims  
25 Compensation Act committed in a school, on the real  
26 property comprising a school, or within 1,000 feet of



1 the real property comprising a school;

2 (8) make restitution as provided in Section 5-5-6 of  
3 this Code;

4 (9) perform some reasonable public or community  
5 service;

6 (10) serve a term of home confinement. In addition to  
7 any other applicable condition of probation or conditional  
8 discharge, the conditions of home confinement shall be that  
9 the offender:

10 (i) remain within the interior premises of the  
11 place designated for his confinement during the hours  
12 designated by the court;

13 (ii) admit any person or agent designated by the  
14 court into the offender's place of confinement at any  
15 time for purposes of verifying the offender's  
16 compliance with the conditions of his confinement; and

17 (iii) if further deemed necessary by the court or  
18 the Probation or Court Services Department, be placed  
19 on an approved electronic monitoring device, subject  
20 to Article 8A of Chapter V;

21 (iv) for persons convicted of any alcohol,  
22 cannabis or controlled substance violation who are  
23 placed on an approved monitoring device as a condition  
24 of probation or conditional discharge, the court shall  
25 impose a reasonable fee for each day of the use of the  
26 device, as established by the county board in

1 subsection (g) of this Section, unless after  
2 determining the inability of the offender to pay the  
3 fee, the court assesses a lesser fee or no fee as the  
4 case may be. This fee shall be imposed in addition to  
5 the fees imposed under subsections (g) and (i) of this  
6 Section. The fee shall be collected by the clerk of the  
7 circuit court. The clerk of the circuit court shall pay  
8 all monies collected from this fee to the county  
9 treasurer for deposit in the substance abuse services  
10 fund under Section 5-1086.1 of the Counties Code; and

11 (v) for persons convicted of offenses other than  
12 those referenced in clause (iv) above and who are  
13 placed on an approved monitoring device as a condition  
14 of probation or conditional discharge, the court shall  
15 impose a reasonable fee for each day of the use of the  
16 device, as established by the county board in  
17 subsection (g) of this Section, unless after  
18 determining the inability of the defendant to pay the  
19 fee, the court assesses a lesser fee or no fee as the  
20 case may be. This fee shall be imposed in addition to  
21 the fees imposed under subsections (g) and (i) of this  
22 Section. The fee shall be collected by the clerk of the  
23 circuit court. The clerk of the circuit court shall pay  
24 all monies collected from this fee to the county  
25 treasurer who shall use the monies collected to defray  
26 the costs of corrections. The county treasurer shall

1           deposit the fee collected in the probation and court  
2           services fund.

3           (11) comply with the terms and conditions of an order  
4           of protection issued by the court pursuant to the Illinois  
5           Domestic Violence Act of 1986, as now or hereafter amended,  
6           or an order of protection issued by the court of another  
7           state, tribe, or United States territory. A copy of the  
8           order of protection shall be transmitted to the probation  
9           officer or agency having responsibility for the case;

10          (12) reimburse any "local anti-crime program" as  
11          defined in Section 7 of the Anti-Crime Advisory Council Act  
12          for any reasonable expenses incurred by the program on the  
13          offender's case, not to exceed the maximum amount of the  
14          fine authorized for the offense for which the defendant was  
15          sentenced;

16          (13) contribute a reasonable sum of money, not to  
17          exceed the maximum amount of the fine authorized for the  
18          offense for which the defendant was sentenced, (i) to a  
19          "local anti-crime program", as defined in Section 7 of the  
20          Anti-Crime Advisory Council Act, or (ii) for offenses under  
21          the jurisdiction of the Department of Natural Resources, to  
22          the fund established by the Department of Natural Resources  
23          for the purchase of evidence for investigation purposes and  
24          to conduct investigations as outlined in Section 805-105 of  
25          the Department of Natural Resources (Conservation) Law;

26          (14) refrain from entering into a designated

1 geographic area except upon such terms as the court finds  
2 appropriate. Such terms may include consideration of the  
3 purpose of the entry, the time of day, other persons  
4 accompanying the defendant, and advance approval by a  
5 probation officer, if the defendant has been placed on  
6 probation or advance approval by the court, if the  
7 defendant was placed on conditional discharge;

8 (15) refrain from having any contact, directly or  
9 indirectly, with certain specified persons or particular  
10 types of persons, including but not limited to members of  
11 street gangs and drug users or dealers;

12 (16) refrain from having in his or her body the  
13 presence of any illicit drug prohibited by the Cannabis  
14 Control Act, the Illinois Controlled Substances Act, or the  
15 Methamphetamine Control and Community Protection Act,  
16 unless prescribed by a physician, and submit samples of his  
17 or her blood or urine or both for tests to determine the  
18 presence of any illicit drug;

19 (17) if convicted for an offense committed on or after  
20 June 1, 2008 (the effective date of Public Act 95-464) that  
21 would qualify the accused as a child sex offender as  
22 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of  
23 1961, refrain from communicating with or contacting, by  
24 means of the Internet, a person who is related to the  
25 accused and whom the accused reasonably believes to be  
26 under 18 years of age; for purposes of this paragraph (17),

1 "Internet" has the meaning ascribed to it in Section 16-0.1  
2 of the Criminal Code of 1961; and a person is related to  
3 the accused if the person is: (i) the spouse, brother, or  
4 sister of the accused; (ii) a descendant of the accused;  
5 (iii) a first or second cousin of the accused; or (iv) a  
6 step-child or adopted child of the accused;

7 (18) if convicted for an offense committed on or after  
8 June 1, 2009 (the effective date of Public Act 95-983) that  
9 would qualify as a sex offense as defined in the Sex  
10 Offender Registration Act:

11 (i) not access or use a computer or any other  
12 device with Internet capability without the prior  
13 written approval of the offender's probation officer,  
14 except in connection with the offender's employment or  
15 search for employment with the prior approval of the  
16 offender's probation officer;

17 (ii) submit to periodic unannounced examinations  
18 of the offender's computer or any other device with  
19 Internet capability by the offender's probation  
20 officer, a law enforcement officer, or assigned  
21 computer or information technology specialist,  
22 including the retrieval and copying of all data from  
23 the computer or device and any internal or external  
24 peripherals and removal of such information,  
25 equipment, or device to conduct a more thorough  
26 inspection;

1           (iii) submit to the installation on the offender's  
2           computer or device with Internet capability, at the  
3           subject's expense, of one or more hardware or software  
4           systems to monitor the Internet use; and

5           (iv) submit to any other appropriate restrictions  
6           concerning the offender's use of or access to a  
7           computer or any other device with Internet capability  
8           imposed by the offender's probation officer; and

9           (19) refrain from possessing a firearm or other  
10          dangerous weapon where the offense is a misdemeanor that  
11          did not involve the intentional or knowing infliction of  
12          bodily harm or threat of bodily harm.

13          (c) The court may as a condition of probation or of  
14          conditional discharge require that a person under 18 years of  
15          age found guilty of any alcohol, cannabis or controlled  
16          substance violation, refrain from acquiring a driver's license  
17          during the period of probation or conditional discharge. If  
18          such person is in possession of a permit or license, the court  
19          may require that the minor refrain from driving or operating  
20          any motor vehicle during the period of probation or conditional  
21          discharge, except as may be necessary in the course of the  
22          minor's lawful employment.

23          (d) An offender sentenced to probation or to conditional  
24          discharge shall be given a certificate setting forth the  
25          conditions thereof.

26          (e) Except where the offender has committed a fourth or

1 subsequent violation of subsection (c) of Section 6-303 of the  
2 Illinois Vehicle Code, the court shall not require as a  
3 condition of the sentence of probation or conditional discharge  
4 that the offender be committed to a period of imprisonment in  
5 excess of 6 months. This 6 month limit shall not include  
6 periods of confinement given pursuant to a sentence of county  
7 impact incarceration under Section 5-8-1.2.

8 Persons committed to imprisonment as a condition of  
9 probation or conditional discharge shall not be committed to  
10 the Department of Corrections.

11 (f) The court may combine a sentence of periodic  
12 imprisonment under Article 7 or a sentence to a county impact  
13 incarceration program under Article 8 with a sentence of  
14 probation or conditional discharge.

15 (g) An offender sentenced to probation or to conditional  
16 discharge and who during the term of either undergoes mandatory  
17 drug or alcohol testing, or both, or is assigned to be placed  
18 on an approved electronic monitoring device, shall be ordered  
19 to pay all costs incidental to such mandatory drug or alcohol  
20 testing, or both, and all costs incidental to such approved  
21 electronic monitoring in accordance with the defendant's  
22 ability to pay those costs. The county board with the  
23 concurrence of the Chief Judge of the judicial circuit in which  
24 the county is located shall establish reasonable fees for the  
25 cost of maintenance, testing, and incidental expenses related  
26 to the mandatory drug or alcohol testing, or both, and all

1 costs incidental to approved electronic monitoring, involved  
2 in a successful probation program for the county. The  
3 concurrence of the Chief Judge shall be in the form of an  
4 administrative order. The fees shall be collected by the clerk  
5 of the circuit court. The clerk of the circuit court shall pay  
6 all moneys collected from these fees to the county treasurer  
7 who shall use the moneys collected to defray the costs of drug  
8 testing, alcohol testing, and electronic monitoring. The  
9 county treasurer shall deposit the fees collected in the county  
10 working cash fund under Section 6-27001 or Section 6-29002 of  
11 the Counties Code, as the case may be.

12 (h) Jurisdiction over an offender may be transferred from  
13 the sentencing court to the court of another circuit with the  
14 concurrence of both courts. Further transfers or retransfers of  
15 jurisdiction are also authorized in the same manner. The court  
16 to which jurisdiction has been transferred shall have the same  
17 powers as the sentencing court. The probation department within  
18 the circuit to which jurisdiction has been transferred may  
19 impose probation fees upon receiving the transferred offender,  
20 as provided in subsection (i). The probation department from  
21 the original sentencing court shall retain all probation fees  
22 collected prior to the transfer.

23 (i) The court shall impose upon an offender sentenced to  
24 probation after January 1, 1989 or to conditional discharge  
25 after January 1, 1992 or to community service under the  
26 supervision of a probation or court services department after



1 January 1, 2004, as a condition of such probation or  
2 conditional discharge or supervised community service, a fee of  
3 \$50 for each month of probation or conditional discharge  
4 supervision or supervised community service ordered by the  
5 court, unless after determining the inability of the person  
6 sentenced to probation or conditional discharge or supervised  
7 community service to pay the fee, the court assesses a lesser  
8 fee. The court may not impose the fee on a minor who is made a  
9 ward of the State under the Juvenile Court Act of 1987 while  
10 the minor is in placement. The fee shall be imposed only upon  
11 an offender who is actively supervised by the probation and  
12 court services department. The fee shall be collected by the  
13 clerk of the circuit court. The clerk of the circuit court  
14 shall pay all monies collected from this fee to the county  
15 treasurer for deposit in the probation and court services fund  
16 under Section 15.1 of the Probation and Probation Officers Act.

17 A circuit court may not impose a probation fee under this  
18 subsection (i) in excess of \$25 per month unless the circuit  
19 court has adopted, by administrative order issued by the chief  
20 judge, a standard probation fee guide determining an offender's  
21 ability to pay. Of the amount collected as a probation fee, up  
22 to \$5 of that fee collected per month may be used to provide  
23 services to crime victims and their families.

24 The Court may only waive probation fees based on an  
25 offender's ability to pay. The probation department may  
26 re-evaluate an offender's ability to pay every 6 months, and,

1 with the approval of the Director of Court Services or the  
2 Chief Probation Officer, adjust the monthly fee amount. An  
3 offender may elect to pay probation fees due in a lump sum. Any  
4 offender that has been assigned to the supervision of a  
5 probation department, or has been transferred either under  
6 subsection (h) of this Section or under any interstate compact,  
7 shall be required to pay probation fees to the department  
8 supervising the offender, based on the offender's ability to  
9 pay.

10 This amendatory Act of the 93rd General Assembly deletes  
11 the \$10 increase in the fee under this subsection that was  
12 imposed by Public Act 93-616. This deletion is intended to  
13 control over any other Act of the 93rd General Assembly that  
14 retains or incorporates that fee increase.

15 (i-5) In addition to the fees imposed under subsection (i)  
16 of this Section, in the case of an offender convicted of a  
17 felony sex offense (as defined in the Sex Offender Management  
18 Board Act) or an offense that the court or probation department  
19 has determined to be sexually motivated (as defined in the Sex  
20 Offender Management Board Act), the court or the probation  
21 department shall assess additional fees to pay for all costs of  
22 treatment, assessment, evaluation for risk and treatment, and  
23 monitoring the offender, based on that offender's ability to  
24 pay those costs either as they occur or under a payment plan.

25 (j) All fines and costs imposed under this Section for any  
26 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle

1 Code, or a similar provision of a local ordinance, and any  
2 violation of the Child Passenger Protection Act, or a similar  
3 provision of a local ordinance, shall be collected and  
4 disbursed by the circuit clerk as provided under Section 27.5  
5 of the Clerks of Courts Act.

6 (k) Any offender who is sentenced to probation or  
7 conditional discharge for a felony sex offense as defined in  
8 the Sex Offender Management Board Act or any offense that the  
9 court or probation department has determined to be sexually  
10 motivated as defined in the Sex Offender Management Board Act  
11 shall be required to refrain from any contact, directly or  
12 indirectly, with any persons specified by the court and shall  
13 be available for all evaluations and treatment programs  
14 required by the court or the probation department.

15 (l) The court may order an offender who is sentenced to  
16 probation or conditional discharge for a violation of an order  
17 of protection be placed under electronic surveillance as  
18 provided in Section 5-8A-7 of this Code.

19 (Source: P.A. 96-262, eff. 1-1-10; 96-328, eff. 8-11-09;  
20 96-362, eff. 1-1-10; 96-695, eff. 8-25-09; 96-1000, eff.  
21 7-2-10; 96-1414, eff. 1-1-11; 96-1551, Article 2, Section 1065,  
22 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;  
23 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597, eff. 1-1-12;  
24 revised 9-14-11.)

25 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

1           Sec. 5-6-3.1. Incidents and Conditions of Supervision.

2           (a) When a defendant is placed on supervision, the court  
3 shall enter an order for supervision specifying the period of  
4 such supervision, and shall defer further proceedings in the  
5 case until the conclusion of the period.

6           (b) The period of supervision shall be reasonable under all  
7 of the circumstances of the case, but may not be longer than 2  
8 years, unless the defendant has failed to pay the assessment  
9 required by Section 10.3 of the Cannabis Control Act, Section  
10 411.2 of the Illinois Controlled Substances Act, or Section 80  
11 of the Methamphetamine Control and Community Protection Act, in  
12 which case the court may extend supervision beyond 2 years.  
13 Additionally, the court shall order the defendant to perform no  
14 less than 30 hours of community service and not more than 120  
15 hours of community service, if community service is available  
16 in the jurisdiction and is funded and approved by the county  
17 board where the offense was committed, when the offense (1) was  
18 related to or in furtherance of the criminal activities of an  
19 organized gang or was motivated by the defendant's membership  
20 in or allegiance to an organized gang; or (2) is a violation of  
21 any Section of Article 24 of the Criminal Code of 1961 where a  
22 disposition of supervision is not prohibited by Section 5-6-1  
23 of this Code. The community service shall include, but not be  
24 limited to, the cleanup and repair of any damage caused by  
25 violation of Section 21-1.3 of the Criminal Code of 1961 and  
26 similar damages to property located within the municipality or

1 county in which the violation occurred. Where possible and  
2 reasonable, the community service should be performed in the  
3 offender's neighborhood.

4 For the purposes of this Section, "organized gang" has the  
5 meaning ascribed to it in Section 10 of the Illinois Streetgang  
6 Terrorism Omnibus Prevention Act.

7 (c) The court may in addition to other reasonable  
8 conditions relating to the nature of the offense or the  
9 rehabilitation of the defendant as determined for each  
10 defendant in the proper discretion of the court require that  
11 the person:

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

16 (2) pay a fine and costs;

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

19 (4) undergo medical, psychological or psychiatric  
20 treatment; or treatment for drug addiction or alcoholism;

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

23 (6) support his dependents;

24 (7) refrain from possessing a firearm or other  
25 dangerous weapon;

26 (8) and in addition, if a minor:

- 1 (i) reside with his parents or in a foster home;
- 2 (ii) attend school;
- 3 (iii) attend a non-residential program for youth;
- 4 (iv) contribute to his own support at home or in a  
5 foster home; or
- 6 (v) with the consent of the superintendent of the  
7 facility, attend an educational program at a facility  
8 other than the school in which the offense was  
9 committed if he or she is placed on supervision for a  
10 crime of violence as defined in Section 2 of the Crime  
11 Victims Compensation Act committed in a school, on the  
12 real property comprising a school, or within 1,000 feet  
13 of the real property comprising a school;
- 14 (9) make restitution or reparation in an amount not to  
15 exceed actual loss or damage to property and pecuniary loss  
16 or make restitution under Section 5-5-6 to a domestic  
17 violence shelter. The court shall determine the amount and  
18 conditions of payment;
- 19 (10) perform some reasonable public or community  
20 service;
- 21 (11) comply with the terms and conditions of an order  
22 of protection issued by the court pursuant to the Illinois  
23 Domestic Violence Act of 1986 or an order of protection  
24 issued by the court of another state, tribe, or United  
25 States territory. If the court has ordered the defendant to  
26 make a report and appear in person under paragraph (1) of

1           this subsection, a copy of the order of protection shall be  
2           transmitted to the person or agency so designated by the  
3           court;

4           (12) reimburse any "local anti-crime program" as  
5           defined in Section 7 of the Anti-Crime Advisory Council Act  
6           for any reasonable expenses incurred by the program on the  
7           offender's case, not to exceed the maximum amount of the  
8           fine authorized for the offense for which the defendant was  
9           sentenced;

10          (13) contribute a reasonable sum of money, not to  
11          exceed the maximum amount of the fine authorized for the  
12          offense for which the defendant was sentenced, (i) to a  
13          "local anti-crime program", as defined in Section 7 of the  
14          Anti-Crime Advisory Council Act, or (ii) for offenses under  
15          the jurisdiction of the Department of Natural Resources, to  
16          the fund established by the Department of Natural Resources  
17          for the purchase of evidence for investigation purposes and  
18          to conduct investigations as outlined in Section 805-105 of  
19          the Department of Natural Resources (Conservation) Law;

20          (14) refrain from entering into a designated  
21          geographic area except upon such terms as the court finds  
22          appropriate. Such terms may include consideration of the  
23          purpose of the entry, the time of day, other persons  
24          accompanying the defendant, and advance approval by a  
25          probation officer;

26          (15) refrain from having any contact, directly or

1 indirectly, with certain specified persons or particular  
2 types of person, including but not limited to members of  
3 street gangs and drug users or dealers;

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

11 (17) refrain from operating any motor vehicle not  
12 equipped with an ignition interlock device as defined in  
13 Section 1-129.1 of the Illinois Vehicle Code; under this  
14 condition the court may allow a defendant who is not  
15 self-employed to operate a vehicle owned by the defendant's  
16 employer that is not equipped with an ignition interlock  
17 device in the course and scope of the defendant's  
18 employment; and

19 (18) if placed on supervision for a sex offense as  
20 defined in subsection (a-5) of Section 3-1-2 of this Code,  
21 unless the offender is a parent or guardian of the person  
22 under 18 years of age present in the home and no  
23 non-familial minors are present, not participate in a  
24 holiday event involving children under 18 years of age,  
25 such as distributing candy or other items to children on  
26 Halloween, wearing a Santa Claus costume on or preceding



1 Christmas, being employed as a department store Santa  
2 Claus, or wearing an Easter Bunny costume on or preceding  
3 Easter.

4 (d) The court shall defer entering any judgment on the  
5 charges until the conclusion of the supervision.

6 (e) At the conclusion of the period of supervision, if the  
7 court determines that the defendant has successfully complied  
8 with all of the conditions of supervision, the court shall  
9 discharge the defendant and enter a judgment dismissing the  
10 charges.

11 (f) Discharge and dismissal upon a successful conclusion of  
12 a disposition of supervision shall be deemed without  
13 adjudication of guilt and shall not be termed a conviction for  
14 purposes of disqualification or disabilities imposed by law  
15 upon conviction of a crime. Two years after the discharge and  
16 dismissal under this Section, unless the disposition of  
17 supervision was for a violation of Sections 3-707, 3-708,  
18 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a  
19 similar provision of a local ordinance, or for a violation of  
20 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961,  
21 in which case it shall be 5 years after discharge and  
22 dismissal, a person may have his record of arrest sealed or  
23 expunged as may be provided by law. However, any defendant  
24 placed on supervision before January 1, 1980, may move for  
25 sealing or expungement of his arrest record, as provided by  
26 law, at any time after discharge and dismissal under this

1 Section. A person placed on supervision for a sexual offense  
2 committed against a minor as defined in clause (a)(1)(L) of  
3 Section 5.2 of the Criminal Identification Act or for a  
4 violation of Section 11-501 of the Illinois Vehicle Code or a  
5 similar provision of a local ordinance shall not have his or  
6 her record of arrest sealed or expunged.

7 (g) A defendant placed on supervision and who during the  
8 period of supervision undergoes mandatory drug or alcohol  
9 testing, or both, or is assigned to be placed on an approved  
10 electronic monitoring device, shall be ordered to pay the costs  
11 incidental to such mandatory drug or alcohol testing, or both,  
12 and costs incidental to such approved electronic monitoring in  
13 accordance with the defendant's ability to pay those costs. The  
14 county board with the concurrence of the Chief Judge of the  
15 judicial circuit in which the county is located shall establish  
16 reasonable fees for the cost of maintenance, testing, and  
17 incidental expenses related to the mandatory drug or alcohol  
18 testing, or both, and all costs incidental to approved  
19 electronic monitoring, of all defendants placed on  
20 supervision. The concurrence of the Chief Judge shall be in the  
21 form of an administrative order. The fees shall be collected by  
22 the clerk of the circuit court. The clerk of the circuit court  
23 shall pay all moneys collected from these fees to the county  
24 treasurer who shall use the moneys collected to defray the  
25 costs of drug testing, alcohol testing, and electronic  
26 monitoring. The county treasurer shall deposit the fees

1 collected in the county working cash fund under Section 6-27001  
2 or Section 6-29002 of the Counties Code, as the case may be.

3 (h) A disposition of supervision is a final order for the  
4 purposes of appeal.

5 (i) The court shall impose upon a defendant placed on  
6 supervision after January 1, 1992 or to community service under  
7 the supervision of a probation or court services department  
8 after January 1, 2004, as a condition of supervision or  
9 supervised community service, a fee of \$50 for each month of  
10 supervision or supervised community service ordered by the  
11 court, unless after determining the inability of the person  
12 placed on supervision or supervised community service to pay  
13 the fee, the court assesses a lesser fee. The court may not  
14 impose the fee on a minor who is made a ward of the State under  
15 the Juvenile Court Act of 1987 while the minor is in placement.  
16 The fee shall be imposed only upon a defendant who is actively  
17 supervised by the probation and court services department. The  
18 fee shall be collected by the clerk of the circuit court. The  
19 clerk of the circuit court shall pay all monies collected from  
20 this fee to the county treasurer for deposit in the probation  
21 and court services fund pursuant to Section 15.1 of the  
22 Probation and Probation Officers Act.

23 A circuit court may not impose a probation fee in excess of  
24 \$25 per month unless the circuit court has adopted, by  
25 administrative order issued by the chief judge, a standard  
26 probation fee guide determining an offender's ability to pay.

1 Of the amount collected as a probation fee, not to exceed \$5 of  
2 that fee collected per month may be used to provide services to  
3 crime victims and their families.

4 The Court may only waive probation fees based on an  
5 offender's ability to pay. The probation department may  
6 re-evaluate an offender's ability to pay every 6 months, and,  
7 with the approval of the Director of Court Services or the  
8 Chief Probation Officer, adjust the monthly fee amount. An  
9 offender may elect to pay probation fees due in a lump sum. Any  
10 offender that has been assigned to the supervision of a  
11 probation department, or has been transferred either under  
12 subsection (h) of this Section or under any interstate compact,  
13 shall be required to pay probation fees to the department  
14 supervising the offender, based on the offender's ability to  
15 pay.

16 (j) All fines and costs imposed under this Section for any  
17 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle  
18 Code, or a similar provision of a local ordinance, and any  
19 violation of the Child Passenger Protection Act, or a similar  
20 provision of a local ordinance, shall be collected and  
21 disbursed by the circuit clerk as provided under Section 27.5  
22 of the Clerks of Courts Act.

23 (k) A defendant at least 17 years of age who is placed on  
24 supervision for a misdemeanor in a county of 3,000,000 or more  
25 inhabitants and who has not been previously convicted of a  
26 misdemeanor or felony may as a condition of his or her

1 supervision be required by the court to attend educational  
2 courses designed to prepare the defendant for a high school  
3 diploma and to work toward a high school diploma or to work  
4 toward passing the high school level Test of General  
5 Educational Development (GED) or to work toward completing a  
6 vocational training program approved by the court. The  
7 defendant placed on supervision must attend a public  
8 institution of education to obtain the educational or  
9 vocational training required by this subsection (k). The  
10 defendant placed on supervision shall be required to pay for  
11 the cost of the educational courses or GED test, if a fee is  
12 charged for those courses or test. The court shall revoke the  
13 supervision of a person who wilfully fails to comply with this  
14 subsection (k). The court shall resentence the defendant upon  
15 revocation of supervision as provided in Section 5-6-4. This  
16 subsection (k) does not apply to a defendant who has a high  
17 school diploma or has successfully passed the GED test. This  
18 subsection (k) does not apply to a defendant who is determined  
19 by the court to be developmentally disabled or otherwise  
20 mentally incapable of completing the educational or vocational  
21 program.

22 (1) The court shall require a defendant placed on  
23 supervision for possession of a substance prohibited by the  
24 Cannabis Control Act, the Illinois Controlled Substances Act,  
25 or the Methamphetamine Control and Community Protection Act  
26 after a previous conviction or disposition of supervision for

1 possession of a substance prohibited by the Cannabis Control  
2 Act, the Illinois Controlled Substances Act, or the  
3 Methamphetamine Control and Community Protection Act or a  
4 sentence of probation under Section 10 of the Cannabis Control  
5 Act or Section 410 of the Illinois Controlled Substances Act  
6 and after a finding by the court that the person is addicted,  
7 to undergo treatment at a substance abuse program approved by  
8 the court.

9 (m) The Secretary of State shall require anyone placed on  
10 court supervision for a violation of Section 3-707 of the  
11 Illinois Vehicle Code or a similar provision of a local  
12 ordinance to give proof of his or her financial responsibility  
13 as defined in Section 7-315 of the Illinois Vehicle Code. The  
14 proof shall be maintained by the individual in a manner  
15 satisfactory to the Secretary of State for a minimum period of  
16 3 years after the date the proof is first filed. The proof  
17 shall be limited to a single action per arrest and may not be  
18 affected by any post-sentence disposition. The Secretary of  
19 State shall suspend the driver's license of any person  
20 determined by the Secretary to be in violation of this  
21 subsection.

22 (n) Any offender placed on supervision for any offense that  
23 the court or probation department has determined to be sexually  
24 motivated as defined in the Sex Offender Management Board Act  
25 shall be required to refrain from any contact, directly or  
26 indirectly, with any persons specified by the court and shall

1 be available for all evaluations and treatment programs  
2 required by the court or the probation department.

3 (o) An offender placed on supervision for a sex offense as  
4 defined in the Sex Offender Management Board Act shall refrain  
5 from residing at the same address or in the same condominium  
6 unit or apartment unit or in the same condominium complex or  
7 apartment complex with another person he or she knows or  
8 reasonably should know is a convicted sex offender or has been  
9 placed on supervision for a sex offense. The provisions of this  
10 subsection (o) do not apply to a person convicted of a sex  
11 offense who is placed in a Department of Corrections licensed  
12 transitional housing facility for sex offenders.

13 (p) An offender placed on supervision for an offense  
14 committed on or after June 1, 2008 (the effective date of  
15 Public Act 95-464) that would qualify the accused as a child  
16 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
17 Criminal Code of 1961 shall refrain from communicating with or  
18 contacting, by means of the Internet, a person who is not  
19 related to the accused and whom the accused reasonably believes  
20 to be under 18 years of age. For purposes of this subsection  
21 (p), "Internet" has the meaning ascribed to it in Section  
22 16-0.1 of the Criminal Code of 1961; and a person is not  
23 related to the accused if the person is not: (i) the spouse,  
24 brother, or sister of the accused; (ii) a descendant of the  
25 accused; (iii) a first or second cousin of the accused; or (iv)  
26 a step-child or adopted child of the accused.

1           (q) An offender placed on supervision for an offense  
2 committed on or after June 1, 2008 (the effective date of  
3 Public Act 95-464) that would qualify the accused as a child  
4 sex offender as defined in Section 11-9.3 or 11-9.4 of the  
5 Criminal Code of 1961 shall, if so ordered by the court,  
6 refrain from communicating with or contacting, by means of the  
7 Internet, a person who is related to the accused and whom the  
8 accused reasonably believes to be under 18 years of age. For  
9 purposes of this subsection (q), "Internet" has the meaning  
10 ascribed to it in Section 16-0.1 of the Criminal Code of 1961;  
11 and a person is related to the accused if the person is: (i)  
12 the spouse, brother, or sister of the accused; (ii) a  
13 descendant of the accused; (iii) a first or second cousin of  
14 the accused; or (iv) a step-child or adopted child of the  
15 accused.

16           (r) An offender placed on supervision for an offense under  
17 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a  
18 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or  
19 11-21 of the Criminal Code of 1961, or any attempt to commit  
20 any of these offenses, committed on or after the effective date  
21 of this amendatory Act of the 95th General Assembly shall:

22           (i) not access or use a computer or any other device  
23 with Internet capability without the prior written  
24 approval of the court, except in connection with the  
25 offender's employment or search for employment with the  
26 prior approval of the court;



1           (ii) submit to periodic unannounced examinations of  
2           the offender's computer or any other device with Internet  
3           capability by the offender's probation officer, a law  
4           enforcement officer, or assigned computer or information  
5           technology specialist, including the retrieval and copying  
6           of all data from the computer or device and any internal or  
7           external peripherals and removal of such information,  
8           equipment, or device to conduct a more thorough inspection;

9           (iii) submit to the installation on the offender's  
10          computer or device with Internet capability, at the  
11          offender's expense, of one or more hardware or software  
12          systems to monitor the Internet use; and

13          (iv) submit to any other appropriate restrictions  
14          concerning the offender's use of or access to a computer or  
15          any other device with Internet capability imposed by the  
16          court.

17          (s) An offender placed on supervision for an offense that  
18          is a sex offense as defined in Section 2 of the Sex Offender  
19          Registration Act that is committed on or after January 1, 2010  
20          (the effective date of Public Act 96-362) that requires the  
21          person to register as a sex offender under that Act, may not  
22          knowingly use any computer scrub software on any computer that  
23          the sex offender uses.

24          (t) An offender placed on supervision for a sex offense as  
25          defined in the Sex Offender Registration Act committed on or  
26          after January 1, 2010 (the effective date of Public Act 96-262)

1 shall refrain from accessing or using a social networking  
2 website as defined in Section 17-0.5 of the Criminal Code of  
3 1961.

4 (u) Jurisdiction over an offender may be transferred from  
5 the sentencing court to the court of another circuit with the  
6 concurrence of both courts. Further transfers or retransfers of  
7 jurisdiction are also authorized in the same manner. The court  
8 to which jurisdiction has been transferred shall have the same  
9 powers as the sentencing court. The probation department within  
10 the circuit to which jurisdiction has been transferred may  
11 impose probation fees upon receiving the transferred offender,  
12 as provided in subsection (i). The probation department from  
13 the original sentencing court shall retain all probation fees  
14 collected prior to the transfer.

15 (Source: P.A. 96-262, eff. 1-1-10; 96-362, eff. 1-1-10; 96-409,  
16 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1414, eff. 1-1-11;  
17 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551, Article  
18 10, Section 10-150, eff. 7-1-11; 97-454, eff. 1-1-12; 97-597,  
19 eff. 1-1-12; revised 9-14-11.)

20 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

21 Sec. 5-8-1. Natural life imprisonment; enhancements for  
22 use of a firearm; mandatory supervised release terms.

23 (a) Except as otherwise provided in the statute defining  
24 the offense or in Article 4.5 of Chapter V, a sentence of  
25 imprisonment for a felony shall be a determinate sentence set

1 by the court under this Section, according to the following  
2 limitations:

3 (1) for first degree murder,

4 (a) (blank),

5 (b) if a trier of fact finds beyond a reasonable  
6 doubt that the murder was accompanied by exceptionally  
7 brutal or heinous behavior indicative of wanton  
8 cruelty or, except as set forth in subsection (a) (1) (c)  
9 of this Section, that any of the aggravating factors  
10 listed in subsection (b) or (b-5) of Section 9-1 of the  
11 Criminal Code of 1961 are present, the court may  
12 sentence the defendant to a term of natural life  
13 imprisonment, or

14 (c) the court shall sentence the defendant to a  
15 term of natural life imprisonment when the death  
16 penalty is not imposed if the defendant,

17 (i) has previously been convicted of first  
18 degree murder under any state or federal law, or

19 (ii) is a person who, at the time of the  
20 commission of the murder, had attained the age of  
21 17 or more and is found guilty of murdering an  
22 individual under 12 years of age; or, irrespective  
23 of the defendant's age at the time of the  
24 commission of the offense, is found guilty of  
25 murdering more than one victim, or

26 (iii) is found guilty of murdering a peace

1 officer, fireman, or emergency management worker  
2 when the peace officer, fireman, or emergency  
3 management worker was killed in the course of  
4 performing his official duties, or to prevent the  
5 peace officer or fireman from performing his  
6 official duties, or in retaliation for the peace  
7 officer, fireman, or emergency management worker  
8 from performing his official duties, and the  
9 defendant knew or should have known that the  
10 murdered individual was a peace officer, fireman,  
11 or emergency management worker, or

12 (iv) is found guilty of murdering an employee  
13 of an institution or facility of the Department of  
14 Corrections, or any similar local correctional  
15 agency, when the employee was killed in the course  
16 of performing his official duties, or to prevent  
17 the employee from performing his official duties,  
18 or in retaliation for the employee performing his  
19 official duties, or

20 (v) is found guilty of murdering an emergency  
21 medical technician - ambulance, emergency medical  
22 technician - intermediate, emergency medical  
23 technician - paramedic, ambulance driver or other  
24 medical assistance or first aid person while  
25 employed by a municipality or other governmental  
26 unit when the person was killed in the course of

1 performing official duties or to prevent the  
2 person from performing official duties or in  
3 retaliation for performing official duties and the  
4 defendant knew or should have known that the  
5 murdered individual was an emergency medical  
6 technician - ambulance, emergency medical  
7 technician - intermediate, emergency medical  
8 technician - paramedic, ambulance driver, or other  
9 medical assistant or first aid personnel, or

10 (vi) is a person who, at the time of the  
11 commission of the murder, had not attained the age  
12 of 17, and is found guilty of murdering a person  
13 under 12 years of age and the murder is committed  
14 during the course of aggravated criminal sexual  
15 assault, criminal sexual assault, or aggravated  
16 kidnaping, or

17 (vii) is found guilty of first degree murder  
18 and the murder was committed by reason of any  
19 person's activity as a community policing  
20 volunteer or to prevent any person from engaging in  
21 activity as a community policing volunteer. For  
22 the purpose of this Section, "community policing  
23 volunteer" has the meaning ascribed to it in  
24 Section 2-3.5 of the Criminal Code of 1961.

25 For purposes of clause (v), "emergency medical  
26 technician - ambulance", "emergency medical technician

1           - intermediate", "emergency medical technician -  
2           paramedic", have the meanings ascribed to them in the  
3           Emergency Medical Services (EMS) Systems Act.

4           (d) (i) if the person committed the offense while  
5           armed with a firearm, 15 years shall be added to  
6           the term of imprisonment imposed by the court;

7           (ii) if, during the commission of the offense,  
8           the person personally discharged a firearm, 20  
9           years shall be added to the term of imprisonment  
10          imposed by the court;

11          (iii) if, during the commission of the  
12          offense, the person personally discharged a  
13          firearm that proximately caused great bodily harm,  
14          permanent disability, permanent disfigurement, or  
15          death to another person, 25 years or up to a term  
16          of natural life shall be added to the term of  
17          imprisonment imposed by the court.

18          (2) (blank);

19          (2.5) for a person convicted under the circumstances  
20          described in subdivision (b)(1)(B) of Section 11-1.20 or  
21          paragraph (3) of subsection (b) of Section 12-13,  
22          subdivision (d)(2) of Section 11-1.30 or paragraph (2) of  
23          subsection (d) of Section 12-14, subdivision (b)(1.2) of  
24          Section 11-1.40 or paragraph (1.2) of subsection (b) of  
25          Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or  
26          paragraph (2) of subsection (b) of Section 12-14.1 of the

1 Criminal Code of 1961, the sentence shall be a term of  
2 natural life imprisonment.

3 (b) (Blank).

4 (c) (Blank).

5 (d) Subject to earlier termination under Section 3-3-8, the  
6 parole or mandatory supervised release term shall be written as  
7 part of the sentencing order and shall be as follows:

8 (1) for first degree murder or a Class X felony except  
9 for the offenses of predatory criminal sexual assault of a  
10 child, aggravated criminal sexual assault, and criminal  
11 sexual assault if committed on or after the effective date  
12 of this amendatory Act of the 94th General Assembly and  
13 except for the offense of aggravated child pornography  
14 under Section 11-20.1B or 11-20.3 of the Criminal Code of  
15 1961, if committed on or after January 1, 2009, 3 years;

16 (2) for a Class 1 felony or a Class 2 felony except for  
17 the offense of criminal sexual assault if committed on or  
18 after the effective date of this amendatory Act of the 94th  
19 General Assembly and except for the offenses of manufacture  
20 and dissemination of child pornography under clauses  
21 (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code  
22 of 1961, if committed on or after January 1, 2009, 2 years;

23 (3) for a Class 3 felony or a Class 4 felony, 1 year;

24 (4) for defendants who commit the offense of predatory  
25 criminal sexual assault of a child, aggravated criminal  
26 sexual assault, or criminal sexual assault, on or after the

1 effective date of this amendatory Act of the 94th General  
2 Assembly, or who commit the offense of aggravated child  
3 pornography, manufacture of child pornography, or  
4 dissemination of child pornography after January 1, 2009,  
5 the term of mandatory supervised release shall range from a  
6 minimum of 3 years to a maximum of the natural life of the  
7 defendant;

8 (5) if the victim is under 18 years of age, for a  
9 second or subsequent offense of aggravated criminal sexual  
10 abuse or felony criminal sexual abuse, 4 years, at least  
11 the first 2 years of which the defendant shall serve in an  
12 electronic home detention program under Article 8A of  
13 Chapter V of this Code;

14 (6) for a felony domestic battery, aggravated domestic  
15 battery, stalking, aggravated stalking, and a felony  
16 violation of an order of protection, 4 years.

17 (e) (Blank).

18 (f) (Blank).

19 (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;  
20 96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.  
21 7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; revised  
22 9-14-11.)

23 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

24 Sec. 5-8-4. Concurrent and consecutive terms of  
25 imprisonment.



1           (a) Concurrent terms; multiple or additional sentences.  
2       When an Illinois court (i) imposes multiple sentences of  
3       imprisonment on a defendant at the same time or (ii) imposes a  
4       sentence of imprisonment on a defendant who is already subject  
5       to a sentence of imprisonment imposed by an Illinois court, a  
6       court of another state, or a federal court, then the sentences  
7       shall run concurrently unless otherwise determined by the  
8       Illinois court under this Section.

9           (b) Concurrent terms; misdemeanor and felony. A defendant  
10      serving a sentence for a misdemeanor who is convicted of a  
11      felony and sentenced to imprisonment shall be transferred to  
12      the Department of Corrections, and the misdemeanor sentence  
13      shall be merged in and run concurrently with the felony  
14      sentence.

15          (c) Consecutive terms; permissive. The court may impose  
16      consecutive sentences in any of the following circumstances:

17           (1) If, having regard to the nature and circumstances  
18      of the offense and the history and character of the  
19      defendant, it is the opinion of the court that consecutive  
20      sentences are required to protect the public from further  
21      criminal conduct by the defendant, the basis for which the  
22      court shall set forth in the record.

23           (2) If one of the offenses for which a defendant was  
24      convicted was a violation of Section 32-5.2 (aggravated  
25      false personation of a peace officer) of the Criminal Code  
26      of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision

1 (b) (5) or (b) (6) of Section 17-2 of that Code (720 ILCS  
2 5/17-2) and the offense was committed in attempting or  
3 committing a forcible felony.

4 (d) Consecutive terms; mandatory. The court shall impose  
5 consecutive sentences in each of the following circumstances:

6 (1) One of the offenses for which the defendant was  
7 convicted was first degree murder or a Class X or Class 1  
8 felony and the defendant inflicted severe bodily injury.

9 (2) The defendant was convicted of a violation of  
10 Section 11-20.1 (child pornography), 11-20.1B or 11-20.3  
11 (aggravated child pornography), 11-1.20 or 12-13 (criminal  
12 sexual assault), 11-1.30 or 12-14 (aggravated criminal  
13 sexual assault), or 11-1.40 or 12-14.1 (predatory criminal  
14 sexual assault of a child) of the Criminal Code of 1961  
15 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3, 5/11-1.20,  
16 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or 5/12-14.1).

17 (3) The defendant was convicted of armed violence based  
18 upon the predicate offense of any of the following:  
19 solicitation of murder, solicitation of murder for hire,  
20 heinous battery as described in Section 12-4.1 or  
21 subdivision (a) (2) of Section 12-3.05, aggravated battery  
22 of a senior citizen as described in Section 12-4.6 or  
23 subdivision (a) (4) of Section 12-3.05, criminal sexual  
24 assault, a violation of subsection (g) of Section 5 of the  
25 Cannabis Control Act (720 ILCS 550/5), cannabis  
26 trafficking, a violation of subsection (a) of Section 401

1 of the Illinois Controlled Substances Act (720 ILCS  
2 570/401), controlled substance trafficking involving a  
3 Class X felony amount of controlled substance under Section  
4 401 of the Illinois Controlled Substances Act (720 ILCS  
5 570/401), a violation of the Methamphetamine Control and  
6 Community Protection Act (720 ILCS 646/), calculated  
7 criminal drug conspiracy, or streetgang criminal drug  
8 conspiracy.

9 (4) The defendant was convicted of the offense of  
10 leaving the scene of a motor vehicle accident involving  
11 death or personal injuries under Section 11-401 of the  
12 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)  
13 aggravated driving under the influence of alcohol, other  
14 drug or drugs, or intoxicating compound or compounds, or  
15 any combination thereof under Section 11-501 of the  
16 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
17 homicide under Section 9-3 of the Criminal Code of 1961  
18 (720 ILCS 5/9-3), or (C) both an offense described in item  
19 (A) and an offense described in item (B).

20 (5) The defendant was convicted of a violation of  
21 Section 9-3.1 (concealment of homicidal death) or Section  
22 12-20.5 (dismembering a human body) of the Criminal Code of  
23 1961 (720 ILCS 5/9-3.1 or 5/12-20.5).

24 (5.5) The defendant was convicted of a violation of  
25 Section 24-3.7 (use of a stolen firearm in the commission  
26 of an offense) of the Criminal Code of 1961.

1           (6) If the defendant was in the custody of the  
2 Department of Corrections at the time of the commission of  
3 the offense, the sentence shall be served consecutive to  
4 the sentence under which the defendant is held by the  
5 Department of Corrections. If, however, the defendant is  
6 sentenced to punishment by death, the sentence shall be  
7 executed at such time as the court may fix without regard  
8 to the sentence under which the defendant may be held by  
9 the Department.

10           (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)  
11 for escape or attempted escape shall be served consecutive  
12 to the terms under which the offender is held by the  
13 Department of Corrections.

14           (8) If a person charged with a felony commits a  
15 separate felony while on pretrial release or in pretrial  
16 detention in a county jail facility or county detention  
17 facility, then the sentences imposed upon conviction of  
18 these felonies shall be served consecutively regardless of  
19 the order in which the judgments of conviction are entered.

20           (8.5) If a person commits a battery against a county  
21 correctional officer or sheriff's employee while serving a  
22 sentence or in pretrial detention in a county jail  
23 facility, then the sentence imposed upon conviction of the  
24 battery shall be served consecutively with the sentence  
25 imposed upon conviction of the earlier misdemeanor or  
26 felony, regardless of the order in which the judgments of

1 conviction are entered.

2 (9) If a person admitted to bail following conviction  
3 of a felony commits a separate felony while free on bond or  
4 if a person detained in a county jail facility or county  
5 detention facility following conviction of a felony  
6 commits a separate felony while in detention, then any  
7 sentence following conviction of the separate felony shall  
8 be consecutive to that of the original sentence for which  
9 the defendant was on bond or detained.

10 (10) If a person is found to be in possession of an  
11 item of contraband, as defined in clause (c) (2) of Section  
12 31A-1.1 of the Criminal Code of 1961, while serving a  
13 sentence in a county jail or while in pre-trial detention  
14 in a county jail, the sentence imposed upon conviction for  
15 the offense of possessing contraband in a penal institution  
16 shall be served consecutively to the sentence imposed for  
17 the offense in which the person is serving sentence in the  
18 county jail or serving pretrial detention, regardless of  
19 the order in which the judgments of conviction are entered.

20 (11) If a person is sentenced for a violation of bail  
21 bond under Section 32-10 of the Criminal Code of 1961, any  
22 sentence imposed for that violation shall be served  
23 consecutive to the sentence imposed for the charge for  
24 which bail had been granted and with respect to which the  
25 defendant has been convicted.

26 (e) Consecutive terms; subsequent non-Illinois term. If an

1 Illinois court has imposed a sentence of imprisonment on a  
2 defendant and the defendant is subsequently sentenced to a term  
3 of imprisonment by a court of another state or a federal court,  
4 then the Illinois sentence shall run consecutively to the  
5 sentence imposed by the court of the other state or the federal  
6 court. That same Illinois court, however, may order that the  
7 Illinois sentence run concurrently with the sentence imposed by  
8 the court of the other state or the federal court, but only if  
9 the defendant applies to that same Illinois court within 30  
10 days after the sentence imposed by the court of the other state  
11 or the federal court is finalized.

12 (f) Consecutive terms; aggregate maximums and minimums.  
13 The aggregate maximum and aggregate minimum of consecutive  
14 sentences shall be determined as follows:

15 (1) For sentences imposed under law in effect prior to  
16 February 1, 1978, the aggregate maximum of consecutive  
17 sentences shall not exceed the maximum term authorized  
18 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
19 Chapter V for the 2 most serious felonies involved. The  
20 aggregate minimum period of consecutive sentences shall  
21 not exceed the highest minimum term authorized under  
22 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
23 V for the 2 most serious felonies involved. When sentenced  
24 only for misdemeanors, a defendant shall not be  
25 consecutively sentenced to more than the maximum for one  
26 Class A misdemeanor.

1           (2) For sentences imposed under the law in effect on or  
2           after February 1, 1978, the aggregate of consecutive  
3           sentences for offenses that were committed as part of a  
4           single course of conduct during which there was no  
5           substantial change in the nature of the criminal objective  
6           shall not exceed the sum of the maximum terms authorized  
7           under Article 4.5 of Chapter V for the 2 most serious  
8           felonies involved, but no such limitation shall apply for  
9           offenses that were not committed as part of a single course  
10          of conduct during which there was no substantial change in  
11          the nature of the criminal objective. When sentenced only  
12          for misdemeanors, a defendant shall not be consecutively  
13          sentenced to more than the maximum for one Class A  
14          misdemeanor.

15          (g) Consecutive terms; manner served. In determining the  
16          manner in which consecutive sentences of imprisonment, one or  
17          more of which is for a felony, will be served, the Department  
18          of Corrections shall treat the defendant as though he or she  
19          had been committed for a single term subject to each of the  
20          following:

21               (1) The maximum period of a term of imprisonment shall  
22               consist of the aggregate of the maximums of the imposed  
23               indeterminate terms, if any, plus the aggregate of the  
24               imposed determinate sentences for felonies, plus the  
25               aggregate of the imposed determinate sentences for  
26               misdemeanors, subject to subsection (f) of this Section.

1           (2) The parole or mandatory supervised release term  
2 shall be as provided in paragraph (e) of Section 5-4.5-50  
3 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
4 involved.

5           (3) The minimum period of imprisonment shall be the  
6 aggregate of the minimum and determinate periods of  
7 imprisonment imposed by the court, subject to subsection  
8 (f) of this Section.

9           (4) The defendant shall be awarded credit against the  
10 aggregate maximum term and the aggregate minimum term of  
11 imprisonment for all time served in an institution since  
12 the commission of the offense or offenses and as a  
13 consequence thereof at the rate specified in Section 3-6-3  
14 (730 ILCS 5/3-6-3).

15 (Source: P.A. 96-190, eff. 1-1-10; 96-1000, eff. 7-2-10;  
16 96-1200, eff. 7-22-10; 96-1551, Article 1, Section 970, eff.  
17 7-1-11; 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551,  
18 Article 10, Section 10-150, eff. 7-1-11; 97-475, eff. 8-22-11;  
19 revised 9-14-11.)

20           (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

21           Sec. 5-9-1.7. Sexual assault fines.

22           (a) Definitions. The terms used in this Section shall have  
23 the following meanings ascribed to them:

24           (1) "Sexual assault" means the commission or attempted  
25 commission of the following: sexual exploitation of a



1 child, criminal sexual assault, predatory criminal sexual  
2 assault of a child, aggravated criminal sexual assault,  
3 criminal sexual abuse, aggravated criminal sexual abuse,  
4 indecent solicitation of a child, public indecency, sexual  
5 relations within families, promoting juvenile  
6 prostitution, soliciting for a juvenile prostitute,  
7 keeping a place of juvenile prostitution, patronizing a  
8 juvenile prostitute, juvenile pimping, exploitation of a  
9 child, obscenity, child pornography, aggravated child  
10 pornography, harmful material, or ritualized abuse of a  
11 child, as those offenses are defined in the Criminal Code  
12 of 1961.

13 (2) "Family member" shall have the meaning ascribed to  
14 it in Section 11-0.1 ~~12-12~~ of the Criminal Code of 1961.

15 (3) "Sexual assault organization" means any  
16 not-for-profit organization providing comprehensive,  
17 community-based services to victims of sexual assault.  
18 "Community-based services" include, but are not limited  
19 to, direct crisis intervention through a 24-hour response,  
20 medical and legal advocacy, counseling, information and  
21 referral services, training, and community education.

22 (b) Sexual assault fine; collection by clerk.

23 (1) In addition to any other penalty imposed, a fine of  
24 \$200 shall be imposed upon any person who pleads guilty or  
25 who is convicted of, or who receives a disposition of court  
26 supervision for, a sexual assault or attempt of a sexual

1 assault. Upon request of the victim or the victim's  
2 representative, the court shall determine whether the fine  
3 will impose an undue burden on the victim of the offense.  
4 For purposes of this paragraph, the defendant may not be  
5 considered the victim's representative. If the court finds  
6 that the fine would impose an undue burden on the victim,  
7 the court may reduce or waive the fine. The court shall  
8 order that the defendant may not use funds belonging solely  
9 to the victim of the offense for payment of the fine.

10 (2) Sexual assault fines shall be assessed by the court  
11 imposing the sentence and shall be collected by the circuit  
12 clerk. The circuit clerk shall retain 10% of the penalty to  
13 cover the costs involved in administering and enforcing  
14 this Section. The circuit clerk shall remit the remainder  
15 of each fine within one month of its receipt to the State  
16 Treasurer for deposit as follows:

17 (i) for family member offenders, one-half to the  
18 Sexual Assault Services Fund, and one-half to the  
19 Domestic Violence Shelter and Service Fund; and

20 (ii) for other than family member offenders, the  
21 full amount to the Sexual Assault Services Fund.

22 (c) Sexual Assault Services Fund; administration. There is  
23 created a Sexual Assault Services Fund. Moneys deposited into  
24 the Fund under this Section shall be appropriated to the  
25 Department of Public Health. Upon appropriation of moneys from  
26 the Sexual Assault Services Fund, the Department of Public

1 Health shall make grants of these moneys from the Fund to  
2 sexual assault organizations with whom the Department has  
3 contracts for the purpose of providing community-based  
4 services to victims of sexual assault. Grants made under this  
5 Section are in addition to, and are not substitutes for, other  
6 grants authorized and made by the Department.

7 (Source: P.A. 95-331, eff. 8-21-07; 96-1551, eff. 7-1-11;  
8 revised 10-12-11.)

9 Section 15-70. The Sex Offender Registration Act is amended  
10 by changing Sections 2 and 3 as follows:

11 (730 ILCS 150/2) (from Ch. 38, par. 222)

12 Sec. 2. Definitions.

13 (A) As used in this Article, "sex offender" means any  
14 person who is:

15 (1) charged pursuant to Illinois law, or any  
16 substantially similar federal, Uniform Code of Military  
17 Justice, sister state, or foreign country law, with a sex  
18 offense set forth in subsection (B) of this Section or the  
19 attempt to commit an included sex offense, and:

20 (a) is convicted of such offense or an attempt to  
21 commit such offense; or

22 (b) is found not guilty by reason of insanity of  
23 such offense or an attempt to commit such offense; or

24 (c) is found not guilty by reason of insanity

1           pursuant to Section 104-25(c) of the Code of Criminal  
2           Procedure of 1963 of such offense or an attempt to  
3           commit such offense; or

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

9           (e) is found not guilty by reason of insanity  
10          following a hearing conducted pursuant to a federal,  
11          Uniform Code of Military Justice, sister state, or  
12          foreign country law substantially similar to Section  
13          104-25(c) of the Code of Criminal Procedure of 1963 of  
14          such offense or of the attempted commission of such  
15          offense; or

16          (f) is the subject of a finding not resulting in an  
17          acquittal at a hearing conducted pursuant to a federal,  
18          Uniform Code of Military Justice, sister state, or  
19          foreign country law substantially similar to Section  
20          104-25(a) of the Code of Criminal Procedure of 1963 for  
21          the alleged violation or attempted commission of such  
22          offense; or

23          (2) certified as a sexually dangerous person pursuant  
24          to the Illinois Sexually Dangerous Persons Act, or any  
25          substantially similar federal, Uniform Code of Military  
26          Justice, sister state, or foreign country law; or

1           (3) subject to the provisions of Section 2 of the  
2 Interstate Agreements on Sexually Dangerous Persons Act;  
3 or

4           (4) found to be a sexually violent person pursuant to  
5 the Sexually Violent Persons Commitment Act or any  
6 substantially similar federal, Uniform Code of Military  
7 Justice, sister state, or foreign country law; or

8           (5) adjudicated a juvenile delinquent as the result of  
9 committing or attempting to commit an act which, if  
10 committed by an adult, would constitute any of the offenses  
11 specified in item (B), (C), or (C-5) of this Section or a  
12 violation of any substantially similar federal, Uniform  
13 Code of Military Justice, sister state, or foreign country  
14 law, or found guilty under Article V of the Juvenile Court  
15 Act of 1987 of committing or attempting to commit an act  
16 which, if committed by an adult, would constitute any of  
17 the offenses specified in item (B), (C), or (C-5) of this  
18 Section or a violation of any substantially similar  
19 federal, Uniform Code of Military Justice, sister state, or  
20 foreign country law.

21           Convictions that result from or are connected with the same  
22 act, or result from offenses committed at the same time, shall  
23 be counted for the purpose of this Article as one conviction.  
24 Any conviction set aside pursuant to law is not a conviction  
25 for purposes of this Article.

26           For purposes of this Section, "convicted" shall have the

1 same meaning as "adjudicated".

2 (B) As used in this Article, "sex offense" means:

3 (1) A violation of any of the following Sections of the  
4 Criminal Code of 1961:

5 11-20.1 (child pornography),

6 11-20.1B or 11-20.3 (aggravated child  
7 pornography),

8 11-6 (indecent solicitation of a child),

9 11-9.1 (sexual exploitation of a child),

10 11-9.2 (custodial sexual misconduct),

11 11-9.5 (sexual misconduct with a person with a  
12 disability),

13 11-14.4 (promoting juvenile prostitution),

14 11-15.1 (soliciting for a juvenile prostitute),

15 11-18.1 (patronizing a juvenile prostitute),

16 11-17.1 (keeping a place of juvenile  
17 prostitution),

18 11-19.1 (juvenile pimping),

19 11-19.2 (exploitation of a child),

20 11-25 (grooming),

21 11-26 (traveling to meet a minor),

22 11-1.20 or 12-13 (criminal sexual assault),

23 11-1.30 or 12-14 (aggravated criminal sexual  
24 assault),

25 11-1.40 or 12-14.1 (predatory criminal sexual  
26 assault of a child),

1           11-1.50 or 12-15 (criminal sexual abuse),  
2           11-1.60 or 12-16 (aggravated criminal sexual  
3 abuse),  
4           12-33 (ritualized abuse of a child).

5           An attempt to commit any of these offenses.

6           (1.5) A violation of any of the following Sections of  
7 the Criminal Code of 1961, when the victim is a person  
8 under 18 years of age, the defendant is not a parent of the  
9 victim, the offense was sexually motivated as defined in  
10 Section 10 of the Sex Offender Management Board Act, and  
11 the offense was committed on or after January 1, 1996:

12           10-1 (kidnapping),  
13           10-2 (aggravated kidnapping),  
14           10-3 (unlawful restraint),  
15           10-3.1 (aggravated unlawful restraint).

16           If the offense was committed before January 1, 1996, it  
17 is a sex offense requiring registration only when the  
18 person is convicted of any felony after July 1, 2011, and  
19 paragraph (2.1) of subsection (c) of Section 3 of this Act  
20 applies.

21           (1.6) First degree murder under Section 9-1 of the  
22 Criminal Code of 1961, provided the offense was sexually  
23 motivated as defined in Section 10 of the Sex Offender  
24 Management Board Act.

25           (1.7) (Blank).

26           (1.8) A violation or attempted violation of Section

1 11-11 (sexual relations within families) of the Criminal  
2 Code of 1961, and the offense was committed on or after  
3 June 1, 1997. If the offense was committed before June 1,  
4 1997, it is a sex offense requiring registration only when  
5 the person is convicted of any felony after July 1, 2011,  
6 and paragraph (2.1) of subsection (c) of Section 3 of this  
7 Act applies.

8 (1.9) Child abduction under paragraph (10) of  
9 subsection (b) of Section 10-5 of the Criminal Code of 1961  
10 committed by luring or attempting to lure a child under the  
11 age of 16 into a motor vehicle, building, house trailer, or  
12 dwelling place without the consent of the parent or lawful  
13 custodian of the child for other than a lawful purpose and  
14 the offense was committed on or after January 1, 1998,  
15 provided the offense was sexually motivated as defined in  
16 Section 10 of the Sex Offender Management Board Act. If the  
17 offense was committed before January 1, 1998, it is a sex  
18 offense requiring registration only when the person is  
19 convicted of any felony after July 1, 2011, and paragraph  
20 (2.1) of subsection (c) of Section 3 of this Act applies.

21 (1.10) A violation or attempted violation of any of the  
22 following Sections of the Criminal Code of 1961 when the  
23 offense was committed on or after July 1, 1999:

24 10-4 (forcible detention, if the victim is under 18  
25 years of age), provided the offense was sexually  
26 motivated as defined in Section 10 of the Sex Offender



1 Management Board Act,  
2 11-6.5 (indecent solicitation of an adult),  
3 11-14.3 that involves soliciting for a prostitute,  
4 or 11-15 (soliciting for a prostitute, if the victim is  
5 under 18 years of age),  
6 subdivision (a) (2) (A) or (a) (2) (B) of Section  
7 11-14.3, or Section 11-16 (pandering, if the victim is  
8 under 18 years of age),  
9 11-18 (patronizing a prostitute, if the victim is  
10 under 18 years of age),  
11 subdivision (a) (2) (C) of Section 11-14.3, or  
12 Section 11-19 (pimping, if the victim is under 18 years  
13 of age).

14 If the offense was committed before July 1, 1999, it is  
15 a sex offense requiring registration only when the person  
16 is convicted of any felony after July 1, 2011, and  
17 paragraph (2.1) of subsection (c) of Section 3 of this Act  
18 applies.

19 (1.11) A violation or attempted violation of any of the  
20 following Sections of the Criminal Code of 1961 when the  
21 offense was committed on or after August 22, 2002:

22 11-9 or 11-30 (public indecency for a third or  
23 subsequent conviction).

24 If the third or subsequent conviction was imposed  
25 before August 22, 2002, it is a sex offense requiring  
26 registration only when the person is convicted of any

1 felony after July 1, 2011, and paragraph (2.1) of  
2 subsection (c) of Section 3 of this Act applies.

3 (1.12) A violation or attempted violation of Section  
4 5.1 of the Wrongs to Children Act or Section 11-9.1A of the  
5 Criminal Code of 1961 (permitting sexual abuse) when the  
6 offense was committed on or after August 22, 2002. If the  
7 offense was committed before August 22, 2002, it is a sex  
8 offense requiring registration only when the person is  
9 convicted of any felony after July 1, 2011, and paragraph  
10 (2.1) of subsection (c) of Section 3 of this Act applies.

11 (2) A violation of any former law of this State  
12 substantially equivalent to any offense listed in  
13 subsection (B) of this Section.

14 (C) A conviction for an offense of federal law, Uniform  
15 Code of Military Justice, or the law of another state or a  
16 foreign country that is substantially equivalent to any offense  
17 listed in subsections (B), (C), (E), and (E-5) of this Section  
18 shall constitute a conviction for the purpose of this Article.  
19 A finding or adjudication as a sexually dangerous person or a  
20 sexually violent person under any federal law, Uniform Code of  
21 Military Justice, or the law of another state or foreign  
22 country that is substantially equivalent to the Sexually  
23 Dangerous Persons Act or the Sexually Violent Persons  
24 Commitment Act shall constitute an adjudication for the  
25 purposes of this Article.

26 (C-5) A person at least 17 years of age at the time of the

1 commission of the offense who is convicted of first degree  
2 murder under Section 9-1 of the Criminal Code of 1961, against  
3 a person under 18 years of age, shall be required to register  
4 for natural life. A conviction for an offense of federal,  
5 Uniform Code of Military Justice, sister state, or foreign  
6 country law that is substantially equivalent to any offense  
7 listed in subsection (C-5) of this Section shall constitute a  
8 conviction for the purpose of this Article. This subsection  
9 (C-5) applies to a person who committed the offense before June  
10 1, 1996 if: (i) the person is incarcerated in an Illinois  
11 Department of Corrections facility on August 20, 2004 (the  
12 effective date of Public Act 93-977), or (ii) subparagraph (i)  
13 does not apply and the person is convicted of any felony after  
14 July 1, 2011, and paragraph (2.1) of subsection (c) of Section  
15 3 of this Act applies.

16 (C-6) A person who is convicted or adjudicated delinquent  
17 of first degree murder as defined in Section 9-1 of the  
18 Criminal Code of 1961, against a person 18 years of age or  
19 over, shall be required to register for his or her natural  
20 life. A conviction for an offense of federal, Uniform Code of  
21 Military Justice, sister state, or foreign country law that is  
22 substantially equivalent to any offense listed in subsection  
23 (C-6) of this Section shall constitute a conviction for the  
24 purpose of this Article. This subsection (C-6) does not apply  
25 to those individuals released from incarceration more than 10  
26 years prior to January 1, 2012 (the effective date of Public

1 ~~Act 97-154) this amendatory Act of the 97th General Assembly.~~

2 (D) As used in this Article, "law enforcement agency having  
3 jurisdiction" means the Chief of Police in each of the  
4 municipalities in which the sex offender expects to reside,  
5 work, or attend school (1) upon his or her discharge, parole or  
6 release or (2) during the service of his or her sentence of  
7 probation or conditional discharge, or the Sheriff of the  
8 county, in the event no Police Chief exists or if the offender  
9 intends to reside, work, or attend school in an unincorporated  
10 area. "Law enforcement agency having jurisdiction" includes  
11 the location where out-of-state students attend school and  
12 where out-of-state employees are employed or are otherwise  
13 required to register.

14 (D-1) As used in this Article, "supervising officer" means  
15 the assigned Illinois Department of Corrections parole agent or  
16 county probation officer.

17 (E) As used in this Article, "sexual predator" means any  
18 person who, after July 1, 1999, is:

19 (1) Convicted for an offense of federal, Uniform Code  
20 of Military Justice, sister state, or foreign country law  
21 that is substantially equivalent to any offense listed in  
22 subsection (E) or (E-5) of this Section shall constitute a  
23 conviction for the purpose of this Article. Convicted of a  
24 violation or attempted violation of any of the following  
25 Sections of the Criminal Code of 1961:

26 11-14.4 that involves keeping a place of juvenile

1 prostitution, or 11-17.1 (keeping a place of juvenile  
2 prostitution),

3 subdivision (a)(2) or (a)(3) of Section 11-14.4,  
4 or Section 11-19.1 (juvenile pimping),

5 subdivision (a)(4) of Section 11-14.4, or Section  
6 11-19.2 (exploitation of a child),

7 11-20.1 (child pornography),

8 11-20.1B or 11-20.3 (aggravated child  
9 pornography),

10 11-1.20 or 12-13 (criminal sexual assault),

11 11-1.30 or 12-14 (aggravated criminal sexual  
12 assault),

13 11-1.40 or 12-14.1 (predatory criminal sexual  
14 assault of a child),

15 11-1.60 or 12-16 (aggravated criminal sexual  
16 abuse),

17 12-33 (ritualized abuse of a child);

18 (2) (blank);

19 (3) certified as a sexually dangerous person pursuant  
20 to the Sexually Dangerous Persons Act or any substantially  
21 similar federal, Uniform Code of Military Justice, sister  
22 state, or foreign country law;

23 (4) found to be a sexually violent person pursuant to  
24 the Sexually Violent Persons Commitment Act or any  
25 substantially similar federal, Uniform Code of Military  
26 Justice, sister state, or foreign country law;

1           (5) convicted of a second or subsequent offense which  
2 requires registration pursuant to this Act. For purposes of  
3 this paragraph (5), "convicted" shall include a conviction  
4 under any substantially similar Illinois, federal, Uniform  
5 Code of Military Justice, sister state, or foreign country  
6 law;

7           (6) convicted of a second or subsequent offense of  
8 luring a minor under Section 10-5.1 of the Criminal Code of  
9 1961; or

10          (7) if the person was convicted of an offense set forth  
11 in this subsection (E) on or before July 1, 1999, the  
12 person is a sexual predator for whom registration is  
13 required only when the person is convicted of a felony  
14 offense after July 1, 2011, and paragraph (2.1) of  
15 subsection (c) of Section 3 of this Act applies.

16          (E-5) As used in this Article, "sexual predator" also means  
17 a person convicted of a violation or attempted violation of any  
18 of the following Sections of the Criminal Code of 1961:

19           (1) Section 9-1 (first degree murder, when the victim  
20 was a person under 18 years of age and the defendant was at  
21 least 17 years of age at the time of the commission of the  
22 offense, provided the offense was sexually motivated as  
23 defined in Section 10 of the Sex Offender Management Board  
24 Act);

25           (2) Section 11-9.5 (sexual misconduct with a person  
26 with a disability);

1           (3) when the victim is a person under 18 years of age,  
2           the defendant is not a parent of the victim, the offense  
3           was sexually motivated as defined in Section 10 of the Sex  
4           Offender Management Board Act, and the offense was  
5           committed on or after January 1, 1996: (A) Section 10-1  
6           (kidnapping), (B) Section 10-2 (aggravated kidnapping),  
7           (C) Section 10-3 (unlawful restraint), and (D) Section  
8           10-3.1 (aggravated unlawful restraint); and

9           (4) Section 10-5(b)(10) (child abduction committed by  
10          luring or attempting to lure a child under the age of 16  
11          into a motor vehicle, building, house trailer, or dwelling  
12          place without the consent of the parent or lawful custodian  
13          of the child for other than a lawful purpose and the  
14          offense was committed on or after January 1, 1998, provided  
15          the offense was sexually motivated as defined in Section 10  
16          of the Sex Offender Management Board Act).

17          (E-10) As used in this Article, "sexual predator" also  
18          means a person required to register in another State due to a  
19          conviction, adjudication or other action of any court  
20          triggering an obligation to register as a sex offender, sexual  
21          predator, or substantially similar status under the laws of  
22          that State.

23          (F) As used in this Article, "out-of-state student" means  
24          any sex offender, as defined in this Section, or sexual  
25          predator who is enrolled in Illinois, on a full-time or  
26          part-time basis, in any public or private educational

1 institution, including, but not limited to, any secondary  
2 school, trade or professional institution, or institution of  
3 higher learning.

4 (G) As used in this Article, "out-of-state employee" means  
5 any sex offender, as defined in this Section, or sexual  
6 predator who works in Illinois, regardless of whether the  
7 individual receives payment for services performed, for a  
8 period of time of 10 or more days or for an aggregate period of  
9 time of 30 or more days during any calendar year. Persons who  
10 operate motor vehicles in the State accrue one day of  
11 employment time for any portion of a day spent in Illinois.

12 (H) As used in this Article, "school" means any public or  
13 private educational institution, including, but not limited  
14 to, any elementary or secondary school, trade or professional  
15 institution, or institution of higher education.

16 (I) As used in this Article, "fixed residence" means any  
17 and all places that a sex offender resides for an aggregate  
18 period of time of 5 or more days in a calendar year.

19 (J) As used in this Article, "Internet protocol address"  
20 means the string of numbers by which a location on the Internet  
21 is identified by routers or other computers connected to the  
22 Internet.

23 (Source: P.A. 96-301, eff. 8-11-09; 96-1089, eff. 1-1-11;  
24 96-1551, eff. 7-1-11; 97-154, eff. 1-1-12; 97-578, eff. 1-1-12;  
25 revised 9-27-11.)



1 (730 ILCS 150/3)

2 Sec. 3. Duty to register.

3 (a) A sex offender, as defined in Section 2 of this Act, or  
4 sexual predator shall, within the time period prescribed in  
5 subsections (b) and (c), register in person and provide  
6 accurate information as required by the Department of State  
7 Police. Such information shall include a current photograph,  
8 current address, current place of employment, the sex  
9 offender's or sexual predator's telephone number, including  
10 cellular telephone number, the employer's telephone number,  
11 school attended, all e-mail addresses, instant messaging  
12 identities, chat room identities, and other Internet  
13 communications identities that the sex offender uses or plans  
14 to use, all Uniform Resource Locators (URLs) registered or used  
15 by the sex offender, all blogs and other Internet sites  
16 maintained by the sex offender or to which the sex offender has  
17 uploaded any content or posted any messages or information,  
18 extensions of the time period for registering as provided in  
19 this Article and, if an extension was granted, the reason why  
20 the extension was granted and the date the sex offender was  
21 notified of the extension. The information shall also include a  
22 copy of the terms and conditions of parole or release signed by  
23 the sex offender and given to the sex offender by his or her  
24 supervising officer, the county of conviction, license plate  
25 numbers for every vehicle registered in the name of the sex  
26 offender, the age of the sex offender at the time of the

1 commission of the offense, the age of the victim at the time of  
2 the commission of the offense, and any distinguishing marks  
3 located on the body of the sex offender. A sex offender  
4 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or  
5 11-21 of the Criminal Code of 1961 shall provide all Internet  
6 protocol (IP) addresses in his or her residence, registered in  
7 his or her name, accessible at his or her place of employment,  
8 or otherwise under his or her control or custody. If the sex  
9 offender is a child sex offender as defined in Section 11-9.3  
10 or 11-9.4 of the Criminal Code of 1961, the sex offender shall  
11 report to the registering agency whether he or she is living in  
12 a household with a child under 18 years of age who is not his or  
13 her own child, provided that his or her own child is not the  
14 victim of the sex offense. The sex offender or sexual predator  
15 shall register:

16 (1) with the chief of police in the municipality in  
17 which he or she resides or is temporarily domiciled for a  
18 period of time of 3 or more days, unless the municipality  
19 is the City of Chicago, in which case he or she shall  
20 register at the Chicago Police Department Headquarters; or

21 (2) with the sheriff in the county in which he or she  
22 resides or is temporarily domiciled for a period of time of  
23 3 or more days in an unincorporated area or, if  
24 incorporated, no police chief exists.

25 If the sex offender or sexual predator is employed at or  
26 attends an institution of higher education, he or she shall

1 also register:

2 (i) with:

3 (A) the chief of police in the municipality in  
4 which he or she is employed at or attends an  
5 institution of higher education, unless the  
6 municipality is the City of Chicago, in which case he  
7 or she shall register at the Chicago Police Department  
8 Headquarters; or

9 (B) the sheriff in the county in which he or she is  
10 employed or attends an institution of higher education  
11 located in an unincorporated area, or if incorporated,  
12 no police chief exists; and

13 (ii) with the public safety or security director of the  
14 institution of higher education which he or she is employed  
15 at or attends.

16 The registration fees shall only apply to the municipality  
17 or county of primary registration, and not to campus  
18 registration.

19 For purposes of this Article, the place of residence or  
20 temporary domicile is defined as any and all places where the  
21 sex offender resides for an aggregate period of time of 3 or  
22 more days during any calendar year. Any person required to  
23 register under this Article who lacks a fixed address or  
24 temporary domicile must notify, in person, the agency of  
25 jurisdiction of his or her last known address within 3 days  
26 after ceasing to have a fixed residence.

1           A sex offender or sexual predator who is temporarily absent  
2 from his or her current address of registration for 3 or more  
3 days shall notify the law enforcement agency having  
4 jurisdiction of his or her current registration, including the  
5 itinerary for travel, in the manner provided in Section 6 of  
6 this Act for notification to the law enforcement agency having  
7 jurisdiction of change of address.

8           Any person who lacks a fixed residence must report weekly,  
9 in person, with the sheriff's office of the county in which he  
10 or she is located in an unincorporated area, or with the chief  
11 of police in the municipality in which he or she is located.  
12 The agency of jurisdiction will document each weekly  
13 registration to include all the locations where the person has  
14 stayed during the past 7 days.

15           The sex offender or sexual predator shall provide accurate  
16 information as required by the Department of State Police. That  
17 information shall include the sex offender's or sexual  
18 predator's current place of employment.

19           (a-5) An out-of-state student or out-of-state employee  
20 shall, within 3 days after beginning school or employment in  
21 this State, register in person and provide accurate information  
22 as required by the Department of State Police. Such information  
23 will include current place of employment, school attended, and  
24 address in state of residence. A sex offender convicted under  
25 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the  
26 Criminal Code of 1961 shall provide all Internet protocol (IP)

1 addresses in his or her residence, registered in his or her  
2 name, accessible at his or her place of employment, or  
3 otherwise under his or her control or custody. The out-of-state  
4 student or out-of-state employee shall register:

5 (1) with:

6 (A) the chief of police in the municipality in  
7 which he or she attends school or is employed for a  
8 period of time of 5 or more days or for an aggregate  
9 period of time of more than 30 days during any calendar  
10 year, unless the municipality is the City of Chicago,  
11 in which case he or she shall register at the Chicago  
12 Police Department Headquarters; or

13 (B) the sheriff in the county in which he or she  
14 attends school or is employed for a period of time of 5  
15 or more days or for an aggregate period of time of more  
16 than 30 days during any calendar year in an  
17 unincorporated area or, if incorporated, no police  
18 chief exists; and

19 (2) with the public safety or security director of the  
20 institution of higher education he or she is employed at or  
21 attends for a period of time of 5 or more days or for an  
22 aggregate period of time of more than 30 days during a  
23 calendar year.

24 The registration fees shall only apply to the municipality  
25 or county of primary registration, and not to campus  
26 registration.

1           The out-of-state student or out-of-state employee shall  
2 provide accurate information as required by the Department of  
3 State Police. That information shall include the out-of-state  
4 student's current place of school attendance or the  
5 out-of-state employee's current place of employment.

6           (a-10) Any law enforcement agency registering sex  
7 offenders or sexual predators in accordance with subsections  
8 (a) or (a-5) of this Section shall forward to the Attorney  
9 General a copy of sex offender registration forms from persons  
10 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or  
11 11-21 of the Criminal Code of 1961, including periodic and  
12 annual registrations under Section 6 of this Act.

13           (b) Any sex offender, as defined in Section 2 of this Act,  
14 or sexual predator, regardless of any initial, prior, or other  
15 registration, shall, within 3 days of beginning school, or  
16 establishing a residence, place of employment, or temporary  
17 domicile in any county, register in person as set forth in  
18 subsection (a) or (a-5).

19           (c) The registration for any person required to register  
20 under this Article shall be as follows:

21           (1) Any person registered under the Habitual Child Sex  
22 Offender Registration Act or the Child Sex Offender  
23 Registration Act prior to January 1, 1996, shall be deemed  
24 initially registered as of January 1, 1996; however, this  
25 shall not be construed to extend the duration of  
26 registration set forth in Section 7.

1           (2) Except as provided in subsection (c)(2.1) or  
2           (c)(4), any person convicted or adjudicated prior to  
3           January 1, 1996, whose liability for registration under  
4           Section 7 has not expired, shall register in person prior  
5           to January 31, 1996.

6           (2.1) A sex offender or sexual predator, who has never  
7           previously been required to register under this Act, has a  
8           duty to register if the person has been convicted of any  
9           felony offense after July 1, 2011. A person who previously  
10          was required to register under this Act for a period of 10  
11          years and successfully completed that registration period  
12          has a duty to register if: (i) the person has been  
13          convicted of any felony offense after July 1, 2011, and  
14          (ii) the offense for which the 10 year registration was  
15          served currently requires a registration period of more  
16          than 10 years. Notification of an offender's duty to  
17          register under this subsection shall be pursuant to Section  
18          5-7 of this Act.

19          (2.5) Except as provided in subsection (c)(4), any  
20          person who has not been notified of his or her  
21          responsibility to register shall be notified by a criminal  
22          justice entity of his or her responsibility to register.  
23          Upon notification the person must then register within 3  
24          days of notification of his or her requirement to register.  
25          Except as provided in subsection (c)(2.1), if notification  
26          is not made within the offender's 10 year registration

1 requirement, and the Department of State Police determines  
2 no evidence exists or indicates the offender attempted to  
3 avoid registration, the offender will no longer be required  
4 to register under this Act.

5 (3) Except as provided in subsection (c)(4), any person  
6 convicted on or after January 1, 1996, shall register in  
7 person within 3 days after the entry of the sentencing  
8 order based upon his or her conviction.

9 (4) Any person unable to comply with the registration  
10 requirements of this Article because he or she is confined,  
11 institutionalized, or imprisoned in Illinois on or after  
12 January 1, 1996, shall register in person within 3 days of  
13 discharge, parole or release.

14 (5) The person shall provide positive identification  
15 and documentation that substantiates proof of residence at  
16 the registering address.

17 (6) The person shall pay a \$100 initial registration  
18 fee and a \$100 annual renewal fee. The fees shall be used  
19 by the registering agency for official purposes. The agency  
20 shall establish procedures to document receipt and use of  
21 the funds. The law enforcement agency having jurisdiction  
22 may waive the registration fee if it determines that the  
23 person is indigent and unable to pay the registration fee.  
24 Thirty dollars for the initial registration fee and \$30 of  
25 the annual renewal fee shall be used by the registering  
26 agency for official purposes. Ten dollars of the initial



1 registration fee and \$10 of the annual fee shall be  
2 deposited into the Sex Offender Management Board Fund under  
3 Section 19 of the Sex Offender Management Board Act. Money  
4 deposited into the Sex Offender Management Board Fund shall  
5 be administered by the Sex Offender Management Board and  
6 shall be used to fund practices endorsed or required by the  
7 Sex Offender Management Board Act including but not limited  
8 to sex offenders evaluation, treatment, or monitoring  
9 programs that are or may be developed, as well as for  
10 administrative costs, including staff, incurred by the  
11 Board. Thirty dollars of the initial registration fee and  
12 \$30 of the annual renewal fee shall be deposited into the  
13 Sex Offender Registration Fund and shall be used by the  
14 Department of State Police to maintain and update the  
15 Illinois State Police Sex Offender Registry. Thirty  
16 dollars of the initial registration fee and \$30 of the  
17 annual renewal fee shall be deposited into the Attorney  
18 General Sex Offender Awareness, Training, and Education  
19 Fund. Moneys deposited into the Fund shall be used by the  
20 Attorney General to administer the I-SORT program and to  
21 alert and educate the public, victims, and witnesses of  
22 their rights under various victim notification laws and for  
23 training law enforcement agencies, State's Attorneys, and  
24 medical providers of their legal duties concerning the  
25 prosecution and investigation of sex offenses.

26 (d) Within 3 days after obtaining or changing employment

1 and, if employed on January 1, 2000, within 5 days after that  
2 date, a person required to register under this Section must  
3 report, in person to the law enforcement agency having  
4 jurisdiction, the business name and address where he or she is  
5 employed. If the person has multiple businesses or work  
6 locations, every business and work location must be reported to  
7 the law enforcement agency having jurisdiction.

8 (Source: P.A. 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11;  
9 96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff.  
10 1-1-11; 96-1551, eff. 7-1-11; 97-155, eff 1-1-12; 97-333, eff.  
11 8-12-11; 97-578, eff. 1-1-12; revised 9-15-11.)

12 Section 15-75. The Secure Residential Youth Care Facility  
13 Licensing Act is amended by changing Section 45-30 as follows:

14 (730 ILCS 175/45-30)

15 Sec. 45-30. License or employment eligibility.

16 (a) No applicant may receive a license from the Department  
17 and no person may be employed by a licensed facility who  
18 refuses to authorize an investigation as required by Section  
19 45-25.

20 (b) No applicant may receive a license from the Department  
21 and no person may be employed by a secure residential youth  
22 care facility licensed by the Department who has been declared  
23 a sexually dangerous person under the Sexually Dangerous  
24 Persons Act or convicted of committing or attempting to commit

1 any of the following offenses under the Criminal Code of 1961:

2 (1) First degree murder.

3 (2) A sex offense under Article 11, except offenses  
4 described in Sections 11-7, 11-8, 11-12, 11-13, 11-18,  
5 11-35, 11-40, and 11-45.

6 (3) Kidnapping.

7 (4) Aggravated kidnapping.

8 (5) Child abduction.

9 (6) Aggravated battery of a child as described in  
10 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05.

11 (7) Criminal sexual assault.

12 (8) Aggravated criminal sexual assault.

13 (8.1) Predatory criminal sexual assault of a child.

14 (9) Criminal sexual abuse.

15 (10) Aggravated criminal sexual abuse.

16 (11) A federal offense or an offense in any other state  
17 the elements of which are similar to any of the foregoing  
18 offenses.

19 (Source: P.A. 96-1551, Article 1, Section 975, eff. 7-1-11;  
20 96-1551, Article 2, Section 1080, eff. 7-1-11; revised  
21 9-30-11.)

22 Section 15-80. The Crime Victims Compensation Act is  
23 amended by changing Section 2 as follows:

24 (740 ILCS 45/2) (from Ch. 70, par. 72)

1           Sec. 2. Definitions. As used in this Act, unless the  
2 context otherwise requires:

3           (a) "Applicant" means any person who applies for  
4 compensation under this Act or any person the Court of Claims  
5 finds is entitled to compensation, including the guardian of a  
6 minor or of a person under legal disability. It includes any  
7 person who was a dependent of a deceased victim of a crime of  
8 violence for his or her support at the time of the death of  
9 that victim.

10           (b) "Court of Claims" means the Court of Claims created by  
11 the Court of Claims Act.

12           (c) "Crime of violence" means and includes any offense  
13 defined in Sections 9-1, 9-2, 9-3, 10-1, 10-2, 11-1.20,  
14 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, 11-19.2, 11-20.1,  
15 11-20.1B, 11-20.3, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-3.4,  
16 12-4, 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4,  
17 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or  
18 20-1.1, or Section 12-3.05 except for subdivision (a)(4) or  
19 (g)(1),~~7~~ or subdivision (a)(4) of Section 11-14.4, of the  
20 Criminal Code of 1961, Sections 1(a) and 1(a-5) of the Cemetery  
21 Protection Act, driving under the influence of intoxicating  
22 liquor or narcotic drugs as defined in Section 11-501 of the  
23 Illinois Vehicle Code, and a violation of Section 11-401 of the  
24 Illinois Vehicle Code, provided the victim was a pedestrian or  
25 was operating a vehicle moved solely by human power or a  
26 mobility device at the time of contact; so long as the offense

1 did not occur during a civil riot, insurrection or rebellion.  
2 "Crime of violence" does not include any other offense or  
3 accident involving a motor vehicle except those vehicle  
4 offenses specifically provided for in this paragraph. "Crime of  
5 violence" does include all of the offenses specifically  
6 provided for in this paragraph that occur within this State but  
7 are subject to federal jurisdiction and crimes involving  
8 terrorism as defined in 18 U.S.C. 2331.

9 (d) "Victim" means (1) a person killed or injured in this  
10 State as a result of a crime of violence perpetrated or  
11 attempted against him or her, (2) the parent of a person killed  
12 or injured in this State as a result of a crime of violence  
13 perpetrated or attempted against the person, (3) a person  
14 killed or injured in this State while attempting to assist a  
15 person against whom a crime of violence is being perpetrated or  
16 attempted, if that attempt of assistance would be expected of a  
17 reasonable person under the circumstances, (4) a person killed  
18 or injured in this State while assisting a law enforcement  
19 official apprehend a person who has perpetrated a crime of  
20 violence or prevent the perpetration of any such crime if that  
21 assistance was in response to the express request of the law  
22 enforcement official, (5) a person who personally witnessed a  
23 violent crime, (5.1) solely for the purpose of compensating for  
24 pecuniary loss incurred for psychological treatment of a mental  
25 or emotional condition caused or aggravated by the crime, any  
26 other person under the age of 18 who is the brother, sister,

1 half brother, half sister, child, or stepchild of a person  
2 killed or injured in this State as a result of a crime of  
3 violence, (6) an Illinois resident who is a victim of a "crime  
4 of violence" as defined in this Act except, if the crime  
5 occurred outside this State, the resident has the same rights  
6 under this Act as if the crime had occurred in this State upon  
7 a showing that the state, territory, country, or political  
8 subdivision of a country in which the crime occurred does not  
9 have a compensation of victims of crimes law for which that  
10 Illinois resident is eligible, (7) a deceased person whose body  
11 is dismembered or whose remains are desecrated as the result of  
12 a crime of violence, or (8) solely for the purpose of  
13 compensating for pecuniary loss incurred for psychological  
14 treatment of a mental or emotional condition caused or  
15 aggravated by the crime, any parent, spouse, or child under the  
16 age of 18 of a deceased person whose body is dismembered or  
17 whose remains are desecrated as the result of a crime of  
18 violence.

19 (e) "Dependent" means a relative of a deceased victim who  
20 was wholly or partially dependent upon the victim's income at  
21 the time of his or her death and shall include the child of a  
22 victim born after his or her death.

23 (f) "Relative" means a spouse, parent, grandparent,  
24 stepfather, stepmother, child, grandchild, brother,  
25 brother-in-law, sister, sister-in-law, half brother, half  
26 sister, spouse's parent, nephew, niece, uncle or aunt.

1           (g) "Child" means an unmarried son or daughter who is under  
2 18 years of age and includes a stepchild, an adopted child or a  
3 child born out of wedlock.

4           (h) "Pecuniary loss" means, in the case of injury,  
5 appropriate medical expenses and hospital expenses including  
6 expenses of medical examinations, rehabilitation, medically  
7 required nursing care expenses, appropriate psychiatric care  
8 or psychiatric counseling expenses, expenses for care or  
9 counseling by a licensed clinical psychologist, licensed  
10 clinical social worker, or licensed clinical professional  
11 counselor and expenses for treatment by Christian Science  
12 practitioners and nursing care appropriate thereto;  
13 transportation expenses to and from medical and treatment  
14 facilities; prosthetic appliances, eyeglasses, and hearing  
15 aids necessary or damaged as a result of the crime; replacement  
16 costs for clothing and bedding used as evidence; costs  
17 associated with temporary lodging or relocation necessary as a  
18 result of the crime, including, but not limited to, the first  
19 month's rent and security deposit of the dwelling that the  
20 claimant relocated to and other reasonable relocation expenses  
21 incurred as a result of the violent crime; locks or windows  
22 necessary or damaged as a result of the crime; the purchase,  
23 lease, or rental of equipment necessary to create usability of  
24 and accessibility to the victim's real and personal property,  
25 or the real and personal property which is used by the victim,  
26 necessary as a result of the crime; the costs of appropriate

1 crime scene clean-up; replacement services loss, to a maximum  
2 of \$1000 per month; dependents replacement services loss, to a  
3 maximum of \$1000 per month; loss of tuition paid to attend  
4 grammar school or high school when the victim had been enrolled  
5 as a student prior to the injury, or college or graduate school  
6 when the victim had been enrolled as a day or night student  
7 prior to the injury when the victim becomes unable to continue  
8 attendance at school as a result of the crime of violence  
9 perpetrated against him or her; loss of earnings, loss of  
10 future earnings because of disability resulting from the  
11 injury, and, in addition, in the case of death, expenses for  
12 funeral, burial, and travel and transport for survivors of  
13 homicide victims to secure bodies of deceased victims and to  
14 transport bodies for burial all of which may not exceed a  
15 maximum of \$5,000 and loss of support of the dependents of the  
16 victim; in the case of dismemberment or desecration of a body,  
17 expenses for funeral and burial, all of which may not exceed a  
18 maximum of \$5,000. Loss of future earnings shall be reduced by  
19 any income from substitute work actually performed by the  
20 victim or by income he or she would have earned in available  
21 appropriate substitute work he or she was capable of performing  
22 but unreasonably failed to undertake. Loss of earnings, loss of  
23 future earnings and loss of support shall be determined on the  
24 basis of the victim's average net monthly earnings for the 6  
25 months immediately preceding the date of the injury or on \$1000  
26 per month, whichever is less. If a divorced or legally



1 separated applicant is claiming loss of support for a minor  
2 child of the deceased, the amount of support for each child  
3 shall be based either on the amount of support pursuant to the  
4 judgment prior to the date of the deceased victim's injury or  
5 death, or, if the subject of pending litigation filed by or on  
6 behalf of the divorced or legally separated applicant prior to  
7 the injury or death, on the result of that litigation. Real and  
8 personal property includes, but is not limited to, vehicles,  
9 houses, apartments, town houses, or condominiums. Pecuniary  
10 loss does not include pain and suffering or property loss or  
11 damage.

12 (i) "Replacement services loss" means expenses reasonably  
13 incurred in obtaining ordinary and necessary services in lieu  
14 of those the injured person would have performed, not for  
15 income, but for the benefit of himself or herself or his or her  
16 family, if he or she had not been injured.

17 (j) "Dependents replacement services loss" means loss  
18 reasonably incurred by dependents or private legal guardians of  
19 minor dependents after a victim's death in obtaining ordinary  
20 and necessary services in lieu of those the victim would have  
21 performed, not for income, but for their benefit, if he or she  
22 had not been fatally injured.

23 (k) "Survivor" means immediate family including a parent,  
24 step-father, step-mother, child, brother, sister, or spouse.

25 (Source: P.A. 96-267, eff. 8-11-09; 96-863, eff. 3-1-10;  
26 96-1551, Article 1, Section 980, eff. 7-1-11; 96-1551, Article

1 2, Section 1090, eff. 7-1-11; revised 9-30-11.)

2 Section 15-85. The Predator Accountability Act is amended  
3 by changing Section 10 as follows:

4 (740 ILCS 128/10)

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

6 "Sex trade" means any act, which if proven beyond a  
7 reasonable doubt could support a conviction for a violation or  
8 attempted violation of any of the following Sections of the  
9 Criminal Code of 1961: 11-14.3 (promoting prostitution);  
10 11-14.4 (promoting juvenile prostitution); 11-15 (soliciting  
11 for a prostitute); 11-15.1 (soliciting for a juvenile  
12 prostitute); 11-16 (pandering); 11-17 (keeping a place of  
13 prostitution); 11-17.1 (keeping a place of juvenile  
14 prostitution); 11-19 (pimping); 11-19.1 (juvenile pimping and  
15 aggravated juvenile pimping); 11-19.2 (exploitation of a  
16 child); 11-20 (obscenity); 11-20.1 (child pornography); or  
17 11-20.1B or 11-20.3 (aggravated child pornography); or Section  
18 10-9 of the Criminal Code of 1961 (trafficking of persons and  
19 involuntary servitude).

20 "Sex trade" activity may involve adults and youth of all  
21 genders and sexual orientations.

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

24 (1) soliciting for a prostitute: the prostitute who is

1 the object of the solicitation;

2 (2) soliciting for a juvenile prostitute: the juvenile  
3 prostitute, or severely or profoundly intellectually  
4 disabled person, who is the object of the solicitation;

5 (3) promoting prostitution as described in subdivision  
6 (a) (2) (A) or (a) (2) (B) of Section 11-14.3 of the Criminal  
7 Code of 1961, or pandering: the person intended or  
8 compelled to act as a prostitute;

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

12 (5) keeping a place of juvenile prostitution: any  
13 juvenile intended or compelled to act as a prostitute,  
14 while present at the place, during the time period in  
15 question;

16 (6) promoting prostitution as described in subdivision  
17 (a) (2) (C) of Section 11-14.3 of the Criminal Code of 1961,  
18 or pimping: the prostitute from whom anything of value is  
19 received;

20 (7) promoting juvenile prostitution as described in  
21 subdivision (a) (2) or (a) (3) of Section 11-14.4 of the  
22 Criminal Code of 1961, or juvenile pimping and aggravated  
23 juvenile pimping: the juvenile, or severely or profoundly  
24 intellectually disabled person, from whom anything of  
25 value is received for that person's act of prostitution;

26 (8) promoting juvenile prostitution as described in

1 subdivision (a) (4) of Section 11-14.4 of the Criminal Code  
2 of 1961, or exploitation of a child: the juvenile, or  
3 severely or profoundly intellectually disabled person,  
4 intended or compelled to act as a prostitute or from whom  
5 anything of value is received for that person's act of  
6 prostitution;

7 (9) obscenity: any person who appears in or is  
8 described or depicted in the offending conduct or material;

9 (10) child pornography or aggravated child  
10 pornography: any child, or severely or profoundly  
11 intellectually disabled person, who appears in or is  
12 described or depicted in the offending conduct or material;  
13 or

14 (11) trafficking of persons or involuntary servitude:  
15 a "trafficking victim" as defined in Section 10-9 of the  
16 Criminal Code of 1961.

17 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, eff. 7-1-11;  
18 97-227, eff. 1-1-12; revised 9-15-11.)

19 Section 15-90. The Illinois Marriage and Dissolution of  
20 Marriage Act is amended by changing Section 503 as follows:

21 (750 ILCS 5/503) (from Ch. 40, par. 503)

22 Sec. 503. Disposition of property.

23 (a) For purposes of this Act, "marital property" means all  
24 property acquired by either spouse subsequent to the marriage,

1 except the following, which is known as "non-marital property":

2 (1) property acquired by gift, legacy or descent;

3 (2) property acquired in exchange for property  
4 acquired before the marriage or in exchange for property  
5 acquired by gift, legacy or descent;

6 (3) property acquired by a spouse after a judgment of  
7 legal separation;

8 (4) property excluded by valid agreement of the  
9 parties;

10 (5) any judgment or property obtained by judgment  
11 awarded to a spouse from the other spouse;

12 (6) property acquired before the marriage;

13 (7) the increase in value of property acquired by a  
14 method listed in paragraphs (1) through (6) of this  
15 subsection, irrespective of whether the increase results  
16 from a contribution of marital property, non-marital  
17 property, the personal effort of a spouse, or otherwise,  
18 subject to the right of reimbursement provided in  
19 subsection (c) of this Section; and

20 (8) income from property acquired by a method listed in  
21 paragraphs (1) through (7) of this subsection if the income  
22 is not attributable to the personal effort of a spouse.

23 (b) (1) For purposes of distribution of property pursuant to  
24 this Section, all property acquired by either spouse after the  
25 marriage and before a judgment of dissolution of marriage or  
26 declaration of invalidity of marriage, including non-marital

1 property transferred into some form of co-ownership between the  
2 spouses, is presumed to be marital property, regardless of  
3 whether title is held individually or by the spouses in some  
4 form of co-ownership such as joint tenancy, tenancy in common,  
5 tenancy by the entirety, or community property. The presumption  
6 of marital property is overcome by a showing that the property  
7 was acquired by a method listed in subsection (a) of this  
8 Section.

9 (2) For purposes of distribution of property pursuant to  
10 this Section, all pension benefits (including pension benefits  
11 under the Illinois Pension Code) acquired by either spouse  
12 after the marriage and before a judgment of dissolution of  
13 marriage or declaration of invalidity of the marriage are  
14 presumed to be marital property, regardless of which spouse  
15 participates in the pension plan. The presumption that these  
16 pension benefits are marital property is overcome by a showing  
17 that the pension benefits were acquired by a method listed in  
18 subsection (a) of this Section. The right to a division of  
19 pension benefits in just proportions under this Section is  
20 enforceable under Section 1-119 of the Illinois Pension Code.

21 The value of pension benefits in a retirement system  
22 subject to the Illinois Pension Code shall be determined in  
23 accordance with the valuation procedures established by the  
24 retirement system.

25 The recognition of pension benefits as marital property and  
26 the division of those benefits pursuant to a Qualified Illinois

1 Domestic Relations Order shall not be deemed to be a  
2 diminishment, alienation, or impairment of those benefits. The  
3 division of pension benefits is an allocation of property in  
4 which each spouse has a species of common ownership.

5 (3) For purposes of distribution of property under this  
6 Section, all stock options granted to either spouse after the  
7 marriage and before a judgment of dissolution of marriage or  
8 declaration of invalidity of marriage, whether vested or  
9 non-vested or whether their value is ascertainable, are  
10 presumed to be marital property. This presumption of marital  
11 property is overcome by a showing that the stock options were  
12 acquired by a method listed in subsection (a) of this Section.  
13 The court shall allocate stock options between the parties at  
14 the time of the judgment of dissolution of marriage or  
15 declaration of invalidity of marriage recognizing that the  
16 value of the stock options may not be then determinable and  
17 that the actual division of the options may not occur until a  
18 future date. In making the allocation between the parties, the  
19 court shall consider, in addition to the factors set forth in  
20 subsection (d) of this Section, the following:

21 (i) All circumstances underlying the grant of the stock  
22 option including but not limited to whether the grant was  
23 for past, present, or future efforts, or any combination  
24 thereof.

25 (ii) The length of time from the grant of the option to  
26 the time the option is exercisable.

1 (b-5) As to any policy of life insurance insuring the life  
2 of either spouse, or any interest in such policy, that  
3 constitutes marital property, whether whole life, term life,  
4 group term life, universal life, or other form of life  
5 insurance policy, and whether or not the value is  
6 ascertainable, the court shall allocate ownership, death  
7 benefits or the right to assign death benefits, and the  
8 obligation for premium payments, if any, equitably between the  
9 parties at the time of the judgment for dissolution or  
10 declaration of invalidity of marriage.

11 (c) Commingled marital and non-marital property shall be  
12 treated in the following manner, unless otherwise agreed by the  
13 spouses:

14 (1) When marital and non-marital property are  
15 commingled by contributing one estate of property into  
16 another resulting in a loss of identity of the contributed  
17 property, the classification of the contributed property  
18 is transmuted to the estate receiving the contribution,  
19 subject to the provisions of paragraph (2) of this  
20 subsection; provided that if marital and non-marital  
21 property are commingled into newly acquired property  
22 resulting in a loss of identity of the contributing  
23 estates, the commingled property shall be deemed  
24 transmuted to marital property, subject to the provisions  
25 of paragraph (2) of this subsection.

26 (2) When one estate of property makes a contribution to



1 another estate of property, or when a spouse contributes  
2 personal effort to non-marital property, the contributing  
3 estate shall be reimbursed from the estate receiving the  
4 contribution notwithstanding any transmutation; provided,  
5 that no such reimbursement shall be made with respect to a  
6 contribution which is not retraceable by clear and  
7 convincing evidence, or was a gift, or, in the case of a  
8 contribution of personal effort of a spouse to non-marital  
9 property, unless the effort is significant and results in  
10 substantial appreciation of the non-marital property.  
11 Personal effort of a spouse shall be deemed a contribution  
12 by the marital estate. The court may provide for  
13 reimbursement out of the marital property to be divided or  
14 by imposing a lien against the non-marital property which  
15 received the contribution.

16 (d) In a proceeding for dissolution of marriage or  
17 declaration of invalidity of marriage, or in a proceeding for  
18 disposition of property following dissolution of marriage by a  
19 court which lacked personal jurisdiction over the absent spouse  
20 or lacked jurisdiction to dispose of the property, the court  
21 shall assign each spouse's non-marital property to that spouse.  
22 It also shall divide the marital property without regard to  
23 marital misconduct in just proportions considering all  
24 relevant factors, including:

25 (1) the contribution of each party to the acquisition,  
26 preservation, or increase or decrease in value of the

1 marital or non-marital property, including (i) any such  
2 decrease attributable to a payment deemed to have been an  
3 advance from the parties' marital estate under subsection  
4 (c-1)(2) of Section 501 and (ii) the contribution of a  
5 spouse as a homemaker or to the family unit;

6 (2) the dissipation by each party of the marital or  
7 non-marital property;

8 (3) the value of the property assigned to each spouse;

9 (4) the duration of the marriage;

10 (5) the relevant economic circumstances of each spouse  
11 when the division of property is to become effective,  
12 including the desirability of awarding the family home, or  
13 the right to live therein for reasonable periods, to the  
14 spouse having custody of the children;

15 (6) any obligations and rights arising from a prior  
16 marriage of either party;

17 (7) any antenuptial agreement of the parties;

18 (8) the age, health, station, occupation, amount and  
19 sources of income, vocational skills, employability,  
20 estate, liabilities, and needs of each of the parties;

21 (9) the custodial provisions for any children;

22 (10) whether the apportionment is in lieu of or in  
23 addition to maintenance;

24 (11) the reasonable opportunity of each spouse for  
25 future acquisition of capital assets and income; and

26 (12) the tax consequences of the property division upon

1 the respective economic circumstances of the parties.

2 (e) Each spouse has a species of common ownership in the  
3 marital property which vests at the time dissolution  
4 proceedings are commenced and continues only during the  
5 pendency of the action. Any such interest in marital property  
6 shall not encumber that property so as to restrict its  
7 transfer, assignment or conveyance by the title holder unless  
8 such title holder is specifically enjoined from making such  
9 transfer, assignment or conveyance.

10 (f) In a proceeding for dissolution of marriage or  
11 declaration of invalidity of marriage or in a proceeding for  
12 disposition of property following dissolution of marriage by a  
13 court that lacked personal jurisdiction over the absent spouse  
14 or lacked jurisdiction to dispose of the property, the court,  
15 in determining the value of the marital and non-marital  
16 property for purposes of dividing the property, shall value the  
17 property as of the date of trial or some other date as close to  
18 the date of trial as is practicable.

19 (g) The court if necessary to protect and promote the best  
20 interests of the children may set aside a portion of the  
21 jointly or separately held estates of the parties in a separate  
22 fund or trust for the support, maintenance, education, physical  
23 and mental health, and general welfare of any minor, dependent,  
24 or incompetent child of the parties. In making a determination  
25 under this subsection, the court may consider, among other  
26 things, the conviction of a party of any of the offenses set

1     forth in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,  
2     12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13, 12-14, 12-14.1,  
3     12-15, or 12-16, or Section 12-3.05 except for subdivision  
4     (a) (4) or (g) (1), of the Criminal Code of 1961 if the victim is  
5     a child of one or both of the parties, and there is a need for,  
6     and cost of, care, healing and counseling for the child who is  
7     the victim of the crime.

8           (h) Unless specifically directed by a reviewing court, or  
9     upon good cause shown, the court shall not on remand consider  
10    any increase or decrease in the value of any "marital" or  
11    "non-marital" property occurring since the assessment of such  
12    property at the original trial or hearing, but shall use only  
13    that assessment made at the original trial or hearing.

14           (i) The court may make such judgments affecting the marital  
15    property as may be just and may enforce such judgments by  
16    ordering a sale of marital property, with proceeds therefrom to  
17    be applied as determined by the court.

18           (j) After proofs have closed in the final hearing on all  
19    other issues between the parties (or in conjunction with the  
20    final hearing, if all parties so stipulate) and before judgment  
21    is entered, a party's petition for contribution to fees and  
22    costs incurred in the proceeding shall be heard and decided, in  
23    accordance with the following provisions:

24           (1) A petition for contribution, if not filed before  
25           the final hearing on other issues between the parties,  
26           shall be filed no later than 30 days after the closing of

1 proofs in the final hearing or within such other period as  
2 the court orders.

3 (2) Any award of contribution to one party from the  
4 other party shall be based on the criteria for division of  
5 marital property under this Section 503 and, if maintenance  
6 has been awarded, on the criteria for an award of  
7 maintenance under Section 504.

8 (3) The filing of a petition for contribution shall not  
9 be deemed to constitute a waiver of the attorney-client  
10 privilege between the petitioning party and current or  
11 former counsel; and such a waiver shall not constitute a  
12 prerequisite to a hearing for contribution. If either  
13 party's presentation on contribution, however, includes  
14 evidence within the scope of the attorney-client  
15 privilege, the disclosure or disclosures shall be narrowly  
16 construed and shall not be deemed by the court to  
17 constitute a general waiver of the privilege as to matters  
18 beyond the scope of the presentation.

19 (4) No finding on which a contribution award is based  
20 or denied shall be asserted against counsel or former  
21 counsel for purposes of any hearing under subsection (c) or  
22 (e) of Section 508.

23 (5) A contribution award (payable to either the  
24 petitioning party or the party's counsel, or jointly, as  
25 the court determines) may be in the form of either a set  
26 dollar amount or a percentage of fees and costs (or a

1 portion of fees and costs) to be subsequently agreed upon  
2 by the petitioning party and counsel or, alternatively,  
3 thereafter determined in a hearing pursuant to subsection  
4 (c) of Section 508 or previously or thereafter determined  
5 in an independent proceeding under subsection (e) of  
6 Section 508.

7 (6) The changes to this Section 503 made by this  
8 amendatory Act of 1996 apply to cases pending on or after  
9 June 1, 1997, except as otherwise provided in Section 508.

10 (Source: P.A. 95-374, eff. 1-1-08; 96-583, eff. 1-1-10;  
11 96-1551, Article 1, Section 985, eff. 7-1-11; 96-1551, Article  
12 2, Section 1100, eff. 7-1-11; 97-608, eff. 1-1-12; revised  
13 9-26-11.)

14 Section 15-95. The Adoption Act is amended by changing  
15 Section 1 as follows:

16 (750 ILCS 50/1) (from Ch. 40, par. 1501)

17 Sec. 1. Definitions. When used in this Act, unless the  
18 context otherwise requires:

19 A. "Child" means a person under legal age subject to  
20 adoption under this Act.

21 B. "Related child" means a child subject to adoption where  
22 either or both of the adopting parents stands in any of the  
23 following relationships to the child by blood or marriage:  
24 parent, grand-parent, brother, sister, step-parent,

1 step-grandparent, step-brother, step-sister, uncle, aunt,  
2 great-uncle, great-aunt, or cousin of first degree. A child  
3 whose parent has executed a final irrevocable consent to  
4 adoption or a final irrevocable surrender for purposes of  
5 adoption, or whose parent has had his or her parental rights  
6 terminated, is not a related child to that person, unless the  
7 consent is determined to be void or is void pursuant to  
8 subsection O of Section 10.

9 C. "Agency" for the purpose of this Act means a public  
10 child welfare agency or a licensed child welfare agency.

11 D. "Unfit person" means any person whom the court shall  
12 find to be unfit to have a child, without regard to the  
13 likelihood that the child will be placed for adoption. The  
14 grounds of unfitness are any one or more of the following,  
15 except that a person shall not be considered an unfit person  
16 for the sole reason that the person has relinquished a child in  
17 accordance with the Abandoned Newborn Infant Protection Act:

18 (a) Abandonment of the child.

19 (a-1) Abandonment of a newborn infant in a hospital.

20 (a-2) Abandonment of a newborn infant in any setting  
21 where the evidence suggests that the parent intended to  
22 relinquish his or her parental rights.

23 (b) Failure to maintain a reasonable degree of  
24 interest, concern or responsibility as to the child's  
25 welfare.

26 (c) Desertion of the child for more than 3 months next

1 preceding the commencement of the Adoption proceeding.

2 (d) Substantial neglect of the child if continuous or  
3 repeated.

4 (d-1) Substantial neglect, if continuous or repeated,  
5 of any child residing in the household which resulted in  
6 the death of that child.

7 (e) Extreme or repeated cruelty to the child.

8 (f) There is a rebuttable presumption, which can be  
9 overcome only by clear and convincing evidence, that a  
10 parent is unfit if:

11 (1) Two or more findings of physical abuse have  
12 been entered regarding any children under Section 2-21  
13 of the Juvenile Court Act of 1987, the most recent of  
14 which was determined by the juvenile court hearing the  
15 matter to be supported by clear and convincing  
16 evidence; or

17 (2) The parent has been convicted or found not  
18 guilty by reason of insanity and the conviction or  
19 finding resulted from the death of any child by  
20 physical abuse; or

21 (3) There is a finding of physical child abuse  
22 resulting from the death of any child under Section  
23 2-21 of the Juvenile Court Act of 1987.

24 No conviction or finding of delinquency pursuant  
25 to Article 5 of the Juvenile Court Act of 1987 shall be  
26 considered a criminal conviction for the purpose of



1 applying any presumption under this item (f).

2 (g) Failure to protect the child from conditions within  
3 his environment injurious to the child's welfare.

4 (h) Other neglect of, or misconduct toward the child;  
5 provided that in making a finding of unfitness the court  
6 hearing the adoption proceeding shall not be bound by any  
7 previous finding, order or judgment affecting or  
8 determining the rights of the parents toward the child  
9 sought to be adopted in any other proceeding except such  
10 proceedings terminating parental rights as shall be had  
11 under either this Act, the Juvenile Court Act or the  
12 Juvenile Court Act of 1987.

13 (i) Depravity. Conviction of any one of the following  
14 crimes shall create a presumption that a parent is depraved  
15 which can be overcome only by clear and convincing  
16 evidence: (1) first degree murder in violation of paragraph  
17 1 or 2 of subsection (a) of Section 9-1 of the Criminal  
18 Code of 1961 or conviction of second degree murder in  
19 violation of subsection (a) of Section 9-2 of the Criminal  
20 Code of 1961 of a parent of the child to be adopted; (2)  
21 first degree murder or second degree murder of any child in  
22 violation of the Criminal Code of 1961; (3) attempt or  
23 conspiracy to commit first degree murder or second degree  
24 murder of any child in violation of the Criminal Code of  
25 1961; (4) solicitation to commit murder of any child,  
26 solicitation to commit murder of any child for hire, or

1 solicitation to commit second degree murder of any child in  
2 violation of the Criminal Code of 1961; (5) predatory  
3 criminal sexual assault of a child in violation of Section  
4 11-1.40 or 12-14.1 of the Criminal Code of 1961; (6)  
5 heinous battery of any child in violation of the Criminal  
6 Code of 1961; or (7) aggravated battery of any child in  
7 violation of the Criminal Code of 1961.

8 There is a rebuttable presumption that a parent is  
9 deprived if the parent has been criminally convicted of at  
10 least 3 felonies under the laws of this State or any other  
11 state, or under federal law, or the criminal laws of any  
12 United States territory; and at least one of these  
13 convictions took place within 5 years of the filing of the  
14 petition or motion seeking termination of parental rights.

15 There is a rebuttable presumption that a parent is  
16 deprived if that parent has been criminally convicted of  
17 either first or second degree murder of any person as  
18 defined in the Criminal Code of 1961 within 10 years of the  
19 filing date of the petition or motion to terminate parental  
20 rights.

21 No conviction or finding of delinquency pursuant to  
22 Article 5 of the Juvenile Court Act of 1987 shall be  
23 considered a criminal conviction for the purpose of  
24 applying any presumption under this item (i).

25 (j) Open and notorious adultery or fornication.

26 (j-1) (Blank).

1           (k) Habitual drunkenness or addiction to drugs, other  
2 than those prescribed by a physician, for at least one year  
3 immediately prior to the commencement of the unfitness  
4 proceeding.

5           There is a rebuttable presumption that a parent is  
6 unfit under this subsection with respect to any child to  
7 which that parent gives birth where there is a confirmed  
8 test result that at birth the child's blood, urine, or  
9 meconium contained any amount of a controlled substance as  
10 defined in subsection (f) of Section 102 of the Illinois  
11 Controlled Substances Act or metabolites of such  
12 substances, the presence of which in the newborn infant was  
13 not the result of medical treatment administered to the  
14 mother or the newborn infant; and the biological mother of  
15 this child is the biological mother of at least one other  
16 child who was adjudicated a neglected minor under  
17 subsection (c) of Section 2-3 of the Juvenile Court Act of  
18 1987.

19           (l) Failure to demonstrate a reasonable degree of  
20 interest, concern or responsibility as to the welfare of a  
21 new born child during the first 30 days after its birth.

22           (m) Failure by a parent (i) to make reasonable efforts  
23 to correct the conditions that were the basis for the  
24 removal of the child from the parent, or (ii) to make  
25 reasonable progress toward the return of the child to the  
26 parent within 9 months after an adjudication of neglected

1 or abused minor under Section 2-3 of the Juvenile Court Act  
2 of 1987 or dependent minor under Section 2-4 of that Act,  
3 or (iii) to make reasonable progress toward the return of  
4 the child to the parent during any 9-month period after the  
5 end of the initial 9-month period following the  
6 adjudication of neglected or abused minor under Section 2-3  
7 of the Juvenile Court Act of 1987 or dependent minor under  
8 Section 2-4 of that Act. If a service plan has been  
9 established as required under Section 8.2 of the Abused and  
10 Neglected Child Reporting Act to correct the conditions  
11 that were the basis for the removal of the child from the  
12 parent and if those services were available, then, for  
13 purposes of this Act, "failure to make reasonable progress  
14 toward the return of the child to the parent" includes (I)  
15 the parent's failure to substantially fulfill his or her  
16 obligations under the service plan and correct the  
17 conditions that brought the child into care within 9 months  
18 after the adjudication under Section 2-3 or 2-4 of the  
19 Juvenile Court Act of 1987 and (II) the parent's failure to  
20 substantially fulfill his or her obligations under the  
21 service plan and correct the conditions that brought the  
22 child into care during any 9-month period after the end of  
23 the initial 9-month period following the adjudication  
24 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.  
25 Notwithstanding any other provision, when a petition or  
26 motion seeks to terminate parental rights on the basis of

1 item (iii) of this subsection (m), the petitioner shall  
2 file with the court and serve on the parties a pleading  
3 that specifies the 9-month period or periods relied on. The  
4 pleading shall be filed and served on the parties no later  
5 than 3 weeks before the date set by the court for closure  
6 of discovery, and the allegations in the pleading shall be  
7 treated as incorporated into the petition or motion.  
8 Failure of a respondent to file a written denial of the  
9 allegations in the pleading shall not be treated as an  
10 admission that the allegations are true.

11 (m-1) Pursuant to the Juvenile Court Act of 1987, a  
12 child has been in foster care for 15 months out of any 22  
13 month period which begins on or after the effective date of  
14 this amendatory Act of 1998 unless the child's parent can  
15 prove by a preponderance of the evidence that it is more  
16 likely than not that it will be in the best interests of  
17 the child to be returned to the parent within 6 months of  
18 the date on which a petition for termination of parental  
19 rights is filed under the Juvenile Court Act of 1987. The  
20 15 month time limit is tolled during any period for which  
21 there is a court finding that the appointed custodian or  
22 guardian failed to make reasonable efforts to reunify the  
23 child with his or her family, provided that (i) the finding  
24 of no reasonable efforts is made within 60 days of the  
25 period when reasonable efforts were not made or (ii) the  
26 parent filed a motion requesting a finding of no reasonable

1 efforts within 60 days of the period when reasonable  
2 efforts were not made. For purposes of this subdivision  
3 (m-1), the date of entering foster care is the earlier of:  
4 (i) the date of a judicial finding at an adjudicatory  
5 hearing that the child is an abused, neglected, or  
6 dependent minor; or (ii) 60 days after the date on which  
7 the child is removed from his or her parent, guardian, or  
8 legal custodian.

9 (n) Evidence of intent to forgo his or her parental  
10 rights, whether or not the child is a ward of the court,  
11 (1) as manifested by his or her failure for a period of 12  
12 months: (i) to visit the child, (ii) to communicate with  
13 the child or agency, although able to do so and not  
14 prevented from doing so by an agency or by court order, or  
15 (iii) to maintain contact with or plan for the future of  
16 the child, although physically able to do so, or (2) as  
17 manifested by the father's failure, where he and the mother  
18 of the child were unmarried to each other at the time of  
19 the child's birth, (i) to commence legal proceedings to  
20 establish his paternity under the Illinois Parentage Act of  
21 1984 or the law of the jurisdiction of the child's birth  
22 within 30 days of being informed, pursuant to Section 12a  
23 of this Act, that he is the father or the likely father of  
24 the child or, after being so informed where the child is  
25 not yet born, within 30 days of the child's birth, or (ii)  
26 to make a good faith effort to pay a reasonable amount of

1 the expenses related to the birth of the child and to  
2 provide a reasonable amount for the financial support of  
3 the child, the court to consider in its determination all  
4 relevant circumstances, including the financial condition  
5 of both parents; provided that the ground for termination  
6 provided in this subparagraph (n)(2)(ii) shall only be  
7 available where the petition is brought by the mother or  
8 the husband of the mother.

9 Contact or communication by a parent with his or her  
10 child that does not demonstrate affection and concern does  
11 not constitute reasonable contact and planning under  
12 subdivision (n). In the absence of evidence to the  
13 contrary, the ability to visit, communicate, maintain  
14 contact, pay expenses and plan for the future shall be  
15 presumed. The subjective intent of the parent, whether  
16 expressed or otherwise, unsupported by evidence of the  
17 foregoing parental acts manifesting that intent, shall not  
18 preclude a determination that the parent has intended to  
19 forgo his or her parental rights. In making this  
20 determination, the court may consider but shall not require  
21 a showing of diligent efforts by an authorized agency to  
22 encourage the parent to perform the acts specified in  
23 subdivision (n).

24 It shall be an affirmative defense to any allegation  
25 under paragraph (2) of this subsection that the father's  
26 failure was due to circumstances beyond his control or to

1 impediments created by the mother or any other person  
2 having legal custody. Proof of that fact need only be by a  
3 preponderance of the evidence.

4 (o) Repeated or continuous failure by the parents,  
5 although physically and financially able, to provide the  
6 child with adequate food, clothing, or shelter.

7 (p) Inability to discharge parental responsibilities  
8 supported by competent evidence from a psychiatrist,  
9 licensed clinical social worker, or clinical psychologist  
10 of mental impairment, mental illness or an intellectual  
11 disability as defined in Section 1-116 of the Mental Health  
12 and Developmental Disabilities Code, or developmental  
13 disability as defined in Section 1-106 of that Code, and  
14 there is sufficient justification to believe that the  
15 inability to discharge parental responsibilities shall  
16 extend beyond a reasonable time period. However, this  
17 subdivision (p) shall not be construed so as to permit a  
18 licensed clinical social worker to conduct any medical  
19 diagnosis to determine mental illness or mental  
20 impairment.

21 (q) (Blank).

22 (r) The child is in the temporary custody or  
23 guardianship of the Department of Children and Family  
24 Services, the parent is incarcerated as a result of  
25 criminal conviction at the time the petition or motion for  
26 termination of parental rights is filed, prior to



1 incarceration the parent had little or no contact with the  
2 child or provided little or no support for the child, and  
3 the parent's incarceration will prevent the parent from  
4 discharging his or her parental responsibilities for the  
5 child for a period in excess of 2 years after the filing of  
6 the petition or motion for termination of parental rights.

7 (s) The child is in the temporary custody or  
8 guardianship of the Department of Children and Family  
9 Services, the parent is incarcerated at the time the  
10 petition or motion for termination of parental rights is  
11 filed, the parent has been repeatedly incarcerated as a  
12 result of criminal convictions, and the parent's repeated  
13 incarceration has prevented the parent from discharging  
14 his or her parental responsibilities for the child.

15 (t) A finding that at birth the child's blood, urine,  
16 or meconium contained any amount of a controlled substance  
17 as defined in subsection (f) of Section 102 of the Illinois  
18 Controlled Substances Act, or a metabolite of a controlled  
19 substance, with the exception of controlled substances or  
20 metabolites of such substances, the presence of which in  
21 the newborn infant was the result of medical treatment  
22 administered to the mother or the newborn infant, and that  
23 the biological mother of this child is the biological  
24 mother of at least one other child who was adjudicated a  
25 neglected minor under subsection (c) of Section 2-3 of the  
26 Juvenile Court Act of 1987, after which the biological

1 mother had the opportunity to enroll in and participate in  
2 a clinically appropriate substance abuse counseling,  
3 treatment, and rehabilitation program.

4 E. "Parent" means the father or mother of a lawful child of  
5 the parties or child born out of wedlock. For the purpose of  
6 this Act, a person who has executed a final and irrevocable  
7 consent to adoption or a final and irrevocable surrender for  
8 purposes of adoption, or whose parental rights have been  
9 terminated by a court, is not a parent of the child who was the  
10 subject of the consent or surrender, unless the consent is void  
11 pursuant to subsection O of Section 10.

12 F. A person is available for adoption when the person is:

13 (a) a child who has been surrendered for adoption to an  
14 agency and to whose adoption the agency has thereafter  
15 consented;

16 (b) a child to whose adoption a person authorized by  
17 law, other than his parents, has consented, or to whose  
18 adoption no consent is required pursuant to Section 8 of  
19 this Act;

20 (c) a child who is in the custody of persons who intend  
21 to adopt him through placement made by his parents;

22 (c-1) a child for whom a parent has signed a specific  
23 consent pursuant to subsection O of Section 10;

24 (d) an adult who meets the conditions set forth in  
25 Section 3 of this Act; or

26 (e) a child who has been relinquished as defined in

1 Section 10 of the Abandoned Newborn Infant Protection Act.

2 A person who would otherwise be available for adoption  
3 shall not be deemed unavailable for adoption solely by reason  
4 of his or her death.

5 G. The singular includes the plural and the plural includes  
6 the singular and the "male" includes the "female", as the  
7 context of this Act may require.

8 H. "Adoption disruption" occurs when an adoptive placement  
9 does not prove successful and it becomes necessary for the  
10 child to be removed from placement before the adoption is  
11 finalized.

12 I. "Foreign placing agency" is an agency or individual  
13 operating in a country or territory outside the United States  
14 that is authorized by its country to place children for  
15 adoption either directly with families in the United States or  
16 through United States based international agencies.

17 J. "Immediate relatives" means the biological parents, the  
18 parents of the biological parents and siblings of the  
19 biological parents.

20 K. "Intercountry adoption" is a process by which a child  
21 from a country other than the United States is adopted.

22 L. "Intercountry Adoption Coordinator" is a staff person of  
23 the Department of Children and Family Services appointed by the  
24 Director to coordinate the provision of services by the public  
25 and private sector to prospective parents of foreign-born  
26 children.

1 M. "Interstate Compact on the Placement of Children" is a  
2 law enacted by most states for the purpose of establishing  
3 uniform procedures for handling the interstate placement of  
4 children in foster homes, adoptive homes, or other child care  
5 facilities.

6 N. "Non-Compact state" means a state that has not enacted  
7 the Interstate Compact on the Placement of Children.

8 O. "Preadoption requirements" are any conditions  
9 established by the laws or regulations of the Federal  
10 Government or of each state that must be met prior to the  
11 placement of a child in an adoptive home.

12 P. "Abused child" means a child whose parent or immediate  
13 family member, or any person responsible for the child's  
14 welfare, or any individual residing in the same home as the  
15 child, or a paramour of the child's parent:

16 (a) inflicts, causes to be inflicted, or allows to be  
17 inflicted upon the child physical injury, by other than  
18 accidental means, that causes death, disfigurement,  
19 impairment of physical or emotional health, or loss or  
20 impairment of any bodily function;

21 (b) creates a substantial risk of physical injury to  
22 the child by other than accidental means which would be  
23 likely to cause death, disfigurement, impairment of  
24 physical or emotional health, or loss or impairment of any  
25 bodily function;

26 (c) commits or allows to be committed any sex offense

1 against the child, as sex offenses are defined in the  
2 Criminal Code of 1961 and extending those definitions of  
3 sex offenses to include children under 18 years of age;

4 (d) commits or allows to be committed an act or acts of  
5 torture upon the child; or

6 (e) inflicts excessive corporal punishment.

7 Q. "Neglected child" means any child whose parent or other  
8 person responsible for the child's welfare withholds or denies  
9 nourishment or medically indicated treatment including food or  
10 care denied solely on the basis of the present or anticipated  
11 mental or physical impairment as determined by a physician  
12 acting alone or in consultation with other physicians or  
13 otherwise does not provide the proper or necessary support,  
14 education as required by law, or medical or other remedial care  
15 recognized under State law as necessary for a child's  
16 well-being, or other care necessary for his or her well-being,  
17 including adequate food, clothing and shelter; or who is  
18 abandoned by his or her parents or other person responsible for  
19 the child's welfare.

20 A child shall not be considered neglected or abused for the  
21 sole reason that the child's parent or other person responsible  
22 for his or her welfare depends upon spiritual means through  
23 prayer alone for the treatment or cure of disease or remedial  
24 care as provided under Section 4 of the Abused and Neglected  
25 Child Reporting Act. A child shall not be considered neglected  
26 or abused for the sole reason that the child's parent or other

1 person responsible for the child's welfare failed to vaccinate,  
2 delayed vaccination, or refused vaccination for the child due  
3 to a waiver on religious or medical grounds as permitted by  
4 law.

5 R. "Putative father" means a man who may be a child's  
6 father, but who (1) is not married to the child's mother on or  
7 before the date that the child was or is to be born and (2) has  
8 not established paternity of the child in a court proceeding  
9 before the filing of a petition for the adoption of the child.  
10 The term includes a male who is less than 18 years of age.  
11 "Putative father" does not mean a man who is the child's father  
12 as a result of criminal sexual abuse or assault as defined  
13 under Article 12 of the Criminal Code of 1961.

14 S. "Standby adoption" means an adoption in which a parent  
15 consents to custody and termination of parental rights to  
16 become effective upon the occurrence of a future event, which  
17 is either the death of the parent or the request of the parent  
18 for the entry of a final judgment of adoption.

19 T. (Blank).

20 (Source: P.A. 96-1551, eff. 7-1-11; 97-227, eff. 1-1-12;  
21 revised 9-15-11.)

22 Section 15-100. The Probate Act of 1975 is amended by  
23 changing Sections 2-6.2 and 2-6.6 as follows:

24 (755 ILCS 5/2-6.2)

1           Sec. 2-6.2. Financial exploitation, abuse, or neglect of an  
2 elderly person or a person with a disability.

3           (a) In this Section:

4           "Abuse" means any offense described in Section 12-21 or  
5 subsection (b) of Section 12-4.4a of the Criminal Code of 1961.

6           "Financial exploitation" means any offense described in  
7 Section 16-1.3 or 17-56 of the Criminal Code of 1961.

8           "Neglect" means any offense described in Section 12-19 or  
9 subsection (a) of Section 12-4.4a of the Criminal Code of 1961.

10          (b) Persons convicted of financial exploitation, abuse, or  
11 neglect of an elderly person or a person with a disability  
12 shall not receive any property, benefit, or other interest by  
13 reason of the death of that elderly person or person with a  
14 disability, whether as heir, legatee, beneficiary, survivor,  
15 appointee, claimant under Section 18-1.1, or in any other  
16 capacity and whether the property, benefit, or other interest  
17 passes pursuant to any form of title registration, testamentary  
18 or nontestamentary instrument, intestacy, renunciation, or any  
19 other circumstance. The property, benefit, or other interest  
20 shall pass as if the person convicted of the financial  
21 exploitation, abuse, or neglect died before the decedent,  
22 provided that with respect to joint tenancy property the  
23 interest possessed prior to the death by the person convicted  
24 of the financial exploitation, abuse, or neglect shall not be  
25 diminished by the application of this Section. Notwithstanding  
26 the foregoing, a person convicted of financial exploitation,

1 abuse, or neglect of an elderly person or a person with a  
2 disability shall be entitled to receive property, a benefit, or  
3 an interest in any capacity and under any circumstances  
4 described in this subsection (b) if it is demonstrated by clear  
5 and convincing evidence that the victim of that offense knew of  
6 the conviction and subsequent to the conviction expressed or  
7 ratified his or her intent to transfer the property, benefit,  
8 or interest to the person convicted of financial exploitation,  
9 abuse, or neglect of an elderly person or a person with a  
10 disability in any manner contemplated by this subsection (b).

11 (c) (1) The holder of any property subject to the  
12 provisions of this Section shall not be liable for  
13 distributing or releasing the property to the person  
14 convicted of financial exploitation, abuse, or neglect of  
15 an elderly person or a person with a disability if the  
16 distribution or release occurs prior to the conviction.

17 (2) If the holder is a financial institution, trust  
18 company, trustee, or similar entity or person, the holder  
19 shall not be liable for any distribution or release of the  
20 property, benefit, or other interest to the person  
21 convicted of a violation of Section 12-19, 12-21, 16-1.3,  
22 or 17-56, or subsection (a) or (b) of Section 12-4.4a, of  
23 the Criminal Code of 1961 unless the holder knowingly  
24 distributes or releases the property, benefit, or other  
25 interest to the person so convicted after first having  
26 received actual written notice of the conviction in



1 sufficient time to act upon the notice.

2 (d) If the holder of any property subject to the provisions  
3 of this Section knows that a potential beneficiary has been  
4 convicted of financial exploitation, abuse, or neglect of an  
5 elderly person or a person with a disability within the scope  
6 of this Section, the holder shall fully cooperate with law  
7 enforcement authorities and judicial officers in connection  
8 with any investigation of the financial exploitation, abuse, or  
9 neglect. If the holder is a person or entity that is subject to  
10 regulation by a regulatory agency pursuant to the laws of this  
11 or any other state or pursuant to the laws of the United  
12 States, including but not limited to the business of a  
13 financial institution, corporate fiduciary, or insurance  
14 company, then such person or entity shall not be deemed to be  
15 in violation of this Section to the extent that privacy laws  
16 and regulations applicable to such person or entity prevent it  
17 from voluntarily providing law enforcement authorities or  
18 judicial officers with information.

19 (Source: P.A. 95-315, eff. 1-1-08; 96-1551, Article 1, Section  
20 995, eff. 7-1-11; 96-1551, Article 10, Section 10-155, eff.  
21 7-1-11; revised 9-30-11.)

22 (755 ILCS 5/2-6.6)

23 Sec. 2-6.6. Person convicted of certain offenses against  
24 the elderly or disabled. A person who is convicted of a  
25 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or

1 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
2 of 1961 may not receive any property, benefit, or other  
3 interest by reason of the death of the victim of that offense,  
4 whether as heir, legatee, beneficiary, joint tenant, tenant by  
5 the entirety, survivor, appointee, or in any other capacity and  
6 whether the property, benefit, or other interest passes  
7 pursuant to any form of title registration, testamentary or  
8 nontestamentary instrument, intestacy, renunciation, or any  
9 other circumstance. The property, benefit, or other interest  
10 shall pass as if the person convicted of a violation of Section  
11 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of  
12 Section 12-4.4a, of the Criminal Code of 1961 died before the  
13 decedent; provided that with respect to joint tenancy property  
14 or property held in tenancy by the entirety, the interest  
15 possessed prior to the death by the person convicted may not be  
16 diminished by the application of this Section. Notwithstanding  
17 the foregoing, a person convicted of a violation of Section  
18 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of  
19 Section 12-4.4a, of the Criminal Code of 1961 shall be entitled  
20 to receive property, a benefit, or an interest in any capacity  
21 and under any circumstances described in this Section if it is  
22 demonstrated by clear and convincing evidence that the victim  
23 of that offense knew of the conviction and subsequent to the  
24 conviction expressed or ratified his or her intent to transfer  
25 the property, benefit, or interest to the person convicted of a  
26 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or

1 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
2 of 1961 in any manner contemplated by this Section.

3 The holder of any property subject to the provisions of  
4 this Section is not liable for distributing or releasing the  
5 property to the person convicted of violating Section 12-19,  
6 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of Section  
7 12-4.4a, of the Criminal Code of 1961.

8 If the holder is a financial institution, trust company,  
9 trustee, or similar entity or person, the holder shall not be  
10 liable for any distribution or release of the property,  
11 benefit, or other interest to the person convicted of a  
12 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
13 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
14 of 1961 unless the holder knowingly distributes or releases the  
15 property, benefit, or other interest to the person so convicted  
16 after first having received actual written notice of the  
17 conviction in sufficient time to act upon the notice.

18 The Department of State Police shall have access to State  
19 of Illinois databases containing information that may help in  
20 the identification or location of persons convicted of the  
21 offenses enumerated in this Section. Interagency agreements  
22 shall be implemented, consistent with security and procedures  
23 established by the State agency and consistent with the laws  
24 governing the confidentiality of the information in the  
25 databases. Information shall be used only for administration of  
26 this Section.

1 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;  
2 96-1551, Article 10, Section 10-155, eff. 7-1-11; revised  
3 9-30-11.)