



Sen. Kirk W. Dillard

Adopted in Senate on Apr 25, 2012

09700HB3366sam001

LRB097 10573 MRW 68632 a

1 AMENDMENT TO HOUSE BILL 3366

2 AMENDMENT NO. _____. Amend House Bill 3366 by replacing
3 everything after the enacting clause with the following:

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, 15, and 20 of Article 12C, and Sections 12C-20, 12C-25,
10 12C-50, 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

1 (720 ILCS 5/12C-5) (was 720 ILCS 5/12-21.6)

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

4 (a) A person commits endangering the life or health of a
5 child when he or she knowingly: (1) causes or permits ~~It is~~
6 ~~unlawful for any person to willfully cause or permit~~ the life
7 or health of a child under the age of 18 to be endangered; or
8 (2) causes or permits ~~to willfully cause or permit~~ a child to
9 be placed in circumstances that endanger the child's life or
10 health. It is not a violation of this Section ~~, except that it~~
11 ~~is not unlawful~~ for a person to relinquish a child in
12 accordance with the Abandoned Newborn Infant Protection Act.

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

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

20 (d) Sentence. A violation of this Section is a Class A
21 misdemeanor. A second or subsequent violation of this Section
22 is a Class 3 felony. A violation of this Section that is a
23 proximate cause of the death of the child is a Class 3 felony
24 for which a person, if sentenced to a term of imprisonment,
25 shall be sentenced to a term of not less than 2 years and not

1 more than 10 years. A parent, who is found to be in violation
2 of this Section with respect to his or her child, may be
3 sentenced to probation for this offense pursuant to Section
4 12C-15.

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

7 (720 ILCS 5/12C-10) (was 720 ILCS 5/12-21.5)

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

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

20 (b) For the purposes of determining whether the child was
21 left without regard for the mental or physical health, safety,
22 or welfare of that child, the trier of fact shall consider the
23 following factors:

24 (1) the age of the child;

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

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

5 (4) the duration of time in which the child was left
6 without supervision;

7 (5) the condition and location of the place where the
8 child was left without supervision;

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

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

14 (8) the location of the parent, guardian, or other
15 person having physical custody or control of the child at
16 the time the child was left without supervision, the
17 physical distance the child was from the parent, guardian,
18 or other person having physical custody or control of the
19 child at the time the child was without supervision;

20 (9) whether the child's movement was restricted, or the
21 child was otherwise locked within a room or other
22 structure;

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

26 (11) whether there was food and other provision left

1 for the child;

2 (12) whether any of the conduct is attributable to
3 economic hardship or illness and the parent, guardian or
4 other person having physical custody or control of the
5 child made a good faith effort to provide for the health
6 and safety of the child;

7 (13) the age and physical and mental capabilities of
8 the person or persons who provided supervision for the
9 child;

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

12 (15) whether the child was left under the supervision
13 of another person.

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

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

20 (720 ILCS 5/12C-15) (was 720 ILCS 5/12-22)

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

23 (a) Whenever a parent of a child as determined by the court
24 on the facts before it, pleads guilty to or is found guilty of,
25 with respect to his or her child, child abandonment under

1 Section 12C-10 ~~12-21.5~~ of this Article ~~the Criminal Code of~~
2 ~~1961~~ or endangering the life or health of a child under Section
3 12C-5 ~~12-21.6~~ of this Article ~~the Criminal Code of 1961~~, the
4 court may, without entering a judgment of guilt and with the
5 consent of the person, defer further proceedings and place the
6 person upon probation upon the reasonable terms and conditions
7 as the court may require. At least one term of the probation
8 shall require the person to cooperate with the Department of
9 Children and Family Services at the times and in the programs
10 that the Department of Children and Family Services may
11 require.

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

25 (c) Discharge and dismissal under this Section may occur
26 only once.

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

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

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

6 (720 ILCS 5/12C-20 new)

7 Sec. 12C-20. Abandonment of a school bus containing
8 children.

9 (a) A school bus driver commits abandonment of a school bus
10 containing children when he or she knowingly abandons the
11 school bus while it contains any children who are without other
12 adult supervision, except in an emergency where the driver is
13 seeking help or otherwise acting in the best interests of the
14 children.

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

18 (720 ILCS 5/12C-25 new)

19 Sec. 12C-25. Contributing to the dependency and neglect of
20 a minor.

21 (a) Any parent, legal guardian or person having the custody
22 of a child under the age of 18 years commits contributing to
23 the dependency and neglect of a minor when he or she knowingly:
24 (1) causes, aids, or encourages such minor to be or to become a

1 dependent and neglected minor; (2) does acts which directly
2 tend to render any such minor so dependent and neglected; or
3 (3) fails to do that which will directly tend to prevent such
4 state of dependency and neglect. It is not a violation of this
5 Section for a person to relinquish a child in accordance with
6 the Abandoned Newborn Infant Protection Act.

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

21 (c) Sentence. A violation of this Section is a Class A
22 misdemeanor.

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

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

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

4 (a) Contributing to the delinquency of a minor. A person
5 commits contributing to the delinquency of a minor when he or
6 she knowingly: (1) causes, aids, or encourages a minor to be or
7 to become a delinquent minor; or (2) does acts which directly
8 tend to render any minor so delinquent.

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

20 (c) "Delinquent minor" means any minor who prior to his or
21 her 17th birthday has violated or attempted to violate,
22 regardless of where the act occurred, any federal or State law
23 or county or municipal ordinance, and any minor who prior to
24 his or her 18th birthday has violated or attempted to violate,
25 regardless of where the act occurred, any federal or State law
26 or county or municipal ordinance classified as a misdemeanor

1 offense.

2 (d) Sentence.

3 (1) A violation of subsection (a) is a Class A
4 misdemeanor.

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

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

8 (ii) a Class B misdemeanor if the offense committed
9 is a Class C misdemeanor;

10 (iii) a Class A misdemeanor if the offense
11 committed is a Class B misdemeanor;

12 (iv) a Class 4 felony if the offense committed is a
13 Class A misdemeanor;

14 (v) a Class 3 felony if the offense committed is a
15 Class 4 felony;

16 (vi) a Class 2 felony if the offense committed is a
17 Class 3 felony;

18 (vii) a Class 1 felony if the offense committed is
19 a Class 2 felony; and

20 (viii) a Class X felony if the offense committed is
21 a Class 1 felony or a Class X felony.

22 (3) A violation of subsection (b) incurs the same
23 penalty as first degree murder if the committed offense is
24 first degree murder.

25 (e) The husband or wife of the defendant shall be a
26 competent witness to testify in any case under this Section and

1 to all matters relevant thereto.

2 ~~(b) Sentence. Contributing to the criminal delinquency of a~~
3 ~~juvenile is a felony one grade higher than the offense~~
4 ~~committed, if the offense committed is a felony, except when~~
5 ~~the offense committed is first degree murder or a Class X~~
6 ~~felony. When the offense committed is first degree murder or a~~
7 ~~Class X felony, the penalty for contributing to the criminal~~
8 ~~delinquency of a juvenile is the same as the penalty for first~~
9 ~~degree murder or a Class X felony, respectively. Contributing~~
10 ~~to the criminal delinquency of a juvenile is a misdemeanor one~~
11 ~~grade higher than the offense committed, if the offense~~
12 ~~committed is a misdemeanor, except when the offense committed~~
13 ~~is a Class A misdemeanor. If the offense committed is a Class A~~
14 ~~misdemeanor, the penalty for contributing to the criminal~~
15 ~~delinquency of a juvenile is a Class 4 felony.~~

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

17 (720 ILCS 5/Art. 12C, Subdiv. 5 heading new)

18 SUBDIVISION 5. BODILY HARM OFFENSES

19 (720 ILCS 5/12C-35) (was 720 ILCS 5/12-10)

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

22 (a) A ~~Any~~ person, other than a person licensed to practice
23 medicine in all its branches, commits tattooing the body of a
24 minor when he or she knowingly or recklessly ~~who~~ tattoos or

1 offers to tattoo a person under the age of 18 ~~is guilty of a~~
2 ~~Class A misdemeanor.~~

3 (b) ~~A~~ Any person who is an owner or employee of ~~employed by~~
4 a business that performs tattooing, other than a person
5 licensed to practice medicine in all its branches, may not
6 permit a person under 18 years of age to enter or remain on the
7 premises where tattooing is being performed unless the person
8 under 18 years of age is accompanied by his or her parent or
9 legal guardian. ~~A violation of this subsection (b) is a Class A~~
10 ~~misdemeanor.~~

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

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

19 (e) Sentence. A violation of this Section is a Class A
20 misdemeanor.

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

22 (720 ILCS 5/12C-40) (was 720 ILCS 5/12-10.1)

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

24 (a) (1) ~~A~~ Any person commits piercing the body of a minor
25 when he or she knowingly or recklessly ~~who~~ pierces the body ~~or~~

1 ~~oral cavity~~ of a person under 18 years of age without written
2 consent of a parent or legal guardian of that person ~~commits~~
3 ~~the offense of piercing the body of a minor~~. Before the oral
4 cavity of a person under 18 years of age may be pierced, the
5 written consent form signed by the parent or legal guardian
6 must contain a provision in substantially the following form:

7 "I understand that the oral piercing of the tongue, lips,
8 cheeks, or any other area of the oral cavity carries serious
9 risk of infection or damage to the mouth and teeth, or both
10 infection and damage to those areas, that could result but is
11 not limited to nerve damage, numbness, and life threatening
12 blood clots."

13 A person who pierces the oral cavity of a person under 18
14 years of age without obtaining a signed written consent form
15 from a parent or legal guardian of the person that includes the
16 provision describing the health risks of body piercing,
17 violates this Section.

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

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

26 (b) ~~Definition. As used in this Section, to~~ "Pierce pierce"

1 means to make a hole in the body ~~or oral cavity~~ in order to
2 insert or allow the insertion of any ring, hoop, stud, or other
3 object for the purpose of ornamentation of the body. "Piercing"
4 does not include tongue splitting as defined in Section
5 12-10.2. The term "body" includes the oral cavity.

6 (c) Exceptions. This Section may not be construed in any
7 way to prohibit any injection, incision, acupuncture, or
8 similar medical or dental procedure performed by a licensed
9 health care professional or other person authorized to perform
10 that procedure or the presence on the premises where that
11 procedure is being performed by a health care professional or
12 other person authorized to perform that procedure of a person
13 under 18 years of age who is not accompanied by a parent or
14 legal guardian. This Section does not prohibit ear piercing.
15 This Section does not apply to a minor emancipated under the
16 Juvenile Court Act of 1987 or the Emancipation of Minors Act or
17 by marriage. This Section does not apply to a person under 18
18 years of age who pierces the body or oral cavity of another
19 person under 18 years of age away from the premises of any
20 business at which body piercing or oral cavity piercing is
21 performed.

22 (d) Sentence. A violation of this Section is a Class A
23 misdemeanor.

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

1 Sec. 12C-45 ~~12-4.9~~. Drug induced infliction of harm to a
2 child athlete. ~~Drug induced infliction of aggravated battery to~~
3 ~~a child athlete.~~

4 (a) A person commits drug induced infliction of harm to a
5 child athlete when he or she knowingly ~~Any person who~~
6 distributes a drug to or encourages the ingestion of a drug by
7 a person under the age of 18 with the intent that the person
8 under the age of 18 ingest the drug for the purpose of a quick
9 weight gain or loss in connection with participation in
10 athletics ~~is guilty of the offense of drug induced infliction~~
11 ~~of aggravated battery of a child athlete.~~

12 **(b)** This Section does not apply to care under usual and
13 customary standards of medical practice by a physician licensed
14 to practice medicine in all its branches or ~~nor~~ to the sale of
15 drugs or products by a retail merchant.

16 **(c)** ~~(b)~~ Drug induced infliction of harm ~~aggravated battery~~
17 to a child athlete is a Class A misdemeanor. A second or
18 subsequent violation is a Class 4 felony.

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

20 (720 ILCS 5/12C-50 new)

21 Sec. 12C-50. Hazing.

22 (a) A person commits hazing when he or she knowingly
23 requires the performance of any act by a student or other
24 person in a school, college, university, or other educational
25 institution of this State, for the purpose of induction or

1 admission into any group, organization, or society associated
2 or connected with that institution, if:

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

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

6 (b) Sentence. Hazing is a Class A misdemeanor, except that
7 hazing that results in death or great bodily harm is a Class 4
8 felony.

9 (720 ILCS 5/Art. 12C, Subdiv. 10 heading new)

10 SUBDIVISION 10. CURFEW OFFENSES

11 (720 ILCS 5/12C-60 new)

12 Sec. 12C-60. Curfew.

13 (a) Curfew offenses.

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

17 (2) A parent or guardian of a minor or other person in
18 custody or control of a minor commits a curfew offense when
19 he or she knowingly permits the minor to remain in any
20 public place or on the premises of any establishment during
21 curfew hours.

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

24 (1) accompanied by the minor's parent or guardian or

1 other person in custody or control of the minor;

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

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

5 (4) engaged in an employment activity or going to or
6 returning home from an employment activity, without any
7 detour or stop;

8 (5) involved in an emergency;

9 (6) on the sidewalk abutting the minor's residence or
10 abutting the residence of a next-door neighbor if the
11 neighbor did not complain to the police department about
12 the minor's presence;

13 (7) attending an official school, religious, or other
14 recreational activity supervised by adults and sponsored
15 by a government or governmental agency, a civic
16 organization, or another similar entity that takes
17 responsibility for the minor, or going to or returning home
18 from, without any detour or stop, an official school,
19 religious, or other recreational activity supervised by
20 adults and sponsored by a government or governmental
21 agency, a civic organization, or another similar entity
22 that takes responsibility for the minor;

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

26 (9) married or had been married or is an emancipated

1 minor under the Emancipation of Minors Act.

2 (c) Enforcement. Before taking any enforcement action
3 under this Section, a law enforcement officer shall ask the
4 apparent offender's age and reason for being in the public
5 place. The officer shall not issue a citation or make an arrest
6 under this Section unless the officer reasonably believes that
7 an offense has occurred and that, based on any response and
8 other circumstances, no defense in subsection (b) is present.

9 (d) Definitions. In this Section:

10 (1) "Curfew hours" means:

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

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

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

15 (2) "Emergency" means an unforeseen combination of
16 circumstances or the resulting state that calls for
17 immediate action. The term includes, but is not limited to,
18 a fire, a natural disaster, an automobile accident, or any
19 situation requiring immediate action to prevent serious
20 bodily injury or loss of life.

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

25 (4) "Guardian" means:

26 (A) a person who, under court order, is the

1 guardian of the person of a minor; or

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

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

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

6 (A) a natural parent, adoptive parent, or
7 step-parent of another person; or

8 (B) at least 18 years of age and authorized by a
9 parent or guardian to have the care and custody of a
10 minor.

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

16 (8) "Remain" means to:

17 (A) linger or stay; or

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

21 (9) "Serious bodily injury" means bodily injury that
22 creates a substantial risk of death or that causes death,
23 serious permanent disfigurement, or protracted loss or
24 impairment of the function of any bodily member or organ.

25 (e) Sentence. A violation of this Section is a petty
26 offense with a fine of not less than \$10 nor more than \$500,

1 except that neither a person who has been made a ward of the
2 court under the Juvenile Court Act of 1987, nor that person's
3 legal guardian, shall be subject to any fine. In addition to or
4 instead of the fine imposed by this Section, the court may
5 order a parent, legal guardian, or other person convicted of a
6 violation of subsection (a) of this Section to perform
7 community service as determined by the court, except that the
8 legal guardian of a person who has been made a ward of the
9 court under the Juvenile Court Act of 1987 may not be ordered
10 to perform community service. The dates and times established
11 for the performance of community service by the parent, legal
12 guardian, or other person convicted of a violation of
13 subsection (a) of this Section shall not conflict with the
14 dates and times that the person is employed in his or her
15 regular occupation.

16 (f) County, municipal and other local boards and bodies
17 authorized to adopt local police laws and regulations under the
18 constitution and laws of this State may exercise legislative or
19 regulatory authority over this subject matter by ordinance or
20 resolution incorporating the substance of this Section or
21 increasing the requirements thereof or otherwise not in
22 conflict with this Section.

23 (720 ILCS 5/Art. 12C, Subdiv. 15 heading new)

24 SUBDIVISION 15. MISCELLANEOUS OFFENSES

1 (720 ILCS 5/12C-65) (was 720 ILCS 5/44-2 and 5/44-3)
2 Sec. 12C-65 ~~44-2~~. Unlawful transfer of a
3 telecommunications device to a minor.

4 (a) A person commits unlawful transfer of a
5 telecommunications device to a minor when he or she gives,
6 sells or otherwise transfers possession of a
7 telecommunications device to a person under 18 years of age
8 with the intent that the device be used to commit any offense
9 under this Code, the Cannabis Control Act, the Illinois
10 Controlled Substances Act, or the Methamphetamine Control and
11 Community Protection Act.

12 (b) "Telecommunications device" or "device" means a device
13 which is portable or which may be installed in a motor vehicle,
14 boat or other means of transportation, and which is capable of
15 receiving or transmitting speech, data, signals or other
16 information, including but not limited to paging devices,
17 cellular and mobile telephones, and radio transceivers,
18 transmitters and receivers, but not including radios designed
19 to receive only standard AM and FM broadcasts.

20 (c) Sentence. A violation of this Section ~~(b) Unlawful~~
21 ~~transfer of a telecommunications device to a minor~~ is a Class A
22 misdemeanor.

23 (d) Seizure and forfeiture of property. Any person who
24 commits the offense of unlawful transfer of a
25 telecommunications device to a minor as set forth in this
26 Section is subject to the property forfeiture provisions in

1 Article 124B of the Code of Criminal Procedure of 1963. See.
2 ~~44-3. (a) Seizure. Any telecommunications device possessed by a~~
3 ~~person on the real property of any elementary or secondary~~
4 ~~school without the authority of the school principal, or used~~
5 ~~in the commission of an offense prohibited by this Code, the~~
6 ~~Illinois Controlled Substances Act, the Cannabis Control Act,~~
7 ~~or the Methamphetamine Control and Community Protection Act or~~
8 ~~which constitutes evidence of the commission of such offenses~~
9 ~~may be seized and delivered forthwith to the investigating law~~
10 ~~enforcement agency. A person who is not a student of the~~
11 ~~particular elementary or secondary school, who is on school~~
12 ~~property as an invitee of the school, and who has possession of~~
13 ~~a telecommunication device for lawful and legitimate purposes,~~
14 ~~shall not need to obtain authority from the school principal to~~
15 ~~possess the telecommunication device on school property. Such~~
16 ~~telecommunication device shall not be seized unless it was used~~
17 ~~in the commission of an offense specified above, or constitutes~~
18 ~~evidence of such an offense. Within 15 days after such delivery~~
19 ~~the investigating law enforcement agency shall give notice of~~
20 ~~seizure to any known owners, lienholders and secured parties of~~
21 ~~such property. Within that 15 day period the investigating law~~
22 ~~enforcement agency shall also notify the State's Attorney of~~
23 ~~the county of seizure about the seizure.~~

24 ~~(b) Rights of lienholders and secured parties. The~~
25 ~~State's Attorney shall promptly release a~~
26 ~~telecommunications device seized under the provisions of~~

1 ~~this Article to any lienholder or secured party if such~~
2 ~~lienholder or secured party shows to the State's Attorney~~
3 ~~that his lien or security interest is bona fide and was~~
4 ~~created without actual knowledge that such~~
5 ~~telecommunications device was or possessed in violation of~~
6 ~~this Section or used or to be used in the commission of the~~
7 ~~offense charged.~~

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

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

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

1 ~~or may order it sold at public auction.~~

2 ~~(2) A copy of the order shall be filed with the~~
3 ~~investigating law enforcement agency of the county in~~
4 ~~which the seizure occurs. Such order, when filed,~~
5 ~~confers ownership of the device to the department or~~
6 ~~agency to whom it is delivered or any purchaser~~
7 ~~thereof. The investigating law enforcement agency~~
8 ~~shall comply promptly with instructions to remit~~
9 ~~received from the State's Attorney or Attorney General~~
10 ~~in accordance with paragraph (1) of this subsection or~~
11 ~~subsection (d).~~

12 ~~(3) The proceeds of any sale at public auction~~
13 ~~pursuant to this subsection, after payment of all liens~~
14 ~~and deduction of the reasonable charges and expenses~~
15 ~~incurred by the investigating law enforcement agency~~
16 ~~in storing and selling the device, shall be paid into~~
17 ~~the general fund of the level of government responsible~~
18 ~~for the operation of the investigating law enforcement~~
19 ~~agency.~~

20 ~~(d) Exceptions to forfeiture. No device shall be~~
21 ~~forfeited under the provisions of subsection (c) by reason~~
22 ~~of any act or omission established by the owner thereof to~~
23 ~~have been committed or omitted by any person other than the~~
24 ~~owner while the device was unlawfully in the possession of~~
25 ~~a person who acquired possession thereof in violation of~~
26 ~~the criminal laws of the United States, or of any state.~~

1 ~~(e) Remission by Attorney General. Whenever any owner~~
2 ~~of, or other person interested in, a device seized under~~
3 ~~the provisions of this Section files with the Attorney~~
4 ~~General before the sale or destruction of the device a~~
5 ~~petition for the remission of such forfeiture the Attorney~~
6 ~~General if he finds that such forfeiture was incurred~~
7 ~~without willful negligence or without any intention on the~~
8 ~~part of the owner or any person with any right, title or~~
9 ~~interest in the device to violate the law, or finds the~~
10 ~~existence of such mitigating circumstances as to justify~~
11 ~~the remission of forfeiture, may cause the same to be~~
12 ~~remitted upon such terms and conditions as he deems~~
13 ~~reasonable and just, or order discontinuance of any~~
14 ~~forfeiture proceeding relating thereto.~~

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

16 (720 ILCS 5/12C-70 new)

17 Sec. 12C-70. Adoption compensation prohibited.

18 (a) Receipt of compensation for placing out prohibited;
19 exception. No person and no agency, association, corporation,
20 institution, society, or other organization, except a child
21 welfare agency as defined by the Child Care Act of 1969, shall
22 knowingly request, receive or accept any compensation or thing
23 of value, directly or indirectly, for providing adoption
24 services, as defined in Section 2.24 of the Child Care Act of
25 1969.

1 (b) Payment of compensation for placing out prohibited. No
2 person shall knowingly pay or give any compensation or thing of
3 value, directly or indirectly, for providing adoption
4 services, as defined in Section 2.24 of the Child Care Act of
5 1969, including placing out of a child to any person or to any
6 agency, association, corporation, institution, society, or
7 other organization except a child welfare agency as defined by
8 the Child Care Act of 1969.

9 (c) Certain payments of salaries and medical expenses not
10 prevented.

11 (1) The provisions of this Section shall not be
12 construed to prevent the payment of salaries or other
13 compensation by a licensed child welfare agency providing
14 adoption services, as that term is defined by the Child
15 Care Act of 1969, to the officers, employees, agents,
16 contractors, or any other persons acting on behalf of the
17 child welfare agency, provided that such salaries and
18 compensation are consistent with subsection (a) of Section
19 14.5 of the Child Care Act of 1969.

20 (2) The provisions of this Section shall not be
21 construed to prevent the payment by a prospective adoptive
22 parent of reasonable and actual medical fees or hospital
23 charges for services rendered in connection with the birth
24 of such child, if such payment is made to the physician or
25 hospital who or which rendered the services or to the
26 biological mother of the child or to prevent the receipt of

1 such payment by such physician, hospital, or mother.

2 (3) The provisions of this Section shall not be
3 construed to prevent a prospective adoptive parent from
4 giving a gift or gifts or other thing or things of value to
5 a biological parent provided that the total value of such
6 gift or gifts or thing or things of value does not exceed
7 \$200.

8 (d) Payment of certain expenses.

9 (1) A prospective adoptive parent shall be permitted to
10 pay the reasonable living expenses of the biological
11 parents of the child sought to be adopted, in addition to
12 those expenses set forth in subsection (c), only in
13 accordance with the provisions of this subsection (d).

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

24 (2) (A) The prospective adoptive parents may seek leave
25 of the court to pay the reasonable living expenses of
26 the biological parents. They shall be permitted to pay

1 the reasonable living expenses of the biological
2 parents only upon prior order of the circuit court
3 where the petition for adoption will be filed, or if
4 the petition for adoption has been filed in the circuit
5 court where the petition is pending.

6 (B) Notwithstanding clause (2) (A) of this
7 subsection (d), a prospective adoptive parent may
8 advance a maximum of \$1,000 for reasonable birth parent
9 living expenses without prior order of court. The
10 prospective adoptive parents shall present a final
11 accounting of all expenses to the court prior to the
12 entry of a final judgment order for adoption.

13 (C) If the court finds an accounting by the
14 prospective adoptive parents to be incomplete or
15 deceptive or to contain amounts which are unauthorized
16 or unreasonable, the court may order a new accounting
17 or the repayment of amounts found to be excessive or
18 unauthorized or make any other orders it deems
19 appropriate.

20 (3) Payments under this subsection (d) shall be
21 permitted only in those circumstances where there is a
22 demonstrated need for the payment of such expenses to
23 protect the health of the biological parents or the health
24 of the child sought to be adopted.

25 (4) Payment of their reasonable living expenses, as
26 provided in this subsection (d), shall not obligate the

1 biological parents to place the child for adoption. In the
2 event the biological parents choose not to place the child
3 for adoption, the prospective adoptive parents shall have
4 no right to seek reimbursement from the biological parents,
5 or from any relative or associate of the biological
6 parents, of moneys paid to, or on behalf of, the biological
7 parents pursuant to a court order under this subsection
8 (d).

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

21 (6) No person or entity shall offer, provide, or
22 co-sign a loan or any other credit accommodation, directly
23 or indirectly, with a biological parent or a relative or
24 associate of a biological parent based on the contingency
25 of a surrender or placement of a child for adoption.

26 (7) Within 14 days after the completion of all payments

1 for reasonable living expenses of the biological parents
2 under this subsection (d), the prospective adoptive
3 parents shall present a final accounting of all those
4 expenses to the court. The accounting shall also include
5 the verified statements of the prospective adoptive
6 parents, each attorney of record, and the biological
7 parents or parents to whom or on whose behalf the payments
8 were made attesting to the accuracy of the accounting.

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

25 (9) The prospective adoptive parents shall be
26 permitted to pay the reasonable attorney's fees of a

1 biological parent's attorney in connection with
2 proceedings under this Section or in connection with
3 proceedings for the adoption of the child if the amount of
4 fees of the attorney is \$1,000 or less. If the amount of
5 attorney's fees of each biological parent exceeds \$1,000,
6 the attorney's fees shall be paid only after a petition
7 seeking leave to pay those fees is filed with the court in
8 which the adoption proceeding is filed or to be filed. The
9 court shall review the petition for leave to pay attorney's
10 fees, and if the court determines that the fees requested
11 are reasonable, the court shall permit the petitioners to
12 pay them. If the court determines that the fees requested
13 are not reasonable, the court shall determine and set the
14 reasonable attorney's fees of the biological parents'
15 attorney which may be paid by the petitioners. The
16 prospective adoptive parents shall present a final
17 accounting of all those fees to the court prior to the
18 entry of a final judgment order for adoption.

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

22 (11) The provisions of this subsection (d) apply to a
23 person who is a prospective adoptive parent. This
24 subsection (d) does not apply to a licensed child welfare
25 agency, as that term is defined in the Child Care Act of
26 1969, whose payments are governed by the Child Care Act of

1 1969 and the Department of Children and Family Services
2 rules adopted thereunder.

3 (e) Injunctive relief.

4 (A) Whenever it appears that any person, agency,
5 association, corporation, institution, society, or
6 other organization is engaged or about to engage in any
7 acts or practices that constitute or will constitute a
8 violation of this Section, the Department of Children
9 and Family Services shall inform the Attorney General
10 and the State's Attorney of the appropriate county.
11 Under such circumstances, the Attorney General or the
12 State's Attorney may initiate injunction proceedings.
13 Upon a proper showing, any circuit court may enter a
14 permanent or preliminary injunction or temporary
15 restraining order without bond to enforce this Section
16 or any rule adopted under this Section in addition to
17 any other penalties and other remedies provided in this
18 Section.

19 (B) Whenever it appears that any person, agency,
20 association, corporation, institution, society, or
21 other organization is engaged or is about to engage in
22 any act or practice that constitutes or will constitute
23 a violation of any rule adopted under the authority of
24 this Section, the Department of Children and Family
25 Services may inform the Attorney General and the
26 State's Attorney of the appropriate county. Under such

1 4 and subdivision (a) of Section 5 of the Cannabis Control
2 Act and any offense for which the holder of a license is
3 placed on probation under the provisions of Section 10 of
4 the Cannabis Control Act, provided that if the terms and
5 conditions of probation required by the court are not
6 fulfilled, the offense is not eligible for this exception.

7 (2) Any offense defined in the Illinois Controlled
8 Substances Act, except any offense for which the holder of
9 a license is placed on probation under the provisions of
10 Section 410 of the Illinois Controlled Substances Act,
11 provided that if the terms and conditions of probation
12 required by the court are not fulfilled, the offense is not
13 eligible for this exception.

14 (3) Any offense defined in the Methamphetamine Control
15 and Community Protection Act, except any offense for which
16 the holder of a license is placed on probation under the
17 provision of Section 70 of that Act, provided that if the
18 terms and conditions of probation required by the court are
19 not fulfilled, the offense is not eligible for this
20 exception.

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

23 (5) Any offense committed or attempted in any other
24 state or against the laws of the United States that, if
25 committed or attempted in this State, would have been
26 punishable as one or more of the offenses listed in items

1 (1) through (4) of this definition.

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

4 "Sex offense" means any one or more of the following
5 offenses:

6 (A) Any offense defined in Sections 11-6, ~~and~~ 11-9
7 through 11-9.5, inclusive, and 11-30, of the Criminal Code
8 of 1961; Sections 11-14 through 11-21, inclusive, of the
9 Criminal Code of 1961; Sections 11-23 (if punished as a
10 Class 3 felony), 11-24, 11-25, and 11-26 of the Criminal
11 Code of 1961; and Sections 11-1.20, 11-1.30, 11-1.40,
12 11-1.50, 11-1.60, 12-4.9, 12-13, 12-14, 12-14.1, 12-15,
13 12-16, 12-32, ~~and~~ 12-33, and 12C-45 of the Criminal Code of
14 1961.

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

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

21 (b) Whenever the holder of any license issued pursuant to
22 this Article has been convicted of any sex offense or narcotics
23 offense, the State Superintendent of Education shall forthwith
24 suspend the license. If the conviction is reversed and the
25 holder is acquitted of the offense in a new trial or the
26 charges against him or her are dismissed, the State

1 Superintendent of Education shall forthwith terminate the
2 suspension of the license. When the conviction becomes final,
3 the State Superintendent of Education shall forthwith revoke
4 the license.

5 (c) Whenever the holder of a license issued pursuant to
6 this Article has been convicted of attempting to commit,
7 conspiring to commit, soliciting, or committing first degree
8 murder or a Class X felony or any offense committed or
9 attempted in any other state or against the laws of the United
10 States that, if committed or attempted in this State, would
11 have been punishable as one or more of the foregoing offenses,
12 the State Superintendent of Education shall forthwith suspend
13 the license. If the conviction is reversed and the holder is
14 acquitted of that offense in a new trial or the charges that he
15 or she committed that offense are dismissed, the State
16 Superintendent of Education shall forthwith terminate the
17 suspension of the license. When the conviction becomes final,
18 the State Superintendent of Education shall forthwith revoke
19 the license.

20 (Source: P.A. 97-607, eff. 8-26-11; incorporates 96-1551, eff.
21 7-1-11; revised 10-13-11.)

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

24 (225 ILCS 10/14.6)

1 Sec. 14.6. Agency payment of salaries or other
2 compensation.

3 (a) A licensed child welfare agency may pay salaries or
4 other compensation to its officers, employees, agents,
5 contractors, or any other persons acting on its behalf for
6 providing adoption services, provided that all of the following
7 limitations apply:

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

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

25 (3) Persons providing adoption services for a child
26 welfare agency may be compensated only for services

1 actually rendered and only on a fee-for-service, hourly
2 wage, or salary basis.

3 (b) The Department may adopt rules setting forth the
4 criteria to determine what constitutes unreasonably high fees
5 and compensation as those terms are used in this Section. In
6 determining the reasonableness of fees, wages, salaries, and
7 compensation under paragraphs (1) and (2) of subsection (a) of
8 this Section, the Department shall take into account the
9 location, number, and qualifications of staff, workload
10 requirements, budget, and size of the agency or person and
11 available norms for compensation within the adoption
12 community. Every licensed child welfare agency providing
13 adoption services shall provide the Department and the Attorney
14 General with a report, on an annual basis, providing a
15 description of the fees, wages, salaries and other compensation
16 described in paragraphs (1), (2), and (3) of this Section.
17 Nothing in Section 12C-70 of the Criminal Code of 1961 ~~the~~
18 ~~Adoption Compensation Prohibition Act~~ shall be construed to
19 prevent a child welfare agency from charging fees or the
20 payment of salaries and compensation as limited in this Section
21 and any applicable Section of this Act or the Adoption Act.

22 (c) This Section does not apply to international adoption
23 services performed by those child welfare agencies governed by
24 the 1993 Hague Convention on Protection of Children and
25 Cooperation in Respect of Intercountry Adoption and the
26 Intercountry Adoption Act of 2000.

1 (d) Eligible agencies may be deemed compliant with this
2 Section.

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

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

6 (225 ILCS 46/25)

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

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

1 12-2, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,
2 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-7.4, 12-11, 12-13,
3 12-14, 12-14.1, 12-15, 12-16, 12-19, 12-21, 12-21.6, 12-32,
4 12-33, 12C-5, 16-1, 16-1.3, 16-25, 16A-3, 17-3, 17-56, 18-1,
5 18-2, 18-3, 18-4, 18-5, 19-1, 19-3, 19-4, 20-1, 20-1.1, 24-1,
6 24-1.2, 24-1.5, or 33A-2, or subdivision (a)(4) of Section
7 11-14.4~~7~~, or in subsection (a) of Section 12-3 or subsection (a)
8 or (b) of Section 12-4.4a, of the Criminal Code of 1961; those
9 provided in Section 4 of the Wrongs to Children Act; those
10 provided in Section 53 of the Criminal Jurisprudence Act; those
11 defined in Section 5, 5.1, 5.2, 7, or 9 of the Cannabis Control
12 Act; those defined in the Methamphetamine Control and Community
13 Protection Act; or those defined in Sections 401, 401.1, 404,
14 405, 405.1, 407, or 407.1 of the Illinois Controlled Substances
15 Act, unless the applicant or employee obtains a waiver pursuant
16 to Section 40.

17 (a-1) In the discretion of the Director of Public Health,
18 as soon after January 1, 2004 or October 1, 2007, as
19 applicable, and as is reasonably practical, no health care
20 employer shall knowingly hire any individual in a position with
21 duties involving direct care for clients, patients, or
22 residents, and no long-term care facility shall knowingly hire
23 any individual in a position with duties that involve or may
24 involve contact with residents or access to the living quarters
25 or the financial, medical, or personal records of residents,
26 who has (i) been convicted of committing or attempting to

1 commit one or more of the offenses defined in Section 12-3.3,
2 12-4.2-5, 16-2, 16-30, 16G-15, 16G-20, 17-33, 17-34, 17-36,
3 17-44, 18-5, 20-1.2, 24-1.1, 24-1.2-5, 24-1.6, 24-3.2, or
4 24-3.3, or subsection (b) of Section 17-32, of the Criminal
5 Code of 1961; Section 4, 5, 6, 8, or 17.02 of the Illinois
6 Credit Card and Debit Card Act; or Section 11-9.1A of the
7 Criminal Code of 1961 or Section 5.1 of the Wrongs to Children
8 Act; or (ii) violated Section 50-50 of the Nurse Practice Act,
9 unless the applicant or employee obtains a waiver pursuant to
10 Section 40 of this Act.

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

20 (b) A health care employer shall not hire, employ, or
21 retain any individual in a position with duties involving
22 direct care of clients, patients, or residents, and no
23 long-term care facility shall knowingly hire, employ, or retain
24 any individual in a position with duties that involve or may
25 involve contact with residents or access to the living quarters
26 or the financial, medical, or personal records of residents, if

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

11 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, Article 1, Section
12 930, eff. 7-1-11; 96-1551, Article 2, Section 995, eff. 7-1-11;
13 96-1551, Article 10, Section 10-40, eff. 7-1-11; 97-597, eff.
14 1-1-12.)

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

17 (325 ILCS 2/25)

18 Sec. 25. Immunity for relinquishing person.

19 (a) The act of relinquishing a newborn infant to a
20 hospital, police station, fire station, or emergency medical
21 facility in accordance with this Act does not, by itself,
22 constitute a basis for a finding of abuse, neglect, or
23 abandonment of the infant pursuant to the laws of this State
24 nor does it, by itself, constitute a violation of Section 12C-5

1 or 12C-10 ~~12-21.5 or 12-21.6~~ of the Criminal Code of 1961.

2 (b) If there is suspected child abuse or neglect that is
3 not based solely on the newborn infant's relinquishment to a
4 hospital, police station, fire station, or emergency medical
5 facility, the personnel of the hospital, police station, fire
6 station, or emergency medical facility who are mandated
7 reporters under the Abused and Neglected Child Reporting Act
8 must report the abuse or neglect pursuant to that Act.

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

12 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
13 93-820, eff. 7-27-04.)

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

16 (625 ILCS 5/6-106.1)

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

18 (a) The Secretary of State shall issue a school bus driver
19 permit to those applicants who have met all the requirements of
20 the application and screening process under this Section to
21 insure the welfare and safety of children who are transported
22 on school buses throughout the State of Illinois. Applicants
23 shall obtain the proper application required by the Secretary
24 of State from their prospective or current employer and submit

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

1 Secretary of State in administering this Section. All
2 applicants must:

3 1. be 21 years of age or older;

4 2. possess a valid and properly classified driver's
5 license issued by the Secretary of State;

6 3. possess a valid driver's license, which has not been
7 revoked, suspended, or canceled for 3 years immediately
8 prior to the date of application, or have not had his or
9 her commercial motor vehicle driving privileges
10 disqualified within the 3 years immediately prior to the
11 date of application;

12 4. successfully pass a written test, administered by
13 the Secretary of State, on school bus operation, school bus
14 safety, and special traffic laws relating to school buses
15 and submit to a review of the applicant's driving habits by
16 the Secretary of State at the time the written test is
17 given;

18 5. demonstrate ability to exercise reasonable care in
19 the operation of school buses in accordance with rules
20 promulgated by the Secretary of State;

21 6. demonstrate physical fitness to operate school
22 buses by submitting the results of a medical examination,
23 including tests for drug use for each applicant not subject
24 to such testing pursuant to federal law, conducted by a
25 licensed physician, an advanced practice nurse who has a
26 written collaborative agreement with a collaborating

1 physician which authorizes him or her to perform medical
2 examinations, or a physician assistant who has been
3 delegated the performance of medical examinations by his or
4 her supervising physician within 90 days of the date of
5 application according to standards promulgated by the
6 Secretary of State;

7 7. affirm under penalties of perjury that he or she has
8 not made a false statement or knowingly concealed a
9 material fact in any application for permit;

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

19 9. not have been under an order of court supervision
20 for or convicted of 2 or more serious traffic offenses, as
21 defined by rule, within one year prior to the date of
22 application that may endanger the life or safety of any of
23 the driver's passengers within the duration of the permit
24 period;

25 10. not have been under an order of court supervision
26 for or convicted of reckless driving, aggravated reckless

1 driving, driving while under the influence of alcohol,
2 other drug or drugs, intoxicating compound or compounds or
3 any combination thereof, or reckless homicide resulting
4 from the operation of a motor vehicle within 3 years of the
5 date of application;

6 11. not have been convicted of committing or attempting
7 to commit any one or more of the following offenses: (i)
8 those offenses defined in Sections 8-1.2, 9-1, 9-1.2, 9-2,
9 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1, 10-4, 10-5,
10 10-5.1, 10-6, 10-7, 10-9, 11-1.20, 11-1.30, 11-1.40,
11 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6, 11-9, 11-9.1,
12 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,
13 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,
14 11-19.1, 11-19.2, 11-20, 11-20.1, 11-20.1B, 11-20.3,
15 11-21, 11-22, 11-23, 11-24, 11-25, 11-26, 11-30, 12-2.6,
16 12-3.1, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4,
17 12-4.5, 12-4.6, 12-4.7, 12-4.9, 12-5.01, 12-6, 12-6.2,
18 12-7.1, 12-7.3, 12-7.4, 12-7.5, 12-11, 12-13, 12-14,
19 12-14.1, 12-15, 12-16, 12-16.2, 12-21.5, 12-21.6, 12-33,
20 12C-5, 12C-10, 12C-20, 12C-30, 12C-45, 16-16, 16-16.1,
21 18-1, 18-2, 18-3, 18-4, 18-5, 20-1, 20-1.1, 20-1.2, 20-1.3,
22 20-2, 24-1, 24-1.1, 24-1.2, 24-1.2-5, 24-1.6, 24-1.7,
23 24-2.1, 24-3.3, 24-3.5, 31A-1, 31A-1.1, 33A-2, and 33D-1,
24 and in subsection (b) of Section 8-1, and in subdivisions
25 (a) (1), (a) (2), (b) (1), (e) (1), (e) (2), (e) (3), (e) (4),
26 and (f) (1) of Section 12-3.05, and in subsection (a) and

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

20 12. not have been repeatedly involved as a driver in
21 motor vehicle collisions or been repeatedly convicted of
22 offenses against laws and ordinances regulating the
23 movement of traffic, to a degree which indicates lack of
24 ability to exercise ordinary and reasonable care in the
25 safe operation of a motor vehicle or disrespect for the
26 traffic laws and the safety of other persons upon the

1 highway;

2 13. not have, through the unlawful operation of a motor
3 vehicle, caused an accident resulting in the death of any
4 person;

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

8 15. consent, in writing, to the release of results of
9 reasonable suspicion drug and alcohol testing under
10 Section 6-106.1c of this Code by the employer of the
11 applicant to the Secretary of State.

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

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

21 (d) The employer shall be responsible for conducting a
22 pre-employment interview with prospective school bus driver
23 candidates, distributing school bus driver applications and
24 medical forms to be completed by the applicant, and submitting
25 the applicant's fingerprint cards to the Department of State
26 Police that are required for the criminal background

1 investigations. The employer shall certify in writing to the
2 Secretary of State that all pre-employment conditions have been
3 successfully completed including the successful completion of
4 an Illinois specific criminal background investigation through
5 the Department of State Police and the submission of necessary
6 fingerprints to the Federal Bureau of Investigation for
7 criminal history information available through the Federal
8 Bureau of Investigation system. The applicant shall present the
9 certification to the Secretary of State at the time of
10 submitting the school bus driver permit application.

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

1 (f) A school bus driver permit holder shall notify the
2 employer and the Secretary of State if he or she is issued an
3 order of court supervision for or convicted in another state of
4 an offense that would make him or her ineligible for a permit
5 under subsection (a) of this Section. The written notification
6 shall be made within 5 days of the entry of the order of court
7 supervision or conviction. Failure of the permit holder to
8 provide the notification is punishable as a petty offense for a
9 first violation and a Class B misdemeanor for a second or
10 subsequent violation.

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

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

16 (2) The Secretary of State shall cancel a school bus
17 driver permit when he or she receives notice that the
18 permit holder fails to comply with any provision of this
19 Section or any rule promulgated for the administration of
20 this Section.

21 (3) The Secretary of State shall cancel a school bus
22 driver permit if the permit holder's restricted commercial
23 or commercial driving privileges are withdrawn or
24 otherwise invalidated.

25 (4) The Secretary of State may not issue a school bus
26 driver permit for a period of 3 years to an applicant who

1 fails to obtain a negative result on a drug test as
2 required in item 6 of subsection (a) of this Section or
3 under federal law.

4 (5) The Secretary of State shall forthwith suspend a
5 school bus driver permit for a period of 3 years upon
6 receiving notice that the holder has failed to obtain a
7 negative result on a drug test as required in item 6 of
8 subsection (a) of this Section or under federal law.

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

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

23 The Secretary of State shall notify the State
24 Superintendent of Education and the permit holder's
25 prospective or current employer that the applicant has (1) has
26 failed a criminal background investigation or (2) is no longer

1 eligible for a school bus driver permit; and of the related
2 cancellation of the applicant's provisional school bus driver
3 permit. The cancellation shall remain in effect pending the
4 outcome of a hearing pursuant to Section 2-118 of this Code.
5 The scope of the hearing shall be limited to the issuance
6 criteria contained in subsection (a) of this Section. A
7 petition requesting a hearing shall be submitted to the
8 Secretary of State and shall contain the reason the individual
9 feels he or she is entitled to a school bus driver permit. The
10 permit holder's employer shall notify in writing to the
11 Secretary of State that the employer has certified the removal
12 of the offending school bus driver from service prior to the
13 start of that school bus driver's next workshift. An employing
14 school board that fails to remove the offending school bus
15 driver from service is subject to the penalties defined in
16 Section 3-14.23 of the School Code. A school bus contractor who
17 violates a provision of this Section is subject to the
18 penalties defined in Section 6-106.11.

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

22 (h) When a school bus driver permit holder who is a service
23 member is called to active duty, the employer of the permit
24 holder shall notify the Secretary of State, within 30 days of
25 notification from the permit holder, that the permit holder has
26 been called to active duty. Upon notification pursuant to this

1 subsection, (i) the Secretary of State shall characterize the
2 permit as inactive until a permit holder renews the permit as
3 provided in subsection (i) of this Section, and (ii) if a
4 permit holder fails to comply with the requirements of this
5 Section while called to active duty, the Secretary of State
6 shall not characterize the permit as invalid.

7 (i) A school bus driver permit holder who is a service
8 member returning from active duty must, within 90 days, renew a
9 permit characterized as inactive pursuant to subsection (h) of
10 this Section by complying with the renewal requirements of
11 subsection (b) of this Section.

12 (j) For purposes of subsections (h) and (i) of this
13 Section:

14 "Active duty" means active duty pursuant to an executive
15 order of the President of the United States, an act of the
16 Congress of the United States, or an order of the Governor.

17 "Service member" means a member of the Armed Services or
18 reserve forces of the United States or a member of the Illinois
19 National Guard.

20 (Source: P.A. 96-89, eff. 7-27-09; 96-818, eff. 11-17-09;
21 96-962, eff. 7-2-10; 96-1000, eff. 7-2-10; 96-1182, eff.
22 7-22-10; 96-1551, Article 1, Section 950, eff. 7-1-11; 96-1551,
23 Article 2, Section 1025, eff. 7-1-11; 97-224, eff. 7-28-11;
24 97-229, eff. 7-28-11; 97-333, eff. 8-12-11; 97-466, eff.
25 1-1-12; revised 9-15-11.)

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

2 Sec. 6-508. Commercial Driver's License (CDL) -
3 qualification standards.

4 (a) Testing.

5 (1) General. No person shall be issued an original or
6 renewal CDL unless that person is domiciled in this State.
7 The Secretary shall cause to be administered such tests as
8 the Secretary deems necessary to meet the requirements of
9 49 C.F.R. Part 383, subparts F, G, H, and J.

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

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

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

24 (1) non-excepted interstate;

25 (2) non-excepted intrastate;

26 (3) excepted interstate; or

1 (4) excepted intrastate.

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

6 (1) non-excepted interstate;

7 (2) non-excepted intrastate;

8 (3) excepted interstate; or

9 (4) excepted intrastate.

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

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

1 (1) the person has submitted his or her fingerprints to
2 the Department of State Police in the form and manner
3 prescribed by the Department of State Police. These
4 fingerprints shall be checked against the fingerprint
5 records now and hereafter filed in the Department of State
6 Police and Federal Bureau of Investigation criminal
7 history records databases;

8 (2) the person has passed a written test, administered
9 by the Secretary of State, on charter bus operation,
10 charter bus safety, and certain special traffic laws
11 relating to school buses determined by the Secretary of
12 State to be relevant to charter buses, and submitted to a
13 review of the driver applicant's driving habits by the
14 Secretary of State at the time the written test is given;

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

18 (4) the person has not been convicted of committing or
19 attempting to commit any one or more of the following
20 offenses: (i) those offenses defined in Sections 8-1.2,
21 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2,
22 10-3.1, 10-4, 10-5, 10-5.1, 10-6, 10-7, 10-9, 11-1.20,
23 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-6.5, 11-6.6,
24 11-9, 11-9.1, 11-9.3, 11-9.4, 11-14, 11-14.1, 11-14.3,
25 11-14.4, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18,
26 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,

1 11-20.1B, 11-20.3, 11-21, 11-22, 11-23, 11-24, 11-25,
2 11-26, 11-30, 12-2.6, 12-3.1, 12-4, 12-4.1, 12-4.2,
3 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.9,
4 12-5.01, 12-6, 12-6.2, 12-7.1, 12-7.3, 12-7.4, 12-7.5,
5 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-16.2,
6 12-21.5, 12-21.6, 12-33, 12C-5, 12C-10, 12C-20, 12C-30,
7 12C-45, 16-16, 16-16.1, 18-1, 18-2, 18-3, 18-4, 18-5, 20-1,
8 20-1.1, 20-1.2, 20-1.3, 20-2, 24-1, 24-1.1, 24-1.2,
9 24-1.2-5, 24-1.6, 24-1.7, 24-2.1, 24-3.3, 24-3.5, 31A-1,
10 31A-1.1, 33A-2, and 33D-1, and in subsection (b) of Section
11 8-1, and in subdivisions (a)(1), (a)(2), (b)(1), (e)(1),
12 (e)(2), (e)(3), (e)(4), and (f)(1) of Section 12-3.05, and
13 in subsection (a) and subsection (b), clause (1), of
14 Section 12-4, and in subsection (A), clauses (a) and (b),
15 of Section 24-3, and those offenses contained in Article
16 29D of the Criminal Code of 1961; (ii) those offenses
17 defined in the Cannabis Control Act except those offenses
18 defined in subsections (a) and (b) of Section 4, and
19 subsection (a) of Section 5 of the Cannabis Control Act;
20 (iii) those offenses defined in the Illinois Controlled
21 Substances Act; (iv) those offenses defined in the
22 Methamphetamine Control and Community Protection Act; (v)
23 any offense committed or attempted in any other state or
24 against the laws of the United States, which if committed
25 or attempted in this State would be punishable as one or
26 more of the foregoing offenses; (vi) the offenses defined

1 in Sections 4.1 and 5.1 of the Wrongs to Children Act or
2 Section 11-9.1A of the Criminal Code of 1961; (vii) those
3 offenses defined in Section 6-16 of the Liquor Control Act
4 of 1934; and (viii) those offenses defined in the
5 Methamphetamine Precursor Control Act.

6 The Department of State Police shall charge a fee for
7 conducting the criminal history records check, which shall be
8 deposited into the State Police Services Fund and may not
9 exceed the actual cost of the records check.

10 (c-2) The Secretary shall issue a CDL with a school bus
11 endorsement to allow a person to drive a school bus as defined
12 in this Section. The CDL shall be issued according to the
13 requirements outlined in 49 C.F.R. 383. A person may not
14 operate a school bus as defined in this Section without a
15 school bus endorsement. The Secretary of State may adopt rules
16 consistent with Federal guidelines to implement this
17 subsection (c-2).

18 (d) Commercial driver instruction permit. A commercial
19 driver instruction permit may be issued to any person holding a
20 valid Illinois driver's license if such person successfully
21 passes such tests as the Secretary determines to be necessary.

22 A commercial driver instruction permit shall not be issued to a
23 person who does not meet the requirements of 49 CFR 391.41

24 (b)(11), except for the renewal of a commercial driver
25 instruction permit for a person who possesses a commercial
26 instruction permit prior to the effective date of this

1 amendatory Act of 1999.

2 (Source: P.A. 95-331, eff. 8-21-07; 95-382, eff. 8-23-07;
3 96-1182, eff. 7-22-10; 96-1551, Article 1, Section 95, eff.
4 7-1-11; 96-1551, Article 2, Section 1025, eff. 7-1-11; 97-208,
5 eff. 1-1-12; revised 9-26-11.)

6 (720 ILCS 5/12-21.7 rep.)

7 (720 ILCS 5/Art. 33D rep.)

8 (720 ILCS 5/Art. 44 rep.)

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

11 (720 ILCS 120/Act rep.)

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

13 (720 ILCS 130/Act rep.)

14 Section 10-935. The Neglected Children Offense Act is
15 repealed.

16 (720 ILCS 150/4.1 rep.)

17 Section 10-940. The Wrongs to Children Act is amended by
18 repealing Section 4.1.

19 (720 ILCS 525/Act rep.)

20 Section 10-945. The Adoption Compensation Prohibition Act
21 is repealed.

1 (720 ILCS 555/Act rep.)

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

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

6 (725 ILCS 5/115-10) (from Ch. 38, par. 115-10)

7 Sec. 115-10. Certain hearsay exceptions.

8 (a) In a prosecution for a physical or sexual act
9 perpetrated upon or against a child under the age of 13, or a
10 person who was a moderately, severely, or profoundly
11 intellectually disabled person as defined in this Code and in
12 Section 2-10.1 of the Criminal Code of 1961 at the time the act
13 was committed, including but not limited to prosecutions for
14 violations of Sections 11-1.20 through 11-1.60 or 12-13 through
15 12-16 of the Criminal Code of 1961 and prosecutions for
16 violations of Sections 10-1 (kidnapping), 10-2 (aggravated
17 kidnapping), 10-3 (unlawful restraint), 10-3.1 (aggravated
18 unlawful restraint), 10-4 (forcible detention), 10-5 (child
19 abduction), 10-6 (harboring a runaway), 10-7 (aiding or
20 abetting child abduction), 11-9 (public indecency), 11-11
21 (sexual relations within families), 11-21 (harmful material),
22 12-1 (assault), 12-2 (aggravated assault), 12-3 (battery),
23 12-3.2 (domestic battery), 12-3.3 (aggravated domestic

1 battery), 12-3.05 or 12-4 (aggravated battery), 12-4.1
2 (heinous battery), 12-4.2 (aggravated battery with a firearm),
3 12-4.3 (aggravated battery of a child), 12-4.7 (drug induced
4 infliction of great bodily harm), 12-5 (reckless conduct), 12-6
5 (intimidation), 12-6.1 or 12-6.5 (compelling organization
6 membership of persons), 12-7.1 (hate crime), 12-7.3
7 (stalking), 12-7.4 (aggravated stalking), 12-10 or 12C-35
8 (tattooing the body of a minor), 12-11 (home invasion), 12-21.5
9 or 12C-10 (child abandonment), 12-21.6 or 12C-5 (endangering
10 the life or health of a child) or 12-32 (ritual mutilation) of
11 the Criminal Code of 1961 or any sex offense as defined in
12 subsection (B) of Section 2 of the Sex Offender Registration
13 Act, the following evidence shall be admitted as an exception
14 to the hearsay rule:

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

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

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

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

1 safeguards of reliability; and

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

4 (A) testifies at the proceeding; or

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

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

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

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

26 (e) Statements described in paragraphs (1) and (2) of

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

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

12 (725 ILCS 5/124B-10)

13 Sec. 124B-10. Applicability; offenses. This Article
14 applies to forfeiture of property in connection with the
15 following:

16 (1) A violation of Section 10A-10 of the Criminal Code
17 of 1961 (involuntary servitude; involuntary servitude of a
18 minor; trafficking of persons for forced labor or
19 services).

20 (2) A violation of subdivision (a)(1) of Section
21 11-14.4 of the Criminal Code of 1961 (promoting juvenile
22 prostitution) or a violation of Section 11-17.1 of the
23 Criminal Code of 1961 (keeping a place of juvenile
24 prostitution).

25 (3) A violation of subdivision (a)(4) of Section

1 11-14.4 of the Criminal Code of 1961 (promoting juvenile
2 prostitution) or a violation of Section 11-19.2 of the
3 Criminal Code of 1961 (exploitation of a child).

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

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

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

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

13 (8) ~~(7)~~ A violation of Section 16D-5 of the Criminal
14 Code of 1961 (computer fraud).

15 (9) ~~(8)~~ A felony violation of Article 17B of the
16 Criminal Code of 1961 (WIC fraud).

17 (10) ~~(9)~~ A felony violation of Section 26-5 of the
18 Criminal Code of 1961 (dog fighting).

19 (11) ~~(10)~~ A violation of Article 29D of the Criminal
20 Code of 1961 (terrorism).

21 (12) ~~(11)~~ A felony violation of Section 4.01 of the
22 Humane Care for Animals Act (animals in entertainment).

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

24 (725 ILCS 5/124B-100)

25 Sec. 124B-100. Definition; "offense". For purposes of this

1 Article, "offense" is defined as follows:

2 (1) In the case of forfeiture authorized under Section
3 10A-15 of the Criminal Code of 1961, "offense" means the
4 offense of involuntary servitude, involuntary servitude of
5 a minor, or trafficking of persons for forced labor or
6 services in violation of Section 10A-10 of that Code.

7 (2) In the case of forfeiture authorized under
8 subdivision (a) (1) of Section 11-14.4, or Section 11-17.1,
9 of the Criminal Code of 1961, "offense" means the offense
10 of promoting juvenile prostitution or keeping a place of
11 juvenile prostitution in violation of subdivision (a) (1)
12 of Section 11-14.4, or Section 11-17.1, of that Code.

13 (3) In the case of forfeiture authorized under
14 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,
15 of the Criminal Code of 1961, "offense" means the offense
16 of promoting juvenile prostitution or exploitation of a
17 child in violation of subdivision (a) (4) of Section
18 11-14.4, or Section 11-19.2, of that Code.

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

22 (5) In the case of forfeiture authorized under Section
23 11-20.1 of the Criminal Code of 1961, "offense" means the
24 offense of child pornography in violation of Section
25 11-20.1 of that Code.

26 (6) In the case of forfeiture authorized under Section

1 11-20.1B or 11-20.3 of the Criminal Code of 1961, "offense"
2 means the offense of aggravated child pornography in
3 violation of Section 11-20.1B or 11-20.3 of that Code.

4 (7) In the case of forfeiture authorized under Section
5 12C-65 of the Criminal Code of 1961, "offense" means the
6 offense of unlawful transfer of a telecommunications
7 device to a minor in violation of Section 12C-65 of that
8 Code.

9 (8) ~~(7)~~ In the case of forfeiture authorized under
10 Section 16D-6 of the Criminal Code of 1961, "offense" means
11 the offense of computer fraud in violation of Section 16D-5
12 of that Code.

13 (9) ~~(8)~~ In the case of forfeiture authorized under
14 Section 17B-25 of the Criminal Code of 1961, "offense"
15 means any felony violation of Article 17B of that Code.

16 (10) ~~(9)~~ In the case of forfeiture authorized under
17 Section 29D-65 of the Criminal Code of 1961, "offense"
18 means any offense under Article 29D of that Code.

19 (11) ~~(10)~~ In the case of forfeiture authorized under
20 Section 4.01 of the Humane Care for Animals Act or Section
21 26-5 of the Criminal Code of 1961, "offense" means any
22 felony offense under either of those Sections.

23 (12) In the case of forfeiture authorized under Section
24 124B-1000(b) of the Code of Criminal Procedure of 1963,
25 "offense" means an offense prohibited by the Criminal Code
26 of 1961, the Illinois Controlled Substances Act, the

1 Cannabis Control Act, or the Methamphetamine Control and
2 Community Protection Act, or an offense involving a
3 telecommunications device possessed by a person on the real
4 property of any elementary or secondary school without
5 authority of the school principal.

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

7 (725 ILCS 5/Art. 124B Pt. 1000 heading new)

8 Part 1000. Unlawful Telecommunications Device

9 (725 ILCS 5/124B-1000 new)

10 Sec. 124B-1000. Persons and property subject to
11 forfeiture.

12 (a) A person who commits the offense of unlawful transfer
13 of a telecommunications device to a minor in violation of
14 Section 12C-65 of the Criminal Code of 1961 shall forfeit any
15 telecommunications device used in the commission of the offense
16 or which constitutes evidence of the commission of such
17 offense.

18 (b) A person who commits an offense prohibited by the
19 Criminal Code of 1961, the Illinois Controlled Substances Act,
20 the 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 shall forfeit any

1 telecommunications device used in the commission of the offense
2 or which constitutes evidence of the commission of such
3 offense. A person who is not a student of the particular
4 elementary or secondary school, who is on school property as an
5 invitee of the school, and who has possession of a
6 telecommunications device for lawful and legitimate purposes,
7 shall not need to obtain authority from the school principal to
8 possess the telecommunications device on school property.

9 (725 ILCS 5/124B-1010 new)

10 Sec. 124B-1010. Seizure. A telecommunications device
11 subject to forfeiture may be seized and delivered forthwith to
12 the investigating law enforcement agency. Such
13 telecommunications device shall not be seized unless it was
14 used in the commission of an offense specified in Section
15 124B-1000, or constitutes evidence of such an offense. Within
16 15 days after such delivery, the investigating law enforcement
17 agency shall give notice of seizure to any known owners, lien
18 holders and secured parties of such property. Within that 15
19 day period the investigating law enforcement agency shall also
20 notify the State's Attorney of the county of seizure about the
21 seizure.

22 (725 ILCS 5/124B-1020 new)

23 Sec. 124B-1020. Exception to forfeiture. No
24 telecommunications device shall be forfeited by reason of any

1 act or omission established by the owner thereof to have been
2 committed or omitted by any person other than the owner while
3 the device was unlawfully in the possession of a person who
4 acquired possession thereof in violation of the criminal laws
5 of the United States, or of any state.

6 (725 ILCS 5/124B-1030 new)

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

15 (725 ILCS 5/124B-1040 new)

16 Sec. 124B-1040. Distribution of property from sale of
17 proceeds. The proceeds of any sale of property, after payment
18 of all liens and deduction of the reasonable charges and
19 expenses incurred by the investigating law enforcement agency
20 in storing and selling the property, shall be paid into the
21 general fund of the level of government responsible for the
22 operation of the investigating law enforcement agency.

23 (725 ILCS 5/124B-1045 new)

1 Sec. 124B-1045. Definition. "Telecommunications device"
2 means a device which is portable or which may be installed in a
3 motor vehicle, boat, or other means of transportation, and
4 which is capable of receiving or transmitting speech, data,
5 signals, or other information, including but not limited to
6 paging devices, cellular and mobile telephones, and radio
7 transceivers, transmitters and receivers, but not including
8 radios designed to receive only standard AM and FM broadcasts.

9 (725 ILCS 5/124B-1050 new)

10 Sec. 124B-1050. Standard forfeiture provisions
11 incorporated by reference. All of the provisions of Part 100 of
12 this Article are incorporated by reference into this Part 1000.

13 Section 10-960. The Child Murderer and Violent Offender
14 Against Youth Registration Act is amended by changing Section 5
15 as follows:

16 (730 ILCS 154/5)

17 Sec. 5. Definitions.

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

20 (1) charged pursuant to Illinois law, or any
21 substantially similar federal, Uniform Code of Military
22 Justice, sister state, or foreign country law, with a
23 violent offense against youth set forth in subsection (b)

1 of this Section or the attempt to commit an included
2 violent offense against youth, and:

3 (A) is convicted of such offense or an attempt to
4 commit such offense; or

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

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

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

16 (E) is found not guilty by reason of insanity
17 following 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 of such offense or of the
22 attempted commission of such offense; or

23 (F) is the subject of a finding not resulting in an
24 acquittal at a hearing conducted pursuant to a federal,
25 Uniform Code of Military Justice, sister state, or
26 foreign country law substantially similar to

1 subsection (c) of Section 104-25 of the Code of
2 Criminal Procedure of 1963 for the alleged violation or
3 attempted commission of such offense; or

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

17 Convictions that result from or are connected with the same
18 act, or result from offenses committed at the same time, shall
19 be counted for the purpose of this Act as one conviction. Any
20 conviction set aside pursuant to law is not a conviction for
21 purposes of this Act.

22 For purposes of this Section, "convicted" shall have the
23 same meaning as "adjudicated". For the purposes of this Act, a
24 person who is defined as a violent offender against youth as a
25 result of being adjudicated a juvenile delinquent under
26 paragraph (2) of this subsection (a) upon attaining 17 years of

1 age shall be considered as having committed the violent offense
2 against youth on or after the 17th birthday of the violent
3 offender against youth. Registration of juveniles upon
4 attaining 17 years of age shall not extend the original
5 registration of 10 years from the date of conviction.

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

8 (1) A violation of any of the following Sections of the
9 Criminal Code of 1961, when the victim is a person under 18
10 years of age and the offense was committed on or after
11 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 An attempt to commit any of these offenses.

17 (2) First degree murder under Section 9-1 of the
18 Criminal Code of 1961, when the victim was a person under
19 18 years of age and the defendant was at least 17 years of
20 age at the time of the commission of the offense.

21 (3) Child abduction under paragraph (10) of subsection
22 (b) of Section 10-5 of the Criminal Code of 1961 committed
23 by luring or attempting to lure a child under the age of 16
24 into a motor vehicle, building, house trailer, or dwelling
25 place without the consent of the parent or lawful custodian
26 of the child for other than a lawful purpose and the

1 offense was committed on or after January 1, 1998.

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

5 10-4 (forcible detention, if the victim is under 18
6 years of age).

7 (4.1) Involuntary manslaughter under Section 9-3 of
8 the Criminal Code of 1961 where baby shaking was the
9 proximate cause of death of the victim of the offense.

10 (4.2) Endangering the life or health of a child under
11 Section 12-21.6 or 12C-5 of the Criminal Code of 1961 that
12 results in the death of the child where baby shaking was
13 the proximate cause of the death of the child.

14 (4.3) Domestic battery resulting in bodily harm under
15 Section 12-3.2 of the Criminal Code of 1961 when the
16 defendant was 18 years or older and the victim was under 18
17 years of age and the offense was committed on or after July
18 26, 2010.

19 (4.4) A violation or attempted violation of any of the
20 following Sections or clauses of the Criminal Code of 1961
21 when the victim was under 18 years of age and the offense
22 was committed on or after (1) July 26, 2000 if the
23 defendant was 18 years of age or older or (2) July 26, 2010
24 and the defendant was under the age of 18:

25 12-3.3 (aggravated domestic battery),

26 12-3.05(a)(1), 12-3.05(d)(2), 12-3.05(f)(1),

1 12-4 (a), 12-4 (b) (1) or 12-4 (b) (14) (aggravated
2 battery),

3 12-3.05(a) (2) or 12-4.1 (heinous battery),

4 12-3.05(b) or 12-4.3 (aggravated battery of a
5 child),

6 12-3.1(a-5) or 12-4.4 (aggravated battery of an
7 unborn child),

8 12-33 (ritualized abuse of a child).

9 (4.5) A violation or attempted violation of any of the
10 following Sections of the Criminal Code of 1961 when the
11 victim was under 18 years of age and the offense was
12 committed on or after (1) August 1, 2001 if the defendant
13 was 18 years of age or older or (2) August 1, 2011 and the
14 defendant was under the age of 18:

15 12-3.05(e) (1), (2), (3), or (4) or 12-4.2
16 (aggravated battery with a firearm),

17 12-3.05(e) (5), (6), (7), or (8) or 12-4.2-5
18 (aggravated battery with a machine gun),

19 12-11 (home invasion).

20 (5) A violation of any former law of this State
21 substantially equivalent to any offense listed in this
22 subsection (b).

23 (b-5) For the purposes of this Section, "first degree
24 murder of an adult" means first degree murder under Section 9-1
25 of the Criminal Code of 1961 when the victim was a person 18
26 years of age or older at the time of the commission of the

1 offense.

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

7 (c-5) A person at least 17 years of age at the time of the
8 commission of the offense who is convicted of first degree
9 murder under Section 9-1 of the Criminal Code of 1961, against
10 a person under 18 years of age, shall be required to register
11 for natural life. A conviction for an offense of federal,
12 Uniform Code of Military Justice, sister state, or foreign
13 country law that is substantially equivalent to any offense
14 listed in this subsection (c-5) shall constitute a conviction
15 for the purpose of this Act. This subsection (c-5) applies to a
16 person who committed the offense before June 1, 1996 only if
17 the person is incarcerated in an Illinois Department of
18 Corrections facility on August 20, 2004.

19 (c-6) A person who is convicted or adjudicated delinquent
20 of first degree murder of an adult shall be required to
21 register for a period of 10 years after conviction or
22 adjudication if not confined to a penal institution, hospital,
23 or any other institution or facility, and if confined, for a
24 period of 10 years after parole, discharge, or release from any
25 such facility. A conviction for an offense of federal, Uniform
26 Code of Military Justice, sister state, or foreign country law

1 that is substantially equivalent to any offense listed in
2 subsection (c-6) of this Section shall constitute a conviction
3 for the purpose of this Act. This subsection (c-6) does not
4 apply to those individuals released from incarceration more
5 than 10 years prior to January 1, 2012 (the effective date of
6 Public Act 97-154) ~~this amendatory Act of the 97th General~~
7 ~~Assembly.~~

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

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

23 (f) As used in this Act, "out-of-state student" means any
24 violent offender against youth who is enrolled in Illinois, on
25 a full-time or part-time basis, in any public or private
26 educational institution, including, but not limited to, any

1 secondary school, trade or professional institution, or
2 institution of higher learning.

3 (g) As used in this Act, "out-of-state employee" means any
4 violent offender against youth who works in Illinois,
5 regardless of whether the individual receives payment for
6 services performed, for a period of time of 10 or more days or
7 for an aggregate period of time of 30 or more days during any
8 calendar year. Persons who operate motor vehicles in the State
9 accrue one day of employment time for any portion of a day
10 spent in Illinois.

11 (h) As used in this Act, "school" means any public or
12 private educational institution, including, but not limited
13 to, any elementary or secondary school, trade or professional
14 institution, or institution of higher education.

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

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

26 (Source: P.A. 96-1115, eff. 1-1-11; 96-1294, eff. 7-26-10;

1 97-154, eff. 1-1-12; 97-333, eff. 8-12-11; 97-432, eff.
2 8-16-11; revised 10-4-11.)

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

5 (750 ILCS 50/14) (from Ch. 40, par. 1517)

6 Sec. 14. Judgment.

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

17 (b) Before the entry of the judgment for adoption, each
18 child welfare agency involved in the adoption of the child
19 shall file an affidavit concerning the costs, expenses,
20 contributions, fees, compensation, or other things of value
21 which have been given, promised, or received including but not
22 limited to hospital and medical costs, legal fees, social
23 services, living expenses, or any other expenses related to the
24 adoption paid in accordance with the Adoption Compensation

1 Prohibition Act or Section 12C-70 of the Criminal Code of 1961.

2 If the total amount paid by the child welfare agency is
3 \$4,500 or more, the affidavit shall contain an itemization of
4 expenditures.

5 If the total amount paid by the child welfare agency is
6 less than \$4,500, the agency may file an unitemized affidavit
7 stating that the total amount paid is less than \$4,500 unless
8 the court, in its discretion, requires that agency to file an
9 itemized affidavit.

10 (c) No affidavit need be filed in the case of an adoption
11 of a related child or an adult, nor shall an affidavit be
12 required to be filed by a non-consenting parent, or by any
13 judge, or clerk, involved in an official capacity in the
14 adoption proceedings.

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

21 (e) Upon the expiration of 6 months after the date of any
22 interim order vesting temporary care, custody and control of a
23 child, other than a related child, in the petitioners, entered
24 pursuant to this Act, the petitioners may apply to the court
25 for a judgment of adoption. Notice of such application shall be
26 served by the petitioners upon the investigating agency or the

1 person making such investigation, and the guardian ad litem.
2 After the hearing on such application, at which the petitioners
3 and the child shall appear in person, unless their presence is
4 waived by the court for good cause shown, the court may enter a
5 judgment for adoption, provided the court is satisfied from the
6 report of the investigating agency or the person making the
7 investigation, and from the evidence, if any, introduced, that
8 the adoption is for the welfare of the child and that there is
9 a valid consent, or that no consent is required as provided in
10 Section 8 of this Act.

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

16 (f-5) A standby adoption judgment may be entered upon
17 notice of the death of the consenting parent or upon the
18 consenting parent's request that a final judgment for adoption
19 be entered. The notice must be provided to the court within 60
20 days after the standby adoptive parent's receipt of knowledge
21 of death of the consenting parent or the consenting parent's
22 request that a final judgment for adoption be entered. If the
23 court finds that adoption is for the welfare of the child and
24 that there is a valid consent, including consent for standby
25 adoption, which is still in effect, or that no consent is
26 required under Section 8 of the Act, a judgment for adoption

1 shall be entered unless the court finds by clear and convincing
2 evidence that it is no longer in the best interest of the child
3 for the adoption to be finalized.

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

6 (h) Only the circuit court that entered the judgment of the
7 adoption may order the issuance of any contents of the court
8 file or that the original birth record of the adoptee be
9 provided to any persons.

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

11 ARTICLE 15

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

14 (20 ILCS 505/7) (from Ch. 23, par. 5007)

15 Sec. 7. Placement of children; considerations.

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

22 (b) In placing a child under this Act, the Department may
23 place a child with a relative if the Department determines that

1 the relative will be able to adequately provide for the child's
2 safety and welfare based on the factors set forth in the
3 Department's rules governing relative placements, and that the
4 placement is consistent with the child's best interests, taking
5 into consideration the factors set out in subsection (4.05) of
6 Section 1-3 of the Juvenile Court Act of 1987.

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

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

23 If, pursuant to the Department's rules, any person files an
24 administrative appeal of the Department's decision not to place
25 a child with a relative, it is the Department's burden to prove
26 that the decision is consistent with the child's best

1 interests.

2 When the Department determines that the child requires
3 placement in an environment, other than a home environment, the
4 Department shall continue to make reasonable efforts to
5 identify and locate relatives to serve as visitation resources
6 for the child and potential future placement resources, except
7 when the Department determines that those efforts would be
8 futile or inconsistent with the child's best interests.

9 If the Department determines that efforts to identify and
10 locate relatives would be futile or inconsistent with the
11 child's best interests, the Department shall document the basis
12 of its determination and maintain the documentation in the
13 child's case file.

14 If the Department determines that an individual or a group
15 of relatives are inappropriate to serve as visitation resources
16 or possible placement resources, the Department shall document
17 the basis of its determination and maintain the documentation
18 in the child's case file.

19 When the Department determines that an individual or a
20 group of relatives are appropriate to serve as visitation
21 resources or possible future placement resources, the
22 Department shall document the basis of its determination,
23 maintain the documentation in the child's case file, create a
24 visitation or transition plan, or both, and incorporate the
25 visitation or transition plan, or both, into the child's case
26 plan. For the purpose of this subsection, any determination as

1 to the child's best interests shall include consideration of
2 the factors set out in subsection (4.05) of Section 1-3 of the
3 Juvenile Court Act of 1987.

4 The Department may not place a child with a relative, with
5 the exception of certain circumstances which may be waived as
6 defined by the Department in rules, if the results of a check
7 of the Law Enforcement Agencies Data System (LEADS) identifies
8 a prior criminal conviction of the relative or any adult member
9 of the relative's household for any of the following offenses
10 under the Criminal Code of 1961:

11 (1) murder;

12 (1.1) solicitation of murder;

13 (1.2) solicitation of murder for hire;

14 (1.3) intentional homicide of an unborn child;

15 (1.4) voluntary manslaughter of an unborn child;

16 (1.5) involuntary manslaughter;

17 (1.6) reckless homicide;

18 (1.7) concealment of a homicidal death;

19 (1.8) involuntary manslaughter of an unborn child;

20 (1.9) reckless homicide of an unborn child;

21 (1.10) drug-induced homicide;

22 (2) a sex offense under Article 11, except offenses
23 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
24 11-40, and 11-45;

25 (3) kidnapping;

26 (3.1) aggravated unlawful restraint;

- 1 (3.2) forcible detention;
- 2 (3.3) aiding and abetting child abduction;
- 3 (4) aggravated kidnapping;
- 4 (5) child abduction;
- 5 (6) aggravated battery of a child as described in
- 6 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 7 (7) criminal sexual assault;
- 8 (8) aggravated criminal sexual assault;
- 9 (8.1) predatory criminal sexual assault of a child;
- 10 (9) criminal sexual abuse;
- 11 (10) aggravated sexual abuse;
- 12 (11) heinous battery as described in Section 12-4.1 or
- 13 subdivision (a) (2) of Section 12-3.05;
- 14 (12) aggravated battery with a firearm as described in
- 15 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 16 (e) (4) of Section 12-3.05;
- 17 (13) tampering with food, drugs, or cosmetics;
- 18 (14) drug-induced infliction of great bodily harm as
- 19 described in Section 12-4.7 or subdivision (g) (1) of
- 20 Section 12-3.05;
- 21 (15) aggravated stalking;
- 22 (16) home invasion;
- 23 (17) vehicular invasion;
- 24 (18) criminal transmission of HIV;
- 25 (19) criminal abuse or neglect of an elderly or
- 26 disabled person as described in Section 12-21 or subsection

- 1 (b) of Section 12-4.4a;
- 2 (20) child abandonment;
- 3 (21) endangering the life or health of a child;
- 4 (22) ritual mutilation;
- 5 (23) ritualized abuse of a child;
- 6 (24) an offense in any other state the elements of
- 7 which are similar and bear a substantial relationship to
- 8 any of the foregoing offenses.

9 For the purpose of this subsection, "relative" shall include

10 any person, 21 years of age or over, other than the parent, who

11 (i) is currently related to the child in any of the following

12 ways by blood or adoption: grandparent, sibling,

13 great-grandparent, uncle, aunt, nephew, niece, first cousin,

14 second cousin, godparent, great-uncle, or great-aunt; or (ii)

15 is the spouse of such a relative; or (iii) is the child's

16 step-father, step-mother, or adult step-brother or

17 step-sister; "relative" also includes a person related in any

18 of the foregoing ways to a sibling of a child, even though the

19 person is not related to the child, when the child and its

20 sibling are placed together with that person. For children who

21 have been in the guardianship of the Department, have been

22 adopted, and are subsequently returned to the temporary custody

23 or guardianship of the Department, a "relative" may also

24 include any person who would have qualified as a relative under

25 this paragraph prior to the adoption, but only if the

26 Department determines, and documents, that it would be in the

1 child's best interests to consider this person a relative,
2 based upon the factors for determining best interests set forth
3 in subsection (4.05) of Section 1-3 of the Juvenile Court Act
4 of 1987. A relative with whom a child is placed pursuant to
5 this subsection may, but is not required to, apply for
6 licensure as a foster family home pursuant to the Child Care
7 Act of 1969; provided, however, that as of July 1, 1995, foster
8 care payments shall be made only to licensed foster family
9 homes pursuant to the terms of Section 5 of this Act.

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

18 The Department shall consider the individual needs of the
19 child and the capacity of the prospective foster or adoptive
20 parents to meet the needs of the child. When a child must be
21 placed outside his or her home and cannot be immediately
22 returned to his or her parents or guardian, a comprehensive,
23 individualized assessment shall be performed of that child at
24 which time the needs of the child shall be determined. Only if
25 race, color, or national origin is identified as a legitimate
26 factor in advancing the child's best interests shall it be

1 considered. Race, color, or national origin shall not be
2 routinely considered in making a placement decision. The
3 Department shall make special efforts for the diligent
4 recruitment of potential foster and adoptive families that
5 reflect the ethnic and racial diversity of the children for
6 whom foster and adoptive homes are needed. "Special efforts"
7 shall include contacting and working with community
8 organizations and religious organizations and may include
9 contracting with those organizations, utilizing local media
10 and other local resources, and conducting outreach activities.

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

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

20 (e) The Department in placing children in adoptive or
21 foster care homes may not, in any policy or practice relating
22 to the placement of children for adoption or foster care,
23 discriminate against any child or prospective adoptive or
24 foster parent on the basis of race.

25 (Source: P.A. 96-1551, Article 1, Section 900, eff. 7-1-11;
26 96-1551, Article 2, Section 920, eff. 7-1-11; revised 9-30-11.)

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

3 (20 ILCS 2630/5.2)

4 Sec. 5.2. Expungement and sealing.

5 (a) General Provisions.

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

9 (A) The following terms shall have the meanings
10 ascribed to them in the Unified Code of Corrections,
11 730 ILCS 5/5-1-2 through 5/5-1-22:

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

1 (xiv) Supervision (730 ILCS 5/5-1-21), and

2 (xv) Victim (730 ILCS 5/5-1-22).

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

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

23 (D) "Criminal offense" means a petty offense,
24 business offense, misdemeanor, felony, or municipal
25 ordinance violation (as defined in subsection
26 (a)(1)(H)). As used in this Section, a minor traffic

1 offense (as defined in subsection (a)(1)(G)) shall not
2 be considered a criminal offense.

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

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

26 (G) "Minor traffic offense" means a petty offense,

1 business offense, or Class C misdemeanor under the
2 Illinois Vehicle Code or a similar provision of a
3 municipal or local ordinance.

4 (H) "Municipal ordinance violation" means an
5 offense defined by a municipal or local ordinance that
6 is criminal in nature and with which the petitioner was
7 charged or for which the petitioner was arrested and
8 released without charging.

9 (I) "Petitioner" means an adult or a minor
10 prosecuted as an adult who has applied for relief under
11 this Section.

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

1 and Dependency Act means that the probation was
2 terminated satisfactorily and the judgment of
3 conviction was vacated.

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

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

18 (M) "Terminate" as it relates to a sentence or
19 order of supervision or qualified probation includes
20 either satisfactory or unsatisfactory termination of
21 the sentence, unless otherwise specified in this
22 Section.

23 (2) Minor Traffic Offenses. Orders of supervision or
24 convictions for minor traffic offenses shall not affect a
25 petitioner's eligibility to expunge or seal records
26 pursuant to this Section.

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

4 (A) the sealing or expungement of the records of
5 arrests or charges not initiated by arrest that result
6 in an order of supervision for or conviction of: (i)
7 any sexual offense committed against a minor; (ii)
8 Section 11-501 of the Illinois Vehicle Code or a
9 similar provision of a local ordinance; or (iii)
10 Section 11-503 of the Illinois Vehicle Code or a
11 similar provision of a local ordinance.

12 (B) the sealing or expungement of records of minor
13 traffic offenses (as defined in subsection (a)(1)(G)),
14 unless the petitioner was arrested and released
15 without charging.

16 (C) the sealing of the records of arrests or
17 charges not initiated by arrest which result in an
18 order of supervision, an order of qualified probation
19 (as defined in subsection (a)(1)(J)), or a conviction
20 for the following offenses:

21 (i) offenses included in Article 11 of the
22 Criminal Code of 1961 or a similar provision of a
23 local ordinance, except Section 11-14 of the
24 Criminal Code of 1961 or a similar provision of a
25 local ordinance;

26 (ii) Section 11-1.50, 12-3.4, 12-15, 12-30, or

1 26-5 of the Criminal Code of 1961 or a similar
2 provision of a local ordinance;

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

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

8 (v) any offense or attempted offense that
9 would subject a person to registration under the
10 Sex Offender Registration Act.

11 (D) the sealing of the records of an arrest which
12 results in the petitioner being charged with a felony
13 offense or records of a charge not initiated by arrest
14 for a felony offense unless:

15 (i) the charge is amended to a misdemeanor and
16 is otherwise eligible to be sealed pursuant to
17 subsection (c);

18 (ii) the charge is brought along with another
19 charge as a part of one case and the charge results
20 in acquittal, dismissal, or conviction when the
21 conviction was reversed or vacated, and another
22 charge brought in the same case results in a
23 disposition for a misdemeanor offense that is
24 eligible to be sealed pursuant to subsection (c) or
25 a disposition listed in paragraph (i), (iii), or
26 (iv) of this subsection;

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

3 (iv) the charge is for a Class 4 felony offense
4 listed in subsection (c) (2) (F) or the charge is
5 amended to a Class 4 felony offense listed in
6 subsection (c) (2) (F). Records of arrests which
7 result in the petitioner being charged with a Class
8 4 felony offense listed in subsection (c) (2) (F),
9 records of charges not initiated by arrest for
10 Class 4 felony offenses listed in subsection
11 (c) (2) (F), and records of charges amended to a
12 Class 4 felony offense listed in (c) (2) (F) may be
13 sealed, regardless of the disposition, subject to
14 any waiting periods set forth in subsection
15 (c) (3);

16 (v) the charge results in acquittal,
17 dismissal, or the petitioner's release without
18 conviction; or

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

21 (b) Expungement.

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

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

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

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

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

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

24 (i) Those arrests or charges that resulted in
25 orders of supervision under Section 3-707, 3-708,
26 3-710, or 5-401.3 of the Illinois Vehicle Code or a

1 similar provision of a local ordinance, or under
2 Section 11-1.50, 12-3.2, or 12-15 of the Criminal
3 Code of 1961 or a similar provision of a local
4 ordinance, shall not be eligible for expungement
5 until 5 years have passed following the
6 satisfactory termination of the supervision.

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

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

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

22 (4) Whenever a person has been arrested for or
23 convicted of any offense, in the name of a person whose
24 identity he or she has stolen or otherwise come into
25 possession of, the aggrieved person from whom the identity
26 was stolen or otherwise obtained without authorization,

1 upon learning of the person having been arrested using his
2 or her identity, may, upon verified petition to the chief
3 judge of the circuit wherein the arrest was made, have a
4 court order entered nunc pro tunc by the Chief Judge to
5 correct the arrest record, conviction record, if any, and
6 all official records of the arresting authority, the
7 Department, other criminal justice agencies, the
8 prosecutor, and the trial court concerning such arrest, if
9 any, by removing his or her name from all such records in
10 connection with the arrest and conviction, if any, and by
11 inserting in the records the name of the offender, if known
12 or ascertainable, in lieu of the aggrieved's name. The
13 records of the circuit court clerk shall be sealed until
14 further order of the court upon good cause shown and the
15 name of the aggrieved person obliterated on the official
16 index required to be kept by the circuit court clerk under
17 Section 16 of the Clerks of Courts Act, but the order shall
18 not affect any index issued by the circuit court clerk
19 before the entry of the order. Nothing in this Section
20 shall limit the Department of State Police or other
21 criminal justice agencies or prosecutors from listing
22 under an offender's name the false names he or she has
23 used.

24 (5) Whenever a person has been convicted of criminal
25 sexual assault, aggravated criminal sexual assault,
26 predatory criminal sexual assault of a child, criminal

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

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

20 (7) Nothing in this Section shall prevent the
21 Department of State Police from maintaining all records of
22 any person who is admitted to probation upon terms and
23 conditions and who fulfills those terms and conditions
24 pursuant to Section 10 of the Cannabis Control Act, Section
25 410 of the Illinois Controlled Substances Act, Section 70
26 of the Methamphetamine Control and Community Protection

1 Act, Section 12-4.3 or subdivision (b)(1) of Section
2 12-3.05 of the Criminal Code of 1961, Section 10-102 of the
3 Illinois Alcoholism and Other Drug Dependency Act, Section
4 40-10 of the Alcoholism and Other Drug Abuse and Dependency
5 Act, or Section 10 of the Steroid Control Act.

6 (c) Sealing.

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

12 (2) Eligible Records. The following records may be
13 sealed:

14 (A) All arrests resulting in release without
15 charging;

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

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

24 (D) Arrests or charges not initiated by arrest
25 resulting in convictions unless excluded by subsection
26 (a)(3);

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

7 (F) Arrests or charges not initiated by arrest
8 resulting in Class 4 felony convictions for the
9 following offenses:

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

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

12 (iii) Section 402 of the Illinois Controlled
13 Substances Act;

14 (iv) the Methamphetamine Precursor Control
15 Act; and

16 (v) the Steroid Control Act.

17 (3) When Records Are Eligible to Be Sealed. Records
18 identified as eligible under subsection (c)(2) may be
19 sealed as follows:

20 (A) Records identified as eligible under
21 subsection (c)(2)(A) and (c)(2)(B) may be sealed at any
22 time.

23 (B) Records identified as eligible under
24 subsection (c)(2)(C) may be sealed (i) 3 years after
25 the termination of petitioner's last sentence (as
26 defined in subsection (a)(1)(F)) if the petitioner has

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

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

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

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

25 (d) Procedure. The following procedures apply to
26 expungement under subsections (b) and (e), and sealing under

1 subsection (c):

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

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

20 (3) Drug test. The petitioner must attach to the
21 petition proof that the petitioner has passed a test taken
22 within 30 days before the filing of the petition showing
23 the absence within his or her body of all illegal
24 substances as defined by the Illinois Controlled
25 Substances Act, the Methamphetamine Control and Community
26 Protection Act, and the Cannabis Control Act if he or she

1 is petitioning to seal felony records pursuant to clause
2 (c) (2) (E) or (c) (2) (F) (ii)-(v) or if he or she is
3 petitioning to expunge felony records of a qualified
4 probation pursuant to clause (b) (1) (B) (iv).

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

11 (5) Objections.

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

17 (B) Objections to a petition to expunge or seal
18 must be filed within 60 days of the date of service of
19 the petition.

20 (6) Entry of order.

21 (A) The Chief Judge of the circuit wherein the
22 charge was brought, any judge of that circuit
23 designated by the Chief Judge, or in counties of less
24 than 3,000,000 inhabitants, the presiding trial judge
25 at the petitioner's trial, if any, shall rule on the
26 petition to expunge or seal as set forth in this

1 subsection (d) (6).

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

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

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

25 (9) Effect of order.

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

1 pursuant to (b) (2) (A) or (b) (2) (B) (ii), or both:

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

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

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

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

25 (i) the records shall be expunged (as defined
26 in subsection (a) (1) (E)) by the arresting agency

1 and any other agency as ordered by the court,
2 within 60 days of the date of service of the order,
3 unless a motion to vacate, modify, or reconsider
4 the order is filed pursuant to paragraph (12) of
5 subsection (d) of this Section;

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

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

20 (iv) records impounded by the Department may
21 be disseminated by the Department only as required
22 by law or to the arresting authority, the State's
23 Attorney, and the court upon a later arrest for the
24 same or a similar offense or for the purpose of
25 sentencing for any subsequent felony, and to the
26 Department of Corrections upon conviction for any

1 offense; and

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

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

17 (10) Fees. The Department may charge the petitioner a
18 fee equivalent to the cost of processing any order to
19 expunge or seal records. Notwithstanding any provision of
20 the Clerks of Courts Act to the contrary, the circuit court
21 clerk may charge a fee equivalent to the cost associated
22 with the sealing or expungement of records by the circuit
23 court clerk. From the total filing fee collected for the
24 petition to seal or expunge, the circuit court clerk shall
25 deposit \$10 into the Circuit Court Clerk Operation and
26 Administrative Fund, to be used to offset the costs

1 incurred by the circuit court clerk in performing the
2 additional duties required to serve the petition to seal or
3 expunge on all parties. The circuit court clerk shall
4 collect and forward the Department of State Police portion
5 of the fee to the Department and it shall be deposited in
6 the State Police Services Fund.

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

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

17 (e) Whenever a person who has been convicted of an offense
18 is granted a pardon by the Governor which specifically
19 authorizes expungement, he or she may, upon verified petition
20 to the Chief Judge of the circuit where the person had been
21 convicted, any judge of the circuit designated by the Chief
22 Judge, or in counties of less than 3,000,000 inhabitants, the
23 presiding trial judge at the defendant's trial, have a court
24 order entered expunging the record of arrest from the official
25 records of the arresting authority and order that the records
26 of the circuit court clerk and the Department be sealed until

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

19 (f) Subject to available funding, the Illinois Department
20 of Corrections shall conduct a study of the impact of sealing,
21 especially on employment and recidivism rates, utilizing a
22 random sample of those who apply for the sealing of their
23 criminal records under Public Act 93-211. At the request of the
24 Illinois Department of Corrections, records of the Illinois
25 Department of Employment Security shall be utilized as
26 appropriate to assist in the study. The study shall not

1 disclose any data in a manner that would allow the
2 identification of any particular individual or employing unit.
3 The study shall be made available to the General Assembly no
4 later than September 1, 2010.

5 (Source: P.A. 96-409, eff. 1-1-10; 96-1401, eff. 7-29-10;
6 96-1532, eff. 1-1-12; 96-1551, Article 1, Section 905, eff.
7 7-1-11; 96-1551, Article 2, Section 925, eff. 7-1-11; 97-443,
8 eff. 8-19-11; revised 9-6-11.)

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

11 (65 ILCS 5/10-1-7) (from Ch. 24, par. 10-1-7)

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

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

19 (b) Residency requirements in effect at the time an
20 individual enters the fire or police service of a municipality
21 (other than a municipality that has more than 1,000,000
22 inhabitants) cannot be made more restrictive for that
23 individual during his or her period of service for that
24 municipality, or be made a condition of promotion, except for

1 the rank or position of Fire or Police Chief.

2 (c) No person with a record of misdemeanor convictions
3 except those under Sections 11-1.50, 11-6, 11-7, 11-9, 11-14,
4 11-15, 11-17, 11-18, 11-19, 11-30, 11-35, 12-2, 12-6, 12-15,
5 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6,
6 31-7, 32-1, 32-2, 32-3, 32-4, and 32-8, subdivisions (a) (1) and
7 (a) (2) (C) of Section 11-14.3, and subsections (1), (6) and (8)
8 of Section 24-1 of the Criminal Code of 1961 or arrested for
9 any cause but not convicted on that cause shall be disqualified
10 from taking the examination on grounds of habits or moral
11 character, unless the person is attempting to qualify for a
12 position on the police department, in which case the conviction
13 or arrest may be considered as a factor in determining the
14 person's habits or moral character.

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

24 (e) All employees of a municipality of less than 500,000
25 population (except those who would be excluded from the
26 classified service as provided in this Division 1) who are

1 holding that employment as of the date a municipality adopts
2 this Division 1, or as of July 17, 1959, whichever date is the
3 later, and who have held that employment for at least 2 years
4 immediately before that later date, and all firemen and
5 policemen regardless of length of service who were either
6 appointed to their respective positions by the board of fire
7 and police commissioners under the provisions of Division 2 of
8 this Article or who are serving in a position (except as a
9 temporary employee) in the fire or police department in the
10 municipality on the date a municipality adopts this Division 1,
11 or as of July 17, 1959, whichever date is the later, shall
12 become members of the classified civil service of the
13 municipality without examination.

14 (f) The examinations shall be practical in their character,
15 and shall relate to those matters that will fairly test the
16 relative capacity of the persons examined to discharge the
17 duties of the positions to which they seek to be appointed. The
18 examinations shall include tests of physical qualifications,
19 health, and (when appropriate) manual skill. If an applicant is
20 unable to pass the physical examination solely as the result of
21 an injury received by the applicant as the result of the
22 performance of an act of duty while working as a temporary
23 employee in the position for which he or she is being examined,
24 however, the physical examination shall be waived and the
25 applicant shall be considered to have passed the examination.
26 No questions in any examination shall relate to political or

1 religious opinions or affiliations. Results of examinations
2 and the eligible registers prepared from the results shall be
3 published by the commission within 60 days after any
4 examinations are held.

5 (g) The commission shall control all examinations, and may,
6 whenever an examination is to take place, designate a suitable
7 number of persons, either in or not in the official service of
8 the municipality, to be examiners. The examiners shall conduct
9 the examinations as directed by the commission and shall make a
10 return or report of the examinations to the commission. If the
11 appointed examiners are in the official service of the
12 municipality, the examiners shall not receive extra
13 compensation for conducting the examinations. The commission
14 may at any time substitute any other person, whether or not in
15 the service of the municipality, in the place of any one
16 selected as an examiner. The commission members may themselves
17 at any time act as examiners without appointing examiners. The
18 examiners at any examination shall not all be members of the
19 same political party.

20 (h) In municipalities of 500,000 or more population, no
21 person who has attained his or her 35th birthday shall be
22 eligible to take an examination for a position as a fireman or
23 a policeman unless the person has had previous employment
24 status as a policeman or fireman in the regularly constituted
25 police or fire department of the municipality, except as
26 provided in this Section.

1 (i) In municipalities of more than 5,000 but not more than
2 200,000 inhabitants, no person who has attained his or her 35th
3 birthday shall be eligible to take an examination for a
4 position as a fireman or a policeman unless the person has had
5 previous employment status as a policeman or fireman in the
6 regularly constituted police or fire department of the
7 municipality, except as provided in this Section.

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

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

20 (l) No municipality having a population less than 1,000,000
21 shall require that any fireman appointed to the lowest rank
22 serve a probationary employment period of longer than one year.
23 The limitation on periods of probationary employment provided
24 in this amendatory Act of 1989 is an exclusive power and
25 function of the State. Pursuant to subsection (h) of Section 6
26 of Article VII of the Illinois Constitution, a home rule

1 municipality having a population less than 1,000,000 must
2 comply with this limitation on periods of probationary
3 employment, which is a denial and limitation of home rule
4 powers. Notwithstanding anything to the contrary in this
5 Section, the probationary employment period limitation may be
6 extended for a firefighter who is required, as a condition of
7 employment, to be a certified paramedic, during which time the
8 sole reason that a firefighter may be discharged without a
9 hearing is for failing to meet the requirements for paramedic
10 certification.

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

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

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

18 (70 ILCS 3605/28b) (from Ch. 111 2/3, par. 328b)

19 Sec. 28b. Any person applying for a position as a driver of
20 a vehicle owned by a private carrier company which provides
21 public transportation pursuant to an agreement with the
22 Authority shall be required to authorize an investigation by
23 the private carrier company to determine if the applicant has
24 been convicted of any of the following offenses: (i) those

1 offenses defined in Sections 9-1, 9-1.2, 10-1, 10-2, 10-3.1,
2 10-4, 10-5, 10-6, 10-7, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
3 11-1.60, 11-6, 11-9, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1,
4 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20, 11-20.1,
5 11-20.1B, 11-20.3, 11-21, 11-22, 11-30, 12-4.3, 12-4.4,
6 12-4.5, 12-6, 12-7.1, 12-11, 12-13, 12-14, 12-14.1, 12-15,
7 12-16, 12-16.1, 18-1, 18-2, 20-1, 20-1.1, 31A-1, 31A-1.1, and
8 33A-2, in subsection (a) and subsection (b), clause (1), of
9 Section 12-4, in subdivisions (a)(1), (b)(1), and (f)(1) of
10 Section 12-3.05, and in subsection (a-5) of Section 12-3.1 of
11 the Criminal Code of 1961; (ii) those offenses defined in the
12 Cannabis Control Act except those offenses defined in
13 subsections (a) and (b) of Section 4, and subsection (a) of
14 Section 5 of the Cannabis Control Act (iii) those offenses
15 defined in the Illinois Controlled Substances Act; (iv) those
16 offenses defined in the Methamphetamine Control and Community
17 Protection Act; and (v) any offense committed or attempted in
18 any other state or against the laws of the United States, which
19 if committed or attempted in this State would be punishable as
20 one or more of the foregoing offenses. Upon receipt of this
21 authorization, the private carrier company shall submit the
22 applicant's name, sex, race, date of birth, fingerprints and
23 social security number to the Department of State Police on
24 forms prescribed by the Department. The Department of State
25 Police shall conduct an investigation to ascertain if the
26 applicant has been convicted of any of the above enumerated

1 offenses. The Department shall charge the private carrier
2 company a fee for conducting the investigation, which fee shall
3 be deposited in the State Police Services Fund and shall not
4 exceed the cost of the inquiry; and the applicant shall not be
5 charged a fee for such investigation by the private carrier
6 company. The Department of State Police shall furnish, pursuant
7 to positive identification, records of convictions, until
8 expunged, to the private carrier company which requested the
9 investigation. A copy of the record of convictions obtained
10 from the Department shall be provided to the applicant. Any
11 record of conviction received by the private carrier company
12 shall be confidential. Any person who releases any confidential
13 information concerning any criminal convictions of an
14 applicant shall be guilty of a Class A misdemeanor, unless
15 authorized by this Section.

16 (Source: P.A. 96-1551, Article 1, Section 920, eff. 7-1-11;
17 96-1551, Article 2, Section 960, eff. 7-1-11; revised 9-30-11.)

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

20 (225 ILCS 10/4.2) (from Ch. 23, par. 2214.2)

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

1 (b) In addition to the other provisions of this Section, no
2 applicant may receive a license from the Department and no
3 person may be employed by a child care facility licensed by the
4 Department who has been declared a sexually dangerous person
5 under "An Act in relation to sexually dangerous persons, and
6 providing for their commitment, detention and supervision",
7 approved July 6, 1938, as amended, or convicted of committing
8 or attempting to commit any of the following offenses
9 stipulated under the Criminal Code of 1961:

10 (1) murder;

11 (1.1) solicitation of murder;

12 (1.2) solicitation of murder for hire;

13 (1.3) intentional homicide of an unborn child;

14 (1.4) voluntary manslaughter of an unborn child;

15 (1.5) involuntary manslaughter;

16 (1.6) reckless homicide;

17 (1.7) concealment of a homicidal death;

18 (1.8) involuntary manslaughter of an unborn child;

19 (1.9) reckless homicide of an unborn child;

20 (1.10) drug-induced homicide;

21 (2) a sex offense under Article 11, except offenses
22 described in Sections 11-7, 11-8, 11-12, 11-13, 11-35,
23 11-40, and 11-45;

24 (3) kidnapping;

25 (3.1) aggravated unlawful restraint;

26 (3.2) forcible detention;

- 1 (3.3) harboring a runaway;
- 2 (3.4) aiding and abetting child abduction;
- 3 (4) aggravated kidnapping;
- 4 (5) child abduction;
- 5 (6) aggravated battery of a child as described in
- 6 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05;
- 7 (7) criminal sexual assault;
- 8 (8) aggravated criminal sexual assault;
- 9 (8.1) predatory criminal sexual assault of a child;
- 10 (9) criminal sexual abuse;
- 11 (10) aggravated sexual abuse;
- 12 (11) heinous battery as described in Section 12-4.1 or
- 13 subdivision (a) (2) of Section 12-3.05;
- 14 (12) aggravated battery with a firearm as described in
- 15 Section 12-4.2 or subdivision (e) (1), (e) (2), (e) (3), or
- 16 (e) (4) of Section 12-3.05;
- 17 (13) tampering with food, drugs, or cosmetics;
- 18 (14) drug induced infliction of great bodily harm as
- 19 described in Section 12-4.7 or subdivision (g) (1) of
- 20 Section 12-3.05;
- 21 (15) hate crime;
- 22 (16) stalking;
- 23 (17) aggravated stalking;
- 24 (18) threatening public officials;
- 25 (19) home invasion;
- 26 (20) vehicular invasion;

- 1 (3) Felony domestic battery.
- 2 (4) Aggravated battery.
- 3 (5) Heinous battery.
- 4 (6) Aggravated battery with a firearm.
- 5 (7) Aggravated battery of an unborn child.
- 6 (8) Aggravated battery of a senior citizen.
- 7 (9) Intimidation.
- 8 (10) Compelling organization membership of persons.
- 9 (11) Abuse and criminal neglect of a long term care
- 10 facility resident.
- 11 (12) Felony violation of an order of protection.

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

- 13 (1) Felony unlawful use of weapons.
- 14 (2) Aggravated discharge of a firearm.
- 15 (3) Reckless discharge of a firearm.
- 16 (4) Unlawful use of metal piercing bullets.
- 17 (5) Unlawful sale or delivery of firearms on the
- 18 premises of any school.
- 19 (6) Disarming a police officer.
- 20 (7) Obstructing justice.
- 21 (8) Concealing or aiding a fugitive.
- 22 (9) Armed violence.
- 23 (10) Felony contributing to the criminal delinquency
- 24 of a juvenile.

1 (III) DRUG OFFENSES

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

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

4 (3) Cannabis trafficking.

5 (4) Delivery of cannabis on school grounds.

6 (5) Unauthorized production of more than 5 cannabis
7 sativa plants.

8 (6) Calculated criminal cannabis conspiracy.

9 (7) Unauthorized manufacture or delivery of controlled
10 substances.

11 (8) Controlled substance trafficking.

12 (9) Manufacture, distribution, or advertisement of
13 look-alike substances.

14 (10) Calculated criminal drug conspiracy.

15 (11) Street gang criminal drug conspiracy.

16 (12) Permitting unlawful use of a building.

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

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

23 (15) Delivery of controlled substances.

24 (16) Sale or delivery of drug paraphernalia.

1 (17) Felony possession, sale, or exchange of
2 instruments adapted for use of a controlled substance,
3 methamphetamine, or cannabis by subcutaneous injection.

4 (18) Felony possession of a controlled substance.

5 (19) Any violation of the Methamphetamine Control and
6 Community Protection Act.

7 (b-2) For child care facilities other than foster family
8 homes, the Department may issue a new child care facility
9 license to or renew the existing child care facility license of
10 an applicant, a person employed by a child care facility, or an
11 applicant who has an adult residing in a home child care
12 facility who was convicted of an offense described in
13 subsection (b-1), provided that all of the following
14 requirements are met:

15 (1) The relevant criminal offense occurred more than 5
16 years prior to the date of application or renewal, except
17 for drug offenses. The relevant drug offense must have
18 occurred more than 10 years prior to the date of
19 application or renewal, unless the applicant passed a drug
20 test, arranged and paid for by the child care facility, no
21 less than 5 years after the offense.

22 (2) The Department must conduct a background check and
23 assess all convictions and recommendations of the child
24 care facility to determine if waiver shall apply in
25 accordance with Department administrative rules and
26 procedures.

- 1 (8) Aggravated battery of an unborn child.
- 2 (9) Aggravated battery of a senior citizen.
- 3 (10) Intimidation.
- 4 (11) Compelling organization membership of persons.
- 5 (12) Abuse and criminal neglect of a long term care
- 6 facility resident.
- 7 (13) Felony violation of an order of protection.

8 (II) OFFENSES DIRECTED AGAINST PROPERTY

- 9 (14) Felony theft.
- 10 (15) Robbery.
- 11 (16) Armed robbery.
- 12 (17) Aggravated robbery.
- 13 (18) Vehicular hijacking.
- 14 (19) Aggravated vehicular hijacking.
- 15 (20) Burglary.
- 16 (21) Possession of burglary tools.
- 17 (22) Residential burglary.
- 18 (23) Criminal fortification of a residence or
- 19 building.
- 20 (24) Arson.
- 21 (25) Aggravated arson.
- 22 (26) Possession of explosive or explosive incendiary
- 23 devices.

1 (III) OFFENSES AFFECTING PUBLIC HEALTH, SAFETY, AND DECENCY

2 (27) Felony unlawful use of weapons.

3 (28) Aggravated discharge of a firearm.

4 (29) Reckless discharge of a firearm.

5 (30) Unlawful use of metal piercing bullets.

6 (31) Unlawful sale or delivery of firearms on the
7 premises of any school.

8 (32) Disarming a police officer.

9 (33) Obstructing justice.

10 (34) Concealing or aiding a fugitive.

11 (35) Armed violence.

12 (36) Felony contributing to the criminal delinquency
13 of a juvenile.

14 (IV) DRUG OFFENSES

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

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

17 (39) Cannabis trafficking.

18 (40) Delivery of cannabis on school grounds.

19 (41) Unauthorized production of more than 5 cannabis
20 sativa plants.

21 (42) Calculated criminal cannabis conspiracy.

22 (43) Unauthorized manufacture or delivery of
23 controlled substances.

1 (44) Controlled substance trafficking.

2 (45) Manufacture, distribution, or advertisement of
3 look-alike substances.

4 (46) Calculated criminal drug conspiracy.

5 (46.5) Streetgang criminal drug conspiracy.

6 (47) Permitting unlawful use of a building.

7 (48) Delivery of controlled, counterfeit, or
8 look-alike substances to persons under age 18, or at truck
9 stops, rest stops, or safety rest areas, or on school
10 property.

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

13 (50) Delivery of controlled substances.

14 (51) Sale or delivery of drug paraphernalia.

15 (52) Felony possession, sale, or exchange of
16 instruments adapted for use of a controlled substance,
17 methamphetamine, or cannabis by subcutaneous injection.

18 (53) Any violation of the Methamphetamine Control and
19 Community Protection Act.

20 (d) Notwithstanding subsection (c), the Department may
21 issue a new foster family home license or may renew an existing
22 foster family home license of an applicant who was convicted of
23 an offense described in subsection (c), provided all of the
24 following requirements are met:

25 (1) The relevant criminal offense or offenses occurred
26 more than 10 years prior to the date of application or

1 renewal.

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

5 (3) After the disclosure, the Department either placed
6 a child in the home or the foster family home license was
7 issued.

8 (4) During the background check, the Department had
9 assessed and waived the conviction in compliance with the
10 existing statutes and rules in effect at the time of the
11 waiver.

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

15 (6) The applicant has a history of providing a safe,
16 stable home environment and appears able to continue to
17 provide a safe, stable home environment.

18 (Source: P.A. 96-1551, Article 1, Section 925, eff. 7-1-11;
19 96-1551, Article 2, Section 990, eff. 7-1-11; revised 9-30-11.)

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

23 (225 ILCS 70/17) (from Ch. 111, par. 3667)

24 Sec. 17. Grounds for disciplinary action.

1 (a) The Department may impose fines not to exceed \$10,000
2 or may refuse to issue or to renew, or may revoke, suspend,
3 place on probation, censure, reprimand or take other
4 disciplinary or non-disciplinary action with regard to the
5 license of any person, for any one or combination of the
6 following causes:

7 (1) Intentional material misstatement in furnishing
8 information to the Department.

9 (2) Conviction of or entry of a plea of guilty or nolo
10 contendere to any crime that is a felony under the laws of
11 the United States or any state or territory thereof or a
12 misdemeanor of which an essential element is dishonesty or
13 that is directly related to the practice of the profession
14 of nursing home administration.

15 (3) Making any misrepresentation for the purpose of
16 obtaining a license, or violating any provision of this
17 Act.

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

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

23 (6) Engaging in dishonorable, unethical or
24 unprofessional conduct of a character likely to deceive,
25 defraud or harm the public.

26 (7) Habitual use or addiction to alcohol, narcotics,

1 stimulants, or any other chemical agent or drug which
2 results in the inability to practice with reasonable
3 judgment, skill or safety.

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

7 (9) A finding by the Department that the licensee,
8 after having his or her license placed on probationary
9 status has violated the terms of probation.

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

13 (11) Physical illness, mental illness, or other
14 impairment or disability, including, but not limited to,
15 deterioration through the aging process, or loss of motor
16 skill that results in the inability to practice the
17 profession with reasonable judgment, skill or safety.

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

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

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

25 (15) (Blank).

26 (16) Professional incompetence in the practice of

1 nursing home administration.

2 (17) Conviction of a violation of Section 12-19 or
3 subsection (a) of Section 12-4.4a of the Criminal Code of
4 1961 for the abuse and criminal neglect of a long term care
5 facility resident.

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

19 (19) Failure to report to the Department any adverse
20 final action taken against the licensee by a licensing
21 authority of another state, territory of the United States,
22 or foreign country; or by any governmental or law
23 enforcement agency; or by any court for acts or conduct
24 similar to acts or conduct that would constitute grounds
25 for disciplinary action under this Section.

26 (20) Failure to report to the Department the surrender

1 of a license or authorization to practice as a nursing home
2 administrator in another state or jurisdiction for acts or
3 conduct similar to acts or conduct that would constitute
4 grounds for disciplinary action under this Section.

5 (21) Failure to report to the Department any adverse
6 judgment, settlement, or award arising from a liability
7 claim related to acts or conduct similar to acts or conduct
8 that would constitute grounds for disciplinary action
9 under this Section.

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

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

26 The Department, upon the recommendation of the Board, may

1 adopt rules which set forth standards to be used in determining
2 what constitutes:

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

5 (ii) dishonorable, unethical or unprofessional conduct
6 of a character likely to deceive, defraud, or harm the
7 public;

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

10 (iv) professional incompetence in the practice of
11 nursing home administration.

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

15 In enforcing this Section, the Department or Board, upon a
16 showing of a possible violation, may compel any individual
17 licensed to practice under this Act, or who has applied for
18 licensure pursuant to this Act, to submit to a mental or
19 physical examination, or both, as required by and at the
20 expense of the Department. The examining physician or
21 physicians shall be those specifically designated by the
22 Department or Board. The Department or Board may order the
23 examining physician to present testimony concerning this
24 mental or physical examination of the licensee or applicant. No
25 information shall be excluded by reason of any common law or
26 statutory privilege relating to communications between the

1 licensee or applicant and the examining physician. The
2 individual to be examined may have, at his or her own expense,
3 another physician of his or her choice present during all
4 aspects of the examination. Failure of any individual to submit
5 to mental or physical examination, when directed, shall be
6 grounds for suspension of his or her license until such time as
7 the individual submits to the examination if the Department
8 finds, after notice and hearing, that the refusal to submit to
9 the examination was without reasonable cause.

10 If the Department or Board finds an individual unable to
11 practice because of the reasons set forth in this Section, the
12 Department or Board shall require such individual to submit to
13 care, counseling, or treatment by physicians approved or
14 designated by the Department or Board, as a condition, term, or
15 restriction for continued, reinstated, or renewed licensure to
16 practice; or in lieu of care, counseling, or treatment, the
17 Department may file, or the Board may recommend to the
18 Department to file, a complaint to immediately suspend, revoke,
19 or otherwise discipline the license of the individual. Any
20 individual whose license was granted pursuant to this Act or
21 continued, reinstated, renewed, disciplined or supervised,
22 subject to such terms, conditions or restrictions who shall
23 fail to comply with such terms, conditions or restrictions
24 shall be referred to the Secretary for a determination as to
25 whether the licensee shall have his or her license suspended
26 immediately, pending a hearing by the Department. In instances

1 in which the Secretary immediately suspends a license under
2 this Section, a hearing upon such person's license must be
3 convened by the Board within 30 days after such suspension and
4 completed without appreciable delay. The Department and Board
5 shall have the authority to review the subject administrator's
6 record of treatment and counseling regarding the impairment, to
7 the extent permitted by applicable federal statutes and
8 regulations safeguarding the confidentiality of medical
9 records.

10 An individual licensed under this Act, affected under this
11 Section, shall be afforded an opportunity to demonstrate to the
12 Department or Board that he or she can resume practice in
13 compliance with acceptable and prevailing standards under the
14 provisions of his or her license.

15 (b) Any individual or organization acting in good faith,
16 and not in a wilful and wanton manner, in complying with this
17 Act by providing any report or other information to the
18 Department, or assisting in the investigation or preparation of
19 such information, or by participating in proceedings of the
20 Department, or by serving as a member of the Board, shall not,
21 as a result of such actions, be subject to criminal prosecution
22 or civil damages.

23 (c) Members of the Board, and persons retained under
24 contract to assist and advise in an investigation, shall be
25 indemnified by the State for any actions occurring within the
26 scope of services on or for the Board, done in good faith and

1 not wilful and wanton in nature. The Attorney General shall
2 defend all such actions unless he or she determines either that
3 there would be a conflict of interest in such representation or
4 that the actions complained of were not in good faith or were
5 wilful and wanton.

6 Should the Attorney General decline representation, a
7 person entitled to indemnification under this Section shall
8 have the right to employ counsel of his or her choice, whose
9 fees shall be provided by the State, after approval by the
10 Attorney General, unless there is a determination by a court
11 that the member's actions were not in good faith or were wilful
12 and wanton.

13 A person entitled to indemnification under this Section
14 must notify the Attorney General within 7 days of receipt of
15 notice of the initiation of any action involving services of
16 the Board. Failure to so notify the Attorney General shall
17 constitute an absolute waiver of the right to a defense and
18 indemnification.

19 The Attorney General shall determine within 7 days after
20 receiving such notice, whether he or she will undertake to
21 represent a person entitled to indemnification under this
22 Section.

23 (d) The determination by a circuit court that a licensee is
24 subject to involuntary admission or judicial admission as
25 provided in the Mental Health and Developmental Disabilities
26 Code, as amended, operates as an automatic suspension. Such

1 suspension will end only upon a finding by a court that the
2 patient is no longer subject to involuntary admission or
3 judicial admission and issues an order so finding and
4 discharging the patient; and upon the recommendation of the
5 Board to the Secretary that the licensee be allowed to resume
6 his or her practice.

7 (e) The Department may refuse to issue or may suspend the
8 license of any person who fails to file a return, or to pay the
9 tax, penalty or interest shown in a filed return, or to pay any
10 final assessment of tax, penalty or interest, as required by
11 any tax Act administered by the Department of Revenue, until
12 such time as the requirements of any such tax Act are
13 satisfied.

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

18 (Source: P.A. 96-339, eff. 7-1-10; 96-1372, eff. 7-29-10;
19 96-1551, eff. 7-1-11; 97-38, eff. 6-28-11; 97-227, eff. 1-1-12;
20 revised 9-26-11.)

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

23 (225 ILCS 317/32)

24 Sec. 32. Application for building permit; identity theft. A

1 person who knowingly, in the course of applying for a building
2 permit with a unit of local government, provides the license
3 number of a fire sprinkler contractor whom he or she does not
4 intend to have perform the work on the fire sprinkler portion
5 of the project commits identity theft under paragraph (8) ~~(9)~~
6 of subsection (a) of Section 16-30 of the Criminal Code of
7 1961.

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

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

12 (225 ILCS 335/5) (from Ch. 111, par. 7505)

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

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

15 (a) Each State licensed roofing contractor shall affix the
16 roofing contractor license number and the licensee's name, as
17 it appears on the license, to all of his or her contracts and
18 bids. In addition, the official issuing building permits shall
19 affix the roofing contractor license number to each application
20 for a building permit and on each building permit issued and
21 recorded.

22 (a-5) A person who knowingly, in the course of applying for
23 a building permit with a unit of local government, provides the
24 roofing license number of a roofing contractor whom he or she

1 does not intend to have perform the work on the roofing portion
2 of the project commits identity theft under paragraph (8) of
3 subsection (a) of Section 16-30 of the Criminal Code of 1961.

4 (b) (Blank).

5 (c) Every holder of a license shall display it in a
6 conspicuous place in his or her principal office, place of
7 business, or place of employment.

8 (d) No person licensed under this Act may advertise
9 services regulated by this Act unless that person includes in
10 the advertisement the roofing contractor license number and the
11 licensee's name, as it appears on the license. Nothing
12 contained in this subsection requires the publisher of
13 advertising for roofing contractor services to investigate or
14 verify the accuracy of the license number provided by the
15 licensee.

16 (e) A person who advertises services regulated by this Act
17 who knowingly (i) fails to display the license number and the
18 licensee's name, as it appears on the license, in any manner
19 required by this Section, (ii) fails to provide a publisher
20 with the correct license number as required by subsection (d),
21 or (iii) provides a publisher with a false license number or a
22 license number of another person, or a person who knowingly
23 allows his or her license number to be displayed or used by
24 another person to circumvent any provisions of this Section, is
25 guilty of a Class A misdemeanor with a fine of \$1,000, and, in
26 addition, is subject to the administrative enforcement

1 provisions of this Act. Each day that an advertisement runs or
2 each day that a person knowingly allows his or her license to
3 be displayed or used in violation of this Section constitutes a
4 separate offense.

5 (Source: P.A. 96-624, eff. 1-1-10; 96-1324, eff. 7-27-10;
6 97-235, eff. 1-1-12; 97-597, eff. 1-1-12; revised 9-30-11.)

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

9 (625 ILCS 5/6-206)

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

12 (a) The Secretary of State is authorized to suspend or
13 revoke the driving privileges of any person without preliminary
14 hearing upon a showing of the person's records or other
15 sufficient evidence that the person:

16 1. Has committed an offense for which mandatory
17 revocation of a driver's license or permit is required upon
18 conviction;

19 2. Has been convicted of not less than 3 offenses
20 against traffic regulations governing the movement of
21 vehicles committed within any 12 month period. No
22 revocation or suspension shall be entered more than 6
23 months after the date of last conviction;

24 3. Has been repeatedly involved as a driver in motor

1 vehicle collisions or has been repeatedly convicted of
2 offenses against laws and ordinances regulating the
3 movement of traffic, to a degree that indicates lack of
4 ability to exercise ordinary and reasonable care in the
5 safe operation of a motor vehicle or disrespect for the
6 traffic laws and the safety of other persons upon the
7 highway;

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

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

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

25 7. Has refused or failed to submit to an examination
26 provided for by Section 6-207 or has failed to pass the

1 examination;

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

4 9. Has made a false statement or knowingly concealed a
5 material fact or has used false information or
6 identification in any application for a license,
7 identification card, or permit;

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

11 11. Has operated a motor vehicle upon a highway of this
12 State when the person's driving privilege or privilege to
13 obtain a driver's license or permit was revoked or
14 suspended unless the operation was authorized by a
15 monitoring device driving permit, judicial driving permit
16 issued prior to January 1, 2009, probationary license to
17 drive, or a restricted driving permit issued under this
18 Code;

19 12. Has submitted to any portion of the application
20 process for another person or has obtained the services of
21 another person to submit to any portion of the application
22 process for the purpose of obtaining a license,
23 identification card, or permit for some other person;

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

1 14. Has committed a violation of Section 6-301,
2 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B
3 of the Illinois Identification Card Act;

4 15. Has been convicted of violating Section 21-2 of the
5 Criminal Code of 1961 relating to criminal trespass to
6 vehicles in which case, the suspension shall be for one
7 year;

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

10 17. Has refused to submit to a test, or tests, as
11 required under Section 11-501.1 of this Code and the person
12 has not sought a hearing as provided for in Section
13 11-501.1;

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

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

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

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

26 22. Has used a motor vehicle in violating paragraph

1 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of
2 the Criminal Code of 1961 relating to unlawful use of
3 weapons, in which case the suspension shall be for one
4 year;

5 23. Has, as a driver, been convicted of committing a
6 violation of paragraph (a) of Section 11-502 of this Code
7 for a second or subsequent time within one year of a
8 similar violation;

9 24. Has been convicted by a court-martial or punished
10 by non-judicial punishment by military authorities of the
11 United States at a military installation in Illinois of or
12 for a traffic related offense that is the same as or
13 similar to an offense specified under Section 6-205 or
14 6-206 of this Code;

15 25. Has permitted any form of identification to be used
16 by another in the application process in order to obtain or
17 attempt to obtain a license, identification card, or
18 permit;

19 26. Has altered or attempted to alter a license or has
20 possessed an altered license, identification card, or
21 permit;

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

24 28. Has been convicted of the illegal possession, while
25 operating or in actual physical control, as a driver, of a
26 motor vehicle, of any controlled substance prohibited

1 under the Illinois Controlled Substances Act, any cannabis
2 prohibited under the Cannabis Control Act, or any
3 methamphetamine prohibited under the Methamphetamine
4 Control and Community Protection Act, in which case the
5 person's driving privileges shall be suspended for one
6 year, and any driver who is convicted of a second or
7 subsequent offense, within 5 years of a previous
8 conviction, for the illegal possession, while operating or
9 in actual physical control, as a driver, of a motor
10 vehicle, of any controlled substance prohibited under the
11 Illinois Controlled Substances Act, any cannabis
12 prohibited under the Cannabis Control Act, or any
13 methamphetamine prohibited under the Methamphetamine
14 Control and Community Protection Act shall be suspended for
15 5 years. Any defendant found guilty of this offense while
16 operating a motor vehicle, shall have an entry made in the
17 court record by the presiding judge that this offense did
18 occur while the defendant was operating a motor vehicle and
19 order the clerk of the court to report the violation to the
20 Secretary of State;

21 29. Has been convicted of the following offenses that
22 were committed while the person was operating or in actual
23 physical control, as a driver, of a motor vehicle: criminal
24 sexual assault, predatory criminal sexual assault of a
25 child, aggravated criminal sexual assault, criminal sexual
26 abuse, aggravated criminal sexual abuse, juvenile pimping,

1 soliciting for a juvenile prostitute, promoting juvenile
2 prostitution as described in subdivision (a)(1), (a)(2),
3 or (a)(3) of Section 11-14.4 of the Criminal Code of 1961,
4 and the manufacture, sale or delivery of controlled
5 substances or instruments used for illegal drug use or
6 abuse in which case the driver's driving privileges shall
7 be suspended for one year;

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

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

23 32. Has been convicted of Section 24-1.2 of the
24 Criminal Code of 1961 relating to the aggravated discharge
25 of a firearm if the offender was located in a motor vehicle
26 at the time the firearm was discharged, in which case the

1 suspension shall be for 3 years;

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

6 34. Has committed a violation of Section 11-1301.5 of
7 this Code;

8 35. Has committed a violation of Section 11-1301.6 of
9 this Code;

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

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

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

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

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

26 41. Has committed a second or subsequent violation of

1 Section 11-605.1 of this Code, a similar provision of a
2 local ordinance, or a similar violation in any other state
3 within 2 years of the date of the previous violation, in
4 which case the suspension shall be for 90 days;

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

7 43. Has received a disposition of court supervision for
8 a violation of subsection (a), (d), or (e) of Section 6-20
9 of the Liquor Control Act of 1934 or a similar provision of
10 a local ordinance, in which case the suspension shall be
11 for a period of 3 months;

12 44. Is under the age of 21 years at the time of arrest
13 and has been convicted of an offense against traffic
14 regulations governing the movement of vehicles after
15 having previously had his or her driving privileges
16 suspended or revoked pursuant to subparagraph 36 of this
17 Section; or

18 45. Has, in connection with or during the course of a
19 formal hearing conducted under Section 2-118 of this Code:
20 (i) committed perjury; (ii) submitted fraudulent or
21 falsified documents; (iii) submitted documents that have
22 been materially altered; or (iv) submitted, as his or her
23 own, documents that were in fact prepared or composed for
24 another person.

25 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,
26 and 27 of this subsection, license means any driver's license,

1 any traffic ticket issued when the person's driver's license is
2 deposited in lieu of bail, a suspension notice issued by the
3 Secretary of State, a duplicate or corrected driver's license,
4 a probationary driver's license or a temporary driver's
5 license.

6 (b) If any conviction forming the basis of a suspension or
7 revocation authorized under this Section is appealed, the
8 Secretary of State may rescind or withhold the entry of the
9 order of suspension or revocation, as the case may be, provided
10 that a certified copy of a stay order of a court is filed with
11 the Secretary of State. If the conviction is affirmed on
12 appeal, the date of the conviction shall relate back to the
13 time the original judgment of conviction was entered and the 6
14 month limitation prescribed shall not apply.

15 (c) 1. Upon suspending or revoking the driver's license or
16 permit of any person as authorized in this Section, the
17 Secretary of State shall immediately notify the person in
18 writing of the revocation or suspension. The notice to be
19 deposited in the United States mail, postage prepaid, to the
20 last known address of the person.

21 2. If the Secretary of State suspends the driver's
22 license of a person under subsection 2 of paragraph (a) of
23 this Section, a person's privilege to operate a vehicle as
24 an occupation shall not be suspended, provided an affidavit
25 is properly completed, the appropriate fee received, and a
26 permit issued prior to the effective date of the

1 suspension, unless 5 offenses were committed, at least 2 of
2 which occurred while operating a commercial vehicle in
3 connection with the driver's regular occupation. All other
4 driving privileges shall be suspended by the Secretary of
5 State. Any driver prior to operating a vehicle for
6 occupational purposes only must submit the affidavit on
7 forms to be provided by the Secretary of State setting
8 forth the facts of the person's occupation. The affidavit
9 shall also state the number of offenses committed while
10 operating a vehicle in connection with the driver's regular
11 occupation. The affidavit shall be accompanied by the
12 driver's license. Upon receipt of a properly completed
13 affidavit, the Secretary of State shall issue the driver a
14 permit to operate a vehicle in connection with the driver's
15 regular occupation only. Unless the permit is issued by the
16 Secretary of State prior to the date of suspension, the
17 privilege to drive any motor vehicle shall be suspended as
18 set forth in the notice that was mailed under this Section.
19 If an affidavit is received subsequent to the effective
20 date of this suspension, a permit may be issued for the
21 remainder of the suspension period.

22 The provisions of this subparagraph shall not apply to
23 any driver required to possess a CDL for the purpose of
24 operating a commercial motor vehicle.

25 Any person who falsely states any fact in the affidavit
26 required herein shall be guilty of perjury under Section

1 6-302 and upon conviction thereof shall have all driving
2 privileges revoked without further rights.

3 3. At the conclusion of a hearing under Section 2-118
4 of this Code, the Secretary of State shall either rescind
5 or continue an order of revocation or shall substitute an
6 order of suspension; or, good cause appearing therefor,
7 rescind, continue, change, or extend the order of
8 suspension. If the Secretary of State does not rescind the
9 order, the Secretary may upon application, to relieve undue
10 hardship (as defined by the rules of the Secretary of
11 State), issue a restricted driving permit granting the
12 privilege of driving a motor vehicle between the
13 petitioner's residence and petitioner's place of
14 employment or within the scope of the petitioner's
15 employment related duties, or to allow the petitioner to
16 transport himself or herself, or a family member of the
17 petitioner's household to a medical facility, to receive
18 necessary medical care, to allow the petitioner to
19 transport himself or herself to and from alcohol or drug
20 remedial or rehabilitative activity recommended by a
21 licensed service provider, or to allow the petitioner to
22 transport himself or herself or a family member of the
23 petitioner's household to classes, as a student, at an
24 accredited educational institution, or to allow the
25 petitioner to transport children, elderly persons, or
26 disabled persons who do not hold driving privileges and are

1 living in the petitioner's household to and from daycare.
2 The petitioner must demonstrate that no alternative means
3 of transportation is reasonably available and that the
4 petitioner will not endanger the public safety or welfare.
5 Those multiple offenders identified in subdivision (b)4 of
6 Section 6-208 of this Code, however, shall not be eligible
7 for the issuance of a restricted driving permit.

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

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

23 (i) a single conviction of violating Section
24 11-501 of this Code or a similar provision of a
25 local ordinance or a similar out-of-state offense
26 or Section 9-3 of the Criminal Code of 1961, where

1 the use of alcohol or other drugs is recited as an
2 element of the offense, or a similar out-of-state
3 offense; or

4 (ii) a statutory summary suspension or
5 revocation under Section 11-501.1; or

6 (iii) a suspension under Section 6-203.1;
7 arising out of separate occurrences; that person, if
8 issued a restricted driving permit, may not operate a
9 vehicle unless it has been equipped with an ignition
10 interlock device as defined in Section 1-129.1.

11 (C) The person issued a permit conditioned upon the
12 use of an ignition interlock device must pay to the
13 Secretary of State DUI Administration Fund an amount
14 not to exceed \$30 per month. The Secretary shall
15 establish by rule the amount and the procedures, terms,
16 and conditions relating to these fees.

17 (D) If the restricted driving permit is issued for
18 employment purposes, then the prohibition against
19 operating a motor vehicle that is not equipped with an
20 ignition interlock device does not apply to the
21 operation of an occupational vehicle owned or leased by
22 that person's employer when used solely for employment
23 purposes.

24 (E) In each case the Secretary may issue a
25 restricted driving permit for a period deemed
26 appropriate, except that all permits shall expire

1 within one year from the date of issuance. The
2 Secretary may not, however, issue a restricted driving
3 permit to any person whose current revocation is the
4 result of a second or subsequent conviction for a
5 violation of Section 11-501 of this Code or a similar
6 provision of a local ordinance or any similar
7 out-of-state offense, or Section 9-3 of the Criminal
8 Code of 1961, where the use of alcohol or other drugs
9 is recited as an element of the offense, or any similar
10 out-of-state offense, or any combination of those
11 offenses, until the expiration of at least one year
12 from the date of the revocation. A restricted driving
13 permit issued under this Section shall be subject to
14 cancellation, revocation, and suspension by the
15 Secretary of State in like manner and for like cause as
16 a driver's license issued under this Code may be
17 cancelled, revoked, or suspended; except that a
18 conviction upon one or more offenses against laws or
19 ordinances regulating the movement of traffic shall be
20 deemed sufficient cause for the revocation,
21 suspension, or cancellation of a restricted driving
22 permit. The Secretary of State may, as a condition to
23 the issuance of a restricted driving permit, require
24 the applicant to participate in a designated driver
25 remedial or rehabilitative program. The Secretary of
26 State is authorized to cancel a restricted driving

1 permit if the permit holder does not successfully
2 complete the program.

3 (c-3) In the case of a suspension under paragraph 43 of
4 subsection (a), reports received by the Secretary of State
5 under this Section shall, except during the actual time the
6 suspension is in effect, be privileged information and for use
7 only by the courts, police officers, prosecuting authorities,
8 the driver licensing administrator of any other state, the
9 Secretary of State, or the parent or legal guardian of a driver
10 under the age of 18. However, beginning January 1, 2008, if the
11 person is a CDL holder, the suspension shall also be made
12 available to the driver licensing administrator of any other
13 state, the U.S. Department of Transportation, and the affected
14 driver or motor carrier or prospective motor carrier upon
15 request.

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

21 (c-5) The Secretary of State may, as a condition of the
22 reissuance of a driver's license or permit to an applicant
23 whose driver's license or permit has been suspended before he
24 or she reached the age of 21 years pursuant to any of the
25 provisions of this Section, require the applicant to
26 participate in a driver remedial education course and be

1 retested under Section 6-109 of this Code.

2 (d) This Section is subject to the provisions of the
3 Drivers License Compact.

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

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

13 (Source: P.A. 96-328, eff. 8-11-09; 96-607, eff. 8-24-09;
14 96-1180, eff. 1-1-11; 96-1305, eff. 1-1-11; 96-1344, eff.
15 7-1-11; 96-1551, eff. 7-1-11; 97-229, eff. 7-28-11; 97-333,
16 eff. 8-12-11; revised 9-15-11.)

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

19 (705 ILCS 405/2-25) (from Ch. 37, par. 802-25)

20 Sec. 2-25. Order of protection.

21 (1) The court may make an order of protection in assistance
22 of or as a condition of any other order authorized by this Act.
23 The order of protection shall be based on the health, safety
24 and best interests of the minor and may set forth reasonable

1 conditions of behavior to be observed for a specified period.

2 Such an order may require a person:

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

4 (b) to permit a parent to visit the minor at stated
5 periods;

6 (c) to abstain from offensive conduct against the
7 minor, his parent or any person to whom custody of the
8 minor is awarded;

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

10 (e) to cooperate in good faith with an agency to which
11 custody of a minor is entrusted by the court or with an
12 agency or association to which the minor is referred by the
13 court;

14 (f) to prohibit and prevent any contact whatsoever with
15 the respondent minor by a specified individual or
16 individuals who are alleged in either a criminal or
17 juvenile proceeding to have caused injury to a respondent
18 minor or a sibling of a respondent minor;

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

21 (h) to refrain from contacting the minor and the foster
22 parents in any manner that is not specified in writing in
23 the case plan.

24 (2) The court shall enter an order of protection to
25 prohibit and prevent any contact between a respondent minor or
26 a sibling of a respondent minor and any person named in a

1 petition seeking an order of protection who has been convicted
2 of heinous battery or aggravated battery under subdivision
3 (a) (2) of Section 12-3.05, aggravated battery of a child or
4 aggravated battery under subdivision (b) (1) of Section
5 12-3.05, criminal sexual assault, aggravated criminal sexual
6 assault, predatory criminal sexual assault of a child, criminal
7 sexual abuse, or aggravated criminal sexual abuse as described
8 in the Criminal Code of 1961, or has been convicted of an
9 offense that resulted in the death of a child, or has violated
10 a previous order of protection under this Section.

11 (3) When the court issues an order of protection against
12 any person as provided by this Section, the court shall direct
13 a copy of such order to the Sheriff of that county. The Sheriff
14 shall furnish a copy of the order of protection to the
15 Department of State Police within 24 hours of receipt, in the
16 form and manner required by the Department. The Department of
17 State Police shall maintain a complete record and index of such
18 orders of protection and make this data available to all local
19 law enforcement agencies.

20 (4) After notice and opportunity for hearing afforded to a
21 person subject to an order of protection, the order may be
22 modified or extended for a further specified period or both or
23 may be terminated if the court finds that the health, safety,
24 and best interests of the minor and the public will be served
25 thereby.

26 (5) An order of protection may be sought at any time during

1 the course of any proceeding conducted pursuant to this Act if
2 such an order is consistent with the health, safety, and best
3 interests of the minor. Any person against whom an order of
4 protection is sought may retain counsel to represent him at a
5 hearing, and has rights to be present at the hearing, to be
6 informed prior to the hearing in writing of the contents of the
7 petition seeking a protective order and of the date, place and
8 time of such hearing, and to cross examine witnesses called by
9 the petitioner and to present witnesses and argument in
10 opposition to the relief sought in 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
17 temporary custody 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 such person, the court may conduct a hearing. If a
21 protective order is sought at any time other than in
22 conjunction with a temporary custody hearing, the court may not
23 conduct a hearing on the petition in the absence of the person
24 against whom the order is sought unless the petitioner has
25 notified such person by personal service at least 3 days before
26 the hearing or has sent written notice by first class mail to

1 such person's last known address at least 5 days before the
2 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 Any modification of the order granted by the court must be
24 determined to be consistent with the best interests of the
25 minor.

26 (9) If a petition is filed charging a violation of a

1 condition contained in the protective order and if the court
2 determines that this violation is of a critical service
3 necessary to the safety and welfare of the minor, the court may
4 proceed to findings and an order for temporary custody.

5 (Source: P.A. 95-405, eff. 6-1-08; 96-1551, Article 1, Section
6 955, eff. 7-1-11; 96-1551, Article 2, Section 1030, eff.
7 7-1-11; revised 9-30-11.)

8 (705 ILCS 405/3-26) (from Ch. 37, par. 803-26)

9 Sec. 3-26. Order of protection.

10 (1) The court may make an order of protection in assistance
11 of or as a condition of any other order authorized by this Act.
12 The order of protection may set forth reasonable conditions of
13 behavior to be observed for a specified period. Such an order
14 may require a person:

15 (a) To stay away from the home or the minor;

16 (b) To permit a parent to visit the minor at stated
17 periods;

18 (c) To abstain from offensive conduct against the
19 minor, his parent or any person to whom custody of the
20 minor is awarded;

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

22 (e) To cooperate in good faith with an agency to which
23 custody of a minor is entrusted by the court or with an
24 agency or association to which the minor is referred by the
25 court;

1 (f) To prohibit and prevent any contact whatsoever with
2 the respondent minor by a specified individual or
3 individuals who are alleged in either a criminal or
4 juvenile proceeding to have caused injury to a respondent
5 minor or a sibling of a respondent minor;

6 (g) To refrain from acts of commission or omission that
7 tend to make the home not a proper place for the minor.

8 (2) The court shall enter an order of protection to
9 prohibit and prevent any contact between a respondent minor or
10 a sibling of a respondent minor and any person named in a
11 petition seeking an order of protection who has been convicted
12 of heinous battery or aggravated battery under subdivision
13 (a)(2) of Section 12-3.05, aggravated battery of a child or
14 aggravated battery under subdivision (b)(1) of Section
15 12-3.05, criminal sexual assault, aggravated criminal sexual
16 assault, predatory criminal sexual assault of a child, criminal
17 sexual abuse, or aggravated criminal sexual abuse as described
18 in the Criminal Code of 1961, or has been convicted of an
19 offense that resulted in the death of a child, or has violated
20 a previous order of protection under this Section.

21 (3) When the court issues an order of protection against
22 any person as provided by this Section, the court shall direct
23 a copy of such order to the Sheriff of that county. The Sheriff
24 shall furnish a copy of the order of protection to the
25 Department of State Police within 24 hours of receipt, in the
26 form and manner required by the Department. The Department of

1 State Police shall maintain a complete record and index of such
2 orders of protection and make this data available to all local
3 law enforcement agencies.

4 (4) After notice and opportunity for hearing afforded to a
5 person subject to an order of protection, the order may be
6 modified or extended for a further specified period or both or
7 may be terminated if the court finds that the best interests of
8 the minor and the public will be served thereby.

9 (5) An order of protection may be sought at any time during
10 the course of any proceeding conducted pursuant to this Act.
11 Any person against whom an order of protection is sought may
12 retain counsel to represent him at a hearing, and has rights to
13 be present at the hearing, to be informed prior to the hearing
14 in writing of the contents of the petition seeking a protective
15 order and of the date, place and time of such hearing, and to
16 cross examine witnesses called by the petitioner and to present
17 witnesses and argument in opposition to the relief sought in
18 the petition.

19 (6) Diligent efforts shall be made by the petitioner to
20 serve any person or persons against whom any order of
21 protection is sought with written notice of the contents of the
22 petition seeking a protective order and of the date, place and
23 time at which the hearing on the petition is to be held. When a
24 protective order is being sought in conjunction with a shelter
25 care hearing, if the court finds that the person against whom
26 the protective order is being sought has been notified of the

1 hearing or that diligent efforts have been made to notify such
2 person, the court may conduct a hearing. If a protective order
3 is sought at any time other than in conjunction with a shelter
4 care hearing, the court may not conduct a hearing on the
5 petition in the absence of the person against whom the order is
6 sought unless the petitioner has notified such person by
7 personal service at least 3 days before the hearing or has sent
8 written notice by first class mail to such person's last known
9 address at least 5 days before the hearing.

10 (7) A person against whom an order of protection is being
11 sought who is neither a parent, guardian, legal custodian or
12 responsible relative as described in Section 1-5 is not a party
13 or respondent as defined in that Section and shall not be
14 entitled to the rights provided therein. Such person does not
15 have a right to appointed counsel or to be present at any
16 hearing other than the hearing in which the order of protection
17 is being sought or a hearing directly pertaining to that order.
18 Unless the court orders otherwise, such person does not have a
19 right to inspect the court file.

20 (8) All protective orders entered under this Section shall
21 be in writing. Unless the person against whom the order was
22 obtained was present in court when the order was issued, the
23 sheriff, other law enforcement official or special process
24 server shall promptly serve that order upon that person and
25 file proof of such service, in the manner provided for service
26 of process in civil proceedings. The person against whom the

1 protective order was obtained may seek a modification of the
2 order by filing a written motion to modify the order within 7
3 days after actual receipt by the person of a copy of the order.

4 (Source: P.A. 96-1551, Article 1, Section 995, eff. 7-1-11;
5 96-1551, Article 2, Section 1030, eff. 7-1-11; revised
6 9-30-11.)

7 (705 ILCS 405/4-23) (from Ch. 37, par. 804-23)

8 Sec. 4-23. Order of protection.

9 (1) The court may make an order of protection in assistance
10 of or as a condition of any other order authorized by this Act.
11 The order of protection may set forth reasonable conditions of
12 behavior to be observed for a specified period. Such an order
13 may require a person:

14 (a) To stay away from the home or the minor;

15 (b) To permit a parent to visit the minor at stated
16 periods;

17 (c) To abstain from offensive conduct against the
18 minor, his parent or any person to whom custody of the
19 minor is awarded;

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

21 (e) To cooperate in good faith with an agency to which
22 custody of a minor is entrusted by the court or with an
23 agency or association to which the minor is referred by the
24 court;

25 (f) To prohibit and prevent any contact whatsoever with

1 the respondent minor by a specified individual or
2 individuals who are alleged in either a criminal or
3 juvenile proceeding to have caused injury to a respondent
4 minor or a sibling of a respondent minor;

5 (g) To refrain from acts of commission or omission that
6 tend to make the home not a proper place for the minor.

7 (2) The court shall enter an order of protection to
8 prohibit and prevent any contact between a respondent minor or
9 a sibling of a respondent minor and any person named in a
10 petition seeking an order of protection who has been convicted
11 of heinous battery or aggravated battery under subdivision
12 (a)(2) of Section 12-3.05, aggravated battery of a child or
13 aggravated battery under subdivision (b)(1) of Section
14 12-3.05, criminal sexual assault, aggravated criminal sexual
15 assault, predatory criminal sexual assault of a child, criminal
16 sexual abuse, or aggravated criminal sexual abuse as described
17 in the Criminal Code of 1961, or has been convicted of an
18 offense that resulted in the death of a child, or has violated
19 a previous order of protection under this Section.

20 (3) When the court issues an order of protection against
21 any person as provided by this Section, the court shall direct
22 a copy of such order to the Sheriff of that county. The Sheriff
23 shall furnish a copy of the order of protection to the
24 Department of State Police within 24 hours of receipt, in the
25 form and manner required by the Department. The Department of
26 State Police shall maintain a complete record and index of such

1 orders of protection and make this data available to all local
2 law enforcement agencies.

3 (4) After notice and opportunity for hearing afforded to a
4 person subject to an order of protection, the order may be
5 modified or extended for a further specified period or both or
6 may be terminated if the court finds that the best interests of
7 the minor and the public will be served thereby.

8 (5) An order of protection may be sought at any time during
9 the course of any proceeding conducted pursuant to this Act.
10 Any person against whom an order of protection is sought may
11 retain counsel to represent him at a hearing, and has rights to
12 be present at the hearing, to be informed prior to the hearing
13 in writing of the contents of the petition seeking a protective
14 order and of the date, place and time of such hearing, and to
15 cross examine witnesses called by the petitioner and to present
16 witnesses and argument in opposition to the relief sought in
17 the petition.

18 (6) Diligent efforts shall be made by the petitioner to
19 serve any person or persons against whom any order of
20 protection is sought with written notice of the contents of the
21 petition seeking a protective order and of the date, place and
22 time at which the hearing on the petition is to be held. When a
23 protective order is being sought in conjunction with a shelter
24 care hearing, if the court finds that the person against whom
25 the protective order is being sought has been notified of the
26 hearing or that diligent efforts have been made to notify such

1 person, the court may conduct a hearing. If a protective order
2 is sought at any time other than in conjunction with a shelter
3 care hearing, the court may not conduct a hearing on the
4 petition in the absence of the person against whom the order is
5 sought unless the petitioner has notified such person by
6 personal service at least 3 days before the hearing or has sent
7 written notice by first class mail to such person's last known
8 address at least 5 days before the hearing.

9 (7) A person against whom an order of protection is being
10 sought who is neither a parent, guardian, legal custodian or
11 responsible relative as described in Section 1-5 is not a party
12 or respondent as defined in that Section and shall not be
13 entitled to the rights provided therein. Such person does not
14 have a right to appointed counsel or to be present at any
15 hearing other than the hearing in which the order of protection
16 is being sought or a hearing directly pertaining to that order.
17 Unless the court orders otherwise, such person does not have a
18 right to inspect the court file.

19 (8) All protective orders entered under this Section shall
20 be in writing. Unless the person against whom the order was
21 obtained was present in court when the order was issued, the
22 sheriff, other law enforcement official or special process
23 server shall promptly serve that order upon that person and
24 file proof of such service, in the manner provided for service
25 of process in civil proceedings. The person against whom the
26 protective order was obtained may seek a modification of the

1 order by filing a written motion to modify the order within 7
2 days after actual receipt by the person of a copy of the order.
3 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;
4 96-1551, Article 2, Section 1030, eff. 7-1-11; revised
5 9-30-11.)

6 (705 ILCS 405/5-730)

7 Sec. 5-730. Order of protection.

8 (1) The court may make an order of protection in assistance
9 of or as a condition of any other order authorized by this Act.
10 The order of protection may set forth reasonable conditions of
11 behavior to be observed for a specified period. The order may
12 require a person:

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

14 (b) to permit a parent to visit the minor at stated
15 periods;

16 (c) to abstain from offensive conduct against the
17 minor, his or her parent or any person to whom custody of
18 the minor is awarded;

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

20 (e) to cooperate in good faith with an agency to which
21 custody of a minor is entrusted by the court or with an
22 agency or association to which the minor is referred by the
23 court;

24 (f) to prohibit and prevent any contact whatsoever with
25 the respondent minor by a specified individual or

1 individuals who are alleged in either a criminal or
2 juvenile proceeding to have caused injury to a respondent
3 minor or a sibling of a respondent minor;

4 (g) to refrain from acts of commission or omission that
5 tend to make the home not a proper place for the minor.

6 (2) The court shall enter an order of protection to
7 prohibit and prevent any contact between a respondent minor or
8 a sibling of a respondent minor and any person named in a
9 petition seeking an order of protection who has been convicted
10 of heinous battery or aggravated battery under subdivision
11 (a)(2) of Section 12-3.05, aggravated battery of a child or
12 aggravated battery under subdivision (b)(1) of Section
13 12-3.05, criminal sexual assault, aggravated criminal sexual
14 assault, predatory criminal sexual assault of a child, criminal
15 sexual abuse, or aggravated criminal sexual abuse as described
16 in the Criminal Code of 1961, or has been convicted of an
17 offense that resulted in the death of a child, or has violated
18 a previous order of protection under this Section.

19 (3) When the court issues an order of protection against
20 any person as provided by this Section, the court shall direct
21 a copy of such order to the sheriff of that county. The sheriff
22 shall furnish a copy of the order of protection to the
23 Department of State Police within 24 hours of receipt, in the
24 form and manner required by the Department. The Department of
25 State Police shall maintain a complete record and index of the
26 orders of protection and make this data available to all local

1 law enforcement agencies.

2 (4) After notice and opportunity for hearing afforded to a
3 person subject to an order of protection, the order may be
4 modified or extended for a further specified period or both or
5 may be terminated if the court finds that the best interests of
6 the minor and the public will be served by the modification,
7 extension, or termination.

8 (5) An order of protection may be sought at any time during
9 the course of any proceeding conducted under this Act. Any
10 person against whom an order of protection is sought may retain
11 counsel to represent him or her at a hearing, and has rights to
12 be present at the hearing, to be informed prior to the hearing
13 in writing of the contents of the petition seeking a protective
14 order and of the date, place, and time of the hearing, and to
15 cross-examine witnesses called by the petitioner and to present
16 witnesses and argument in opposition to the relief sought in
17 the petition.

18 (6) Diligent efforts shall be made by the petitioner to
19 serve any person or persons against whom any order of
20 protection is sought with written notice of the contents of the
21 petition seeking a protective order and of the date, place and
22 time at which the hearing on the petition is to be held. When a
23 protective order is being sought in conjunction with a shelter
24 care or detention hearing, if the court finds that the person
25 against whom the protective order is being sought has been
26 notified of the hearing or that diligent efforts have been made

1 to notify the person, the court may conduct a hearing. If a
2 protective order is sought at any time other than in
3 conjunction with a shelter care or detention hearing, the court
4 may not conduct a hearing on the petition in the absence of the
5 person against whom the order is sought unless the petitioner
6 has notified the person by personal service at least 3 days
7 before the hearing or has sent written notice by first class
8 mail to the person's last known address at least 5 days before
9 the hearing.

10 (7) A person against whom an order of protection is being
11 sought who is neither a parent, guardian, or legal custodian or
12 responsible relative as described in Section 1-5 of this Act or
13 is not a party or respondent as defined in that Section shall
14 not be entitled to the rights provided in that Section. The
15 person does not have a right to appointed counsel or to be
16 present at any hearing other than the hearing in which the
17 order of protection is being sought or a hearing directly
18 pertaining to that order. Unless the court orders otherwise,
19 the person does not have a right to inspect the court file.

20 (8) All protective orders entered under this Section shall
21 be in writing. Unless the person against whom the order was
22 obtained was present in court when the order was issued, the
23 sheriff, other law enforcement official, or special process
24 server shall promptly serve that order upon that person and
25 file proof of that service, in the manner provided for service
26 of process in civil proceedings. The person against whom the

1 protective order was obtained may seek a modification of the
2 order by filing a written motion to modify the order within 7
3 days after actual receipt by the person of a copy of the order.
4 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;
5 96-1551, Article 2, Section 1030, eff. 7-1-11; revised
6 9-30-11.)

7 Section 15-55. The Criminal Code of 1961 is amended by
8 changing Sections 2-10.1, 11-1.10, 11-1.30, 11-1.60, 11-1.80,
9 11-9.4-1, 11-14.1, 11-14.4, 11-18.1, 11-20.1, 11-20.1B, 12-2,
10 12-3.05, 12-3.2, 12-3.4, 12-4.4a, 12-6.2, 12-7.1, 12-7.3,
11 12-7.4, 12-7.5, 16-0.1, 16-7, 16-30, 17-2, 17-3, 17-10.2,
12 17-10.6, 24-3.8, 24-3.9, 36-1, and 36.5-5 as follows:

13 (720 ILCS 5/2-10.1) (from Ch. 38, par. 2-10.1)

14 Sec. 2-10.1. "Severely or profoundly intellectually
15 disabled person" means a person (i) whose intelligence quotient
16 does not exceed 40 or (ii) whose intelligence quotient does not
17 exceed 55 and who suffers from significant mental illness to
18 the extent that the person's ability to exercise rational
19 judgment is impaired. In any proceeding in which the defendant
20 is charged with committing a violation of Section 10-2, 10-5,
21 11-1.30, 11-1.60, 11-14.4, 11-15.1, 11-19.1, 11-19.2, 11-20.1,
22 11-20.1B, 11-20.3, 12-4.3, 12-14, or 12-16, or subdivision
23 (b) (1) of Section 12-3.05, of this Code against a victim who is
24 alleged to be a severely or profoundly intellectually disabled

1 person, any findings concerning the victim's status as a
2 severely or profoundly intellectually disabled person, made by
3 a court after a judicial admission hearing concerning the
4 victim under Articles V and VI of Chapter 4 of the Mental
5 Health and Developmental Disabilities Code shall be
6 admissible.

7 (Source: P.A. 96-1551, Article 1, Section 960, eff. 7-1-11;
8 96-1551, Article 2, Section 1035, eff. 7-1-11; 97-227, eff.
9 1-1-12; revised 9-12-11.)

10 (720 ILCS 5/11-1.10) (was 720 ILCS 5/12-18)

11 Sec. 11-1.10. General provisions concerning offenses
12 described in Sections 11-1.20 through 11-1.60.

13 (a) No person accused of violating Section 11-1.20,
14 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code shall be
15 presumed to be incapable of committing an offense prohibited by
16 Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this
17 Code because of age, physical condition or relationship to the
18 victim. Nothing in this Section shall be construed to modify or
19 abrogate the affirmative defense of infancy under Section 6-1
20 of this Code or the provisions of Section 5-805 of the Juvenile
21 Court Act of 1987.

22 (b) Any medical examination or procedure which is conducted
23 by a physician, nurse, medical or hospital personnel, parent,
24 or caretaker for purposes and in a manner consistent with
25 reasonable medical standards is not an offense under Section

1 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of this Code.

2 (c) (Blank).

3 (d) (Blank).

4 (e) After a finding at a preliminary hearing that there is
5 probable cause to believe that an accused has committed a
6 violation of Section 11-1.20, 11-1.30, or 11-1.40 of this Code,
7 or after an indictment is returned charging an accused with a
8 violation of Section 11-1.20, 11-1.30, or 11-1.40 of this Code,
9 or after a finding that a defendant charged with a violation of
10 Section 11-1.20, 11-1.30, or 11-1.40 of this Code is unfit to
11 stand trial pursuant to Section 104-16 of the Code of Criminal
12 Procedure of 1963 where the finding is made prior to
13 preliminary hearing, at the request of the person who was the
14 victim of the violation of Section 11-1.20, 11-1.30, or
15 11-1.40, the prosecuting State's attorney shall seek an order
16 from the court to compel the accused to be tested within 48
17 hours for any sexually transmissible disease, including a test
18 for infection with human immunodeficiency virus (HIV). The
19 medical tests shall be performed only by appropriately licensed
20 medical practitioners. Such testing shall consist of a test
21 approved by the Illinois Department of Public Health to
22 determine the presence of HIV infection, based upon
23 recommendations of the United States Centers for Disease
24 Control and Prevention ~~The test for infection with human~~
25 ~~immunodeficiency virus (HIV) shall consist of an enzyme linked~~
26 ~~immunosorbent assay (ELISA) test, or such other test as may be~~

1 ~~approved by the Illinois Department of Public Health;~~ in the
2 event of a positive result, ~~a the Western Blot Assay or a more~~
3 reliable supplemental ~~confirmatory~~ test based upon
4 recommendations of the United States Centers for Disease
5 Control and Prevention shall be administered. The results of
6 the tests and any follow-up tests shall be kept strictly
7 confidential by all medical personnel involved in the testing
8 and must be personally delivered in a sealed envelope to the
9 victim, to the defendant, to the State's Attorney, and to the
10 judge who entered the order, for the judge's inspection in
11 camera. The judge shall provide to the victim a referral to the
12 Illinois Department of Public Health HIV/AIDS toll-free
13 hotline for counseling and information in connection with the
14 test result. Acting in accordance with the best interests of
15 the victim and the public, the judge shall have the discretion
16 to determine to whom, if anyone, the result of the testing may
17 be revealed; however, in no case shall the identity of the
18 victim be disclosed. The court shall order that the cost of the
19 tests shall be paid by the county, and shall be taxed as costs
20 against the accused if convicted.

21 (f) Whenever any law enforcement officer has reasonable
22 cause to believe that a person has been delivered a controlled
23 substance without his or her consent, the law enforcement
24 officer shall advise the victim about seeking medical treatment
25 and preserving evidence.

26 (g) Every hospital providing emergency hospital services

1 to an alleged sexual assault survivor, when there is reasonable
2 cause to believe that a person has been delivered a controlled
3 substance without his or her consent, shall designate personnel
4 to provide:

5 (1) An explanation to the victim about the nature and
6 effects of commonly used controlled substances and how such
7 controlled substances are administered.

8 (2) An offer to the victim of testing for the presence
9 of such controlled substances.

10 (3) A disclosure to the victim that all controlled
11 substances or alcohol ingested by the victim will be
12 disclosed by the test.

13 (4) A statement that the test is completely voluntary.

14 (5) A form for written authorization for sample
15 analysis of all controlled substances and alcohol ingested
16 by the victim.

17 A physician licensed to practice medicine in all its
18 branches may agree to be a designated person under this
19 subsection.

20 No sample analysis may be performed unless the victim
21 returns a signed written authorization within 30 days after the
22 sample was collected.

23 Any medical treatment or care under this subsection shall
24 be only in accordance with the order of a physician licensed to
25 practice medicine in all of its branches. Any testing under
26 this subsection shall be only in accordance with the order of a

1 licensed individual authorized to order the testing.

2 (Source: P.A. 95-926, eff. 8-26-08; 96-1551, eff. 7-1-11;
3 incorporates 97-244, eff. 8-4-11; revised 9-12-11.)

4 (720 ILCS 5/11-1.30) (was 720 ILCS 5/12-14)

5 Sec. 11-1.30. Aggravated Criminal Sexual Assault.

6 (a) A person commits aggravated criminal sexual assault if
7 that person commits criminal sexual assault and any of the
8 following aggravating circumstances exist during the
9 commission of the offense or, for purposes of paragraph (7),
10 occur as part of the same course of conduct as the commission
11 of the offense:

12 (1) the person displays, threatens to use, or uses a
13 dangerous weapon, other than a firearm, or any other object
14 fashioned or used in a manner that leads the victim, under
15 the circumstances, reasonably to believe that the object is
16 a dangerous weapon;

17 (2) the person causes bodily harm to the victim, except
18 as provided in paragraph (10);

19 (3) the person acts in a manner that threatens or
20 endangers the life of the victim or any other person;

21 (4) the person commits the criminal sexual assault
22 during the course of committing or attempting to commit any
23 other felony;

24 (5) the victim is 60 years of age or older;

25 (6) the victim is a physically handicapped person;

1 (7) the person delivers (by injection, inhalation,
2 ingestion, transfer of possession, or any other means) any
3 controlled substance to the victim without the victim's
4 consent or by threat or deception for other than medical
5 purposes;

6 (8) the person is armed with a firearm;

7 (9) the person personally discharges a firearm during
8 the commission of the offense; or

9 (10) the person personally discharges a firearm during
10 the commission of the offense, and that discharge
11 proximately causes great bodily harm, permanent
12 disability, permanent disfigurement, or death to another
13 person.

14 (b) A person commits aggravated criminal sexual assault if
15 that person is under 17 years of age and: (i) commits an act of
16 sexual penetration with a victim who is under 9 years of age;
17 or (ii) commits an act of sexual penetration with a victim who
18 is at least 9 years of age but under 13 years of age and the
19 person uses force or threat of force to commit the act.

20 (c) A person commits aggravated criminal sexual assault if
21 that person commits an act of sexual penetration with a victim
22 who is a severely or profoundly intellectually disabled
23 ~~mentally retarded~~ person.

24 (d) Sentence.

25 (1) Aggravated criminal sexual assault in violation of
26 paragraph (2), (3), (4), (5), (6), or (7) of subsection (a)

1 or in violation of subsection (b) or (c) is a Class X
2 felony. A violation of subsection (a)(1) is a Class X
3 felony for which 10 years shall be added to the term of
4 imprisonment imposed by the court. A violation of
5 subsection (a)(8) is a Class X felony for which 15 years
6 shall be added to the term of imprisonment imposed by the
7 court. A violation of subsection (a)(9) is a Class X felony
8 for which 20 years shall be added to the term of
9 imprisonment imposed by the court. A violation of
10 subsection (a)(10) is a Class X felony for which 25 years
11 or up to a term of natural life imprisonment shall be added
12 to the term of imprisonment imposed by the court.

13 (2) A person who is convicted of a second or subsequent
14 offense of aggravated criminal sexual assault, or who is
15 convicted of the offense of aggravated criminal sexual
16 assault after having previously been convicted of the
17 offense of criminal sexual assault or the offense of
18 predatory criminal sexual assault of a child, or who is
19 convicted of the offense of aggravated criminal sexual
20 assault after having previously been convicted under the
21 laws of this or any other state of an offense that is
22 substantially equivalent to the offense of criminal sexual
23 assault, the offense of aggravated criminal sexual assault
24 or the offense of predatory criminal sexual assault of a
25 child, shall be sentenced to a term of natural life
26 imprisonment. The commission of the second or subsequent

1 offense is required to have been after the initial
2 conviction for this paragraph (2) to apply.

3 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-227, eff.
4 1-1-12; revised 9-12-11.)

5 (720 ILCS 5/11-1.60) (was 720 ILCS 5/12-16)
6 Sec. 11-1.60. Aggravated Criminal Sexual Abuse.

7 (a) A person commits aggravated criminal sexual abuse if
8 that person commits criminal sexual abuse and any of the
9 following aggravating circumstances exist (i) during the
10 commission of the offense or (ii) for purposes of paragraph
11 (7), as part of the same course of conduct as the commission of
12 the offense:

13 (1) the person displays, threatens to use, or uses a
14 dangerous weapon or any other object fashioned or used in a
15 manner that leads the victim, under the circumstances,
16 reasonably to believe that the object is a dangerous
17 weapon;

18 (2) the person causes bodily harm to the victim;

19 (3) the victim is 60 years of age or older;

20 (4) the victim is a physically handicapped person;

21 (5) the person acts in a manner that threatens or
22 endangers the life of the victim or any other person;

23 (6) the person commits the criminal sexual abuse during
24 the course of committing or attempting to commit any other
25 felony; or

1 (7) the person delivers (by injection, inhalation,
2 ingestion, transfer of possession, or any other means) any
3 controlled substance to the victim for other than medical
4 purposes without the victim's consent or by threat or
5 deception.

6 (b) A person commits aggravated criminal sexual abuse if
7 that person commits an act of sexual conduct with a victim who
8 is under 18 years of age and the person is a family member.

9 (c) A person commits aggravated criminal sexual abuse if:

10 (1) that person is 17 years of age or over and: (i)
11 commits an act of sexual conduct with a victim who is under
12 13 years of age; or (ii) commits an act of sexual conduct
13 with a victim who is at least 13 years of age but under 17
14 years of age and the person uses force or threat of force
15 to commit the act; or

16 (2) that person is under 17 years of age and: (i)
17 commits an act of sexual conduct with a victim who is under
18 9 years of age; or (ii) commits an act of sexual conduct
19 with a victim who is at least 9 years of age but under 17
20 years of age and the person uses force or threat of force
21 to commit the act.

22 (d) A person commits aggravated criminal sexual abuse if
23 that person commits an act of sexual penetration or sexual
24 conduct with a victim who is at least 13 years of age but under
25 17 years of age and the person is at least 5 years older than
26 the victim.

1 (e) A person commits aggravated criminal sexual abuse if
2 that person commits an act of sexual conduct with a victim who
3 is a severely or profoundly intellectually disabled ~~mentally~~
4 ~~retarded~~ person.

5 (f) A person commits aggravated criminal sexual abuse if
6 that person commits an act of sexual conduct with a victim who
7 is at least 13 years of age but under 18 years of age and the
8 person is 17 years of age or over and holds a position of
9 trust, authority, or supervision in relation to the victim.

10 (g) Sentence. Aggravated criminal sexual abuse is a Class 2
11 felony.

12 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-227, eff.
13 1-1-12; revised 9-12-11.)

14 (720 ILCS 5/11-1.80) (was 720 ILCS 5/12-18.1)

15 Sec. 11-1.80. Civil Liability.

16 (a) If any person has been convicted of any offense defined
17 in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13,
18 12-14, 12-14.1, 12-15, or 12-16 of this Act, a victim of such
19 offense has a cause of action for damages against any person or
20 entity who, by the manufacture, production, or wholesale
21 distribution of any obscene material which was possessed or
22 viewed by the person convicted of the offense, proximately
23 caused such person, through his or her reading or viewing of
24 the obscene material, to commit the violation of Section
25 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,

1 12-14.1, 12-15, or 12-16. No victim may recover in any such
2 action unless he or she proves by a preponderance of the
3 evidence that: (1) the reading or viewing of the specific
4 obscene material manufactured, produced, or distributed
5 wholesale by the defendant proximately caused the person
6 convicted of the violation of Section 11-1.20, 11-1.30,
7 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
8 12-16 to commit such violation and (2) the defendant knew or
9 had reason to know that the manufacture, production, or
10 wholesale distribution of such material was likely to cause a
11 violation of an offense substantially of the type enumerated.

12 (b) The manufacturer, producer or wholesale distributor
13 shall be liable to the victim for:

14 (1) actual damages incurred by the victim, including
15 medical costs;

16 (2) court costs and reasonable attorneys fees;

17 (3) infliction of emotional distress;

18 (4) pain and suffering; and

19 (5) loss of consortium.

20 (c) Every action under this Section shall be commenced
21 within 3 years after the conviction of the defendant for a
22 violation of Section 11-1.20, 11-1.30, 11-1.40, 11-1.50,
23 11-1.60, 12-13, 12-14, 12-15 or 12-16 of this Code. However, if
24 the victim was under the age of 18 years at the time of the
25 conviction of the defendant for a violation of Section 11-1.20,
26 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1,

1 12-15 or 12-16 of this Code, an action under this Section shall
2 be commenced within 3 years after the victim attains the age of
3 18 years.

4 (d) For the purposes of this Section:

5 (1) "obscene" has the meaning ascribed to it in subsection
6 (b) of Section 11-20 of this Code;

7 (2) "wholesale distributor" means any individual,
8 partnership, corporation, association, or other legal entity
9 which stands between the manufacturer and the retail seller in
10 purchases, consignments, contracts for sale or rental of the
11 obscene material;

12 (3) "producer" means any individual, partnership,
13 corporation, association, or other legal entity which finances
14 or supervises, to any extent, the production or making of
15 obscene material;

16 (4) "manufacturer" means any individual, partnership,
17 corporation, association, or other legal entity which
18 manufactures, assembles or produces obscene material.

19 (Source: P.A. 96-1551, Article 2, Section 5, eff. 7-1-11;
20 96-1551, Article 2, Section 1035, eff. 7-1-11; revised 5-3-11.)

21 (720 ILCS 5/11-9.4-1)

22 Sec. 11-9.4-1. Sexual predator and child sex offender;
23 presence or loitering in or near public parks prohibited.

24 (a) For the purposes of this Section:

25 "Child sex offender" has the meaning ascribed to it in

1 subsection (d) of Section 11-9.3 ~~11-9.4~~ of this Code, but
2 does not include as a sex offense under paragraph (2) of
3 subsection (d) of Section 11-9.3 ~~11-9.4~~, the offenses under
4 subsections (b) and (c) of Section 11-1.50 or subsections
5 (b) and (c) of Section 12-15 of this Code.

6 "Public park" includes a park, forest preserve, or
7 conservation area under the jurisdiction of the State or a
8 unit of local government.

9 "Loiter" means:

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

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

17 "Sexual predator" has the meaning ascribed to it in
18 subsection (E) of Section 2 of the Sex Offender
19 Registration Act.

20 (b) It is unlawful for a sexual predator or a child sex
21 offender to knowingly be present in any public park building or
22 on real property comprising any public park.

23 (c) It is unlawful for a sexual predator or a child sex
24 offender to knowingly loiter on a public way within 500 feet of
25 a public park building or real property comprising any public
26 park. For the purposes of this subsection (c), the 500 feet

1 distance shall be measured from the edge of the property
2 comprising the public park building or the real property
3 comprising the public park.

4 (d) Sentence. A person who violates this Section is guilty
5 of a Class A misdemeanor, except that a second or subsequent
6 violation is a Class 4 felony.

7 (Source: P.A. 96-1099, eff. 1-1-11; revised 10-12-11.)

8 (720 ILCS 5/11-14.1)

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

10 (a) Any person who offers a person not his or her spouse
11 any money, property, token, object, or article or anything of
12 value for that person or any other person not his or her spouse
13 to perform any act of sexual penetration as defined in Section
14 11-0.1 of this Code, or any touching or fondling of the sex
15 organs of one person by another person for the purpose of
16 sexual arousal or gratification, commits solicitation of a
17 sexual act.

18 (b) Sentence. Solicitation of a sexual act is a Class A
19 misdemeanor. Solicitation of a sexual act from a person who is
20 under the age of 18 or who is severely or profoundly
21 intellectually disabled is a Class 4 felony.

22 (b-5) It is an affirmative defense to a charge of
23 solicitation of a sexual act with a person who is under the age
24 of 18 or who is severely or profoundly intellectually disabled
25 that the accused reasonably believed the person was of the age

1 of 18 years or over or was not a severely or profoundly
2 intellectually disabled person at the time of the act giving
3 rise to the charge.

4 (Source: P.A. 96-1464, eff. 8-20-10; 96-1551, eff. 7-1-11;
5 97-227, eff. 1-1-12; revised 9-12-11.)

6 (720 ILCS 5/11-14.4)

7 Sec. 11-14.4. Promoting juvenile prostitution.

8 (a) Any person who knowingly performs any of the following
9 acts commits promoting juvenile prostitution:

10 (1) advances prostitution as defined in Section
11 11-0.1, where the minor engaged in prostitution, or any
12 person engaged in prostitution in the place, is under 18
13 years of age or is severely or profoundly intellectually
14 disabled ~~mentally-retarded~~ at the time of the offense;

15 (2) profits from prostitution by any means where the
16 prostituted person is under 18 years of age or is severely
17 or profoundly intellectually disabled ~~mentally-retarded~~ at
18 the time of the offense;

19 (3) profits from prostitution by any means where the
20 prostituted person is under 13 years of age at the time of
21 the offense;

22 (4) confines a child under the age of 18 or a severely
23 or profoundly intellectually disabled ~~mentally-retarded~~
24 person against his or her will by the infliction or threat
25 of imminent infliction of great bodily harm or permanent

1 disability or disfigurement or by administering to the
2 child or severely or profoundly intellectually disabled
3 ~~mentally retarded~~ person, without his or her consent or by
4 threat or deception and for other than medical purposes,
5 any alcoholic intoxicant or a drug as defined in the
6 Illinois Controlled Substances Act or the Cannabis Control
7 Act or methamphetamine as defined in the Methamphetamine
8 Control and Community Protection Act and:

9 (A) compels the child or severely or profoundly
10 intellectually disabled ~~mentally retarded~~ person to
11 engage in prostitution;

12 (B) arranges a situation in which the child or
13 severely or profoundly intellectually disabled
14 ~~mentally retarded~~ person may practice prostitution; or

15 (C) profits from prostitution by the child or
16 severely or profoundly intellectually disabled
17 ~~mentally retarded~~ person.

18 (b) For purposes of this Section, administering drugs, as
19 defined in subdivision (a) (4), or an alcoholic intoxicant to a
20 child under the age of 13 or a severely or profoundly
21 intellectually disabled ~~mentally retarded~~ person shall be
22 deemed to be without consent if the administering is done
23 without the consent of the parents or legal guardian or if the
24 administering is performed by the parents or legal guardian for
25 other than medical purposes.

26 (c) If the accused did not have a reasonable opportunity to

1 observe the prostituted person, it is an affirmative defense to
2 a charge of promoting juvenile prostitution, except for a
3 charge under subdivision (a)(4), that the accused reasonably
4 believed the person was of the age of 18 years or over or was
5 not a severely or profoundly intellectually disabled ~~mentally~~
6 ~~retarded~~ person at the time of the act giving rise to the
7 charge.

8 (d) Sentence. A violation of subdivision (a)(1) is a Class
9 1 felony, unless committed within 1,000 feet of real property
10 comprising a school, in which case it is a Class X felony. A
11 violation of subdivision (a)(2) is a Class 1 felony. A
12 violation of subdivision (a)(3) is a Class X felony. A
13 violation of subdivision (a)(4) is a Class X felony, for which
14 the person shall be sentenced to a term of imprisonment of not
15 less than 6 years and not more than 60 years. A second or
16 subsequent violation of subdivision (a)(1), (a)(2), or (a)(3),
17 or any combination of convictions under subdivision (a)(1),
18 (a)(2), or (a)(3) and Sections 11-14 (prostitution), 11-14.1
19 (solicitation of a sexual act), 11-14.3 (promoting
20 prostitution), 11-15 (soliciting for a prostitute), 11-15.1
21 (soliciting for a juvenile prostitute), 11-16 (pandering),
22 11-17 (keeping a place of prostitution), 11-17.1 (keeping a
23 place of juvenile prostitution), 11-18 (patronizing a
24 prostitute), 11-18.1 (patronizing a juvenile prostitute),
25 11-19 (pimping), 11-19.1 (juvenile pimping or aggravated
26 juvenile pimping), or 11-19.2 (exploitation of a child) of this

1 Code, is a Class X felony.

2 (e) Forfeiture. Any person convicted of a violation of this
3 Section that involves promoting juvenile prostitution by
4 keeping a place of juvenile prostitution or convicted of a
5 violation of subdivision (a)(4) is subject to the property
6 forfeiture provisions set forth in Article 124B of the Code of
7 Criminal Procedure of 1963.

8 (f) For the purposes of this Section, "prostituted person"
9 means any person who engages in, or agrees or offers to engage
10 in, any act of sexual penetration as defined in Section 11-0.1
11 of this Code for any money, property, token, object, or article
12 or anything of value, or any touching or fondling of the sex
13 organs of one person by another person, for any money,
14 property, token, object, or article or anything of value, for
15 the purpose of sexual arousal or gratification.

16 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-227, eff.
17 1-1-12; revised 9-12-11.)

18 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

19 Sec. 11-18.1. Patronizing a minor engaged in prostitution.

20 (a) Any person who engages in an act of sexual penetration
21 as defined in Section 11-0.1 of this Code with a person engaged
22 in prostitution who is under 18 years of age or is a severely
23 or profoundly intellectually disabled person commits
24 patronizing a minor engaged in prostitution.

25 (a-5) Any person who engages in any touching or fondling,

1 with a person engaged in prostitution who either is under 18
2 years of age or is a severely or profoundly intellectually
3 disabled ~~mentally retarded~~ person, of the sex organs of one
4 person by the other person, with the intent to achieve sexual
5 arousal or gratification, commits patronizing a minor engaged
6 in prostitution.

7 (b) It is an affirmative defense to the charge of
8 patronizing a minor engaged in prostitution that the accused
9 reasonably believed that the person was of the age of 18 years
10 or over or was not a severely or profoundly intellectually
11 disabled person at the time of the act giving rise to the
12 charge.

13 (c) Sentence. A person who commits patronizing a juvenile
14 prostitute is guilty of a Class 3 felony, unless committed
15 within 1,000 feet of real property comprising a school, in
16 which case it is a Class 2 felony. A person convicted of a
17 second or subsequent violation of this Section, or of any
18 combination of such number of convictions under this Section
19 and Sections 11-14 (prostitution), 11-14.1 (solicitation of a
20 sexual act), 11-14.3 (promoting prostitution), 11-14.4
21 (promoting juvenile prostitution), 11-15 (soliciting for a
22 prostitute), 11-15.1 (soliciting for a juvenile prostitute),
23 11-16 (pandering), 11-17 (keeping a place of prostitution),
24 11-17.1 (keeping a place of juvenile prostitution), 11-18
25 (patronizing a prostitute), 11-19 (pimping), 11-19.1 (juvenile
26 pimping or aggravated juvenile pimping), or 11-19.2

1 (exploitation of a child) of this Code, is guilty of a Class 2
2 felony. The fact of such conviction is not an element of the
3 offense and may not be disclosed to the jury during trial
4 unless otherwise permitted by issues properly raised during
5 such trial.

6 (Source: P.A. 96-1464, eff. 8-20-10; 96-1551, eff. 7-1-11;
7 97-227, eff. 1-1-12; revised 10-12-11.)

8 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

9 Sec. 11-20.1. Child pornography.

10 (a) A person commits child pornography who:

11 (1) films, videotapes, photographs, or otherwise
12 depicts or portrays by means of any similar visual medium
13 or reproduction or depicts by computer any child whom he or
14 she knows or reasonably should know to be under the age of
15 18 and at least 13 years of age or any severely or
16 profoundly intellectually disabled person where such child
17 or severely or profoundly intellectually disabled person
18 is:

19 (i) actually or by simulation engaged in any act of
20 sexual penetration or sexual conduct with any person or
21 animal; or

22 (ii) actually or by simulation engaged in any act
23 of sexual penetration or sexual conduct involving the
24 sex organs of the child or severely or profoundly
25 intellectually disabled person and the mouth, anus, or

1 sex organs of another person or animal; or which
2 involves the mouth, anus or sex organs of the child or
3 severely or profoundly intellectually disabled person
4 and the sex organs of another person or animal; or

5 (iii) actually or by simulation engaged in any act
6 of masturbation; or

7 (iv) actually or by simulation portrayed as being
8 the object of, or otherwise engaged in, any act of lewd
9 fondling, touching, or caressing involving another
10 person or animal; or

11 (v) actually or by simulation engaged in any act of
12 excretion or urination within a sexual context; or

13 (vi) actually or by simulation portrayed or
14 depicted as bound, fettered, or subject to sadistic,
15 masochistic, or sadomasochistic abuse in any sexual
16 context; or

17 (vii) depicted or portrayed in any pose, posture or
18 setting involving a lewd exhibition of the unclothed or
19 transparently clothed genitals, pubic area, buttocks,
20 or, if such person is female, a fully or partially
21 developed breast of the child or other person; or

22 (2) with the knowledge of the nature or content
23 thereof, reproduces, disseminates, offers to disseminate,
24 exhibits or possesses with intent to disseminate any film,
25 videotape, photograph or other similar visual reproduction
26 or depiction by computer of any child or severely or

1 profoundly intellectually disabled person whom the person
2 knows or reasonably should know to be under the age of 18
3 and at least 13 years of age or to be a severely or
4 profoundly intellectually disabled person, engaged in any
5 activity described in subparagraphs (i) through (vii) of
6 paragraph (1) of this subsection; or

7 (3) with knowledge of the subject matter or theme
8 thereof, produces any stage play, live performance, film,
9 videotape or other similar visual portrayal or depiction by
10 computer which includes a child whom the person knows or
11 reasonably should know to be under the age of 18 and at
12 least 13 years of age or a severely or profoundly
13 intellectually disabled person engaged in any activity
14 described in subparagraphs (i) through (vii) of paragraph
15 (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 18 and at least 13 years of age
19 or a severely or profoundly intellectually disabled person
20 to appear in any stage play, live presentation, film,
21 videotape, photograph or other similar visual reproduction
22 or depiction by computer in which the child or severely or
23 profoundly intellectually disabled person is or will be
24 depicted, actually or by simulation, in any act, pose or
25 setting described in subparagraphs (i) through (vii) of
26 paragraph (1) of this subsection; or

1 (5) is a parent, step-parent, legal guardian or other
2 person having care or custody of a child whom the person
3 knows or reasonably should know to be under the age of 18
4 and at least 13 years of age or a severely or profoundly
5 intellectually disabled person and who knowingly permits,
6 induces, promotes, or arranges for such child or severely
7 or profoundly intellectually disabled person to appear in
8 any stage play, live performance, film, videotape,
9 photograph or other similar visual presentation, portrayal
10 or simulation or depiction by computer of any act or
11 activity described in subparagraphs (i) through (vii) of
12 paragraph (1) of this subsection; or

13 (6) with knowledge of the nature or content thereof,
14 possesses any film, videotape, photograph or other similar
15 visual reproduction or depiction by computer of any child
16 or severely or profoundly intellectually disabled person
17 whom the person knows or reasonably should know to be under
18 the age of 18 and at least 13 years of age or to be a
19 severely or profoundly intellectually disabled person,
20 engaged in any activity described in subparagraphs (i)
21 through (vii) of paragraph (1) of this subsection; or

22 (7) solicits, or knowingly uses, persuades, induces,
23 entices, or coerces, a person to provide a child under the
24 age of 18 and at least 13 years of age or a severely or
25 profoundly intellectually disabled person to appear in any
26 videotape, photograph, film, stage play, live

1 presentation, or other similar visual reproduction or
2 depiction by computer in which the child or severely or
3 profoundly intellectually disabled person will be
4 depicted, actually or by simulation, in any act, pose, or
5 setting described in subparagraphs (i) through (vii) of
6 paragraph (1) of this subsection.

7 (b) (1) It shall be an affirmative defense to a charge of
8 child pornography that the defendant reasonably believed,
9 under all of the circumstances, that the child was 18 years
10 of age or older or that the person was not a severely or
11 profoundly intellectually disabled person but only where,
12 prior to the act or acts giving rise to a prosecution under
13 this Section, he or she took some affirmative action or
14 made a bonafide inquiry designed to ascertain whether the
15 child was 18 years of age or older or that the person was
16 not a severely or profoundly intellectually disabled
17 person and his or her reliance upon the information so
18 obtained was clearly reasonable.

19 (1.5) Telecommunications carriers, commercial mobile
20 service providers, and providers of information services,
21 including, but not limited to, Internet service providers
22 and hosting service providers, are not liable under this
23 Section by virtue of the transmission, storage, or caching
24 of electronic communications or messages of others or by
25 virtue of the provision of other related
26 telecommunications, commercial mobile services, or

1 information services used by others in violation of this
2 Section.

3 (2) (Blank).

4 (3) The charge of child pornography shall not apply to
5 the performance of official duties by law enforcement or
6 prosecuting officers or persons employed by law
7 enforcement or prosecuting agencies, court personnel or
8 attorneys, nor to bonafide treatment or professional
9 education programs conducted by licensed physicians,
10 psychologists or social workers.

11 (4) If the defendant possessed more than one of the
12 same film, videotape or visual reproduction or depiction by
13 computer in which child pornography is depicted, then the
14 trier of fact may infer that the defendant possessed such
15 materials with the intent to disseminate them.

16 (5) The charge of child pornography does not apply to a
17 person who does not voluntarily possess a film, videotape,
18 or visual reproduction or depiction by computer in which
19 child pornography is depicted. Possession is voluntary if
20 the defendant knowingly procures or receives a film,
21 videotape, or visual reproduction or depiction for a
22 sufficient time to be able to terminate his or her
23 possession.

24 (6) Any violation of paragraph (1), (2), (3), (4), (5),
25 or (7) of subsection (a) that includes a child engaged in,
26 solicited for, depicted in, or posed in any act of sexual

1 penetration or bound, fettered, or subject to sadistic,
2 masochistic, or sadomasochistic abuse in a sexual context
3 shall be deemed a crime of violence.

4 (c) If the violation does not involve a film, videotape, or
5 other moving depiction, a violation of paragraph (1), (4), (5),
6 or (7) of subsection (a) is a Class 1 felony with a mandatory
7 minimum fine of \$2,000 and a maximum fine of \$100,000. If the
8 violation involves a film, videotape, or other moving
9 depiction, a violation of paragraph (1), (4), (5), or (7) of
10 subsection (a) is a Class X felony with a mandatory minimum
11 fine of \$2,000 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 (3) of subsection (a) is a Class 1
14 felony with a mandatory minimum fine of \$1500 and a maximum
15 fine of \$100,000. If the violation involves a film, videotape,
16 or other moving depiction, a violation of paragraph (3) of
17 subsection (a) is a Class X felony with a mandatory minimum
18 fine of \$1500 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 (2) of subsection (a) is a Class 1
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 (2) of
24 subsection (a) is a Class X felony with a mandatory minimum
25 fine of \$1000 and a maximum fine of \$100,000. If the violation
26 does not involve a film, videotape, or other moving depiction,

1 a violation of paragraph (6) of subsection (a) is a Class 3
2 felony with a mandatory minimum fine of \$1000 and a maximum
3 fine of \$100,000. If the violation involves a film, videotape,
4 or other moving depiction, a violation of paragraph (6) of
5 subsection (a) is a Class 2 felony with a mandatory minimum
6 fine of \$1000 and a maximum fine of \$100,000.

7 (d) If a person is convicted of a second or subsequent
8 violation of this Section within 10 years of a prior
9 conviction, the court shall order a presentence psychiatric
10 examination of the person. The examiner shall report to the
11 court whether treatment of the person is necessary.

12 (e) Any film, videotape, photograph or other similar visual
13 reproduction or depiction by computer which includes a child
14 under the age of 18 and at least 13 years of age or a severely
15 or profoundly intellectually disabled person engaged in any
16 activity described in subparagraphs (i) through (vii) or
17 paragraph 1 of subsection (a), and any material or equipment
18 used or intended for use in photographing, filming, printing,
19 producing, reproducing, manufacturing, projecting, exhibiting,
20 depiction by computer, or disseminating such material shall be
21 seized and forfeited in the manner, method and procedure
22 provided by Section 36-1 of this Code for the seizure and
23 forfeiture of vessels, vehicles and aircraft.

24 In addition, any person convicted under this Section is
25 subject to the property forfeiture provisions set forth in
26 Article 124B of the Code of Criminal Procedure of 1963.

1 (e-5) Upon the conclusion of a case brought under this
2 Section, the court shall seal all evidence depicting a victim
3 or witness that is sexually explicit. The evidence may be
4 unsealed and viewed, on a motion of the party seeking to unseal
5 and view the evidence, only for good cause shown and in the
6 discretion of the court. The motion must expressly set forth
7 the purpose for viewing the material. The State's attorney and
8 the victim, if possible, shall be provided reasonable notice of
9 the hearing on the motion to unseal the evidence. Any person
10 entitled to notice of a hearing under this subsection (e-5) may
11 object to the motion.

12 (f) Definitions. For the purposes of this Section:

13 (1) "Disseminate" means (i) to sell, distribute,
14 exchange or transfer possession, whether with or without
15 consideration or (ii) to make a depiction by computer
16 available for distribution or downloading through the
17 facilities of any telecommunications network or through
18 any other means of transferring computer programs or data
19 to a computer.

20 (2) "Produce" means to direct, promote, advertise,
21 publish, manufacture, issue, present or show.

22 (3) "Reproduce" means to make a duplication or copy.

23 (4) "Depict by computer" means to generate or create,
24 or cause to be created or generated, a computer program or
25 data that, after being processed by a computer either alone
26 or in conjunction with one or more computer programs,

1 results in a visual depiction on a computer monitor,
2 screen, or display.

3 (5) "Depiction by computer" means a computer program or
4 data that, after being processed by a computer either alone
5 or in conjunction with one or more computer programs,
6 results in a visual depiction on a computer monitor,
7 screen, or display.

8 (6) "Computer", "computer program", and "data" have
9 the meanings ascribed to them in Section 16D-2 of this
10 Code.

11 (7) For the purposes of this Section, "child
12 pornography" includes a film, videotape, photograph, or
13 other similar visual medium or reproduction or depiction by
14 computer that is, or appears to be, that of a person,
15 either in part, or in total, under the age of 18 and at
16 least 13 years of age or a severely or profoundly
17 intellectually disabled ~~mentally retarded~~ person,
18 regardless of the method by which the film, videotape,
19 photograph, or other similar visual medium or reproduction
20 or depiction by computer is created, adopted, or modified
21 to appear as such. "Child pornography" also includes a
22 film, videotape, photograph, or other similar visual
23 medium or reproduction or depiction by computer that is
24 advertised, promoted, presented, described, or distributed
25 in such a manner that conveys the impression that the film,
26 videotape, photograph, or other similar visual medium or

1 reproduction or depiction by computer is of a person under
2 the age of 18 and at least 13 years of age or a severely or
3 profoundly intellectually disabled ~~mentally retarded~~
4 person.

5 (g) Re-enactment; findings; purposes.

6 (1) The General Assembly finds and declares that:

7 (i) Section 50-5 of Public Act 88-680, effective
8 January 1, 1995, contained provisions amending the
9 child pornography statute, Section 11-20.1 of the
10 Criminal Code of 1961. Section 50-5 also contained
11 other provisions.

12 (ii) In addition, Public Act 88-680 was entitled
13 "AN ACT to create a Safe Neighborhoods Law". (A)
14 Article 5 was entitled JUVENILE JUSTICE and amended the
15 Juvenile Court Act of 1987. (B) Article 15 was entitled
16 GANGS and amended various provisions of the Criminal
17 Code of 1961 and the Unified Code of Corrections. (C)
18 Article 20 was entitled ALCOHOL ABUSE and amended
19 various provisions of the Illinois Vehicle Code. (D)
20 Article 25 was entitled DRUG ABUSE and amended the
21 Cannabis Control Act and the Illinois Controlled
22 Substances Act. (E) Article 30 was entitled FIREARMS
23 and amended the Criminal Code of 1961 and the Code of
24 Criminal Procedure of 1963. (F) Article 35 amended the
25 Criminal Code of 1961, the Rights of Crime Victims and
26 Witnesses Act, and the Unified Code of Corrections. (G)

1 Article 40 amended the Criminal Code of 1961 to
2 increase the penalty for compelling organization
3 membership of persons. (H) Article 45 created the
4 Secure Residential Youth Care Facility Licensing Act
5 and amended the State Finance Act, the Juvenile Court
6 Act of 1987, the Unified Code of Corrections, and the
7 Private Correctional Facility Moratorium Act. (I)
8 Article 50 amended the WIC Vendor Management Act, the
9 Firearm Owners Identification Card Act, the Juvenile
10 Court Act of 1987, the Criminal Code of 1961, the
11 Wrongs to Children Act, and the Unified Code of
12 Corrections.

13 (iii) On September 22, 1998, the Third District
14 Appellate Court in *People v. Dainty*, 701 N.E. 2d 118,
15 ruled that Public Act 88-680 violates the single
16 subject clause of the Illinois Constitution (Article
17 IV, Section 8 (d)) and was unconstitutional in its
18 entirety. As of the time this amendatory Act of 1999
19 was prepared, *People v. Dainty* was still subject to
20 appeal.

21 (iv) Child pornography is a vital concern to the
22 people of this State and the validity of future
23 prosecutions under the child pornography statute of
24 the Criminal Code of 1961 is in grave doubt.

25 (2) It is the purpose of this amendatory Act of 1999 to
26 prevent or minimize any problems relating to prosecutions

1 for child pornography that may result from challenges to
2 the constitutional validity of Public Act 88-680 by
3 re-enacting the Section relating to child pornography that
4 was included in Public Act 88-680.

5 (3) This amendatory Act of 1999 re-enacts Section
6 11-20.1 of the Criminal Code of 1961, as it has been
7 amended. This re-enactment is intended to remove any
8 question as to the validity or content of that Section; it
9 is not intended to supersede any other Public Act that
10 amends the text of the Section as set forth in this
11 amendatory Act of 1999. The material is shown as existing
12 text (i.e., without underscoring) because, as of the time
13 this amendatory Act of 1999 was prepared, *People v. Dainty*
14 was subject to appeal to the Illinois Supreme Court.

15 (4) The re-enactment by this amendatory Act of 1999 of
16 Section 11-20.1 of the Criminal Code of 1961 relating to
17 child pornography that was amended by Public Act 88-680 is
18 not intended, and shall not be construed, to imply that
19 Public Act 88-680 is invalid or to limit or impair any
20 legal argument concerning whether those provisions were
21 substantially re-enacted by other Public Acts.

22 (Source: P.A. 96-292, eff. 1-1-10; 96-712, eff. 1-1-10;
23 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-157, eff.
24 1-1-12; 97-227, eff. 1-1-12; revised 9-12-11.)

25 (720 ILCS 5/11-20.1B) (was 720 ILCS 5/11-20.3)

1 Sec. 11-20.1B. Aggravated child pornography.

2 (a) A person commits aggravated child pornography who:

3 (1) films, videotapes, photographs, or otherwise
4 depicts or portrays by means of any similar visual medium
5 or reproduction or depicts by computer any child whom he or
6 she knows or reasonably should know to be under the age of
7 13 years where such child is:

8 (i) actually or by simulation engaged in any act of
9 sexual penetration or sexual conduct with any person or
10 animal; or

11 (ii) actually or by simulation engaged in any act
12 of sexual penetration or sexual conduct involving the
13 sex organs of the child and the mouth, anus, or sex
14 organs of another person or animal; or which involves
15 the mouth, anus or sex organs of the child and the sex
16 organs of another person or animal; or

17 (iii) actually or by simulation engaged in any act
18 of masturbation; or

19 (iv) actually or by simulation portrayed as being
20 the object of, or otherwise engaged in, any act of lewd
21 fondling, touching, or caressing involving another
22 person or animal; or

23 (v) actually or by simulation engaged in any act of
24 excretion or urination within a sexual context; or

25 (vi) actually or by simulation portrayed or
26 depicted as bound, fettered, or subject to sadistic,

1 masochistic, or sadomasochistic abuse in any sexual
2 context; or

3 (vii) depicted or portrayed in any pose, posture or
4 setting involving a lewd exhibition of the unclothed or
5 transparently clothed genitals, pubic area, buttocks,
6 or, if such person is female, a fully or partially
7 developed breast of the child or other person; or

8 (2) with the knowledge of the nature or content
9 thereof, reproduces, disseminates, offers to disseminate,
10 exhibits or possesses with intent to disseminate any film,
11 videotape, photograph or other similar visual reproduction
12 or depiction by computer of any child whom the person knows
13 or reasonably should know to be under the age of 13 engaged
14 in any activity described in subparagraphs (i) through
15 (vii) of paragraph (1) of this subsection; or

16 (3) with knowledge of the subject matter or theme
17 thereof, produces any stage play, live performance, film,
18 videotape or other similar visual portrayal or depiction by
19 computer which includes a child whom the person knows or
20 reasonably should know to be under the age of 13 engaged in
21 any activity described in subparagraphs (i) through (vii)
22 of paragraph (1) of this subsection; or

23 (4) solicits, uses, persuades, induces, entices, or
24 coerces any child whom he or she knows or reasonably should
25 know to be under the age of 13 to appear in any stage play,
26 live presentation, film, videotape, photograph or other

1 similar visual reproduction or depiction by computer in
2 which the child or severely or profoundly intellectually
3 disabled ~~mentally-retarded~~ person is or will be depicted,
4 actually or by simulation, in any act, pose or setting
5 described in subparagraphs (i) through (vii) of paragraph
6 (1) of this subsection; or

7 (5) is a parent, step-parent, legal guardian or other
8 person having care or custody of a child whom the person
9 knows or reasonably should know to be under the age of 13
10 and who knowingly permits, induces, promotes, or arranges
11 for such child to appear in any stage play, live
12 performance, film, videotape, photograph or other similar
13 visual presentation, portrayal or simulation or depiction
14 by computer of any act or activity described in
15 subparagraphs (i) through (vii) of paragraph (1) of this
16 subsection; or

17 (6) with knowledge of the nature or content thereof,
18 possesses any film, videotape, photograph or other similar
19 visual reproduction or depiction by computer of any child
20 whom the person knows or reasonably should know to be under
21 the age of 13 engaged in any activity described in
22 subparagraphs (i) through (vii) of paragraph (1) of this
23 subsection; or

24 (7) solicits, or knowingly uses, persuades, induces,
25 entices, or coerces a person to provide a child under the
26 age of 13 to appear in any videotape, photograph, film,

1 stage play, live presentation, or other similar visual
2 reproduction or depiction by computer in which the child
3 will be depicted, actually or by simulation, in any act,
4 pose, or setting described in subparagraphs (i) through
5 (vii) of paragraph (1) of this subsection.

6 (b)(1) It shall be an affirmative defense to a charge of
7 aggravated child pornography that the defendant reasonably
8 believed, under all of the circumstances, that the child was 13
9 years of age or older, but only where, prior to the act or acts
10 giving rise to a prosecution under this Section, he or she took
11 some affirmative action or made a bonafide inquiry designed to
12 ascertain whether the child was 13 years of age or older and
13 his or her reliance upon the information so obtained was
14 clearly reasonable.

15 (2) The charge of aggravated child pornography shall not
16 apply to the performance of official duties by law enforcement
17 or prosecuting officers or persons employed by law enforcement
18 or prosecuting agencies, court personnel or attorneys, nor to
19 bonafide treatment or professional education programs
20 conducted by licensed physicians, psychologists or social
21 workers.

22 (3) If the defendant possessed more than 3 of the same
23 film, videotape or visual reproduction or depiction by computer
24 in which aggravated child pornography is depicted, then the
25 trier of fact may infer that the defendant possessed such
26 materials with the intent to disseminate them.

1 (4) The charge of aggravated child pornography does not
2 apply to a person who does not voluntarily possess a film,
3 videotape, or visual reproduction or depiction by computer in
4 which aggravated child pornography is depicted. Possession is
5 voluntary if the defendant knowingly procures or receives a
6 film, videotape, or visual reproduction or depiction for a
7 sufficient time to be able to terminate his or her possession.

8 (5) Any violation of paragraph (1), (2), (3), (4), (5), or
9 (7) of subsection (a) that includes a child engaged in,
10 solicited for, depicted in, or posed in any act of sexual
11 penetration or bound, fettered, or subject to sadistic,
12 masochistic, or sadomasochistic abuse in a sexual context shall
13 be deemed a crime of violence.

14 (c) Sentence: (1) A person who commits a violation of
15 paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) is
16 guilty of a Class X felony with a mandatory minimum fine of
17 \$2,000 and a maximum fine of \$100,000.

18 (2) A person who commits a violation of paragraph (6) of
19 subsection (a) is guilty of a Class 2 felony with a mandatory
20 minimum fine of \$1000 and a maximum fine of \$100,000.

21 (3) A person who commits a violation of paragraph (1), (2),
22 (3), (4), (5), or (7) of subsection (a) where the defendant has
23 previously been convicted under the laws of this State or any
24 other state of the offense of child pornography, aggravated
25 child pornography, aggravated criminal sexual abuse,
26 aggravated criminal sexual assault, predatory criminal sexual

1 assault of a child, or any of the offenses formerly known as
2 rape, deviate sexual assault, indecent liberties with a child,
3 or aggravated indecent liberties with a child where the victim
4 was under the age of 18 years or an offense that is
5 substantially equivalent to those offenses, is guilty of a
6 Class X felony for which the person shall be sentenced to a
7 term of imprisonment of not less than 9 years with a mandatory
8 minimum fine of \$2,000 and a maximum fine of \$100,000.

9 (4) A person who commits a violation of paragraph (6) of
10 subsection (a) where the defendant has previously been
11 convicted under the laws of this State or any other state of
12 the offense of child pornography, aggravated child
13 pornography, aggravated criminal sexual abuse, aggravated
14 criminal sexual assault, predatory criminal sexual assault of a
15 child, or any of the offenses formerly known as rape, deviate
16 sexual assault, indecent liberties with a child, or aggravated
17 indecent liberties with a child where the victim was under the
18 age of 18 years or an offense that is substantially equivalent
19 to those offenses, is guilty of a Class 1 felony with a
20 mandatory minimum fine of \$1000 and a maximum fine of \$100,000.

21 (d) If a person is convicted of a second or subsequent
22 violation of this Section within 10 years of a prior
23 conviction, the court shall order a presentence psychiatric
24 examination of the person. The examiner shall report to the
25 court whether treatment of the person is necessary.

26 (e) Any film, videotape, photograph or other similar visual

1 reproduction or depiction by computer which includes a child
2 under the age of 13 engaged in any activity described in
3 subparagraphs (i) through (vii) of paragraph (1) of subsection
4 (a), and any material or equipment used or intended for use in
5 photographing, filming, printing, producing, reproducing,
6 manufacturing, projecting, exhibiting, depiction by computer,
7 or disseminating such material shall be seized and forfeited in
8 the manner, method and procedure provided by Section 36-1 of
9 this Code for the seizure and forfeiture of vessels, vehicles
10 and aircraft.

11 In addition, any person convicted under this Section is
12 subject to the property forfeiture provisions set forth in
13 Article 124B of the Code of Criminal Procedure of 1963.

14 (e-5) Upon the conclusion of a case brought under this
15 Section, the court shall seal all evidence depicting a victim
16 or witness that is sexually explicit. The evidence may be
17 unsealed and viewed, on a motion of the party seeking to unseal
18 and view the evidence, only for good cause shown and in the
19 discretion of the court. The motion must expressly set forth
20 the purpose for viewing the material. The State's attorney and
21 the victim, if possible, shall be provided reasonable notice of
22 the hearing on the motion to unseal the evidence. Any person
23 entitled to notice of a hearing under this subsection (e-5) may
24 object to the motion.

25 (f) Definitions. For the purposes of this Section:

26 (1) "Disseminate" means (i) to sell, distribute,

1 exchange or transfer possession, whether with or without
2 consideration or (ii) to make a depiction by computer
3 available for distribution or downloading through the
4 facilities of any telecommunications network or through
5 any other means of transferring computer programs or data
6 to a computer.

7 (2) "Produce" means to direct, promote, advertise,
8 publish, manufacture, issue, present or show.

9 (3) "Reproduce" means to make a duplication or copy.

10 (4) "Depict by computer" means to generate or create,
11 or cause to be created or generated, a computer program or
12 data that, after being processed by a computer either alone
13 or in conjunction with one or more computer programs,
14 results in a visual depiction on a computer monitor,
15 screen, or display.

16 (5) "Depiction by computer" means a computer program or
17 data that, after being processed by a computer either alone
18 or in conjunction with one or more computer programs,
19 results in a visual depiction on a computer monitor,
20 screen, or display.

21 (6) "Computer", "computer program", and "data" have
22 the meanings ascribed to them in Section 16D-2 of this
23 Code.

24 (7) For the purposes of this Section, "child" means a
25 person, either in part or in total, under the age of 13,
26 regardless of the method by which the film, videotape,

1 photograph, or other similar visual medium or reproduction
2 or depiction by computer is created, adopted, or modified
3 to appear as such.

4 (g) When a charge of aggravated child pornography is
5 brought, the age of the child is an element of the offense to
6 be resolved by the trier of fact as either exceeding or not
7 exceeding the age in question. The trier of fact can rely on
8 its own everyday observations and common experiences in making
9 this determination.

10 (Source: P.A. 95-579, eff. 6-1-08; 96-292, eff. 1-1-10; 96-712,
11 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11;
12 incorporates 97-227, eff. 1-1-12; revised 9-12-11.)

13 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

14 Sec. 12-2. Aggravated assault.

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

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

22 (1) A physically handicapped person or a person 60
23 years of age or older and the assault is without legal
24 justification.

25 (2) A teacher or school employee upon school grounds or

1 grounds adjacent to a school or in any part of a building
2 used for school purposes.

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

6 (4) A peace officer, community policing volunteer,
7 fireman, private security officer, emergency management
8 worker, emergency medical technician, or utility worker:

9 (i) performing his or her official duties;

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

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

14 (5) A correctional officer or probation officer:

15 (i) performing his or her official duties;

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

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

20 (6) A correctional institution employee, a county
21 juvenile detention center employee who provides direct and
22 continuous supervision of residents of a juvenile
23 detention center, including a county juvenile detention
24 center employee who supervises recreational activity for
25 residents of a juvenile detention center, or a Department
26 of Human Services employee, Department of Human Services

1 officer, or employee of a subcontractor of the Department
2 of Human Services supervising or controlling sexually
3 dangerous persons or sexually violent persons:

4 (i) performing his or her official duties;

5 (ii) assaulted to prevent performance of his or her
6 official duties; or

7 (iii) assaulted in retaliation for performing his
8 or her official duties.

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

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

14 (9) A sports official or coach actively participating
15 in any level of athletic competition within a sports venue,
16 on an indoor playing field or outdoor playing field, or
17 within the immediate vicinity of such a facility or field.

18 (10) A person authorized to serve process under Section
19 2-202 of the Code of Civil Procedure or a special process
20 server appointed by the circuit court, while that
21 individual is in the performance of his or her duties as a
22 process server.

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

26 (1) Uses a deadly weapon, an air rifle as defined in

1 the Air Rifle Act, or any device manufactured and designed
2 to be substantially similar in appearance to a firearm,
3 other than by discharging a firearm.

4 (2) Discharges a firearm, other than from a motor
5 vehicle.

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

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

9 (5) Knowingly and without lawful justification shines
10 or flashes a laser gun sight or other laser device attached
11 to a firearm, or used in concert with a firearm, so that
12 the laser beam strikes near or in the immediate vicinity of
13 any person.

14 (6) Uses a firearm, other than by discharging the
15 firearm, against a peace officer, community policing
16 volunteer, fireman, private security officer, emergency
17 management worker, emergency medical technician, employee
18 of a police department, employee of a sheriff's department,
19 or traffic control municipal employee:

20 (i) performing his or her official duties;

21 (ii) assaulted to prevent performance of his or her
22 official duties; or

23 (iii) assaulted in retaliation for performing his
24 or her official duties.

25 (7) Without justification operates a motor vehicle in a
26 manner which places a person, other than a person listed in

1 subdivision (b) (4), in reasonable apprehension of being
2 struck by the moving motor vehicle.

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

7 (d) Sentence. Aggravated assault as defined in subdivision
8 (a), (b) (1), (b) (2), (b) (3), (b) (4), (b) (7), (b) (8), (b) (9),
9 (c) (1), or (c) (4) is a Class A misdemeanor, except that
10 aggravated assault as defined in subdivision (b) (4) and (b) (7)
11 is a Class 4 felony if a Category I, Category II, or Category
12 III weapon is used in the commission of the assault. Aggravated
13 assault as defined in subdivision (b) (5), (b) (6), (b) (10),
14 (c) (2), (c) (5), (c) (6), or (c) (7) is a Class 4 felony.
15 Aggravated assault as defined in subdivision (c) (3) or (c) (8)
16 is a Class 3 felony.

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

20 ~~an employee of a county juvenile detention center who provides~~
21 ~~direct and continuous supervision of residents of a juvenile~~
22 ~~detention center, including an employee of a county juvenile~~
23 ~~detention center who supervises recreational activity for~~
24 ~~residents of a juvenile detention center,~~

25 ~~or~~

26 ~~(20) Knows the individual assaulted to be either:~~

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

3 ~~(B) a special process server appointed by the~~
4 ~~circuit court;~~

5 ~~while that individual is in the performance of his or her~~
6 ~~duties as a process server.~~

7 ~~, and (20)~~

8 (Source: P.A. 96-201, eff. 8-10-09; 96-1000, eff. 7-2-10;
9 96-1109, eff. 1-1-11; 96-1398, eff. 7-29-10; 96-1551, eff.
10 7-1-11; 97-225, eff. 7-28-11; 97-313, eff. 1-1-12; 97-333, eff.
11 8-12-11; revised 9-12-11.)

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

13 Sec. 12-3.05. Aggravated battery.

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

18 (1) Causes great bodily harm or permanent disability or
19 disfigurement.

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

25 (3) Causes great bodily harm or permanent disability or

1 disfigurement to an individual whom the person knows to be
2 a peace officer, community policing volunteer, fireman,
3 private security officer, correctional institution
4 employee, or Department of Human Services employee
5 supervising or controlling sexually dangerous persons or
6 sexually violent persons:

7 (i) performing his or her official duties;

8 (ii) battered to prevent performance of his or her
9 official duties; or

10 (iii) battered in retaliation for performing his
11 or her official duties.

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

14 (5) Strangles another individual.

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

20 (1) causes great bodily harm or permanent disability or
21 disfigurement to any child under the age of 13 years, or to
22 any severely or profoundly intellectually disabled
23 ~~mentally retarded~~ person; or

24 (2) causes bodily harm or disability or disfigurement
25 to any child under the age of 13 years or to any severely
26 or profoundly intellectually disabled ~~mentally retarded~~

1 person.

2 (c) Offense based on location of conduct. A person commits
3 aggravated battery when, in committing a battery, other than by
4 the discharge of a firearm, he or she is or the person battered
5 is on or about a public way, public property, a public place of
6 accommodation or amusement, a sports venue, or a domestic
7 violence shelter.

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

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

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

14 (3) A teacher or school employee upon school grounds or
15 grounds adjacent to a school or in any part of a building
16 used for school purposes.

17 (4) A peace officer, community policing volunteer,
18 fireman, private security officer, correctional
19 institution employee, or Department of Human Services
20 employee supervising or controlling sexually dangerous
21 persons or sexually violent persons:

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

3 (i) performing his or her official duties;

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

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

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

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

13 (8) A taxi driver on duty.

14 (9) A merchant who detains the person for an alleged
15 commission of retail theft under Section 16-26 of this Code
16 and the person without legal justification by any means
17 causes bodily harm to the merchant.

18 (10) A person authorized to serve process under Section
19 2-202 of the Code of Civil Procedure or a special process
20 server appointed by the circuit court while that individual
21 is in the performance of his or her duties as a process
22 server.

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

26 (1) Discharges a firearm, other than a machine gun or a

1 firearm equipped with a silencer, and causes any injury to
2 another person.

3 (2) Discharges a firearm, other than a machine gun or a
4 firearm equipped with a silencer, and causes any injury to
5 a person he or she knows to be a peace officer, community
6 policing volunteer, person summoned by a police officer,
7 fireman, private security officer, correctional
8 institution employee, or emergency management worker:

9 (i) performing his or her official duties;

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

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

14 (3) Discharges a firearm, other than a machine gun or a
15 firearm equipped with a silencer, and causes any injury to
16 a person he or she knows to be an emergency medical
17 technician employed by a municipality or other
18 governmental unit:

19 (i) performing his or her official duties;

20 (ii) battered to prevent performance of his or her
21 official duties; or

22 (iii) battered in retaliation for performing his
23 or her official duties.

24 (4) Discharges a firearm and causes any injury to a
25 person he or she knows to be a teacher, a student in a
26 school, or a school employee, and the teacher, student, or

1 employee is upon school grounds or grounds adjacent to a
2 school or in any part of a building used for school
3 purposes.

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

6 (6) Discharges a machine gun or a firearm equipped with
7 a silencer, and causes any injury to a person he or she
8 knows to be a peace officer, community policing volunteer,
9 person summoned by a police officer, fireman, private
10 security officer, correctional institution employee or
11 emergency management worker:

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

21 (i) performing his or her official duties;

22 (ii) battered to prevent performance of his or her
23 official duties; or

24 (iii) battered in retaliation for performing his
25 or her official duties.

26 (8) Discharges a machine gun or a firearm equipped with

1 a silencer, and causes any injury to a person he or she
2 knows to be a teacher, or a student in a school, or a
3 school employee, and the teacher, student, or employee is
4 upon school grounds or grounds adjacent to a school or in
5 any part of a building used for school purposes.

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

9 (1) Uses a deadly weapon other than by discharge of a
10 firearm, or uses an air rifle as defined in the Air Rifle
11 Act.

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

14 (3) Knowingly and without lawful justification shines
15 or flashes a laser gunsight or other laser device attached
16 to a firearm, or used in concert with a firearm, so that
17 the laser beam strikes upon or against the person of
18 another.

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

22 (1) Violates Section 401 of the Illinois Controlled
23 Substances Act by unlawfully delivering a controlled
24 substance to another and any user experiences great bodily
25 harm or permanent disability as a result of the injection,
26 inhalation, or ingestion of any amount of the controlled

1 substance.

2 (2) Knowingly administers to an individual or causes
3 him or her to take, without his or her consent or by threat
4 or deception, and for other than medical purposes, any
5 intoxicating, poisonous, stupefying, narcotic, anesthetic,
6 or controlled substance, or gives to another person any
7 food containing any substance or object intended to cause
8 physical injury if eaten.

9 (3) Knowingly causes or attempts to cause a
10 correctional institution employee or Department of Human
11 Services employee to come into contact with blood, seminal
12 fluid, urine, or feces by throwing, tossing, or expelling
13 the fluid or material, and the person is an inmate of a
14 penal institution or is a sexually dangerous person or
15 sexually violent person in the custody of the Department of
16 Human Services.

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

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

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

23 Aggravated battery as defined in subdivision (a)(1) is a
24 Class 1 felony when the aggravated battery was intentional and
25 involved the infliction of torture, as defined in paragraph
26 (14) of subsection (b) of Section 9-1 of this Code, as the

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

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

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

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

11 (C) the person has been previously convicted of a
12 violation of subdivision (a)(5) under the laws of this
13 State or laws similar to subdivision (a)(5) of any other
14 state.

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

17 Aggravated battery as defined in subdivision (a)(2) is a
18 Class X felony for which a person shall be sentenced to a term
19 of imprisonment of a minimum of 6 years and a maximum of 45
20 years.

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

25 Aggravated battery as defined in subdivision (e)(2),
26 (e)(3), or (e)(4) is a Class X felony for which a person shall

1 be sentenced to a term of imprisonment of a minimum of 15 years
2 and a maximum of 60 years.

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

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

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

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

15 (3) if, during the commission of the offense, the
16 person personally discharged a firearm that proximately
17 caused great bodily harm, permanent disability, permanent
18 disfigurement, or death to another person, 25 years or up
19 to a term of natural life shall be added to the term of
20 imprisonment imposed by the court.

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

22 "Building or other structure used to provide shelter" has
23 the meaning ascribed to "shelter" in Section 1 of the Domestic
24 Violence Shelters Act.

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

1 "Domestic violence shelter" means any building or other
2 structure used to provide shelter or other services to victims
3 or to the dependent children of victims of domestic violence
4 pursuant to the Illinois Domestic Violence Act of 1986 or the
5 Domestic Violence Shelters Act, or any place within 500 feet of
6 such a building or other structure in the case of a person who
7 is going to or from such a building or other structure.

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

11 "Machine gun" has the meaning ascribed to it in Section
12 24-1 of this Code.

13 "Merchant" has the meaning ascribed to it in Section 16-0.1
14 of this Code.

15 "Strangle" means intentionally impeding the normal
16 breathing or circulation of the blood of an individual by
17 applying pressure on the throat or neck of that individual or
18 by blocking the nose or mouth of that individual.

19 (Source: P.A. 96-201, eff. 8-10-09; 96-363, eff. 8-13-09;
20 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-597, eff.
21 1-1-12; incorporates 97-227, eff. 1-1-12, 97-313, eff. 1-1-12,
22 and 97-467, eff. 1-1-12; revised 10-12-11.)

23 (720 ILCS 5/12-3.2) (from Ch. 38, par. 12-3.2)

24 Sec. 12-3.2. Domestic battery.

25 (a) A person commits domestic battery if he or she

1 knowingly without legal justification by any means:

2 (1) Causes bodily harm to any family or household
3 member;

4 (2) Makes physical contact of an insulting or provoking
5 nature with any family or household member.

6 (b) Sentence. Domestic battery is a Class A misdemeanor.
7 Domestic battery is a Class 4 felony if the defendant has any
8 prior conviction under this Code for domestic battery (Section
9 12-3.2) or violation of an order of protection (Section 12-3.4
10 or 12-30), or any prior conviction under the law of another
11 jurisdiction for an offense which is substantially similar.
12 Domestic battery is a Class 4 felony if the defendant has any
13 prior conviction under this Code for first degree murder
14 (Section 9-1), attempt to commit first degree murder (Section
15 8-4), aggravated domestic battery (Section 12-3.3), aggravated
16 battery (Section 12-3.05 or 12-4), heinous battery (Section
17 12-4.1), aggravated battery with a firearm (Section 12-4.2),
18 aggravated battery with a machine gun or a firearm equipped
19 with a silencer (Section 12-4.2-5), aggravated battery of a
20 child (Section 12-4.3), aggravated battery of an unborn child
21 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),
22 aggravated battery of a senior citizen (Section 12-4.6),
23 stalking (Section 12-7.3), aggravated stalking (Section
24 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13),
25 aggravated criminal sexual assault (Section 11-1.30 or 12-14),
26 kidnapping (Section 10-1), aggravated kidnapping (Section

1 10-2), predatory criminal sexual assault of a child (Section
2 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section
3 11-1.60 or 12-16), unlawful restraint (Section 10-3),
4 aggravated unlawful restraint (Section 10-3.1), aggravated
5 arson (Section 20-1.1), or aggravated discharge of a firearm
6 (Section 24-1.2), or any prior conviction under the law of
7 another jurisdiction for any offense that is substantially
8 similar to the offenses listed in this Section, when any of
9 these offenses have been committed against a family or
10 household member. In addition to any other sentencing
11 alternatives, for any second or subsequent conviction of
12 violating this Section, the offender shall be mandatorily
13 sentenced to a minimum of 72 consecutive hours of imprisonment.
14 The imprisonment shall not be subject to suspension, nor shall
15 the person be eligible for probation in order to reduce the
16 sentence.

17 (c) Domestic battery committed in the presence of a child.
18 In addition to any other sentencing alternatives, a defendant
19 who commits, in the presence of a child, a felony domestic
20 battery (enhanced under subsection (b)), aggravated domestic
21 battery (Section 12-3.3), aggravated battery (Section 12-3.05
22 or 12-4), unlawful restraint (Section 10-3), or aggravated
23 unlawful restraint (Section 10-3.1) against a family or
24 household member shall be required to serve a mandatory minimum
25 imprisonment of 10 days or perform 300 hours of community
26 service, or both. The defendant shall further be liable for the

1 cost of any counseling required for the child at the discretion
2 of the court in accordance with subsection (b) of Section 5-5-6
3 of the Unified Code of Corrections. For purposes of this
4 Section, "child" means a person under 18 years of age who is
5 the defendant's or victim's child or step-child or who is a
6 minor child residing within or visiting the household of the
7 defendant or victim.

8 (d) Upon conviction of domestic battery, the court shall
9 advise the defendant orally or in writing, substantially as
10 follows: "An individual convicted of domestic battery may be
11 subject to federal criminal penalties for possessing,
12 transporting, shipping, or receiving any firearm or ammunition
13 in violation of the federal Gun Control Act of 1968 (18 U.S.C.
14 922(g) (8) and (9))." A notation shall be made in the court file
15 that the admonition was given.

16 (Source: P.A. 96-287, eff. 8-11-09; 96-1551, Article 1, Section
17 5, eff. 7-1-11; 96-1551, Article 2, Section 1035, eff. 7-1-11;
18 revised 9-30-11.)

19 (720 ILCS 5/12-3.4) (was 720 ILCS 5/12-30)

20 Sec. 12-3.4. Violation of an order of protection.

21 (a) A person commits violation of an order of protection
22 if:

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

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

5 (ii) a remedy, which is substantially similar to
6 the remedies authorized under paragraphs (1), (2),
7 (3), (14) or (14.5) of subsection (b) of Section 214 of
8 the Illinois Domestic Violence Act of 1986, in a valid
9 order of protection, which is authorized under the laws
10 of another state, tribe or United States territory,

11 (iii) any other remedy when the act constitutes a
12 crime against the protected parties as the term
13 protected parties is defined in Section 112A-4 of the
14 Code of Criminal Procedure of 1963; and

15 (2) Such violation occurs after the offender has been
16 served notice of the contents of the order, pursuant to the
17 Illinois Domestic Violence Act of 1986 or any substantially
18 similar statute of another state, tribe or United States
19 territory, or otherwise has acquired actual knowledge of
20 the contents of the order.

21 An order of protection issued by a state, tribal or
22 territorial court related to domestic or family violence shall
23 be deemed valid if the issuing court had jurisdiction over the
24 parties and matter under the law of the state, tribe or
25 territory. There shall be a presumption of validity where an
26 order is certified and appears authentic on its face. For

1 purposes of this Section, an "order of protection" may have
2 been issued in a criminal or civil proceeding.

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

7 (b) Nothing in this Section shall be construed to diminish
8 the inherent authority of the courts to enforce their lawful
9 orders through civil or criminal contempt proceedings.

10 (c) The limitations placed on law enforcement liability by
11 Section 305 of the Illinois Domestic Violence Act of 1986 apply
12 to actions taken under this Section.

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

1 (subsection (a-5) of Section 12-3.1, or Section 12-4.4),
2 aggravated battery of a senior citizen (Section 12-4.6),
3 stalking (Section 12-7.3), aggravated stalking (Section
4 12-7.4), criminal sexual assault (Section 11-1.20 or 12-13),
5 aggravated criminal sexual assault (Section 11-1.30 or 12-14),
6 kidnapping (Section 10-1), aggravated kidnapping (Section
7 10-2), predatory criminal sexual assault of a child (Section
8 11-1.40 or 12-14.1), aggravated criminal sexual abuse (Section
9 11-1.60 or 12-16), unlawful restraint (Section 10-3),
10 aggravated unlawful restraint (Section 10-3.1), aggravated
11 arson (Section 20-1.1), aggravated discharge of a firearm
12 (Section 24-1.2), or a violation of any former law of this
13 State that is substantially similar to any listed offense, when
14 any of these offenses have been committed against a family or
15 household member as defined in Section 112A-3 of the Code of
16 Criminal Procedure of 1963. The court shall impose a minimum
17 penalty of 24 hours imprisonment for defendant's second or
18 subsequent violation of any order of protection; unless the
19 court explicitly finds that an increased penalty or such period
20 of imprisonment would be manifestly unjust. In addition to any
21 other penalties, the court may order the defendant to pay a
22 fine as authorized under Section 5-9-1 of the Unified Code of
23 Corrections or to make restitution to the victim under Section
24 5-5-6 of the Unified Code of Corrections. In addition to any
25 other penalties, including those imposed by Section 5-9-1.5 of
26 the Unified Code of Corrections, the court shall impose an

1 additional fine of \$20 as authorized by Section 5-9-1.11 of the
2 Unified Code of Corrections upon any person convicted of or
3 placed on supervision for a violation of this Section. The
4 additional fine shall be imposed for each violation of this
5 Section.

6 (e) (Blank).

7 (f) A defendant who directed the actions of a third party
8 to violate this Section, under the principles of accountability
9 set forth in Article 5 of this Code, is guilty of violating
10 this Section as if the same had been personally done by the
11 defendant, without regard to the mental state of the third
12 party acting at the direction of the defendant.

13 (Source: P.A. 96-1551, Article 1, Section 5, eff. 7-1-11;
14 96-1551, Article 2, Section 1035, eff. 7-1-11; incorporates
15 97-311, eff. 8-11-11; revised 9-11-11.)

16 (720 ILCS 5/12-4.4a)

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

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

22 (1) A person or an owner or licensee commits abuse of a
23 long term care facility resident when he or she knowingly
24 causes any physical or mental injury to, or commits any
25 sexual offense in this Code against, a resident.

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

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

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

21 (C) abandons a resident.

22 (3) A person or an owner or licensee commits neglect of
23 a long term care facility resident when he or she
24 negligently fails to provide adequate medical care,
25 personal care, or maintenance to the resident which results
26 in physical or mental injury or deterioration of the

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

7 (b) Criminal abuse or neglect of an elderly person or
8 person with a disability.

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

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

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

21 (C) abandons the person;

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

24 (E) exposes the person to willful deprivation.

25 (2) It is not a defense to criminal abuse or neglect of
26 an elderly person or person with a disability that the

1 caregiver reasonably believed that the victim was not an
2 elderly person or person with a disability.

3 (c) Offense not applicable.

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

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

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

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

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

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

8 (d) Sentence.

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

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

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

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

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

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

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

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

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

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

1 disability's health and personal care.

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

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

13 "Licensee" means the individual or entity licensed to
14 operate a facility under the Nursing Home Care Act, the
15 Specialized Mental Health Rehabilitation Act, the ID/DD ~~MR/DD~~
16 Community Care Act, or the Assisted Living and Shared Housing
17 Act.

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

1 nursing facilities and intermediate care facilities as defined
2 in Titles XVIII and XIX of the federal Social Security Act and
3 assisted living establishments and shared housing
4 establishments licensed under the Assisted Living and Shared
5 Housing Act.

6 "Owner" means the owner a long term care facility as
7 provided in the Nursing Home Care Act, the owner of a facility
8 as provided under the Specialized Mental Health Rehabilitation
9 Act, the owner of a facility as provided in the ID/DD ~~MR/DD~~
10 Community Care Act, or the owner of an assisted living or
11 shared housing establishment as provided in the Assisted Living
12 and Shared Housing Act.

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

18 "Resident" means a person residing in a long term care
19 facility.

20 "Willful deprivation" has the meaning ascribed to it in
21 paragraph (15) of Section 103 of the Illinois Domestic Violence
22 Act of 1986.

23 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-38, eff.
24 6-28-11, and 97-227, eff. 1-1-12; revised 9-12-11.)

1 Sec. 12-6.2. Aggravated intimidation.

2 (a) A person commits aggravated intimidation when he or she
3 commits intimidation and:

4 (1) the person committed the offense in furtherance of
5 the activities of an organized gang or because of the
6 person's membership in or allegiance to an organized gang;
7 or

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

10 (3) the following conditions are met:

11 (A) the person knew that the victim was a peace
12 officer, a correctional institution employee, a
13 fireman, a community policing volunteer, ~~or~~ or ~~(v)~~ a
14 civilian reporting information regarding a forcible
15 felony to a law enforcement agency; and

16 (B) the offense was committed:

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

19 (ii) to prevent the victim from performing his
20 or her official duties;

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

23 (iv) by reason of any person's activity as a
24 community policing volunteer; or

25 (v) because the person reported information
26 regarding a forcible felony to a law enforcement

1 agency.

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

7 (c) (Blank).

8 (Source: P.A. 96-1551, eff. 7-1-11; 97-162, eff. 1-1-12;
9 revised 9-12-11.)

10 (720 ILCS 5/12-7.1) (from Ch. 38, par. 12-7.1)

11 Sec. 12-7.1. Hate crime.

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

1 clauses (a) (2) and (a) (4) of Section 1-2 of the Harassing and
2 Obscene Communications Act.

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

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

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

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

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

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

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

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

26 (b-10) Upon imposition of any sentence, the trial court

1 shall also either order restitution paid to the victim or
2 impose a fine up to \$1,000. In addition, any order of probation
3 or conditional discharge entered following a conviction or an
4 adjudication of delinquency shall include a condition that the
5 offender perform public or community service of no less than
6 200 hours if that service is established in the county where
7 the offender was convicted of hate crime. In addition, any
8 order of probation or conditional discharge entered following a
9 conviction or an adjudication of delinquency shall include a
10 condition that the offender enroll in an educational program
11 discouraging hate crimes if the offender caused criminal damage
12 to property consisting of religious fixtures, objects, or
13 decorations. The educational program may be administered, as
14 determined by the court, by a university, college, community
15 college, non-profit organization, or the Holocaust and
16 Genocide Commission. Nothing in this subsection (b-10)
17 prohibits courses discouraging hate crimes from being made
18 available online. The court may also impose any other condition
19 of probation or conditional discharge under this Section.

20 (c) Independent of any criminal prosecution or the result
21 thereof, any person suffering injury to his person or damage to
22 his property as a result of hate crime may bring a civil action
23 for damages, injunction or other appropriate relief. The court
24 may award actual damages, including damages for emotional
25 distress, or punitive damages. A judgment may include
26 attorney's fees and costs. The parents or legal guardians,

1 other than guardians appointed pursuant to the Juvenile Court
2 Act or the Juvenile Court Act of 1987, of an unemancipated
3 minor shall be liable for the amount of any judgment for actual
4 damages rendered against such minor under this subsection (c)
5 in any amount not exceeding the amount provided under Section 5
6 of the Parental Responsibility Law.

7 (d) "Sexual orientation" means heterosexuality,
8 homosexuality, or bisexuality.

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

11 (720 ILCS 5/12-7.3) (from Ch. 38, par. 12-7.3)

12 Sec. 12-7.3. Stalking.

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

17 (1) fear for his or her safety or the safety of a third
18 person; or

19 (2) suffer other emotional distress.

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

24 (1) at any time transmits a threat of immediate or
25 future bodily harm, sexual assault, confinement or

1 restraint and the threat is directed towards that person or
2 a family member of that person; or

3 (2) places that person in reasonable apprehension of
4 immediate or future bodily harm, sexual assault,
5 confinement or restraint to or of that person or a family
6 member of that person.

7 (a-5) A person commits stalking when he or she has
8 previously been convicted of stalking another person and
9 knowingly and without lawful justification on one occasion:

10 (1) follows that same person or places that same person
11 under surveillance; and

12 (2) transmits a threat of immediate or future bodily
13 harm, sexual assault, confinement or restraint to that
14 person or a family member of that person.

15 (b) Sentence. Stalking is a Class 4 felony; a second or
16 subsequent conviction is a Class 3 felony.

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

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

26 (2) "Electronic communication" means any transfer of

1 signs, signals, writings, sounds, data, or intelligence of
2 any nature transmitted in whole or in part by a wire,
3 radio, electromagnetic, photoelectric, or photo-optical
4 system. "Electronic communication" includes transmissions
5 by a computer through the Internet to another computer.

6 (3) "Emotional distress" means significant mental
7 suffering, anxiety or alarm.

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

15 (5) "Follows another person" means (i) to move in
16 relative proximity to a person as that person moves from
17 place to place or (ii) to remain in relative proximity to a
18 person who is stationary or whose movements are confined to
19 a small area. "Follows another person" does not include a
20 following within the residence of the defendant.

21 (6) "Non-consensual contact" means any contact with
22 the victim that is initiated or continued without the
23 victim's consent, including but not limited to being in the
24 physical presence of the victim; appearing within the sight
25 of the victim; approaching or confronting the victim in a
26 public place or on private property; appearing at the

1 workplace or residence of the victim; entering onto or
2 remaining on property owned, leased, or occupied by the
3 victim; or placing an object on, or delivering an object
4 to, property owned, leased, or occupied by the victim.

5 (7) "Places a person under surveillance" means: (1)
6 remaining present outside the person's school, place of
7 employment, vehicle, other place occupied by the person, or
8 residence other than the residence of the defendant; or (2)
9 placing an electronic tracking device on the person or the
10 person's property.

11 (8) "Reasonable person" means a person in the victim's
12 situation.

13 (9) "Transmits a threat" means a verbal or written
14 threat or a threat implied by a pattern of conduct or a
15 combination of verbal or written statements or conduct.

16 (d) Exemptions.

17 (1) This Section does not apply to any individual or
18 organization (i) monitoring or attentive to compliance
19 with public or worker safety laws, wage and hour
20 requirements, or other statutory requirements, or (ii)
21 picketing occurring at the workplace that is otherwise
22 lawful and arises out of a bona fide labor dispute,
23 including any controversy concerning wages, salaries,
24 hours, working conditions or benefits, including health
25 and welfare, sick leave, insurance, and pension or
26 retirement provisions, the making or maintaining of

1 collective bargaining agreements, and the terms to be
2 included in those agreements.

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

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

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

19 (d-10) A defendant who directed the actions of a third
20 party to violate this Section, under the principles of
21 accountability set forth in Article 5 of this Code, is guilty
22 of violating this Section as if the same had been personally
23 done by the defendant, without regard to the mental state of
24 the third party acting at the direction of the defendant.

25 (Source: P.A. 96-686, eff. 1-1-10; 96-1551, eff. 7-1-11;
26 97-311, eff. 8-11-11; revised 9-19-11.)

1 (720 ILCS 5/12-7.4) (from Ch. 38, par. 12-7.4)

2 Sec. 12-7.4. Aggravated stalking.

3 (a) A person commits aggravated stalking when he or she
4 commits stalking and:

5 (1) causes bodily harm to the victim;

6 (2) confines or restrains the victim; or

7 (3) violates a temporary restraining order, an order of
8 protection, a stalking no contact order, a civil no contact
9 order, or an injunction prohibiting the behavior described
10 in subsection (b)(1) of Section 214 of the Illinois
11 Domestic Violence Act of 1986.

12 (a-1) A person commits aggravated stalking when he or she
13 is required to register under the Sex Offender Registration Act
14 or has been previously required to register under that Act and
15 commits the offense of stalking when the victim of the stalking
16 is also the victim of the offense for which the sex offender is
17 required to register under the Sex Offender Registration Act or
18 a family member of the victim.

19 (b) Sentence. Aggravated stalking is a Class 3 felony; a
20 second or subsequent conviction is a Class 2 felony.

21 (c) Exemptions.

22 (1) This Section does not apply to any individual or
23 organization (i) monitoring or attentive to compliance
24 with public or worker safety laws, wage and hour
25 requirements, or other statutory requirements, or (ii)

1 picketing occurring at the workplace that is otherwise
2 lawful and arises out of a bona fide labor dispute
3 including any controversy concerning wages, salaries,
4 hours, working conditions or benefits, including health
5 and welfare, sick leave, insurance, and pension or
6 retirement provisions, the managing or maintenance of
7 collective bargaining agreements, and the terms to be
8 included in those agreements.

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

11 (3) Telecommunications carriers, commercial mobile
12 service providers, and providers of information services,
13 including, but not limited to, Internet service providers
14 and hosting service providers, are not liable under this
15 Section, except for willful and wanton misconduct, by
16 virtue of the transmission, storage, or caching of
17 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 (d) A defendant who directed the actions of a third party
23 to violate this Section, under the principles of accountability
24 set forth in Article 5 of this Code, is guilty of violating
25 this Section as if the same had been personally done by the
26 defendant, without regard to the mental state of the third

1 party acting at the direction of the defendant.

2 (Source: P.A. 96-686, eff. 1-1-10; 96-1551, eff. 7-1-11;
3 97-311, eff. 8-11-11; 97-468, eff. 1-1-12; revised 9-12-11.)

4 (720 ILCS 5/12-7.5)

5 Sec. 12-7.5. Cyberstalking.

6 (a) A person commits cyberstalking when he or she engages
7 in a course of conduct using electronic communication directed
8 at a specific person, and he or she knows or should know that
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 cyberstalking when he or she,
14 knowingly and without lawful justification, on at least 2
15 separate occasions, harasses another person through the use of
16 electronic communication 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 or a family member of that
22 person in reasonable apprehension of immediate or future
23 bodily harm, sexual assault, confinement, or restraint; or

24 (3) at any time knowingly solicits the commission of an
25 act by any person which would be a violation of this Code

1 directed towards that person or a family member of that
2 person.

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

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

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

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

19 (b) Sentence. Cyberstalking is a Class 4 felony; a second
20 or subsequent conviction is a Class 3 felony.

21 (c) For purposes of this Section:

22 (1) "Course of conduct" means 2 or more acts, including
23 but not limited to acts in which a defendant directly,
24 indirectly, or through third parties, by any action,
25 method, device, or means follows, monitors, observes,
26 surveils, threatens, or communicates to or about, a person,

1 engages in other non-consensual contact, or interferes
2 with or damages a person's property or pet. The
3 incarceration in a penal institution of a person who
4 commits the course of conduct is not a bar to prosecution
5 under this Section.

6 (2) "Electronic communication" means any transfer of
7 signs, signals, writings, sounds, data, or intelligence of
8 any nature transmitted in whole or in part by a wire,
9 radio, electromagnetic, photoelectric, or photo-optical
10 system. "Electronic communication" includes transmissions
11 through an electronic device including, but not limited to,
12 a telephone, cellular phone, computer, or pager, which
13 communication includes, but is not limited to, e-mail,
14 instant message, text message, or voice mail.

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

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

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

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

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

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

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

20 (e) A defendant who directed the actions of a third party
21 to violate this Section, under the principles of accountability
22 set forth in Article 5 of this Code, is guilty of violating
23 this Section as if the same had been personally done by the
24 defendant, without regard to the mental state of the third
25 party acting at the direction of the defendant.

26 (Source: P.A. 96-328, eff. 8-11-09; 96-686, eff. 1-1-10;

1 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-303, eff.
2 8-11-11; 97-311, eff. 8-11-11; revised 9-12-11.)

3 (720 ILCS 5/16-0.1)

4 Sec. 16-0.1. Definitions. In this Article, unless the
5 context clearly requires otherwise, the following terms are
6 defined as indicated:

7 "Access" means to use, instruct, communicate with, store
8 data in, retrieve or intercept data from, or otherwise utilize
9 any services of a computer.

10 "Coin-operated machine" includes any automatic vending
11 machine or any part thereof, parking meter, coin telephone,
12 coin-operated transit turnstile, transit fare box, coin
13 laundry machine, coin dry cleaning machine, amusement machine,
14 music machine, vending machine dispensing goods or services, or
15 money changer.

16 "Communication device" means any type of instrument,
17 device, machine, or equipment which is capable of transmitting,
18 acquiring, decrypting, or receiving any telephonic,
19 electronic, data, Internet access, audio, video, microwave, or
20 radio transmissions, signals, communications, or services,
21 including the receipt, acquisition, transmission, or
22 decryption of all such communications, transmissions, signals,
23 or services provided by or through any cable television, fiber
24 optic, telephone, satellite, microwave, radio, Internet-based,
25 data transmission, or wireless distribution network, system or

1 facility; or any part, accessory, or component thereof,
2 including any computer circuit, security module, smart card,
3 software, computer chip, electronic mechanism or other
4 component, accessory or part of any communication device which
5 is capable of facilitating the transmission, decryption,
6 acquisition or reception of all such communications,
7 transmissions, signals, or services.

8 "Communication service" means any service lawfully
9 provided for a charge or compensation to facilitate the lawful
10 origination, transmission, emission, or reception of signs,
11 signals, data, writings, images, and sounds or intelligence of
12 any nature by telephone, including cellular telephones or a
13 wire, wireless, radio, electromagnetic, photo-electronic or
14 photo-optical system; and also any service lawfully provided by
15 any radio, telephone, cable television, fiber optic,
16 satellite, microwave, Internet-based or wireless distribution
17 network, system, facility or technology, including, but not
18 limited to, any and all electronic, data, video, audio,
19 Internet access, telephonic, microwave and radio
20 communications, transmissions, signals and services, and any
21 such communications, transmissions, signals and services
22 lawfully provided directly or indirectly by or through any of
23 those networks, systems, facilities or technologies.

24 "Communication service provider" means: (1) any person or
25 entity providing any communication service, whether directly
26 or indirectly, as a reseller, including, but not limited to, a

1 cellular, paging or other wireless communications company or
2 other person or entity which, for a fee, supplies the facility,
3 cell site, mobile telephone switching office or other equipment
4 or communication service; (2) any person or entity owning or
5 operating any cable television, fiber optic, satellite,
6 telephone, wireless, microwave, radio, data transmission or
7 Internet-based distribution network, system or facility; and
8 (3) any person or entity providing any communication service
9 directly or indirectly by or through any such distribution
10 system, network or facility.

11 "Computer" means a device that accepts, processes, stores,
12 retrieves or outputs data, and includes but is not limited to
13 auxiliary storage and telecommunications devices connected to
14 computers.

15 "Continuing course of conduct" means a series of acts, and
16 the accompanying mental state necessary for the crime in
17 question, irrespective of whether the series of acts are
18 continuous or intermittent.

19 "Delivery container" means any bakery basket of wire or
20 plastic used to transport or store bread or bakery products,
21 any dairy case of wire or plastic used to transport or store
22 dairy products, and any dolly or cart of 2 or 4 wheels used to
23 transport or store any bakery or dairy product.

24 "Document-making implement" means any implement,
25 impression, template, computer file, computer disc, electronic
26 device, computer hardware, computer software, instrument, or

1 device that is used to make a real or fictitious or fraudulent
2 personal identification document.

3 "Financial transaction device" means any of the following:

4 (1) An electronic funds transfer card.

5 (2) A credit card.

6 (3) A debit card.

7 (4) A point-of-sale card.

8 (5) Any instrument, device, card, plate, code, account
9 number, personal identification number, or a record or copy
10 of a code, account number, or personal identification
11 number or other means of access to a credit account or
12 deposit account, or a driver's license or State
13 identification card used to access a proprietary account,
14 other than access originated solely by a paper instrument,
15 that can be used alone or in conjunction with another
16 access device, for any of the following purposes:

17 (A) Obtaining money, cash refund or credit
18 account, credit, goods, services, or any other thing of
19 value.

20 (B) Certifying or guaranteeing to a person or
21 business the availability to the device holder of funds
22 on deposit to honor a draft or check payable to the
23 order of that person or business.

24 (C) Providing the device holder access to a deposit
25 account for the purpose of making deposits,
26 withdrawing funds, transferring funds between deposit

1 accounts, obtaining information pertaining to a
2 deposit account, or making an electronic funds
3 transfer.

4 "Full retail value" means the merchant's stated or
5 advertised price of the merchandise. "Full retail value"
6 includes the aggregate value of property obtained from retail
7 thefts committed by the same person as part of a continuing
8 course of conduct from one or more mercantile establishments in
9 a single transaction or in separate transactions over a period
10 of one year.

11 "Internet" means an interactive computer service or system
12 or an information service, system, or access software provider
13 that provides or enables computer access by multiple users to a
14 computer server, and includes, but is not limited to, an
15 information service, system, or access software provider that
16 provides access to a network system commonly known as the
17 Internet, or any comparable system or service and also
18 includes, but is not limited to, a World Wide Web page,
19 newsgroup, message board, mailing list, or chat area on any
20 interactive computer service or system or other online service.

21 "Library card" means a card or plate issued by a library
22 facility for purposes of identifying the person to whom the
23 library card was issued as authorized to borrow library
24 material, subject to all limitations and conditions imposed on
25 the borrowing by the library facility issuing such card.

26 "Library facility" includes any public library or museum,

1 or any library or museum of an educational, historical or
2 eleemosynary institution, organization or society.

3 "Library material" includes any book, plate, picture,
4 photograph, engraving, painting, sculpture, statue, artifact,
5 drawing, map, newspaper, pamphlet, broadside, magazine,
6 manuscript, document, letter, microfilm, sound recording,
7 audiovisual material, magnetic or other tape, electronic data
8 processing record or other documentary, written or printed
9 material regardless of physical form or characteristics, or any
10 part thereof, belonging to, or on loan to or otherwise in the
11 custody of a library facility.

12 "Manufacture or assembly of an unlawful access device"
13 means to make, produce or assemble an unlawful access device or
14 to modify, alter, program or re-program any instrument, device,
15 machine, equipment or software so that it is capable of
16 defeating or circumventing any technology, device or software
17 used by the provider, owner or licensee of a communication
18 service or of any data, audio or video programs or
19 transmissions to protect any such communication, data, audio or
20 video services, programs or transmissions from unauthorized
21 access, acquisition, disclosure, receipt, decryption,
22 communication, transmission or re-transmission.

23 "Manufacture or assembly of an unlawful communication
24 device" means to make, produce or assemble an unlawful
25 communication or wireless device or to modify, alter, program
26 or reprogram a communication or wireless device to be capable

1 of acquiring, disrupting, receiving, transmitting, decrypting,
2 or facilitating the acquisition, disruption, receipt,
3 transmission or decryption of, a communication service without
4 the express consent or express authorization of the
5 communication service provider, or to knowingly assist others
6 in those activities.

7 "Master sound recording" means the original physical
8 object on which a given set of sounds were first recorded and
9 which the original object from which all subsequent sound
10 recordings embodying the same set of sounds are directly or
11 indirectly derived.

12 "Merchandise" means any item of tangible personal
13 property, including motor fuel.

14 "Merchant" means an owner or operator of any retail
15 mercantile establishment or any agent, employee, lessee,
16 consignee, officer, director, franchisee, or independent
17 contractor of the owner or operator. "Merchant" also means a
18 person who receives from an authorized user of a payment card,
19 or someone the person believes to be an authorized user, a
20 payment card or information from a payment card, or what the
21 person believes to be a payment card or information from a
22 payment card, as the instrument for obtaining, purchasing or
23 receiving goods, services, money, or anything else of value
24 from the person.

25 "Motor fuel" means a liquid, regardless of its properties,
26 used to propel a vehicle, including gasoline and diesel.

1 "Online" means the use of any electronic or wireless device
2 to access the Internet.

3 "Payment card" means a credit card, charge card, debit
4 card, or any other card that is issued to an authorized card
5 user and that allows the user to obtain, purchase, or receive
6 goods, services, money, or anything else of value from a
7 merchant.

8 "Person with a disability" means a person who suffers from
9 a physical or mental impairment resulting from disease, injury,
10 functional disorder or congenital condition that impairs the
11 individual's mental or physical ability to independently
12 manage his or her property or financial resources, or both.

13 "Personal identification document" means a birth
14 certificate, a driver's license, a State identification card, a
15 public, government, or private employment identification card,
16 a social security card, a firearm owner's identification card,
17 a credit card, a debit card, or a passport issued to or on
18 behalf of a person other than the offender, or any document
19 made or issued, or falsely purported to have been made or
20 issued, by or under the authority of the United States
21 Government, the State of Illinois, or any other state political
22 subdivision of any state, or any other governmental or
23 quasi-governmental organization that is of a type intended for
24 the purpose of identification of an individual, or any such
25 document made or altered in a manner that it falsely purports
26 to have been made on behalf of or issued to another person or

1 by the authority of one who did not give that authority.

2 "Personal identifying information" means any of the
3 following information:

4 (1) A person's name.

5 (2) A person's address.

6 (3) A person's date of birth.

7 (4) A person's telephone number.

8 (5) A person's driver's license number or State of
9 Illinois identification card as assigned by the Secretary
10 of State of the State of Illinois or a similar agency of
11 another state.

12 (6) A person's social security number.

13 (7) A person's public, private, or government
14 employer, place of employment, or employment
15 identification number.

16 (8) The maiden name of a person's mother.

17 (9) The number assigned to a person's depository
18 account, savings account, or brokerage account.

19 (10) The number assigned to a person's credit or debit
20 card, commonly known as a "Visa Card", "MasterCard",
21 "American Express Card", "Discover Card", or other similar
22 cards whether issued by a financial institution,
23 corporation, or business entity.

24 (11) Personal identification numbers.

25 (12) Electronic identification numbers.

26 (13) Digital signals.

1 (14) User names, passwords, and any other word, number,
2 character or combination of the same usable in whole or
3 part to access information relating to a specific
4 individual, or to the actions taken, communications made or
5 received, or other activities or transactions of a specific
6 individual.

7 (15) Any other numbers or information which can be used
8 to access a person's financial resources, or to identify a
9 specific individual, or the actions taken, communications
10 made or received, or other activities or transactions of a
11 specific individual.

12 "Premises of a retail mercantile establishment" includes,
13 but is not limited to, the retail mercantile establishment; any
14 common use areas in shopping centers; and all parking areas set
15 aside by a merchant or on behalf of a merchant for the parking
16 of vehicles for the convenience of the patrons of such retail
17 mercantile establishment.

18 "Public water, gas, or power supply, or other public
19 services" mean any service subject to regulation by the
20 Illinois Commerce Commission; any service furnished by a public
21 utility that is owned and operated by any political
22 subdivision, public institution of higher education or
23 municipal corporation of this State; any service furnished by
24 any public utility that is owned by such political subdivision,
25 public institution of higher education, or municipal
26 corporation and operated by any of its lessees or operating

1 agents; any service furnished by an electric cooperative as
2 defined in Section 3.4 of the Electric Supplier Act; or
3 wireless service or other service regulated by the Federal
4 Communications Commission.

5 "Publish" means to communicate or disseminate information
6 to any one or more persons, either orally, in person, or by
7 telephone, radio or television or in writing of any kind,
8 including, without limitation, a letter or memorandum,
9 circular or handbill, newspaper or magazine article or book.

10 "Radio frequency identification device" means any
11 implement, computer file, computer disc, electronic device,
12 computer hardware, computer software, or instrument that is
13 used to activate, read, receive, or decode information stored
14 on a RFID tag or transponder attached to a personal
15 identification document.

16 "RFID tag or transponder" means a chip or device that
17 contains personal identifying information from which the
18 personal identifying information can be read or decoded by
19 another device emitting a radio frequency that activates or
20 powers a radio frequency emission response from the chip or
21 transponder.

22 "Reencoder" means an electronic device that places encoded
23 information from the magnetic strip or stripe of a payment card
24 onto the magnetic strip or stripe of a different payment card.

25 "Retail mercantile establishment" means any place where
26 merchandise is displayed, held, stored or offered for sale to

1 the public.

2 "Scanning device" means a scanner, reader, or any other
3 electronic device that is used to access, read, scan, obtain,
4 memorize, or store, temporarily or permanently, information
5 encoded on the magnetic strip or stripe of a payment card.

6 "Shopping cart" means those push carts of the type or types
7 which are commonly provided by grocery stores, drug stores or
8 other retail mercantile establishments for the use of the
9 public in transporting commodities in stores and markets and,
10 incidentally, from the stores to a place outside the store.

11 "Sound or audio visual recording" means any sound or audio
12 visual phonograph record, disc, pre-recorded tape, film, wire,
13 magnetic tape or other object, device or medium, now known or
14 hereafter invented, by which sounds or images may be reproduced
15 with or without the use of any additional machine, equipment or
16 device.

17 "Theft detection device remover" means any tool or device
18 specifically designed and intended to be used to remove any
19 theft detection device from any merchandise.

20 "Under-ring" means to cause the cash register or other
21 sales recording device to reflect less than the full retail
22 value of the merchandise.

23 "Unidentified sound or audio visual recording" means a
24 sound or audio visual recording without the actual name and
25 full and correct street address of the manufacturer, and the
26 name of the actual performers or groups prominently and legibly

1 printed on the outside cover or jacket and on the label of such
2 sound or audio visual recording.

3 "Unlawful access device" means any type of instrument,
4 device, machine, equipment, technology, or software which is
5 primarily possessed, used, designed, assembled, manufactured,
6 sold, distributed or offered, promoted or advertised for the
7 purpose of defeating or circumventing any technology, device or
8 software, or any component or part thereof, used by the
9 provider, owner or licensee of any communication service or of
10 any data, audio or video programs or transmissions to protect
11 any such communication, audio or video services, programs or
12 transmissions from unauthorized access, acquisition, receipt,
13 decryption, disclosure, communication, transmission or
14 re-transmission.

15 "Unlawful communication device" means any electronic
16 serial number, mobile identification number, personal
17 identification number or any communication or wireless device
18 that is capable of acquiring or facilitating the acquisition of
19 a communication service without the express consent or express
20 authorization of the communication service provider, or that
21 has been altered, modified, programmed or reprogrammed, alone
22 or in conjunction with another communication or wireless device
23 or other equipment, to so acquire or facilitate the
24 unauthorized acquisition of a communication service. "Unlawful
25 communication device" also means:

26 (1) any phone altered to obtain service without the

1 express consent or express authorization of the
2 communication service provider, tumbler phone, counterfeit
3 or clone phone, tumbler microchip, counterfeit or clone
4 microchip, scanning receiver of wireless communication
5 service or other instrument capable of disguising its
6 identity or location or of gaining unauthorized access to a
7 communications or wireless system operated by a
8 communication service provider; and

9 (2) any communication or wireless device which is
10 capable of, or has been altered, designed, modified,
11 programmed or reprogrammed, alone or in conjunction with
12 another communication or wireless device or devices, so as
13 to be capable of, facilitating the disruption,
14 acquisition, receipt, transmission or decryption of a
15 communication service without the express consent or
16 express authorization of the communication service
17 provider, including, but not limited to, any device,
18 technology, product, service, equipment, computer software
19 or component or part thereof, primarily distributed, sold,
20 designed, assembled, manufactured, modified, programmed,
21 reprogrammed or used for the purpose of providing the
22 unauthorized receipt of, transmission of, disruption of,
23 decryption of, access to or acquisition of any
24 communication service provided by any communication
25 service provider.

26 "Vehicle" means a motor vehicle, motorcycle, or farm

1 implement that is self-propelled and that uses motor fuel for
2 propulsion.

3 "Wireless device" includes any type of instrument, device,
4 machine, or equipment that is capable of transmitting or
5 receiving telephonic, electronic or radio communications, or
6 any part of such instrument, device, machine, or equipment, or
7 any computer circuit, computer chip, electronic mechanism, or
8 other component that is capable of facilitating the
9 transmission or reception of telephonic, electronic, or radio
10 communications.

11 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-388, eff.
12 1-1-12; revised 9-21-11.)

13 (720 ILCS 5/16-7) (from Ch. 38, par. 16-7)

14 Sec. 16-7. Unlawful use of recorded sounds or images.

15 (a) A person commits unlawful use of recorded sounds or
16 images when he or she knowingly or recklessly:

17 (1) transfers or causes to be transferred without the
18 consent of the owner, any sounds or images recorded on any
19 sound or audio visual recording with the intent of selling
20 or causing to be sold, or using or causing to be used for
21 profit the article to which such sounds or recordings of
22 sound are transferred;

23 (2) sells, offers for sale, advertises for sale, uses
24 or causes to be used for profit any such article described
25 in subdivision (a) (1) without consent of the owner;

1 (3) offers or makes available for a fee, rental or any
2 other form of compensation, directly or indirectly, any
3 equipment or machinery for the purpose of use by another to
4 reproduce or transfer, without the consent of the owner,
5 any sounds or images recorded on any sound or audio visual
6 recording to another sound or audio visual recording or for
7 the purpose of use by another to manufacture any sound or
8 audio visual recording in violation of subsection (b); or

9 (4) transfers or causes to be transferred without the
10 consent of the owner, any live performance with the intent
11 of selling or causing to be sold, or using or causing to be
12 used for profit the sound or audio visual recording to
13 which the performance is transferred.

14 (b) A person commits unlawful use of unidentified sound or
15 audio visual recordings when he or she knowingly, recklessly,
16 or negligently for profit manufacturers, sells, distributes,
17 vends, circulates, performs, leases, possesses, or otherwise
18 deals in and with unidentified sound or audio visual recordings
19 or causes the manufacture, sale, distribution, vending,
20 circulation, performance, lease, or other dealing in and with
21 unidentified sound or audio visual recordings.

22 (c) For the purposes of this Section, "owner" means the
23 person who owns the master sound recording on which sound is
24 recorded and from which the transferred recorded sounds are
25 directly or indirectly derived, or the person who owns the
26 rights to record or authorize the recording of a live

1 performance.

2 For the purposes of this Section, "manufacturer" means the
3 person who actually makes or causes to be made a sound or audio
4 visual recording. "Manufacturer" does not include a person who
5 manufactures the medium upon which sounds or visual images can
6 be recorded or stored, or who manufactures the cartridge or
7 casing itself.

8 (d) Sentence. Unlawful use of recorded sounds or images or
9 unidentified sound or audio visual recordings is a Class 4
10 felony; however:

11 (1) If the offense involves more than 100 but not
12 exceeding 1000 unidentified sound recordings or more than 7
13 but not exceeding 65 unidentified audio visual recordings
14 during any 180 day period the authorized fine is up to
15 \$100,000; and

16 (2) If the offense involves more than 1,000
17 unidentified sound recordings or more than 65 unidentified
18 audio visual recordings during any 180 day period the
19 authorized fine is up to \$250,000.

20 (e) Upon conviction of any violation of subsection (b), the
21 offender shall be sentenced to make restitution to any owner or
22 lawful producer of a master sound or audio visual recording, or
23 to the trade association representing such owner or lawful
24 producer, that has suffered injury resulting from the crime.
25 The order of restitution shall be based on the aggregate
26 wholesale value of lawfully manufactured and authorized sound

1 or audio visual recordings corresponding to the non-conforming
2 recorded devices involved in the offense, and shall include
3 investigative costs relating to the offense.

4 (f) Subsection (a) of this Section shall neither enlarge
5 nor diminish the rights of parties in private litigation.

6 (g) Subsection (a) of this Section does not apply to any
7 person engaged in the business of radio or television
8 broadcasting who transfers, or causes to be transferred, any
9 sounds (other than from the sound track of a motion picture)
10 solely for the purpose of broadcast transmission.

11 (h) Each individual manufacture, distribution or sale or
12 transfer for a consideration of such recorded devices in
13 contravention of subsection (a) of this Section constitutes a
14 separate violation of this Section. Each individual
15 manufacture, sale, distribution, vending, circulation,
16 performance, lease, possession, or other dealing in and with an
17 unidentified sound or audio visual recording under subsection
18 (b) of this Section constitutes a separate violation of this
19 Section.

20 (i) Any sound or audio visual recordings containing
21 transferred sounds or a performance whose transfer was not
22 authorized by the owner of the master sound recording or
23 performance, or any unidentified sound or audio visual
24 recording used, in violation of this Section, or in the attempt
25 to commit such violation as defined in Section 8-4, or in a
26 conspiracy to commit such violation as defined in Section 8-2,

1 or in a solicitation to commit such offense as defined in
2 Section 8-1, may be confiscated and destroyed upon conclusion
3 of the case or cases to which they are relevant, except that
4 the court may enter an order preserving them as evidence for
5 use in other cases or pending the final determination of an
6 appeal.

7 (j) It is an affirmative defense to any charge of unlawful
8 use of recorded sounds or images that the recorded sounds or
9 images so used are public domain material. For purposes of this
10 Section, recorded sounds are deemed to be in the public domain
11 if the recorded sounds were copyrighted pursuant to the
12 copyright laws of the United States, as the same may be amended
13 from time to time, and the term of the copyright and any
14 extensions or renewals thereof has expired.

15 (k) ~~(j)~~ With respect to sound recordings (other than
16 accompanying a motion picture or other audiovisual work), this
17 Section applies only to sound recordings that were initially
18 recorded before February 15, 1972.

19 (Source: P.A. 97-538, eff. 1-1-12; 97-597, eff. 1-1-12; revised
20 9-12-11.)

21 (720 ILCS 5/16-30)

22 Sec. 16-30. Identity theft; aggravated identity theft.

23 (a) A person commits identity theft when he or she
24 knowingly:

25 (1) uses any personal identifying information or

1 personal identification document of another person to
2 fraudulently obtain credit, money, goods, services, or
3 other property; ~~or~~

4 (2) uses any personal identification information or
5 personal identification document of another with intent to
6 commit any felony not set forth in paragraph (1) of this
7 subsection (a); ~~or~~

8 (3) obtains, records, possesses, sells, transfers,
9 purchases, or manufactures any personal identification
10 information or personal identification document of another
11 with intent to commit any felony; ~~or~~

12 (4) uses, obtains, records, possesses, sells,
13 transfers, purchases, or manufactures any personal
14 identification information or personal identification
15 document of another knowing that such personal
16 identification information or personal identification
17 documents were stolen or produced without lawful
18 authority; ~~or~~

19 (5) uses, transfers, or possesses document-making
20 implements to produce false identification or false
21 documents with knowledge that they will be used by the
22 person or another to commit any felony; ~~or~~

23 (6) uses any personal identification information or
24 personal identification document of another to portray
25 himself or herself as that person, or otherwise, for the
26 purpose of gaining access to any personal identification

1 information or personal identification document of that
2 person, without the prior express permission of that
3 person; ~~or~~

4 (7) uses any personal identification information or
5 personal identification document of another for the
6 purpose of gaining access to any record of the actions
7 taken, communications made or received, or other
8 activities or transactions of that person, without the
9 prior express permission of that person; ~~or~~

10 (7.5) uses, possesses, or transfers a radio frequency
11 identification device capable of obtaining or processing
12 personal identifying information from a radio frequency
13 identification (RFID) tag or transponder with knowledge
14 that the device will be used by the person or another to
15 commit a felony violation of State law or any violation of
16 this Article; or

17 (8) in the course of applying for a building permit
18 with a unit of local government, provides the license
19 number of a roofing or fire sprinkler contractor whom he or
20 she does not intend to have perform the work on the roofing
21 or fire sprinkler portion of the project; it is an
22 affirmative defense to prosecution under this paragraph
23 (8) that the building permit applicant promptly informed
24 the unit of local government that issued the building
25 permit of any change in the roofing or fire sprinkler
26 contractor.

1 (b) Aggravated identity theft. A person commits aggravated
2 identity theft when he or she commits identity theft as set
3 forth in subsection (a) of this Section:

4 (1) against a person 60 years of age or older or a
5 person with a disability; or

6 (2) in furtherance of the activities of an organized
7 gang.

8 A defense to aggravated identity theft does not exist
9 merely because the accused reasonably believed the victim to be
10 a person less than 60 years of age. For the purposes of this
11 subsection, "organized gang" has the meaning ascribed in
12 Section 10 of the Illinois Streetgang Terrorism Omnibus
13 Prevention Act.

14 (c) Knowledge shall be determined by an evaluation of all
15 circumstances surrounding the use of the other person's
16 identifying information or document.

17 (d) When a charge of identity theft or aggravated identity
18 theft of credit, money, goods, services, or other property
19 exceeding a specified value is brought, the value of the
20 credit, money, goods, services, or other property is an element
21 of the offense to be resolved by the trier of fact as either
22 exceeding or not exceeding the specified value.

23 (e) Sentence.

24 (1) Identity theft.

25 (A) A person convicted of identity theft in
26 violation of paragraph (1) of subsection (a) shall be

1 sentenced as follows:

2 (i) Identity theft of credit, money, goods,
3 services, or other property not exceeding \$300 in
4 value is a Class 4 felony. A person who has been
5 previously convicted of identity theft of less
6 than \$300 who is convicted of a second or
7 subsequent offense of identity theft of less than
8 \$300 is guilty of a Class 3 felony. A person who
9 has been convicted of identity theft of less than
10 \$300 who has been previously convicted of any type
11 of theft, robbery, armed robbery, burglary,
12 residential burglary, possession of burglary
13 tools, home invasion, home repair fraud,
14 aggravated home repair fraud, or financial
15 exploitation of an elderly or disabled person is
16 guilty of a Class 3 felony. Identity theft of
17 credit, money, goods, services, or other property
18 not exceeding \$300 in value when the victim of the
19 identity theft is an active duty member of the
20 Armed Services or Reserve Forces of the United
21 States or of the Illinois National Guard serving in
22 a foreign country is a Class 3 felony. A person who
23 has been previously convicted of identity theft of
24 less than \$300 who is convicted of a second or
25 subsequent offense of identity theft of less than
26 \$300 when the victim of the identity theft is an

1 active duty member of the Armed Services or Reserve
2 Forces of the United States or of the Illinois
3 National Guard serving in a foreign country is
4 guilty of a Class 2 felony. A person who has been
5 convicted of identity theft of less than \$300 when
6 the victim of the identity theft is an active duty
7 member of the Armed Services or Reserve Forces of
8 the United States or of the Illinois National Guard
9 serving in a foreign country who has been
10 previously convicted of any type of theft,
11 robbery, armed robbery, burglary, residential
12 burglary, possession of burglary tools, home
13 invasion, home repair fraud, aggravated home
14 repair fraud, or financial exploitation of an
15 elderly or disabled person is guilty of a Class 2
16 felony.

17 (ii) Identity theft of credit, money, goods,
18 services, or other property exceeding \$300 and not
19 exceeding \$2,000 in value is a Class 3 felony.
20 Identity theft of credit, money, goods, services,
21 or other property exceeding \$300 and not exceeding
22 \$2,000 in value when the victim of the identity
23 theft is an active duty member of the Armed
24 Services or Reserve Forces of the United States or
25 of the Illinois National Guard serving in a foreign
26 country is a Class 2 felony.

1 (iii) Identity theft of credit, money, goods,
2 services, or other property exceeding \$2,000 and
3 not exceeding \$10,000 in value is a Class 2 felony.
4 Identity theft of credit, money, goods, services,
5 or other property exceeding \$2,000 and not
6 exceeding \$10,000 in value when the victim of the
7 identity theft is an active duty member of the
8 Armed Services or Reserve Forces of the United
9 States or of the Illinois National Guard serving in
10 a foreign country is a Class 1 felony.

11 (iv) Identity theft of credit, money, goods,
12 services, or other property exceeding \$10,000 and
13 not exceeding \$100,000 in value is a Class 1
14 felony. Identity theft of credit, money, goods,
15 services, or other property exceeding \$10,000 and
16 not exceeding \$100,000 in value when the victim of
17 the identity theft is an active duty member of the
18 Armed Services or Reserve Forces of the United
19 States or of the Illinois National Guard serving in
20 a foreign country is a Class X felony.

21 (v) Identity theft of credit, money, goods,
22 services, or other property exceeding \$100,000 in
23 value is a Class X felony.

24 (B) A person convicted of any offense enumerated in
25 paragraphs (2) through (7.5) ~~(7)~~ of subsection (a) is
26 guilty of a Class 3 felony. A person convicted of any

1 offense enumerated in paragraphs (2) through (7.5) ~~(7)~~
2 of subsection (a) when the victim of the identity theft
3 is an active duty member of the Armed Services or
4 Reserve Forces of the United States or of the Illinois
5 National Guard serving in a foreign country is guilty
6 of a Class 2 felony.

7 (C) A person convicted of any offense enumerated in
8 paragraphs (2) through (5) and (7.5) of subsection (a)
9 a second or subsequent time is guilty of a Class 2
10 felony. A person convicted of any offense enumerated in
11 paragraphs (2) through (5) and (7.5) of subsection (a)
12 a second or subsequent time when the victim of the
13 identity theft is an active duty member of the Armed
14 Services or Reserve Forces of the United States or of
15 the Illinois National Guard serving in a foreign
16 country is guilty of a Class 1 felony.

17 (D) A person who, within a 12-month period, is
18 found in violation of any offense enumerated in
19 paragraphs (2) through (7.5) ~~(7)~~ of subsection (a) with
20 respect to the identifiers of, or other information
21 relating to, 3 or more separate individuals, at the
22 same time or consecutively, is guilty of a Class 2
23 felony. A person who, within a 12-month period, is
24 found in violation of any offense enumerated in
25 paragraphs (2) through (7.5) ~~(7)~~ of subsection (a) with
26 respect to the identifiers of, or other information

1 relating to, 3 or more separate individuals, at the
2 same time or consecutively, when the victim of the
3 identity theft is an active duty member of the Armed
4 Services or Reserve Forces of the United States or of
5 the Illinois National Guard serving in a foreign
6 country is guilty of a Class 1 felony.

7 (E) A person convicted of identity theft in
8 violation of paragraph (2) of subsection (a) who uses
9 any personal identification information or personal
10 identification document of another to purchase
11 methamphetamine manufacturing material as defined in
12 Section 10 of the Methamphetamine Control and
13 Community Protection Act with the intent to unlawfully
14 manufacture methamphetamine is guilty of a Class 2
15 felony for a first offense and a Class 1 felony for a
16 second or subsequent offense. A person convicted of
17 identity theft in violation of paragraph (2) of
18 subsection (a) who uses any personal identification
19 information or personal identification document of
20 another to purchase methamphetamine manufacturing
21 material as defined in Section 10 of the
22 Methamphetamine Control and Community Protection Act
23 with the intent to unlawfully manufacture
24 methamphetamine when the victim of the identity theft
25 is an active duty member of the Armed Services or
26 Reserve Forces of the United States or of the Illinois

1 National Guard serving in a foreign country is guilty
2 of a Class 1 felony for a first offense and a Class X
3 felony for a second or subsequent offense.

4 (F) A person convicted of identity theft in
5 violation of paragraph (8) of subsection (a) of this
6 Section is guilty of a Class 4 felony.

7 (2) Aggravated identity theft.

8 (A) Aggravated identity theft of credit, money,
9 goods, services, or other property not exceeding \$300
10 in value is a Class 3 felony.

11 (B) Aggravated identity theft of credit, money,
12 goods, services, or other property exceeding \$300 and
13 not exceeding \$10,000 in value is a Class 2 felony.

14 (C) Aggravated identity theft of credit, money,
15 goods, services, or other property exceeding \$10,000
16 in value and not exceeding \$100,000 in value is a Class
17 1 felony.

18 (D) Aggravated identity theft of credit, money,
19 goods, services, or other property exceeding \$100,000
20 in value is a Class X felony.

21 (E) Aggravated identity theft for a violation of
22 any offense enumerated in paragraphs (2) through (7.5)
23 ~~(7)~~ of subsection (a) of this Section is a Class 2
24 felony.

25 (F) Aggravated identity theft when a person who,
26 within a 12-month period, is found in violation of any

1 offense enumerated in paragraphs (2) through (7.5) ~~(7)~~
2 of subsection (a) of this Section with identifiers of,
3 or other information relating to, 3 or more separate
4 individuals, at the same time or consecutively, is a
5 Class 1 felony.

6 (G) A person who has been previously convicted of
7 aggravated identity theft regardless of the value of
8 the property involved who is convicted of a second or
9 subsequent offense of aggravated identity theft
10 regardless of the value of the property involved is
11 guilty of a Class X felony.

12 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-333, eff.
13 8-12-11, and 97-388, eff. 1-1-12; revised 9-21-11.)

14 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)
15 Sec. 17-2. False personation; solicitation.

16 (a) False personation; solicitation.

17 (1) A person commits a false personation when he or she
18 knowingly and falsely represents himself or herself to be a
19 member or representative of any veterans' or public safety
20 personnel organization or a representative of any
21 charitable organization, or when he or she knowingly
22 exhibits or uses in any manner any decal, badge or insignia
23 of any charitable, public safety personnel, or veterans'
24 organization when not authorized to do so by the
25 charitable, public safety personnel, or veterans'

1 organization. "Public safety personnel organization" has
2 the meaning ascribed to that term in Section 1 of the
3 Solicitation for Charity Act.

4 (2) A person commits a false personation when he or she
5 knowingly and falsely represents himself or herself to be a
6 veteran in seeking employment or public office. In this
7 paragraph, "veteran" means a person who has served in the
8 Armed Services or Reserve Forces of the United States.

9 (2.5) ~~(a-7)~~ A person commits a false personation when
10 he or she knowingly and falsely represents himself or
11 herself to be:

12 (A) ~~(1)~~ another actual person and does an act in
13 such assumed character with intent to intimidate,
14 threaten, injure, defraud, or to obtain a benefit from
15 another; or

16 (B) ~~(2)~~ a representative of an actual person or
17 organization and does an act in such false capacity
18 with intent to obtain a benefit or to injure or defraud
19 another.

20 (3) No person shall knowingly use the words "Police",
21 "Police Department", "Patrolman", "Sergeant",
22 "Lieutenant", "Peace Officer", "Sheriff's Police",
23 "Sheriff", "Officer", "Law Enforcement", "Trooper",
24 "Deputy", "Deputy Sheriff", "State Police", or any other
25 words to the same effect (i) in the title of any
26 organization, magazine, or other publication without the

1 express approval of the named public safety personnel
2 organization's governing board or (ii) in combination with
3 the name of any state, state agency, public university, or
4 unit of local government without the express written
5 authorization of that state, state agency, public
6 university, or unit of local government.

7 (4) No person may knowingly claim or represent that he
8 or she is acting on behalf of any public safety personnel
9 organization when soliciting financial contributions or
10 selling or delivering or offering to sell or deliver any
11 merchandise, goods, services, memberships, or
12 advertisements unless the chief of the police department,
13 fire department, and the corporate or municipal authority
14 thereof, or the sheriff has first entered into a written
15 agreement with the person or with an organization with
16 which the person is affiliated and the agreement permits
17 the activity and specifies and states clearly and fully the
18 purpose for which the proceeds of the solicitation,
19 contribution, or sale will be used.

20 (5) No person, when soliciting financial contributions
21 or selling or delivering or offering to sell or deliver any
22 merchandise, goods, services, memberships, or
23 advertisements may claim or represent that he or she is
24 representing or acting on behalf of any nongovernmental
25 organization by any name which includes "officer", "peace
26 officer", "police", "law enforcement", "trooper",

1 "sheriff", "deputy", "deputy sheriff", "State police", or
2 any other word or words which would reasonably be
3 understood to imply that the organization is composed of
4 law enforcement personnel unless:

5 (A) the person is actually representing or acting
6 on behalf of the nongovernmental organization;

7 (B) the nongovernmental organization is controlled
8 by and governed by a membership of and represents a
9 group or association of active duty peace officers,
10 retired peace officers, or injured peace officers; and

11 (C) before commencing the solicitation or the sale
12 or the offers to sell any merchandise, goods, services,
13 memberships, or advertisements, a written contract
14 between the soliciting or selling person and the
15 nongovernmental organization, which specifies and
16 states clearly and fully the purposes for which the
17 proceeds of the solicitation, contribution, or sale
18 will be used, has been entered into.

19 (6) No person, when soliciting financial contributions
20 or selling or delivering or offering to sell or deliver any
21 merchandise, goods, services, memberships, or
22 advertisements, may knowingly claim or represent that he or
23 she is representing or acting on behalf of any
24 nongovernmental organization by any name which includes
25 the term "fireman", "fire fighter", "paramedic", or any
26 other word or words which would reasonably be understood to

1 imply that the organization is composed of fire fighter or
2 paramedic personnel unless:

3 (A) the person is actually representing or acting
4 on behalf of the nongovernmental organization;

5 (B) the nongovernmental organization is controlled
6 by and governed by a membership of and represents a
7 group or association of active duty, retired, or
8 injured fire fighters (for the purposes of this
9 Section, "fire fighter" has the meaning ascribed to
10 that term in Section 2 of the Illinois Fire Protection
11 Training Act) or active duty, retired, or injured
12 emergency medical technicians - ambulance, emergency
13 medical technicians - intermediate, emergency medical
14 technicians - paramedic, ambulance drivers, or other
15 medical assistance or first aid personnel; and

16 (C) before commencing the solicitation or the sale
17 or delivery or the offers to sell or deliver any
18 merchandise, goods, services, memberships, or
19 advertisements, the soliciting or selling person and
20 the nongovernmental organization have entered into a
21 written contract that specifies and states clearly and
22 fully the purposes for which the proceeds of the
23 solicitation, contribution, or sale will be used.

24 (7) No person may knowingly claim or represent that he
25 or she is an airman, airline employee, airport employee, or
26 contractor at an airport in order to obtain the uniform,

1 identification card, license, or other identification
2 paraphernalia of an airman, airline employee, airport
3 employee, or contractor at an airport.

4 (8) No person, firm, copartnership, or corporation
5 (except corporations organized and doing business under
6 the Pawners Societies Act) shall knowingly use a name that
7 contains in it the words "Pawners' Society".

8 (b) False personation; public officials and employees
9 ~~judicial process~~. A person commits a false personation if he or
10 she knowingly and falsely represents himself or herself to be
11 any of the following:

12 (1) An attorney authorized to practice law for purposes
13 of compensation or consideration. This paragraph (b)(1)
14 does not apply to a person who unintentionally fails to pay
15 attorney registration fees established by Supreme Court
16 Rule.

17 (2) A public officer or a public employee or an
18 official or employee of the federal government.

19 (2.3) A public officer, a public employee, or an
20 official or employee of the federal government, and the
21 false representation is made in furtherance of the
22 commission of felony.

23 (2.7) A public officer or a public employee, and the
24 false representation is for the purpose of effectuating
25 identity theft as defined in Section 16-30 of this Code.

26 (3) A peace officer.

1 (4) A peace officer while carrying a deadly weapon.

2 (5) A peace officer in attempting or committing a
3 felony.

4 (6) A peace officer in attempting or committing a
5 forcible felony.

6 (7) The parent, legal guardian, or other relation of a
7 minor child to any public official, public employee, or
8 elementary or secondary school employee or administrator.

9 (8) A fire fighter.

10 (9) A fire fighter while carrying a deadly weapon.

11 (10) A fire fighter in attempting or committing a
12 felony.

13 (11) An emergency management worker of any
14 jurisdiction in this State.

15 (12) An emergency management worker of any
16 jurisdiction in this State in attempting or committing a
17 felony. For the purposes of this subsection (b), "emergency
18 management worker" has the meaning provided under Section
19 2-6.6 of this Code.

20 (b-5) The trier of fact may infer that a person falsely
21 represents himself or herself to be a public officer or a
22 public employee or an official or employee of the federal
23 government if the person:

24 (1) wears or displays without authority any uniform,
25 badge, insignia, or facsimile thereof by which a public
26 officer or public employee or official or employee of the

1 federal government is lawfully distinguished; or

2 (2) falsely expresses by word or action that he or she
3 is a public officer or public employee or official or
4 employee of the federal government and is acting with
5 approval or authority of a public agency or department.

6 (c) Fraudulent advertisement of a corporate name.

7 (1) A company, association, or individual commits
8 fraudulent advertisement of a corporate name if he, she, or
9 it, not being incorporated, puts forth a sign or
10 advertisement and assumes, for the purpose of soliciting
11 business, a corporate name.

12 (2) Nothing contained in this subsection (c) prohibits
13 a corporation, company, association, or person from using a
14 divisional designation or trade name in conjunction with
15 its corporate name or assumed name under Section 4.05 of
16 the Business Corporation Act of 1983 or, if it is a member
17 of a partnership or joint venture, from doing partnership
18 or joint venture business under the partnership or joint
19 venture name. The name under which the joint venture or
20 partnership does business may differ from the names of the
21 members. Business may not be conducted or transacted under
22 that joint venture or partnership name, however, unless all
23 provisions of the Assumed Business Name Act have been
24 complied with. Nothing in this subsection (c) permits a
25 foreign corporation to do business in this State without
26 complying with all Illinois laws regulating the doing of

1 business by foreign corporations. No foreign corporation
2 may conduct or transact business in this State as a member
3 of a partnership or joint venture that violates any
4 Illinois law regulating or pertaining to the doing of
5 business by foreign corporations in Illinois.

6 (3) The provisions of this subsection (c) do not apply
7 to limited partnerships formed under the Revised Uniform
8 Limited Partnership Act or under the Uniform Limited
9 Partnership Act (2001).

10 (d) False law enforcement badges.

11 (1) A person commits false law enforcement badges if he
12 or she knowingly produces, sells, or distributes a law
13 enforcement badge without the express written consent of
14 the law enforcement agency represented on the badge or, in
15 case of a reorganized or defunct law enforcement agency,
16 its successor law enforcement agency.

17 (2) It is a defense to false law enforcement badges
18 that the law enforcement badge is used or is intended to be
19 used exclusively: (i) as a memento or in a collection or
20 exhibit; (ii) for decorative purposes; or (iii) for a
21 dramatic presentation, such as a theatrical, film, or
22 television production.

23 (e) False medals.

24 (1) A person commits a false personation if he or she
25 knowingly and falsely represents himself or herself to be a
26 recipient of, or wears on his or her person, any of the

1 following medals if that medal was not awarded to that
2 person by the United States Government, irrespective of
3 branch of service: The Congressional Medal of Honor, The
4 Distinguished Service Cross, The Navy Cross, The Air Force
5 Cross, The Silver Star, The Bronze Star, or the Purple
6 Heart.

7 (2) It is a defense to a prosecution under paragraph
8 (e)(1) that the medal is used, or is intended to be used,
9 exclusively:

10 (A) for a dramatic presentation, such as a
11 theatrical, film, or television production, or a
12 historical re-enactment; or

13 (B) for a costume worn, or intended to be worn, by
14 a person under 18 years of age.

15 (f) Sentence.

16 (1) A violation of paragraph (a)(8) is a petty offense
17 subject to a fine of not less than \$5 nor more than \$100,
18 and the person, firm, copartnership, or corporation
19 commits an additional petty offense for each day he, she,
20 or it continues to commit the violation. A violation of
21 paragraph (c)(1) is a petty offense, and the company,
22 association, or person commits an additional petty offense
23 for each day he, she, or it continues to commit the
24 violation. A violation of subsection (e) is a petty offense
25 for which the offender shall be fined at least \$100 and not
26 more than \$200.

1 (2) A violation of paragraph (a)(1) or (a)(3) is a
2 Class C misdemeanor.

3 (3) A violation of paragraph (a)(2), (a)(2.5), (a)(7),
4 ~~(a-7)~~, (b)(2), or (b)(7) or subsection (d) is a Class A
5 misdemeanor. A second or subsequent violation of
6 subsection (d) is a Class 3 felony.

7 (4) A violation of paragraph (a)(4), (a)(5), (a)(6),
8 (b)(1), (b)(2.3), (b)(2.7), (b)(3), (b)(8), or (b)(11) is a
9 Class 4 felony.

10 (5) A violation of paragraph (b)(4), (b)(9), or (b)(12)
11 is a Class 3 felony.

12 (6) A violation of paragraph (b)(5) or (b)(10) is a
13 Class 2 felony.

14 (7) A violation of paragraph (b)(6) is a Class 1
15 felony.

16 (g) ~~(e)~~ A violation of subsection (a)(1) through (a)(7) or
17 subsection (e) of this Section may be accomplished in person or
18 by any means of communication, including but not limited to the
19 use of an Internet website or any form of electronic
20 communication.

21 (Source: P.A. 96-328, eff. 8-11-09; 96-1551, eff. 7-1-11;
22 97-219, eff. 1-1-12; 97-597, eff. 1-1-12; incorporates change
23 to Sec. 32-5 from 97-219; revised 10-12-11.)

24 (720 ILCS 5/17-3) (from Ch. 38, par. 17-3)

25 Sec. 17-3. Forgery.

1 (a) A person commits forgery when, with intent to defraud,
2 he or she knowingly:

3 (1) makes a false document or alters any document to
4 make it false and that document is apparently capable of
5 defrauding another; or

6 (2) issues or delivers such document knowing it to have
7 been thus made or altered; or

8 (3) possesses, with intent to issue or deliver, any
9 such document knowing it to have been thus made or altered;
10 or

11 (4) unlawfully uses the digital signature, as defined
12 in the Financial Institutions Electronic Documents and
13 Digital Signature Act, of another; or

14 (5) unlawfully uses the signature device of another to
15 create an electronic signature of that other person, as
16 those terms are defined in the Electronic Commerce Security
17 Act.

18 (b) (Blank).

19 (c) A document apparently capable of defrauding another
20 includes, but is not limited to, one by which any right,
21 obligation or power with reference to any person or property
22 may be created, transferred, altered or terminated. A document
23 includes any record or electronic record as those terms are
24 defined in the Electronic Commerce Security Act. For purposes
25 of this Section, a document also includes a Universal Price
26 Code Label or coin.

1 (c-5) For purposes of this Section, "false document" or
2 "document that is false" includes, but is not limited to, a
3 document whose contents are false in some material way, or that
4 purports to have been made by another or at another time, or
5 with different provisions, or by authority of one who did not
6 give such authority.

7 (d) Sentence.

8 (1) Except as provided in paragraphs (2) and (3),
9 forgery is a Class 3 felony.

10 (2) Forgery is a Class 4 felony when only one Universal
11 Price Code Label is forged.

12 (3) Forgery is a Class A misdemeanor when an academic
13 degree or coin is forged.

14 (e) It is not a violation of this Section if a false
15 academic degree explicitly states "for novelty purposes only".
16 (Source: P.A. 96-1551, eff. 7-1-11; 97-231, eff. 1-1-12;
17 revised 9-14-11.)

18 (720 ILCS 5/17-10.2) (was 720 ILCS 5/17-29)

19 Sec. 17-10.2. Businesses owned by minorities, females, and
20 persons with disabilities; fraudulent contracts with
21 governmental units.

22 (a) In this Section:

23 "Minority person" means a person who is any of the
24 following:

25 (1) American Indian or Alaska Native (a person having

1 origins in any of the original peoples of North and South
2 America, including Central America, and who maintains
3 tribal affiliation or community attachment).

4 (2) Asian (a person having origins in any of the
5 original peoples of the Far East, Southeast Asia, or the
6 Indian subcontinent, including, but not limited to,
7 Cambodia, China, India, Japan, Korea, Malaysia, Pakistan,
8 the Philippine Islands, Thailand, and Vietnam).

9 (3) Black or African American (a person having origins
10 in any of the black racial groups of Africa). Terms such as
11 "Haitian" or "Negro" can be used in addition to "Black or
12 African American".

13 (4) Hispanic or Latino (a person of Cuban, Mexican,
14 Puerto Rican, South or Central American, or other Spanish
15 culture or origin, regardless of race).

16 (5) Native Hawaiian or Other Pacific Islander (a person
17 having origins in any of the original peoples of Hawaii,
18 Guam, Samoa, or other Pacific Islands).

19 ~~(1) African American (a person having origins in any of~~
20 ~~the black racial groups in Africa); (2) Hispanic (a person~~
21 ~~of Spanish or Portuguese culture with origins in Mexico,~~
22 ~~South or Central America, or the Caribbean Islands,~~
23 ~~regardless of race); (3) Asian American (a person having~~
24 ~~origins in any of the original peoples of the Far East,~~
25 ~~Southeast Asia, the Indian Subcontinent or the Pacific~~
26 ~~Islands); or (4) Native American or Alaskan Native (a~~

1 ~~person having origins in any of the original peoples of~~
2 ~~North America).~~

3 "Female" means a person who is of the female gender.

4 "Person with a disability" means a person who is a
5 person qualifying as being disabled.

6 "Disabled" means a severe physical or mental
7 disability that: (1) results from: amputation, arthritis,
8 autism, blindness, burn injury, cancer, cerebral palsy,
9 cystic fibrosis, deafness, head injury, heart disease,
10 hemiplegia, hemophilia, respiratory or pulmonary
11 dysfunction, an intellectual disability ~~mental~~
12 ~~retardation~~, mental illness, multiple sclerosis, muscular
13 dystrophy, musculoskeletal disorders, neurological
14 disorders, including stroke and epilepsy, paraplegia,
15 quadriplegia and other spinal cord conditions, sickle cell
16 anemia, specific learning disabilities, or end stage renal
17 failure disease; and (2) substantially limits one or more
18 of the person's major life activities.

19 "Minority owned business" means a business concern
20 that is at least 51% owned by one or more minority persons,
21 or in the case of a corporation, at least 51% of the stock
22 in which is owned by one or more minority persons; and the
23 management and daily business operations of which are
24 controlled by one or more of the minority individuals who
25 own it.

26 "Female owned business" means a business concern that

1 is at least 51% owned by one or more females, or, in the
2 case of a corporation, at least 51% of the stock in which
3 is owned by one or more females; and the management and
4 daily business operations of which are controlled by one or
5 more of the females who own it.

6 "Business owned by a person with a disability" means a
7 business concern that is at least 51% owned by one or more
8 persons with a disability and the management and daily
9 business operations of which are controlled by one or more
10 of the persons with disabilities who own it. A
11 not-for-profit agency for persons with disabilities that
12 is exempt from taxation under Section 501 of the Internal
13 Revenue Code of 1986 is also considered a "business owned
14 by a person with a disability".

15 "Governmental unit" means the State, a unit of local
16 government, or school district.

17 (b) In addition to any other penalties imposed by law or by
18 an ordinance or resolution of a unit of local government or
19 school district, any individual or entity that knowingly
20 obtains, or knowingly assists another to obtain, a contract
21 with a governmental unit, or a subcontract or written
22 commitment for a subcontract under a contract with a
23 governmental unit, by falsely representing that the individual
24 or entity, or the individual or entity assisted, is a minority
25 owned business, female owned business, or business owned by a
26 person with a disability is guilty of a Class 2 felony,

1 regardless of whether the preference for awarding the contract
2 to a minority owned business, female owned business, or
3 business owned by a person with a disability was established by
4 statute or by local ordinance or resolution.

5 (c) In addition to any other penalties authorized by law,
6 the court shall order that an individual or entity convicted of
7 a violation of this Section must pay to the governmental unit
8 that awarded the contract a penalty equal to one and one-half
9 times the amount of the contract obtained because of the false
10 representation.

11 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 97-227, eff.
12 1-1-12, and 97-396, eff. 1-1-12; revised 9-14-11.)

13 (720 ILCS 5/17-10.6)

14 Sec. 17-10.6. Financial institution fraud.

15 (a) Misappropriation of financial institution property. A
16 person commits misappropriation of a financial institution's
17 property whenever he or she knowingly obtains or exerts
18 unauthorized control over any of the moneys, funds, credits,
19 assets, securities, or other property owned by or under the
20 custody or control of a financial institution, or under the
21 custody or care of any agent, officer, director, or employee of
22 such financial institution.

23 (b) Commercial bribery of a financial institution.

24 (1) A person commits commercial bribery of a financial
25 institution when he or she knowingly confers or offers or

1 agrees to confer any benefit upon any employee, agent, or
2 fiduciary without the consent of the latter's employer or
3 principal, with the intent to influence his or her conduct
4 in relation to his or her employer's or principal's
5 affairs.

6 (2) An employee, agent, or fiduciary of a financial
7 institution commits commercial bribery of a financial
8 institution when, without the consent of his or her
9 employer or principal, he or she knowingly solicits,
10 accepts, or agrees to accept any benefit from another
11 person upon an agreement or understanding that such benefit
12 will influence his or her conduct in relation to his or her
13 employer's or principal's affairs.

14 (c) Financial institution fraud. A person commits
15 financial institution fraud when he or she knowingly executes
16 or attempts to execute a scheme or artifice:

17 (1) to defraud a financial institution; or

18 (2) to obtain any of the moneys, funds, credits,
19 assets, securities, or other property owned by or under the
20 custody or control of a financial institution, by means of
21 pretenses, representations, or promises he or she knows to
22 be false.

23 (d) Loan fraud. A person commits loan fraud when he or she
24 knowingly, with intent to defraud, makes any false statement or
25 report, or overvalues any land, property, or security, with the
26 intent to influence in any way the action of a financial

1 institution to act upon any application, advance, discount,
2 purchase, purchase agreement, repurchase agreement,
3 commitment, or loan, or any change or extension of any of the
4 same, by renewal, deferment of action, or otherwise, or the
5 acceptance, release, or substitution of security.

6 (e) Concealment of collateral. A person commits
7 concealment of collateral when he or she, with intent to
8 defraud, knowingly conceals, removes, disposes of, or converts
9 to the person's own use or to that of another any property
10 mortgaged or pledged to or held by a financial institution.

11 (f) Financial institution robbery. A person commits
12 robbery when he or she knowingly, by force or threat of force,
13 or by intimidation, takes, or attempts to take, from the person
14 or presence of another, or obtains or attempts to obtain by
15 extortion, any property or money or any other thing of value
16 belonging to, or in the care, custody, control, management, or
17 possession of, a financial institution.

18 (g) Conspiracy to commit a financial crime.

19 (1) A person commits conspiracy to commit a financial
20 crime when, with the intent that any violation of this
21 Section be committed, he or she agrees with another person
22 to the commission of that offense.

23 (2) No person may be convicted of conspiracy to commit
24 a financial crime unless an overt act or acts in
25 furtherance of the agreement is alleged and proved to have
26 been committed by that person or by a co-conspirator and

1 the accused is a part of a common scheme or plan to engage
2 in the unlawful activity.

3 (3) It shall not be a defense to conspiracy to commit a
4 financial crime that the person or persons with whom the
5 accused is alleged to have conspired:

6 (A) has not been prosecuted or convicted;

7 (B) has been convicted of a different offense;

8 (C) is not amenable to justice;

9 (D) has been acquitted; or

10 (E) lacked the capacity to commit the offense.

11 (h) Continuing financial crimes enterprise. A person
12 commits a continuing financial crimes enterprise when he or she
13 knowingly, within an 18-month period, commits 3 or more
14 separate offenses constituting any combination of the
15 following:

16 (1) an offense under this Section;

17 (2) a felony offense in violation of Section 16A-3 or
18 subsection (a) of Section 16-25 or paragraph (4) or (5) of
19 subsection (a) of Section 16-1 of this Code for the purpose
20 of reselling or otherwise re-entering the merchandise in
21 commerce, including conveying the merchandise to a
22 merchant in exchange for anything of value; or

23 (3) if involving a financial institution, any other
24 felony offense ~~offenses~~ under this Code.

25 (i) Organizer of a continuing financial crimes enterprise.

26 (1) A person commits being an organizer of a continuing

1 financial crimes enterprise when he or she:

2 (A) with the intent to commit any offense ~~under~~
3 ~~this Section,~~ agrees with another person to the
4 commission of any combination of the following
5 offenses on 3 or more separate occasions within an
6 18-month period:

7 (i) an offense under this Section;

8 (ii) a felony offense in violation of Section
9 16A-3 or subsection (a) of Section 16-25 or
10 paragraph (4) or (5) of subsection (a) of Section
11 16-1 of this Code for the purpose of reselling or
12 otherwise re-entering the merchandise in commerce,
13 including conveying the merchandise to a merchant
14 in exchange for anything of value; or

15 (iii) if involving a financial institution,
16 any other felony offense under this Code, ~~agrees~~
17 ~~with another person to the commission of that~~
18 ~~offense on 3 or more separate occasions within an~~
19 ~~18-month period; and~~

20 (B) with respect to the other persons within the
21 conspiracy, occupies a position of organizer,
22 supervisor, or financier or other position of
23 management.

24 (2) The person with whom the accused agreed to commit
25 the 3 or more offenses under this Section, or, if involving
26 a financial institution, any other felony offenses under

1 this Code, need not be the same person or persons for each
2 offense, as long as the accused was a part of the common
3 scheme or plan to engage in each of the 3 or more alleged
4 offenses.

5 (j) Sentence.

6 (1) Except as otherwise provided in this subsection, a
7 violation of this Section, the full value of which:

8 (A) does not exceed \$500, is a Class A misdemeanor;

9 (B) does not exceed \$500, and the person has been
10 previously convicted of a financial crime or any type
11 of theft, robbery, armed robbery, burglary,
12 residential burglary, possession of burglary tools, or
13 home invasion, is guilty of a Class 4 felony;

14 (C) exceeds \$500 but does not exceed \$10,000, is a
15 Class 3 felony;

16 (D) exceeds \$10,000 but does not exceed \$100,000,
17 is a Class 2 felony;

18 (E) exceeds \$100,000 but does not exceed \$500,000,
19 is a Class 1 felony;~~;~~

20 (F) exceeds \$500,000 but does not exceed
21 \$1,000,000, is a Class 1 non-probationable felony;
22 when a charge of financial crime, the full value of
23 which exceeds \$500,000 but does not exceed \$1,000,000,
24 is brought, the value of the financial crime involved
25 is an element of the offense to be resolved by the
26 trier of fact as either exceeding or not exceeding

1 \$500,000;

2 (G) exceeds \$1,000,000, is a Class X felony; when a
3 charge of financial crime, the full value of which
4 exceeds \$1,000,000, is brought, the value of the
5 financial crime involved is an element of the offense
6 to be resolved by the trier of fact as either exceeding
7 or not exceeding \$1,000,000.

8 (2) A violation of subsection (f) is a Class 1 felony.

9 (3) A violation of subsection (h) is a Class 1 felony.

10 (4) A violation for subsection (i) is a Class X felony.

11 (k) A "financial crime" means an offense described in this
12 Section.

13 (l) Period of limitations. The period of limitations for
14 prosecution of any offense defined in this Section begins at
15 the time when the last act in furtherance of the offense is
16 committed.

17 (m) Forfeiture. Any violation of subdivision (2) of
18 subsection (h) or subdivision (i) (1) (A) (ii) shall be subject to
19 the remedies, procedures, and forfeiture as set forth in
20 subsections (f) through (s) of Section 29B-1 of this Code.

21 (Source: P.A. 96-1551, eff. 7-1-11; incorporates P.A. 96-1532,
22 eff. 1-1-12, and 97-147, eff. 1-1-12; revised 10-12-11.)

23 (720 ILCS 5/24-3.8)

24 Sec. 24-3.8. Possession of a stolen firearm.

25 (a) A person commits possession of a stolen firearm when he

1 or she, not being entitled to the possession of a firearm,
2 possesses ~~or delivers~~ the firearm, knowing it to have been
3 stolen or converted. The trier of fact may infer that a person
4 who possesses a firearm with knowledge that its serial number
5 has been removed or altered has knowledge that the firearm is
6 stolen or converted.

7 (b) Possession of a stolen firearm is a Class 2 felony.

8 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-347, eff.
9 1-1-12; revised 9-21-11.)

10 (720 ILCS 5/24-3.9)

11 Sec. 24-3.9. Aggravated possession of a stolen firearm.

12 (a) A person commits aggravated possession of a stolen
13 firearm when he or she:

14 (1) Not being entitled to the possession of not less
15 than 2 and not more than 5 firearms, possesses ~~or delivers~~
16 those firearms at the same time or within a one-year
17 period, knowing the firearms to have been stolen or
18 converted.

19 (2) Not being entitled to the possession of not less
20 than 6 and not more than 10 firearms, possesses ~~or delivers~~
21 those firearms at the same time or within a 2-year period,
22 knowing the firearms to have been stolen or converted.

23 (3) Not being entitled to the possession of not less
24 than 11 and not more than 20 firearms, possesses ~~or~~
25 ~~delivers~~ those firearms at the same time or within a 3-year

1 period, knowing the firearms to have been stolen or
2 converted.

3 (4) Not being entitled to the possession of not less
4 than 21 and not more than 30 firearms, possesses ~~or~~
5 ~~delivers~~ those firearms at the same time or within a 4-year
6 period, knowing the firearms to have been stolen or
7 converted.

8 (5) Not being entitled to the possession of more than
9 30 firearms, possesses ~~or delivers~~ those firearms at the
10 same time or within a 5-year period, knowing the firearms
11 to have been stolen or converted.

12 (b) The trier of fact may infer that a person who possesses
13 a firearm with knowledge that its serial number has been
14 removed or altered has knowledge that the firearm is stolen or
15 converted.

16 (c) Sentence.

17 (1) A person who violates paragraph (1) of subsection
18 (a) of this Section commits a Class 1 felony.

19 (2) A person who violates paragraph (2) of subsection
20 (a) of this Section commits a Class X felony for which he
21 or she shall be sentenced to a term of imprisonment of not
22 less than 6 years and not more than 30 years.

23 (3) A person who violates paragraph (3) of subsection
24 (a) of this Section commits a Class X felony for which he
25 or she shall be sentenced to a term of imprisonment of not
26 less than 6 years and not more than 40 years.

1 (4) A person who violates paragraph (4) of subsection
2 (a) of this Section commits a Class X felony for which he
3 or she shall be sentenced to a term of imprisonment of not
4 less than 6 years and not more than 50 years.

5 (5) A person who violates paragraph (5) of subsection
6 (a) of this Section commits a Class X felony for which he
7 or she shall be sentenced to a term of imprisonment of not
8 less than 6 years and not more than 60 years.

9 (Source: P.A. 97-597, eff. 1-1-12; incorporates 97-347, eff.
10 1-1-12; revised 9-21-11.)

11 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

12 Sec. 36-1. Seizure. Any vessel, vehicle or aircraft used
13 with the knowledge and consent of the owner in the commission
14 of, or in the attempt to commit as defined in Section 8-4 of
15 this Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,
16 11-1.20, 11-1.30, 11-1.40, 11-6, 11-14.4 except for keeping a
17 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
18 11-20.1, 11-20.1B, 11-20.3, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3,
19 12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 16-1 if the theft is of
20 precious metal or of scrap metal, 18-2, 19-1, 19-2, 19-3, 20-1,
21 20-2, 24-1.2, 24-1.2-5, 24-1.5, 28-1, or 29D-15.2 of this Code,
22 subdivision (a) (1), (a) (2), (a) (4), (b) (1), (e) (1), (e) (2),
23 (e) (3), (e) (4), (e) (5), (e) (6), or (e) (7) of Section 12-3.05,
24 paragraph (a) of Section 12-4 of this Code, paragraph (a) of
25 Section 11-1.50, paragraph (a) of Section 12-15, paragraph (a),

1 (c), or (d) of Section 11-1.60, or paragraphs (a), (c) or (d)
2 of Section 12-16 of this Code, or paragraph (a) (6) or (a) (7) of
3 Section 24-1 of this Code; (b) Section 21, 22, 23, 24 or 26 of
4 the Cigarette Tax Act if the vessel, vehicle or aircraft
5 contains more than 10 cartons of such cigarettes; (c) Section
6 28, 29 or 30 of the Cigarette Use Tax Act if the vessel,
7 vehicle or aircraft contains more than 10 cartons of such
8 cigarettes; (d) Section 44 of the Environmental Protection Act;
9 (e) 11-204.1 of the Illinois Vehicle Code; (f) (1) driving
10 under the influence of alcohol or other drug or drugs,
11 intoxicating compound or compounds or any combination thereof
12 under Section 11-501 of the Illinois Vehicle Code during a
13 period in which his or her driving privileges are revoked or
14 suspended where the revocation or suspension was for driving
15 under the influence of alcohol or other drug or drugs,
16 intoxicating compound or compounds or any combination thereof,
17 Section 11-501.1, paragraph (b) of Section 11-401, or for
18 reckless homicide as defined in Section 9-3 of the Criminal
19 Code of 1961; (2) driving while under the influence of alcohol,
20 other drug or drugs, intoxicating compound or compounds or any
21 combination thereof and has been previously convicted of
22 reckless homicide or a similar provision of a law of another
23 state relating to reckless homicide in which the person was
24 determined to have been under the influence of alcohol, other
25 drug or drugs, or intoxicating compound or compounds as an
26 element of the offense or the person has previously been

1 convicted of committing a violation of driving under the
2 influence of alcohol or other drug or drugs, intoxicating
3 compound or compounds or any combination thereof and was
4 involved in a motor vehicle accident that resulted in death,
5 great bodily harm, or permanent disability or disfigurement to
6 another, when the violation was a proximate cause of the death
7 or injuries; (3) the person committed a violation of driving
8 under the influence of alcohol or other drug or drugs,
9 intoxicating compound or compounds or any combination thereof
10 under Section 11-501 of the Illinois Vehicle Code or a similar
11 provision for the third or subsequent time; (4) the person
12 committed the violation while he or she did not possess a
13 driver's license or permit or a restricted driving permit or a
14 judicial driving permit or a monitoring device driving permit;
15 or (5) the person committed the violation while he or she knew
16 or should have known that the vehicle he or she was driving was
17 not covered by a liability insurance policy; (g) an offense
18 described in subsection (g) of Section 6-303 of the Illinois
19 Vehicle Code; or (h) an offense described in subsection (e) of
20 Section 6-101 of the Illinois Vehicle Code; may be seized and
21 delivered forthwith to the sheriff of the county of seizure.

22 Within 15 days after such delivery the sheriff shall give
23 notice of seizure to each person according to the following
24 method: Upon each such person whose right, title or interest is
25 of record in the office of the Secretary of State, the
26 Secretary of Transportation, the Administrator of the Federal

1 Aviation Agency, or any other Department of this State, or any
2 other state of the United States if such vessel, vehicle or
3 aircraft is required to be so registered, as the case may be,
4 by mailing a copy of the notice by certified mail to the
5 address as given upon the records of the Secretary of State,
6 the Department of Aeronautics, Department of Public Works and
7 Buildings or any other Department of this State or the United
8 States if such vessel, vehicle or aircraft is required to be so
9 registered. Within that 15 day period the sheriff shall also
10 notify the State's Attorney of the county of seizure about the
11 seizure.

12 In addition, any mobile or portable equipment used in the
13 commission of an act which is in violation of Section 7g of the
14 Metropolitan Water Reclamation District Act shall be subject to
15 seizure and forfeiture under the same procedures provided in
16 this Article for the seizure and forfeiture of vessels,
17 vehicles and aircraft, and any such equipment shall be deemed a
18 vessel, vehicle or aircraft for purposes of this Article.

19 When a person discharges a firearm at another individual
20 from a vehicle with the knowledge and consent of the owner of
21 the vehicle and with the intent to cause death or great bodily
22 harm to that individual and as a result causes death or great
23 bodily harm to that individual, the vehicle shall be subject to
24 seizure and forfeiture under the same procedures provided in
25 this Article for the seizure and forfeiture of vehicles used in
26 violations of clauses (a), (b), (c), or (d) of this Section.

1 If the spouse of the owner of a vehicle seized for an
2 offense described in subsection (g) of Section 6-303 of the
3 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
4 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
5 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
6 Code makes a showing that the seized vehicle is the only source
7 of transportation and it is determined that the financial
8 hardship to the family as a result of the seizure outweighs the
9 benefit to the State from the seizure, the vehicle may be
10 forfeited to the spouse or family member and the title to the
11 vehicle shall be transferred to the spouse or family member who
12 is properly licensed and who requires the use of the vehicle
13 for employment or family transportation purposes. A written
14 declaration of forfeiture of a vehicle under this Section shall
15 be sufficient cause for the title to be transferred to the
16 spouse or family member. The provisions of this paragraph shall
17 apply only to one forfeiture per vehicle. If the vehicle is the
18 subject of a subsequent forfeiture proceeding by virtue of a
19 subsequent conviction of either spouse or the family member,
20 the spouse or family member to whom the vehicle was forfeited
21 under the first forfeiture proceeding may not utilize the
22 provisions of this paragraph in another forfeiture proceeding.
23 If the owner of the vehicle seized owns more than one vehicle,
24 the procedure set out in this paragraph may be used for only
25 one vehicle.

26 Property declared contraband under Section 40 of the

1 Illinois Streetgang Terrorism Omnibus Prevention Act may be
2 seized and forfeited under this Article.

3 (Source: P.A. 96-313, eff. 1-1-10; 96-710, eff. 1-1-10;
4 96-1000, eff. 7-2-10; 96-1267, eff. 7-26-10; 96-1289, eff.
5 1-1-11; 96-1551, Article 1, Section 960, eff. 7-1-11; 96-1551,
6 Article 2, Section 1035, eff. 7-1-11; 97-333, eff. 8-12-11;
7 revised 9-14-11.)

8 (720 ILCS 5/36.5-5)

9 Sec. 36.5-5. Vehicle impoundment.

10 (a) In addition to any other penalty provided by law, a
11 peace officer who arrests a person for a violation of Section
12 10-9, 11-14 ~~10-14~~, 11-14.1, 11-14.3, 11-14.4, 11-18, or 11-18.1
13 of this Code, may tow and impound any vehicle used by the
14 person in the commission of the offense. The person arrested
15 for one or more such violations shall be charged a \$1,000 fee,
16 to be paid to the unit of government that made the arrest. The
17 person may recover the vehicle from the impound after a minimum
18 of 2 hours after arrest upon payment of the fee.

19 (b) \$500 of the fee shall be distributed to the unit of
20 government whose peace officers made the arrest, for the costs
21 incurred by the unit of government to tow and impound the
22 vehicle. Upon the defendant's conviction of one or more of the
23 offenses in connection with which the vehicle was impounded and
24 the fee imposed under this Section, the remaining \$500 of the
25 fee shall be deposited into the DHS State Projects ~~Violent~~

1 ~~Crime Victims Assistance~~ Fund and shall be used by the
2 Department of Human Services to make grants to non-governmental
3 organizations to provide services for persons encountered
4 during the course of an investigation into any violation of
5 Section 10-9, 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, or 11-19.2 of this Code, provided such persons
8 constitute prostituted persons or other victims of human
9 trafficking.

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

17 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 96-1503, eff.
18 1-27-11, and 97-333, eff. 8-12-11; revised 9-14-11.)

19 Section 15-60. The Code of Criminal Procedure of 1963 is
20 amended by changing Sections 110-6.3, 110-10, 111-8, 115-7.3,
21 and 115-10.3 as follows:

22 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

23 Sec. 110-6.3. Denial of bail in stalking and aggravated
24 stalking offenses.

1 (a) Upon verified petition by the State, the court shall
2 hold a hearing to determine whether bail should be denied to a
3 defendant who is charged with stalking or aggravated stalking,
4 when it is alleged that the defendant's admission to bail poses
5 a real and present threat to the physical safety of the alleged
6 victim of the offense, and denial of release on bail or
7 personal recognizance is necessary to prevent fulfillment of
8 the threat upon which the charge is based.

9 (1) A petition may be filed without prior notice to the
10 defendant at the first appearance before a judge, or within
11 21 calendar days, except as provided in Section 110-6,
12 after arrest and release of the defendant upon reasonable
13 notice to defendant; provided that while the petition is
14 pending before the court, the defendant if previously
15 released shall not be detained.

16 (2) The hearing shall be held immediately upon the
17 defendant's appearance before the court, unless for good
18 cause shown the defendant or the State seeks a continuance.
19 A continuance on motion of the defendant may not exceed 5
20 calendar days, and the defendant may be held in custody
21 during the continuance. A continuance on the motion of the
22 State may not exceed 3 calendar days; however, the
23 defendant may be held in custody during the continuance
24 under this provision if the defendant has been previously
25 found to have violated an order of protection or has been
26 previously convicted of, or granted court supervision for,

1 any of the offenses set forth in Sections 11-1.20, 11-1.30,
2 11-1.40, 11-1.50, 11-1.60, 12-2, 12-3.05, 12-3.2, 12-3.3,
3 12-4, 12-4.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15
4 or 12-16 of the Criminal Code of 1961, against the same
5 person as the alleged victim of the stalking or aggravated
6 stalking offense.

7 (b) The court may deny bail to the defendant when, after
8 the hearing, it is determined that:

9 (1) the proof is evident or the presumption great that
10 the defendant has committed the offense of stalking or
11 aggravated stalking; and

12 (2) the defendant poses a real and present threat to
13 the physical safety of the alleged victim of the offense;
14 and

15 (3) the denial of release on bail or personal
16 recognizance is necessary to prevent fulfillment of the
17 threat upon which the charge is based; and

18 (4) the court finds that no condition or combination of
19 conditions set forth in subsection (b) of Section 110-10 of
20 this Code, including mental health treatment at a community
21 mental health center, hospital, or facility of the
22 Department of Human Services, can reasonably assure the
23 physical safety of the alleged victim of the offense.

24 (c) Conduct of the hearings.

25 (1) The hearing on the defendant's culpability and
26 threat to the alleged victim of the offense shall be

1 conducted in accordance with the following provisions:

2 (A) Information used by the court in its findings
3 or stated in or offered at the hearing may be by way of
4 proffer based upon reliable information offered by the
5 State or by defendant. Defendant has the right to be
6 represented by counsel, and if he is indigent, to have
7 counsel appointed for him. Defendant shall have the
8 opportunity to testify, to present witnesses in his own
9 behalf, and to cross-examine witnesses if any are
10 called by the State. The defendant has the right to
11 present witnesses in his favor. When the ends of
12 justice so require, the court may exercise its
13 discretion and compel the appearance of a complaining
14 witness. The court shall state on the record reasons
15 for granting a defense request to compel the presence
16 of a complaining witness. Cross-examination of a
17 complaining witness at the pretrial detention hearing
18 for the purpose of impeaching the witness' credibility
19 is insufficient reason to compel the presence of the
20 witness. In deciding whether to compel the appearance
21 of a complaining witness, the court shall be
22 considerate of the emotional and physical well-being
23 of the witness. The pretrial detention hearing is not
24 to be used for the purposes of discovery, and the post
25 arraignment rules of discovery do not apply. The State
26 shall tender to the defendant, prior to the hearing,

1 copies of defendant's criminal history, if any, if
2 available, and any written or recorded statements and
3 the substance of any oral statements made by any
4 person, if relied upon by the State. The rules
5 concerning the admissibility of evidence in criminal
6 trials do not apply to the presentation and
7 consideration of information at the hearing. At the
8 trial concerning the offense for which the hearing was
9 conducted neither the finding of the court nor any
10 transcript or other record of the hearing shall be
11 admissible in the State's case in chief, but shall be
12 admissible for impeachment, or as provided in Section
13 115-10.1 of this Code, or in a perjury proceeding.

14 (B) A motion by the defendant to suppress evidence
15 or to suppress a confession shall not be entertained.
16 Evidence that proof may have been obtained as the
17 result of an unlawful search and seizure or through
18 improper interrogation is not relevant to this state of
19 the prosecution.

20 (2) The facts relied upon by the court to support a
21 finding that:

22 (A) the defendant poses a real and present threat
23 to the physical safety of the alleged victim of the
24 offense; and

25 (B) the denial of release on bail or personal
26 recognizance is necessary to prevent fulfillment of

1 the threat upon which the charge is based;
2 shall be supported by clear and convincing evidence
3 presented by the State.

4 (d) Factors to be considered in making a determination of
5 the threat to the alleged victim of the offense. The court may,
6 in determining whether the defendant poses, at the time of the
7 hearing, a real and present threat to the physical safety of
8 the alleged victim of the offense, consider but shall not be
9 limited to evidence or testimony concerning:

10 (1) The nature and circumstances of the offense
11 charged;

12 (2) The history and characteristics of the defendant
13 including:

14 (A) Any evidence of the defendant's prior criminal
15 history indicative of violent, abusive or assaultive
16 behavior, or lack of that behavior. The evidence may
17 include testimony or documents received in juvenile
18 proceedings, criminal, quasi-criminal, civil
19 commitment, domestic relations or other proceedings;

20 (B) Any evidence of the defendant's psychological,
21 psychiatric or other similar social history that tends
22 to indicate a violent, abusive, or assaultive nature,
23 or lack of any such history.

24 (3) The nature of the threat which is the basis of the
25 charge against the defendant;

26 (4) Any statements made by, or attributed to the

1 defendant, together with the circumstances surrounding
2 them;

3 (5) The age and physical condition of any person
4 assaulted by the defendant;

5 (6) Whether the defendant is known to possess or have
6 access to any weapon or weapons;

7 (7) Whether, at the time of the current offense or any
8 other offense or arrest, the defendant was on probation,
9 parole, mandatory supervised release or other release from
10 custody pending trial, sentencing, appeal or completion of
11 sentence for an offense under federal or state law;

12 (8) Any other factors, including those listed in
13 Section 110-5 of this Code, deemed by the court to have a
14 reasonable bearing upon the defendant's propensity or
15 reputation for violent, abusive or assaultive behavior, or
16 lack of that behavior.

17 (e) The court shall, in any order denying bail to a person
18 charged with stalking or aggravated stalking:

19 (1) briefly summarize the evidence of the defendant's
20 culpability and its reasons for concluding that the
21 defendant should be held without bail;

22 (2) direct that the defendant be committed to the
23 custody of the sheriff for confinement in the county jail
24 pending trial;

25 (3) direct that the defendant be given a reasonable
26 opportunity for private consultation with counsel, and for

1 communication with others of his choice by visitation, mail
2 and telephone; and

3 (4) direct that the sheriff deliver the defendant as
4 required for appearances in connection with court
5 proceedings.

6 (f) If the court enters an order for the detention of the
7 defendant under subsection (e) of this Section, the defendant
8 shall be brought to trial on the offense for which he is
9 detained within 90 days after the date on which the order for
10 detention was entered. If the defendant is not brought to trial
11 within the 90 day period required by this subsection (f), he
12 shall not be held longer without bail. In computing the 90 day
13 period, the court shall omit any period of delay resulting from
14 a continuance granted at the request of the defendant. The
15 court shall immediately notify the alleged victim of the
16 offense that the defendant has been admitted to bail under this
17 subsection.

18 (g) Any person shall be entitled to appeal any order
19 entered under this Section denying bail to the defendant.

20 (h) The State may appeal any order entered under this
21 Section denying any motion for denial of bail.

22 (i) Nothing in this Section shall be construed as modifying
23 or limiting in any way the defendant's presumption of innocence
24 in further criminal proceedings.

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; revised

1 9-30-11.)

2 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

3 Sec. 110-10. Conditions of bail bond.

4 (a) If a person is released prior to conviction, either
5 upon payment of bail security or on his or her own
6 recognizance, the conditions of the bail bond shall be that he
7 or she will:

8 (1) Appear to answer the charge in the court having
9 jurisdiction on a day certain and thereafter as ordered by
10 the court until discharged or final order of the court;

11 (2) Submit himself or herself to the orders and process
12 of the court;

13 (3) Not depart this State without leave of the court;

14 (4) Not violate any criminal statute of any
15 jurisdiction;

16 (5) At a time and place designated by the court,
17 surrender all firearms in his or her possession to a law
18 enforcement officer designated by the court to take custody
19 of and impound the firearms and physically surrender his or
20 her Firearm Owner's Identification Card to the clerk of the
21 circuit court when the offense the person has been charged
22 with is a forcible felony, stalking, aggravated stalking,
23 domestic battery, any violation of the Illinois Controlled
24 Substances Act, the Methamphetamine Control and Community
25 Protection Act, or the Cannabis Control Act that is

1 classified as a Class 2 or greater felony, or any felony
2 violation of Article 24 of the Criminal Code of 1961; the
3 court may, however, forgo the imposition of this condition
4 when the circumstances of the case clearly do not warrant
5 it or when its imposition would be impractical; if the
6 Firearm Owner's Identification Card is confiscated, the
7 clerk of the circuit court shall mail the confiscated card
8 to the Illinois State Police; all legally possessed
9 firearms shall be returned to the person upon the charges
10 being dismissed, or if the person is found not guilty,
11 unless the finding of not guilty is by reason of insanity;
12 and

13 (6) At a time and place designated by the court, submit
14 to a psychological evaluation when the person has been
15 charged with a violation of item (4) of subsection (a) of
16 Section 24-1 of the Criminal Code of 1961 and that
17 violation occurred in a school or in any conveyance owned,
18 leased, or contracted by a school to transport students to
19 or from school or a school-related activity, or on any
20 public way within 1,000 feet of real property comprising
21 any school.

22 Psychological evaluations ordered pursuant to this Section
23 shall be completed promptly and made available to the State,
24 the defendant, and the court. As a further condition of bail
25 under these circumstances, the court shall order the defendant
26 to refrain from entering upon the property of the school,

1 including any conveyance owned, leased, or contracted by a
2 school to transport students to or from school or a
3 school-related activity, or on any public way within 1,000 feet
4 of real property comprising any school. Upon receipt of the
5 psychological evaluation, either the State or the defendant may
6 request a change in the conditions of bail, pursuant to Section
7 110-6 of this Code. The court may change the conditions of bail
8 to include a requirement that the defendant follow the
9 recommendations of the psychological evaluation, including
10 undergoing psychiatric treatment. The conclusions of the
11 psychological evaluation and any statements elicited from the
12 defendant during its administration are not admissible as
13 evidence of guilt during the course of any trial on the charged
14 offense, unless the defendant places his or her mental
15 competency in issue.

16 (b) The court may impose other conditions, such as the
17 following, if the court finds that such conditions are
18 reasonably necessary to assure the defendant's appearance in
19 court, protect the public from the defendant, or prevent the
20 defendant's unlawful interference with the orderly
21 administration of justice:

22 (1) Report to or appear in person before such person or
23 agency as the court may direct;

24 (2) Refrain from possessing a firearm or other
25 dangerous weapon;

26 (3) Refrain from approaching or communicating with

1 particular persons or classes of persons;

2 (4) Refrain from going to certain described
3 geographical areas or premises;

4 (5) Refrain from engaging in certain activities or
5 indulging in intoxicating liquors or in certain drugs;

6 (6) Undergo treatment for drug addiction or
7 alcoholism;

8 (7) Undergo medical or psychiatric treatment;

9 (8) Work or pursue a course of study or vocational
10 training;

11 (9) Attend or reside in a facility designated by the
12 court;

13 (10) Support his or her dependents;

14 (11) If a minor resides with his or her parents or in a
15 foster home, attend school, attend a non-residential
16 program for youths, and contribute to his or her own
17 support at home or in a foster home;

18 (12) Observe any curfew ordered by the court;

19 (13) Remain in the custody of such designated person or
20 organization agreeing to supervise his release. Such third
21 party custodian shall be responsible for notifying the
22 court if the defendant fails to observe the conditions of
23 release which the custodian has agreed to monitor, and
24 shall be subject to contempt of court for failure so to
25 notify the court;

26 (14) Be placed under direct supervision of the Pretrial

1 Services Agency, Probation Department or Court Services
2 Department in a pretrial bond home supervision capacity
3 with or without the use of an approved electronic
4 monitoring device subject to Article 8A of Chapter V of the
5 Unified Code of Corrections;

6 (14.1) The court shall impose upon a defendant who is
7 charged with any alcohol, cannabis, methamphetamine, or
8 controlled substance violation and is placed under direct
9 supervision of the Pretrial Services Agency, Probation
10 Department or Court Services Department in a pretrial bond
11 home supervision capacity with the use of an approved
12 monitoring device, as a condition of such bail bond, a fee
13 that represents costs incidental to the electronic
14 monitoring for each day of such bail supervision ordered by
15 the court, unless after determining the inability of the
16 defendant to pay the fee, the court assesses a lesser fee
17 or no fee as the case may be. The fee shall be collected by
18 the clerk of the circuit court. The clerk of the circuit
19 court shall pay all monies collected from this fee to the
20 county treasurer for deposit in the substance abuse
21 services fund under Section 5-1086.1 of the Counties Code;

22 (14.2) The court shall impose upon all defendants,
23 including those defendants subject to paragraph (14.1)
24 above, placed under direct supervision of the Pretrial
25 Services Agency, Probation Department or Court Services
26 Department in a pretrial bond home supervision capacity

1 with the use of an approved monitoring device, as a
2 condition of such bail bond, a fee which shall represent
3 costs incidental to such electronic monitoring for each day
4 of such bail supervision ordered by the court, unless after
5 determining the inability of the defendant to pay the fee,
6 the court assesses a lesser fee or no fee as the case may
7 be. The fee shall be collected by the clerk of the circuit
8 court. The clerk of the circuit court shall pay all monies
9 collected from this fee to the county treasurer who shall
10 use the monies collected to defray the costs of
11 corrections. The county treasurer shall deposit the fee
12 collected in the county working cash fund under Section
13 6-27001 or Section 6-29002 of the Counties Code, as the
14 case may be;

15 (14.3) The Chief Judge of the Judicial Circuit may
16 establish reasonable fees to be paid by a person receiving
17 pretrial services while under supervision of a pretrial
18 services agency, probation department, or court services
19 department. Reasonable fees may be charged for pretrial
20 services including, but not limited to, pretrial
21 supervision, diversion programs, electronic monitoring,
22 victim impact services, drug and alcohol testing, DNA
23 testing, GPS electronic monitoring, assessments and
24 evaluations related to domestic violence and other
25 victims, and victim mediation services. The person
26 receiving pretrial services may be ordered to pay all costs

1 incidental to pretrial services in accordance with his or
2 her ability to pay those costs;

3 (14.4) For persons charged with violating Section
4 11-501 of the Illinois Vehicle Code, refrain from operating
5 a motor vehicle not equipped with an ignition interlock
6 device, as defined in Section 1-129.1 of the Illinois
7 Vehicle Code, pursuant to the rules promulgated by the
8 Secretary of State for the installation of ignition
9 interlock devices. Under this condition the court may allow
10 a defendant who is not self-employed to operate a vehicle
11 owned by the defendant's employer that is not equipped with
12 an ignition interlock device in the course and scope of the
13 defendant's employment;

14 (15) Comply with the terms and conditions of an order
15 of protection issued by the court under the Illinois
16 Domestic Violence Act of 1986 or an order of protection
17 issued by the court of another state, tribe, or United
18 States territory;

19 (16) Under Section 110-6.5 comply with the conditions
20 of the drug testing program; and

21 (17) Such other reasonable conditions as the court may
22 impose.

23 (c) When a person is charged with an offense under Section
24 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
25 12-14.1, 12-15 or 12-16 of the "Criminal Code of 1961",
26 involving a victim who is a minor under 18 years of age living

1 in the same household with the defendant at the time of the
2 offense, in granting bail or releasing the defendant on his own
3 recognizance, the judge shall impose conditions to restrict the
4 defendant's access to the victim which may include, but are not
5 limited to conditions that he will:

6 1. Vacate the Household.

7 2. Make payment of temporary support to his dependents.

8 3. Refrain from contact or communication with the child
9 victim, except as ordered by the court.

10 (d) When a person is charged with a criminal offense and
11 the victim is a family or household member as defined in
12 Article 112A, conditions shall be imposed at the time of the
13 defendant's release on bond that restrict the defendant's
14 access to the victim. Unless provided otherwise by the court,
15 the restrictions shall include requirements that the defendant
16 do the following:

17 (1) refrain from contact or communication with the
18 victim for a minimum period of 72 hours following the
19 defendant's release; and

20 (2) refrain from entering or remaining at the victim's
21 residence for a minimum period of 72 hours following the
22 defendant's release.

23 (e) Local law enforcement agencies shall develop
24 standardized bond forms for use in cases involving family or
25 household members as defined in Article 112A, including
26 specific conditions of bond as provided in subsection (d).

1 Failure of any law enforcement department to develop or use
2 those forms shall in no way limit the applicability and
3 enforcement of subsections (d) and (f).

4 (f) If the defendant is admitted to bail after conviction
5 the conditions of the bail bond shall be that he will, in
6 addition to the conditions set forth in subsections (a) and (b)
7 hereof:

8 (1) Duly prosecute his appeal;

9 (2) Appear at such time and place as the court may
10 direct;

11 (3) Not depart this State without leave of the court;

12 (4) Comply with such other reasonable conditions as the
13 court may impose; and

14 (5) If the judgment is affirmed or the cause reversed
15 and remanded for a new trial, forthwith surrender to the
16 officer from whose custody he was bailed.

17 (g) Upon a finding of guilty for any felony offense, the
18 defendant shall physically surrender, at a time and place
19 designated by the court, any and all firearms in his or her
20 possession and his or her Firearm Owner's Identification Card
21 as a condition of remaining on bond pending sentencing.

22 (Source: P.A. 96-340, eff. 8-11-09; 96-1551, eff. 7-1-11;
23 97-401, eff. 1-1-12; revised 9-14-11.)

24 (725 ILCS 5/111-8) (from Ch. 38, par. 111-8)

25 Sec. 111-8. Orders of protection to prohibit domestic

1 violence.

2 (a) Whenever a violation of Section 9-1, 9-2, 9-3, 10-3,
3 10-3.1, 10-4, 10-5, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
4 11-1.60, 11-14.3 that involves soliciting for a prostitute,
5 11-14.4 that involves soliciting for a juvenile prostitute,
6 11-15, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, 11-20a, 12-1,
7 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3, 12-3.5, 12-4, 12-4.1,
8 12-4.3, 12-4.6, 12-5, 12-6, 12-6.3, 12-7.3, 12-7.4, 12-7.5,
9 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16, 19-4, 21-1, 21-2,
10 or 21-3 of the Criminal Code of 1961 or Section 1-1 of the
11 Harassing and Obscene Communications Act is alleged in an
12 information, complaint or indictment on file, and the alleged
13 offender and victim are family or household members, as defined
14 in the Illinois Domestic Violence Act, as now or hereafter
15 amended, the People through the respective State's Attorneys
16 may by separate petition and upon notice to the defendant,
17 except as provided in subsection (c) herein, request the court
18 to issue an order of protection.

19 (b) In addition to any other remedies specified in Section
20 208 of the Illinois Domestic Violence Act, as now or hereafter
21 amended, the order may direct the defendant to initiate no
22 contact with the alleged victim or victims who are family or
23 household members and to refrain from entering the residence,
24 school or place of business of the alleged victim or victims.

25 (c) The court may grant emergency relief without notice
26 upon a showing of immediate and present danger of abuse to the

1 victim or minor children of the victim and may enter a
2 temporary order pending notice and full hearing on the matter.

3 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;
4 P.A. 96-1551, Article 2, Section 1040, eff. 7-1-11; revised
5 9-30-11.)

6 (725 ILCS 5/115-7.3)

7 Sec. 115-7.3. Evidence in certain cases.

8 (a) This Section applies to criminal cases in which:

9 (1) the defendant is accused of predatory criminal
10 sexual assault of a child, aggravated criminal sexual
11 assault, criminal sexual assault, aggravated criminal
12 sexual abuse, criminal sexual abuse, child pornography,
13 aggravated child pornography, or criminal transmission of
14 HIV;

15 (2) the defendant is accused of battery, aggravated
16 battery, first degree murder, or second degree murder when
17 the commission of the offense involves sexual penetration
18 or sexual conduct as defined in Section 11-0.1 ~~12-12~~ of the
19 Criminal Code of 1961; or

20 (3) the defendant is tried or retried for any of the
21 offenses formerly known as rape, deviate sexual assault,
22 indecent liberties with a child, or aggravated indecent
23 liberties with a child.

24 (b) If the defendant is accused of an offense set forth in
25 paragraph (1) or (2) of subsection (a) or the defendant is

1 tried or retried for any of the offenses set forth in paragraph
2 (3) of subsection (a), evidence of the defendant's commission
3 of another offense or offenses set forth in paragraph (1), (2),
4 or (3) of subsection (a), or evidence to rebut that proof or an
5 inference from that proof, may be admissible (if that evidence
6 is otherwise admissible under the rules of evidence) and may be
7 considered for its bearing on any matter to which it is
8 relevant.

9 (c) In weighing the probative value of the evidence against
10 undue prejudice to the defendant, the court may consider:

11 (1) the proximity in time to the charged or predicate
12 offense;

13 (2) the degree of factual similarity to the charged or
14 predicate offense; or

15 (3) other relevant facts and circumstances.

16 (d) In a criminal case in which the prosecution intends to
17 offer evidence under this Section, it must disclose the
18 evidence, including statements of witnesses or a summary of the
19 substance of any testimony, at a reasonable time in advance of
20 trial, or during trial if the court excuses pretrial notice on
21 good cause shown.

22 (e) In a criminal case in which evidence is offered under
23 this Section, proof may be made by specific instances of
24 conduct, testimony as to reputation, or testimony in the form
25 of an expert opinion, except that the prosecution may offer
26 reputation testimony only after the opposing party has offered

1 that testimony.

2 (f) In prosecutions for a violation of Section 10-2,
3 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-3.05, 12-4,
4 12-13, 12-14, 12-14.1, 12-15, 12-16, or 18-5 of the Criminal
5 Code of 1961, involving the involuntary delivery of a
6 controlled substance to a victim, no inference may be made
7 about the fact that a victim did not consent to a test for the
8 presence of controlled substances.

9 (Source: P.A. 95-892, eff. 1-1-09; 96-1551, eff. 7-1-11;
10 revised 10-12-11.)

11 (725 ILCS 5/115-10.3)

12 Sec. 115-10.3. Hearsay exception regarding elder adults.

13 (a) In a prosecution for a physical act, abuse, neglect, or
14 financial exploitation perpetrated upon or against an eligible
15 adult, as defined in the Elder Abuse and Neglect Act, who has
16 been diagnosed by a physician to suffer from (i) any form of
17 dementia, developmental disability, or other form of mental
18 incapacity or (ii) any physical infirmity, including but not
19 limited to prosecutions for violations of Sections 10-1, 10-2,
20 10-3, 10-3.1, 10-4, 11-1.20, 11-1.30, 11-1.40, 11-1.50,
21 11-1.60, 11-11, 12-1, 12-2, 12-3, 12-3.05, 12-3.2, 12-3.3,
22 12-4, 12-4.1, 12-4.2, 12-4.5, 12-4.6, 12-4.7, 12-5, 12-6,
23 12-7.3, 12-7.4, 12-11, 12-11.1, 12-13, 12-14, 12-15, 12-16,
24 12-21, 16-1, 16-1.3, 17-1, 17-3, 17-56, 18-1, 18-2, 18-3, 18-4,
25 18-5, 20-1.1, 24-1.2, and 33A-2, or subsection (b) of Section

1 12-4.4a, of the Criminal Code of 1961, the following evidence
2 shall be admitted as an exception to the hearsay rule:

3 (1) testimony by an eligible adult, of an out of court
4 statement made by the eligible adult, that he or she
5 complained of such act to another; and

6 (2) testimony of an out of court statement made by the
7 eligible adult, describing any complaint of such act or
8 matter or detail pertaining to any act which is an element
9 of an offense which is the subject of a prosecution for a
10 physical act, abuse, neglect, or financial exploitation
11 perpetrated upon or against the eligible adult.

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

13 (1) The court finds in a hearing conducted outside the
14 presence of the jury that the time, content, and
15 circumstances of the statement provide sufficient
16 safeguards of reliability; and

17 (2) The eligible adult either:

18 (A) testifies at the proceeding; or

19 (B) is unavailable as a witness and there is
20 corroborative evidence of the act which is the subject
21 of the statement.

22 (c) If a statement is admitted pursuant to this Section,
23 the court shall instruct the jury that it is for the jury to
24 determine the weight and credibility to be given the statement
25 and that, in making the determination, it shall consider the
26 condition of the eligible adult, the nature of the statement,

1 the circumstances under which the statement was made, and any
2 other relevant factor.

3 (d) The proponent of the statement shall give the adverse
4 party reasonable notice of his or her intention to offer the
5 statement and the particulars of the statement.

6 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;
7 96-1551, Article 2, Section 1040, eff. 7-1-11; 96-1551, Article
8 10, Section 10-145, eff. 7-1-11; revised 9-30-11.)

9 Section 15-65. The Unified Code of Corrections is amended
10 by changing Sections 3-1-2, 3-3-7, 5-3-2, 5-4-3, 5-5-3,
11 5-5-3.2, 5-6-3, 5-6-3.1, 5-8-1, 5-8-4, and 5-9-1.7 as follows:

12 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

13 Sec. 3-1-2. Definitions.

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

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

23 (i) A violation of any of the following Sections of the
24 Criminal Code of 1961: 10-7 (aiding or abetting child

1 abduction under Section 10-5(b)(10)), 10-5(b)(10) (child
2 luring), 11-6 (indecent solicitation of a child), 11-6.5
3 (indecent solicitation of an adult), 11-14.4 (promoting
4 juvenile prostitution), 11-15.1 (soliciting for a juvenile
5 prostitute), 11-17.1 (keeping a place of juvenile
6 prostitution), 11-18.1 (patronizing a juvenile
7 prostitute), 11-19.1 (juvenile pimping), 11-19.2
8 (exploitation of a child), 11-20.1 (child pornography),
9 11-20.1B or 11-20.3 (aggravated child pornography),
10 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
11 child), or 12-33 (ritualized abuse of a child). An attempt
12 to commit any of these offenses.

13 (ii) A violation of any of the following Sections of
14 the Criminal Code of 1961: 11-1.20 or 12-13 (criminal
15 sexual assault), 11-1.30 or 12-14 (aggravated criminal
16 sexual assault), 11-1.60 or 12-16 (aggravated criminal
17 sexual abuse), and subsection (a) of Section 11-1.50 or
18 subsection (a) of Section 12-15 (criminal sexual abuse). An
19 attempt to commit any of these offenses.

20 (iii) A violation of any of the following Sections of
21 the Criminal Code of 1961 when the defendant is not a
22 parent of the victim:

23 10-1 (kidnapping),

24 10-2 (aggravated kidnapping),

25 10-3 (unlawful restraint),

26 10-3.1 (aggravated unlawful restraint).

1 An attempt to commit any of these offenses.

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

5 An offense violating federal law or the law of another
6 state that is substantially equivalent to any offense listed in
7 this subsection (a-5) shall constitute a sex offense for the
8 purpose of this subsection (a-5). A finding or adjudication as
9 a sexually dangerous person under any federal law or law of
10 another state that is substantially equivalent to the Sexually
11 Dangerous Persons Act shall constitute an adjudication for a
12 sex offense for the purposes of this subsection (a-5).

13 (b) "Commitment" means a judicially determined placement
14 in the custody of the Department of Corrections on the basis of
15 delinquency or conviction.

16 (c) "Committed Person" is a person committed to the
17 Department, however a committed person shall not be considered
18 to be an employee of the Department of Corrections for any
19 purpose, including eligibility for a pension, benefits, or any
20 other compensation or rights or privileges which may be
21 provided to employees of the Department.

22 (c-5) "Computer scrub software" means any third-party
23 added software, designed to delete information from the
24 computer unit, the hard drive, or other software, which would
25 eliminate and prevent discovery of browser activity, including
26 but not limited to Internet history, address bar or bars, cache

1 or caches, and/or cookies, and which would over-write files in
2 a way so as to make previous computer activity, including but
3 not limited to website access, more difficult to discover.

4 (d) "Correctional Institution or Facility" means any
5 building or part of a building where committed persons are kept
6 in a secured manner.

7 (e) In the case of functions performed before the effective
8 date of this amendatory Act of the 94th General Assembly,
9 "Department" means the Department of Corrections of this State.
10 In the case of functions performed on or after the effective
11 date of this amendatory Act of the 94th General Assembly,
12 "Department" has the meaning ascribed to it in subsection
13 (f-5).

14 (f) In the case of functions performed before the effective
15 date of this amendatory Act of the 94th General Assembly,
16 "Director" means the Director of the Department of Corrections.
17 In the case of functions performed on or after the effective
18 date of this amendatory Act of the 94th General Assembly,
19 "Director" has the meaning ascribed to it in subsection (f-5).

20 (f-5) In the case of functions performed on or after the
21 effective date of this amendatory Act of the 94th General
22 Assembly, references to "Department" or "Director" refer to
23 either the Department of Corrections or the Director of
24 Corrections or to the Department of Juvenile Justice or the
25 Director of Juvenile Justice unless the context is specific to
26 the Department of Juvenile Justice or the Director of Juvenile

1 Justice.

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

4 (h) "Discipline" means the rules and regulations for the
5 maintenance of order and the protection of persons and property
6 within the institutions and facilities of the Department and
7 their enforcement.

8 (i) "Escape" means the intentional and unauthorized
9 absence of a committed person from the custody of the
10 Department.

11 (j) "Furlough" means an authorized leave of absence from
12 the Department of Corrections for a designated purpose and
13 period of time.

14 (k) "Parole" means the conditional and revocable release of
15 a committed person under the supervision of a parole officer.

16 (l) "Prisoner Review Board" means the Board established in
17 Section 3-3-1(a), independent of the Department, to review
18 rules and regulations with respect to good time credits, to
19 hear charges brought by the Department against certain
20 prisoners alleged to have violated Department rules with
21 respect to good time credits, to set release dates for certain
22 prisoners sentenced under the law in effect prior to the
23 effective date of this Amendatory Act of 1977, to hear requests
24 and make recommendations to the Governor with respect to
25 pardon, reprieve or commutation, to set conditions for parole
26 and mandatory supervised release and determine whether

1 violations of those conditions justify revocation of parole or
2 release, and to assume all other functions previously exercised
3 by the Illinois Parole and Pardon Board.

4 (m) Whenever medical treatment, service, counseling, or
5 care is referred to in this Unified Code of Corrections, such
6 term may be construed by the Department or Court, within its
7 discretion, to include treatment, service or counseling by a
8 Christian Science practitioner or nursing care appropriate
9 therewith whenever request therefor is made by a person subject
10 to the provisions of this Act.

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

14 (o) "Wrongfully imprisoned person" means a person who has
15 been discharged from a prison of this State and has received:

16 (1) a pardon from the Governor stating that such pardon
17 is issued on the ground of innocence of the crime for which
18 he or she was imprisoned; or

19 (2) a certificate of innocence from the Circuit Court
20 as provided in Section 2-702 of the Code of Civil
21 Procedure.

22 (Source: P.A. 96-362, eff. 1-1-10; 96-710, eff. 1-1-10;
23 96-1000, eff. 7-2-10; 96-1550, eff. 7-1-11; 96-1551, eff.
24 7-1-11; revised 9-30-11.)

1 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
2 Release.

3 (a) The conditions of parole or mandatory supervised
4 release shall be such as the Prisoner Review Board deems
5 necessary to assist the subject in leading a law-abiding life.
6 The conditions of every parole and mandatory supervised release
7 are that the subject:

8 (1) not violate any criminal statute of any
9 jurisdiction during the parole or release term;

10 (2) refrain from possessing a firearm or other
11 dangerous weapon;

12 (3) report to an agent of the Department of
13 Corrections;

14 (4) permit the agent to visit him or her at his or her
15 home, employment, or elsewhere to the extent necessary for
16 the agent to discharge his or her duties;

17 (5) attend or reside in a facility established for the
18 instruction or residence of persons on parole or mandatory
19 supervised release;

20 (6) secure permission before visiting or writing a
21 committed person in an Illinois Department of Corrections
22 facility;

23 (7) report all arrests to an agent of the Department of
24 Corrections as soon as permitted by the arresting authority
25 but in no event later than 24 hours after release from
26 custody and immediately report service or notification of

1 an order of protection, a civil no contact order, or a
2 stalking no contact order to an agent of the Department of
3 Corrections;

4 (7.5) if convicted of a sex offense as defined in the
5 Sex Offender Management Board Act, the individual shall
6 undergo and successfully complete sex offender treatment
7 conducted in conformance with the standards developed by
8 the Sex Offender Management Board Act by a treatment
9 provider approved by the Board;

10 (7.6) 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, or is in any facility operated or licensed by
21 the Department of Children and Family Services or by the
22 Department of Human Services, or is in any licensed medical
23 facility;

24 (7.7) if convicted for an offense that would qualify
25 the accused as a sexual predator under the Sex Offender
26 Registration Act on or after January 1, 2007 (the effective

1 date of Public Act 94-988), wear an approved electronic
2 monitoring device as defined in Section 5-8A-2 for the
3 duration of the person's parole, mandatory supervised
4 release term, or extended mandatory supervised release
5 term and if convicted for an offense of criminal sexual
6 assault, aggravated criminal sexual assault, predatory
7 criminal sexual assault of a child, criminal sexual abuse,
8 aggravated criminal sexual abuse, or ritualized abuse of a
9 child committed on or after August 11, 2009 (the effective
10 date of Public Act 96-236) when the victim was under 18
11 years of age at the time of the commission of the offense
12 and the defendant used force or the threat of force in the
13 commission of the offense wear an approved electronic
14 monitoring device as defined in Section 5-8A-2 that has
15 Global Positioning System (GPS) capability for the
16 duration of the person's parole, mandatory supervised
17 release term, or extended mandatory supervised release
18 term;

19 (7.8) 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 not related to the
25 accused and whom the accused reasonably believes to be
26 under 18 years of age; for purposes of this paragraph

1 (7.8), "Internet" has the meaning ascribed to it in Section
2 16-0.1 of the Criminal Code of 1961; and a person is not
3 related to the accused if the person is not: (i) the
4 spouse, brother, or sister of the accused; (ii) a
5 descendant of the accused; (iii) a first or second cousin
6 of the accused; or (iv) a step-child or adopted child of
7 the accused;

8 (7.9) if convicted under Section 11-6, 11-20.1,
9 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961,
10 consent to search of computers, PDAs, cellular phones, and
11 other devices under his or her control that are capable of
12 accessing the Internet or storing electronic files, in
13 order to confirm Internet protocol addresses reported in
14 accordance with the Sex Offender Registration Act and
15 compliance with conditions in this Act;

16 (7.10) if convicted for an offense that would qualify
17 the accused as a sex offender or sexual predator under the
18 Sex Offender Registration Act on or after June 1, 2008 (the
19 effective date of Public Act 95-640), not possess
20 prescription drugs for erectile dysfunction;

21 (7.11) if convicted for an offense under Section 11-6,
22 11-9.1, 11-14.4 that involves soliciting for a juvenile
23 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
24 of the Criminal Code of 1961, or any attempt to commit any
25 of these offenses, committed on or after June 1, 2009 (the
26 effective date of Public Act 95-983):

1 (i) not access or use a computer or any other
2 device with Internet capability without the prior
3 written approval of the Department;

4 (ii) submit to periodic unannounced examinations
5 of the offender's computer or any other device with
6 Internet capability by the offender's supervising
7 agent, a law enforcement officer, or assigned computer
8 or information technology specialist, including the
9 retrieval and copying of all data from the computer or
10 device and any internal or external peripherals and
11 removal of such information, equipment, or device to
12 conduct a more thorough inspection;

13 (iii) submit to the installation on the offender's
14 computer or device with Internet capability, at the
15 offender's expense, of one or more hardware or software
16 systems to monitor the Internet use; and

17 (iv) submit to any other appropriate restrictions
18 concerning the offender's use of or access to a
19 computer or any other device with Internet capability
20 imposed by the Board, the Department or the offender's
21 supervising agent;

22 (7.12) if convicted of a sex offense as defined in the
23 Sex Offender Registration Act committed on or after January
24 1, 2010 (the effective date of Public Act 96-262), refrain
25 from accessing or using a social networking website as
26 defined in Section 17-0.5 of the Criminal Code of 1961;

1 (7.13) if convicted of a sex offense as defined in
2 Section 2 of the Sex Offender Registration Act committed on
3 or after January 1, 2010 (the effective date of Public Act
4 96-362) that requires the person to register as a sex
5 offender under that Act, may not knowingly use any computer
6 scrub software on any computer that the sex offender uses;

7 (8) obtain permission of an agent of the Department of
8 Corrections before leaving the State of Illinois;

9 (9) obtain permission of an agent of the Department of
10 Corrections before changing his or her residence or
11 employment;

12 (10) consent to a search of his or her person,
13 property, or residence under his or her control;

14 (11) refrain from the use or possession of narcotics or
15 other controlled substances in any form, or both, or any
16 paraphernalia related to those substances and submit to a
17 urinalysis test as instructed by a parole agent of the
18 Department of Corrections;

19 (12) not frequent places where controlled substances
20 are illegally sold, used, distributed, or administered;

21 (13) not knowingly associate with other persons on
22 parole or mandatory supervised release without prior
23 written permission of his or her parole agent and not
24 associate with persons who are members of an organized gang
25 as that term is defined in the Illinois Streetgang
26 Terrorism Omnibus Prevention Act;

1 (14) provide true and accurate information, as it
2 relates to his or her adjustment in the community while on
3 parole or mandatory supervised release or to his or her
4 conduct while incarcerated, in response to inquiries by his
5 or her parole agent or of the Department of Corrections;

6 (15) follow any specific instructions provided by the
7 parole agent that are consistent with furthering
8 conditions set and approved by the Prisoner Review Board or
9 by law, exclusive of placement on electronic detention, to
10 achieve the goals and objectives of his or her parole or
11 mandatory supervised release or to protect the public.
12 These instructions by the parole agent may be modified at
13 any time, as the agent deems appropriate;

14 (16) if convicted of a sex offense as defined in
15 subsection (a-5) of Section 3-1-2 of this Code, unless the
16 offender is a parent or guardian of the person under 18
17 years of age present in the home and no non-familial minors
18 are present, not participate in a holiday event involving
19 children under 18 years of age, such as distributing candy
20 or other items to children on Halloween, wearing a Santa
21 Claus costume on or preceding Christmas, being employed as
22 a department store Santa Claus, or wearing an Easter Bunny
23 costume on or preceding Easter;

24 (17) if convicted of a violation of an order of
25 protection under Section 12-30 of the Criminal Code of
26 1961, be placed under electronic surveillance as provided

1 in Section 5-8A-7 of this Code; ~~and~~

2 (18) comply with the terms and conditions of an order
3 of protection issued pursuant to the Illinois Domestic
4 Violence Act of 1986; an order of protection issued by the
5 court of another state, tribe, or United States territory;
6 a no contact order issued pursuant to the Civil No Contact
7 Order Act; or a no contact order issued pursuant to the
8 Stalking No Contact Order Act; and.

9 (19) ~~(18)~~ if convicted of a violation of the
10 Methamphetamine Control and Community Protection Act, the
11 Methamphetamine Precursor Control Act, or a
12 methamphetamine related offense, be:

13 (A) prohibited from purchasing, possessing, or
14 having under his or her control any product containing
15 pseudoephedrine unless prescribed by a physician; and

16 (B) prohibited from purchasing, possessing, or
17 having under his or her control any product containing
18 ammonium nitrate.

19 (b) The Board may in addition to other conditions require
20 that the subject:

21 (1) work or pursue a course of study or vocational
22 training;

23 (2) undergo medical or psychiatric treatment, or
24 treatment for drug addiction or alcoholism;

25 (3) attend or reside in a facility established for the
26 instruction or residence of persons on probation or parole;

1 (4) support his dependents;

2 (5) (blank);

3 (6) (blank);

4 (7) (blank);

5 (7.5) if convicted for an offense committed on or after
6 the effective date of this amendatory Act of the 95th
7 General Assembly that would qualify the accused as a child
8 sex offender as defined in Section 11-9.3 or 11-9.4 of the
9 Criminal Code of 1961, refrain from communicating with or
10 contacting, by means of the Internet, a person who is
11 related to the accused and whom the accused reasonably
12 believes to be under 18 years of age; for purposes of this
13 paragraph (7.5), "Internet" has the meaning ascribed to it
14 in Section 16-0.1 of the Criminal Code of 1961; and a
15 person is related to the accused if the person is: (i) the
16 spouse, brother, or sister of the accused; (ii) a
17 descendant of the accused; (iii) a first or second cousin
18 of the accused; or (iv) a step-child or adopted child of
19 the accused;

20 (7.6) if convicted for an offense committed on or after
21 June 1, 2009 (the effective date of Public Act 95-983) that
22 would qualify as a sex offense as defined in the Sex
23 Offender Registration Act:

24 (i) not access or use a computer or any other
25 device with Internet capability without the prior
26 written approval of the Department;

1 (ii) submit to periodic unannounced examinations
2 of the offender's computer or any other device with
3 Internet capability by the offender's supervising
4 agent, a law enforcement officer, or assigned computer
5 or information technology specialist, including the
6 retrieval and copying of all data from the computer or
7 device and any internal or external peripherals and
8 removal of such information, equipment, or device to
9 conduct a more thorough inspection;

10 (iii) submit to the installation on the offender's
11 computer or device with Internet capability, at the
12 offender's expense, of one or more hardware or software
13 systems to monitor the Internet use; and

14 (iv) submit to any other appropriate restrictions
15 concerning the offender's use of or access to a
16 computer or any other device with Internet capability
17 imposed by the Board, the Department or the offender's
18 supervising agent; and

19 (8) in addition, if a minor:

20 (i) reside with his parents or in a foster home;

21 (ii) attend school;

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

23 or

24 (iv) contribute to his own support at home or in a
25 foster home.

26 (b-1) In addition to the conditions set forth in

1 subsections (a) and (b), persons required to register as sex
2 offenders pursuant to the Sex Offender Registration Act, upon
3 release from the custody of the Illinois Department of
4 Corrections, may be required by the Board to comply with the
5 following specific conditions of release:

6 (1) reside only at a Department approved location;

7 (2) comply with all requirements of the Sex Offender
8 Registration Act;

9 (3) notify third parties of the risks that may be
10 occasioned by his or her criminal record;

11 (4) obtain the approval of an agent of the Department
12 of Corrections prior to accepting employment or pursuing a
13 course of study or vocational training and notify the
14 Department prior to any change in employment, study, or
15 training;

16 (5) not be employed or participate in any volunteer
17 activity that involves contact with children, except under
18 circumstances approved in advance and in writing by an
19 agent of the Department of Corrections;

20 (6) be electronically monitored for a minimum of 12
21 months from the date of release as determined by the Board;

22 (7) refrain from entering into a designated geographic
23 area except upon terms approved in advance by an agent of
24 the Department of Corrections. The terms may include
25 consideration of the purpose of the entry, the time of day,
26 and others accompanying the person;

1 (8) refrain from having any contact, including written
2 or oral communications, directly or indirectly, personally
3 or by telephone, letter, or through a third party with
4 certain specified persons including, but not limited to,
5 the victim or the victim's family without the prior written
6 approval of an agent of the Department of Corrections;

7 (9) refrain from all contact, directly or indirectly,
8 personally, by telephone, letter, or through a third party,
9 with minor children without prior identification and
10 approval of an agent of the Department of Corrections;

11 (10) neither possess or have under his or her control
12 any material that is sexually oriented, sexually
13 stimulating, or that shows male or female sex organs or any
14 pictures depicting children under 18 years of age nude or
15 any written or audio material describing sexual
16 intercourse or that depicts or alludes to sexual activity,
17 including but not limited to visual, auditory, telephonic,
18 or electronic media, or any matter obtained through access
19 to any computer or material linked to computer access use;

20 (11) not patronize any business providing sexually
21 stimulating or sexually oriented entertainment nor utilize
22 "900" or adult telephone numbers;

23 (12) not reside near, visit, or be in or about parks,
24 schools, day care centers, swimming pools, beaches,
25 theaters, or any other places where minor children
26 congregate without advance approval of an agent of the

1 Department of Corrections and immediately report any
2 incidental contact with minor children to the Department;

3 (13) not possess or have under his or her control
4 certain specified items of contraband related to the
5 incidence of sexually offending as determined by an agent
6 of the Department of Corrections;

7 (14) may be required to provide a written daily log of
8 activities if directed by an agent of the Department of
9 Corrections;

10 (15) comply with all other special conditions that the
11 Department may impose that restrict the person from
12 high-risk situations and limit access to potential
13 victims;

14 (16) take an annual polygraph exam;

15 (17) maintain a log of his or her travel; or

16 (18) obtain prior approval of his or her parole officer
17 before driving alone in a motor vehicle.

18 (c) The conditions under which the parole or mandatory
19 supervised release is to be served shall be communicated to the
20 person in writing prior to his release, and he shall sign the
21 same before release. A signed copy of these conditions,
22 including a copy of an order of protection where one had been
23 issued by the criminal court, shall be retained by the person
24 and another copy forwarded to the officer in charge of his
25 supervision.

26 (d) After a hearing under Section 3-3-9, the Prisoner

1 Review Board may modify or enlarge the conditions of parole or
2 mandatory supervised release.

3 (e) The Department shall inform all offenders committed to
4 the Department of the optional services available to them upon
5 release and shall assist inmates in availing themselves of such
6 optional services upon their release on a voluntary basis.

7 (f) (Blank).

8 (Source: P.A. 96-236, eff. 8-11-09; 96-262, eff. 1-1-10;
9 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-1000, eff.
10 7-2-10; 96-1539, eff. 3-4-11; 96-1551, Article 2, Section 1065,
11 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
12 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560, eff. 1-1-12;
13 97-597, eff. 1-1-12; revised 9-14-11.)

14 (730 ILCS 5/5-3-2) (from Ch. 38, par. 1005-3-2)

15 Sec. 5-3-2. Presentence Report.

16 (a) In felony cases, the presentence report shall set
17 forth:

18 (1) the defendant's history of delinquency or
19 criminality, physical and mental history and condition,
20 family situation and background, economic status,
21 education, occupation and personal habits;

22 (2) information about special resources within the
23 community which might be available to assist the
24 defendant's rehabilitation, including treatment centers,
25 residential facilities, vocational training services,

1 correctional manpower programs, employment opportunities,
2 special educational programs, alcohol and drug abuse
3 programming, psychiatric and marriage counseling, and
4 other programs and facilities which could aid the
5 defendant's successful reintegration into society;

6 (3) the effect the offense committed has had upon the
7 victim or victims thereof, and any compensatory benefit
8 that various sentencing alternatives would confer on such
9 victim or victims;

10 (4) information concerning the defendant's status
11 since arrest, including his record if released on his own
12 recognizance, or the defendant's achievement record if
13 released on a conditional pre-trial supervision program;

14 (5) when appropriate, a plan, based upon the personal,
15 economic and social adjustment needs of the defendant,
16 utilizing public and private community resources as an
17 alternative to institutional sentencing;

18 (6) any other matters that the investigatory officer
19 deems relevant or the court directs to be included; and

20 (7) information concerning defendant's eligibility for
21 a sentence to a county impact incarceration program under
22 Section 5-8-1.2 of this Code.

23 (b) The investigation shall include a physical and mental
24 examination of the defendant when so ordered by the court. If
25 the court determines that such an examination should be made,
26 it shall issue an order that the defendant submit to

1 examination at such time and place as designated by the court
2 and that such examination be conducted by a physician,
3 psychologist or psychiatrist designated by the court. Such an
4 examination may be conducted in a court clinic if so ordered by
5 the court. The cost of such examination shall be paid by the
6 county in which the trial is held.

7 (b-5) In cases involving felony sex offenses in which the
8 offender is being considered for probation only or any felony
9 offense that is sexually motivated as defined in the Sex
10 Offender Management Board Act in which the offender is being
11 considered for probation only, the investigation shall include
12 a sex offender evaluation by an evaluator approved by the Board
13 and conducted in conformance with the standards developed under
14 the Sex Offender Management Board Act. In cases in which the
15 offender is being considered for any mandatory prison sentence,
16 the investigation shall not include a sex offender evaluation.

17 (c) In misdemeanor, business offense or petty offense
18 cases, except as specified in subsection (d) of this Section,
19 when a presentence report has been ordered by the court, such
20 presentence report shall contain information on the
21 defendant's history of delinquency or criminality and shall
22 further contain only those matters listed in any of paragraphs
23 (1) through (6) of subsection (a) or in subsection (b) of this
24 Section as are specified by the court in its order for the
25 report.

26 (d) In cases under Sections 11-1.50, 12-15, and 12-3.4 or

1 12-30 of the Criminal Code of 1961, as amended, the presentence
2 report shall set forth information about alcohol, drug abuse,
3 psychiatric, and marriage counseling or other treatment
4 programs and facilities, information on the defendant's
5 history of delinquency or criminality, and shall contain those
6 additional matters listed in any of paragraphs (1) through (6)
7 of subsection (a) or in subsection (b) of this Section as are
8 specified by the court.

9 (e) Nothing in this Section shall cause the defendant to be
10 held without bail or to have his bail revoked for the purpose
11 of preparing the presentence report or making an examination.

12 (Source: P.A. 96-322, eff. 1-1-10; 96-1551, Article 1, Section
13 970, eff. 7-1-11; 96-1551, Article 2, Section 1065, eff.
14 7-1-11; revised 9-30-11.)

15 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

16 Sec. 5-4-3. Specimens; genetic marker groups.

17 (a) Any person convicted of, found guilty under the
18 Juvenile Court Act of 1987 for, or who received a disposition
19 of court supervision for, a qualifying offense or attempt of a
20 qualifying offense, convicted or found guilty of any offense
21 classified as a felony under Illinois law, convicted or found
22 guilty of any offense requiring registration under the Sex
23 Offender Registration Act, found guilty or given supervision
24 for any offense classified as a felony under the Juvenile Court
25 Act of 1987, convicted or found guilty of, under the Juvenile

1 Court Act of 1987, any offense requiring registration under the
2 Sex Offender Registration Act, or institutionalized as a
3 sexually dangerous person under the Sexually Dangerous Persons
4 Act, or committed as a sexually violent person under the
5 Sexually Violent Persons Commitment Act shall, regardless of
6 the sentence or disposition imposed, be required to submit
7 specimens of blood, saliva, or tissue to the Illinois
8 Department of State Police in accordance with the provisions of
9 this Section, provided such person is:

10 (1) convicted of a qualifying offense or attempt of a
11 qualifying offense on or after July 1, 1990 and sentenced
12 to a term of imprisonment, periodic imprisonment, fine,
13 probation, conditional discharge or any other form of
14 sentence, or given a disposition of court supervision for
15 the offense;

16 (1.5) found guilty or given supervision under the
17 Juvenile Court Act of 1987 for a qualifying offense or
18 attempt of a qualifying offense on or after January 1,
19 1997;

20 (2) ordered institutionalized as a sexually dangerous
21 person on or after July 1, 1990;

22 (3) convicted of a qualifying offense or attempt of a
23 qualifying offense before July 1, 1990 and is presently
24 confined as a result of such conviction in any State
25 correctional facility or county jail or is presently
26 serving a sentence of probation, conditional discharge or

1 periodic imprisonment as a result of such conviction;

2 (3.5) convicted or found guilty of any offense
3 classified as a felony under Illinois law or found guilty
4 or given supervision for such an offense under the Juvenile
5 Court Act of 1987 on or after August 22, 2002;

6 (4) presently institutionalized as a sexually
7 dangerous person or presently institutionalized as a
8 person found guilty but mentally ill of a sexual offense or
9 attempt to commit a sexual offense; or

10 (4.5) ordered committed as a sexually violent person on
11 or after the effective date of the Sexually Violent Persons
12 Commitment Act.

13 (a-1) Any person incarcerated in a facility of the Illinois
14 Department of Corrections or the Illinois Department of
15 Juvenile Justice on or after August 22, 2002, whether for a
16 term of years, natural life, or a sentence of death, who has
17 not yet submitted a specimen of blood, saliva, or tissue shall
18 be required to submit a specimen of blood, saliva, or tissue
19 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, or within 6 months from
22 August 13, 2009 (the effective date of Public Act 96-426),
23 whichever is sooner. A person incarcerated on or after August
24 13, 2009 (the effective date of Public Act 96-426) shall be
25 required to submit a specimen within 45 days of incarceration,
26 or prior to his or her final discharge, or release on parole or

1 mandatory supervised release, as a condition of his or her
2 parole or mandatory supervised release, whichever is sooner.
3 These specimens shall be placed into the State or national DNA
4 database, to be used in accordance with other provisions of
5 this Section, by the Illinois State Police.

6 (a-2) Any person sentenced to life imprisonment in a
7 facility of the Illinois Department of Corrections after the
8 effective date of this amendatory Act of the 94th General
9 Assembly or sentenced to death after the effective date of this
10 amendatory Act of the 94th General Assembly shall be required
11 to provide a specimen of blood, saliva, or tissue within 45
12 days after sentencing or disposition at a collection site
13 designated by the Illinois Department of State Police. Any
14 person serving a sentence of life imprisonment in a facility of
15 the Illinois Department of Corrections on the effective date of
16 this amendatory Act of the 94th General Assembly or any person
17 who is under a sentence of death on the effective date of this
18 amendatory Act of the 94th General Assembly shall be required
19 to provide a specimen of blood, saliva, or tissue upon request
20 at a collection site designated by the Illinois Department of
21 State Police.

22 (a-3) Any person seeking transfer to or residency in
23 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this
24 Code, the Interstate Compact for Adult Offender Supervision, or
25 the Interstate Agreements on Sexually Dangerous Persons Act
26 shall be required to provide a specimen of blood, saliva, or

1 tissue within 45 days after transfer to or residency in
2 Illinois at a collection site designated by the Illinois
3 Department of State Police.

4 (a-3.1) Any person required by an order of the court to
5 submit a DNA specimen shall be required to provide a specimen
6 of blood, saliva, or tissue within 45 days after the court
7 order at a collection site designated by the Illinois
8 Department of State Police.

9 (a-3.2) On or after January 1, 2012 (the effective date of
10 Public Act 97-383) ~~this amendatory Act of the 97th General~~
11 ~~Assembly~~, any person arrested for any of the following
12 offenses, after an indictment has been returned by a grand
13 jury, or following a hearing pursuant to Section 109-3 of the
14 Code of Criminal Procedure of 1963 and a judge finds there is
15 probable cause to believe the arrestee has committed one of the
16 designated offenses, or an arrestee has waived a preliminary
17 hearing shall be required to provide a specimen of blood,
18 saliva, or tissue within 14 days after such indictment or
19 hearing at a collection site designated by the Illinois
20 Department of State Police:

- 21 (A) first degree murder;
22 (B) home invasion;
23 (C) predatory criminal sexual assault of a child;
24 (D) aggravated criminal sexual assault; or
25 (E) criminal sexual assault.

26 (a-3.3) Any person required to register as a sex offender

1 under the Sex Offender Registration Act, regardless of the date
2 of conviction as set forth in subsection (c-5.2) shall be
3 required to provide a specimen of blood, saliva, or tissue
4 within the time period prescribed in subsection (c-5.2) at a
5 collection site designated by the Illinois Department of State
6 Police.

7 (a-5) Any person who was otherwise convicted of or received
8 a disposition of court supervision for any other offense under
9 the Criminal Code of 1961 or who was found guilty or given
10 supervision for such a violation under the Juvenile Court Act
11 of 1987, may, regardless of the sentence imposed, be required
12 by an order of the court to submit specimens of blood, saliva,
13 or tissue to the Illinois Department of State Police in
14 accordance with the provisions of this Section.

15 (b) Any person required by paragraphs (a)(1), (a)(1.5),
16 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,
17 saliva, or tissue shall provide specimens of blood, saliva, or
18 tissue within 45 days after sentencing or disposition at a
19 collection site designated by the Illinois Department of State
20 Police.

21 (c) Any person required by paragraphs (a)(3), (a)(4), and
22 (a)(4.5) to provide specimens of blood, saliva, or tissue shall
23 be required to provide such specimens prior to final discharge
24 or within 6 months from August 13, 2009 (the effective date of
25 Public Act 96-426), whichever is sooner. These specimens shall
26 be placed into the State or national DNA database, to be used

1 in accordance with other provisions of this Act, by the
2 Illinois State Police.

3 (c-5) Any person required by paragraph (a-3) to provide
4 specimens of blood, saliva, or tissue shall, where feasible, be
5 required to provide the specimens before being accepted for
6 conditioned residency in Illinois under the interstate compact
7 or agreement, but no later than 45 days after arrival in this
8 State.

9 (c-5.2) Unless it is determined that a registered sex
10 offender has previously submitted a specimen of blood, saliva,
11 or tissue that has been placed into the State DNA database, a
12 person registering as a sex offender shall be required to
13 submit a specimen at the time of his or her initial
14 registration pursuant to the Sex Offender Registration Act or,
15 for a person registered as a sex offender on or prior to
16 January 1, 2012 (the effective date of Public Act 97-383) ~~this~~
17 ~~amendatory Act of the 97th General Assembly~~, within one year of
18 January 1, 2012 (the effective date of Public Act 97-383) ~~this~~
19 ~~amendatory Act~~ or at the time of his or her next required
20 registration.

21 (c-6) The Illinois Department of State Police may determine
22 which type of specimen or specimens, blood, saliva, or tissue,
23 is acceptable for submission to the Division of Forensic
24 Services for analysis. The Illinois Department of State Police
25 may require the submission of fingerprints from anyone required
26 to give a specimen under this Act.

1 (d) The Illinois Department of State Police shall provide
2 all equipment and instructions necessary for the collection of
3 blood specimens. The collection of specimens shall be performed
4 in a medically approved manner. Only a physician authorized to
5 practice medicine, a registered nurse or other qualified person
6 trained in venipuncture may withdraw blood for the purposes of
7 this Act. The specimens shall thereafter be forwarded to the
8 Illinois Department of State Police, Division of Forensic
9 Services, for analysis and categorizing into genetic marker
10 groupings.

11 (d-1) The Illinois Department of State Police shall provide
12 all equipment and instructions necessary for the collection of
13 saliva specimens. The collection of saliva specimens shall be
14 performed in a medically approved manner. Only a person trained
15 in the instructions promulgated by the Illinois State Police on
16 collecting saliva may collect saliva for the purposes of this
17 Section. The specimens shall thereafter be forwarded to the
18 Illinois Department of State Police, Division of Forensic
19 Services, for analysis and categorizing into genetic marker
20 groupings.

21 (d-2) The Illinois Department of State Police shall provide
22 all equipment and instructions necessary for the collection of
23 tissue specimens. The collection of tissue specimens shall be
24 performed in a medically approved manner. Only a person trained
25 in the instructions promulgated by the Illinois State Police on
26 collecting tissue may collect tissue for the purposes of this

1 Section. The specimens shall thereafter be forwarded to the
2 Illinois Department of State Police, Division of Forensic
3 Services, for analysis and categorizing into genetic marker
4 groupings.

5 (d-5) To the extent that funds are available, the Illinois
6 Department of State Police shall contract with qualified
7 personnel and certified laboratories for the collection,
8 analysis, and categorization of known specimens, except as
9 provided in subsection (n) of this Section.

10 (d-6) Agencies designated by the Illinois Department of
11 State Police and the Illinois Department of State Police may
12 contract with third parties to provide for the collection or
13 analysis of DNA, or both, of an offender's blood, saliva, and
14 tissue specimens, except as provided in subsection (n) of this
15 Section.

16 (e) The genetic marker groupings shall be maintained by the
17 Illinois Department of State Police, Division of Forensic
18 Services.

19 (f) The genetic marker grouping analysis information
20 obtained pursuant to this Act shall be confidential and shall
21 be released only to peace officers of the United States, of
22 other states or territories, of the insular possessions of the
23 United States, of foreign countries duly authorized to receive
24 the same, to all peace officers of the State of Illinois and to
25 all prosecutorial agencies, and to defense counsel as provided
26 by Section 116-5 of the Code of Criminal Procedure of 1963. The

1 genetic marker grouping analysis information obtained pursuant
2 to this Act shall be used only for (i) valid law enforcement
3 identification purposes and as required by the Federal Bureau
4 of Investigation for participation in the National DNA
5 database, (ii) technology validation purposes, (iii) a
6 population statistics database, (iv) quality assurance
7 purposes if personally identifying information is removed, (v)
8 assisting in the defense of the criminally accused pursuant to
9 Section 116-5 of the Code of Criminal Procedure of 1963, or
10 (vi) identifying and assisting in the prosecution of a person
11 who is suspected of committing a sexual assault as defined in
12 Section 1a of the Sexual Assault Survivors Emergency Treatment
13 Act. Notwithstanding any other statutory provision to the
14 contrary, all information obtained under this Section shall be
15 maintained in a single State data base, which may be uploaded
16 into a national database, and which information may be subject
17 to expungement only as set forth in subsection (f-1).

18 (f-1) Upon receipt of notification of a reversal of a
19 conviction based on actual innocence, or of the granting of a
20 pardon pursuant to Section 12 of Article V of the Illinois
21 Constitution, if that pardon document specifically states that
22 the reason for the pardon is the actual innocence of an
23 individual whose DNA record has been stored in the State or
24 national DNA identification index in accordance with this
25 Section by the Illinois Department of State Police, the DNA
26 record shall be expunged from the DNA identification index, and

1 the Department shall by rule prescribe procedures to ensure
2 that the record and any specimens, analyses, or other documents
3 relating to such record, whether in the possession of the
4 Department or any law enforcement or police agency, or any
5 forensic DNA laboratory, including any duplicates or copies
6 thereof, are destroyed and a letter is sent to the court
7 verifying the expungement is completed. For specimens required
8 to be collected prior to conviction, unless the individual has
9 other charges or convictions that require submission of a
10 specimen, the DNA record for an individual shall be expunged
11 from the DNA identification databases and the specimen
12 destroyed upon receipt of a certified copy of a final court
13 order for each charge against an individual in which the charge
14 has been dismissed, resulted in acquittal, or that the charge
15 was not filed within the applicable time period. The Department
16 shall by rule prescribe procedures to ensure that the record
17 and any specimens in the possession or control of the
18 Department are destroyed and a letter is sent to the court
19 verifying the expungement is completed.

20 (f-5) Any person who intentionally uses genetic marker
21 grouping analysis information, or any other information
22 derived from a DNA specimen, beyond the authorized uses as
23 provided under this Section, or any other Illinois law, is
24 guilty of a Class 4 felony, and shall be subject to a fine of
25 not less than \$5,000.

26 (f-6) The Illinois Department of State Police may contract

1 with third parties for the purposes of implementing this
2 amendatory Act of the 93rd General Assembly, except as provided
3 in subsection (n) of this Section. Any other party contracting
4 to carry out the functions of this Section shall be subject to
5 the same restrictions and requirements of this Section insofar
6 as applicable, as the Illinois Department of State Police, and
7 to any additional restrictions imposed by the Illinois
8 Department of State Police.

9 (g) For the purposes of this Section, "qualifying offense"
10 means any of the following:

11 (1) any violation or inchoate violation of Section
12 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or
13 12-16 of the Criminal Code of 1961;

14 (1.1) any violation or inchoate violation of Section
15 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
16 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which
17 persons are convicted on or after July 1, 2001;

18 (2) any former statute of this State which defined a
19 felony sexual offense;

20 (3) (blank);

21 (4) any inchoate violation of Section 9-3.1, 11-9.3,
22 12-7.3, or 12-7.4 of the Criminal Code of 1961; or

23 (5) any violation or inchoate violation of Article 29D
24 of the Criminal Code of 1961.

25 (g-5) (Blank).

26 (h) The Illinois Department of State Police shall be the

1 State central repository for all genetic marker grouping
2 analysis information obtained pursuant to this Act. The
3 Illinois Department of State Police may promulgate rules for
4 the form and manner of the collection of blood, saliva, or
5 tissue specimens and other procedures for the operation of this
6 Act. The provisions of the Administrative Review Law shall
7 apply to all actions taken under the rules so promulgated.

8 (i) (1) A person required to provide a blood, saliva, or
9 tissue specimen shall cooperate with the collection of the
10 specimen and any deliberate act by that person intended to
11 impede, delay or stop the collection of the blood, saliva,
12 or tissue specimen is a Class 4 felony.

13 (2) In the event that a person's DNA specimen is not
14 adequate for any reason, the person shall provide another
15 DNA specimen for analysis. Duly authorized law enforcement
16 and corrections personnel may employ reasonable force in
17 cases in which an individual refuses to provide a DNA
18 specimen required under this Act.

19 (j) Any person required by subsection (a), or any person
20 who was previously required by subsection (a-3.2), to submit
21 specimens of blood, saliva, or tissue to the Illinois
22 Department of State Police for analysis and categorization into
23 genetic marker grouping, in addition to any other disposition,
24 penalty, or fine imposed, shall pay an analysis fee of \$250. If
25 the analysis fee is not paid at the time of sentencing, the
26 court shall establish a fee schedule by which the entire amount

1 of the analysis fee shall be paid in full, such schedule not to
2 exceed 24 months from the time of conviction. The inability to
3 pay this analysis fee shall not be the sole ground to
4 incarcerate the person.

5 (k) All analysis and categorization fees provided for by
6 subsection (j) shall be regulated as follows:

7 (1) The State Offender DNA Identification System Fund
8 is hereby created as a special fund in the State Treasury.

9 (2) All fees shall be collected by the clerk of the
10 court and forwarded to the State Offender DNA
11 Identification System Fund for deposit. The clerk of the
12 circuit court may retain the amount of \$10 from each
13 collected analysis fee to offset administrative costs
14 incurred in carrying out the clerk's responsibilities
15 under this Section.

16 (3) Fees deposited into the State Offender DNA
17 Identification System Fund shall be used by Illinois State
18 Police crime laboratories as designated by the Director of
19 State Police. These funds shall be in addition to any
20 allocations made pursuant to existing laws and shall be
21 designated for the exclusive use of State crime
22 laboratories. These uses may include, but are not limited
23 to, the following:

24 (A) Costs incurred in providing analysis and
25 genetic marker categorization as required by
26 subsection (d).

1 (B) Costs incurred in maintaining genetic marker
2 groupings as required by subsection (e).

3 (C) Costs incurred in the purchase and maintenance
4 of equipment for use in performing analyses.

5 (D) Costs incurred in continuing research and
6 development of new techniques for analysis and genetic
7 marker categorization.

8 (E) Costs incurred in continuing education,
9 training, and professional development of forensic
10 scientists regularly employed by these laboratories.

11 (1) The failure of a person to provide a specimen, or of
12 any person or agency to collect a specimen, shall in no way
13 alter the obligation of the person to submit such specimen, or
14 the authority of the Illinois Department of State Police or
15 persons designated by the Department to collect the specimen,
16 or the authority of the Illinois Department of State Police to
17 accept, analyze and maintain the specimen or to maintain or
18 upload results of genetic marker grouping analysis information
19 into a State or national database.

20 (m) If any provision of this amendatory Act of the 93rd
21 General Assembly is held unconstitutional or otherwise
22 invalid, the remainder of this amendatory Act of the 93rd
23 General Assembly is not affected.

24 (n) Neither the Department of State Police, the Division of
25 Forensic Services, nor any laboratory of the Division of
26 Forensic Services may contract out forensic testing for the

1 purpose of an active investigation or a matter pending before a
2 court of competent jurisdiction without the written consent of
3 the prosecuting agency. For the purposes of this subsection
4 (n), "forensic testing" includes the analysis of physical
5 evidence in an investigation or other proceeding for the
6 prosecution of a violation of the Criminal Code of 1961 or for
7 matters adjudicated under the Juvenile Court Act of 1987, and
8 includes the use of forensic databases and databanks, including
9 DNA, firearm, and fingerprint databases, and expert testimony.

10 (o) Mistake does not invalidate a database match. The
11 detention, arrest, or conviction of a person based upon a
12 database match or database information is not invalidated if it
13 is determined that the specimen was obtained or placed in the
14 database by mistake.

15 (p) This Section may be referred to as the Illinois DNA
16 Database Law of 2011.

17 (Source: P.A. 96-426, eff. 8-13-09; 96-642, eff. 8-24-09;
18 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-383, eff.
19 1-1-12; revised 9-14-11.)

20 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

21 Sec. 5-5-3. Disposition.

22 (a) (Blank).

23 (b) (Blank).

24 (c) (1) (Blank).

25 (2) A period of probation, a term of periodic

1 imprisonment or conditional discharge shall not be imposed
2 for the following offenses. The court shall sentence the
3 offender to not less than the minimum term of imprisonment
4 set forth in this Code for the following offenses, and may
5 order a fine or restitution or both in conjunction with
6 such term of imprisonment:

7 (A) First degree murder where the death penalty is
8 not imposed.

9 (B) Attempted first degree murder.

10 (C) A Class X felony.

11 (D) A violation of Section 401.1 or 407 of the
12 Illinois Controlled Substances Act, or a violation of
13 subdivision (c) (1), (c) (1.5), or (c) (2) of Section 401
14 of that Act which relates to more than 5 grams of a
15 substance containing heroin, cocaine, fentanyl, or an
16 analog thereof.

17 (E) A violation of Section 5.1 or 9 of the Cannabis
18 Control Act.

19 (F) A Class 2 or greater felony if the offender had
20 been convicted of a Class 2 or greater felony,
21 including any state or federal conviction for an
22 offense that contained, at the time it was committed,
23 the same elements as an offense now (the date of the
24 offense committed after the prior Class 2 or greater
25 felony) classified as a Class 2 or greater felony,
26 within 10 years of the date on which the offender

1 committed the offense for which he or she is being
2 sentenced, except as otherwise provided in Section
3 40-10 of the Alcoholism and Other Drug Abuse and
4 Dependency Act.

5 (F-5) A violation of Section 24-1, 24-1.1, or
6 24-1.6 of the Criminal Code of 1961 for which
7 imprisonment is prescribed in those Sections.

8 (G) Residential burglary, except as otherwise
9 provided in Section 40-10 of the Alcoholism and Other
10 Drug Abuse and Dependency Act.

11 (H) Criminal sexual assault.

12 (I) Aggravated battery of a senior citizen as
13 described in Section 12-4.6 or subdivision (a)(4) of
14 Section 12-3.05.

15 (J) A forcible felony if the offense was related to
16 the activities of an organized gang.

17 Before July 1, 1994, for the purposes of this
18 paragraph, "organized gang" means an association of 5
19 or more persons, with an established hierarchy, that
20 encourages members of the association to perpetrate
21 crimes or provides support to the members of the
22 association who do commit crimes.

23 Beginning July 1, 1994, for the purposes of this
24 paragraph, "organized gang" has the meaning ascribed
25 to it in Section 10 of the Illinois Streetgang
26 Terrorism Omnibus Prevention Act.

1 (K) Vehicular hijacking.

2 (L) A second or subsequent conviction for the
3 offense of hate crime when the underlying offense upon
4 which the hate crime is based is felony aggravated
5 assault or felony mob action.

6 (M) A second or subsequent conviction for the
7 offense of institutional vandalism if the damage to the
8 property exceeds \$300.

9 (N) A Class 3 felony violation of paragraph (1) of
10 subsection (a) of Section 2 of the Firearm Owners
11 Identification Card Act.

12 (O) A violation of Section 12-6.1 or 12-6.5 of the
13 Criminal Code of 1961.

14 (P) A violation of paragraph (1), (2), (3), (4),
15 (5), or (7) of subsection (a) of Section 11-20.1 of the
16 Criminal Code of 1961.

17 (Q) A violation of Section 20-1.2 or 20-1.3 of the
18 Criminal Code of 1961.

19 (R) A violation of Section 24-3A of the Criminal
20 Code of 1961.

21 (S) (Blank).

22 (T) A second or subsequent violation of the
23 Methamphetamine Control and Community Protection Act.

24 (U) A second or subsequent violation of Section
25 6-303 of the Illinois Vehicle Code committed while his
26 or her driver's license, permit, or privilege was

1 revoked because of a violation of Section 9-3 of the
2 Criminal Code of 1961, relating to the offense of
3 reckless homicide, or a similar provision of a law of
4 another state.

5 (V) A violation of paragraph (4) of subsection (c)
6 of Section 11-20.1B or paragraph (4) of subsection (c)
7 of Section 11-20.3 of the Criminal Code of 1961.

8 (W) A violation of Section 24-3.5 of the Criminal
9 Code of 1961.

10 (X) A violation of subsection (a) of Section 31-1a
11 of the Criminal Code of 1961.

12 (Y) A conviction for unlawful possession of a
13 firearm by a street gang member when the firearm was
14 loaded or contained firearm ammunition.

15 (Z) A Class 1 felony committed while he or she was
16 serving a term of probation or conditional discharge
17 for a felony.

18 (AA) Theft of property exceeding \$500,000 and not
19 exceeding \$1,000,000 in value.

20 (BB) Laundering of criminally derived property of
21 a value exceeding \$500,000.

22 (CC) Knowingly selling, offering for sale, holding
23 for sale, or using 2,000 or more counterfeit items or
24 counterfeit items having a retail value in the
25 aggregate of \$500,000 or more.

26 (DD) A conviction for aggravated assault under

1 paragraph (6) of subsection (c) of Section 12-2 of the
2 Criminal Code of 1961 if the firearm is aimed toward
3 the person against whom the firearm is being used.

4 (3) (Blank).

5 (4) A minimum term of imprisonment of not less than 10
6 consecutive days or 30 days of community service shall be
7 imposed for a violation of paragraph (c) of Section 6-303
8 of the Illinois Vehicle Code.

9 (4.1) (Blank).

10 (4.2) Except as provided in paragraphs (4.3) and (4.8)
11 of this subsection (c), a minimum of 100 hours of community
12 service shall be imposed for a second violation of Section
13 6-303 of the Illinois Vehicle Code.

14 (4.3) A minimum term of imprisonment of 30 days or 300
15 hours of community service, as determined by the court,
16 shall be imposed for a second violation of subsection (c)
17 of Section 6-303 of the Illinois Vehicle Code.

18 (4.4) Except as provided in paragraphs (4.5), (4.6),
19 and (4.9) of this subsection (c), a minimum term of
20 imprisonment of 30 days or 300 hours of community service,
21 as determined by the court, shall be imposed for a third or
22 subsequent violation of Section 6-303 of the Illinois
23 Vehicle Code.

24 (4.5) A minimum term of imprisonment of 30 days shall
25 be imposed for a third violation of subsection (c) of
26 Section 6-303 of the Illinois Vehicle Code.

1 (4.6) Except as provided in paragraph (4.10) of this
2 subsection (c), a minimum term of imprisonment of 180 days
3 shall be imposed for a fourth or subsequent violation of
4 subsection (c) of Section 6-303 of the Illinois Vehicle
5 Code.

6 (4.7) A minimum term of imprisonment of not less than
7 30 consecutive days, or 300 hours of community service,
8 shall be imposed for a violation of subsection (a-5) of
9 Section 6-303 of the Illinois Vehicle Code, as provided in
10 subsection (b-5) of that Section.

11 (4.8) A mandatory prison sentence shall be imposed for
12 a second violation of subsection (a-5) of Section 6-303 of
13 the Illinois Vehicle Code, as provided in subsection (c-5)
14 of that Section. The person's driving privileges shall be
15 revoked for a period of not less than 5 years from the date
16 of his or her release from prison.

17 (4.9) A mandatory prison sentence of not less than 4
18 and not more than 15 years shall be imposed for a third
19 violation of subsection (a-5) of Section 6-303 of the
20 Illinois Vehicle Code, as provided in subsection (d-2.5) of
21 that Section. The person's driving privileges shall be
22 revoked for the remainder of his or her life.

23 (4.10) A mandatory prison sentence for a Class 1 felony
24 shall be imposed, and the person shall be eligible for an
25 extended term sentence, for a fourth or subsequent
26 violation of subsection (a-5) of Section 6-303 of the

1 Illinois Vehicle Code, as provided in subsection (d-3.5) of
2 that Section. The person's driving privileges shall be
3 revoked for the remainder of his or her life.

4 (5) The court may sentence a corporation or
5 unincorporated association convicted of any offense to:

6 (A) a period of conditional discharge;

7 (B) a fine;

8 (C) make restitution to the victim under Section
9 5-5-6 of this Code.

10 (5.1) In addition to any other penalties imposed, and
11 except as provided in paragraph (5.2) or (5.3), a person
12 convicted of violating subsection (c) of Section 11-907 of
13 the Illinois Vehicle Code shall have his or her driver's
14 license, permit, or privileges suspended for at least 90
15 days but not more than one year, if the violation resulted
16 in damage to the property of another person.

17 (5.2) In addition to any other penalties imposed, and
18 except as provided in paragraph (5.3), a person convicted
19 of violating subsection (c) of Section 11-907 of the
20 Illinois Vehicle Code shall have his or her driver's
21 license, permit, or privileges suspended for at least 180
22 days but not more than 2 years, if the violation resulted
23 in injury to another person.

24 (5.3) In addition to any other penalties imposed, a
25 person convicted of violating subsection (c) of Section
26 11-907 of the Illinois Vehicle Code shall have his or her

1 driver's license, permit, or privileges suspended for 2
2 years, if the violation resulted in the death of another
3 person.

4 (5.4) In addition to any other penalties imposed, a
5 person convicted of violating Section 3-707 of the Illinois
6 Vehicle Code shall have his or her driver's license,
7 permit, or privileges suspended for 3 months and until he
8 or she has paid a reinstatement fee of \$100.

9 (5.5) In addition to any other penalties imposed, a
10 person convicted of violating Section 3-707 of the Illinois
11 Vehicle Code during a period in which his or her driver's
12 license, permit, or privileges were suspended for a
13 previous violation of that Section shall have his or her
14 driver's license, permit, or privileges suspended for an
15 additional 6 months after the expiration of the original
16 3-month suspension and until he or she has paid a
17 reinstatement fee of \$100.

18 (6) (Blank).

19 (7) (Blank).

20 (8) (Blank).

21 (9) A defendant convicted of a second or subsequent
22 offense of ritualized abuse of a child may be sentenced to
23 a term of natural life imprisonment.

24 (10) (Blank).

25 (11) The court shall impose a minimum fine of \$1,000
26 for a first offense and \$2,000 for a second or subsequent

1 offense upon a person convicted of or placed on supervision
2 for battery when the individual harmed was a sports
3 official or coach at any level of competition and the act
4 causing harm to the sports official or coach occurred
5 within an athletic facility or within the immediate
6 vicinity of the athletic facility at which the sports
7 official or coach was an active participant of the athletic
8 contest held at the athletic facility. For the purposes of
9 this paragraph (11), "sports official" means a person at an
10 athletic contest who enforces the rules of the contest,
11 such as an umpire or referee; "athletic facility" means an
12 indoor or outdoor playing field or recreational area where
13 sports activities are conducted; and "coach" means a person
14 recognized as a coach by the sanctioning authority that
15 conducted the sporting event.

16 (12) A person may not receive a disposition of court
17 supervision for a violation of Section 5-16 of the Boat
18 Registration and Safety Act if that person has previously
19 received a disposition of court supervision for a violation
20 of that Section.

21 (13) A person convicted of or placed on court
22 supervision for an assault or aggravated assault when the
23 victim and the offender are family or household members as
24 defined in Section 103 of the Illinois Domestic Violence
25 Act of 1986 or convicted of domestic battery or aggravated
26 domestic battery may be required to attend a Partner Abuse

1 Intervention Program under protocols set forth by the
2 Illinois Department of Human Services under such terms and
3 conditions imposed by the court. The costs of such classes
4 shall be paid by the offender.

5 (d) In any case in which a sentence originally imposed is
6 vacated, the case shall be remanded to the trial court. The
7 trial court shall hold a hearing under Section 5-4-1 of the
8 Unified Code of Corrections which may include evidence of the
9 defendant's life, moral character and occupation during the
10 time since the original sentence was passed. The trial court
11 shall then impose sentence upon the defendant. The trial court
12 may impose any sentence which could have been imposed at the
13 original trial subject to Section 5-5-4 of the Unified Code of
14 Corrections. If a sentence is vacated on appeal or on
15 collateral attack due to the failure of the trier of fact at
16 trial to determine beyond a reasonable doubt the existence of a
17 fact (other than a prior conviction) necessary to increase the
18 punishment for the offense beyond the statutory maximum
19 otherwise applicable, either the defendant may be re-sentenced
20 to a term within the range otherwise provided or, if the State
21 files notice of its intention to again seek the extended
22 sentence, the defendant shall be afforded a new trial.

23 (e) In cases where prosecution for aggravated criminal
24 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
25 Code of 1961 results in conviction of a defendant who was a
26 family member of the victim at the time of the commission of

1 the offense, the court shall consider the safety and welfare of
2 the victim and may impose a sentence of probation only where:

3 (1) the court finds (A) or (B) or both are appropriate:

4 (A) the defendant is willing to undergo a court
5 approved counseling program for a minimum duration of 2
6 years; or

7 (B) the defendant is willing to participate in a
8 court approved plan including but not limited to the
9 defendant's:

10 (i) removal from the household;

11 (ii) restricted contact with the victim;

12 (iii) continued financial support of the
13 family;

14 (iv) restitution for harm done to the victim;

15 and

16 (v) compliance with any other measures that
17 the court may deem appropriate; and

18 (2) the court orders the defendant to pay for the
19 victim's counseling services, to the extent that the court
20 finds, after considering the defendant's income and
21 assets, that the defendant is financially capable of paying
22 for such services, if the victim was under 18 years of age
23 at the time the offense was committed and requires
24 counseling as a result of the offense.

25 Probation may be revoked or modified pursuant to Section
26 5-6-4; except where the court determines at the hearing that

1 the defendant violated a condition of his or her probation
2 restricting contact with the victim or other family members or
3 commits another offense with the victim or other family
4 members, the court shall revoke the defendant's probation and
5 impose a term of imprisonment.

6 For the purposes of this Section, "family member" and
7 "victim" shall have the meanings ascribed to them in Section
8 11-0.1 of the Criminal Code of 1961.

9 (f) (Blank).

10 (g) Whenever a defendant is convicted of an offense under
11 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
12 11-14.3, 11-14.4 except for an offense that involves keeping a
13 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
14 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
15 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the
16 defendant shall undergo medical testing to determine whether
17 the defendant has any sexually transmissible disease,
18 including a test for infection with human immunodeficiency
19 virus (HIV) or any other identified causative agent of acquired
20 immunodeficiency syndrome (AIDS). Any such medical test shall
21 be performed only by appropriately licensed medical
22 practitioners and may include an analysis of any bodily fluids
23 as well as an examination of the defendant's person. Except as
24 otherwise provided by law, the results of such test shall be
25 kept strictly confidential by all medical personnel involved in
26 the testing and must be personally delivered in a sealed

1 envelope to the judge of the court in which the conviction was
2 entered for the judge's inspection in camera. Acting in
3 accordance with the best interests of the victim and the
4 public, the judge shall have the discretion to determine to
5 whom, if anyone, the results of the testing may be revealed.
6 The court shall notify the defendant of the test results. The
7 court shall also notify the victim if requested by the victim,
8 and if the victim is under the age of 15 and if requested by the
9 victim's parents or legal guardian, the court shall notify the
10 victim's parents or legal guardian of the test results. The
11 court shall provide information on the availability of HIV
12 testing and counseling at Department of Public Health
13 facilities to all parties to whom the results of the testing
14 are revealed and shall direct the State's Attorney to provide
15 the information to the victim when possible. A State's Attorney
16 may petition the court to obtain the results of any HIV test
17 administered under this Section, and the court shall grant the
18 disclosure if the State's Attorney shows it is relevant in
19 order to prosecute a charge of criminal transmission of HIV
20 under Section 12-5.01 or 12-16.2 of the Criminal Code of 1961
21 against the defendant. The court shall order that the cost of
22 any such test shall be paid by the county and may be taxed as
23 costs against the convicted defendant.

24 (g-5) When an inmate is tested for an airborne communicable
25 disease, as determined by the Illinois Department of Public
26 Health including but not limited to tuberculosis, the results

1 of the test shall be personally delivered by the warden or his
2 or her designee in a sealed envelope to the judge of the court
3 in which the inmate must appear for the judge's inspection in
4 camera if requested by the judge. Acting in accordance with the
5 best interests of those in the courtroom, the judge shall have
6 the discretion to determine what if any precautions need to be
7 taken to prevent transmission of the disease in the courtroom.

8 (h) Whenever a defendant is convicted of an offense under
9 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
10 defendant shall undergo medical testing to determine whether
11 the defendant has been exposed to human immunodeficiency virus
12 (HIV) or any other identified causative agent of acquired
13 immunodeficiency syndrome (AIDS). Except as otherwise provided
14 by law, the results of such test shall be kept strictly
15 confidential by all medical personnel involved in the testing
16 and must be personally delivered in a sealed envelope to the
17 judge of the court in which the conviction was entered for the
18 judge's inspection in camera. Acting in accordance with the
19 best interests of the public, the judge shall have the
20 discretion to determine to whom, if anyone, the results of the
21 testing may be revealed. The court shall notify the defendant
22 of a positive test showing an infection with the human
23 immunodeficiency virus (HIV). The court shall provide
24 information on the availability of HIV testing and counseling
25 at Department of Public Health facilities to all parties to
26 whom the results of the testing are revealed and shall direct

1 the State's Attorney to provide the information to the victim
2 when possible. A State's Attorney may petition the court to
3 obtain the results of any HIV test administered under this
4 Section, and the court shall grant the disclosure if the
5 State's Attorney shows it is relevant in order to prosecute a
6 charge of criminal transmission of HIV under Section 12-5.01 or
7 12-16.2 of the Criminal Code of 1961 against the defendant. The
8 court shall order that the cost of any such test shall be paid
9 by the county and may be taxed as costs against the convicted
10 defendant.

11 (i) All fines and penalties imposed under this Section for
12 any violation of Chapters 3, 4, 6, and 11 of the Illinois
13 Vehicle Code, or a similar provision of a local ordinance, and
14 any violation of the Child Passenger Protection Act, or a
15 similar provision of a local ordinance, shall be collected and
16 disbursed by the circuit clerk as provided under Section 27.5
17 of the Clerks of Courts Act.

18 (j) In cases when prosecution for any violation of Section
19 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
20 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
21 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
22 11-20.1B, 11-20.3, 11-21, 11-30, 11-40, 12-13, 12-14, 12-14.1,
23 12-15, or 12-16 of the Criminal Code of 1961, any violation of
24 the Illinois Controlled Substances Act, any violation of the
25 Cannabis Control Act, or any violation of the Methamphetamine
26 Control and Community Protection Act results in conviction, a

1 disposition of court supervision, or an order of probation
2 granted under Section 10 of the Cannabis Control Act, Section
3 410 of the Illinois Controlled Substance Act, or Section 70 of
4 the Methamphetamine Control and Community Protection Act of a
5 defendant, the court shall determine whether the defendant is
6 employed by a facility or center as defined under the Child
7 Care Act of 1969, a public or private elementary or secondary
8 school, or otherwise works with children under 18 years of age
9 on a daily basis. When a defendant is so employed, the court
10 shall order the Clerk of the Court to send a copy of the
11 judgment of conviction or order of supervision or probation to
12 the defendant's employer by certified mail. If the employer of
13 the defendant is a school, the Clerk of the Court shall direct
14 the mailing of a copy of the judgment of conviction or order of
15 supervision or probation to the appropriate regional
16 superintendent of schools. The regional superintendent of
17 schools shall notify the State Board of Education of any
18 notification under this subsection.

19 (j-5) A defendant at least 17 years of age who is convicted
20 of a felony and who has not been previously convicted of a
21 misdemeanor or felony and who is sentenced to a term of
22 imprisonment in the Illinois Department of Corrections shall as
23 a condition of his or her sentence be required by the court to
24 attend educational courses designed to prepare the defendant
25 for a high school diploma and to work toward a high school
26 diploma or to work toward passing the high school level Test of

1 General Educational Development (GED) or to work toward
2 completing a vocational training program offered by the
3 Department of Corrections. If a defendant fails to complete the
4 educational training required by his or her sentence during the
5 term of incarceration, the Prisoner Review Board shall, as a
6 condition of mandatory supervised release, require the
7 defendant, at his or her own expense, to pursue a course of
8 study toward a high school diploma or passage of the GED test.
9 The Prisoner Review Board shall revoke the mandatory supervised
10 release of a defendant who wilfully fails to comply with this
11 subsection (j-5) upon his or her release from confinement in a
12 penal institution while serving a mandatory supervised release
13 term; however, the inability of the defendant after making a
14 good faith effort to obtain financial aid or pay for the
15 educational training shall not be deemed a wilful failure to
16 comply. The Prisoner Review Board shall recommit the defendant
17 whose mandatory supervised release term has been revoked under
18 this subsection (j-5) as provided in Section 3-3-9. This
19 subsection (j-5) does not apply to a defendant who has a high
20 school diploma or has successfully passed the GED test. This
21 subsection (j-5) does not apply to a defendant who is
22 determined by the court to be developmentally disabled or
23 otherwise mentally incapable of completing the educational or
24 vocational program.

25 (k) (Blank).

26 (l) (A) Except as provided in paragraph (C) of subsection

1 (1), whenever a defendant, who is an alien as defined by
2 the Immigration and Nationality Act, is convicted of any
3 felony or misdemeanor offense, the court after sentencing
4 the defendant may, upon motion of the State's Attorney,
5 hold sentence in abeyance and remand the defendant to the
6 custody of the Attorney General of the United States or his
7 or her designated agent to be deported when:

8 (1) a final order of deportation has been issued
9 against the defendant pursuant to proceedings under
10 the Immigration and Nationality Act, and

11 (2) the deportation of the defendant would not
12 deprecate the seriousness of the defendant's conduct
13 and would not be inconsistent with the ends of justice.

14 Otherwise, the defendant shall be sentenced as
15 provided in this Chapter V.

16 (B) If the defendant has already been sentenced for a
17 felony or misdemeanor offense, or has been placed on
18 probation under Section 10 of the Cannabis Control Act,
19 Section 410 of the Illinois Controlled Substances Act, or
20 Section 70 of the Methamphetamine Control and Community
21 Protection Act, the court may, upon motion of the State's
22 Attorney to suspend the sentence imposed, commit the
23 defendant to the custody of the Attorney General of the
24 United States or his or her designated agent when:

25 (1) a final order of deportation has been issued
26 against the defendant pursuant to proceedings under

1 the Immigration and Nationality Act, and

2 (2) the deportation of the defendant would not
3 deprecate the seriousness of the defendant's conduct
4 and would not be inconsistent with the ends of justice.

5 (C) This subsection (1) does not apply to offenders who
6 are subject to the provisions of paragraph (2) of
7 subsection (a) of Section 3-6-3.

8 (D) Upon motion of the State's Attorney, if a defendant
9 sentenced under this Section returns to the jurisdiction of
10 the United States, the defendant shall be recommitted to
11 the custody of the county from which he or she was
12 sentenced. Thereafter, the defendant shall be brought
13 before the sentencing court, which may impose any sentence
14 that was available under Section 5-5-3 at the time of
15 initial sentencing. In addition, the defendant shall not be
16 eligible for additional good conduct credit for
17 meritorious service as provided under Section 3-6-6.

18 (m) A person convicted of criminal defacement of property
19 under Section 21-1.3 of the Criminal Code of 1961, in which the
20 property damage exceeds \$300 and the property damaged is a
21 school building, shall be ordered to perform community service
22 that may include cleanup, removal, or painting over the
23 defacement.

24 (n) The court may sentence a person convicted of a
25 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
26 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code

1 of 1961 (i) to an impact incarceration program if the person is
2 otherwise eligible for that program under Section 5-8-1.1, (ii)
3 to community service, or (iii) if the person is an addict or
4 alcoholic, as defined in the Alcoholism and Other Drug Abuse
5 and Dependency Act, to a substance or alcohol abuse program
6 licensed under that Act.

7 (o) Whenever a person is convicted of a sex offense as
8 defined in Section 2 of the Sex Offender Registration Act, the
9 defendant's driver's license or permit shall be subject to
10 renewal on an annual basis in accordance with the provisions of
11 license renewal established by the Secretary of State.

12 (Source: P.A. 96-348, eff. 8-12-09; 96-400, eff. 8-13-09;
13 96-829, eff. 12-3-09; 96-1200, eff. 7-22-10; 96-1551, Article
14 1, Section 970, eff. 7-1-11; 96-1551, Article 2, Section 1065,
15 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
16 97-159, eff. 7-21-11; revised 9-14-11.)

17 (730 ILCS 5/5-5-3.2)

18 Sec. 5-5-3.2. Factors in Aggravation and Extended-Term
19 Sentencing.

20 (a) The following factors shall be accorded weight in favor
21 of imposing a term of imprisonment or may be considered by the
22 court as reasons to impose a more severe sentence under Section
23 5-8-1 or Article 4.5 of Chapter V:

24 (1) the defendant's conduct caused or threatened
25 serious harm;

1 (2) the defendant received compensation for committing
2 the offense;

3 (3) the defendant has a history of prior delinquency or
4 criminal activity;

5 (4) the defendant, by the duties of his office or by
6 his position, was obliged to prevent the particular offense
7 committed or to bring the offenders committing it to
8 justice;

9 (5) the defendant held public office at the time of the
10 offense, and the offense related to the conduct of that
11 office;

12 (6) the defendant utilized his professional reputation
13 or position in the community to commit the offense, or to
14 afford him an easier means of committing it;

15 (7) the sentence is necessary to deter others from
16 committing the same crime;

17 (8) the defendant committed the offense against a
18 person 60 years of age or older or such person's property;

19 (9) the defendant committed the offense against a
20 person who is physically handicapped or such person's
21 property;

22 (10) by reason of another individual's actual or
23 perceived race, color, creed, religion, ancestry, gender,
24 sexual orientation, physical or mental disability, or
25 national origin, the defendant committed the offense
26 against (i) the person or property of that individual; (ii)

1 the person or property of a person who has an association
2 with, is married to, or has a friendship with the other
3 individual; or (iii) the person or property of a relative
4 (by blood or marriage) of a person described in clause (i)
5 or (ii). For the purposes of this Section, "sexual
6 orientation" means heterosexuality, homosexuality, or
7 bisexuality;

8 (11) the offense took place in a place of worship or on
9 the grounds of a place of worship, immediately prior to,
10 during or immediately following worship services. For
11 purposes of this subparagraph, "place of worship" shall
12 mean any church, synagogue or other building, structure or
13 place used primarily for religious worship;

14 (12) the defendant was convicted of a felony committed
15 while he was released on bail or his own recognizance
16 pending trial for a prior felony and was convicted of such
17 prior felony, or the defendant was convicted of a felony
18 committed while he was serving a period of probation,
19 conditional discharge, or mandatory supervised release
20 under subsection (d) of Section 5-8-1 for a prior felony;

21 (13) the defendant committed or attempted to commit a
22 felony while he was wearing a bulletproof vest. For the
23 purposes of this paragraph (13), a bulletproof vest is any
24 device which is designed for the purpose of protecting the
25 wearer from bullets, shot or other lethal projectiles;

26 (14) the defendant held a position of trust or

1 supervision such as, but not limited to, family member as
2 defined in Section 11-0.1 of the Criminal Code of 1961,
3 teacher, scout leader, baby sitter, or day care worker, in
4 relation to a victim under 18 years of age, and the
5 defendant committed an offense in violation of Section
6 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
7 11-14.4 except for an offense that involves keeping a place
8 of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
9 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15
10 or 12-16 of the Criminal Code of 1961 against that victim;

11 (15) the defendant committed an offense related to the
12 activities of an organized gang. For the purposes of this
13 factor, "organized gang" has the meaning ascribed to it in
14 Section 10 of the Streetgang Terrorism Omnibus Prevention
15 Act;

16 (16) the defendant committed an offense in violation of
17 one of the following Sections while in a school, regardless
18 of the time of day or time of year; on any conveyance
19 owned, leased, or contracted by a school to transport
20 students to or from school or a school related activity; on
21 the real property of a school; or on a public way within
22 1,000 feet of the real property comprising any school:
23 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
24 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
25 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
26 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,

1 18-2, or 33A-2, or Section 12-3.05 except for subdivision
2 (a) (4) or (g) (1), of the Criminal Code of 1961;

3 (16.5) the defendant committed an offense in violation
4 of one of the following Sections while in a day care
5 center, regardless of the time of day or time of year; on
6 the real property of a day care center, regardless of the
7 time of day or time of year; or on a public way within
8 1,000 feet of the real property comprising any day care
9 center, regardless of the time of day or time of year:
10 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
11 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
12 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
13 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
14 18-2, or 33A-2, or Section 12-3.05 except for subdivision
15 (a) (4) or (g) (1), of the Criminal Code of 1961;

16 (17) the defendant committed the offense by reason of
17 any person's activity as a community policing volunteer or
18 to prevent any person from engaging in activity as a
19 community policing volunteer. For the purpose of this
20 Section, "community policing volunteer" has the meaning
21 ascribed to it in Section 2-3.5 of the Criminal Code of
22 1961;

23 (18) the defendant committed the offense in a nursing
24 home or on the real property comprising a nursing home. For
25 the purposes of this paragraph (18), "nursing home" means a
26 skilled nursing or intermediate long term care facility

1 that is subject to license by the Illinois Department of
2 Public Health under the Nursing Home Care Act, the
3 Specialized Mental Health Rehabilitation Act, or the ID/DD
4 Community Care Act;

5 (19) the defendant was a federally licensed firearm
6 dealer and was previously convicted of a violation of
7 subsection (a) of Section 3 of the Firearm Owners
8 Identification Card Act and has now committed either a
9 felony violation of the Firearm Owners Identification Card
10 Act or an act of armed violence while armed with a firearm;

11 (20) the defendant (i) committed the offense of
12 reckless homicide under Section 9-3 of the Criminal Code of
13 1961 or the offense of driving under the influence of
14 alcohol, other drug or drugs, intoxicating compound or
15 compounds or any combination thereof under Section 11-501
16 of the Illinois Vehicle Code or a similar provision of a
17 local ordinance and (ii) was operating a motor vehicle in
18 excess of 20 miles per hour over the posted speed limit as
19 provided in Article VI of Chapter 11 of the Illinois
20 Vehicle Code;

21 (21) the defendant (i) committed the offense of
22 reckless driving or aggravated reckless driving under
23 Section 11-503 of the Illinois Vehicle Code and (ii) was
24 operating a motor vehicle in excess of 20 miles per hour
25 over the posted speed limit as provided in Article VI of
26 Chapter 11 of the Illinois Vehicle Code;

1 (22) the defendant committed the offense against a
2 person that the defendant knew, or reasonably should have
3 known, was a member of the Armed Forces of the United
4 States serving on active duty. For purposes of this clause
5 (22), the term "Armed Forces" means any of the Armed Forces
6 of the United States, including a member of any reserve
7 component thereof or National Guard unit called to active
8 duty;

9 (23) the defendant committed the offense against a
10 person who was elderly, disabled, or infirm by taking
11 advantage of a family or fiduciary relationship with the
12 elderly, disabled, or infirm person;

13 (24) the defendant committed any offense under Section
14 11-20.1 of the Criminal Code of 1961 and possessed 100 or
15 more images;

16 (25) the defendant committed the offense while the
17 defendant or the victim was in a train, bus, or other
18 vehicle used for public transportation;

19 (26) the defendant committed the offense of child
20 pornography or aggravated child pornography, specifically
21 including paragraph (1), (2), (3), (4), (5), or (7) of
22 subsection (a) of Section 11-20.1 of the Criminal Code of
23 1961 where a child engaged in, solicited for, depicted in,
24 or posed in any act of sexual penetration or bound,
25 fettered, or subject to sadistic, masochistic, or
26 sadomasochistic abuse in a sexual context and specifically

1 including paragraph (1), (2), (3), (4), (5), or (7) of
2 subsection (a) of Section 11-20.3 of the Criminal Code of
3 1961 where a child engaged in, solicited for, depicted in,
4 or posed in any act of sexual penetration or bound,
5 fettered, or subject to sadistic, masochistic, or
6 sadomasochistic abuse in a sexual context; or

7 (27) the defendant committed the offense of first
8 degree murder, assault, aggravated assault, battery,
9 aggravated battery, robbery, armed robbery, or aggravated
10 robbery against a person who was a veteran and the
11 defendant knew, or reasonably should have known, that the
12 person was a veteran performing duties as a representative
13 of a veterans' organization. For the purposes of this
14 paragraph (27), "veteran" means an Illinois resident who
15 has served as a member of the United States Armed Forces, a
16 member of the Illinois National Guard, or a member of the
17 United States Reserve Forces; and "veterans' organization"
18 means an organization comprised of members of which
19 substantially all are individuals who are veterans or
20 spouses, widows, or widowers of veterans, the primary
21 purpose of which is to promote the welfare of its members
22 and to provide assistance to the general public in such a
23 way as to confer a public benefit.

24 For the purposes of this Section:

25 "School" is defined as a public or private elementary or
26 secondary school, community college, college, or university.

1 "Day care center" means a public or private State certified
2 and licensed day care center as defined in Section 2.09 of the
3 Child Care Act of 1969 that displays a sign in plain view
4 stating that the property is a day care center.

5 "Public transportation" means the transportation or
6 conveyance of persons by means available to the general public,
7 and includes paratransit services.

8 (b) The following factors, related to all felonies, may be
9 considered by the court as reasons to impose an extended term
10 sentence under Section 5-8-2 upon any offender:

11 (1) When a defendant is convicted of any felony, after
12 having been previously convicted in Illinois or any other
13 jurisdiction of the same or similar class felony or greater
14 class felony, when such conviction has occurred within 10
15 years after the previous conviction, excluding time spent
16 in custody, and such charges are separately brought and
17 tried and arise out of different series of acts; or

18 (2) When a defendant is convicted of any felony and the
19 court finds that the offense was accompanied by
20 exceptionally brutal or heinous behavior indicative of
21 wanton cruelty; or

22 (3) When a defendant is convicted of any felony
23 committed against:

24 (i) a person under 12 years of age at the time of
25 the offense or such person's property;

26 (ii) a person 60 years of age or older at the time

1 of the offense or such person's property; or

2 (iii) a person physically handicapped at the time
3 of the offense or such person's property; or

4 (4) When a defendant is convicted of any felony and the
5 offense involved any of the following types of specific
6 misconduct committed as part of a ceremony, rite,
7 initiation, observance, performance, practice or activity
8 of any actual or ostensible religious, fraternal, or social
9 group:

10 (i) the brutalizing or torturing of humans or
11 animals;

12 (ii) the theft of human corpses;

13 (iii) the kidnapping of humans;

14 (iv) the desecration of any cemetery, religious,
15 fraternal, business, governmental, educational, or
16 other building or property; or

17 (v) ritualized abuse of a child; or

18 (5) When a defendant is convicted of a felony other
19 than conspiracy and the court finds that the felony was
20 committed under an agreement with 2 or more other persons
21 to commit that offense and the defendant, with respect to
22 the other individuals, occupied a position of organizer,
23 supervisor, financier, or any other position of management
24 or leadership, and the court further finds that the felony
25 committed was related to or in furtherance of the criminal
26 activities of an organized gang or was motivated by the

1 defendant's leadership in an organized gang; or

2 (6) When a defendant is convicted of an offense
3 committed while using a firearm with a laser sight attached
4 to it. For purposes of this paragraph, "laser sight" has
5 the meaning ascribed to it in Section 24.6-5 of the
6 Criminal Code of 1961; or

7 (7) When a defendant who was at least 17 years of age
8 at the time of the commission of the offense is convicted
9 of a felony and has been previously adjudicated a
10 delinquent minor under the Juvenile Court Act of 1987 for
11 an act that if committed by an adult would be a Class X or
12 Class 1 felony when the conviction has occurred within 10
13 years after the previous adjudication, excluding time
14 spent in custody; or

15 (8) When a defendant commits any felony and the
16 defendant used, possessed, exercised control over, or
17 otherwise directed an animal to assault a law enforcement
18 officer engaged in the execution of his or her official
19 duties or in furtherance of the criminal activities of an
20 organized gang in which the defendant is engaged.

21 (c) The following factors may be considered by the court as
22 reasons to impose an extended term sentence under Section 5-8-2
23 (730 ILCS 5/5-8-2) upon any offender for the listed offenses:

24 (1) When a defendant is convicted of first degree
25 murder, after having been previously convicted in Illinois
26 of any offense listed under paragraph (c) (2) of Section

1 5-5-3 (730 ILCS 5/5-5-3), when that conviction has occurred
2 within 10 years after the previous conviction, excluding
3 time spent in custody, and the charges are separately
4 brought and tried and arise out of different series of
5 acts.

6 (1.5) When a defendant is convicted of first degree
7 murder, after having been previously convicted of domestic
8 battery (720 ILCS 5/12-3.2) or aggravated domestic battery
9 (720 ILCS 5/12-3.3) committed on the same victim or after
10 having been previously convicted of violation of an order
11 of protection (720 ILCS 5/12-30) in which the same victim
12 was the protected person.

13 (2) When a defendant is convicted of voluntary
14 manslaughter, second degree murder, involuntary
15 manslaughter, or reckless homicide in which the defendant
16 has been convicted of causing the death of more than one
17 individual.

18 (3) When a defendant is convicted of aggravated
19 criminal sexual assault or criminal sexual assault, when
20 there is a finding that aggravated criminal sexual assault
21 or criminal sexual assault was also committed on the same
22 victim by one or more other individuals, and the defendant
23 voluntarily participated in the crime with the knowledge of
24 the participation of the others in the crime, and the
25 commission of the crime was part of a single course of
26 conduct during which there was no substantial change in the

1 nature of the criminal objective.

2 (4) If the victim was under 18 years of age at the time
3 of the commission of the offense, when a defendant is
4 convicted of aggravated criminal sexual assault or
5 predatory criminal sexual assault of a child under
6 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
7 of Section 12-14.1 of the Criminal Code of 1961 (720 ILCS
8 5/11-1.40 or 5/12-14.1).

9 (5) When a defendant is convicted of a felony violation
10 of Section 24-1 of the Criminal Code of 1961 (720 ILCS
11 5/24-1) and there is a finding that the defendant is a
12 member of an organized gang.

13 (6) When a defendant was convicted of unlawful use of
14 weapons under Section 24-1 of the Criminal Code of 1961
15 (720 ILCS 5/24-1) for possessing a weapon that is not
16 readily distinguishable as one of the weapons enumerated in
17 Section 24-1 of the Criminal Code of 1961 (720 ILCS
18 5/24-1).

19 (7) When a defendant is convicted of an offense
20 involving the illegal manufacture of a controlled
21 substance under Section 401 of the Illinois Controlled
22 Substances Act (720 ILCS 570/401), the illegal manufacture
23 of methamphetamine under Section 25 of the Methamphetamine
24 Control and Community Protection Act (720 ILCS 646/25), or
25 the illegal possession of explosives and an emergency
26 response officer in the performance of his or her duties is

1 killed or injured at the scene of the offense while
2 responding to the emergency caused by the commission of the
3 offense. In this paragraph, "emergency" means a situation
4 in which a person's life, health, or safety is in jeopardy;
5 and "emergency response officer" means a peace officer,
6 community policing volunteer, fireman, emergency medical
7 technician-ambulance, emergency medical
8 technician-intermediate, emergency medical
9 technician-paramedic, ambulance driver, other medical
10 assistance or first aid personnel, or hospital emergency
11 room personnel.

12 (d) For the purposes of this Section, "organized gang" has
13 the meaning ascribed to it in Section 10 of the Illinois
14 Streetgang Terrorism Omnibus Prevention Act.

15 (e) The court may impose an extended term sentence under
16 Article 4.5 of Chapter V upon an offender who has been
17 convicted of a felony violation of Section 12-13, 12-14,
18 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 when the
19 victim of the offense is under 18 years of age at the time of
20 the commission of the offense and, during the commission of the
21 offense, the victim was under the influence of alcohol,
22 regardless of whether or not the alcohol was supplied by the
23 offender; and the offender, at the time of the commission of
24 the offense, knew or should have known that the victim had
25 consumed alcohol.

26 (Source: P.A. 96-41, eff. 1-1-10; 96-292, eff. 1-1-10; 96-328,

1 eff. 8-11-09; 96-339, eff. 7-1-10; 96-1000, eff. 7-2-10;
2 96-1200, eff. 7-22-10; 96-1228, eff. 1-1-11; 96-1390, eff.
3 1-1-11; 96-1551, Article 1, Section 970, eff. 7-1-11; 96-1551,
4 Article 2, Section 1065, eff. 7-1-11; 97-38, eff. 6-28-11,
5 97-227, eff. 1-1-12; 97-333, eff. 8-12-11; revised 9-14-11.)

6 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

7 Sec. 5-6-3. Conditions of Probation and of Conditional
8 Discharge.

9 (a) The conditions of probation and of conditional
10 discharge shall be that the person:

11 (1) not violate any criminal statute of any
12 jurisdiction;

13 (2) report to or appear in person before such person or
14 agency as directed by the court;

15 (3) refrain from possessing a firearm or other
16 dangerous weapon where the offense is a felony or, if a
17 misdemeanor, the offense involved the intentional or
18 knowing infliction of bodily harm or threat of bodily harm;

19 (4) not leave the State without the consent of the
20 court or, in circumstances in which the reason for the
21 absence is of such an emergency nature that prior consent
22 by the court is not possible, without the prior
23 notification and approval of the person's probation
24 officer. Transfer of a person's probation or conditional
25 discharge supervision to another state is subject to

1 acceptance by the other state pursuant to the Interstate
2 Compact for Adult Offender Supervision;

3 (5) permit the probation officer to visit him at his
4 home or elsewhere to the extent necessary to discharge his
5 duties;

6 (6) perform no less than 30 hours of community service
7 and not more than 120 hours of community service, if
8 community service is available in the jurisdiction and is
9 funded and approved by the county board where the offense
10 was committed, where the offense was related to or in
11 furtherance of the criminal activities of an organized gang
12 and was motivated by the offender's membership in or
13 allegiance to an organized gang. The community service
14 shall include, but not be limited to, the cleanup and
15 repair of any damage caused by a violation of Section
16 21-1.3 of the Criminal Code of 1961 and similar damage to
17 property located within the municipality or county in which
18 the violation occurred. When possible and reasonable, the
19 community service should be performed in the offender's
20 neighborhood. For purposes of this Section, "organized
21 gang" has the meaning ascribed to it in Section 10 of the
22 Illinois Streetgang Terrorism Omnibus Prevention Act;

23 (7) if he or she is at least 17 years of age and has
24 been sentenced to probation or conditional discharge for a
25 misdemeanor or felony in a county of 3,000,000 or more
26 inhabitants and has not been previously convicted of a

1 misdemeanor or felony, may be required by the sentencing
2 court to attend educational courses designed to prepare the
3 defendant for a high school diploma and to work toward a
4 high school diploma or to work toward passing the high
5 school level Test of General Educational Development (GED)
6 or to work toward completing a vocational training program
7 approved by the court. The person on probation or
8 conditional discharge must attend a public institution of
9 education to obtain the educational or vocational training
10 required by this clause (7). The court shall revoke the
11 probation or conditional discharge of a person who wilfully
12 fails to comply with this clause (7). The person on
13 probation or conditional discharge shall be required to pay
14 for the cost of the educational courses or GED test, if a
15 fee is charged for those courses or test. The court shall
16 resentence the offender whose probation or conditional
17 discharge has been revoked as provided in Section 5-6-4.
18 This clause (7) does not apply to a person who has a high
19 school diploma or has successfully passed the GED test.
20 This clause (7) does not apply to a person who is
21 determined by the court to be developmentally disabled or
22 otherwise mentally incapable of completing the educational
23 or vocational program;

24 (8) if convicted of possession of a substance
25 prohibited by the Cannabis Control Act, the Illinois
26 Controlled Substances Act, or the Methamphetamine Control

1 and Community Protection Act after a previous conviction or
2 disposition of supervision for possession of a substance
3 prohibited by the Cannabis Control Act or Illinois
4 Controlled Substances Act or after a sentence of probation
5 under Section 10 of the Cannabis Control Act, Section 410
6 of the Illinois Controlled Substances Act, or Section 70 of
7 the Methamphetamine Control and Community Protection Act
8 and upon a finding by the court that the person is
9 addicted, undergo treatment at a substance abuse program
10 approved by the court;

11 (8.5) if convicted of a felony sex offense as defined
12 in the Sex Offender Management Board Act, the person shall
13 undergo and successfully complete sex offender treatment
14 by a treatment provider approved by the Board and conducted
15 in conformance with the standards developed under the Sex
16 Offender Management Board Act;

17 (8.6) if convicted of a sex offense as defined in the
18 Sex Offender Management Board Act, refrain from residing at
19 the same address or in the same condominium unit or
20 apartment unit or in the same condominium complex or
21 apartment complex with another person he or she knows or
22 reasonably should know is a convicted sex offender or has
23 been placed on supervision for a sex offense; the
24 provisions of this paragraph do not apply to a person
25 convicted of a sex offense who is placed in a Department of
26 Corrections licensed transitional housing facility for sex

1 offenders;

2 (8.7) if convicted for an offense committed on or after
3 June 1, 2008 (the effective date of Public Act 95-464) that
4 would qualify the accused as a child sex offender as
5 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
6 1961, refrain from communicating with or contacting, by
7 means of the Internet, a person who is not related to the
8 accused and whom the accused reasonably believes to be
9 under 18 years of age; for purposes of this paragraph
10 (8.7), "Internet" has the meaning ascribed to it in Section
11 16-0.1 of the Criminal Code of 1961; and a person is not
12 related to the accused if the person is not: (i) the
13 spouse, brother, or sister of the accused; (ii) a
14 descendant of the accused; (iii) a first or second cousin
15 of the accused; or (iv) a step-child or adopted child of
16 the accused;

17 (8.8) if convicted for an offense under Section 11-6,
18 11-9.1, 11-14.4 that involves soliciting for a juvenile
19 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
20 of the Criminal Code of 1961, or any attempt to commit any
21 of these offenses, committed on or after June 1, 2009 (the
22 effective date of Public Act 95-983):

23 (i) not access or use a computer or any other
24 device with Internet capability without the prior
25 written approval of the offender's probation officer,
26 except in connection with the offender's employment or

1 search for employment with the prior approval of the
2 offender's probation officer;

3 (ii) submit to periodic unannounced examinations
4 of the offender's computer or any other device with
5 Internet capability by the offender's probation
6 officer, a law enforcement officer, or assigned
7 computer or information technology specialist,
8 including the retrieval and copying of all data from
9 the computer or device and any internal or external
10 peripherals and removal of such information,
11 equipment, or device to conduct a more thorough
12 inspection;

13 (iii) submit to the installation on the offender's
14 computer or device with Internet capability, at the
15 offender's expense, of one or more hardware or software
16 systems to monitor the Internet use; and

17 (iv) submit to any other appropriate restrictions
18 concerning the offender's use of or access to a
19 computer or any other device with Internet capability
20 imposed by the offender's probation officer;

21 (8.9) if convicted of a sex offense as defined in the
22 Sex Offender Registration Act committed on or after January
23 1, 2010 (the effective date of Public Act 96-262), refrain
24 from accessing or using a social networking website as
25 defined in Section 17-0.5 of the Criminal Code of 1961;

26 (9) if convicted of a felony, physically surrender at a

1 time and place designated by the court, his or her Firearm
2 Owner's Identification Card and any and all firearms in his
3 or her possession;

4 (10) if convicted of a sex offense as defined in
5 subsection (a-5) of Section 3-1-2 of this Code, unless the
6 offender is a parent or guardian of the person under 18
7 years of age present in the home and no non-familial minors
8 are present, not participate in a holiday event involving
9 children under 18 years of age, such as distributing candy
10 or other items to children on Halloween, wearing a Santa
11 Claus costume on or preceding Christmas, being employed as
12 a department store Santa Claus, or wearing an Easter Bunny
13 costume on or preceding Easter;

14 (11) if convicted of a sex offense as defined in
15 Section 2 of the Sex Offender Registration Act committed on
16 or after January 1, 2010 (the effective date of Public Act
17 96-362) that requires the person to register as a sex
18 offender under that Act, may not knowingly use any computer
19 scrub software on any computer that the sex offender uses;
20 and

21 (12) if convicted of a violation of the Methamphetamine
22 Control and Community Protection Act, the Methamphetamine
23 Precursor Control Act, or a methamphetamine related
24 offense:

25 (A) prohibited from purchasing, possessing, or
26 having under his or her control any product containing

1 pseudoephedrine unless prescribed by a physician; and

2 (B) prohibited from purchasing, possessing, or
3 having under his or her control any product containing
4 ammonium nitrate.

5 (b) The Court may in addition to other reasonable
6 conditions relating to the nature of the offense or the
7 rehabilitation of the defendant as determined for each
8 defendant in the proper discretion of the Court require that
9 the person:

10 (1) serve a term of periodic imprisonment under Article
11 7 for a period not to exceed that specified in paragraph
12 (d) of Section 5-7-1;

13 (2) pay a fine and costs;

14 (3) work or pursue a course of study or vocational
15 training;

16 (4) undergo medical, psychological or psychiatric
17 treatment; or treatment for drug addiction or alcoholism;

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

20 (6) support his dependents;

21 (7) and in addition, if a minor:

22 (i) reside with his parents or in a foster home;

23 (ii) attend school;

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

25 (iv) contribute to his own support at home or in a
26 foster home;

1 (v) with the consent of the superintendent of the
2 facility, attend an educational program at a facility
3 other than the school in which the offense was
4 committed if he or she is convicted of a crime of
5 violence as defined in Section 2 of the Crime Victims
6 Compensation Act committed in a school, on the real
7 property comprising a school, or within 1,000 feet of
8 the real property comprising a school;

9 (8) make restitution as provided in Section 5-5-6 of
10 this Code;

11 (9) perform some reasonable public or community
12 service;

13 (10) serve a term of home confinement. In addition to
14 any other applicable condition of probation or conditional
15 discharge, the conditions of home confinement shall be that
16 the offender:

17 (i) remain within the interior premises of the
18 place designated for his confinement during the hours
19 designated by the court;

20 (ii) admit any person or agent designated by the
21 court into the offender's place of confinement at any
22 time for purposes of verifying the offender's
23 compliance with the conditions of his confinement; and

24 (iii) if further deemed necessary by the court or
25 the Probation or Court Services Department, be placed
26 on an approved electronic monitoring device, subject

1 to Article 8A of Chapter V;

2 (iv) for persons convicted of any alcohol,
3 cannabis or controlled substance violation who are
4 placed on an approved monitoring device as a condition
5 of probation or conditional discharge, the court shall
6 impose a reasonable fee for each day of the use of the
7 device, as established by the county board in
8 subsection (g) of this Section, unless after
9 determining the inability of the offender to pay the
10 fee, the court assesses a lesser fee or no fee as the
11 case may be. This fee shall be imposed in addition to
12 the fees imposed under subsections (g) and (i) of this
13 Section. The fee shall be collected by the clerk of the
14 circuit court. The clerk of the circuit court shall pay
15 all monies collected from this fee to the county
16 treasurer for deposit in the substance abuse services
17 fund under Section 5-1086.1 of the Counties Code; and

18 (v) for persons convicted of offenses other than
19 those referenced in clause (iv) above and who are
20 placed on an approved monitoring device as a condition
21 of probation or conditional discharge, the court shall
22 impose a reasonable fee for each day of the use of the
23 device, as established by the county board in
24 subsection (g) of this Section, unless after
25 determining the inability of the defendant to pay the
26 fee, the court assesses a lesser fee or no fee as the

1 case may be. This fee shall be imposed in addition to
2 the fees imposed under subsections (g) and (i) of this
3 Section. The fee shall be collected by the clerk of the
4 circuit court. The clerk of the circuit court shall pay
5 all monies collected from this fee to the county
6 treasurer who shall use the monies collected to defray
7 the costs of corrections. The county treasurer shall
8 deposit the fee collected in the probation and court
9 services fund.

10 (11) comply with the terms and conditions of an order
11 of protection issued by the court pursuant to the Illinois
12 Domestic Violence Act of 1986, as now or hereafter amended,
13 or an order of protection issued by the court of another
14 state, tribe, or United States territory. A copy of the
15 order of protection shall be transmitted to the probation
16 officer or agency having responsibility for the case;

17 (12) reimburse any "local anti-crime program" as
18 defined in Section 7 of the Anti-Crime Advisory Council Act
19 for any reasonable expenses incurred by the program on the
20 offender's case, not to exceed the maximum amount of the
21 fine authorized for the offense for which the defendant was
22 sentenced;

23 (13) contribute a reasonable sum of money, not to
24 exceed the maximum amount of the fine authorized for the
25 offense for which the defendant was sentenced, (i) to a
26 "local anti-crime program", as defined in Section 7 of the

1 Anti-Crime Advisory Council Act, or (ii) for offenses under
2 the jurisdiction of the Department of Natural Resources, to
3 the fund established by the Department of Natural Resources
4 for the purchase of evidence for investigation purposes and
5 to conduct investigations as outlined in Section 805-105 of
6 the Department of Natural Resources (Conservation) Law;

7 (14) refrain from entering into a designated
8 geographic area except upon such terms as the court finds
9 appropriate. Such terms may include consideration of the
10 purpose of the entry, the time of day, other persons
11 accompanying the defendant, and advance approval by a
12 probation officer, if the defendant has been placed on
13 probation or advance approval by the court, if the
14 defendant was placed on conditional discharge;

15 (15) refrain from having any contact, directly or
16 indirectly, with certain specified persons or particular
17 types of persons, including but not limited to members of
18 street gangs and drug users or dealers;

19 (16) refrain from having in his or her body the
20 presence of any illicit drug prohibited by the Cannabis
21 Control Act, the Illinois Controlled Substances Act, or the
22 Methamphetamine Control and Community Protection Act,
23 unless prescribed by a physician, and submit samples of his
24 or her blood or urine or both for tests to determine the
25 presence of any illicit drug;

26 (17) if convicted for an offense committed on or after

1 June 1, 2008 (the effective date of Public Act 95-464) that
2 would qualify the accused as a child sex offender as
3 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
4 1961, refrain from communicating with or contacting, by
5 means of the Internet, a person who is related to the
6 accused and whom the accused reasonably believes to be
7 under 18 years of age; for purposes of this paragraph (17),
8 "Internet" has the meaning ascribed to it in Section 16-0.1
9 of the Criminal Code of 1961; and a person is related to
10 the accused if the person is: (i) the spouse, brother, or
11 sister of the accused; (ii) a descendant of the accused;
12 (iii) a first or second cousin of the accused; or (iv) a
13 step-child or adopted child of the accused;

14 (18) if convicted for an offense committed on or after
15 June 1, 2009 (the effective date of Public Act 95-983) that
16 would qualify as a sex offense as defined in the Sex
17 Offender Registration Act:

18 (i) not access or use a computer or any other
19 device with Internet capability without the prior
20 written approval of the offender's probation officer,
21 except in connection with the offender's employment or
22 search for employment with the prior approval of the
23 offender's probation officer;

24 (ii) submit to periodic unannounced examinations
25 of the offender's computer or any other device with
26 Internet capability by the offender's probation

1 officer, a law enforcement officer, or assigned
2 computer or information technology specialist,
3 including the retrieval and copying of all data from
4 the computer or device and any internal or external
5 peripherals and removal of such information,
6 equipment, or device to conduct a more thorough
7 inspection;

8 (iii) submit to the installation on the offender's
9 computer or device with Internet capability, at the
10 subject's expense, of one or more hardware or software
11 systems to monitor the Internet use; and

12 (iv) submit to any other appropriate restrictions
13 concerning the offender's use of or access to a
14 computer or any other device with Internet capability
15 imposed by the offender's probation officer; and

16 (19) refrain from possessing a firearm or other
17 dangerous weapon where the offense is a misdemeanor that
18 did not involve the intentional or knowing infliction of
19 bodily harm or threat of bodily harm.

20 (c) The court may as a condition of probation or of
21 conditional discharge require that a person under 18 years of
22 age found guilty of any alcohol, cannabis or controlled
23 substance violation, refrain from acquiring a driver's license
24 during the period of probation or conditional discharge. If
25 such person is in possession of a permit or license, the court
26 may require that the minor refrain from driving or operating

1 any motor vehicle during the period of probation or conditional
2 discharge, except as may be necessary in the course of the
3 minor's lawful employment.

4 (d) An offender sentenced to probation or to conditional
5 discharge shall be given a certificate setting forth the
6 conditions thereof.

7 (e) Except where the offender has committed a fourth or
8 subsequent violation of subsection (c) of Section 6-303 of the
9 Illinois Vehicle Code, the court shall not require as a
10 condition of the sentence of probation or conditional discharge
11 that the offender be committed to a period of imprisonment in
12 excess of 6 months. This 6 month limit shall not include
13 periods of confinement given pursuant to a sentence of county
14 impact incarceration under Section 5-8-1.2.

15 Persons committed to imprisonment as a condition of
16 probation or conditional discharge shall not be committed to
17 the Department of Corrections.

18 (f) The court may combine a sentence of periodic
19 imprisonment under Article 7 or a sentence to a county impact
20 incarceration program under Article 8 with a sentence of
21 probation or conditional discharge.

22 (g) An offender sentenced to probation or to conditional
23 discharge and who during the term of either undergoes mandatory
24 drug or alcohol testing, or both, or is assigned to be placed
25 on an approved electronic monitoring device, shall be ordered
26 to pay all costs incidental to such mandatory drug or alcohol

1 testing, or both, and all costs incidental to such approved
2 electronic monitoring in accordance with the defendant's
3 ability to pay those costs. The county board with the
4 concurrence of the Chief Judge of the judicial circuit in which
5 the county is located shall establish reasonable fees for the
6 cost of maintenance, testing, and incidental expenses related
7 to the mandatory drug or alcohol testing, or both, and all
8 costs incidental to approved electronic monitoring, involved
9 in a successful probation program for the county. The
10 concurrence of the Chief Judge shall be in the form of an
11 administrative order. The fees shall be collected by the clerk
12 of the circuit court. The clerk of the circuit court shall pay
13 all moneys collected from these fees to the county treasurer
14 who shall use the moneys collected to defray the costs of drug
15 testing, alcohol testing, and electronic monitoring. The
16 county treasurer shall deposit the fees collected in the county
17 working cash fund under Section 6-27001 or Section 6-29002 of
18 the Counties Code, as the case may be.

19 (h) Jurisdiction over an offender may be transferred from
20 the sentencing court to the court of another circuit with the
21 concurrence of both courts. Further transfers or retransfers of
22 jurisdiction are also authorized in the same manner. The court
23 to which jurisdiction has been transferred shall have the same
24 powers as the sentencing court. The probation department within
25 the circuit to which jurisdiction has been transferred may
26 impose probation fees upon receiving the transferred offender,

1 as provided in subsection (i). The probation department from
2 the original sentencing court shall retain all probation fees
3 collected prior to the transfer.

4 (i) The court shall impose upon an offender sentenced to
5 probation after January 1, 1989 or to conditional discharge
6 after January 1, 1992 or to community service under the
7 supervision of a probation or court services department after
8 January 1, 2004, as a condition of such probation or
9 conditional discharge or supervised community service, a fee of
10 \$50 for each month of probation or conditional discharge
11 supervision or supervised community service ordered by the
12 court, unless after determining the inability of the person
13 sentenced to probation or conditional discharge or supervised
14 community service to pay the fee, the court assesses a lesser
15 fee. The court may not impose the fee on a minor who is made a
16 ward of the State under the Juvenile Court Act of 1987 while
17 the minor is in placement. The fee shall be imposed only upon
18 an offender who is actively supervised by the probation and
19 court services department. The fee shall be collected by the
20 clerk of the circuit court. The clerk of the circuit court
21 shall pay all monies collected from this fee to the county
22 treasurer for deposit in the probation and court services fund
23 under Section 15.1 of the Probation and Probation Officers Act.

24 A circuit court may not impose a probation fee under this
25 subsection (i) in excess of \$25 per month unless the circuit
26 court has adopted, by administrative order issued by the chief

1 judge, a standard probation fee guide determining an offender's
2 ability to pay Of the amount collected as a probation fee, up
3 to \$5 of that fee collected per month may be used to provide
4 services to crime victims and their families.

5 The Court may only waive probation fees based on an
6 offender's ability to pay. The probation department may
7 re-evaluate an offender's ability to pay every 6 months, and,
8 with the approval of the Director of Court Services or the
9 Chief Probation Officer, adjust the monthly fee amount. An
10 offender may elect to pay probation fees due in a lump sum. Any
11 offender that has been assigned to the supervision of a
12 probation department, or has been transferred either under
13 subsection (h) of this Section or under any interstate compact,
14 shall be required to pay probation fees to the department
15 supervising the offender, based on the offender's ability to
16 pay.

17 This amendatory Act of the 93rd General Assembly deletes
18 the \$10 increase in the fee under this subsection that was
19 imposed by Public Act 93-616. This deletion is intended to
20 control over any other Act of the 93rd General Assembly that
21 retains or incorporates that fee increase.

22 (i-5) In addition to the fees imposed under subsection (i)
23 of this Section, in the case of an offender convicted of a
24 felony sex offense (as defined in the Sex Offender Management
25 Board Act) or an offense that the court or probation department
26 has determined to be sexually motivated (as defined in the Sex

1 Offender Management Board Act), the court or the probation
2 department shall assess additional fees to pay for all costs of
3 treatment, assessment, evaluation for risk and treatment, and
4 monitoring the offender, based on that offender's ability to
5 pay those costs either as they occur or under a payment plan.

6 (j) All fines and costs imposed under this Section for any
7 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
8 Code, or a similar provision of a local ordinance, and any
9 violation of the Child Passenger Protection Act, or a similar
10 provision of a local ordinance, shall be collected and
11 disbursed by the circuit clerk as provided under Section 27.5
12 of the Clerks of Courts Act.

13 (k) Any offender who is sentenced to probation or
14 conditional discharge for a felony sex offense as defined in
15 the Sex Offender Management Board Act or any offense that the
16 court or probation department has determined to be sexually
17 motivated as defined in the Sex Offender Management Board Act
18 shall be required to refrain from any contact, directly or
19 indirectly, with any persons specified by the court and shall
20 be available for all evaluations and treatment programs
21 required by the court or the probation department.

22 (l) The court may order an offender who is sentenced to
23 probation or conditional discharge for a violation of an order
24 of protection be placed under electronic surveillance as
25 provided in Section 5-8A-7 of this Code.

26 (Source: P.A. 96-262, eff. 1-1-10; 96-328, eff. 8-11-09;

1 96-362, eff. 1-1-10; 96-695, eff. 8-25-09; 96-1000, eff.
2 7-2-10; 96-1414, eff. 1-1-11; 96-1551, Article 2, Section 1065,
3 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
4 97-454, eff. 1-1-12; 97-560, eff. 1-1-12; 97-597, eff. 1-1-12;
5 revised 9-14-11.)

6 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

7 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

8 (a) When a defendant is placed on supervision, the court
9 shall enter an order for supervision specifying the period of
10 such supervision, and shall defer further proceedings in the
11 case until the conclusion of the period.

12 (b) The period of supervision shall be reasonable under all
13 of the circumstances of the case, but may not be longer than 2
14 years, unless the defendant has failed to pay the assessment
15 required by Section 10.3 of the Cannabis Control Act, Section
16 411.2 of the Illinois Controlled Substances Act, or Section 80
17 of the Methamphetamine Control and Community Protection Act, in
18 which case the court may extend supervision beyond 2 years.
19 Additionally, the court shall order the defendant to perform no
20 less than 30 hours of community service and not more than 120
21 hours of community service, if community service is available
22 in the jurisdiction and is funded and approved by the county
23 board where the offense was committed, when the offense (1) was
24 related to or in furtherance of the criminal activities of an
25 organized gang or was motivated by the defendant's membership

1 in or allegiance to an organized gang; or (2) is a violation of
2 any Section of Article 24 of the Criminal Code of 1961 where a
3 disposition of supervision is not prohibited by Section 5-6-1
4 of this Code. The community service shall include, but not be
5 limited to, the cleanup and repair of any damage caused by
6 violation of Section 21-1.3 of the Criminal Code of 1961 and
7 similar damages to property located within the municipality or
8 county in which the violation occurred. Where possible and
9 reasonable, the community service should be performed in the
10 offender's neighborhood.

11 For the purposes of this Section, "organized gang" has the
12 meaning ascribed to it in Section 10 of the Illinois Streetgang
13 Terrorism Omnibus Prevention Act.

14 (c) The court may in addition to other reasonable
15 conditions relating to the nature of the offense or the
16 rehabilitation of the defendant as determined for each
17 defendant in the proper discretion of the court require that
18 the person:

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

23 (2) pay a fine and costs;

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

26 (4) undergo medical, psychological or psychiatric

1 treatment; or treatment for drug addiction or alcoholism;

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

4 (6) support his dependents;

5 (7) refrain from possessing a firearm or other
6 dangerous weapon;

7 (8) and in addition, if a minor:

8 (i) reside with his parents or in a foster home;

9 (ii) attend school;

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

11 (iv) contribute to his own support at home or in a
12 foster home; or

13 (v) with the consent of the superintendent of the
14 facility, attend an educational program at a facility
15 other than the school in which the offense was
16 committed if he or she is placed on supervision for a
17 crime of violence as defined in Section 2 of the Crime
18 Victims Compensation Act committed in a school, on the
19 real property comprising a school, or within 1,000 feet
20 of the real property comprising a school;

21 (9) make restitution or reparation in an amount not to
22 exceed actual loss or damage to property and pecuniary loss
23 or make restitution under Section 5-5-6 to a domestic
24 violence shelter. The court shall determine the amount and
25 conditions of payment;

26 (10) perform some reasonable public or community

1 service;

2 (11) comply with the terms and conditions of an order
3 of protection issued by the court pursuant to the Illinois
4 Domestic Violence Act of 1986 or an order of protection
5 issued by the court of another state, tribe, or United
6 States territory. If the court has ordered the defendant to
7 make a report and appear in person under paragraph (1) of
8 this subsection, a copy of the order of protection shall be
9 transmitted to the person or agency so designated by the
10 court;

11 (12) reimburse any "local anti-crime program" as
12 defined in Section 7 of the Anti-Crime Advisory Council Act
13 for any reasonable expenses incurred by the program on the
14 offender's case, not to exceed the maximum amount of the
15 fine authorized for the offense for which the defendant was
16 sentenced;

17 (13) contribute a reasonable sum of money, not to
18 exceed the maximum amount of the fine authorized for the
19 offense for which the defendant was sentenced, (i) to a
20 "local anti-crime program", as defined in Section 7 of the
21 Anti-Crime Advisory Council Act, or (ii) for offenses under
22 the jurisdiction of the Department of Natural Resources, to
23 the fund established by the Department of Natural Resources
24 for the purchase of evidence for investigation purposes and
25 to conduct investigations as outlined in Section 805-105 of
26 the Department of Natural Resources (Conservation) Law;

1 (14) refrain from entering into a designated
2 geographic area except upon such terms as the court finds
3 appropriate. Such terms may include consideration of the
4 purpose of the entry, the time of day, other persons
5 accompanying the defendant, and advance approval by a
6 probation officer;

7 (15) refrain from having any contact, directly or
8 indirectly, with certain specified persons or particular
9 types of person, including but not limited to members of
10 street gangs and drug users or dealers;

11 (16) refrain from having in his or her body the
12 presence of any illicit drug prohibited by the Cannabis
13 Control Act, the Illinois Controlled Substances Act, or the
14 Methamphetamine Control and Community Protection Act,
15 unless prescribed by a physician, and submit samples of his
16 or her blood or urine or both for tests to determine the
17 presence of any illicit drug;

18 (17) refrain from operating any motor vehicle not
19 equipped with an ignition interlock device as defined in
20 Section 1-129.1 of the Illinois Vehicle Code; under this
21 condition the court may allow a defendant who is not
22 self-employed to operate a vehicle owned by the defendant's
23 employer that is not equipped with an ignition interlock
24 device in the course and scope of the defendant's
25 employment; and

26 (18) if placed on supervision for a sex offense as

1 defined in subsection (a-5) of Section 3-1-2 of this Code,
2 unless the offender is a parent or guardian of the person
3 under 18 years of age present in the home and no
4 non-familial minors are present, not participate in a
5 holiday event involving children under 18 years of age,
6 such as distributing candy or other items to children on
7 Halloween, wearing a Santa Claus costume on or preceding
8 Christmas, being employed as a department store Santa
9 Claus, or wearing an Easter Bunny costume on or preceding
10 Easter.

11 (d) The court shall defer entering any judgment on the
12 charges until the conclusion of the supervision.

13 (e) At the conclusion of the period of supervision, if the
14 court determines that the defendant has successfully complied
15 with all of the conditions of supervision, the court shall
16 discharge the defendant and enter a judgment dismissing the
17 charges.

18 (f) Discharge and dismissal upon a successful conclusion of
19 a disposition of supervision shall be deemed without
20 adjudication of guilt and shall not be termed a conviction for
21 purposes of disqualification or disabilities imposed by law
22 upon conviction of a crime. Two years after the discharge and
23 dismissal under this Section, unless the disposition of
24 supervision was for a violation of Sections 3-707, 3-708,
25 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
26 similar provision of a local ordinance, or for a violation of

1 Sections 12-3.2, 16-25, or 16A-3 of the Criminal Code of 1961,
2 in which case it shall be 5 years after discharge and
3 dismissal, a person may have his record of arrest sealed or
4 expunged as may be provided by law. However, any defendant
5 placed on supervision before January 1, 1980, may move for
6 sealing or expungement of his arrest record, as provided by
7 law, at any time after discharge and dismissal under this
8 Section. A person placed on supervision for a sexual offense
9 committed against a minor as defined in clause (a)(1)(L) of
10 Section 5.2 of the Criminal Identification Act or for a
11 violation of Section 11-501 of the Illinois Vehicle Code or a
12 similar provision of a local ordinance shall not have his or
13 her record of arrest sealed or expunged.

14 (g) A defendant placed on supervision and who during the
15 period of supervision undergoes mandatory drug or alcohol
16 testing, or both, or is assigned to be placed on an approved
17 electronic monitoring device, shall be ordered to pay the costs
18 incidental to such mandatory drug or alcohol testing, or both,
19 and costs incidental to such approved electronic monitoring in
20 accordance with the defendant's ability to pay those costs. The
21 county board with the concurrence of the Chief Judge of the
22 judicial circuit in which the county is located shall establish
23 reasonable fees for the cost of maintenance, testing, and
24 incidental expenses related to the mandatory drug or alcohol
25 testing, or both, and all costs incidental to approved
26 electronic monitoring, of all defendants placed on

1 supervision. The concurrence of the Chief Judge shall be in the
2 form of an administrative order. The fees shall be collected by
3 the clerk of the circuit court. The clerk of the circuit court
4 shall pay all moneys collected from these fees to the county
5 treasurer who shall use the moneys collected to defray the
6 costs of drug testing, alcohol testing, and electronic
7 monitoring. The county treasurer shall deposit the fees
8 collected in the county working cash fund under Section 6-27001
9 or Section 6-29002 of the Counties Code, as the case may be.

10 (h) A disposition of supervision is a final order for the
11 purposes of appeal.

12 (i) The court shall impose upon a defendant placed on
13 supervision after January 1, 1992 or to community service under
14 the supervision of a probation or court services department
15 after January 1, 2004, as a condition of supervision or
16 supervised community service, a fee of \$50 for each month of
17 supervision or supervised community service ordered by the
18 court, unless after determining the inability of the person
19 placed on supervision or supervised community service to pay
20 the fee, the court assesses a lesser fee. The court may not
21 impose the fee on a minor who is made a ward of the State under
22 the Juvenile Court Act of 1987 while the minor is in placement.
23 The fee shall be imposed only upon a defendant who is actively
24 supervised by the probation and court services department. The
25 fee shall be collected by the clerk of the circuit court. The
26 clerk of the circuit court shall pay all monies collected from

1 this fee to the county treasurer for deposit in the probation
2 and court services fund pursuant to Section 15.1 of the
3 Probation and Probation Officers Act.

4 A circuit court may not impose a probation fee in excess of
5 \$25 per month unless the circuit court has adopted, by
6 administrative order issued by the chief judge, a standard
7 probation fee guide determining an offender's ability to pay.
8 Of the amount collected as a probation fee, not to exceed \$5 of
9 that fee collected per month may be used to provide services to
10 crime victims and their families.

11 The Court may only waive probation fees based on an
12 offender's ability to pay. The probation department may
13 re-evaluate an offender's ability to pay every 6 months, and,
14 with the approval of the Director of Court Services or the
15 Chief Probation Officer, adjust the monthly fee amount. An
16 offender may elect to pay probation fees due in a lump sum. Any
17 offender that has been assigned to the supervision of a
18 probation department, or has been transferred either under
19 subsection (h) of this Section or under any interstate compact,
20 shall be required to pay probation fees to the department
21 supervising the offender, based on the offender's ability to
22 pay.

23 (j) All fines and costs imposed under this Section for any
24 violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle
25 Code, or a similar provision of a local ordinance, and any
26 violation of the Child Passenger Protection Act, or a similar

1 provision of a local ordinance, shall be collected and
2 disbursed by the circuit clerk as provided under Section 27.5
3 of the Clerks of Courts Act.

4 (k) A defendant at least 17 years of age who is placed on
5 supervision for a misdemeanor in a county of 3,000,000 or more
6 inhabitants and who has not been previously convicted of a
7 misdemeanor or felony may as a condition of his or her
8 supervision be required by the court to attend educational
9 courses designed to prepare the defendant for a high school
10 diploma and to work toward a high school diploma or to work
11 toward passing the high school level Test of General
12 Educational Development (GED) or to work toward completing a
13 vocational training program approved by the court. The
14 defendant placed on supervision must attend a public
15 institution of education to obtain the educational or
16 vocational training required by this subsection (k). The
17 defendant placed on supervision shall be required to pay for
18 the cost of the educational courses or GED test, if a fee is
19 charged for those courses or test. The court shall revoke the
20 supervision of a person who wilfully fails to comply with this
21 subsection (k). The court shall resentence the defendant upon
22 revocation of supervision as provided in Section 5-6-4. This
23 subsection (k) does not apply to a defendant who has a high
24 school diploma or has successfully passed the GED test. This
25 subsection (k) does not apply to a defendant who is determined
26 by the court to be developmentally disabled or otherwise

1 mentally incapable of completing the educational or vocational
2 program.

3 (1) The court shall require a defendant placed on
4 supervision for possession of a substance prohibited by the
5 Cannabis Control Act, the Illinois Controlled Substances Act,
6 or the Methamphetamine Control and Community Protection Act
7 after a previous conviction or disposition of supervision for
8 possession of a substance prohibited by the Cannabis Control
9 Act, the Illinois Controlled Substances Act, or the
10 Methamphetamine Control and Community Protection Act or a
11 sentence of probation under Section 10 of the Cannabis Control
12 Act or Section 410 of the Illinois Controlled Substances Act
13 and after a finding by the court that the person is addicted,
14 to undergo treatment at a substance abuse program approved by
15 the court.

16 (m) The Secretary of State shall require anyone placed on
17 court supervision for a violation of Section 3-707 of the
18 Illinois Vehicle Code or a similar provision of a local
19 ordinance to give proof of his or her financial responsibility
20 as defined in Section 7-315 of the Illinois Vehicle Code. The
21 proof shall be maintained by the individual in a manner
22 satisfactory to the Secretary of State for a minimum period of
23 3 years after the date the proof is first filed. The proof
24 shall be limited to a single action per arrest and may not be
25 affected by any post-sentence disposition. The Secretary of
26 State shall suspend the driver's license of any person

1 determined by the Secretary to be in violation of this
2 subsection.

3 (n) Any offender placed on supervision for any offense that
4 the court or probation department has determined to be sexually
5 motivated as defined in the Sex Offender Management Board Act
6 shall be required to refrain from any contact, directly or
7 indirectly, with any persons specified by the court and shall
8 be available for all evaluations and treatment programs
9 required by the court or the probation department.

10 (o) An offender placed on supervision for a sex offense as
11 defined in the Sex Offender Management Board Act shall refrain
12 from residing at the same address or in the same condominium
13 unit or 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 been
16 placed on supervision for a sex offense. The provisions of this
17 subsection (o) do not apply to a person convicted of a sex
18 offense who is placed in a Department of Corrections licensed
19 transitional housing facility for sex offenders.

20 (p) An offender placed on supervision for an offense
21 committed on or after June 1, 2008 (the effective date of
22 Public Act 95-464) that would qualify the accused as a child
23 sex offender as defined in Section 11-9.3 or 11-9.4 of the
24 Criminal Code of 1961 shall refrain from communicating with or
25 contacting, by means of the Internet, a person who is not
26 related to the accused and whom the accused reasonably believes

1 to be under 18 years of age. For purposes of this subsection
2 (p), "Internet" has the meaning ascribed to it in Section
3 16-0.1 of the Criminal Code of 1961; and a person is not
4 related to the accused if the person is not: (i) the spouse,
5 brother, or sister of the accused; (ii) a descendant of the
6 accused; (iii) a first or second cousin of the accused; or (iv)
7 a step-child or adopted child of the accused.

8 (q) An offender placed on supervision for an offense
9 committed on or after June 1, 2008 (the effective date of
10 Public Act 95-464) that would qualify the accused as a child
11 sex offender as defined in Section 11-9.3 or 11-9.4 of the
12 Criminal Code of 1961 shall, if so ordered by the court,
13 refrain from communicating with or contacting, by means of the
14 Internet, a person who is related to the accused and whom the
15 accused reasonably believes to be under 18 years of age. For
16 purposes of this subsection (q), "Internet" has the meaning
17 ascribed to it in Section 16-0.1 of the Criminal Code of 1961;
18 and a person is related to the accused if the person is: (i)
19 the spouse, brother, or sister of the accused; (ii) a
20 descendant of the accused; (iii) a first or second cousin of
21 the accused; or (iv) a step-child or adopted child of the
22 accused.

23 (r) An offender placed on supervision for an offense under
24 Section 11-6, 11-9.1, 11-14.4 that involves soliciting for a
25 juvenile prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or
26 11-21 of the Criminal Code of 1961, or any attempt to commit

1 any of these offenses, committed on or after the effective date
2 of this amendatory Act of the 95th General Assembly shall:

3 (i) not access or use a computer or any other device
4 with Internet capability without the prior written
5 approval of the court, except in connection with the
6 offender's employment or search for employment with the
7 prior approval of the court;

8 (ii) submit to periodic unannounced examinations of
9 the offender's computer or any other device with Internet
10 capability by the offender's probation officer, a law
11 enforcement officer, or assigned computer or information
12 technology specialist, including the retrieval and copying
13 of all data from the computer or device and any internal or
14 external peripherals and removal of such information,
15 equipment, or device to conduct a more thorough inspection;

16 (iii) submit to the installation on the offender's
17 computer or device with Internet capability, at the
18 offender's expense, of one or more hardware or software
19 systems to monitor the Internet use; and

20 (iv) submit to any other appropriate restrictions
21 concerning the offender's use of or access to a computer or
22 any other device with Internet capability imposed by the
23 court.

24 (s) An offender placed on supervision for an offense that
25 is a sex offense as defined in Section 2 of the Sex Offender
26 Registration Act that is committed on or after January 1, 2010

1 (the effective date of Public Act 96-362) that requires the
2 person to register as a sex offender under that Act, may not
3 knowingly use any computer scrub software on any computer that
4 the sex offender uses.

5 (t) An offender placed on supervision for a sex offense as
6 defined in the Sex Offender Registration Act committed on or
7 after January 1, 2010 (the effective date of Public Act 96-262)
8 shall refrain from accessing or using a social networking
9 website as defined in Section 17-0.5 of the Criminal Code of
10 1961.

11 (u) Jurisdiction over an offender may be transferred from
12 the sentencing court to the court of another circuit with the
13 concurrence of both courts. Further transfers or retransfers of
14 jurisdiction are also authorized in the same manner. The court
15 to which jurisdiction has been transferred shall have the same
16 powers as the sentencing court. The probation department within
17 the circuit to which jurisdiction has been transferred may
18 impose probation fees upon receiving the transferred offender,
19 as provided in subsection (i). The probation department from
20 the original sentencing court shall retain all probation fees
21 collected prior to the transfer.

22 (Source: P.A. 96-262, eff. 1-1-10; 96-362, eff. 1-1-10; 96-409,
23 eff. 1-1-10; 96-1000, eff. 7-2-10; 96-1414, eff. 1-1-11;
24 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551, Article
25 10, Section 10-150, eff. 7-1-11; 97-454, eff. 1-1-12; 97-597,
26 eff. 1-1-12; revised 9-14-11.)

1 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

2 Sec. 5-8-1. Natural life imprisonment; enhancements for
3 use of a firearm; mandatory supervised release terms.

4 (a) Except as otherwise provided in the statute defining
5 the offense or in Article 4.5 of Chapter V, a sentence of
6 imprisonment for a felony shall be a determinate sentence set
7 by the court under this Section, according to the following
8 limitations:

9 (1) for first degree murder,

10 (a) (blank),

11 (b) if a trier of fact finds beyond a reasonable
12 doubt that the murder was accompanied by exceptionally
13 brutal or heinous behavior indicative of wanton
14 cruelty or, except as set forth in subsection (a)(1)(c)
15 of this Section, that any of the aggravating factors
16 listed in subsection (b) or (b-5) of Section 9-1 of the
17 Criminal Code of 1961 are present, the court may
18 sentence the defendant to a term of natural life
19 imprisonment, or

20 (c) the court shall sentence the defendant to a
21 term of natural life imprisonment when the death
22 penalty is not imposed if the defendant,

23 (i) has previously been convicted of first
24 degree murder under any state or federal law, or

25 (ii) is a person who, at the time of the

1 commission of the murder, had attained the age of
2 17 or more and is found guilty of murdering an
3 individual under 12 years of age; or, irrespective
4 of the defendant's age at the time of the
5 commission of the offense, is found guilty of
6 murdering more than one victim, or

7 (iii) is found guilty of murdering a peace
8 officer, fireman, or emergency management worker
9 when the peace officer, fireman, or emergency
10 management worker was killed in the course of
11 performing his official duties, or to prevent the
12 peace officer or fireman from performing his
13 official duties, or in retaliation for the peace
14 officer, fireman, or emergency management worker
15 from performing his official duties, and the
16 defendant knew or should have known that the
17 murdered individual was a peace officer, fireman,
18 or emergency management worker, or

19 (iv) is found guilty of murdering an employee
20 of an institution or facility of the Department of
21 Corrections, or any similar local correctional
22 agency, when the employee was killed in the course
23 of performing his official duties, or to prevent
24 the employee from performing his official duties,
25 or in retaliation for the employee performing his
26 official duties, or

1 (v) is found guilty of murdering an emergency
2 medical technician - ambulance, emergency medical
3 technician - intermediate, emergency medical
4 technician - paramedic, ambulance driver or other
5 medical assistance or first aid person while
6 employed by a municipality or other governmental
7 unit when the person was killed in the course of
8 performing official duties or to prevent the
9 person from performing official duties or in
10 retaliation for performing official duties and the
11 defendant knew or should have known that the
12 murdered individual was an emergency medical
13 technician - ambulance, emergency medical
14 technician - intermediate, emergency medical
15 technician - paramedic, ambulance driver, or other
16 medical assistant or first aid personnel, or

17 (vi) is a person who, at the time of the
18 commission of the murder, had not attained the age
19 of 17, and is found guilty of murdering a person
20 under 12 years of age and the murder is committed
21 during the course of aggravated criminal sexual
22 assault, criminal sexual assault, or aggravated
23 kidnaping, or

24 (vii) is found guilty of first degree murder
25 and the murder was committed by reason of any
26 person's activity as a community policing

1 volunteer or to prevent any person from engaging in
2 activity as a community policing volunteer. For
3 the purpose of this Section, "community policing
4 volunteer" has the meaning ascribed to it in
5 Section 2-3.5 of the Criminal Code of 1961.

6 For purposes of clause (v), "emergency medical
7 technician - ambulance", "emergency medical technician
8 - intermediate", "emergency medical technician -
9 paramedic", have the meanings ascribed to them in the
10 Emergency Medical Services (EMS) Systems Act.

11 (d) (i) if the person committed the offense while
12 armed with a firearm, 15 years shall be added to
13 the term of imprisonment imposed by the court;

14 (ii) if, during the commission of the offense,
15 the person personally discharged a firearm, 20
16 years shall be added to the term of imprisonment
17 imposed by the court;

18 (iii) if, during the commission of the
19 offense, the person personally discharged a
20 firearm that proximately caused great bodily harm,
21 permanent disability, permanent disfigurement, or
22 death to another person, 25 years or up to a term
23 of natural life shall be added to the term of
24 imprisonment imposed by the court.

25 (2) (blank);

26 (2.5) for a person convicted under the circumstances

1 described in subdivision (b)(1)(B) of Section 11-1.20 or
2 paragraph (3) of subsection (b) of Section 12-13,
3 subdivision (d)(2) of Section 11-1.30 or paragraph (2) of
4 subsection (d) of Section 12-14, subdivision (b)(1.2) of
5 Section 11-1.40 or paragraph (1.2) of subsection (b) of
6 Section 12-14.1, subdivision (b)(2) of Section 11-1.40 or
7 paragraph (2) of subsection (b) of Section 12-14.1 of the
8 Criminal Code of 1961, the sentence shall be a term of
9 natural life imprisonment.

10 (b) (Blank).

11 (c) (Blank).

12 (d) Subject to earlier termination under Section 3-3-8, the
13 parole or mandatory supervised release term shall be written as
14 part of the sentencing order and shall be as follows:

15 (1) for first degree murder or a Class X felony except
16 for the offenses of predatory criminal sexual assault of a
17 child, aggravated criminal sexual assault, and criminal
18 sexual assault if committed on or after the effective date
19 of this amendatory Act of the 94th General Assembly and
20 except for the offense of aggravated child pornography
21 under Section 11-20.1B or 11-20.3 of the Criminal Code of
22 1961, if committed on or after January 1, 2009, 3 years;

23 (2) for a Class 1 felony or a Class 2 felony except for
24 the offense of criminal sexual assault if committed on or
25 after the effective date of this amendatory Act of the 94th
26 General Assembly and except for the offenses of manufacture

1 and dissemination of child pornography under clauses
2 (a) (1) and (a) (2) of Section 11-20.1 of the Criminal Code
3 of 1961, if committed on or after January 1, 2009, 2 years;

4 (3) for a Class 3 felony or a Class 4 felony, 1 year;

5 (4) for defendants who commit the offense of predatory
6 criminal sexual assault of a child, aggravated criminal
7 sexual assault, or criminal sexual assault, on or after the
8 effective date of this amendatory Act of the 94th General
9 Assembly, or who commit the offense of aggravated child
10 pornography, manufacture of child pornography, or
11 dissemination of child pornography after January 1, 2009,
12 the term of mandatory supervised release shall range from a
13 minimum of 3 years to a maximum of the natural life of the
14 defendant;

15 (5) if the victim is under 18 years of age, for a
16 second or subsequent offense of aggravated criminal sexual
17 abuse or felony criminal sexual abuse, 4 years, at least
18 the first 2 years of which the defendant shall serve in an
19 electronic home detention program under Article 8A of
20 Chapter V of this Code;

21 (6) for a felony domestic battery, aggravated domestic
22 battery, stalking, aggravated stalking, and a felony
23 violation of an order of protection, 4 years.

24 (e) (Blank).

25 (f) (Blank).

26 (Source: P.A. 96-282, eff. 1-1-10; 96-1000, eff. 7-2-10;

1 96-1200, eff. 7-22-10; 96-1475, eff. 1-1-11; 96-1551, eff.
2 7-1-11; 97-333, eff. 8-12-11; 97-531, eff. 1-1-12; revised
3 9-14-11.)

4 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)
5 Sec. 5-8-4. Concurrent and consecutive terms of
6 imprisonment.

7 (a) Concurrent terms; multiple or additional sentences.
8 When an Illinois court (i) imposes multiple sentences of
9 imprisonment on a defendant at the same time or (ii) imposes a
10 sentence of imprisonment on a defendant who is already subject
11 to a sentence of imprisonment imposed by an Illinois court, a
12 court of another state, or a federal court, then the sentences
13 shall run concurrently unless otherwise determined by the
14 Illinois court under this Section.

15 (b) Concurrent terms; misdemeanor and felony. A defendant
16 serving a sentence for a misdemeanor who is convicted of a
17 felony and sentenced to imprisonment shall be transferred to
18 the Department of Corrections, and the misdemeanor sentence
19 shall be merged in and run concurrently with the felony
20 sentence.

21 (c) Consecutive terms; permissive. The court may impose
22 consecutive sentences in any of the following circumstances:

23 (1) If, having regard to the nature and circumstances
24 of the offense and the history and character of the
25 defendant, it is the opinion of the court that consecutive

1 sentences are required to protect the public from further
2 criminal conduct by the defendant, the basis for which the
3 court shall set forth in the record.

4 (2) If one of the offenses for which a defendant was
5 convicted was a violation of Section 32-5.2 (aggravated
6 false personation of a peace officer) of the Criminal Code
7 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
8 (b) (5) or (b) (6) of Section 17-2 of that Code (720 ILCS
9 5/17-2) and the offense was committed in attempting or
10 committing a forcible felony.

11 (d) Consecutive terms; mandatory. The court shall impose
12 consecutive sentences in each of the following circumstances:

13 (1) One of the offenses for which the defendant was
14 convicted was first degree murder or a Class X or Class 1
15 felony and the defendant inflicted severe bodily injury.

16 (2) The defendant was convicted of a violation of
17 Section 11-20.1 (child pornography), 11-20.1B or 11-20.3
18 (aggravated child pornography), 11-1.20 or 12-13 (criminal
19 sexual assault), 11-1.30 or 12-14 (aggravated criminal
20 sexual assault), or 11-1.40 or 12-14.1 (predatory criminal
21 sexual assault of a child) of the Criminal Code of 1961
22 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3, 5/11-1.20,
23 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or 5/12-14.1).

24 (3) The defendant was convicted of armed violence based
25 upon the predicate offense of any of the following:
26 solicitation of murder, solicitation of murder for hire,

1 heinous battery as described in Section 12-4.1 or
2 subdivision (a)(2) of Section 12-3.05, aggravated battery
3 of a senior citizen as described in Section 12-4.6 or
4 subdivision (a)(4) of Section 12-3.05, criminal sexual
5 assault, a violation of subsection (g) of Section 5 of the
6 Cannabis Control Act (720 ILCS 550/5), cannabis
7 trafficking, a violation of subsection (a) of Section 401
8 of the Illinois Controlled Substances Act (720 ILCS
9 570/401), controlled substance trafficking involving a
10 Class X felony amount of controlled substance under Section
11 401 of the Illinois Controlled Substances Act (720 ILCS
12 570/401), a violation of the Methamphetamine Control and
13 Community Protection Act (720 ILCS 646/), calculated
14 criminal drug conspiracy, or streetgang criminal drug
15 conspiracy.

16 (4) The defendant was convicted of the offense of
17 leaving the scene of a motor vehicle accident involving
18 death or personal injuries under Section 11-401 of the
19 Illinois Vehicle Code (625 ILCS 5/11-401) and either: (A)
20 aggravated driving under the influence of alcohol, other
21 drug or drugs, or intoxicating compound or compounds, or
22 any combination thereof under Section 11-501 of the
23 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
24 homicide under Section 9-3 of the Criminal Code of 1961
25 (720 ILCS 5/9-3), or (C) both an offense described in item
26 (A) and an offense described in item (B).

1 (5) The defendant was convicted of a violation of
2 Section 9-3.1 (concealment of homicidal death) or Section
3 12-20.5 (dismembering a human body) of the Criminal Code of
4 1961 (720 ILCS 5/9-3.1 or 5/12-20.5).

5 (5.5) The defendant was convicted of a violation of
6 Section 24-3.7 (use of a stolen firearm in the commission
7 of an offense) of the Criminal Code of 1961.

8 (6) If the defendant was in the custody of the
9 Department of Corrections at the time of the commission of
10 the offense, the sentence shall be served consecutive to
11 the sentence under which the defendant is held by the
12 Department of Corrections. If, however, the defendant is
13 sentenced to punishment by death, the sentence shall be
14 executed at such time as the court may fix without regard
15 to the sentence under which the defendant may be held by
16 the Department.

17 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
18 for escape or attempted escape shall be served consecutive
19 to the terms under which the offender is held by the
20 Department of Corrections.

21 (8) If a person charged with a felony commits a
22 separate felony while on pretrial release or in pretrial
23 detention in a county jail facility or county detention
24 facility, then the sentences imposed upon conviction of
25 these felonies shall be served consecutively regardless of
26 the order in which the judgments of conviction are entered.

1 (8.5) If a person commits a battery against a county
2 correctional officer or sheriff's employee while serving a
3 sentence or in pretrial detention in a county jail
4 facility, then the sentence imposed upon conviction of the
5 battery shall be served consecutively with the sentence
6 imposed upon conviction of the earlier misdemeanor or
7 felony, regardless of the order in which the judgments of
8 conviction are entered.

9 (9) If a person admitted to bail following conviction
10 of a felony commits a separate felony while free on bond or
11 if a person detained in a county jail facility or county
12 detention facility following conviction of a felony
13 commits a separate felony while in detention, then any
14 sentence following conviction of the separate felony shall
15 be consecutive to that of the original sentence for which
16 the defendant was on bond or detained.

17 (10) If a person is found to be in possession of an
18 item of contraband, as defined in clause (c) (2) of Section
19 31A-1.1 of the Criminal Code of 1961, while serving a
20 sentence in a county jail or while in pre-trial detention
21 in a county jail, the sentence imposed upon conviction for
22 the offense of possessing contraband in a penal institution
23 shall be served consecutively to the sentence imposed for
24 the offense in which the person is serving sentence in the
25 county jail or serving pretrial detention, regardless of
26 the order in which the judgments of conviction are entered.

1 (11) If a person is sentenced for a violation of bail
2 bond under Section 32-10 of the Criminal Code of 1961, any
3 sentence imposed for that violation shall be served
4 consecutive to the sentence imposed for the charge for
5 which bail had been granted and with respect to which the
6 defendant has been convicted.

7 (e) Consecutive terms; subsequent non-Illinois term. If an
8 Illinois court has imposed a sentence of imprisonment on a
9 defendant and the defendant is subsequently sentenced to a term
10 of imprisonment by a court of another state or a federal court,
11 then the Illinois sentence shall run consecutively to the
12 sentence imposed by the court of the other state or the federal
13 court. That same Illinois court, however, may order that the
14 Illinois sentence run concurrently with the sentence imposed by
15 the court of the other state or the federal court, but only if
16 the defendant applies to that same Illinois court within 30
17 days after the sentence imposed by the court of the other state
18 or the federal court is finalized.

19 (f) Consecutive terms; aggregate maximums and minimums.
20 The aggregate maximum and aggregate minimum of consecutive
21 sentences shall be determined as follows:

22 (1) For sentences imposed under law in effect prior to
23 February 1, 1978, the aggregate maximum of consecutive
24 sentences shall not exceed the maximum term authorized
25 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
26 Chapter V for the 2 most serious felonies involved. The

1 aggregate minimum period of consecutive sentences shall
2 not exceed the highest minimum term authorized under
3 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
4 V for the 2 most serious felonies involved. When sentenced
5 only for misdemeanors, a defendant shall not be
6 consecutively sentenced to more than the maximum for one
7 Class A misdemeanor.

8 (2) For sentences imposed under the law in effect on or
9 after February 1, 1978, the aggregate of consecutive
10 sentences for offenses that were committed as part of a
11 single course of conduct during which there was no
12 substantial change in the nature of the criminal objective
13 shall not exceed the sum of the maximum terms authorized
14 under Article 4.5 of Chapter V for the 2 most serious
15 felonies involved, but no such limitation shall apply for
16 offenses that were not committed as part of a single course
17 of conduct during which there was no substantial change in
18 the nature of the criminal objective. When sentenced only
19 for misdemeanors, a defendant shall not be consecutively
20 sentenced to more than the maximum for one Class A
21 misdemeanor.

22 (g) Consecutive terms; manner served. In determining the
23 manner in which consecutive sentences of imprisonment, one or
24 more of which is for a felony, will be served, the Department
25 of Corrections shall treat the defendant as though he or she
26 had been committed for a single term subject to each of the

1 following:

2 (1) The maximum period of a term of imprisonment shall
3 consist of the aggregate of the maximums of the imposed
4 indeterminate terms, if any, plus the aggregate of the
5 imposed determinate sentences for felonies, plus the
6 aggregate of the imposed determinate sentences for
7 misdemeanors, subject to subsection (f) of this Section.

8 (2) The parole or mandatory supervised release term
9 shall be as provided in paragraph (e) of Section 5-4.5-50
10 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
11 involved.

12 (3) The minimum period of imprisonment shall be the
13 aggregate of the minimum and determinate periods of
14 imprisonment imposed by the court, subject to subsection
15 (f) of this Section.

16 (4) The defendant shall be awarded credit against the
17 aggregate maximum term and the aggregate minimum term of
18 imprisonment for all time served in an institution since
19 the commission of the offense or offenses and as a
20 consequence thereof at the rate specified in Section 3-6-3
21 (730 ILCS 5/3-6-3).

22 (Source: P.A. 96-190, eff. 1-1-10; 96-1000, eff. 7-2-10;
23 96-1200, eff. 7-22-10; 96-1551, Article 1, Section 970, eff.
24 7-1-11; 96-1551, Article 2, Section 1065, eff. 7-1-11; 96-1551,
25 Article 10, Section 10-150, eff. 7-1-11; 97-475, eff. 8-22-11;
26 revised 9-14-11.)

1 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

2 Sec. 5-9-1.7. Sexual assault fines.

3 (a) Definitions. The terms used in this Section shall have
4 the following meanings ascribed to them:

5 (1) "Sexual assault" means the commission or attempted
6 commission of the following: sexual exploitation of a
7 child, criminal sexual assault, predatory criminal sexual
8 assault of a child, aggravated criminal sexual assault,
9 criminal sexual abuse, aggravated criminal sexual abuse,
10 indecent solicitation of a child, public indecency, sexual
11 relations within families, promoting juvenile
12 prostitution, soliciting for a juvenile prostitute,
13 keeping a place of juvenile prostitution, patronizing a
14 juvenile prostitute, juvenile pimping, exploitation of a
15 child, obscenity, child pornography, aggravated child
16 pornography, harmful material, or ritualized abuse of a
17 child, as those offenses are defined in the Criminal Code
18 of 1961.

19 (2) "Family member" shall have the meaning ascribed to
20 it in Section 11-0.1 ~~12-12~~ of the Criminal Code of 1961.

21 (3) "Sexual assault organization" means any
22 not-for-profit organization providing comprehensive,
23 community-based services to victims of sexual assault.
24 "Community-based services" include, but are not limited
25 to, direct crisis intervention through a 24-hour response,

1 medical and legal advocacy, counseling, information and
2 referral services, training, and community education.

3 (b) Sexual assault fine; collection by clerk.

4 (1) In addition to any other penalty imposed, a fine of
5 \$200 shall be imposed upon any person who pleads guilty or
6 who is convicted of, or who receives a disposition of court
7 supervision for, a sexual assault or attempt of a sexual
8 assault. Upon request of the victim or the victim's
9 representative, the court shall determine whether the fine
10 will impose an undue burden on the victim of the offense.
11 For purposes of this paragraph, the defendant may not be
12 considered the victim's representative. If the court finds
13 that the fine would impose an undue burden on the victim,
14 the court may reduce or waive the fine. The court shall
15 order that the defendant may not use funds belonging solely
16 to the victim of the offense for payment of the fine.

17 (2) Sexual assault fines shall be assessed by the court
18 imposing the sentence and shall be collected by the circuit
19 clerk. The circuit clerk shall retain 10% of the penalty to
20 cover the costs involved in administering and enforcing
21 this Section. The circuit clerk shall remit the remainder
22 of each fine within one month of its receipt to the State
23 Treasurer for deposit as follows:

24 (i) for family member offenders, one-half to the
25 Sexual Assault Services Fund, and one-half to the
26 Domestic Violence Shelter and Service Fund; and

1 (ii) for other than family member offenders, the
2 full amount to the Sexual Assault Services Fund.

3 (c) Sexual Assault Services Fund; administration. There is
4 created a Sexual Assault Services Fund. Moneys deposited into
5 the Fund under this Section shall be appropriated to the
6 Department of Public Health. Upon appropriation of moneys from
7 the Sexual Assault Services Fund, the Department of Public
8 Health shall make grants of these moneys from the Fund to
9 sexual assault organizations with whom the Department has
10 contracts for the purpose of providing community-based
11 services to victims of sexual assault. Grants made under this
12 Section are in addition to, and are not substitutes for, other
13 grants authorized and made by the Department.

14 (Source: P.A. 95-331, eff. 8-21-07; 96-1551, eff. 7-1-11;
15 revised 10-12-11.)

16 Section 15-70. The Sex Offender Registration Act is amended
17 by changing Sections 2 and 3 as follows:

18 (730 ILCS 150/2) (from Ch. 38, par. 222)

19 Sec. 2. Definitions.

20 (A) As used in this Article, "sex offender" means any
21 person who is:

22 (1) charged pursuant to Illinois law, or any
23 substantially similar federal, Uniform Code of Military
24 Justice, sister state, or foreign country law, with a sex

1 offense set forth in subsection (B) of this Section or the
2 attempt to commit an included sex offense, and:

3 (a) is convicted of such offense or an attempt to
4 commit such offense; or

5 (b) is found not guilty by reason of insanity of
6 such offense or an attempt to commit such offense; or

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

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

16 (e) is found not guilty by reason of insanity
17 following 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(c) of the Code of Criminal Procedure of 1963 of
21 such offense or of the attempted commission of such
22 offense; or

23 (f) is the subject of a finding not resulting in an
24 acquittal at a hearing conducted pursuant to a federal,
25 Uniform Code of Military Justice, sister state, or
26 foreign country law substantially similar to Section

1 104-25(a) of the Code of Criminal Procedure of 1963 for
2 the alleged violation or attempted commission of such
3 offense; or

4 (2) certified as a sexually dangerous person pursuant
5 to the Illinois Sexually Dangerous Persons Act, or any
6 substantially similar federal, Uniform Code of Military
7 Justice, sister state, or foreign country law; or

8 (3) subject to the provisions of Section 2 of the
9 Interstate Agreements on Sexually Dangerous Persons Act;
10 or

11 (4) found to be a sexually violent person pursuant to
12 the Sexually Violent Persons Commitment Act or any
13 substantially similar federal, Uniform Code of Military
14 Justice, sister state, or foreign country law; or

15 (5) adjudicated a juvenile delinquent as the result of
16 committing or attempting to commit an act which, if
17 committed by an adult, would constitute any of the offenses
18 specified in item (B), (C), or (C-5) of this Section or a
19 violation of any substantially similar federal, Uniform
20 Code of Military Justice, sister state, or foreign country
21 law, or found guilty under Article V of the Juvenile Court
22 Act of 1987 of committing or attempting to commit an act
23 which, if committed by an adult, would constitute any of
24 the offenses specified in item (B), (C), or (C-5) of this
25 Section or a violation of any substantially similar
26 federal, Uniform Code of Military Justice, sister state, or

1 foreign country law.

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

7 For purposes of this Section, "convicted" shall have the
8 same meaning as "adjudicated".

9 (B) As used in this Article, "sex offense" means:

10 (1) A violation of any of the following Sections of the
11 Criminal Code of 1961:

12 11-20.1 (child pornography),

13 11-20.1B or 11-20.3 (aggravated child
14 pornography),

15 11-6 (indecent solicitation of a child),

16 11-9.1 (sexual exploitation of a child),

17 11-9.2 (custodial sexual misconduct),

18 11-9.5 (sexual misconduct with a person with a
19 disability),

20 11-14.4 (promoting juvenile prostitution),

21 11-15.1 (soliciting for a juvenile prostitute),

22 11-18.1 (patronizing a juvenile prostitute),

23 11-17.1 (keeping a place of juvenile
24 prostitution),

25 11-19.1 (juvenile pimping),

26 11-19.2 (exploitation of a child),

1 11-25 (grooming),
2 11-26 (traveling to meet a minor),
3 11-1.20 or 12-13 (criminal sexual assault),
4 11-1.30 or 12-14 (aggravated criminal sexual
5 assault),
6 11-1.40 or 12-14.1 (predatory criminal sexual
7 assault of a child),
8 11-1.50 or 12-15 (criminal sexual abuse),
9 11-1.60 or 12-16 (aggravated criminal sexual
10 abuse),
11 12-33 (ritualized abuse of a child).

12 An attempt to commit any of these offenses.

13 (1.5) A violation of any of the following Sections of
14 the Criminal Code of 1961, when the victim is a person
15 under 18 years of age, the defendant is not a parent of the
16 victim, the offense was sexually motivated as defined in
17 Section 10 of the Sex Offender Management Board Act, and
18 the offense was committed on or after January 1, 1996:

19 10-1 (kidnapping),
20 10-2 (aggravated kidnapping),
21 10-3 (unlawful restraint),
22 10-3.1 (aggravated unlawful restraint).

23 If the offense was committed before January 1, 1996, it
24 is a sex offense requiring registration only when the
25 person is convicted of any felony after July 1, 2011, and
26 paragraph (2.1) of subsection (c) of Section 3 of this Act

1 applies.

2 (1.6) First degree murder under Section 9-1 of the
3 Criminal Code of 1961, provided the offense was sexually
4 motivated as defined in Section 10 of the Sex Offender
5 Management Board Act.

6 (1.7) (Blank).

7 (1.8) A violation or attempted violation of Section
8 11-11 (sexual relations within families) of the Criminal
9 Code of 1961, and the offense was committed on or after
10 June 1, 1997. If the offense was committed before June 1,
11 1997, it is a sex offense requiring registration only when
12 the person is convicted of any felony after July 1, 2011,
13 and paragraph (2.1) of subsection (c) of Section 3 of this
14 Act applies.

15 (1.9) Child abduction under paragraph (10) of
16 subsection (b) of Section 10-5 of the Criminal Code of 1961
17 committed by luring or attempting to lure a child under the
18 age of 16 into a motor vehicle, building, house trailer, or
19 dwelling place without the consent of the parent or lawful
20 custodian of the child for other than a lawful purpose and
21 the offense was committed on or after January 1, 1998,
22 provided the offense was sexually motivated as defined in
23 Section 10 of the Sex Offender Management Board Act. If the
24 offense was committed before January 1, 1998, it is a sex
25 offense requiring registration only when the person is
26 convicted of any felony after July 1, 2011, and paragraph

1 (2.1) of subsection (c) of Section 3 of this Act applies.

2 (1.10) A violation or attempted violation of any of the
3 following Sections of the Criminal Code of 1961 when the
4 offense was committed on or after July 1, 1999:

5 10-4 (forcible detention, if the victim is under 18
6 years of age), provided the offense was sexually
7 motivated as defined in Section 10 of the Sex Offender
8 Management Board Act,

9 11-6.5 (indecent solicitation of an adult),

10 11-14.3 that involves soliciting for a prostitute,
11 or 11-15 (soliciting for a prostitute, if the victim is
12 under 18 years of age),

13 subdivision (a) (2) (A) or (a) (2) (B) of Section
14 11-14.3, or Section 11-16 (pandering, if the victim is
15 under 18 years of age),

16 11-18 (patronizing a prostitute, if the victim is
17 under 18 years of age),

18 subdivision (a) (2) (C) of Section 11-14.3, or
19 Section 11-19 (pimping, if the victim is under 18 years
20 of age).

21 If the offense was committed before July 1, 1999, it is
22 a sex offense requiring registration only when the person
23 is convicted of any felony after July 1, 2011, and
24 paragraph (2.1) of subsection (c) of Section 3 of this Act
25 applies.

26 (1.11) A violation or attempted violation of any of the

1 following Sections of the Criminal Code of 1961 when the
2 offense was committed on or after August 22, 2002:

3 11-9 or 11-30 (public indecency for a third or
4 subsequent conviction).

5 If the third or subsequent conviction was imposed
6 before August 22, 2002, it is a sex offense requiring
7 registration only when the person is convicted of any
8 felony after July 1, 2011, and paragraph (2.1) of
9 subsection (c) of Section 3 of this Act applies.

10 (1.12) A violation or attempted violation of Section
11 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
12 Criminal Code of 1961 (permitting sexual abuse) when the
13 offense was committed on or after August 22, 2002. If the
14 offense was committed before August 22, 2002, it is a sex
15 offense requiring registration only when the person is
16 convicted of any felony after July 1, 2011, and paragraph
17 (2.1) of subsection (c) of Section 3 of this Act applies.

18 (2) A violation of any former law of this State
19 substantially equivalent to any offense listed in
20 subsection (B) of this Section.

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), (C), (E), and (E-5) of this Section
25 shall constitute a conviction for the purpose of this Article.
26 A finding or adjudication as a sexually dangerous person or a

1 sexually violent person under any federal law, Uniform Code of
2 Military Justice, or the law of another state or foreign
3 country that is substantially equivalent to the Sexually
4 Dangerous Persons Act or the Sexually Violent Persons
5 Commitment Act shall constitute an adjudication for the
6 purposes of this Article.

7 (C-5) A person at least 17 years of age at the time of the
8 commission of the offense who is convicted of first degree
9 murder under Section 9-1 of the Criminal Code of 1961, against
10 a person under 18 years of age, shall be required to register
11 for natural life. A conviction for an offense of federal,
12 Uniform Code of Military Justice, sister state, or foreign
13 country law that is substantially equivalent to any offense
14 listed in subsection (C-5) of this Section shall constitute a
15 conviction for the purpose of this Article. This subsection
16 (C-5) applies to a person who committed the offense before June
17 1, 1996 if: (i) the person is incarcerated in an Illinois
18 Department of Corrections facility on August 20, 2004 (the
19 effective date of Public Act 93-977), or (ii) subparagraph (i)
20 does not apply and the person is convicted of any felony after
21 July 1, 2011, and paragraph (2.1) of subsection (c) of Section
22 3 of this Act applies.

23 (C-6) A person who is convicted or adjudicated delinquent
24 of first degree murder as defined in Section 9-1 of the
25 Criminal Code of 1961, against a person 18 years of age or
26 over, shall be required to register for his or her natural

1 life. A conviction for an offense of federal, Uniform Code of
2 Military Justice, sister state, or foreign country law that is
3 substantially equivalent to any offense listed in subsection
4 (C-6) of this Section shall constitute a conviction for the
5 purpose of this Article. This subsection (C-6) does not apply
6 to those individuals released from incarceration more than 10
7 years prior to January 1, 2012 (the effective date of Public
8 Act 97-154) ~~this amendatory Act of the 97th General Assembly.~~

9 (D) As used in this Article, "law enforcement agency having
10 jurisdiction" means the Chief of Police in each of the
11 municipalities in which the sex offender expects to reside,
12 work, or attend school (1) upon his or her discharge, parole or
13 release or (2) during the service of his or her sentence of
14 probation or conditional discharge, or the Sheriff of the
15 county, in the event no Police Chief exists or if the offender
16 intends to reside, work, or attend school in an unincorporated
17 area. "Law enforcement agency having jurisdiction" includes
18 the location where out-of-state students attend school and
19 where out-of-state employees are employed or are otherwise
20 required to register.

21 (D-1) As used in this Article, "supervising officer" means
22 the assigned Illinois Department of Corrections parole agent or
23 county probation officer.

24 (E) As used in this Article, "sexual predator" means any
25 person who, after July 1, 1999, is:

26 (1) Convicted for an offense of federal, Uniform Code

1 of Military Justice, sister state, or foreign country law
2 that is substantially equivalent to any offense listed in
3 subsection (E) or (E-5) of this Section shall constitute a
4 conviction for the purpose of this Article. Convicted of a
5 violation or attempted violation of any of the following
6 Sections of the Criminal Code of 1961:

7 11-14.4 that involves keeping a place of juvenile
8 prostitution, or 11-17.1 (keeping a place of juvenile
9 prostitution),

10 subdivision (a) (2) or (a) (3) of Section 11-14.4,
11 or Section 11-19.1 (juvenile pimping),

12 subdivision (a) (4) of Section 11-14.4, or Section
13 11-19.2 (exploitation of a child),

14 11-20.1 (child pornography),

15 11-20.1B or 11-20.3 (aggravated child
16 pornography),

17 11-1.20 or 12-13 (criminal sexual assault),

18 11-1.30 or 12-14 (aggravated criminal sexual
19 assault),

20 11-1.40 or 12-14.1 (predatory criminal sexual
21 assault of a child),

22 11-1.60 or 12-16 (aggravated criminal sexual
23 abuse),

24 12-33 (ritualized abuse of a child);

25 (2) (blank);

26 (3) certified as a sexually dangerous person pursuant

1 to the Sexually Dangerous Persons Act or any substantially
2 similar federal, Uniform Code of Military Justice, sister
3 state, or foreign country law;

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;

8 (5) convicted of a second or subsequent offense which
9 requires registration pursuant to this Act. For purposes of
10 this paragraph (5), "convicted" shall include a conviction
11 under any substantially similar Illinois, federal, Uniform
12 Code of Military Justice, sister state, or foreign country
13 law;

14 (6) convicted of a second or subsequent offense of
15 luring a minor under Section 10-5.1 of the Criminal Code of
16 1961; or

17 (7) if the person was convicted of an offense set forth
18 in this subsection (E) on or before July 1, 1999, the
19 person is a sexual predator for whom registration is
20 required only when the person is convicted of a felony
21 offense after July 1, 2011, and paragraph (2.1) of
22 subsection (c) of Section 3 of this Act applies.

23 (E-5) As used in this Article, "sexual predator" also means
24 a person convicted of a violation or attempted violation of any
25 of the following Sections of the Criminal Code of 1961:

26 (1) Section 9-1 (first degree murder, when the victim

1 was a person under 18 years of age and the defendant was at
2 least 17 years of age at the time of the commission of the
3 offense, provided the offense was sexually motivated as
4 defined in Section 10 of the Sex Offender Management Board
5 Act);

6 (2) Section 11-9.5 (sexual misconduct with a person
7 with a disability);

8 (3) when the victim is a person under 18 years of age,
9 the defendant is not a parent of the victim, the offense
10 was sexually motivated as defined in Section 10 of the Sex
11 Offender Management Board Act, and the offense was
12 committed on or after January 1, 1996: (A) Section 10-1
13 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
14 (C) Section 10-3 (unlawful restraint), and (D) Section
15 10-3.1 (aggravated unlawful restraint); and

16 (4) Section 10-5(b)(10) (child abduction committed by
17 luring or attempting to lure a child under the age of 16
18 into a motor vehicle, building, house trailer, or dwelling
19 place without the consent of the parent or lawful custodian
20 of the child for other than a lawful purpose and the
21 offense was committed on or after January 1, 1998, provided
22 the offense was sexually motivated as defined in Section 10
23 of the Sex Offender Management Board Act).

24 (E-10) As used in this Article, "sexual predator" also
25 means a person required to register in another State due to a
26 conviction, adjudication or other action of any court

1 triggering an obligation to register as a sex offender, sexual
2 predator, or substantially similar status under the laws of
3 that State.

4 (F) As used in this Article, "out-of-state student" means
5 any sex offender, as defined in this Section, or sexual
6 predator who is enrolled in Illinois, on a full-time or
7 part-time basis, in any public or private educational
8 institution, including, but not limited to, any secondary
9 school, trade or professional institution, or institution of
10 higher learning.

11 (G) As used in this Article, "out-of-state employee" means
12 any sex offender, as defined in this Section, or sexual
13 predator who works in Illinois, regardless of whether the
14 individual receives payment for services performed, for a
15 period of time of 10 or more days or for an aggregate period of
16 time of 30 or more days during any calendar year. Persons who
17 operate motor vehicles in the State accrue one day of
18 employment time for any portion of a day spent in Illinois.

19 (H) As used in this Article, "school" means any public or
20 private educational institution, including, but not limited
21 to, any elementary or secondary school, trade or professional
22 institution, or institution of higher education.

23 (I) As used in this Article, "fixed residence" means any
24 and all places that a sex offender resides for an aggregate
25 period of time of 5 or more days in a calendar year.

26 (J) As used in this Article, "Internet protocol address"

1 means the string of numbers by which a location on the Internet
2 is identified by routers or other computers connected to the
3 Internet.

4 (Source: P.A. 96-301, eff. 8-11-09; 96-1089, eff. 1-1-11;
5 96-1551, eff. 7-1-11; 97-154, eff. 1-1-12; 97-578, eff. 1-1-12;
6 revised 9-27-11.)

7 (730 ILCS 150/3)

8 Sec. 3. Duty to register.

9 (a) A sex offender, as defined in Section 2 of this Act, or
10 sexual predator shall, within the time period prescribed in
11 subsections (b) and (c), register in person and provide
12 accurate information as required by the Department of State
13 Police. Such information shall include a current photograph,
14 current address, current place of employment, the sex
15 offender's or sexual predator's telephone number, including
16 cellular telephone number, the employer's telephone number,
17 school attended, all e-mail addresses, instant messaging
18 identities, chat room identities, and other Internet
19 communications identities that the sex offender uses or plans
20 to use, all Uniform Resource Locators (URLs) registered or used
21 by the sex offender, all blogs and other Internet sites
22 maintained by the sex offender or to which the sex offender has
23 uploaded any content or posted any messages or information,
24 extensions of the time period for registering as provided in
25 this Article and, if an extension was granted, the reason why

1 the extension was granted and the date the sex offender was
2 notified of the extension. The information shall also include a
3 copy of the terms and conditions of parole or release signed by
4 the sex offender and given to the sex offender by his or her
5 supervising officer, the county of conviction, license plate
6 numbers for every vehicle registered in the name of the sex
7 offender, the age of the sex offender at the time of the
8 commission of the offense, the age of the victim at the time of
9 the commission of the offense, and any distinguishing marks
10 located on the body of the sex offender. A sex offender
11 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
12 11-21 of the Criminal Code of 1961 shall provide all Internet
13 protocol (IP) addresses in his or her residence, registered in
14 his or her name, accessible at his or her place of employment,
15 or otherwise under his or her control or custody. If the sex
16 offender is a child sex offender as defined in Section 11-9.3
17 or 11-9.4 of the Criminal Code of 1961, the sex offender shall
18 report to the registering agency whether he or she is living in
19 a household with a child under 18 years of age who is not his or
20 her own child, provided that his or her own child is not the
21 victim of the sex offense. The sex offender or sexual predator
22 shall register:

23 (1) with the chief of police in the municipality in
24 which he or she resides or is temporarily domiciled for a
25 period of time of 3 or more days, unless the municipality
26 is the City of Chicago, in which case he or she shall

1 register at the Chicago Police Department Headquarters; or

2 (2) with the sheriff in the county in which he or she
3 resides or is temporarily domiciled for a period of time of
4 3 or more days in an unincorporated area or, if
5 incorporated, no police chief exists.

6 If the sex offender or sexual predator is employed at or
7 attends an institution of higher education, he or she shall
8 also register:

9 (i) with:

10 (A) the chief of police in the municipality in
11 which he or she is employed at or attends an
12 institution of higher education, unless the
13 municipality is the City of Chicago, in which case he
14 or she shall register at the Chicago Police Department
15 Headquarters; or

16 (B) the sheriff in the county in which he or she is
17 employed or attends an institution of higher education
18 located in an unincorporated area, or if incorporated,
19 no police chief exists; and

20 (ii) with the public safety or security director of the
21 institution of higher education which he or she is employed
22 at or attends.

23 The registration fees shall only apply to the municipality
24 or county of primary registration, and not to campus
25 registration.

26 For purposes of this Article, the place of residence or

1 temporary domicile is defined as any and all places where the
2 sex offender resides for an aggregate period of time of 3 or
3 more days during any calendar year. Any person required to
4 register under this Article who lacks a fixed address or
5 temporary domicile must notify, in person, the agency of
6 jurisdiction of his or her last known address within 3 days
7 after ceasing to have a fixed residence.

8 A sex offender or sexual predator who is temporarily absent
9 from his or her current address of registration for 3 or more
10 days shall notify the law enforcement agency having
11 jurisdiction of his or her current registration, including the
12 itinerary for travel, in the manner provided in Section 6 of
13 this Act for notification to the law enforcement agency having
14 jurisdiction of change of address.

15 Any person who lacks a fixed residence must report weekly,
16 in person, with the sheriff's office of the county in which he
17 or she is located in an unincorporated area, or with the chief
18 of police in the municipality in which he or she is located.
19 The agency of jurisdiction will document each weekly
20 registration to include all the locations where the person has
21 stayed during the past 7 days.

22 The sex offender or sexual predator shall provide accurate
23 information as required by the Department of State Police. That
24 information shall include the sex offender's or sexual
25 predator's current place of employment.

26 (a-5) An out-of-state student or out-of-state employee

1 shall, within 3 days after beginning school or employment in
2 this State, register in person and provide accurate information
3 as required by the Department of State Police. Such information
4 will include current place of employment, school attended, and
5 address in state of residence. A sex offender convicted under
6 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the
7 Criminal Code of 1961 shall provide all Internet protocol (IP)
8 addresses in his or her residence, registered in his or her
9 name, accessible at his or her place of employment, or
10 otherwise under his or her control or custody. The out-of-state
11 student or out-of-state employee shall register:

12 (1) with:

13 (A) the chief of police in the municipality in
14 which he or she attends school or is employed for a
15 period of time of 5 or more days or for an aggregate
16 period of time of more than 30 days during any calendar
17 year, unless the municipality is the City of Chicago,
18 in which case he or she shall register at the Chicago
19 Police Department Headquarters; or

20 (B) the sheriff in the county in which he or she
21 attends school or is employed for a period of time of 5
22 or more days or for an aggregate period of time of more
23 than 30 days during any calendar year in an
24 unincorporated area or, if incorporated, no police
25 chief exists; and

26 (2) with the public safety or security director of the

1 institution of higher education he or she is employed at or
2 attends for a period of time of 5 or more days or for an
3 aggregate period of time of more than 30 days during a
4 calendar year.

5 The registration fees shall only apply to the municipality
6 or county of primary registration, and not to campus
7 registration.

8 The out-of-state student or out-of-state employee shall
9 provide accurate information as required by the Department of
10 State Police. That information shall include the out-of-state
11 student's current place of school attendance or the
12 out-of-state employee's current place of employment.

13 (a-10) Any law enforcement agency registering sex
14 offenders or sexual predators in accordance with subsections
15 (a) or (a-5) of this Section shall forward to the Attorney
16 General a copy of sex offender registration forms from persons
17 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
18 11-21 of the Criminal Code of 1961, including periodic and
19 annual registrations under Section 6 of this Act.

20 (b) Any sex offender, as defined in Section 2 of this Act,
21 or sexual predator, regardless of any initial, prior, or other
22 registration, shall, within 3 days of beginning school, or
23 establishing a residence, place of employment, or temporary
24 domicile in any county, register in person as set forth in
25 subsection (a) or (a-5).

26 (c) The registration for any person required to register

1 under this Article shall be as follows:

2 (1) Any person registered under the Habitual Child Sex
3 Offender Registration Act or the Child Sex Offender
4 Registration Act prior to January 1, 1996, shall be deemed
5 initially registered as of January 1, 1996; however, this
6 shall not be construed to extend the duration of
7 registration set forth in Section 7.

8 (2) Except as provided in subsection (c)(2.1) or
9 (c)(4), any person convicted or adjudicated prior to
10 January 1, 1996, whose liability for registration under
11 Section 7 has not expired, shall register in person prior
12 to January 31, 1996.

13 (2.1) A sex offender or sexual predator, who has never
14 previously been required to register under this Act, has a
15 duty to register if the person has been convicted of any
16 felony offense after July 1, 2011. A person who previously
17 was required to register under this Act for a period of 10
18 years and successfully completed that registration period
19 has a duty to register if: (i) the person has been
20 convicted of any felony offense after July 1, 2011, and
21 (ii) the offense for which the 10 year registration was
22 served currently requires a registration period of more
23 than 10 years. Notification of an offender's duty to
24 register under this subsection shall be pursuant to Section
25 5-7 of this Act.

26 (2.5) Except as provided in subsection (c)(4), any

1 person who has not been notified of his or her
2 responsibility to register shall be notified by a criminal
3 justice entity of his or her responsibility to register.
4 Upon notification the person must then register within 3
5 days of notification of his or her requirement to register.
6 Except as provided in subsection (c)(2.1), if notification
7 is not made within the offender's 10 year registration
8 requirement, and the Department of State Police determines
9 no evidence exists or indicates the offender attempted to
10 avoid registration, the offender will no longer be required
11 to register under this Act.

12 (3) Except as provided in subsection (c)(4), any person
13 convicted on or after January 1, 1996, shall register in
14 person within 3 days after the entry of the sentencing
15 order based upon his or her conviction.

16 (4) Any person unable to comply with the registration
17 requirements of this Article because he or she is confined,
18 institutionalized, or imprisoned in Illinois on or after
19 January 1, 1996, shall register in person within 3 days of
20 discharge, parole or release.

21 (5) The person shall provide positive identification
22 and documentation that substantiates proof of residence at
23 the registering address.

24 (6) The person shall pay a \$100 initial registration
25 fee and a \$100 annual renewal fee. The fees shall be used
26 by the registering agency for official purposes. The agency

1 shall establish procedures to document receipt and use of
2 the funds. The law enforcement agency having jurisdiction
3 may waive the registration fee if it determines that the
4 person is indigent and unable to pay the registration fee.
5 Thirty dollars for the initial registration fee and \$30 of
6 the annual renewal fee shall be used by the registering
7 agency for official purposes. Ten dollars of the initial
8 registration fee and \$10 of the annual fee shall be
9 deposited into the Sex Offender Management Board Fund under
10 Section 19 of the Sex Offender Management Board Act. Money
11 deposited into the Sex Offender Management Board Fund shall
12 be administered by the Sex Offender Management Board and
13 shall be used to fund practices endorsed or required by the
14 Sex Offender Management Board Act including but not limited
15 to sex offenders evaluation, treatment, or monitoring
16 programs that are or may be developed, as well as for
17 administrative costs, including staff, incurred by the
18 Board. Thirty dollars of the initial registration fee and
19 \$30 of the annual renewal fee shall be deposited into the
20 Sex Offender Registration Fund and shall be used by the
21 Department of State Police to maintain and update the
22 Illinois State Police Sex Offender Registry. Thirty
23 dollars of the initial registration fee and \$30 of the
24 annual renewal fee shall be deposited into the Attorney
25 General Sex Offender Awareness, Training, and Education
26 Fund. Moneys deposited into the Fund shall be used by the

1 Attorney General to administer the I-SORT program and to
2 alert and educate the public, victims, and witnesses of
3 their rights under various victim notification laws and for
4 training law enforcement agencies, State's Attorneys, and
5 medical providers of their legal duties concerning the
6 prosecution and investigation of sex offenses.

7 (d) Within 3 days after obtaining or changing employment
8 and, if employed on January 1, 2000, within 5 days after that
9 date, a person required to register under this Section must
10 report, in person to the law enforcement agency having
11 jurisdiction, the business name and address where he or she is
12 employed. If the person has multiple businesses or work
13 locations, every business and work location must be reported to
14 the law enforcement agency having jurisdiction.

15 (Source: P.A. 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11;
16 96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff.
17 1-1-11; 96-1551, eff. 7-1-11; 97-155, eff 1-1-12; 97-333, eff.
18 8-12-11; 97-578, eff. 1-1-12; revised 9-15-11.)

19 Section 15-75. The Secure Residential Youth Care Facility
20 Licensing Act is amended by changing Section 45-30 as follows:

21 (730 ILCS 175/45-30)

22 Sec. 45-30. License or employment eligibility.

23 (a) No applicant may receive a license from the Department
24 and no person may be employed by a licensed facility who

1 refuses to authorize an investigation as required by Section
2 45-25.

3 (b) No applicant may receive a license from the Department
4 and no person may be employed by a secure residential youth
5 care facility licensed by the Department who has been declared
6 a sexually dangerous person under the Sexually Dangerous
7 Persons Act or convicted of committing or attempting to commit
8 any of the following offenses under the Criminal Code of 1961:

9 (1) First degree murder.

10 (2) A sex offense under Article 11, except offenses
11 described in Sections 11-7, 11-8, 11-12, 11-13, 11-18,
12 11-35, 11-40, and 11-45.

13 (3) Kidnapping.

14 (4) Aggravated kidnapping.

15 (5) Child abduction.

16 (6) Aggravated battery of a child as described in
17 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05.

18 (7) Criminal sexual assault.

19 (8) Aggravated criminal sexual assault.

20 (8.1) Predatory criminal sexual assault of a child.

21 (9) Criminal sexual abuse.

22 (10) Aggravated criminal sexual abuse.

23 (11) A federal offense or an offense in any other state
24 the elements of which are similar to any of the foregoing
25 offenses.

26 (Source: P.A. 96-1551, Article 1, Section 975, eff. 7-1-11;

1 96-1551, Article 2, Section 1080, eff. 7-1-11; revised
2 9-30-11.)

3 Section 15-80. The Crime Victims Compensation Act is
4 amended by changing Section 2 as follows:

5 (740 ILCS 45/2) (from Ch. 70, par. 72)

6 Sec. 2. Definitions. As used in this Act, unless the
7 context otherwise requires:

8 (a) "Applicant" means any person who applies for
9 compensation under this Act or any person the Court of Claims
10 finds is entitled to compensation, including the guardian of a
11 minor or of a person under legal disability. It includes any
12 person who was a dependent of a deceased victim of a crime of
13 violence for his or her support at the time of the death of
14 that victim.

15 (b) "Court of Claims" means the Court of Claims created by
16 the Court of Claims Act.

17 (c) "Crime of violence" means and includes any offense
18 defined in Sections 9-1, 9-2, 9-3, 10-1, 10-2, 11-1.20,
19 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-11, 11-19.2, 11-20.1,
20 11-20.1B, 11-20.3, 12-1, 12-2, 12-3, 12-3.2, 12-3.3, 12-3.4,
21 12-4, 12-4.1, 12-4.2, 12-4.3, 12-5, 12-7.1, 12-7.3, 12-7.4,
22 12-13, 12-14, 12-14.1, 12-15, 12-16, 12-20.5, 12-30, 20-1 or
23 20-1.1, or Section 12-3.05 except for subdivision (a)(4) or
24 (g)(1),~~7~~ or subdivision (a)(4) of Section 11-14.4, of the

1 Criminal Code of 1961, Sections 1(a) and 1(a-5) of the Cemetery
2 Protection Act, driving under the influence of intoxicating
3 liquor or narcotic drugs as defined in Section 11-501 of the
4 Illinois Vehicle Code, and a violation of Section 11-401 of the
5 Illinois Vehicle Code, provided the victim was a pedestrian or
6 was operating a vehicle moved solely by human power or a
7 mobility device at the time of contact; so long as the offense
8 did not occur during a civil riot, insurrection or rebellion.
9 "Crime of violence" does not include any other offense or
10 accident involving a motor vehicle except those vehicle
11 offenses specifically provided for in this paragraph. "Crime of
12 violence" does include all of the offenses specifically
13 provided for in this paragraph that occur within this State but
14 are subject to federal jurisdiction and crimes involving
15 terrorism as defined in 18 U.S.C. 2331.

16 (d) "Victim" means (1) a person killed or injured in this
17 State as a result of a crime of violence perpetrated or
18 attempted against him or her, (2) the parent of a person killed
19 or injured in this State as a result of a crime of violence
20 perpetrated or attempted against the person, (3) a person
21 killed or injured in this State while attempting to assist a
22 person against whom a crime of violence is being perpetrated or
23 attempted, if that attempt of assistance would be expected of a
24 reasonable person under the circumstances, (4) a person killed
25 or injured in this State while assisting a law enforcement
26 official apprehend a person who has perpetrated a crime of

1 violence or prevent the perpetration of any such crime if that
2 assistance was in response to the express request of the law
3 enforcement official, (5) a person who personally witnessed a
4 violent crime, (5.1) solely for the purpose of compensating for
5 pecuniary loss incurred for psychological treatment of a mental
6 or emotional condition caused or aggravated by the crime, any
7 other person under the age of 18 who is the brother, sister,
8 half brother, half sister, child, or stepchild of a person
9 killed or injured in this State as a result of a crime of
10 violence, (6) an Illinois resident who is a victim of a "crime
11 of violence" as defined in this Act except, if the crime
12 occurred outside this State, the resident has the same rights
13 under this Act as if the crime had occurred in this State upon
14 a showing that the state, territory, country, or political
15 subdivision of a country in which the crime occurred does not
16 have a compensation of victims of crimes law for which that
17 Illinois resident is eligible, (7) a deceased person whose body
18 is dismembered or whose remains are desecrated as the result of
19 a crime of violence, or (8) solely for the purpose of
20 compensating for pecuniary loss incurred for psychological
21 treatment of a mental or emotional condition caused or
22 aggravated by the crime, any parent, spouse, or child under the
23 age of 18 of a deceased person whose body is dismembered or
24 whose remains are desecrated as the result of a crime of
25 violence.

26 (e) "Dependent" means a relative of a deceased victim who

1 was wholly or partially dependent upon the victim's income at
2 the time of his or her death and shall include the child of a
3 victim born after his or her death.

4 (f) "Relative" means a spouse, parent, grandparent,
5 stepfather, stepmother, child, grandchild, brother,
6 brother-in-law, sister, sister-in-law, half brother, half
7 sister, spouse's parent, nephew, niece, uncle or aunt.

8 (g) "Child" means an unmarried son or daughter who is under
9 18 years of age and includes a stepchild, an adopted child or a
10 child born out of wedlock.

11 (h) "Pecuniary loss" means, in the case of injury,
12 appropriate medical expenses and hospital expenses including
13 expenses of medical examinations, rehabilitation, medically
14 required nursing care expenses, appropriate psychiatric care
15 or psychiatric counseling expenses, expenses for care or
16 counseling by a licensed clinical psychologist, licensed
17 clinical social worker, or licensed clinical professional
18 counselor and expenses for treatment by Christian Science
19 practitioners and nursing care appropriate thereto;
20 transportation expenses to and from medical and treatment
21 facilities; prosthetic appliances, eyeglasses, and hearing
22 aids necessary or damaged as a result of the crime; replacement
23 costs for clothing and bedding used as evidence; costs
24 associated with temporary lodging or relocation necessary as a
25 result of the crime, including, but not limited to, the first
26 month's rent and security deposit of the dwelling that the

1 claimant relocated to and other reasonable relocation expenses
2 incurred as a result of the violent crime; locks or windows
3 necessary or damaged as a result of the crime; the purchase,
4 lease, or rental of equipment necessary to create usability of
5 and accessibility to the victim's real and personal property,
6 or the real and personal property which is used by the victim,
7 necessary as a result of the crime; the costs of appropriate
8 crime scene clean-up; replacement services loss, to a maximum
9 of \$1000 per month; dependents replacement services loss, to a
10 maximum of \$1000 per month; loss of tuition paid to attend
11 grammar school or high school when the victim had been enrolled
12 as a student prior to the injury, or college or graduate school
13 when the victim had been enrolled as a day or night student
14 prior to the injury when the victim becomes unable to continue
15 attendance at school as a result of the crime of violence
16 perpetrated against him or her; loss of earnings, loss of
17 future earnings because of disability resulting from the
18 injury, and, in addition, in the case of death, expenses for
19 funeral, burial, and travel and transport for survivors of
20 homicide victims to secure bodies of deceased victims and to
21 transport bodies for burial all of which may not exceed a
22 maximum of \$5,000 and loss of support of the dependents of the
23 victim; in the case of dismemberment or desecration of a body,
24 expenses for funeral and burial, all of which may not exceed a
25 maximum of \$5,000. Loss of future earnings shall be reduced by
26 any income from substitute work actually performed by the

1 victim or by income he or she would have earned in available
2 appropriate substitute work he or she was capable of performing
3 but unreasonably failed to undertake. Loss of earnings, loss of
4 future earnings and loss of support shall be determined on the
5 basis of the victim's average net monthly earnings for the 6
6 months immediately preceding the date of the injury or on \$1000
7 per month, whichever is less. If a divorced or legally
8 separated applicant is claiming loss of support for a minor
9 child of the deceased, the amount of support for each child
10 shall be based either on the amount of support pursuant to the
11 judgment prior to the date of the deceased victim's injury or
12 death, or, if the subject of pending litigation filed by or on
13 behalf of the divorced or legally separated applicant prior to
14 the injury or death, on the result of that litigation. Real and
15 personal property includes, but is not limited to, vehicles,
16 houses, apartments, town houses, or condominiums. Pecuniary
17 loss does not include pain and suffering or property loss or
18 damage.

19 (i) "Replacement services loss" means expenses reasonably
20 incurred in obtaining ordinary and necessary services in lieu
21 of those the injured person would have performed, not for
22 income, but for the benefit of himself or herself or his or her
23 family, if he or she had not been injured.

24 (j) "Dependents replacement services loss" means loss
25 reasonably incurred by dependents or private legal guardians of
26 minor dependents after a victim's death in obtaining ordinary

1 and necessary services in lieu of those the victim would have
2 performed, not for income, but for their benefit, if he or she
3 had not been fatally injured.

4 (k) "Survivor" means immediate family including a parent,
5 step-father, step-mother, child, brother, sister, or spouse.

6 (Source: P.A. 96-267, eff. 8-11-09; 96-863, eff. 3-1-10;
7 96-1551, Article 1, Section 980, eff. 7-1-11; 96-1551, Article
8 2, Section 1090, eff. 7-1-11; revised 9-30-11.)

9 Section 15-85. The Predator Accountability Act is amended
10 by changing Section 10 as follows:

11 (740 ILCS 128/10)

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

13 "Sex trade" means any act, which if proven beyond a
14 reasonable doubt could support a conviction for a violation or
15 attempted violation of any of the following Sections of the
16 Criminal Code of 1961: 11-14.3 (promoting prostitution);
17 11-14.4 (promoting juvenile prostitution); 11-15 (soliciting
18 for a prostitute); 11-15.1 (soliciting for a juvenile
19 prostitute); 11-16 (pandering); 11-17 (keeping a place of
20 prostitution); 11-17.1 (keeping a place of juvenile
21 prostitution); 11-19 (pimping); 11-19.1 (juvenile pimping and
22 aggravated juvenile pimping); 11-19.2 (exploitation of a
23 child); 11-20 (obscenity); 11-20.1 (child pornography); or
24 11-20.1B or 11-20.3 (aggravated child pornography); or Section

1 10-9 of the Criminal Code of 1961 (trafficking of persons and
2 involuntary servitude).

3 "Sex trade" activity may involve adults and youth of all
4 genders and sexual orientations.

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

7 (1) soliciting for a prostitute: the prostitute who is
8 the object of the solicitation;

9 (2) soliciting for a juvenile prostitute: the juvenile
10 prostitute, or severely or profoundly intellectually
11 disabled person, who is the object of the solicitation;

12 (3) promoting prostitution as described in subdivision
13 (a) (2) (A) or (a) (2) (B) of Section 11-14.3 of the Criminal
14 Code of 1961, or pandering: the person intended or
15 compelled to act as a prostitute;

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

19 (5) keeping a place of juvenile prostitution: any
20 juvenile intended or compelled to act as a prostitute,
21 while present at the place, during the time period in
22 question;

23 (6) promoting prostitution as described in subdivision
24 (a) (2) (C) of Section 11-14.3 of the Criminal Code of 1961,
25 or pimping: the prostitute from whom anything of value is
26 received;

1 (7) promoting juvenile prostitution as described in
2 subdivision (a)(2) or (a)(3) of Section 11-14.4 of the
3 Criminal Code of 1961, or juvenile pimping and aggravated
4 juvenile pimping: the juvenile, or severely or profoundly
5 intellectually disabled person, from whom anything of
6 value is received for that person's act of prostitution;

7 (8) promoting juvenile prostitution as described in
8 subdivision (a)(4) of Section 11-14.4 of the Criminal Code
9 of 1961, or exploitation of a child: the juvenile, or
10 severely or profoundly intellectually disabled person,
11 intended or compelled to act as a prostitute or from whom
12 anything of value is received for that person's act of
13 prostitution;

14 (9) obscenity: any person who appears in or is
15 described or depicted in the offending conduct or material;

16 (10) child pornography or aggravated child
17 pornography: any child, or severely or profoundly
18 intellectually disabled person, who appears in or is
19 described or depicted in the offending conduct or material;
20 or

21 (11) trafficking of persons or involuntary servitude:
22 a "trafficking victim" as defined in Section 10-9 of the
23 Criminal Code of 1961.

24 (Source: P.A. 96-710, eff. 1-1-10; 96-1551, eff. 7-1-11;
25 97-227, eff. 1-1-12; revised 9-15-11.)

1 Section 15-90. The Illinois Marriage and Dissolution of
2 Marriage Act is amended by changing Section 503 as follows:

3 (750 ILCS 5/503) (from Ch. 40, par. 503)

4 Sec. 503. Disposition of property.

5 (a) For purposes of this Act, "marital property" means all
6 property acquired by either spouse subsequent to the marriage,
7 except the following, which is known as "non-marital property":

8 (1) property acquired by gift, legacy or descent;

9 (2) property acquired in exchange for property
10 acquired before the marriage or in exchange for property
11 acquired by gift, legacy or descent;

12 (3) property acquired by a spouse after a judgment of
13 legal separation;

14 (4) property excluded by valid agreement of the
15 parties;

16 (5) any judgment or property obtained by judgment
17 awarded to a spouse from the other spouse;

18 (6) property acquired before the marriage;

19 (7) the increase in value of property acquired by a
20 method listed in paragraphs (1) through (6) of this
21 subsection, irrespective of whether the increase results
22 from a contribution of marital property, non-marital
23 property, the personal effort of a spouse, or otherwise,
24 subject to the right of reimbursement provided in
25 subsection (c) of this Section; and

1 (8) income from property acquired by a method listed in
2 paragraphs (1) through (7) of this subsection if the income
3 is not attributable to the personal effort of a spouse.

4 (b) (1) For purposes of distribution of property pursuant to
5 this Section, all property acquired by either spouse after the
6 marriage and before a judgment of dissolution of marriage or
7 declaration of invalidity of marriage, including non-marital
8 property transferred into some form of co-ownership between the
9 spouses, is presumed to be marital property, regardless of
10 whether title is held individually or by the spouses in some
11 form of co-ownership such as joint tenancy, tenancy in common,
12 tenancy by the entirety, or community property. The presumption
13 of marital property is overcome by a showing that the property
14 was acquired by a method listed in subsection (a) of this
15 Section.

16 (2) For purposes of distribution of property pursuant to
17 this Section, all pension benefits (including pension benefits
18 under the Illinois Pension Code) acquired by either spouse
19 after the marriage and before a judgment of dissolution of
20 marriage or declaration of invalidity of the marriage are
21 presumed to be marital property, regardless of which spouse
22 participates in the pension plan. The presumption that these
23 pension benefits are marital property is overcome by a showing
24 that the pension benefits were acquired by a method listed in
25 subsection (a) of this Section. The right to a division of
26 pension benefits in just proportions under this Section is

1 enforceable under Section 1-119 of the Illinois Pension Code.

2 The value of pension benefits in a retirement system
3 subject to the Illinois Pension Code shall be determined in
4 accordance with the valuation procedures established by the
5 retirement system.

6 The recognition of pension benefits as marital property and
7 the division of those benefits pursuant to a Qualified Illinois
8 Domestic Relations Order shall not be deemed to be a
9 diminishment, alienation, or impairment of those benefits. The
10 division of pension benefits is an allocation of property in
11 which each spouse has a species of common ownership.

12 (3) For purposes of distribution of property under this
13 Section, all stock options granted to either spouse after the
14 marriage and before a judgment of dissolution of marriage or
15 declaration of invalidity of marriage, whether vested or
16 non-vested or whether their value is ascertainable, are
17 presumed to be marital property. This presumption of marital
18 property is overcome by a showing that the stock options were
19 acquired by a method listed in subsection (a) of this Section.
20 The court shall allocate stock options between the parties at
21 the time of the judgment of dissolution of marriage or
22 declaration of invalidity of marriage recognizing that the
23 value of the stock options may not be then determinable and
24 that the actual division of the options may not occur until a
25 future date. In making the allocation between the parties, the
26 court shall consider, in addition to the factors set forth in

1 subsection (d) of this Section, the following:

2 (i) All circumstances underlying the grant of the stock
3 option including but not limited to whether the grant was
4 for past, present, or future efforts, or any combination
5 thereof.

6 (ii) The length of time from the grant of the option to
7 the time the option is exercisable.

8 (b-5) As to any policy of life insurance insuring the life
9 of either spouse, or any interest in such policy, that
10 constitutes marital property, whether whole life, term life,
11 group term life, universal life, or other form of life
12 insurance policy, and whether or not the value is
13 ascertainable, the court shall allocate ownership, death
14 benefits or the right to assign death benefits, and the
15 obligation for premium payments, if any, equitably between the
16 parties at the time of the judgment for dissolution or
17 declaration of invalidity of marriage.

18 (c) Commingled marital and non-marital property shall be
19 treated in the following manner, unless otherwise agreed by the
20 spouses:

21 (1) When marital and non-marital property are
22 commingled by contributing one estate of property into
23 another resulting in a loss of identity of the contributed
24 property, the classification of the contributed property
25 is transmuted to the estate receiving the contribution,
26 subject to the provisions of paragraph (2) of this

1 subsection; provided that if marital and non-marital
2 property are commingled into newly acquired property
3 resulting in a loss of identity of the contributing
4 estates, the commingled property shall be deemed
5 transmuted to marital property, subject to the provisions
6 of paragraph (2) of this subsection.

7 (2) When one estate of property makes a contribution to
8 another estate of property, or when a spouse contributes
9 personal effort to non-marital property, the contributing
10 estate shall be reimbursed from the estate receiving the
11 contribution notwithstanding any transmutation; provided,
12 that no such reimbursement shall be made with respect to a
13 contribution which is not retraceable by clear and
14 convincing evidence, or was a gift, or, in the case of a
15 contribution of personal effort of a spouse to non-marital
16 property, unless the effort is significant and results in
17 substantial appreciation of the non-marital property.
18 Personal effort of a spouse shall be deemed a contribution
19 by the marital estate. The court may provide for
20 reimbursement out of the marital property to be divided or
21 by imposing a lien against the non-marital property which
22 received the contribution.

23 (d) In a proceeding for dissolution of marriage or
24 declaration of invalidity of marriage, or in a proceeding for
25 disposition of property following dissolution of marriage by a
26 court which lacked personal jurisdiction over the absent spouse

1 or lacked jurisdiction to dispose of the property, the court
2 shall assign each spouse's non-marital property to that spouse.
3 It also shall divide the marital property without regard to
4 marital misconduct in just proportions considering all
5 relevant factors, including:

6 (1) the contribution of each party to the acquisition,
7 preservation, or increase or decrease in value of the
8 marital or non-marital property, including (i) any such
9 decrease attributable to a payment deemed to have been an
10 advance from the parties' marital estate under subsection
11 (c-1)(2) of Section 501 and (ii) the contribution of a
12 spouse as a homemaker or to the family unit;

13 (2) the dissipation by each party of the marital or
14 non-marital property;

15 (3) the value of the property assigned to each spouse;

16 (4) the duration of the marriage;

17 (5) the relevant economic circumstances of each spouse
18 when the division of property is to become effective,
19 including the desirability of awarding the family home, or
20 the right to live therein for reasonable periods, to the
21 spouse having custody of the children;

22 (6) any obligations and rights arising from a prior
23 marriage of either party;

24 (7) any antenuptial agreement of the parties;

25 (8) the age, health, station, occupation, amount and
26 sources of income, vocational skills, employability,

1 estate, liabilities, and needs of each of the parties;

2 (9) the custodial provisions for any children;

3 (10) whether the apportionment is in lieu of or in
4 addition to maintenance;

5 (11) the reasonable opportunity of each spouse for
6 future acquisition of capital assets and income; and

7 (12) the tax consequences of the property division upon
8 the respective economic circumstances of the parties.

9 (e) Each spouse has a species of common ownership in the
10 marital property which vests at the time dissolution
11 proceedings are commenced and continues only during the
12 pendency of the action. Any such interest in marital property
13 shall not encumber that property so as to restrict its
14 transfer, assignment or conveyance by the title holder unless
15 such title holder is specifically enjoined from making such
16 transfer, assignment or conveyance.

17 (f) In a proceeding for dissolution of marriage or
18 declaration of invalidity of marriage or in a proceeding for
19 disposition of property following dissolution of marriage by a
20 court that lacked personal jurisdiction over the absent spouse
21 or lacked jurisdiction to dispose of the property, the court,
22 in determining the value of the marital and non-marital
23 property for purposes of dividing the property, shall value the
24 property as of the date of trial or some other date as close to
25 the date of trial as is practicable.

26 (g) The court if necessary to protect and promote the best

1 interests of the children may set aside a portion of the
2 jointly or separately held estates of the parties in a separate
3 fund or trust for the support, maintenance, education, physical
4 and mental health, and general welfare of any minor, dependent,
5 or incompetent child of the parties. In making a determination
6 under this subsection, the court may consider, among other
7 things, the conviction of a party of any of the offenses set
8 forth in Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
9 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-13, 12-14, 12-14.1,
10 12-15, or 12-16, or Section 12-3.05 except for subdivision
11 (a) (4) or (g) (1), of the Criminal Code of 1961 if the victim is
12 a child of one or both of the parties, and there is a need for,
13 and cost of, care, healing and counseling for the child who is
14 the victim of the crime.

15 (h) Unless specifically directed by a reviewing court, or
16 upon good cause shown, the court shall not on remand consider
17 any increase or decrease in the value of any "marital" or
18 "non-marital" property occurring since the assessment of such
19 property at the original trial or hearing, but shall use only
20 that assessment made at the original trial or hearing.

21 (i) The court may make such judgments affecting the marital
22 property as may be just and may enforce such judgments by
23 ordering a sale of marital property, with proceeds therefrom to
24 be applied as determined by the court.

25 (j) After proofs have closed in the final hearing on all
26 other issues between the parties (or in conjunction with the

1 final hearing, if all parties so stipulate) and before judgment
2 is entered, a party's petition for contribution to fees and
3 costs incurred in the proceeding shall be heard and decided, in
4 accordance with the following provisions:

5 (1) A petition for contribution, if not filed before
6 the final hearing on other issues between the parties,
7 shall be filed no later than 30 days after the closing of
8 proofs in the final hearing or within such other period as
9 the court orders.

10 (2) Any award of contribution to one party from the
11 other party shall be based on the criteria for division of
12 marital property under this Section 503 and, if maintenance
13 has been awarded, on the criteria for an award of
14 maintenance under Section 504.

15 (3) The filing of a petition for contribution shall not
16 be deemed to constitute a waiver of the attorney-client
17 privilege between the petitioning party and current or
18 former counsel; and such a waiver shall not constitute a
19 prerequisite to a hearing for contribution. If either
20 party's presentation on contribution, however, includes
21 evidence within the scope of the attorney-client
22 privilege, the disclosure or disclosures shall be narrowly
23 construed and shall not be deemed by the court to
24 constitute a general waiver of the privilege as to matters
25 beyond the scope of the presentation.

26 (4) No finding on which a contribution award is based

1 or denied shall be asserted against counsel or former
2 counsel for purposes of any hearing under subsection (c) or
3 (e) of Section 508.

4 (5) A contribution award (payable to either the
5 petitioning party or the party's counsel, or jointly, as
6 the court determines) may be in the form of either a set
7 dollar amount or a percentage of fees and costs (or a
8 portion of fees and costs) to be subsequently agreed upon
9 by the petitioning party and counsel or, alternatively,
10 thereafter determined in a hearing pursuant to subsection
11 (c) of Section 508 or previously or thereafter determined
12 in an independent proceeding under subsection (e) of
13 Section 508.

14 (6) The changes to this Section 503 made by this
15 amendatory Act of 1996 apply to cases pending on or after
16 June 1, 1997, except as otherwise provided in Section 508.
17 (Source: P.A. 95-374, eff. 1-1-08; 96-583, eff. 1-1-10;
18 96-1551, Article 1, Section 985, eff. 7-1-11; 96-1551, Article
19 2, Section 1100, eff. 7-1-11; 97-608, eff. 1-1-12; revised
20 9-26-11.)

21 Section 15-95. The Adoption Act is amended by changing
22 Section 1 as follows:

23 (750 ILCS 50/1) (from Ch. 40, par. 1501)

24 Sec. 1. Definitions. When used in this Act, unless the

1 context otherwise requires:

2 A. "Child" means a person under legal age subject to
3 adoption under this Act.

4 B. "Related child" means a child subject to adoption where
5 either or both of the adopting parents stands in any of the
6 following relationships to the child by blood or marriage:
7 parent, grand-parent, brother, sister, step-parent,
8 step-grandparent, step-brother, step-sister, uncle, aunt,
9 great-uncle, great-aunt, or cousin of first degree. A child
10 whose parent has executed a final irrevocable consent to
11 adoption or a final irrevocable surrender for purposes of
12 adoption, or whose parent has had his or her parental rights
13 terminated, is not a related child to that person, unless the
14 consent is determined to be void or is void pursuant to
15 subsection O of Section 10.

16 C. "Agency" for the purpose of this Act means a public
17 child welfare agency or a licensed child welfare agency.

18 D. "Unfit person" means any person whom the court shall
19 find to be unfit to have a child, without regard to the
20 likelihood that the child will be placed for adoption. The
21 grounds of unfitness are any one or more of the following,
22 except that a person shall not be considered an unfit person
23 for the sole reason that the person has relinquished a child in
24 accordance with the Abandoned Newborn Infant Protection Act:

25 (a) Abandonment of the child.

26 (a-1) Abandonment of a newborn infant in a hospital.

1 (a-2) Abandonment of a newborn infant in any setting
2 where the evidence suggests that the parent intended to
3 relinquish his or her parental rights.

4 (b) Failure to maintain a reasonable degree of
5 interest, concern or responsibility as to the child's
6 welfare.

7 (c) Desertion of the child for more than 3 months next
8 preceding the commencement of the Adoption proceeding.

9 (d) Substantial neglect of the child if continuous or
10 repeated.

11 (d-1) Substantial neglect, if continuous or repeated,
12 of any child residing in the household which resulted in
13 the death of that child.

14 (e) Extreme or repeated cruelty to the child.

15 (f) There is a rebuttable presumption, which can be
16 overcome only by clear and convincing evidence, that a
17 parent is unfit if:

18 (1) Two or more findings of physical abuse have
19 been entered regarding any children under Section 2-21
20 of the Juvenile Court Act of 1987, the most recent of
21 which was determined by the juvenile court hearing the
22 matter to be supported by clear and convincing
23 evidence; or

24 (2) The parent has been convicted or found not
25 guilty by reason of insanity and the conviction or
26 finding resulted from the death of any child by

1 physical abuse; or

2 (3) There is a finding of physical child abuse
3 resulting from the death of any child under Section
4 2-21 of the Juvenile Court Act of 1987.

5 No conviction or finding of delinquency pursuant
6 to Article 5 of the Juvenile Court Act of 1987 shall be
7 considered a criminal conviction for the purpose of
8 applying any presumption under this item (f).

9 (g) Failure to protect the child from conditions within
10 his environment injurious to the child's welfare.

11 (h) Other neglect of, or misconduct toward the child;
12 provided that in making a finding of unfitness the court
13 hearing the adoption proceeding shall not be bound by any
14 previous finding, order or judgment affecting or
15 determining the rights of the parents toward the child
16 sought to be adopted in any other proceeding except such
17 proceedings terminating parental rights as shall be had
18 under either this Act, the Juvenile Court Act or the
19 Juvenile Court Act of 1987.

20 (i) Depravity. Conviction of any one of the following
21 crimes shall create a presumption that a parent is deprived
22 which can be overcome only by clear and convincing
23 evidence: (1) first degree murder in violation of paragraph
24 1 or 2 of subsection (a) of Section 9-1 of the Criminal
25 Code of 1961 or conviction of second degree murder in
26 violation of subsection (a) of Section 9-2 of the Criminal

1 Code of 1961 of a parent of the child to be adopted; (2)
2 first degree murder or second degree murder of any child in
3 violation of the Criminal Code of 1961; (3) attempt or
4 conspiracy to commit first degree murder or second degree
5 murder of any child in violation of the Criminal Code of
6 1961; (4) solicitation to commit murder of any child,
7 solicitation to commit murder of any child for hire, or
8 solicitation to commit second degree murder of any child in
9 violation of the Criminal Code of 1961; (5) predatory
10 criminal sexual assault of a child in violation of Section
11 11-1.40 or 12-14.1 of the Criminal Code of 1961; (6)
12 heinous battery of any child in violation of the Criminal
13 Code of 1961; or (7) aggravated battery of any child in
14 violation of the Criminal Code of 1961.

15 There is a rebuttable presumption that a parent is
16 deprived if the parent has been criminally convicted of at
17 least 3 felonies under the laws of this State or any other
18 state, or under federal law, or the criminal laws of any
19 United States territory; and at least one of these
20 convictions took place within 5 years of the filing of the
21 petition or motion seeking termination of parental rights.

22 There is a rebuttable presumption that a parent is
23 deprived if that parent has been criminally convicted of
24 either first or second degree murder of any person as
25 defined in the Criminal Code of 1961 within 10 years of the
26 filing date of the petition or motion to terminate parental

1 rights.

2 No conviction or finding of delinquency pursuant to
3 Article 5 of the Juvenile Court Act of 1987 shall be
4 considered a criminal conviction for the purpose of
5 applying any presumption under this item (i).

6 (j) Open and notorious adultery or fornication.

7 (j-1) (Blank).

8 (k) Habitual drunkenness or addiction to drugs, other
9 than those prescribed by a physician, for at least one year
10 immediately prior to the commencement of the unfitness
11 proceeding.

12 There is a rebuttable presumption that a parent is
13 unfit under this subsection with respect to any child to
14 which that parent gives birth where there is a confirmed
15 test result that at birth the child's blood, urine, or
16 meconium contained any amount of a controlled substance as
17 defined in subsection (f) of Section 102 of the Illinois
18 Controlled Substances Act or metabolites of such
19 substances, the presence of which in the newborn infant was
20 not the result of medical treatment administered to the
21 mother or the newborn infant; and the biological mother of
22 this child is the biological mother of at least one other
23 child who was adjudicated a neglected minor under
24 subsection (c) of Section 2-3 of the Juvenile Court Act of
25 1987.

26 (l) Failure to demonstrate a reasonable degree of

1 interest, concern or responsibility as to the welfare of a
2 new born child during the first 30 days after its birth.

3 (m) Failure by a parent (i) to make reasonable efforts
4 to correct the conditions that were the basis for the
5 removal of the child from the parent, or (ii) to make
6 reasonable progress toward the return of the child to the
7 parent within 9 months after an adjudication of neglected
8 or abused minor under Section 2-3 of the Juvenile Court Act
9 of 1987 or dependent minor under Section 2-4 of that Act,
10 or (iii) to make reasonable progress toward the return of
11 the child to the parent during any 9-month period after the
12 end of the initial 9-month period following the
13 adjudication of neglected or abused minor under Section 2-3
14 of the Juvenile Court Act of 1987 or dependent minor under
15 Section 2-4 of that Act. If a service plan has been
16 established as required under Section 8.2 of the Abused and
17 Neglected Child Reporting Act to correct the conditions
18 that were the basis for the removal of the child from the
19 parent and if those services were available, then, for
20 purposes of this Act, "failure to make reasonable progress
21 toward the return of the child to the parent" includes (I)
22 the parent's failure to substantially fulfill his or her
23 obligations under the service plan and correct the
24 conditions that brought the child into care within 9 months
25 after the adjudication under Section 2-3 or 2-4 of the
26 Juvenile Court Act of 1987 and (II) the parent's failure to

1 substantially fulfill his or her obligations under the
2 service plan and correct the conditions that brought the
3 child into care during any 9-month period after the end of
4 the initial 9-month period following the adjudication
5 under Section 2-3 or 2-4 of the Juvenile Court Act of 1987.
6 Notwithstanding any other provision, when a petition or
7 motion seeks to terminate parental rights on the basis of
8 item (iii) of this subsection (m), the petitioner shall
9 file with the court and serve on the parties a pleading
10 that specifies the 9-month period or periods relied on. The
11 pleading shall be filed and served on the parties no later
12 than 3 weeks before the date set by the court for closure
13 of discovery, and the allegations in the pleading shall be
14 treated as incorporated into the petition or motion.
15 Failure of a respondent to file a written denial of the
16 allegations in the pleading shall not be treated as an
17 admission that the allegations are true.

18 (m-1) Pursuant to the Juvenile Court Act of 1987, a
19 child has been in foster care for 15 months out of any 22
20 month period which begins on or after the effective date of
21 this amendatory Act of 1998 unless the child's parent can
22 prove by a preponderance of the evidence that it is more
23 likely than not that it will be in the best interests of
24 the child to be returned to the parent within 6 months of
25 the date on which a petition for termination of parental
26 rights is filed under the Juvenile Court Act of 1987. The

1 15 month time limit is tolled during any period for which
2 there is a court finding that the appointed custodian or
3 guardian failed to make reasonable efforts to reunify the
4 child with his or her family, provided that (i) the finding
5 of no reasonable efforts is made within 60 days of the
6 period when reasonable efforts were not made or (ii) the
7 parent filed a motion requesting a finding of no reasonable
8 efforts within 60 days of the period when reasonable
9 efforts were not made. For purposes of this subdivision
10 (m-1), the date of entering foster care is the earlier of:
11 (i) the date of a judicial finding at an adjudicatory
12 hearing that the child is an abused, neglected, or
13 dependent minor; or (ii) 60 days after the date on which
14 the child is removed from his or her parent, guardian, or
15 legal custodian.

16 (n) Evidence of intent to forgo his or her parental
17 rights, whether or not the child is a ward of the court,
18 (1) as manifested by his or her failure for a period of 12
19 months: (i) to visit the child, (ii) to communicate with
20 the child or agency, although able to do so and not
21 prevented from doing so by an agency or by court order, or
22 (iii) to maintain contact with or plan for the future of
23 the child, although physically able to do so, or (2) as
24 manifested by the father's failure, where he and the mother
25 of the child were unmarried to each other at the time of
26 the child's birth, (i) to commence legal proceedings to

1 establish his paternity under the Illinois Parentage Act of
2 1984 or the law of the jurisdiction of the child's birth
3 within 30 days of being informed, pursuant to Section 12a
4 of this Act, that he is the father or the likely father of
5 the child or, after being so informed where the child is
6 not yet born, within 30 days of the child's birth, or (ii)
7 to make a good faith effort to pay a reasonable amount of
8 the expenses related to the birth of the child and to
9 provide a reasonable amount for the financial support of
10 the child, the court to consider in its determination all
11 relevant circumstances, including the financial condition
12 of both parents; provided that the ground for termination
13 provided in this subparagraph (n)(2)(ii) shall only be
14 available where the petition is brought by the mother or
15 the husband of the mother.

16 Contact or communication by a parent with his or her
17 child that does not demonstrate affection and concern does
18 not constitute reasonable contact and planning under
19 subdivision (n). In the absence of evidence to the
20 contrary, the ability to visit, communicate, maintain
21 contact, pay expenses and plan for the future shall be
22 presumed. The subjective intent of the parent, whether
23 expressed or otherwise, unsupported by evidence of the
24 foregoing parental acts manifesting that intent, shall not
25 preclude a determination that the parent has intended to
26 forgo his or her parental rights. In making this

1 determination, the court may consider but shall not require
2 a showing of diligent efforts by an authorized agency to
3 encourage the parent to perform the acts specified in
4 subdivision (n).

5 It shall be an affirmative defense to any allegation
6 under paragraph (2) of this subsection that the father's
7 failure was due to circumstances beyond his control or to
8 impediments created by the mother or any other person
9 having legal custody. Proof of that fact need only be by a
10 preponderance of the evidence.

11 (o) Repeated or continuous failure by the parents,
12 although physically and financially able, to provide the
13 child with adequate food, clothing, or shelter.

14 (p) Inability to discharge parental responsibilities
15 supported by competent evidence from a psychiatrist,
16 licensed clinical social worker, or clinical psychologist
17 of mental impairment, mental illness or an intellectual
18 disability as defined in Section 1-116 of the Mental Health
19 and Developmental Disabilities Code, or developmental
20 disability as defined in Section 1-106 of that Code, and
21 there is sufficient justification to believe that the
22 inability to discharge parental responsibilities shall
23 extend beyond a reasonable time period. However, this
24 subdivision (p) shall not be construed so as to permit a
25 licensed clinical social worker to conduct any medical
26 diagnosis to determine mental illness or mental

1 impairment.

2 (q) (Blank).

3 (r) The child is in the temporary custody or
4 guardianship of the Department of Children and Family
5 Services, the parent is incarcerated as a result of
6 criminal conviction at the time the petition or motion for
7 termination of parental rights is filed, prior to
8 incarceration the parent had little or no contact with the
9 child or provided little or no support for the child, and
10 the parent's incarceration will prevent the parent from
11 discharging his or her parental responsibilities for the
12 child for a period in excess of 2 years after the filing of
13 the petition or motion for termination of parental rights.

14 (s) The child is in the temporary custody or
15 guardianship of the Department of Children and Family
16 Services, the parent is incarcerated at the time the
17 petition or motion for termination of parental rights is
18 filed, the parent has been repeatedly incarcerated as a
19 result of criminal convictions, and the parent's repeated
20 incarceration has prevented the parent from discharging
21 his or her parental responsibilities for the child.

22 (t) A finding that at birth the child's blood, urine,
23 or meconium contained any amount of a controlled substance
24 as defined in subsection (f) of Section 102 of the Illinois
25 Controlled Substances Act, or a metabolite of a controlled
26 substance, with the exception of controlled substances or

1 metabolites of such substances, the presence of which in
2 the newborn infant was the result of medical treatment
3 administered to the mother or the newborn infant, and that
4 the biological mother of this child is the biological
5 mother of at least one other child who was adjudicated a
6 neglected minor under subsection (c) of Section 2-3 of the
7 Juvenile Court Act of 1987, after which the biological
8 mother had the opportunity to enroll in and participate in
9 a clinically appropriate substance abuse counseling,
10 treatment, and rehabilitation program.

11 E. "Parent" means the father or mother of a lawful child of
12 the parties or child born out of wedlock. For the purpose of
13 this Act, a person who has executed a final and irrevocable
14 consent to adoption or a final and irrevocable surrender for
15 purposes of adoption, or whose parental rights have been
16 terminated by a court, is not a parent of the child who was the
17 subject of the consent or surrender, unless the consent is void
18 pursuant to subsection O of Section 10.

19 F. A person is available for adoption when the person is:

20 (a) a child who has been surrendered for adoption to an
21 agency and to whose adoption the agency has thereafter
22 consented;

23 (b) a child to whose adoption a person authorized by
24 law, other than his parents, has consented, or to whose
25 adoption no consent is required pursuant to Section 8 of
26 this Act;

1 (c) a child who is in the custody of persons who intend
2 to adopt him through placement made by his parents;

3 (c-1) a child for whom a parent has signed a specific
4 consent pursuant to subsection O of Section 10;

5 (d) an adult who meets the conditions set forth in
6 Section 3 of this Act; or

7 (e) a child who has been relinquished as defined in
8 Section 10 of the Abandoned Newborn Infant Protection Act.

9 A person who would otherwise be available for adoption
10 shall not be deemed unavailable for adoption solely by reason
11 of his or her death.

12 G. The singular includes the plural and the plural includes
13 the singular and the "male" includes the "female", as the
14 context of this Act may require.

15 H. "Adoption disruption" occurs when an adoptive placement
16 does not prove successful and it becomes necessary for the
17 child to be removed from placement before the adoption is
18 finalized.

19 I. "Foreign placing agency" is an agency or individual
20 operating in a country or territory outside the United States
21 that is authorized by its country to place children for
22 adoption either directly with families in the United States or
23 through United States based international agencies.

24 J. "Immediate relatives" means the biological parents, the
25 parents of the biological parents and siblings of the
26 biological parents.

1 K. "Intercountry adoption" is a process by which a child
2 from a country other than the United States is adopted.

3 L. "Intercountry Adoption Coordinator" is a staff person of
4 the Department of Children and Family Services appointed by the
5 Director to coordinate the provision of services by the public
6 and private sector to prospective parents of foreign-born
7 children.

8 M. "Interstate Compact on the Placement of Children" is a
9 law enacted by most states for the purpose of establishing
10 uniform procedures for handling the interstate placement of
11 children in foster homes, adoptive homes, or other child care
12 facilities.

13 N. "Non-Compact state" means a state that has not enacted
14 the Interstate Compact on the Placement of Children.

15 O. "Preadoption requirements" are any conditions
16 established by the laws or regulations of the Federal
17 Government or of each state that must be met prior to the
18 placement of a child in an adoptive home.

19 P. "Abused child" means a child whose parent or immediate
20 family member, or any person responsible for the child's
21 welfare, or any individual residing in the same home as the
22 child, or a paramour of the child's parent:

23 (a) inflicts, causes to be inflicted, or allows to be
24 inflicted upon the child physical injury, by other than
25 accidental means, that causes death, disfigurement,
26 impairment of physical or emotional health, or loss or

1 impairment of any bodily function;

2 (b) creates a substantial risk of physical injury to
3 the child by other than accidental means which would be
4 likely to cause death, disfigurement, impairment of
5 physical or emotional health, or loss or impairment of any
6 bodily function;

7 (c) commits or allows to be committed any sex offense
8 against the child, as sex offenses are defined in the
9 Criminal Code of 1961 and extending those definitions of
10 sex offenses to include children under 18 years of age;

11 (d) commits or allows to be committed an act or acts of
12 torture upon the child; or

13 (e) inflicts excessive corporal punishment.

14 Q. "Neglected child" means any child whose parent or other
15 person responsible for the child's welfare withholds or denies
16 nourishment or medically indicated treatment including food or
17 care denied solely on the basis of the present or anticipated
18 mental or physical impairment as determined by a physician
19 acting alone or in consultation with other physicians or
20 otherwise does not provide the proper or necessary support,
21 education as required by law, or medical or other remedial care
22 recognized under State law as necessary for a child's
23 well-being, or other care necessary for his or her well-being,
24 including adequate food, clothing and shelter; or who is
25 abandoned by his or her parents or other person responsible for
26 the child's welfare.

1 A child shall not be considered neglected or abused for the
2 sole reason that the child's parent or other person responsible
3 for his or her welfare depends upon spiritual means through
4 prayer alone for the treatment or cure of disease or remedial
5 care as provided under Section 4 of the Abused and Neglected
6 Child Reporting Act. A child shall not be considered neglected
7 or abused for the sole reason that the child's parent or other
8 person responsible for the child's welfare failed to vaccinate,
9 delayed vaccination, or refused vaccination for the child due
10 to a waiver on religious or medical grounds as permitted by
11 law.

12 R. "Putative father" means a man who may be a child's
13 father, but who (1) is not married to the child's mother on or
14 before the date that the child was or is to be born and (2) has
15 not established paternity of the child in a court proceeding
16 before the filing of a petition for the adoption of the child.
17 The term includes a male who is less than 18 years of age.
18 "Putative father" does not mean a man who is the child's father
19 as a result of criminal sexual abuse or assault as defined
20 under Article 12 of the Criminal Code of 1961.

21 S. "Standby adoption" means an adoption in which a parent
22 consents to custody and termination of parental rights to
23 become effective upon the occurrence of a future event, which
24 is either the death of the parent or the request of the parent
25 for the entry of a final judgment of adoption.

26 T. (Blank).

1 (Source: P.A. 96-1551, eff. 7-1-11; 97-227, eff. 1-1-12;
2 revised 9-15-11.)

3 Section 15-100. The Probate Act of 1975 is amended by
4 changing Sections 2-6.2 and 2-6.6 as follows:

5 (755 ILCS 5/2-6.2)

6 Sec. 2-6.2. Financial exploitation, abuse, or neglect of an
7 elderly person or a person with a disability.

8 (a) In this Section:

9 "Abuse" means any offense described in Section 12-21 or
10 subsection (b) of Section 12-4.4a of the Criminal Code of 1961.

11 "Financial exploitation" means any offense described in
12 Section 16-1.3 or 17-56 of the Criminal Code of 1961.

13 "Neglect" means any offense described in Section 12-19 or
14 subsection (a) of Section 12-4.4a of the Criminal Code of 1961.

15 (b) Persons convicted of financial exploitation, abuse, or
16 neglect of an elderly person or a person with a disability
17 shall not receive any property, benefit, or other interest by
18 reason of the death of that elderly person or person with a
19 disability, whether as heir, legatee, beneficiary, survivor,
20 appointee, claimant under Section 18-1.1, or in any other
21 capacity and whether the property, benefit, or other interest
22 passes pursuant to any form of title registration, testamentary
23 or nontestamentary instrument, intestacy, renunciation, or any
24 other circumstance. The property, benefit, or other interest

1 shall pass as if the person convicted of the financial
2 exploitation, abuse, or neglect died before the decedent,
3 provided that with respect to joint tenancy property the
4 interest possessed prior to the death by the person convicted
5 of the financial exploitation, abuse, or neglect shall not be
6 diminished by the application of this Section. Notwithstanding
7 the foregoing, a person convicted of financial exploitation,
8 abuse, or neglect of an elderly person or a person with a
9 disability shall be entitled to receive property, a benefit, or
10 an interest in any capacity and under any circumstances
11 described in this subsection (b) if it is demonstrated by clear
12 and convincing evidence that the victim of that offense knew of
13 the conviction and subsequent to the conviction expressed or
14 ratified his or her intent to transfer the property, benefit,
15 or interest to the person convicted of financial exploitation,
16 abuse, or neglect of an elderly person or a person with a
17 disability in any manner contemplated by this subsection (b).

18 (c) (1) The holder of any property subject to the
19 provisions of this Section shall not be liable for
20 distributing or releasing the property to the person
21 convicted of financial exploitation, abuse, or neglect of
22 an elderly person or a person with a disability if the
23 distribution or release occurs prior to the conviction.

24 (2) If the holder is a financial institution, trust
25 company, trustee, or similar entity or person, the holder
26 shall not be liable for any distribution or release of the

1 property, benefit, or other interest to the person
2 convicted of a violation of Section 12-19, 12-21, 16-1.3,
3 or 17-56, or subsection (a) or (b) of Section 12-4.4a, of
4 the Criminal Code of 1961 unless the holder knowingly
5 distributes or releases the property, benefit, or other
6 interest to the person so convicted after first having
7 received actual written notice of the conviction in
8 sufficient time to act upon the notice.

9 (d) If the holder of any property subject to the provisions
10 of this Section knows that a potential beneficiary has been
11 convicted of financial exploitation, abuse, or neglect of an
12 elderly person or a person with a disability within the scope
13 of this Section, the holder shall fully cooperate with law
14 enforcement authorities and judicial officers in connection
15 with any investigation of the financial exploitation, abuse, or
16 neglect. If the holder is a person or entity that is subject to
17 regulation by a regulatory agency pursuant to the laws of this
18 or any other state or pursuant to the laws of the United
19 States, including but not limited to the business of a
20 financial institution, corporate fiduciary, or insurance
21 company, then such person or entity shall not be deemed to be
22 in violation of this Section to the extent that privacy laws
23 and regulations applicable to such person or entity prevent it
24 from voluntarily providing law enforcement authorities or
25 judicial officers with information.

26 (Source: P.A. 95-315, eff. 1-1-08; 96-1551, Article 1, Section

1 995, eff. 7-1-11; 96-1551, Article 10, Section 10-155, eff.
2 7-1-11; revised 9-30-11.)

3 (755 ILCS 5/2-6.6)

4 Sec. 2-6.6. Person convicted of certain offenses against
5 the elderly or disabled. A person who is convicted of a
6 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
7 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
8 of 1961 may not receive any property, benefit, or other
9 interest by reason of the death of the victim of that offense,
10 whether as heir, legatee, beneficiary, joint tenant, tenant by
11 the entirety, survivor, appointee, or in any other capacity and
12 whether the property, benefit, or other interest passes
13 pursuant to any form of title registration, testamentary or
14 nontestamentary instrument, intestacy, renunciation, or any
15 other circumstance. The property, benefit, or other interest
16 shall pass as if the person convicted of a violation of Section
17 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of
18 Section 12-4.4a, of the Criminal Code of 1961 died before the
19 decedent; provided that with respect to joint tenancy property
20 or property held in tenancy by the entirety, the interest
21 possessed prior to the death by the person convicted may not be
22 diminished by the application of this Section. Notwithstanding
23 the foregoing, a person convicted of a violation of Section
24 12-19, 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of
25 Section 12-4.4a, of the Criminal Code of 1961 shall be entitled

1 to receive property, a benefit, or an interest in any capacity
2 and under any circumstances described in this Section if it is
3 demonstrated by clear and convincing evidence that the victim
4 of that offense knew of the conviction and subsequent to the
5 conviction expressed or ratified his or her intent to transfer
6 the property, benefit, or interest to the person convicted of a
7 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
8 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
9 of 1961 in any manner contemplated by this Section.

10 The holder of any property subject to the provisions of
11 this Section is not liable for distributing or releasing the
12 property to the person convicted of violating Section 12-19,
13 12-21, 16-1.3, or 17-56, or subsection (a) or (b) of Section
14 12-4.4a, of the Criminal Code of 1961.

15 If the holder is a financial institution, trust company,
16 trustee, or similar entity or person, the holder shall not be
17 liable for any distribution or release of the property,
18 benefit, or other interest to the person convicted of a
19 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
20 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
21 of 1961 unless the holder knowingly distributes or releases the
22 property, benefit, or other interest to the person so convicted
23 after first having received actual written notice of the
24 conviction in sufficient time to act upon the notice.

25 The Department of State Police shall have access to State
26 of Illinois databases containing information that may help in

1 the identification or location of persons convicted of the
2 offenses enumerated in this Section. Interagency agreements
3 shall be implemented, consistent with security and procedures
4 established by the State agency and consistent with the laws
5 governing the confidentiality of the information in the
6 databases. Information shall be used only for administration of
7 this Section.

8 (Source: P.A. 96-1551, Article 1, Section 955, eff. 7-1-11;
9 96-1551, Article 10, Section 10-155, eff. 7-1-11; revised
10 9-30-11.)".