

1 AN ACT concerning criminal law.

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

4 Section 5. The Illinois Identification Card Act is amended
5 by changing Section 4 as follows:

6 (15 ILCS 335/4) (from Ch. 124, par. 24)

7 Sec. 4. Identification Card.

8 (a) The Secretary of State shall issue a standard Illinois
9 Identification Card to any natural person who is a resident of
10 the State of Illinois who applies for such card, or renewal
11 thereof, or who applies for a standard Illinois Identification
12 Card upon release as a committed person on parole, mandatory
13 supervised release, aftercare release, final discharge, or
14 pardon from the Department of Corrections or Department of
15 Juvenile Justice by submitting an identification card issued by
16 the Department of Corrections or Department of Juvenile Justice
17 under Section 3-14-1 or Section 3-2.5-70 of the Unified Code of
18 Corrections, together with the prescribed fees. No
19 identification card shall be issued to any person who holds a
20 valid foreign state identification card, license, or permit
21 unless the person first surrenders to the Secretary of State
22 the valid foreign state identification card, license, or
23 permit. The card shall be prepared and supplied by the

1 Secretary of State and shall include a photograph and signature
2 or mark of the applicant. However, the Secretary of State may
3 provide by rule for the issuance of Illinois Identification
4 Cards without photographs if the applicant has a bona fide
5 religious objection to being photographed or to the display of
6 his or her photograph. The Illinois Identification Card may be
7 used for identification purposes in any lawful situation only
8 by the person to whom it was issued. As used in this Act,
9 "photograph" means any color photograph or digitally produced
10 and captured image of an applicant for an identification card.
11 As used in this Act, "signature" means the name of a person as
12 written by that person and captured in a manner acceptable to
13 the Secretary of State.

14 (a-5) If an applicant for an identification card has a
15 current driver's license or instruction permit issued by the
16 Secretary of State, the Secretary may require the applicant to
17 utilize the same residence address and name on the
18 identification card, driver's license, and instruction permit
19 records maintained by the Secretary. The Secretary may
20 promulgate rules to implement this provision.

21 (a-10) If the applicant is a judicial officer as defined in
22 Section 1-10 of the Judicial Privacy Act, the applicant may
23 elect to have his or her office or work address listed on the
24 card instead of the applicant's residence or mailing address.
25 The Secretary may promulgate rules to implement this provision.

26 (b) The Secretary of State shall issue a special Illinois

1 Identification Card, which shall be known as an Illinois Person
2 with a Disability Identification Card, to any natural person
3 who is a resident of the State of Illinois, who is a person
4 with a disability as defined in Section 4A of this Act, who
5 applies for such card, or renewal thereof. No Illinois Person
6 with a Disability Identification Card shall be issued to any
7 person who holds a valid foreign state identification card,
8 license, or permit unless the person first surrenders to the
9 Secretary of State the valid foreign state identification card,
10 license, or permit. The Secretary of State shall charge no fee
11 to issue such card. The card shall be prepared and supplied by
12 the Secretary of State, and shall include a photograph and
13 signature or mark of the applicant, a designation indicating
14 that the card is an Illinois Person with a Disability
15 Identification Card, and shall include a comprehensible
16 designation of the type and classification of the applicant's
17 disability as set out in Section 4A of this Act. However, the
18 Secretary of State may provide by rule for the issuance of
19 Illinois ~~Disabled~~ Person with a Disability Identification
20 Cards without photographs if the applicant has a bona fide
21 religious objection to being photographed or to the display of
22 his or her photograph. If the applicant so requests, the card
23 shall include a description of the applicant's disability and
24 any information about the applicant's disability or medical
25 history which the Secretary determines would be helpful to the
26 applicant in securing emergency medical care. If a mark is used

1 in lieu of a signature, such mark shall be affixed to the card
2 in the presence of two witnesses who attest to the authenticity
3 of the mark. The Illinois Person with a Disability
4 Identification Card may be used for identification purposes in
5 any lawful situation by the person to whom it was issued.

6 The Illinois Person with a Disability Identification Card
7 may be used as adequate documentation of disability in lieu of
8 a physician's determination of disability, a determination of
9 disability from a physician assistant who has been delegated
10 the authority to make this determination by his or her
11 supervising physician, a determination of disability from an
12 advanced practice nurse who has a written collaborative
13 agreement with a collaborating physician that authorizes the
14 advanced practice nurse to make this determination, or any
15 other documentation of disability whenever any State law
16 requires that a disabled person provide such documentation of
17 disability, however an Illinois Person with a Disability
18 Identification Card shall not qualify the cardholder to
19 participate in any program or to receive any benefit which is
20 not available to all persons with like disabilities.
21 Notwithstanding any other provisions of law, an Illinois Person
22 with a Disability Identification Card, or evidence that the
23 Secretary of State has issued an Illinois Person with a
24 Disability Identification Card, shall not be used by any person
25 other than the person named on such card to prove that the
26 person named on such card is a disabled person or for any other

1 purpose unless the card is used for the benefit of the person
2 named on such card, and the person named on such card consents
3 to such use at the time the card is so used.

4 An optometrist's determination of a visual disability
5 under Section 4A of this Act is acceptable as documentation for
6 the purpose of issuing an Illinois Person with a Disability
7 Identification Card.

8 When medical information is contained on an Illinois Person
9 with a Disability Identification Card, the Office of the
10 Secretary of State shall not be liable for any actions taken
11 based upon that medical information.

12 (c) The Secretary of State shall provide that each original
13 or renewal Illinois Identification Card or Illinois Person with
14 a Disability Identification Card issued to a person under the
15 age of 21~~7~~ shall be of a distinct nature from those Illinois
16 Identification Cards or Illinois Person with a Disability
17 Identification Cards issued to individuals 21 years of age or
18 older. The color designated for Illinois Identification Cards
19 or Illinois Person with a Disability Identification Cards for
20 persons under the age of 21 shall be at the discretion of the
21 Secretary of State.

22 (c-1) Each original or renewal Illinois Identification
23 Card or Illinois Person with a Disability Identification Card
24 issued to a person under the age of 21 shall display the date
25 upon which the person becomes 18 years of age and the date upon
26 which the person becomes 21 years of age.

1 (c-3) The General Assembly recognizes the need to identify
2 military veterans living in this State for the purpose of
3 ensuring that they receive all of the services and benefits to
4 which they are legally entitled, including healthcare,
5 education assistance, and job placement. To assist the State in
6 identifying these veterans and delivering these vital services
7 and benefits, the Secretary of State is authorized to issue
8 Illinois Identification Cards and Illinois ~~Disabled~~ Person
9 with a Disability Identification Cards with the word "veteran"
10 appearing on the face of the cards. This authorization is
11 predicated on the unique status of veterans. The Secretary may
12 not issue any other identification card which identifies an
13 occupation, status, affiliation, hobby, or other unique
14 characteristics of the identification card holder which is
15 unrelated to the purpose of the identification card.

16 (c-5) Beginning on or before July 1, 2015, the Secretary of
17 State shall designate a space on each original or renewal
18 identification card where, at the request of the applicant, the
19 word "veteran" shall be placed. The veteran designation shall
20 be available to a person identified as a veteran under
21 subsection (b) of Section 5 of this Act who was discharged or
22 separated under honorable conditions.

23 (d) The Secretary of State may issue a Senior Citizen
24 discount card, to any natural person who is a resident of the
25 State of Illinois who is 60 years of age or older and who
26 applies for such a card or renewal thereof. The Secretary of

1 State shall charge no fee to issue such card. The card shall be
2 issued in every county and applications shall be made available
3 at, but not limited to, nutrition sites, senior citizen centers
4 and Area Agencies on Aging. The applicant, upon receipt of such
5 card and prior to its use for any purpose, shall have affixed
6 thereon in the space provided therefor his signature or mark.

7 (e) The Secretary of State, in his or her discretion, may
8 designate on each Illinois Identification Card or Illinois
9 Person with a Disability Identification Card a space where the
10 card holder may place a sticker or decal, issued by the
11 Secretary of State, of uniform size as the Secretary may
12 specify, that shall indicate in appropriate language that the
13 card holder has renewed his or her Illinois Identification Card
14 or Illinois Person with a Disability Identification Card.

15 (Source: P.A. 96-146, eff. 1-1-10; 96-328, eff. 8-11-09;
16 96-1231, eff. 7-23-10; 97-371, eff. 1-1-12; 97-739, eff.
17 1-1-13; 97-847, eff. 1-1-13; 97-1064, eff. 1-1-13; revised
18 9-5-12.)

19 Section 10. The Alcoholism and Other Drug Abuse and
20 Dependency Act is amended by changing Section 40-15 as follows:

21 (20 ILCS 301/40-15)

22 Sec. 40-15. Acceptance for treatment as a parole or
23 aftercare release condition. Acceptance for treatment for drug
24 addiction or alcoholism under the supervision of a designated

1 program may be made a condition of parole or aftercare release,
2 and failure to comply with such treatment may be treated as a
3 violation of parole or aftercare release. A designated program
4 shall establish the conditions under which a parolee or
5 releasee is accepted for treatment. No parolee or releasee may
6 be placed under the supervision of a designated program for
7 treatment unless the designated program accepts him or her for
8 treatment. The designated program shall make periodic progress
9 reports regarding each such parolee or releasee to the
10 appropriate parole authority and shall report failures to
11 comply with the prescribed treatment program.

12 (Source: P.A. 88-80.)

13 Section 15. The Children and Family Services Act is amended
14 by changing Section 34.2 as follows:

15 (20 ILCS 505/34.2) (from Ch. 23, par. 5034.2)

16 Sec. 34.2. To conduct meetings in each service region
17 between local youth service, police, probation and aftercare
18 ~~parole~~ workers to develop inter-agency plans to combat gang
19 crime. The Department shall develop a model policy for local
20 interagency cooperation in dealing with gangs.

21 (Source: P.A. 84-660.)

22 Section 20. The Child Death Review Team Act is amended by
23 changing Section 25 as follows:

1 (20 ILCS 515/25)

2 Sec. 25. Team access to information.

3 (a) The Department shall provide to a child death review
4 team, on the request of the team chairperson, all records and
5 information in the Department's possession that are relevant to
6 the team's review of a child death, including records and
7 information concerning previous reports or investigations of
8 suspected child abuse or neglect.

9 (b) A child death review team shall have access to all
10 records and information that are relevant to its review of a
11 child death and in the possession of a State or local
12 governmental agency, including, but not limited to,
13 information gained through the Child Advocacy Center protocol
14 for cases of serious or fatal injury to a child. These records
15 and information include, without limitation, birth
16 certificates, all relevant medical and mental health records,
17 records of law enforcement agency investigations, records of
18 coroner or medical examiner investigations, records of the
19 Department of Corrections and Department of Juvenile Justice
20 concerning a person's parole, aftercare release, records of a
21 probation and court services department, and records of a
22 social services agency that provided services to the child or
23 the child's family.

24 (Source: P.A. 95-527, eff. 6-1-08.)

1 Section 25. The Illinois Criminal Justice Information Act
2 is amended by changing Section 3 as follows:

3 (20 ILCS 3930/3) (from Ch. 38, par. 210-3)

4 Sec. 3. Definitions. Whenever used in this Act, and for the
5 purposes of this Act unless the context clearly denotes
6 otherwise:

7 (a) The term "criminal justice system" includes all
8 activities by public agencies pertaining to the prevention or
9 reduction of crime or enforcement of the criminal law, and
10 particularly, but without limitation, the prevention,
11 detection, and investigation of crime; the apprehension of
12 offenders; the protection of victims and witnesses; the
13 administration of juvenile justice; the prosecution and
14 defense of criminal cases; the trial, conviction, and
15 sentencing of offenders; as well as the correction and
16 rehabilitation of offenders, which includes imprisonment,
17 probation, parole, aftercare release, and treatment.

18 (b) The term "Authority" means the Illinois Criminal
19 Justice Information Authority created by this Act.

20 (c) The term "criminal justice information" means any and
21 every type of information that is collected, transmitted, or
22 maintained by the criminal justice system.

23 (d) The term "criminal history record information" means
24 data identifiable to an individual and consisting of
25 descriptions or notations of arrests, detentions, indictments,

1 informations, pre-trial proceedings, trials, or other formal
2 events in the criminal justice system or descriptions or
3 notations of criminal charges (including criminal violations
4 of local municipal ordinances) and the nature of any
5 disposition arising therefrom, including sentencing, court or
6 correctional supervision, rehabilitation, and release. The
7 term does not apply to statistical records and reports in which
8 individuals are not identified and from which their identities
9 are not ascertainable, or to information that is for criminal
10 investigative or intelligence purposes.

11 (e) The term "unit of general local government" means any
12 county, municipality or other general purpose political
13 subdivision of this State.

14 (Source: P.A. 85-653.)

15 Section 30. The Sex Offender Management Board Act is
16 amended by changing Section 17 as follows:

17 (20 ILCS 4026/17)

18 Sec. 17. Sentencing of sex offenders; treatment based upon
19 evaluation required.

20 (a) Each felony sex offender sentenced by the court for a
21 sex offense shall be required as a part of any sentence to
22 probation, conditional release, or periodic imprisonment to
23 undergo treatment based upon the recommendations of the
24 evaluation made pursuant to Section 16 or based upon any

1 subsequent recommendations by the Administrative Office of the
2 Illinois Courts or the county probation department, whichever
3 is appropriate. Beginning on January 1, 2014, the treatment
4 shall be with a sex offender treatment provider or associate
5 sex offender provider as defined in Section 10 of this Act and
6 at the offender's own expense based upon the offender's ability
7 to pay for such treatment.

8 (b) Beginning on January 1, 2004, each sex offender placed
9 on parole, aftercare release, or mandatory supervised release
10 by the Prisoner Review Board shall be required as a condition
11 of parole or aftercare release to undergo treatment based upon
12 any evaluation or subsequent reevaluation regarding such
13 offender during the offender's incarceration or any period of
14 parole or aftercare release. Beginning on January 1, 2014, the
15 treatment shall be by a sex offender treatment provider or
16 associate sex offender provider as defined in Section 10 of
17 this Act and at the offender's expense based upon the
18 offender's ability to pay for such treatment.

19 (Source: P.A. 97-1098, eff. 1-1-13.)

20 Section 35. The Abuse Prevention Review Team Act is amended
21 by changing Section 25 as follows:

22 (210 ILCS 28/25)

23 Sec. 25. Review team access to information.

24 (a) The Department shall provide to a review team, on the

1 request of the review team chairperson, all records and
2 information in the Department's possession that are relevant to
3 the review team's review of a sexual assault or death described
4 in subsection (b) of Section 20, including records and
5 information concerning previous reports or investigations of
6 suspected abuse or neglect.

7 (b) A review team shall have access to all records and
8 information that are relevant to its review of a sexual assault
9 or death and in the possession of a State or local governmental
10 agency. These records and information include, without
11 limitation, death certificates, all relevant medical and
12 mental health records, records of law enforcement agency
13 investigations, records of coroner or medical examiner
14 investigations, records of the Department of Corrections and
15 Department of Juvenile Justice concerning a person's parole,
16 aftercare release, records of a probation and court services
17 department, and records of a social services agency that
18 provided services to the resident.

19 (Source: P.A. 93-577, eff. 8-21-03; 94-931, eff. 6-26-06.)

20 Section 40. The Nursing Home Care Act is amended by
21 changing Section 2-110 as follows:

22 (210 ILCS 45/2-110) (from Ch. 111 1/2, par. 4152-110)

23 Sec. 2-110. (a) Any employee or agent of a public agency,
24 any representative of a community legal services program or any

1 other member of the general public shall be permitted access at
2 reasonable hours to any individual resident of any facility,
3 but only if there is neither a commercial purpose nor effect to
4 such access and if the purpose is to do any of the following:

5 (1) Visit, talk with and make personal, social and
6 legal services available to all residents;

7 (2) Inform residents of their rights and entitlements
8 and their corresponding obligations, under federal and
9 State laws, by means of educational materials and
10 discussions in groups and with individual residents;

11 (3) Assist residents in asserting their legal rights
12 regarding claims for public assistance, medical assistance
13 and social security benefits, as well as in all other
14 matters in which residents are aggrieved. Assistance may
15 include counseling and litigation; or

16 (4) Engage in other methods of asserting, advising and
17 representing residents so as to extend to them full
18 enjoyment of their rights.

19 (a-5) If a resident of a licensed facility is an identified
20 offender, any federal, State, or local law enforcement officer
21 or county probation officer shall be permitted reasonable
22 access to the individual resident to verify compliance with the
23 requirements of the Sex Offender Registration Act, to verify
24 compliance with the requirements of Public Act 94-163 and this
25 amendatory Act of the 94th General Assembly, or to verify
26 compliance with applicable terms of probation, parole,

1 aftercare release, or mandatory supervised release.

2 (b) All persons entering a facility under this Section
3 shall promptly notify appropriate facility personnel of their
4 presence. They shall, upon request, produce identification to
5 establish their identity. No such person shall enter the
6 immediate living area of any resident without first identifying
7 himself and then receiving permission from the resident to
8 enter. The rights of other residents present in the room shall
9 be respected. A resident may terminate at any time a visit by a
10 person having access to the resident's living area under this
11 Section.

12 (c) This Section shall not limit the power of the
13 Department or other public agency otherwise permitted or
14 required by law to enter and inspect a facility.

15 (d) Notwithstanding paragraph (a) of this Section, the
16 administrator of a facility may refuse access to the facility
17 to any person if the presence of that person in the facility
18 would be injurious to the health and safety of a resident or
19 would threaten the security of the property of a resident or
20 the facility, or if the person seeks access to the facility for
21 commercial purposes. Any person refused access to a facility
22 may within 10 days request a hearing under Section 3-703. In
23 that proceeding, the burden of proof as to the right of the
24 facility to refuse access under this Section shall be on the
25 facility.

26 (Source: P.A. 94-163, eff. 7-11-05; 94-752, eff. 5-10-06.)

1 Section 45. The ID/DD Community Care Act is amended by
2 changing Section 2-110 as follows:

3 (210 ILCS 47/2-110)

4 Sec. 2-110. Access to residents.

5 (a) Any employee or agent of a public agency, any
6 representative of a community legal services program or any
7 other member of the general public shall be permitted access at
8 reasonable hours to any individual resident of any facility,
9 but only if there is neither a commercial purpose nor effect to
10 such access and if the purpose is to do any of the following:

11 (1) Visit, talk with and make personal, social and
12 legal services available to all residents;

13 (2) Inform residents of their rights and entitlements
14 and their corresponding obligations, under federal and
15 State laws, by means of educational materials and
16 discussions in groups and with individual residents;

17 (3) Assist residents in asserting their legal rights
18 regarding claims for public assistance, medical assistance
19 and social security benefits, as well as in all other
20 matters in which residents are aggrieved. Assistance may
21 include counseling and litigation; or

22 (4) Engage in other methods of asserting, advising and
23 representing residents so as to extend to them full
24 enjoyment of their rights.

1 (a-5) If a resident of a licensed facility is an identified
2 offender, any federal, State, or local law enforcement officer
3 or county probation officer shall be permitted reasonable
4 access to the individual resident to verify compliance with the
5 requirements of the Sex Offender Registration Act or to verify
6 compliance with applicable terms of probation, parole,
7 aftercare release, or mandatory supervised release.

8 (b) All persons entering a facility under this Section
9 shall promptly notify appropriate facility personnel of their
10 presence. They shall, upon request, produce identification to
11 establish their identity. No such person shall enter the
12 immediate living area of any resident without first identifying
13 himself or herself and then receiving permission from the
14 resident to enter. The rights of other residents present in the
15 room shall be respected. A resident may terminate at any time a
16 visit by a person having access to the resident's living area
17 under this Section.

18 (c) This Section shall not limit the power of the
19 Department or other public agency otherwise permitted or
20 required by law to enter and inspect a facility.

21 (d) Notwithstanding paragraph (a) of this Section, the
22 administrator of a facility may refuse access to the facility
23 to any person if the presence of that person in the facility
24 would be injurious to the health and safety of a resident or
25 would threaten the security of the property of a resident or
26 the facility, or if the person seeks access to the facility for

1 commercial purposes. Any person refused access to a facility
2 may within 10 days request a hearing under Section 3-703. In
3 that proceeding, the burden of proof as to the right of the
4 facility to refuse access under this Section shall be on the
5 facility.

6 (Source: P.A. 96-339, eff. 7-1-10.)

7 Section 50. The Specialized Mental Health Rehabilitation
8 Act is amended by changing Section 2-110 as follows:

9 (210 ILCS 48/2-110)

10 Sec. 2-110. Access to residents.

11 (a) Any employee or agent of a public agency, any
12 representative of a community legal services program or any
13 other member of the general public shall be permitted access at
14 reasonable hours to any individual resident of any facility,
15 but only if there is neither a commercial purpose nor effect to
16 such access and if the purpose is to do any of the following:

17 (1) Visit, talk with and make personal, social and
18 legal services available to all residents;

19 (2) Inform residents of their rights and entitlements
20 and their corresponding obligations, under federal and
21 State laws, by means of educational materials and
22 discussions in groups and with individual residents;

23 (3) Assist residents in asserting their legal rights
24 regarding claims for public assistance, medical assistance

1 and social security benefits, as well as in all other
2 matters in which residents are aggrieved. Assistance may
3 include counseling and litigation; or

4 (4) Engage in other methods of asserting, advising and
5 representing residents so as to extend to them full
6 enjoyment of their rights.

7 (a-5) If a resident of a licensed facility is an identified
8 offender, any federal, State, or local law enforcement officer
9 or county probation officer shall be permitted reasonable
10 access to the individual resident to verify compliance with the
11 requirements of the Sex Offender Registration Act or to verify
12 compliance with applicable terms of probation, parole,
13 aftercare release, or mandatory supervised release.

14 (b) All persons entering a facility under this Section
15 shall promptly notify appropriate facility personnel of their
16 presence. They shall, upon request, produce identification to
17 establish their identity. No such person shall enter the
18 immediate living area of any resident without first identifying
19 himself or herself and then receiving permission from the
20 resident to enter. The rights of other residents present in the
21 room shall be respected. A resident may terminate at any time a
22 visit by a person having access to the resident's living area
23 under this Section.

24 (c) This Section shall not limit the power of the
25 Department or other public agency otherwise permitted or
26 required by law to enter and inspect a facility.

1 (d) Notwithstanding paragraph (a) of this Section, the
2 administrator of a facility may refuse access to the facility
3 to any person if the presence of that person in the facility
4 would be injurious to the health and safety of a resident or
5 would threaten the security of the property of a resident or
6 the facility, or if the person seeks access to the facility for
7 commercial purposes. Any person refused access to a facility
8 may within 10 days request a hearing under Section 3-703. In
9 that proceeding, the burden of proof as to the right of the
10 facility to refuse access under this Section shall be on the
11 facility.

12 (Source: P.A. 97-38, eff. 6-28-11.)

13 Section 55. The Illinois Public Aid Code is amended by
14 changing Section 12-10.4 as follows:

15 (305 ILCS 5/12-10.4)

16 Sec. 12-10.4. Juvenile Rehabilitation Services Medicaid
17 Matching Fund. There is created in the State Treasury the
18 Juvenile Rehabilitation Services Medicaid Matching Fund.
19 Deposits to this Fund shall consist of all moneys received from
20 the federal government for behavioral health services secured
21 by counties pursuant to an agreement with the Department of
22 Healthcare and Family Services with respect to Title XIX of the
23 Social Security Act or under the Children's Health Insurance
24 Program pursuant to the Children's Health Insurance Program Act

1 and Title XXI of the Social Security Act for minors who are
2 committed to mental health facilities by the Illinois court
3 system and for residential placements secured by the Department
4 of Juvenile Justice for minors as a condition of their
5 aftercare release ~~parole~~.

6 Disbursements from the Fund shall be made, subject to
7 appropriation, by the Department of Healthcare and Family
8 Services for grants to the Department of Juvenile Justice and
9 those counties which secure behavioral health services ordered
10 by the courts and which have an interagency agreement with the
11 Department and submit detailed bills according to standards
12 determined by the Department.

13 (Source: P.A. 95-331, eff. 8-21-07; 96-1100, eff. 1-1-11.)

14 Section 60. The Developmental Disability and Mental Health
15 Safety Act is amended by changing Section 20 as follows:

16 (405 ILCS 82/20)

17 Sec. 20. Independent team of experts' access to
18 information.

19 (a) The Secretary of Human Services shall provide to the
20 independent team of experts, on the request of the team
21 Chairperson, all records and information in the Department's
22 possession that are relevant to the team's examination of a
23 death of the sort described in subsection (c) of Section 10,
24 including records and information concerning previous reports

1 or investigations of any matter, as determined by the team.

2 (b) The independent team shall have access to all records
3 and information that are relevant to its review of a death and
4 in the possession of a State or local governmental agency or
5 other entity. These records and information shall include,
6 without limitation, death certificates, all relevant medical
7 and mental health records, records of law enforcement agency
8 investigations, records of coroner or medical examiner
9 investigations, records of the Department of Corrections and
10 Department of Juvenile Justice concerning a person's parole,
11 aftercare release, records of a probation and court services
12 department, and records of a social services agency that
13 provided services to the person who died.

14 (Source: P.A. 96-1235, eff. 1-1-11.)

15 Section 65. The Juvenile Court Act of 1987 is amended by
16 changing Sections 5-105, 5-750, 5-815, and 5-820 as follows:

17 (705 ILCS 405/5-105)

18 Sec. 5-105. Definitions. As used in this Article:

19 (1) "Aftercare release" means the conditional and
20 revocable release of an adjudicated delinquent juvenile under
21 the supervision of the Department of Juvenile Justice.

22 (1.5) ~~(1)~~ "Court" means the circuit court in a session or
23 division assigned to hear proceedings under this Act, and
24 includes the term Juvenile Court.

1 (2) "Community service" means uncompensated labor for a
2 community service agency as hereinafter defined.

3 (2.5) "Community service agency" means a not-for-profit
4 organization, community organization, church, charitable
5 organization, individual, public office, or other public body
6 whose purpose is to enhance the physical or mental health of a
7 delinquent minor or to rehabilitate the minor, or to improve
8 the environmental quality or social welfare of the community
9 which agrees to accept community service from juvenile
10 delinquents and to report on the progress of the community
11 service to the State's Attorney pursuant to an agreement or to
12 the court or to any agency designated by the court or to the
13 authorized diversion program that has referred the delinquent
14 minor for community service.

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

23 (4) "Department" means the Department of Human Services
24 unless specifically referenced as another department.

25 (5) "Detention" means the temporary care of a minor who is
26 alleged to be or has been adjudicated delinquent and who

1 requires secure custody for the minor's own protection or the
2 community's protection in a facility designed to physically
3 restrict the minor's movements, pending disposition by the
4 court or execution of an order of the court for placement or
5 commitment. Design features that physically restrict movement
6 include, but are not limited to, locked rooms and the secure
7 handcuffing of a minor to a rail or other stationary object. In
8 addition, "detention" includes the court ordered care of an
9 alleged or adjudicated delinquent minor who requires secure
10 custody pursuant to Section 5-125 of this Act.

11 (6) "Diversion" means the referral of a juvenile, without
12 court intervention, into a program that provides services
13 designed to educate the juvenile and develop a productive and
14 responsible approach to living in the community.

15 (7) "Juvenile detention home" means a public facility with
16 specially trained staff that conforms to the county juvenile
17 detention standards promulgated by the Department of
18 Corrections.

19 (8) "Juvenile justice continuum" means a set of delinquency
20 prevention programs and services designed for the purpose of
21 preventing or reducing delinquent acts, including criminal
22 activity by youth gangs, as well as intervention,
23 rehabilitation, and prevention services targeted at minors who
24 have committed delinquent acts, and minors who have previously
25 been committed to residential treatment programs for
26 delinquents. The term includes children-in-need-of-services

1 and families-in-need-of-services programs; aftercare and
2 reentry services; substance abuse and mental health programs;
3 community service programs; community service work programs;
4 and alternative-dispute resolution programs serving
5 youth-at-risk of delinquency and their families, whether
6 offered or delivered by State or local governmental entities,
7 public or private for-profit or not-for-profit organizations,
8 or religious or charitable organizations. This term would also
9 encompass any program or service consistent with the purpose of
10 those programs and services enumerated in this subsection.

11 (9) "Juvenile police officer" means a sworn police officer
12 who has completed a Basic Recruit Training Course, has been
13 assigned to the position of juvenile police officer by his or
14 her chief law enforcement officer and has completed the
15 necessary juvenile officers training as prescribed by the
16 Illinois Law Enforcement Training Standards Board, or in the
17 case of a State police officer, juvenile officer training
18 approved by the Director of State Police.

19 (10) "Minor" means a person under the age of 21 years
20 subject to this Act.

21 (11) "Non-secure custody" means confinement where the
22 minor is not physically restricted by being placed in a locked
23 cell or room, by being handcuffed to a rail or other stationary
24 object, or by other means. Non-secure custody may include, but
25 is not limited to, electronic monitoring, foster home
26 placement, home confinement, group home placement, or physical

1 restriction of movement or activity solely through facility
2 staff.

3 (12) "Public or community service" means uncompensated
4 labor for a not-for-profit organization or public body whose
5 purpose is to enhance physical or mental stability of the
6 offender, environmental quality or the social welfare and which
7 agrees to accept public or community service from offenders and
8 to report on the progress of the offender and the public or
9 community service to the court or to the authorized diversion
10 program that has referred the offender for public or community
11 service.

12 (13) "Sentencing hearing" means a hearing to determine
13 whether a minor should be adjudged a ward of the court, and to
14 determine what sentence should be imposed on the minor. It is
15 the intent of the General Assembly that the term "sentencing
16 hearing" replace the term "dispositional hearing" and be
17 synonymous with that definition as it was used in the Juvenile
18 Court Act of 1987.

19 (14) "Shelter" means the temporary care of a minor in
20 physically unrestricting facilities pending court disposition
21 or execution of court order for placement.

22 (15) "Site" means a not-for-profit organization, public
23 body, church, charitable organization, or individual agreeing
24 to accept community service from offenders and to report on the
25 progress of ordered or required public or community service to
26 the court or to the authorized diversion program that has

1 referred the offender for public or community service.

2 (16) "Station adjustment" means the informal or formal
3 handling of an alleged offender by a juvenile police officer.

4 (17) "Trial" means a hearing to determine whether the
5 allegations of a petition under Section 5-520 that a minor is
6 delinquent are proved beyond a reasonable doubt. It is the
7 intent of the General Assembly that the term "trial" replace
8 the term "adjudicatory hearing" and be synonymous with that
9 definition as it was used in the Juvenile Court Act of 1987.

10 (Source: P.A. 95-1031, eff. 1-1-10.)

11 (705 ILCS 405/5-750)

12 Sec. 5-750. Commitment to the Department of Juvenile
13 Justice.

14 (1) Except as provided in subsection (2) of this Section,
15 when any delinquent has been adjudged a ward of the court under
16 this Act, the court may commit him or her to the Department of
17 Juvenile Justice, if it finds that (a) his or her parents,
18 guardian or legal custodian are unfit or are unable, for some
19 reason other than financial circumstances alone, to care for,
20 protect, train or discipline the minor, or are unwilling to do
21 so, and the best interests of the minor and the public will not
22 be served by placement under Section 5-740, or it is necessary
23 to ensure the protection of the public from the consequences of
24 criminal activity of the delinquent; and (b) commitment to the
25 Department of Juvenile Justice is the least restrictive

1 alternative based on evidence that efforts were made to locate
2 less restrictive alternatives to secure confinement and the
3 reasons why efforts were unsuccessful in locating a less
4 restrictive alternative to secure confinement. Before the
5 court commits a minor to the Department of Juvenile Justice, it
6 shall make a finding that secure confinement is necessary,
7 following a review of the following individualized factors:

8 (A) Age of the minor.

9 (B) Criminal background of the minor.

10 (C) Review of results of any assessments of the minor,
11 including child centered assessments such as the CANS.

12 (D) Educational background of the minor, indicating
13 whether the minor has ever been assessed for a learning
14 disability, and if so what services were provided as well
15 as any disciplinary incidents at school.

16 (E) Physical, mental and emotional health of the minor,
17 indicating whether the minor has ever been diagnosed with a
18 health issue and if so what services were provided and
19 whether the minor was compliant with services.

20 (F) Community based services that have been provided to
21 the minor, and whether the minor was compliant with the
22 services, and the reason the services were unsuccessful.

23 (G) Services within the Department of Juvenile Justice
24 that will meet the individualized needs of the minor.

25 (1.5) Before the court commits a minor to the Department of
26 Juvenile Justice, the court must find reasonable efforts have

1 been made to prevent or eliminate the need for the minor to be
2 removed from the home, or reasonable efforts cannot, at this
3 time, for good cause, prevent or eliminate the need for
4 removal, and removal from home is in the best interests of the
5 minor, the minor's family, and the public.

6 (2) When a minor of the age of at least 13 years is
7 adjudged delinquent for the offense of first degree murder, the
8 court shall declare the minor a ward of the court and order the
9 minor committed to the Department of Juvenile Justice until the
10 minor's 21st birthday, without the possibility of aftercare
11 release ~~parole~~, furlough, or non-emergency authorized absence
12 for a period of 5 years from the date the minor was committed
13 to the Department of Juvenile Justice, except that the time
14 that a minor spent in custody for the instant offense before
15 being committed to the Department of Juvenile Justice shall be
16 considered as time credited towards that 5 year period. Nothing
17 in this subsection (2) shall preclude the State's Attorney from
18 seeking to prosecute a minor as an adult as an alternative to
19 proceeding under this Act.

20 (3) Except as provided in subsection (2), the commitment of
21 a delinquent to the Department of Juvenile Justice shall be for
22 an indeterminate term which shall automatically terminate upon
23 the delinquent attaining the age of 21 years unless the
24 delinquent is sooner discharged from aftercare release ~~parole~~
25 or custodianship is otherwise terminated in accordance with
26 this Act or as otherwise provided for by law.

1 (3.5) Every delinquent minor committed to the Department of
2 Juvenile Justice under this Act shall be eligible for aftercare
3 release without regard to the length of time the minor has been
4 confined or whether the minor has served any minimum term
5 imposed. Post-release aftercare supervision shall be
6 administered by the Department of Juvenile Justice, under the
7 direction of the Director.

8 (4) When the court commits a minor to the Department of
9 Juvenile Justice, it shall order him or her conveyed forthwith
10 to the appropriate reception station or other place designated
11 by the Department of Juvenile Justice, and shall appoint the
12 Director of Juvenile Justice legal custodian of the minor. The
13 clerk of the court shall issue to the Director of Juvenile
14 Justice a certified copy of the order, which constitutes proof
15 of the Director's authority. No other process need issue to
16 warrant the keeping of the minor.

17 (5) If a minor is committed to the Department of Juvenile
18 Justice, the clerk of the court shall forward to the
19 Department:

20 (a) the disposition ordered;

21 (b) all reports;

22 (c) the court's statement of the basis for ordering the
23 disposition; and

24 (d) all additional matters which the court directs the
25 clerk to transmit.

26 (6) Whenever the Department of Juvenile Justice lawfully

1 discharges from its custody and control a minor committed to
2 it, the Director of Juvenile Justice shall petition the court
3 for an order terminating his or her custodianship. The
4 custodianship shall terminate automatically 30 days after
5 receipt of the petition unless the court orders otherwise.

6 (Source: P.A. 97-362, eff. 1-1-12.)

7 (705 ILCS 405/5-815)

8 Sec. 5-815. Habitual Juvenile Offender.

9 (a) Definition. Any minor having been twice adjudicated a
10 delinquent minor for offenses which, had he been prosecuted as
11 an adult, would have been felonies under the laws of this
12 State, and who is thereafter adjudicated a delinquent minor for
13 a third time shall be adjudged an Habitual Juvenile Offender
14 where:

15 1. the third adjudication is for an offense occurring
16 after adjudication on the second; and

17 2. the second adjudication was for an offense occurring
18 after adjudication on the first; and

19 3. the third offense occurred after January 1, 1980;
20 and

21 4. the third offense was based upon the commission of
22 or attempted commission of the following offenses: first
23 degree murder, second degree murder or involuntary
24 manslaughter; criminal sexual assault or aggravated
25 criminal sexual assault; aggravated or heinous battery

1 involving permanent disability or disfigurement or great
2 bodily harm to the victim; burglary of a home or other
3 residence intended for use as a temporary or permanent
4 dwelling place for human beings; home invasion; robbery or
5 armed robbery; or aggravated arson.

6 Nothing in this Section shall preclude the State's Attorney
7 from seeking to prosecute a minor as an adult as an alternative
8 to prosecution as an habitual juvenile offender.

9 A continuance under supervision authorized by Section
10 5-615 of this Act shall not be permitted under this Section.

11 (b) Notice to minor. The State shall serve upon the minor
12 written notice of intention to prosecute under the provisions
13 of this Section within 5 judicial days of the filing of any
14 delinquency petition, adjudication upon which would mandate
15 the minor's disposition as an Habitual Juvenile Offender.

16 (c) Petition; service. A notice to seek adjudication as an
17 Habitual Juvenile Offender shall be filed only by the State's
18 Attorney.

19 The petition upon which such Habitual Juvenile Offender
20 notice is based shall contain the information and averments
21 required for all other delinquency petitions filed under this
22 Act and its service shall be according to the provisions of
23 this Act.

24 No prior adjudication shall be alleged in the petition.

25 (d) Trial. Trial on such petition shall be by jury unless
26 the minor demands, in open court and with advice of counsel, a

1 trial by the court without jury.

2 Except as otherwise provided herein, the provisions of this
3 Act concerning delinquency proceedings generally shall be
4 applicable to Habitual Juvenile Offender proceedings.

5 (e) Proof of prior adjudications. No evidence or other
6 disclosure of prior adjudications shall be presented to the
7 court or jury during any adjudicatory hearing provided for
8 under this Section unless otherwise permitted by the issues
9 properly raised in such hearing. In the event the minor who is
10 the subject of these proceedings elects to testify on his own
11 behalf, it shall be competent to introduce evidence, for
12 purposes of impeachment, that he has previously been
13 adjudicated a delinquent minor upon facts which, had he been
14 tried as an adult, would have resulted in his conviction of a
15 felony or of any offense that involved dishonesty or false
16 statement. Introduction of such evidence shall be according to
17 the rules and procedures applicable to the impeachment of an
18 adult defendant by prior conviction.

19 After an admission of the facts in the petition or
20 adjudication of delinquency, the State's Attorney may file with
21 the court a verified written statement signed by the State's
22 Attorney concerning any prior adjudication of an offense set
23 forth in subsection (a) of this Section which offense would
24 have been a felony or of any offense that involved dishonesty
25 or false statement had the minor been tried as an adult.

26 The court shall then cause the minor to be brought before

1 it; shall inform him of the allegations of the statement so
2 filed, and of his right to a hearing before the court on the
3 issue of such prior adjudication and of his right to counsel at
4 such hearing; and unless the minor admits such adjudication,
5 the court shall hear and determine such issue, and shall make a
6 written finding thereon.

7 A duly authenticated copy of the record of any such alleged
8 prior adjudication shall be prima facie evidence of such prior
9 adjudication or of any offense that involved dishonesty or
10 false statement.

11 Any claim that a previous adjudication offered by the
12 State's Attorney is not a former adjudication of an offense
13 which, had the minor been prosecuted as an adult, would have
14 resulted in his conviction of a felony or of any offense that
15 involved dishonesty or false statement, is waived unless duly
16 raised at the hearing on such adjudication, or unless the
17 State's Attorney's proof shows that such prior adjudication was
18 not based upon proof of what would have been a felony.

19 (f) Disposition. If the court finds that the prerequisites
20 established in subsection (a) of this Section have been proven,
21 it shall adjudicate the minor an Habitual Juvenile Offender and
22 commit him to the Department of Juvenile Justice until his 21st
23 birthday, without possibility of aftercare release ~~parole~~,
24 furlough, or non-emergency authorized absence. However, the
25 minor shall be entitled to earn one day of good conduct credit
26 for each day served as reductions against the period of his

1 confinement. Such good conduct credits shall be earned or
2 revoked according to the procedures applicable to the allowance
3 and revocation of good conduct credit for adult prisoners
4 serving determinate sentences for felonies.

5 For purposes of determining good conduct credit,
6 commitment as an Habitual Juvenile Offender shall be considered
7 a determinate commitment, and the difference between the date
8 of the commitment and the minor's 21st birthday shall be
9 considered the determinate period of his confinement.

10 (Source: P.A. 94-696, eff. 6-1-06.)

11 (705 ILCS 405/5-820)

12 Sec. 5-820. Violent Juvenile Offender.

13 (a) Definition. A minor having been previously adjudicated
14 a delinquent minor for an offense which, had he or she been
15 prosecuted as an adult, would have been a Class 2 or greater
16 felony involving the use or threat of physical force or
17 violence against an individual or a Class 2 or greater felony
18 for which an element of the offense is possession or use of a
19 firearm, and who is thereafter adjudicated a delinquent minor
20 for a second time for any of those offenses shall be
21 adjudicated a Violent Juvenile Offender if:

22 (1) The second adjudication is for an offense occurring
23 after adjudication on the first; and

24 (2) The second offense occurred on or after January 1,
25 1995.

1 (b) Notice to minor. The State shall serve upon the minor
2 written notice of intention to prosecute under the provisions
3 of this Section within 5 judicial days of the filing of a
4 delinquency petition, adjudication upon which would mandate
5 the minor's disposition as a Violent Juvenile Offender.

6 (c) Petition; service. A notice to seek adjudication as a
7 Violent Juvenile Offender shall be filed only by the State's
8 Attorney.

9 The petition upon which the Violent Juvenile Offender
10 notice is based shall contain the information and averments
11 required for all other delinquency petitions filed under this
12 Act and its service shall be according to the provisions of
13 this Act.

14 No prior adjudication shall be alleged in the petition.

15 (d) Trial. Trial on the petition shall be by jury unless
16 the minor demands, in open court and with advice of counsel, a
17 trial by the court without a jury.

18 Except as otherwise provided in this Section, the
19 provisions of this Act concerning delinquency proceedings
20 generally shall be applicable to Violent Juvenile Offender
21 proceedings.

22 (e) Proof of prior adjudications. No evidence or other
23 disclosure of prior adjudications shall be presented to the
24 court or jury during an adjudicatory hearing provided for under
25 this Section unless otherwise permitted by the issues properly
26 raised in that hearing. In the event the minor who is the

1 subject of these proceedings elects to testify on his or her
2 own behalf, it shall be competent to introduce evidence, for
3 purposes of impeachment, that he or she has previously been
4 adjudicated a delinquent minor upon facts which, had the minor
5 been tried as an adult, would have resulted in the minor's
6 conviction of a felony or of any offense that involved
7 dishonesty or false statement. Introduction of such evidence
8 shall be according to the rules and procedures applicable to
9 the impeachment of an adult defendant by prior conviction.

10 After an admission of the facts in the petition or
11 adjudication of delinquency, the State's Attorney may file with
12 the court a verified written statement signed by the State's
13 Attorney concerning any prior adjudication of an offense set
14 forth in subsection (a) of this Section that would have been a
15 felony or of any offense that involved dishonesty or false
16 statement had the minor been tried as an adult.

17 The court shall then cause the minor to be brought before
18 it; shall inform the minor of the allegations of the statement
19 so filed, of his or her right to a hearing before the court on
20 the issue of the prior adjudication and of his or her right to
21 counsel at the hearing; and unless the minor admits the
22 adjudication, the court shall hear and determine the issue, and
23 shall make a written finding of the issue.

24 A duly authenticated copy of the record of any alleged
25 prior adjudication shall be prima facie evidence of the prior
26 adjudication or of any offense that involved dishonesty or

1 false statement.

2 Any claim that a previous adjudication offered by the
3 State's Attorney is not a former adjudication of an offense
4 which, had the minor been prosecuted as an adult, would have
5 resulted in his or her conviction of a Class 2 or greater
6 felony involving the use or threat of force or violence, or a
7 firearm, a felony or of any offense that involved dishonesty or
8 false statement is waived unless duly raised at the hearing on
9 the adjudication, or unless the State's Attorney's proof shows
10 that the prior adjudication was not based upon proof of what
11 would have been a felony.

12 (f) Disposition. If the court finds that the prerequisites
13 established in subsection (a) of this Section have been proven,
14 it shall adjudicate the minor a Violent Juvenile Offender and
15 commit the minor to the Department of Juvenile Justice until
16 his or her 21st birthday, without possibility of aftercare
17 release ~~parole~~, furlough, or non-emergency authorized absence.
18 However, the minor shall be entitled to earn one day of good
19 conduct credit for each day served as reductions against the
20 period of his or her confinement. The good conduct credits
21 shall be earned or revoked according to the procedures
22 applicable to the allowance and revocation of good conduct
23 credit for adult prisoners serving determinate sentences for
24 felonies.

25 For purposes of determining good conduct credit,
26 commitment as a Violent Juvenile Offender shall be considered a

1 determinate commitment, and the difference between the date of
2 the commitment and the minor's 21st birthday shall be
3 considered the determinate period of his or her confinement.

4 (g) Nothing in this Section shall preclude the State's
5 Attorney from seeking to prosecute a minor as a habitual
6 juvenile offender or as an adult as an alternative to
7 prosecution as a Violent Juvenile Offender.

8 (h) A continuance under supervision authorized by Section
9 5-615 of this Act shall not be permitted under this Section.

10 (Source: P.A. 94-696, eff. 6-1-06.)

11 Section 70. The Criminal Code of 2012 is amended by
12 changing Sections 11-9.2, 31-1, 31-6, 31-7, and 31A-0.1 as
13 follows:

14 (720 ILCS 5/11-9.2)

15 Sec. 11-9.2. Custodial sexual misconduct.

16 (a) A person commits custodial sexual misconduct when: (1)
17 he or she is an employee of a penal system and engages in
18 sexual conduct or sexual penetration with a person who is in
19 the custody of that penal system or (2) he or she is an
20 employee of a treatment and detention facility and engages in
21 sexual conduct or sexual penetration with a person who is in
22 the custody of that treatment and detention facility.

23 (b) A probation or supervising officer or surveillance
24 agent or aftercare specialist commits custodial sexual

1 misconduct when the probation or supervising officer or
2 surveillance agent or aftercare specialist engages in sexual
3 conduct or sexual penetration with a probationer, parolee, or
4 releasee or person serving a term of conditional release who is
5 under the supervisory, disciplinary, or custodial authority of
6 the officer or agent or worker so engaging in the sexual
7 conduct or sexual penetration.

8 (c) Custodial sexual misconduct is a Class 3 felony.

9 (d) Any person convicted of violating this Section
10 immediately shall forfeit his or her employment with a penal
11 system, treatment and detention facility, or conditional
12 release program.

13 (e) For purposes of this Section, the consent of the
14 probationer, parolee, releasee, or inmate in custody of the
15 penal system or person detained or civilly committed under the
16 Sexually Violent Persons Commitment Act shall not be a defense
17 to a prosecution under this Section. A person is deemed
18 incapable of consent, for purposes of this Section, when he or
19 she is a probationer, parolee, releasee, or inmate in custody
20 of a penal system or person detained or civilly committed under
21 the Sexually Violent Persons Commitment Act.

22 (f) This Section does not apply to:

23 (1) Any employee, probation or supervising officer, or
24 surveillance agent or aftercare specialist who is lawfully
25 married to a person in custody if the marriage occurred
26 before the date of custody.

1 (2) Any employee, probation or supervising officer, or
2 surveillance agent or aftercare specialist who has no
3 knowledge, and would have no reason to believe, that the
4 person with whom he or she engaged in custodial sexual
5 misconduct was a person in custody.

6 (g) In this Section:

7 (0.5) "Aftercare specialist" means any person employed
8 by the Department of Juvenile Justice to supervise and
9 facilitate services for persons placed on aftercare
10 release.

11 (1) "Custody" means:

12 (i) pretrial incarceration or detention;

13 (ii) incarceration or detention under a sentence
14 or commitment to a State or local penal institution;

15 (iii) parole, aftercare release, or mandatory
16 supervised release;

17 (iv) electronic home detention;

18 (v) probation;

19 (vi) detention or civil commitment either in
20 secure care or in the community under the Sexually
21 Violent Persons Commitment Act.

22 (2) "Penal system" means any system which includes
23 institutions as defined in Section 2-14 of this Code or a
24 county shelter care or detention home established under
25 Section 1 of the County Shelter Care and Detention Home
26 Act.

1 (2.1) "Treatment and detention facility" means any
2 Department of Human Services facility established for the
3 detention or civil commitment of persons under the Sexually
4 Violent Persons Commitment Act.

5 (2.2) "Conditional release" means a program of
6 treatment and services, vocational services, and alcohol
7 or other drug abuse treatment provided to any person
8 civilly committed and conditionally released to the
9 community under the Sexually Violent Persons Commitment
10 Act;

11 (3) "Employee" means:

12 (i) an employee of any governmental agency of this
13 State or any county or municipal corporation that has
14 by statute, ordinance, or court order the
15 responsibility for the care, control, or supervision
16 of pretrial or sentenced persons in a penal system or
17 persons detained or civilly committed under the
18 Sexually Violent Persons Commitment Act;

19 (ii) a contractual employee of a penal system as
20 defined in paragraph (g)(2) of this Section who works
21 in a penal institution as defined in Section 2-14 of
22 this Code;

23 (iii) a contractual employee of a "treatment and
24 detention facility" as defined in paragraph (g)(2.1)
25 of this Code or a contractual employee of the
26 Department of Human Services who provides supervision

1 of persons serving a term of conditional release as
2 defined in paragraph (g) (2.2) of this Code.

3 (4) "Sexual conduct" or "sexual penetration" means any
4 act of sexual conduct or sexual penetration as defined in
5 Section 11-0.1 of this Code.

6 (5) "Probation officer" means any person employed in a
7 probation or court services department as defined in
8 Section 9b of the Probation and Probation Officers Act.

9 (6) "Supervising officer" means any person employed to
10 supervise persons placed on parole or mandatory supervised
11 release with the duties described in Section 3-14-2 of the
12 Unified Code of Corrections.

13 (7) "Surveillance agent" means any person employed or
14 contracted to supervise persons placed on conditional
15 release in the community under the Sexually Violent Persons
16 Commitment Act.

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

18 (720 ILCS 5/31-1) (from Ch. 38, par. 31-1)

19 Sec. 31-1. Resisting or obstructing a peace officer,
20 firefighter, or correctional institution employee.

21 (a) A person who knowingly resists or obstructs the
22 performance by one known to the person to be a peace officer,
23 firefighter, or correctional institution employee of any
24 authorized act within his or her official capacity commits a
25 Class A misdemeanor.

1 (a-5) In addition to any other sentence that may be
2 imposed, a court shall order any person convicted of resisting
3 or obstructing a peace officer, firefighter, or correctional
4 institution employee to be sentenced to a minimum of 48
5 consecutive hours of imprisonment or ordered to perform
6 community service for not less than 100 hours as may be
7 determined by the court. The person shall not be eligible for
8 probation in order to reduce the sentence of imprisonment or
9 community service.

10 (a-7) A person convicted for a violation of this Section
11 whose violation was the proximate cause of an injury to a peace
12 officer, firefighter, or correctional institution employee is
13 guilty of a Class 4 felony.

14 (b) For purposes of this Section, "correctional
15 institution employee" means any person employed to supervise
16 and control inmates incarcerated in a penitentiary, State farm,
17 reformatory, prison, jail, house of correction, police
18 detention area, half-way house, or other institution or place
19 for the incarceration or custody of persons under sentence for
20 offenses or awaiting trial or sentence for offenses, under
21 arrest for an offense, a violation of probation, a violation of
22 parole, a violation of aftercare release, or a violation of
23 mandatory supervised release, or awaiting a bail setting
24 hearing or preliminary hearing, or who are sexually dangerous
25 persons or who are sexually violent persons; and "firefighter"
26 means any individual, either as an employee or volunteer, of a

1 regularly constituted fire department of a municipality or fire
2 protection district who performs fire fighting duties,
3 including, but not limited to, the fire chief, assistant fire
4 chief, captain, engineer, driver, ladder person, hose person,
5 pipe person, and any other member of a regularly constituted
6 fire department. "Firefighter" also means a person employed by
7 the Office of the State Fire Marshal to conduct arson
8 investigations.

9 (c) It is an affirmative defense to a violation of this
10 Section if a person resists or obstructs the performance of one
11 known by the person to be a firefighter by returning to or
12 remaining in a dwelling, residence, building, or other
13 structure to rescue or to attempt to rescue any person.

14 (Source: P.A. 95-801, eff. 1-1-09.)

15 (720 ILCS 5/31-6) (from Ch. 38, par. 31-6)

16 Sec. 31-6. Escape; failure to report to a penal institution
17 or to report for periodic imprisonment.

18 (a) A person convicted of a felony or charged with the
19 commission of a felony, or charged with or adjudicated
20 delinquent for an act which, if committed by an adult, would
21 constitute a felony, who intentionally escapes from any penal
22 institution or from the custody of an employee of that
23 institution commits a Class 2 felony; however, a person
24 convicted of a felony, or adjudicated delinquent for an act
25 which, if committed by an adult, would constitute a felony, who

1 knowingly fails to report to a penal institution or to report
2 for periodic imprisonment at any time or knowingly fails to
3 return from furlough or from work and day release or who
4 knowingly fails to abide by the terms of home confinement is
5 guilty of a Class 3 felony.

6 (b) A person convicted of a misdemeanor or charged with the
7 commission of a misdemeanor, or charged with or adjudicated
8 delinquent for an act which, if committed by an adult, would
9 constitute a misdemeanor, who intentionally escapes from any
10 penal institution or from the custody of an employee of that
11 institution commits a Class A misdemeanor; however, a person
12 convicted of a misdemeanor, or adjudicated delinquent for an
13 act which, if committed by an adult, would constitute a
14 misdemeanor, who knowingly fails to report to a penal
15 institution or to report for periodic imprisonment at any time
16 or knowingly fails to return from furlough or from work and day
17 release or who knowingly fails to abide by the terms of home
18 confinement is guilty of a Class B misdemeanor.

19 (b-1) A person committed to the Department of Human
20 Services under the provisions of the Sexually Violent Persons
21 Commitment Act or in detention with the Department of Human
22 Services awaiting such a commitment who intentionally escapes
23 from any secure residential facility or from the custody of an
24 employee of that facility commits a Class 2 felony.

25 (c) A person in the lawful custody of a peace officer for
26 the alleged commission of a felony offense or an act which, if

1 committed by an adult, would constitute a felony, and who
2 intentionally escapes from custody commits a Class 2 felony;
3 however, a person in the lawful custody of a peace officer for
4 the alleged commission of a misdemeanor offense or an act
5 which, if committed by an adult, would constitute a
6 misdemeanor, who intentionally escapes from custody commits a
7 Class A misdemeanor.

8 (c-5) A person in the lawful custody of a peace officer for
9 an alleged violation of a term or condition of probation,
10 conditional discharge, parole, aftercare release, or mandatory
11 supervised release for a felony or an act which, if committed
12 by an adult, would constitute a felony, who intentionally
13 escapes from custody is guilty of a Class 2 felony.

14 (c-6) A person in the lawful custody of a peace officer for
15 an alleged violation of a term or condition of supervision,
16 probation, or conditional discharge for a misdemeanor or an act
17 which, if committed by an adult, would constitute a
18 misdemeanor, who intentionally escapes from custody is guilty
19 of a Class A misdemeanor.

20 (d) A person who violates this Section while armed with a
21 dangerous weapon commits a Class 1 felony.

22 (Source: P.A. 95-839, eff. 8-15-08; 95-921, eff. 1-1-09;
23 96-328, eff. 8-11-09.)

24 (720 ILCS 5/31-7) (from Ch. 38, par. 31-7)

25 Sec. 31-7. Aiding escape.

1 (a) Whoever, with intent to aid any prisoner in escaping
2 from any penal institution, conveys into the institution or
3 transfers to the prisoner anything for use in escaping commits
4 a Class A misdemeanor.

5 (b) Whoever knowingly aids a person convicted of a felony
6 or charged with the commission of a felony, or charged with or
7 adjudicated delinquent for an act which, if committed by an
8 adult, would constitute a felony, in escaping from any penal
9 institution or from the custody of any employee of that
10 institution commits a Class 2 felony; however, whoever
11 knowingly aids a person convicted of a felony or charged with
12 the commission of a felony, or charged with or adjudicated
13 delinquent for an act which, if committed by an adult, would
14 constitute a felony, in failing to return from furlough or from
15 work and day release is guilty of a Class 3 felony.

16 (c) Whoever knowingly aids a person convicted of a
17 misdemeanor or charged with the commission of a misdemeanor, or
18 charged with or adjudicated delinquent for an act which, if
19 committed by an adult, would constitute a misdemeanor, in
20 escaping from any penal institution or from the custody of an
21 employee of that institution commits a Class A misdemeanor;
22 however, whoever knowingly aids a person convicted of a
23 misdemeanor or charged with the commission of a misdemeanor, or
24 charged with or adjudicated delinquent for an act which, if
25 committed by an adult, would constitute a misdemeanor, in
26 failing to return from furlough or from work and day release is

1 guilty of a Class B misdemeanor.

2 (d) Whoever knowingly aids a person in escaping from any
3 public institution, other than a penal institution, in which he
4 is lawfully detained, or from the custody of an employee of
5 that institution, commits a Class A misdemeanor.

6 (e) Whoever knowingly aids a person in the lawful custody
7 of a peace officer for the alleged commission of a felony
8 offense or an act which, if committed by an adult, would
9 constitute a felony, in escaping from custody commits a Class 2
10 felony; however, whoever knowingly aids a person in the lawful
11 custody of a peace officer for the alleged commission of a
12 misdemeanor offense or an act which, if committed by an adult,
13 would constitute a misdemeanor, in escaping from custody
14 commits a Class A misdemeanor.

15 (f) An officer or employee of any penal institution who
16 recklessly permits any prisoner in his custody to escape
17 commits a Class A misdemeanor.

18 (f-5) With respect to a person in the lawful custody of a
19 peace officer for an alleged violation of a term or condition
20 of probation, conditional discharge, parole, aftercare
21 release, or mandatory supervised release for a felony, whoever
22 intentionally aids that person to escape from that custody is
23 guilty of a Class 2 felony.

24 (f-6) With respect to a person who is in the lawful custody
25 of a peace officer for an alleged violation of a term or
26 condition of supervision, probation, or conditional discharge

1 for a misdemeanor, whoever intentionally aids that person to
2 escape from that custody is guilty of a Class A misdemeanor.

3 (g) A person who violates this Section while armed with a
4 dangerous weapon commits a Class 2 felony.

5 (Source: P.A. 95-839, eff. 8-15-08; 95-921, eff. 1-1-09;
6 96-328, eff. 8-11-09.)

7 (720 ILCS 5/31A-0.1)

8 Sec. 31A-0.1. Definitions. For the purposes of this
9 Article:

10 "Deliver" or "delivery" means the actual, constructive or
11 attempted transfer of possession of an item of contraband, with
12 or without consideration, whether or not there is an agency
13 relationship.

14 "Employee" means any elected or appointed officer, trustee
15 or employee of a penal institution or of the governing
16 authority of the penal institution, or any person who performs
17 services for the penal institution pursuant to contract with
18 the penal institution or its governing authority.

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

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

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

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

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

4 (iv) "Hypodermic syringe" or hypodermic needle, or any
5 instrument adapted for use of controlled substances or
6 cannabis by subcutaneous injection.

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

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

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

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

24 (C) any device used exclusively for the firing of
25 stud cartridges, explosive rivets or industrial
26 ammunition; or

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

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

13 (A) any ammunition exclusively designed for use
14 with a device used exclusively for signaling or safety
15 and required or recommended by the United States Coast
16 Guard or the Interstate Commerce Commission; or

17 (B) any ammunition designed exclusively for use
18 with a stud or rivet driver or other similar industrial
19 ammunition.

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

25 (ix) "Tool to defeat security mechanisms" means, but is
26 not limited to, handcuff or security restraint key, tool

1 designed to pick locks, popper, or any device or instrument
2 used to or capable of unlocking or preventing from locking
3 any handcuff or security restraints, doors to cells, rooms,
4 gates or other areas of the penal institution.

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

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

23 "Penal institution" means any penitentiary, State farm,
24 reformatory, prison, jail, house of correction, police
25 detention area, half-way house or other institution or place
26 for the incarceration or custody of persons under sentence for

1 offenses awaiting trial or sentence for offenses, under arrest
2 for an offense, a violation of probation, a violation of
3 parole, a violation of aftercare release, or a violation of
4 mandatory supervised release, or awaiting a bail setting
5 hearing or preliminary hearing; provided that where the place
6 for incarceration or custody is housed within another public
7 building this Article shall not apply to that part of the
8 building unrelated to the incarceration or custody of persons.

9 (Source: P.A. 97-1108, eff. 1-1-13.)

10 Section 75. The Illinois Controlled Substances Act is
11 amended by changing Section 509 as follows:

12 (720 ILCS 570/509) (from Ch. 56 1/2, par. 1509)

13 Sec. 509.

14 Whenever any court in this State grants probation to any
15 person that the court has reason to believe is or has been an
16 addict or unlawful possessor of controlled substances, the
17 court shall require, as a condition of probation, that the
18 probationer submit to periodic tests by the Department of
19 Corrections to determine by means of appropriate chemical
20 detection tests whether the probationer is using controlled
21 substances. The court may require as a condition of probation
22 that the probationer enter an approved treatment program, if
23 the court determines that the probationer is addicted to a
24 controlled substance. Whenever the Parole and Pardon Board

1 grants parole or aftercare release to a person whom the Board
2 has reason to believe has been an unlawful possessor or addict
3 of controlled substances, the Board shall require as a
4 condition of parole that the parolee or aftercare releasee
5 submit to appropriate periodic chemical tests by the Department
6 of Corrections or the Department of Juvenile Justice to
7 determine whether the parolee or aftercare releasee is using
8 controlled substances.

9 (Source: P.A. 77-757.)

10 Section 80. The Code of Criminal Procedure of 1963 is
11 amended by changing Sections 102-16, 103-5, 110-5, 110-6.1,
12 110-6.3, 112A-2, 112A-20, 112A-22, and 112A-22.10 and by adding
13 Section 102-3.5 as follows:

14 (725 ILCS 5/102-3.5 new)

15 Sec. 102-3.5. "Aftercare release".

16 "Aftercare release" means the conditional and revocable
17 release of a person committed to the Department of Juvenile
18 Justice under the Juvenile Court Act of 1987, under the
19 supervision of the Department of Juvenile Justice.

20 (725 ILCS 5/102-16) (from Ch. 38, par. 102-16)

21 Sec. 102-16. "Parole".

22 "Parole" means the conditional and revocable release of a
23 person committed to the Department of Corrections ~~person~~ under

1 the supervision of a paroling authority.

2 (Source: P.A. 77-2476.)

3 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)

4 Sec. 103-5. Speedy trial.)

5 (a) Every person in custody in this State for an alleged
6 offense shall be tried by the court having jurisdiction within
7 120 days from the date he or she was taken into custody unless
8 delay is occasioned by the defendant, by an examination for
9 fitness ordered pursuant to Section 104-13 of this Act, by a
10 fitness hearing, by an adjudication of unfitness to stand
11 trial, by a continuance allowed pursuant to Section 114-4 of
12 this Act after a court's determination of the defendant's
13 physical incapacity for trial, or by an interlocutory appeal.
14 Delay shall be considered to be agreed to by the defendant
15 unless he or she objects to the delay by making a written
16 demand for trial or an oral demand for trial on the record. The
17 provisions of this subsection (a) do not apply to a person on
18 bail or recognizance for an offense but who is in custody for a
19 violation of his or her parole, aftercare release, or mandatory
20 supervised release for another offense.

21 The 120-day term must be one continuous period of
22 incarceration. In computing the 120-day term, separate periods
23 of incarceration may not be combined. If a defendant is taken
24 into custody a second (or subsequent) time for the same
25 offense, the term will begin again at day zero.

1 (b) Every person on bail or recognizance shall be tried by
2 the court having jurisdiction within 160 days from the date
3 defendant demands trial unless delay is occasioned by the
4 defendant, by an examination for fitness ordered pursuant to
5 Section 104-13 of this Act, by a fitness hearing, by an
6 adjudication of unfitness to stand trial, by a continuance
7 allowed pursuant to Section 114-4 of this Act after a court's
8 determination of the defendant's physical incapacity for
9 trial, or by an interlocutory appeal. The defendant's failure
10 to appear for any court date set by the court operates to waive
11 the defendant's demand for trial made under this subsection.

12 For purposes of computing the 160 day period under this
13 subsection (b), every person who was in custody for an alleged
14 offense and demanded trial and is subsequently released on bail
15 or recognizance and demands trial, shall be given credit for
16 time spent in custody following the making of the demand while
17 in custody. Any demand for trial made under this subsection (b)
18 shall be in writing; and in the case of a defendant not in
19 custody, the demand for trial shall include the date of any
20 prior demand made under this provision while the defendant was
21 in custody.

22 (c) If the court determines that the State has exercised
23 without success due diligence to obtain evidence material to
24 the case and that there are reasonable grounds to believe that
25 such evidence may be obtained at a later day the court may
26 continue the cause on application of the State for not more

1 than an additional 60 days. If the court determines that the
2 State has exercised without success due diligence to obtain
3 results of DNA testing that is material to the case and that
4 there are reasonable grounds to believe that such results may
5 be obtained at a later day, the court may continue the cause on
6 application of the State for not more than an additional 120
7 days.

8 (d) Every person not tried in accordance with subsections
9 (a), (b) and (c) of this Section shall be discharged from
10 custody or released from the obligations of his bail or
11 recognizance.

12 (e) If a person is simultaneously in custody upon more than
13 one charge pending against him in the same county, or
14 simultaneously demands trial upon more than one charge pending
15 against him in the same county, he shall be tried, or adjudged
16 guilty after waiver of trial, upon at least one such charge
17 before expiration relative to any of such pending charges of
18 the period prescribed by subsections (a) and (b) of this
19 Section. Such person shall be tried upon all of the remaining
20 charges thus pending within 160 days from the date on which
21 judgment relative to the first charge thus prosecuted is
22 rendered pursuant to the Unified Code of Corrections or, if
23 such trial upon such first charge is terminated without
24 judgment and there is no subsequent trial of, or adjudication
25 of guilt after waiver of trial of, such first charge within a
26 reasonable time, the person shall be tried upon all of the

1 remaining charges thus pending within 160 days from the date on
2 which such trial is terminated; if either such period of 160
3 days expires without the commencement of trial of, or
4 adjudication of guilt after waiver of trial of, any of such
5 remaining charges thus pending, such charge or charges shall be
6 dismissed and barred for want of prosecution unless delay is
7 occasioned by the defendant, by an examination for fitness
8 ordered pursuant to Section 104-13 of this Act, by a fitness
9 hearing, by an adjudication of unfitness for trial, by a
10 continuance allowed pursuant to Section 114-4 of this Act after
11 a court's determination of the defendant's physical incapacity
12 for trial, or by an interlocutory appeal; provided, however,
13 that if the court determines that the State has exercised
14 without success due diligence to obtain evidence material to
15 the case and that there are reasonable grounds to believe that
16 such evidence may be obtained at a later day the court may
17 continue the cause on application of the State for not more
18 than an additional 60 days.

19 (f) Delay occasioned by the defendant shall temporarily
20 suspend for the time of the delay the period within which a
21 person shall be tried as prescribed by subsections (a), (b), or
22 (e) of this Section and on the day of expiration of the delay
23 the said period shall continue at the point at which it was
24 suspended. Where such delay occurs within 21 days of the end of
25 the period within which a person shall be tried as prescribed
26 by subsections (a), (b), or (e) of this Section, the court may

1 continue the cause on application of the State for not more
2 than an additional 21 days beyond the period prescribed by
3 subsections (a), (b), or (e). This subsection (f) shall become
4 effective on, and apply to persons charged with alleged
5 offenses committed on or after, March 1, 1977.

6 (Source: P.A. 94-1094, eff. 1-26-07.)

7 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

8 Sec. 110-5. Determining the amount of bail and conditions
9 of release.

10 (a) In determining the amount of monetary bail or
11 conditions of release, if any, which will reasonably assure the
12 appearance of a defendant as required or the safety of any
13 other person or the community and the likelihood of compliance
14 by the defendant with all the conditions of bail, the court
15 shall, on the basis of available information, take into account
16 such matters as the nature and circumstances of the offense
17 charged, whether the evidence shows that as part of the offense
18 there was a use of violence or threatened use of violence,
19 whether the offense involved corruption of public officials or
20 employees, whether there was physical harm or threats of
21 physical harm to any public official, public employee, judge,
22 prosecutor, juror or witness, senior citizen, child or
23 handicapped person, whether evidence shows that during the
24 offense or during the arrest the defendant possessed or used a
25 firearm, machine gun, explosive or metal piercing ammunition or

1 explosive bomb device or any military or paramilitary armament,
2 whether the evidence shows that the offense committed was
3 related to or in furtherance of the criminal activities of an
4 organized gang or was motivated by the defendant's membership
5 in or allegiance to an organized gang, the condition of the
6 victim, any written statement submitted by the victim or
7 proffer or representation by the State regarding the impact
8 which the alleged criminal conduct has had on the victim and
9 the victim's concern, if any, with further contact with the
10 defendant if released on bail, whether the offense was based on
11 racial, religious, sexual orientation or ethnic hatred, the
12 likelihood of the filing of a greater charge, the likelihood of
13 conviction, the sentence applicable upon conviction, the
14 weight of the evidence against such defendant, whether there
15 exists motivation or ability to flee, whether there is any
16 verification as to prior residence, education, or family ties
17 in the local jurisdiction, in another county, state or foreign
18 country, the defendant's employment, financial resources,
19 character and mental condition, past conduct, prior use of
20 alias names or dates of birth, and length of residence in the
21 community, the consent of the defendant to periodic drug
22 testing in accordance with Section 110-6.5, whether a foreign
23 national defendant is lawfully admitted in the United States of
24 America, whether the government of the foreign national
25 maintains an extradition treaty with the United States by which
26 the foreign government will extradite to the United States its

1 national for a trial for a crime allegedly committed in the
2 United States, whether the defendant is currently subject to
3 deportation or exclusion under the immigration laws of the
4 United States, whether the defendant, although a United States
5 citizen, is considered under the law of any foreign state a
6 national of that state for the purposes of extradition or
7 non-extradition to the United States, the amount of unrecovered
8 proceeds lost as a result of the alleged offense, the source of
9 bail funds tendered or sought to be tendered for bail, whether
10 from the totality of the court's consideration, the loss of
11 funds posted or sought to be posted for bail will not deter the
12 defendant from flight, whether the evidence shows that the
13 defendant is engaged in significant possession, manufacture,
14 or delivery of a controlled substance or cannabis, either
15 individually or in consort with others, whether at the time of
16 the offense charged he or she was on bond or pre-trial release
17 pending trial, probation, periodic imprisonment or conditional
18 discharge pursuant to this Code or the comparable Code of any
19 other state or federal jurisdiction, whether the defendant is
20 on bond or pre-trial release pending the imposition or
21 execution of sentence or appeal of sentence for any offense
22 under the laws of Illinois or any other state or federal
23 jurisdiction, whether the defendant is under parole, aftercare
24 release, or mandatory supervised release or work release from
25 the Illinois Department of Corrections or any penal institution
26 or corrections department of any state or federal jurisdiction,

1 the defendant's record of convictions, whether the defendant
2 has been convicted of a misdemeanor or ordinance offense in
3 Illinois or similar offense in other state or federal
4 jurisdiction within the 10 years preceding the current charge
5 or convicted of a felony in Illinois, whether the defendant was
6 convicted of an offense in another state or federal
7 jurisdiction that would be a felony if committed in Illinois
8 within the 20 years preceding the current charge or has been
9 convicted of such felony and released from the penitentiary
10 within 20 years preceding the current charge if a penitentiary
11 sentence was imposed in Illinois or other state or federal
12 jurisdiction, the defendant's records of juvenile adjudication
13 of delinquency in any jurisdiction, any record of appearance or
14 failure to appear by the defendant at court proceedings,
15 whether there was flight to avoid arrest or prosecution,
16 whether the defendant escaped or attempted to escape to avoid
17 arrest, whether the defendant refused to identify himself or
18 herself, or whether there was a refusal by the defendant to be
19 fingerprinted as required by law. Information used by the court
20 in its findings or stated in or offered in connection with this
21 Section may be by way of proffer based upon reliable
22 information offered by the State or defendant. All evidence
23 shall be admissible if it is relevant and reliable regardless
24 of whether it would be admissible under the rules of evidence
25 applicable at criminal trials. If the State presents evidence
26 that the offense committed by the defendant was related to or

1 in furtherance of the criminal activities of an organized gang
2 or was motivated by the defendant's membership in or allegiance
3 to an organized gang, and if the court determines that the
4 evidence may be substantiated, the court shall prohibit the
5 defendant from associating with other members of the organized
6 gang as a condition of bail or release. For the purposes of
7 this Section, "organized gang" has the meaning ascribed to it
8 in Section 10 of the Illinois Streetgang Terrorism Omnibus
9 Prevention Act.

10 (b) The amount of bail shall be:

11 (1) Sufficient to assure compliance with the
12 conditions set forth in the bail bond, which shall include
13 the defendant's current address with a written
14 admonishment to the defendant that he or she must comply
15 with the provisions of Section 110-12 regarding any change
16 in his or her address. The defendant's address shall at all
17 times remain a matter of public record with the clerk of
18 the court.

19 (2) Not oppressive.

20 (3) Considerate of the financial ability of the
21 accused.

22 (4) When a person is charged with a drug related
23 offense involving possession or delivery of cannabis or
24 possession or delivery of a controlled substance as defined
25 in the Cannabis Control Act, the Illinois Controlled
26 Substances Act, or the Methamphetamine Control and

1 Community Protection Act, the full street value of the
2 drugs seized shall be considered. "Street value" shall be
3 determined by the court on the basis of a proffer by the
4 State based upon reliable information of a law enforcement
5 official contained in a written report as to the amount
6 seized and such proffer may be used by the court as to the
7 current street value of the smallest unit of the drug
8 seized.

9 (b-5) Upon the filing of a written request demonstrating
10 reasonable cause, the State's Attorney may request a source of
11 bail hearing either before or after the posting of any funds.
12 If the hearing is granted, before the posting of any bail, the
13 accused must file a written notice requesting that the court
14 conduct a source of bail hearing. The notice must be
15 accompanied by justifying affidavits stating the legitimate
16 and lawful source of funds for bail. At the hearing, the court
17 shall inquire into any matters stated in any justifying
18 affidavits, and may also inquire into matters appropriate to
19 the determination which shall include, but are not limited to,
20 the following:

21 (1) the background, character, reputation, and
22 relationship to the accused of any surety; and

23 (2) the source of any money or property deposited by
24 any surety, and whether any such money or property
25 constitutes the fruits of criminal or unlawful conduct; and

26 (3) the source of any money posted as cash bail, and

1 whether any such money constitutes the fruits of criminal
2 or unlawful conduct; and

3 (4) the background, character, reputation, and
4 relationship to the accused of the person posting cash
5 bail.

6 Upon setting the hearing, the court shall examine, under
7 oath, any persons who may possess material information.

8 The State's Attorney has a right to attend the hearing, to
9 call witnesses and to examine any witness in the proceeding.
10 The court shall, upon request of the State's Attorney, continue
11 the proceedings for a reasonable period to allow the State's
12 Attorney to investigate the matter raised in any testimony or
13 affidavit. If the hearing is granted after the accused has
14 posted bail, the court shall conduct a hearing consistent with
15 this subsection (b-5). At the conclusion of the hearing, the
16 court must issue an order either approving or disapproving the
17 bail.

18 (c) When a person is charged with an offense punishable by
19 fine only the amount of the bail shall not exceed double the
20 amount of the maximum penalty.

21 (d) When a person has been convicted of an offense and only
22 a fine has been imposed the amount of the bail shall not exceed
23 double the amount of the fine.

24 (e) The State may appeal any order granting bail or setting
25 a given amount for bail.

26 (f) When a person is charged with a violation of an order

1 of protection under Section 12-3.4 or 12-30 of the Criminal
2 Code of 1961 or the Criminal Code of 2012,

3 (1) whether the alleged incident involved harassment
4 or abuse, as defined in the Illinois Domestic Violence Act
5 of 1986;

6 (2) whether the person has a history of domestic
7 violence, as defined in the Illinois Domestic Violence Act,
8 or a history of other criminal acts;

9 (3) based on the mental health of the person;

10 (4) whether the person has a history of violating the
11 orders of any court or governmental entity;

12 (5) whether the person has been, or is, potentially a
13 threat to any other person;

14 (6) whether the person has access to deadly weapons or
15 a history of using deadly weapons;

16 (7) whether the person has a history of abusing alcohol
17 or any controlled substance;

18 (8) based on the severity of the alleged incident that
19 is the basis of the alleged offense, including, but not
20 limited to, the duration of the current incident, and
21 whether the alleged incident involved physical injury,
22 sexual assault, strangulation, abuse during the alleged
23 victim's pregnancy, abuse of pets, or forcible entry to
24 gain access to the alleged victim;

25 (9) whether a separation of the person from the alleged
26 victim or a termination of the relationship between the

1 person and the alleged victim has recently occurred or is
2 pending;

3 (10) whether the person has exhibited obsessive or
4 controlling behaviors toward the alleged victim,
5 including, but not limited to, stalking, surveillance, or
6 isolation of the alleged victim or victim's family member
7 or members;

8 (11) whether the person has expressed suicidal or
9 homicidal ideations;

10 (12) based on any information contained in the
11 complaint and any police reports, affidavits, or other
12 documents accompanying the complaint,

13 the court may, in its discretion, order the respondent to
14 undergo a risk assessment evaluation conducted by an Illinois
15 Department of Human Services approved partner abuse
16 intervention program provider, pretrial service, probation, or
17 parole agency. These agencies shall have access to summaries of
18 the defendant's criminal history, which shall not include
19 victim interviews or information, for the risk evaluation.
20 Based on the information collected from the 12 points to be
21 considered at a bail hearing for a violation of an order of
22 protection, the results of any risk evaluation conducted and
23 the other circumstances of the violation, the court may order
24 that the person, as a condition of bail, be placed under
25 electronic surveillance as provided in Section 5-8A-7 of the
26 Unified Code of Corrections.

1 (Source: P.A. 96-688, eff. 8-25-09; 96-1551, eff. 7-1-11;
2 97-1150, eff. 1-25-13.)

3 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

4 Sec. 110-6.1. Denial of bail in non-probationable felony
5 offenses.

6 (a) Upon verified petition by the State, the court shall
7 hold a hearing to determine whether bail should be denied to a
8 defendant who is charged with a felony offense for which a
9 sentence of imprisonment, without probation, periodic
10 imprisonment or conditional discharge, is required by law upon
11 conviction, when it is alleged that the defendant's admission
12 to bail poses a real and present threat to the physical safety
13 of any person or persons.

14 (1) A petition may be filed without prior notice to the
15 defendant at the first appearance before a judge, or within
16 the 21 calendar days, except as provided in Section 110-6,
17 after arrest and release of the defendant upon reasonable
18 notice to defendant; provided that while such petition is
19 pending before the court, the defendant if previously
20 released shall not be detained.

21 (2) The hearing shall be held immediately upon the
22 defendant's appearance before the court, unless for good
23 cause shown the defendant or the State seeks a continuance.
24 A continuance on motion of the defendant may not exceed 5
25 calendar days, and a continuance on the motion of the State

1 may not exceed 3 calendar days. The defendant may be held
2 in custody during such continuance.

3 (b) The court may deny bail to the defendant where, after
4 the hearing, it is determined that:

5 (1) the proof is evident or the presumption great that
6 the defendant has committed an offense for which a sentence
7 of imprisonment, without probation, periodic imprisonment
8 or conditional discharge, must be imposed by law as a
9 consequence of conviction, and

10 (2) the defendant poses a real and present threat to
11 the physical safety of any person or persons, by conduct
12 which may include, but is not limited to, a forcible
13 felony, the obstruction of justice, intimidation, injury,
14 physical harm, an offense under the Illinois Controlled
15 Substances Act which is a Class X felony, or an offense
16 under the Methamphetamine Control and Community Protection
17 Act which is a Class X felony, and

18 (3) the court finds that no condition or combination of
19 conditions set forth in subsection (b) of Section 110-10 of
20 this Article, can reasonably assure the physical safety of
21 any other person or persons.

22 (c) Conduct of the hearings.

23 (1) The hearing on the defendant's culpability and
24 dangerousness shall be conducted in accordance with the
25 following provisions:

26 (A) Information used by the court in its findings

1 or stated in or offered at such hearing may be by way
2 of proffer based upon reliable information offered by
3 the State or by defendant. Defendant has the right to
4 be represented by counsel, and if he is indigent, to
5 have counsel appointed for him. Defendant shall have
6 the opportunity to testify, to present witnesses in his
7 own behalf, and to cross-examine witnesses if any are
8 called by the State. The defendant has the right to
9 present witnesses in his favor. When the ends of
10 justice so require, the court may exercises its
11 discretion and compel the appearance of a complaining
12 witness. The court shall state on the record reasons
13 for granting a defense request to compel the presence
14 of a complaining witness. Cross-examination of a
15 complaining witness at the pretrial detention hearing
16 for the purpose of impeaching the witness' credibility
17 is insufficient reason to compel the presence of the
18 witness. In deciding whether to compel the appearance
19 of a complaining witness, the court shall be
20 considerate of the emotional and physical well-being
21 of the witness. The pre-trial detention hearing is not
22 to be used for purposes of discovery, and the post
23 arraignment rules of discovery do not apply. The State
24 shall tender to the defendant, prior to the hearing,
25 copies of defendant's criminal history, if any, if
26 available, and any written or recorded statements and

1 the substance of any oral statements made by any
2 person, if relied upon by the State in its petition.
3 The rules concerning the admissibility of evidence in
4 criminal trials do not apply to the presentation and
5 consideration of information at the hearing. At the
6 trial concerning the offense for which the hearing was
7 conducted neither the finding of the court nor any
8 transcript or other record of the hearing shall be
9 admissible in the State's case in chief, but shall be
10 admissible for impeachment, or as provided in Section
11 115-10.1 of this Code, or in a perjury proceeding.

12 (B) A motion by the defendant to suppress evidence
13 or to suppress a confession shall not be entertained.
14 Evidence that proof may have been obtained as the
15 result of an unlawful search and seizure or through
16 improper interrogation is not relevant to this state of
17 the prosecution.

18 (2) The facts relied upon by the court to support a
19 finding that the defendant poses a real and present threat
20 to the physical safety of any person or persons shall be
21 supported by clear and convincing evidence presented by the
22 State.

23 (d) Factors to be considered in making a determination of
24 dangerousness. The court may, in determining whether the
25 defendant poses a real and present threat to the physical
26 safety of any person or persons, consider but shall not be

1 limited to evidence or testimony concerning:

2 (1) The nature and circumstances of any offense
3 charged, including whether the offense is a crime of
4 violence, involving a weapon.

5 (2) The history and characteristics of the defendant
6 including:

7 (A) Any evidence of the defendant's prior criminal
8 history indicative of violent, abusive or assaultive
9 behavior, or lack of such behavior. Such evidence may
10 include testimony or documents received in juvenile
11 proceedings, criminal, quasi-criminal, civil
12 commitment, domestic relations or other proceedings.

13 (B) Any evidence of the defendant's psychological,
14 psychiatric or other similar social history which
15 tends to indicate a violent, abusive, or assaultive
16 nature, or lack of any such history.

17 (3) The identity of any person or persons to whose
18 safety the defendant is believed to pose a threat, and the
19 nature of the threat;

20 (4) Any statements made by, or attributed to the
21 defendant, together with the circumstances surrounding
22 them;

23 (5) The age and physical condition of any person
24 assaulted by the defendant;

25 (6) Whether the defendant is known to possess or have
26 access to any weapon or weapons;

1 (7) Whether, at the time of the current offense or any
2 other offense or arrest, the defendant was on probation,
3 parole, aftercare release, mandatory supervised release or
4 other release from custody pending trial, sentencing,
5 appeal or completion of sentence for an offense under
6 federal or state law;

7 (8) Any other factors, including those listed in
8 Section 110-5 of this Article deemed by the court to have a
9 reasonable bearing upon the defendant's propensity or
10 reputation for violent, abusive or assaultive behavior, or
11 lack of such behavior.

12 (e) Detention order. The court shall, in any order for
13 detention:

14 (1) briefly summarize the evidence of the defendant's
15 culpability and its reasons for concluding that the
16 defendant should be held without bail;

17 (2) direct that the defendant be committed to the
18 custody of the sheriff for confinement in the county jail
19 pending trial;

20 (3) direct that the defendant be given a reasonable
21 opportunity for private consultation with counsel, and for
22 communication with others of his choice by visitation, mail
23 and telephone; and

24 (4) direct that the sheriff deliver the defendant as
25 required for appearances in connection with court
26 proceedings.

1 (f) If the court enters an order for the detention of the
2 defendant pursuant to subsection (e) of this Section, the
3 defendant shall be brought to trial on the offense for which he
4 is detained within 90 days after the date on which the order
5 for detention was entered. If the defendant is not brought to
6 trial within the 90 day period required by the preceding
7 sentence, he shall not be held longer without bail. In
8 computing the 90 day period, the court shall omit any period of
9 delay resulting from a continuance granted at the request of
10 the defendant.

11 (g) Rights of the defendant. Any person shall be entitled
12 to appeal any order entered under this Section denying bail to
13 the defendant.

14 (h) The State may appeal any order entered under this
15 Section denying any motion for denial of bail.

16 (i) Nothing in this Section shall be construed as modifying
17 or limiting in any way the defendant's presumption of innocence
18 in further criminal proceedings.

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

20 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

21 Sec. 110-6.3. Denial of bail in stalking and aggravated
22 stalking offenses.

23 (a) Upon verified petition by the State, the court shall
24 hold a hearing to determine whether bail should be denied to a
25 defendant who is charged with stalking or aggravated stalking,

1 when it is alleged that the defendant's admission to bail poses
2 a real and present threat to the physical safety of the alleged
3 victim of the offense, and denial of release on bail or
4 personal recognizance is necessary to prevent fulfillment of
5 the threat upon which the charge is based.

6 (1) A petition may be filed without prior notice to the
7 defendant at the first appearance before a judge, or within
8 21 calendar days, except as provided in Section 110-6,
9 after arrest and release of the defendant upon reasonable
10 notice to defendant; provided that while the petition is
11 pending before the court, the defendant if previously
12 released shall not be detained.

13 (2) The hearing shall be held immediately upon the
14 defendant's appearance before the court, unless for good
15 cause shown the defendant or the State seeks a continuance.
16 A continuance on motion of the defendant may not exceed 5
17 calendar days, and the defendant may be held in custody
18 during the continuance. A continuance on the motion of the
19 State may not exceed 3 calendar days; however, the
20 defendant may be held in custody during the continuance
21 under this provision if the defendant has been previously
22 found to have violated an order of protection or has been
23 previously convicted of, or granted court supervision for,
24 any of the offenses set forth in Sections 11-1.20, 11-1.30,
25 11-1.40, 11-1.50, 11-1.60, 12-2, 12-3.05, 12-3.2, 12-3.3,
26 12-4, 12-4.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15

1 or 12-16 of the Criminal Code of 1961 or the Criminal Code
2 of 2012, against the same person as the alleged victim of
3 the stalking or aggravated stalking offense.

4 (b) The court may deny bail to the defendant when, after
5 the hearing, it is determined that:

6 (1) the proof is evident or the presumption great that
7 the defendant has committed the offense of stalking or
8 aggravated stalking; and

9 (2) the defendant poses a real and present threat to
10 the physical safety of the alleged victim of the offense;
11 and

12 (3) the denial of release on bail or personal
13 recognizance is necessary to prevent fulfillment of the
14 threat upon which the charge is based; and

15 (4) the court finds that no condition or combination of
16 conditions set forth in subsection (b) of Section 110-10 of
17 this Code, including mental health treatment at a community
18 mental health center, hospital, or facility of the
19 Department of Human Services, can reasonably assure the
20 physical safety of the alleged victim of the offense.

21 (c) Conduct of the hearings.

22 (1) The hearing on the defendant's culpability and
23 threat to the alleged victim of the offense shall be
24 conducted in accordance with the following provisions:

25 (A) Information used by the court in its findings
26 or stated in or offered at the hearing may be by way of

1 proffer based upon reliable information offered by the
2 State or by defendant. Defendant has the right to be
3 represented by counsel, and if he is indigent, to have
4 counsel appointed for him. Defendant shall have the
5 opportunity to testify, to present witnesses in his own
6 behalf, and to cross-examine witnesses if any are
7 called by the State. The defendant has the right to
8 present witnesses in his favor. When the ends of
9 justice so require, the court may exercise its
10 discretion and compel the appearance of a complaining
11 witness. The court shall state on the record reasons
12 for granting a defense request to compel the presence
13 of a complaining witness. Cross-examination of a
14 complaining witness at the pretrial detention hearing
15 for the purpose of impeaching the witness' credibility
16 is insufficient reason to compel the presence of the
17 witness. In deciding whether to compel the appearance
18 of a complaining witness, the court shall be
19 considerate of the emotional and physical well-being
20 of the witness. The pretrial detention hearing is not
21 to be used for the purposes of discovery, and the post
22 arraignment rules of discovery do not apply. The State
23 shall tender to the defendant, prior to the hearing,
24 copies of defendant's criminal history, if any, if
25 available, and any written or recorded statements and
26 the substance of any oral statements made by any

1 person, if relied upon by the State. The rules
2 concerning the admissibility of evidence in criminal
3 trials do not apply to the presentation and
4 consideration of information at the hearing. At the
5 trial concerning the offense for which the hearing was
6 conducted neither the finding of the court nor any
7 transcript or other record of the hearing shall be
8 admissible in the State's case in chief, but shall be
9 admissible for impeachment, or as provided in Section
10 115-10.1 of this Code, or in a perjury proceeding.

11 (B) A motion by the defendant to suppress evidence
12 or to suppress a confession shall not be entertained.
13 Evidence that proof may have been obtained as the
14 result of an unlawful search and seizure or through
15 improper interrogation is not relevant to this state of
16 the prosecution.

17 (2) The facts relied upon by the court to support a
18 finding that:

19 (A) the defendant poses a real and present threat
20 to the physical safety of the alleged victim of the
21 offense; and

22 (B) the denial of release on bail or personal
23 recognizance is necessary to prevent fulfillment of
24 the threat upon which the charge is based;

25 shall be supported by clear and convincing evidence
26 presented by the State.

1 (d) Factors to be considered in making a determination of
2 the threat to the alleged victim of the offense. The court may,
3 in determining whether the defendant poses, at the time of the
4 hearing, a real and present threat to the physical safety of
5 the alleged victim of the offense, consider but shall not be
6 limited to evidence or testimony concerning:

7 (1) The nature and circumstances of the offense
8 charged;

9 (2) The history and characteristics of the defendant
10 including:

11 (A) Any evidence of the defendant's prior criminal
12 history indicative of violent, abusive or assaultive
13 behavior, or lack of that behavior. The evidence may
14 include testimony or documents received in juvenile
15 proceedings, criminal, quasi-criminal, civil
16 commitment, domestic relations or other proceedings;

17 (B) Any evidence of the defendant's psychological,
18 psychiatric or other similar social history that tends
19 to indicate a violent, abusive, or assaultive nature,
20 or lack of any such history.

21 (3) The nature of the threat which is the basis of the
22 charge against the defendant;

23 (4) Any statements made by, or attributed to the
24 defendant, together with the circumstances surrounding
25 them;

26 (5) The age and physical condition of any person

1 assaulted by the defendant;

2 (6) Whether the defendant is known to possess or have
3 access to any weapon or weapons;

4 (7) Whether, at the time of the current offense or any
5 other offense or arrest, the defendant was on probation,
6 parole, aftercare release, mandatory supervised release or
7 other release from custody pending trial, sentencing,
8 appeal or completion of sentence for an offense under
9 federal or state law;

10 (8) Any other factors, including those listed in
11 Section 110-5 of this Code, deemed by the court to have a
12 reasonable bearing upon the defendant's propensity or
13 reputation for violent, abusive or assaultive behavior, or
14 lack of that behavior.

15 (e) The court shall, in any order denying bail to a person
16 charged with stalking or aggravated stalking:

17 (1) briefly summarize the evidence of the defendant's
18 culpability and its reasons for concluding that the
19 defendant should be held without bail;

20 (2) direct that the defendant be committed to the
21 custody of the sheriff for confinement in the county jail
22 pending trial;

23 (3) direct that the defendant be given a reasonable
24 opportunity for private consultation with counsel, and for
25 communication with others of his choice by visitation, mail
26 and telephone; and

1 (4) direct that the sheriff deliver the defendant as
2 required for appearances in connection with court
3 proceedings.

4 (f) If the court enters an order for the detention of the
5 defendant under subsection (e) of this Section, the defendant
6 shall be brought to trial on the offense for which he is
7 detained within 90 days after the date on which the order for
8 detention was entered. If the defendant is not brought to trial
9 within the 90 day period required by this subsection (f), he
10 shall not be held longer without bail. In computing the 90 day
11 period, the court shall omit any period of delay resulting from
12 a continuance granted at the request of the defendant. The
13 court shall immediately notify the alleged victim of the
14 offense that the defendant has been admitted to bail under this
15 subsection.

16 (g) Any person shall be entitled to appeal any order
17 entered under this Section denying bail to the defendant.

18 (h) The State may appeal any order entered under this
19 Section denying any motion for denial of bail.

20 (i) Nothing in this Section shall be construed as modifying
21 or limiting in any way the defendant's presumption of innocence
22 in further criminal proceedings.

23 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;
24 96-1551, Article 2, Section 1040, eff. 7-1-11; 97-1109, eff.
25 1-1-13; 97-1150, eff. 1-25-13.)

1 (725 ILCS 5/112A-2) (from Ch. 38, par. 112A-2)

2 Sec. 112A-2. Commencement of Actions.

3 (a) Actions for orders of protection are commenced in
4 conjunction with a delinquency petition or a criminal
5 prosecution by filing a petition for an order of protection,
6 under the same case number as the delinquency petition or the
7 criminal prosecution, to be granted during pre-trial release of
8 a defendant, with any dispositional order issued under Section
9 5-710 of the Juvenile Court Act of 1987, or as a condition of
10 release, supervision, conditional discharge, probation,
11 periodic imprisonment, parole, aftercare release, or mandatory
12 supervised release, or in conjunction with imprisonment or a
13 bond forfeiture warrant, provided that:

14 (i) the violation is alleged in an information,
15 complaint, indictment or delinquency petition on file, and
16 the alleged offender and victim are family or household
17 members; and

18 (ii) the petition, which is filed by the State's
19 Attorney, names a victim of the alleged crime as a
20 petitioner.

21 (b) Withdrawal or dismissal of any petition for an order of
22 protection prior to adjudication where the petitioner is
23 represented by the state shall operate as a dismissal without
24 prejudice.

25 (c) Voluntary dismissal or withdrawal of any delinquency
26 petition or criminal prosecution or a finding of not guilty

1 shall not require dismissal of the action for the order of
2 protection; instead, in the discretion of the State's Attorney,
3 it may be treated as an independent action and, if necessary
4 and appropriate, transferred to a different court or division.
5 Dismissal of any delinquency petition or criminal prosecution
6 shall not affect the validity of any previously issued order of
7 protection, and thereafter subsection (b) of Section 112A-20
8 shall be inapplicable to that order.

9 (Source: P.A. 90-590, eff. 1-1-99.)

10 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

11 Sec. 112A-20. Duration and extension of orders.

12 (a) Duration of emergency and interim orders. Unless
13 re-opened or extended or voided by entry of an order of greater
14 duration:

15 (1) Emergency orders issued under Section 112A-17
16 shall be effective for not less than 14 nor more than 21
17 days;

18 (2) Interim orders shall be effective for up to 30
19 days.

20 (b) Duration of plenary orders. Except as otherwise
21 provided in this Section, a plenary order of protection shall
22 be valid for a fixed period of time not to exceed 2 years. A
23 plenary order of protection entered in conjunction with a
24 criminal prosecution shall remain in effect as follows:

25 (1) if entered during pre-trial release, until

1 disposition, withdrawal, or dismissal of the underlying
2 charge; if, however, the case is continued as an
3 independent cause of action, the order's duration may be
4 for a fixed period of time not to exceed 2 years;

5 (2) if in effect in conjunction with a bond forfeiture
6 warrant, until final disposition or an additional period of
7 time not exceeding 2 years; no order of protection,
8 however, shall be terminated by a dismissal that is
9 accompanied by the issuance of a bond forfeiture warrant;

10 (3) until expiration of any supervision, conditional
11 discharge, probation, periodic imprisonment, parole,
12 aftercare release, or mandatory supervised release and for
13 an additional period of time thereafter not exceeding 2
14 years; or

15 (4) until the date set by the court for expiration of
16 any sentence of imprisonment and subsequent parole,
17 aftercare release, or mandatory supervised release and for
18 an additional period of time thereafter not exceeding 2
19 years.

20 (c) Computation of time. The duration of an order of
21 protection shall not be reduced by the duration of any prior
22 order of protection.

23 (d) Law enforcement records. When a plenary order of
24 protection expires upon the occurrence of a specified event,
25 rather than upon a specified date as provided in subsection
26 (b), no expiration date shall be entered in Department of State

1 Police records. To remove the plenary order from those records,
2 either party shall request the clerk of the court to file a
3 certified copy of an order stating that the specified event has
4 occurred or that the plenary order has been vacated or modified
5 with the sheriff, and the sheriff shall direct that law
6 enforcement records shall be promptly corrected in accordance
7 with the filed order.

8 (e) Extension of Orders. Any emergency, interim or plenary
9 order of protection may be extended one or more times, as
10 required, provided that the requirements of Section 112A-17,
11 112A-18 or 112A-19, as appropriate, are satisfied. If the
12 motion for extension is uncontested and petitioner seeks no
13 modification of the order, the order may be extended on the
14 basis of petitioner's motion or affidavit stating that there
15 has been no material change in relevant circumstances since
16 entry of the order and stating the reason for the requested
17 extension. An extension of a plenary order of protection may be
18 granted, upon good cause shown, to remain in effect until the
19 order of protection is vacated or modified. Extensions may be
20 granted only in open court and not under the provisions of
21 Section 112A-17(c), which applies only when the court is
22 unavailable at the close of business or on a court holiday.

23 (f) Termination date. Any order of protection which would
24 expire on a court holiday shall instead expire at the close of
25 the next court business day.

26 (g) Statement of purpose. The practice of dismissing or

1 suspending a criminal prosecution in exchange for issuing an
2 order of protection undermines the purposes of this Article.
3 This Section shall not be construed as encouraging that
4 practice.

5 (Source: P.A. 95-886, eff. 1-1-09.)

6 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

7 Sec. 112A-22. Notice of orders.

8 (a) Entry and issuance. Upon issuance of any order of
9 protection, the clerk shall immediately, or on the next court
10 day if an emergency order is issued in accordance with
11 subsection (c) of Section 112A-17, (i) enter the order on the
12 record and file it in accordance with the circuit court
13 procedures and (ii) provide a file stamped copy of the order to
14 respondent, if present, and to petitioner.

15 (b) Filing with sheriff. The clerk of the issuing judge
16 shall, or the petitioner may, on the same day that an order of
17 protection is issued, file a copy of that order with the
18 sheriff or other law enforcement officials charged with
19 maintaining Department of State Police records or charged with
20 serving the order upon respondent. If the order was issued in
21 accordance with subsection (c) of Section 112A-17, the clerk
22 shall on the next court day, file a certified copy of the order
23 with the Sheriff or other law enforcement officials charged
24 with maintaining Department of State Police records. If the
25 respondent, at the time of the issuance of the order, is

1 committed to the custody of the Illinois Department of
2 Corrections or Department of Juvenile Justice or is on parole,
3 aftercare release, or mandatory supervised release, the
4 sheriff or other law enforcement officials charged with
5 maintaining Department of State Police records shall notify the
6 Department of Corrections or Department of Juvenile Justice
7 within 48 hours of receipt of a copy of the order of protection
8 from the clerk of the issuing judge or the petitioner. Such
9 notice shall include the name of the respondent, the
10 respondent's IDOC or IDJJ inmate number, the respondent's date
11 of birth, and the LEADS Record Index Number.

12 (c) Service by sheriff. Unless respondent was present in
13 court when the order was issued, the sheriff, other law
14 enforcement official or special process server shall promptly
15 serve that order upon respondent and file proof of such
16 service, in the manner provided for service of process in civil
17 proceedings. Instead of serving the order upon the respondent,
18 however, the sheriff, other law enforcement official, special
19 process server, or other persons defined in Section 112A-22.10
20 may serve the respondent with a short form notification as
21 provided in Section 112A-22.10. If process has not yet been
22 served upon the respondent, it shall be served with the order
23 or short form notification if such service is made by the
24 sheriff, other law enforcement official, or special process
25 server.

26 (c-5) If the person against whom the order of protection is

1 issued is arrested and the written order is issued in
2 accordance with subsection (c) of Section 112A-17 and received
3 by the custodial law enforcement agency before the respondent
4 or arrestee is released from custody, the custodial law
5 enforcement agent shall promptly serve the order upon the
6 respondent or arrestee before the respondent or arrestee is
7 released from custody. In no event shall detention of the
8 respondent or arrestee be extended for hearing on the petition
9 for order of protection or receipt of the order issued under
10 Section 112A-17 of this Code.

11 (d) Extensions, modifications and revocations. Any order
12 extending, modifying or revoking any order of protection shall
13 be promptly recorded, issued and served as provided in this
14 Section.

15 (e) Notice to health care facilities and health care
16 practitioners. Upon the request of the petitioner, the clerk of
17 the circuit court shall send a certified copy of the order of
18 protection to any specified health care facility or health care
19 practitioner requested by the petitioner at the mailing address
20 provided by the petitioner.

21 (f) Disclosure by health care facilities and health care
22 practitioners. After receiving a certified copy of an order of
23 protection that prohibits a respondent's access to records, no
24 health care facility or health care practitioner shall allow a
25 respondent access to the records of any child who is a
26 protected person under the order of protection, or release

1 information in those records to the respondent, unless the
2 order has expired or the respondent shows a certified copy of
3 the court order vacating the corresponding order of protection
4 that was sent to the health care facility or practitioner.
5 Nothing in this Section shall be construed to require health
6 care facilities or health care practitioners to alter
7 procedures related to billing and payment. The health care
8 facility or health care practitioner may file the copy of the
9 order of protection in the records of a child who is a
10 protected person under the order of protection, or may employ
11 any other method to identify the records to which a respondent
12 is prohibited access. No health care facility or health care
13 practitioner shall be civilly or professionally liable for
14 reliance on a copy of an order of protection, except for
15 willful and wanton misconduct.

16 (g) Notice to schools. Upon the request of the petitioner,
17 within 24 hours of the issuance of an order of protection, the
18 clerk of the issuing judge shall send a certified copy of the
19 order of protection to the day-care facility, pre-school or
20 pre-kindergarten, or private school or the principal office of
21 the public school district or any college or university in
22 which any child who is a protected person under the order of
23 protection or any child of the petitioner is enrolled as
24 requested by the petitioner at the mailing address provided by
25 the petitioner. If the child transfers enrollment to another
26 day-care facility, pre-school, pre-kindergarten, private

1 school, public school, college, or university, the petitioner
2 may, within 24 hours of the transfer, send to the clerk written
3 notice of the transfer, including the name and address of the
4 institution to which the child is transferring. Within 24 hours
5 of receipt of notice from the petitioner that a child is
6 transferring to another day-care facility, pre-school,
7 pre-kindergarten, private school, public school, college, or
8 university, the clerk shall send a certified copy of the order
9 to the institution to which the child is transferring.

10 (h) Disclosure by schools. After receiving a certified copy
11 of an order of protection that prohibits a respondent's access
12 to records, neither a day-care facility, pre-school,
13 pre-kindergarten, public or private school, college, or
14 university nor its employees shall allow a respondent access to
15 a protected child's records or release information in those
16 records to the respondent. The school shall file the copy of
17 the order of protection in the records of a child who is a
18 protected person under the order of protection. When a child
19 who is a protected person under the order of protection
20 transfers to another day-care facility, pre-school,
21 pre-kindergarten, public or private school, college, or
22 university, the institution from which the child is
23 transferring may, at the request of the petitioner, provide,
24 within 24 hours of the transfer, written notice of the order of
25 protection, along with a certified copy of the order, to the
26 institution to which the child is transferring.

1 (Source: P.A. 96-651, eff. 1-1-10; 97-50, eff. 6-28-11; 97-904,
2 eff. 1-1-13.)

3 (725 ILCS 5/112A-22.10)

4 Sec. 112A-22.10. Short form notification.

5 (a) Instead of personal service of an order of protection
6 under Section 112A-22, a sheriff, other law enforcement
7 official, special process server, or personnel assigned by the
8 Department of Corrections or Department of Juvenile Justice to
9 investigate the alleged misconduct of committed persons or
10 alleged violations of a parolee's or releasee's conditions of
11 parole, aftercare release, or mandatory supervised release may
12 serve a respondent with a short form notification. The short
13 form notification must include the following items:

14 (1) The respondent's name.

15 (2) The respondent's date of birth, if known.

16 (3) The petitioner's name.

17 (4) The names of other protected parties.

18 (5) The date and county in which the order of
19 protection was filed.

20 (6) The court file number.

21 (7) The hearing date and time, if known.

22 (8) The conditions that apply to the respondent, either
23 in checklist form or handwritten.

24 (9) The name of the judge who signed the order.

25 (b) The short form notification must contain the following

1 notice in bold print:

2 "The order of protection is now enforceable. You must
3 report to the office of the sheriff or the office of the
4 circuit court in (name of county) County to obtain a copy
5 of the order of protection. You are subject to arrest and
6 may be charged with a misdemeanor or felony if you violate
7 any of the terms of the order of protection."

8 (c) Upon verification of the identity of the respondent and
9 the existence of an unserved order of protection against the
10 respondent, a sheriff or other law enforcement official may
11 detain the respondent for a reasonable time necessary to
12 complete and serve the short form notification.

13 (d) When service is made by short form notification under
14 this Section, it may be proved by the affidavit of the person
15 making the service.

16 (e) The Attorney General shall provide adequate copies of
17 the short form notification form to law enforcement agencies in
18 this State.

19 (Source: P.A. 97-50, eff. 6-28-11.)

20 Section 85. The Rights of Crime Victims and Witnesses Act
21 is amended by changing Sections 3, 4.5, and 5 as follows:

22 (725 ILCS 120/3) (from Ch. 38, par. 1403)

23 Sec. 3. The terms used in this Act, unless the context
24 clearly requires otherwise, shall have the following meanings:

1 (a) "Crime victim" and "victim" mean (1) a person
2 physically injured in this State as a result of a violent crime
3 perpetrated or attempted against that person or (2) a person
4 who suffers injury to or loss of property as a result of a
5 violent crime perpetrated or attempted against that person or
6 (3) a single representative who may be the spouse, parent,
7 child or sibling of a person killed as a result of a violent
8 crime perpetrated against the person killed or the spouse,
9 parent, child or sibling of any person granted rights under
10 this Act who is physically or mentally incapable of exercising
11 such rights, except where the spouse, parent, child or sibling
12 is also the defendant or prisoner or (4) any person against
13 whom a violent crime has been committed or (5) any person who
14 has suffered personal injury as a result of a violation of
15 Section 11-501 of the Illinois Vehicle Code, or of a similar
16 provision of a local ordinance, or of Section 9-3 of the
17 Criminal Code of 1961 or the Criminal Code of 2012 or (6) in
18 proceedings under the Juvenile Court Act of 1987, both parents,
19 legal guardians, foster parents, or a single adult
20 representative of a minor or disabled person who is a crime
21 victim.

22 (b) "Witness" means any person who personally observed the
23 commission of a violent crime and who will testify on behalf of
24 the State of Illinois in the criminal prosecution of the
25 violent crime.

26 (c) "Violent Crime" means any felony in which force or

1 threat of force was used against the victim, or any offense
2 involving sexual exploitation, sexual conduct or sexual
3 penetration, or a violation of Section 11-20.1, 11-20.1B, or
4 11-20.3 of the Criminal Code of 1961 or the Criminal Code of
5 2012, domestic battery, violation of an order of protection,
6 stalking, or any misdemeanor which results in death or great
7 bodily harm to the victim or any violation of Section 9-3 of
8 the Criminal Code of 1961 or the Criminal Code of 2012, or
9 Section 11-501 of the Illinois Vehicle Code, or a similar
10 provision of a local ordinance, if the violation resulted in
11 personal injury or death, and includes any action committed by
12 a juvenile that would be a violent crime if committed by an
13 adult. For the purposes of this paragraph, "personal injury"
14 shall include any Type A injury as indicated on the traffic
15 accident report completed by a law enforcement officer that
16 requires immediate professional attention in either a doctor's
17 office or medical facility. A type A injury shall include
18 severely bleeding wounds, distorted extremities, and injuries
19 that require the injured party to be carried from the scene.

20 (d) "Sentencing Hearing" means any hearing where a sentence
21 is imposed by the court on a convicted defendant and includes
22 hearings conducted pursuant to Sections 5-6-4, 5-6-4.1, 5-7-2
23 and 5-7-7 of the Unified Code of Corrections.

24 (e) "Court proceedings" includes the preliminary hearing,
25 any hearing the effect of which may be the release of the
26 defendant from custody or to alter the conditions of bond, the

1 trial, sentencing hearing, notice of appeal, any modification
2 of sentence, probation revocation hearings, aftercare release,
3 or parole hearings.

4 (f) "Concerned citizen" includes relatives of the victim,
5 friends of the victim, witnesses to the crime, or any other
6 person associated with the victim or prisoner.

7 (Source: P.A. 96-292, eff. 1-1-10; 96-875, eff. 1-22-10;
8 96-1551, eff. 7-1-11; 97-572, eff. 1-1-12; 97-1150, eff.
9 1-25-13.)

10 (725 ILCS 120/4.5)

11 Sec. 4.5. Procedures to implement the rights of crime
12 victims. To afford crime victims their rights, law enforcement,
13 prosecutors, judges and corrections will provide information,
14 as appropriate of the following procedures:

15 (a) At the request of the crime victim, law enforcement
16 authorities investigating the case shall provide notice of the
17 status of the investigation, except where the State's Attorney
18 determines that disclosure of such information would
19 unreasonably interfere with the investigation, until such time
20 as the alleged assailant is apprehended or the investigation is
21 closed.

22 (a-5) When law enforcement authorities re-open a closed
23 case to resume investigating, they shall provide notice of the
24 re-opening of the case, except where the State's Attorney
25 determines that disclosure of such information would

1 unreasonably interfere with the investigation.

2 (b) The office of the State's Attorney:

3 (1) shall provide notice of the filing of information,
4 the return of an indictment by which a prosecution for any
5 violent crime is commenced, or the filing of a petition to
6 adjudicate a minor as a delinquent for a violent crime;

7 (2) shall provide notice of the date, time, and place
8 of trial;

9 (3) or victim advocate personnel shall provide
10 information of social services and financial assistance
11 available for victims of crime, including information of
12 how to apply for these services and assistance;

13 (3.5) or victim advocate personnel shall provide
14 information about available victim services, including
15 referrals to programs, counselors, and agencies that
16 assist a victim to deal with trauma, loss, and grief;

17 (4) shall assist in having any stolen or other personal
18 property held by law enforcement authorities for
19 evidentiary or other purposes returned as expeditiously as
20 possible, pursuant to the procedures set out in Section
21 115-9 of the Code of Criminal Procedure of 1963;

22 (5) or victim advocate personnel shall provide
23 appropriate employer intercession services to ensure that
24 employers of victims will cooperate with the criminal
25 justice system in order to minimize an employee's loss of
26 pay and other benefits resulting from court appearances;

1 (6) shall provide information whenever possible, of a
2 secure waiting area during court proceedings that does not
3 require victims to be in close proximity to defendant or
4 juveniles accused of a violent crime, and their families
5 and friends;

6 (7) shall provide notice to the crime victim of the
7 right to have a translator present at all court proceedings
8 and, in compliance with the federal Americans with
9 Disabilities Act of 1990, the right to communications
10 access through a sign language interpreter or by other
11 means;

12 (8) in the case of the death of a person, which death
13 occurred in the same transaction or occurrence in which
14 acts occurred for which a defendant is charged with an
15 offense, shall notify the spouse, parent, child or sibling
16 of the decedent of the date of the trial of the person or
17 persons allegedly responsible for the death;

18 (9) shall inform the victim of the right to have
19 present at all court proceedings, subject to the rules of
20 evidence, an advocate or other support person of the
21 victim's choice, and the right to retain an attorney, at
22 the victim's own expense, who, upon written notice filed
23 with the clerk of the court and State's Attorney, is to
24 receive copies of all notices, motions and court orders
25 filed thereafter in the case, in the same manner as if the
26 victim were a named party in the case;

1 (10) at the sentencing hearing shall make a good faith
2 attempt to explain the minimum amount of time during which
3 the defendant may actually be physically imprisoned. The
4 Office of the State's Attorney shall further notify the
5 crime victim of the right to request from the Prisoner
6 Review Board information concerning the release of the
7 defendant under subparagraph (d) (1) of this Section;

8 (11) shall request restitution at sentencing and shall
9 consider restitution in any plea negotiation, as provided
10 by law; and

11 (12) shall, upon the court entering a verdict of not
12 guilty by reason of insanity, inform the victim of the
13 notification services available from the Department of
14 Human Services, including the statewide telephone number,
15 under subparagraph (d) (2) of this Section.

16 (c) At the written request of the crime victim, the office
17 of the State's Attorney shall:

18 (1) provide notice a reasonable time in advance of the
19 following court proceedings: preliminary hearing, any
20 hearing the effect of which may be the release of defendant
21 from custody, or to alter the conditions of bond and the
22 sentencing hearing. The crime victim shall also be notified
23 of the cancellation of the court proceeding in sufficient
24 time, wherever possible, to prevent an unnecessary
25 appearance in court;

26 (2) provide notice within a reasonable time after

1 receipt of notice from the custodian, of the release of the
2 defendant on bail or personal recognizance or the release
3 from detention of a minor who has been detained for a
4 violent crime;

5 (3) explain in nontechnical language the details of any
6 plea or verdict of a defendant, or any adjudication of a
7 juvenile as a delinquent for a violent crime;

8 (4) where practical, consult with the crime victim
9 before the Office of the State's Attorney makes an offer of
10 a plea bargain to the defendant or enters into negotiations
11 with the defendant concerning a possible plea agreement,
12 and shall consider the written victim impact statement, if
13 prepared prior to entering into a plea agreement;

14 (5) provide notice of the ultimate disposition of the
15 cases arising from an indictment or an information, or a
16 petition to have a juvenile adjudicated as a delinquent for
17 a violent crime;

18 (6) provide notice of any appeal taken by the defendant
19 and information on how to contact the appropriate agency
20 handling the appeal;

21 (7) provide notice of any request for post-conviction
22 review filed by the defendant under Article 122 of the Code
23 of Criminal Procedure of 1963, and of the date, time and
24 place of any hearing concerning the petition. Whenever
25 possible, notice of the hearing shall be given in advance;

26 (8) forward a copy of any statement presented under

1 Section 6 to the Prisoner Review Board to be considered by
2 the Board in making its determination under subsection (b)
3 of Section 3-3-8 of the Unified Code of Corrections.

4 (d) (1) The Prisoner Review Board shall inform a victim or
5 any other concerned citizen, upon written request, of the
6 prisoner's release on parole, aftercare release, mandatory
7 supervised release, electronic detention, work release,
8 international transfer or exchange, or by the custodian of the
9 discharge of any individual who was adjudicated a delinquent
10 for a violent crime from State custody and by the sheriff of
11 the appropriate county of any such person's final discharge
12 from county custody. The Prisoner Review Board, upon written
13 request, shall provide to a victim or any other concerned
14 citizen a recent photograph of any person convicted of a
15 felony, upon his or her release from custody. The Prisoner
16 Review Board, upon written request, shall inform a victim or
17 any other concerned citizen when feasible at least 7 days prior
18 to the prisoner's release on furlough of the times and dates of
19 such furlough. Upon written request by the victim or any other
20 concerned citizen, the State's Attorney shall notify the person
21 once of the times and dates of release of a prisoner sentenced
22 to periodic imprisonment. Notification shall be based on the
23 most recent information as to victim's or other concerned
24 citizen's residence or other location available to the
25 notifying authority.

26 (2) When the defendant has been committed to the Department

1 of Human Services pursuant to Section 5-2-4 or any other
2 provision of the Unified Code of Corrections, the victim may
3 request to be notified by the releasing authority of the
4 approval by the court of an on-grounds pass, a supervised
5 off-grounds pass, an unsupervised off-grounds pass, or
6 conditional release; the release on an off-grounds pass; the
7 return from an off-grounds pass; transfer to another facility;
8 conditional release; escape; death; or final discharge from
9 State custody. The Department of Human Services shall establish
10 and maintain a statewide telephone number to be used by victims
11 to make notification requests under these provisions and shall
12 publicize this telephone number on its website and to the
13 State's Attorney of each county.

14 (3) In the event of an escape from State custody, the
15 Department of Corrections or the Department of Juvenile Justice
16 immediately shall notify the Prisoner Review Board of the
17 escape and the Prisoner Review Board shall notify the victim.
18 The notification shall be based upon the most recent
19 information as to the victim's residence or other location
20 available to the Board. When no such information is available,
21 the Board shall make all reasonable efforts to obtain the
22 information and make the notification. When the escapee is
23 apprehended, the Department of Corrections or the Department of
24 Juvenile Justice immediately shall notify the Prisoner Review
25 Board and the Board shall notify the victim.

26 (4) The victim of the crime for which the prisoner has been

1 sentenced shall receive reasonable written notice not less than
2 30 days prior to the parole or aftercare release hearing
3 ~~interview~~ and may submit, in writing, on film, videotape or
4 other electronic means or in the form of a recording or in
5 person at the parole or aftercare release hearing ~~interview~~ or
6 if a victim of a violent crime, by calling the toll-free number
7 established in subsection (f) of this Section, information for
8 consideration by the Prisoner Review Board. The victim shall be
9 notified within 7 days after the prisoner has been granted
10 parole or aftercare release and shall be informed of the right
11 to inspect the registry of parole or aftercare release
12 decisions, established under subsection (g) of Section 3-3-5 of
13 the Unified Code of Corrections. The provisions of this
14 paragraph (4) are subject to the Open Parole Hearings Act.

15 (5) If a statement is presented under Section 6, the
16 Prisoner Review Board shall inform the victim of any order of
17 discharge entered by the Board pursuant to Section 3-3-8 of the
18 Unified Code of Corrections.

19 (6) At the written request of the victim of the crime for
20 which the prisoner was sentenced or the State's Attorney of the
21 county where the person seeking parole or aftercare release was
22 prosecuted, the Prisoner Review Board shall notify the victim
23 and the State's Attorney of the county where the person seeking
24 parole or aftercare release was prosecuted of the death of the
25 prisoner if the prisoner died while on parole or aftercare
26 release or mandatory supervised release.

1 (7) When a defendant who has been committed to the
2 Department of Corrections, the Department of Juvenile Justice,
3 or the Department of Human Services is released or discharged
4 and subsequently committed to the Department of Human Services
5 as a sexually violent person and the victim had requested to be
6 notified by the releasing authority of the defendant's
7 discharge, conditional release, death, or escape from State
8 custody, the releasing authority shall provide to the
9 Department of Human Services such information that would allow
10 the Department of Human Services to contact the victim.

11 (8) When a defendant has been convicted of a sex offense as
12 defined in Section 2 of the Sex Offender Registration Act and
13 has been sentenced to the Department of Corrections or the
14 Department of Juvenile Justice, the Prisoner Review Board shall
15 notify the victim of the sex offense of the prisoner's
16 eligibility for release on parole, aftercare release,
17 mandatory supervised release, electronic detention, work
18 release, international transfer or exchange, or by the
19 custodian of the discharge of any individual who was
20 adjudicated a delinquent for a sex offense from State custody
21 and by the sheriff of the appropriate county of any such
22 person's final discharge from county custody. The notification
23 shall be made to the victim at least 30 days, whenever
24 possible, before release of the sex offender.

25 (e) The officials named in this Section may satisfy some or
26 all of their obligations to provide notices and other

1 information through participation in a statewide victim and
2 witness notification system established by the Attorney
3 General under Section 8.5 of this Act.

4 (f) To permit a victim of a violent crime to provide
5 information to the Prisoner Review Board for consideration by
6 the Board at a parole or aftercare release hearing of a person
7 who committed the crime against the victim in accordance with
8 clause (d)(4) of this Section or at a proceeding to determine
9 the conditions of mandatory supervised release of a person
10 sentenced to a determinate sentence or at a hearing on
11 revocation of mandatory supervised release of a person
12 sentenced to a determinate sentence, the Board shall establish
13 a toll-free number that may be accessed by the victim of a
14 violent crime to present that information to the Board.

15 (Source: P.A. 96-328, eff. 8-11-09; 96-875, eff. 1-22-10;
16 97-457, eff. 1-1-12; 97-572, eff. 1-1-12; 97-813, eff. 7-13-12;
17 97-815, eff. 1-1-13.)

18 (725 ILCS 120/5) (from Ch. 38, par. 1405)

19 Sec. 5. Rights of Witnesses.

20 (a) Witnesses as defined in subsection (b) of Section 3 of
21 this Act shall have the following rights:

22 (1) to be notified by the Office of the State's
23 Attorney of all court proceedings at which the witness'
24 presence is required in a reasonable amount of time prior
25 to the proceeding, and to be notified of the cancellation

1 of any scheduled court proceeding in sufficient time to
2 prevent an unnecessary appearance in court, where
3 possible;

4 (2) to be provided with appropriate employer
5 intercession services by the Office of the State's Attorney
6 or the victim advocate personnel to ensure that employers
7 of witnesses will cooperate with the criminal justice
8 system in order to minimize an employee's loss of pay and
9 other benefits resulting from court appearances;

10 (3) to be provided, whenever possible, a secure waiting
11 area during court proceedings that does not require
12 witnesses to be in close proximity to defendants and their
13 families and friends;

14 (4) to be provided with notice by the Office of the
15 State's Attorney, where necessary, of the right to have a
16 translator present whenever the witness' presence is
17 required and, in compliance with the federal Americans with
18 Disabilities Act of 1990, to be provided with notice of the
19 right to communications access through a sign language
20 interpreter or by other means.

21 (b) At the written request of the witness, the witness
22 shall:

23 (1) receive notice from the office of the State's
24 Attorney of any request for post-conviction review filed by
25 the defendant under Article 122 of the Code of Criminal
26 Procedure of 1963, and of the date, time, and place of any

1 hearing concerning the petition for post-conviction
2 review; whenever possible, notice of the hearing on the
3 petition shall be given in advance;

4 (2) receive notice by the releasing authority of the
5 defendant's discharge from State custody if the defendant
6 was committed to the Department of Human Services under
7 Section 5-2-4 or any other provision of the Unified Code of
8 Corrections;

9 (3) receive notice from the Prisoner Review Board of
10 the prisoner's escape from State custody, after the Board
11 has been notified of the escape by the Department of
12 Corrections or the Department of Juvenile Justice; when the
13 escapee is apprehended, the Department of Corrections or
14 the Department of Juvenile Justice shall immediately
15 notify the Prisoner Review Board and the Board shall notify
16 the witness;

17 (4) receive notice from the Prisoner Review Board of
18 the prisoner's release on parole, aftercare release,
19 electronic detention, work release or mandatory supervised
20 release and of the prisoner's final discharge from parole, aftercare release,
21 aftercare release, electronic detention, work release, or
22 mandatory supervised release.

23 (Source: P.A. 94-696, eff. 6-1-06; 95-897, eff. 1-1-09.)

24 Section 90. The Privacy of Child Victims of Criminal Sexual
25 Offenses Act is amended by changing Section 3 as follows:

1 (725 ILCS 190/3) (from Ch. 38, par. 1453)

2 Sec. 3. Confidentiality of Law Enforcement and Court
3 Records. Notwithstanding any other law to the contrary,
4 inspection and copying of law enforcement records maintained by
5 any law enforcement agency or circuit court records maintained
6 by any circuit clerk relating to any investigation or
7 proceeding pertaining to a criminal sexual offense, by any
8 person, except a judge, state's attorney, assistant state's
9 attorney, psychologist, psychiatrist, social worker, doctor,
10 parent, parole agent, aftercare specialist, probation officer,
11 defendant or defendant's attorney in any criminal proceeding or
12 investigation related thereto, shall be restricted to exclude
13 the identity of any child who is a victim of such criminal
14 sexual offense or alleged criminal sexual offense. A court may
15 for the child's protection and for good cause shown, prohibit
16 any person or agency present in court from further disclosing
17 the child's identity.

18 When a criminal sexual offense is committed or alleged to
19 have been committed by a school district employee or any
20 individual contractually employed by a school district, a copy
21 of the criminal history record information relating to the
22 investigation of the offense or alleged offense shall be
23 transmitted to the superintendent of schools of the district
24 immediately upon request or if the law enforcement agency knows
25 that a school district employee or any individual contractually

1 employed by a school district has committed or is alleged to
2 have committed a criminal sexual offense, the superintendent of
3 schools of the district shall be immediately provided a copy of
4 the criminal history record information. The superintendent
5 shall be restricted from specifically revealing the name of the
6 victim without written consent of the victim or victim's parent
7 or guardian.

8 A court may prohibit such disclosure only after giving
9 notice and a hearing to all affected parties. In determining
10 whether to prohibit disclosure of the minor's identity the
11 court shall consider:

12 (a) the best interest of the child; and

13 (b) whether such nondisclosure would further a
14 compelling State interest.

15 For the purposes of this Act, "criminal history record
16 information" means:

17 (i) chronologically maintained arrest information,
18 such as traditional arrest logs or blotters;

19 (ii) the name of a person in the custody of a law
20 enforcement agency and the charges for which that person is
21 being held;

22 (iii) court records that are public;

23 (iv) records that are otherwise available under State
24 or local law; or

25 (v) records in which the requesting party is the
26 individual identified, except as provided under part (vii)

1 of paragraph (c) of subsection (1) of Section 7 of the
2 Freedom of Information Act.

3 (Source: P.A. 95-69, eff. 1-1-08; 95-599, eff. 6-1-08; 95-876,
4 eff. 8-21-08.)

5 Section 95. The Sexually Violent Persons Commitment Act is
6 amended by changing Sections 15, 30, and 40 as follows:

7 (725 ILCS 207/15)

8 Sec. 15. Sexually violent person petition; contents;
9 filing.

10 (a) A petition alleging that a person is a sexually violent
11 person must be filed before the release or discharge of the
12 person or within 30 days of placement onto parole, aftercare
13 release, or mandatory supervised release for an offense
14 enumerated in paragraph (e) of Section 5 of this Act. A
15 petition may be filed by the following:

16 (1) The Attorney General on his or her own motion,
17 after consulting with and advising the State's Attorney of
18 the county in which the person was convicted of a sexually
19 violent offense, adjudicated delinquent for a sexually
20 violent offense or found not guilty of or not responsible
21 for a sexually violent offense by reason of insanity,
22 mental disease, or mental defect; or

23 (2) The State's Attorney of the county referenced in
24 paragraph (1)(a)(1) of this Section, on his or her own

1 motion; or

2 (3) The Attorney General and the State's Attorney of
3 the county referenced in paragraph (1)(a)(1) of this
4 Section may jointly file a petition on their own motion; or

5 (4) A petition may be filed at the request of the
6 agency with jurisdiction over the person, as defined in
7 subsection (a) of Section 10 of this Act, by:

8 (a) the Attorney General;

9 (b) the State's Attorney of the county referenced
10 in paragraph (1)(a)(1) of this Section; or

11 (c) the Attorney General and the State's Attorney
12 jointly.

13 (b) A petition filed under this Section shall allege that
14 all of the following apply to the person alleged to be a
15 sexually violent person:

16 (1) The person satisfies any of the following criteria:

17 (A) The person has been convicted of a sexually
18 violent offense;

19 (B) The person has been found delinquent for a
20 sexually violent offense; or

21 (C) The person has been found not guilty of a
22 sexually violent offense by reason of insanity, mental
23 disease, or mental defect.

24 (2) (Blank).

25 (3) (Blank).

26 (4) The person has a mental disorder.

1 (5) The person is dangerous to others because the
2 person's mental disorder creates a substantial probability
3 that he or she will engage in acts of sexual violence.

4 (b-5) The petition must be filed no more than 90 days
5 before discharge or entry into mandatory supervised release
6 from a Department of Corrections or the Department of Juvenile
7 Justice correctional facility for a sentence that was imposed
8 upon a conviction for a sexually violent offense. For inmates
9 sentenced under the law in effect prior to February 1, 1978,
10 the petition shall be filed no more than 90 days after the
11 Prisoner Review Board's order granting parole pursuant to
12 Section 3-3-5 of the Unified Code of Corrections.

13 (b-6) The petition must be filed no more than 90 days
14 before discharge or release:

15 (1) from a Department of Juvenile Justice juvenile
16 correctional facility if the person was placed in the
17 facility for being adjudicated delinquent under Section
18 5-20 of the Juvenile Court Act of 1987 or found guilty
19 under Section 5-620 of that Act on the basis of a sexually
20 violent offense; or

21 (2) from a commitment order that was entered as a
22 result of a sexually violent offense.

23 (b-7) A person convicted of a sexually violent offense
24 remains eligible for commitment as a sexually violent person
25 pursuant to this Act under the following circumstances: (1) the
26 person is in custody for a sentence that is being served

1 concurrently or consecutively with a sexually violent offense;
2 (2) the person returns to the custody of the Illinois
3 Department of Corrections or the Department of Juvenile Justice
4 for any reason during the term of parole, aftercare release, or
5 mandatory supervised release being served for a sexually
6 violent offense; or (3) the person is convicted or adjudicated
7 delinquent for any offense committed during the term of parole, aftercare release, or mandatory supervised release being
8 served for a sexually violent offense, regardless of whether
9 that conviction or adjudication was for a sexually violent
10 offense.
11

12 (c) A petition filed under this Section shall state with
13 particularity essential facts to establish probable cause to
14 believe the person is a sexually violent person. If the
15 petition alleges that a sexually violent offense or act that is
16 a basis for the allegation under paragraph (b)(1) of this
17 Section was an act that was sexually motivated as provided
18 under paragraph (e)(2) of Section 5 of this Act, the petition
19 shall state the grounds on which the offense or act is alleged
20 to be sexually motivated.

21 (d) A petition under this Section shall be filed in either
22 of the following:

23 (1) The circuit court for the county in which the
24 person was convicted of a sexually violent offense,
25 adjudicated delinquent for a sexually violent offense or
26 found not guilty of a sexually violent offense by reason of

1 insanity, mental disease or mental defect.

2 (2) The circuit court for the county in which the
3 person is in custody under a sentence, a placement to a
4 Department of Corrections correctional facility or a
5 Department of Juvenile Justice juvenile correctional
6 facility, or a commitment order.

7 (e) The filing of a petition under this Act shall toll the
8 running of the term of parole or mandatory supervised release
9 until:

10 (1) dismissal of the petition filed under this Act;

11 (2) a finding by a judge or jury that the respondent is
12 not a sexually violent person; or

13 (3) the sexually violent person is discharged under
14 Section 65 of this Act.

15 (f) The State has the right to have the person evaluated by
16 experts chosen by the State. The agency with jurisdiction as
17 defined in Section 10 of this Act shall allow the expert
18 reasonable access to the person for purposes of examination, to
19 the person's records, and to past and present treatment
20 providers and any other staff members relevant to the
21 examination.

22 (Source: P.A. 96-1128, eff. 1-1-11.)

23 (725 ILCS 207/30)

24 Sec. 30. Detention; probable cause hearing; transfer for
25 examination.

1 (a) Upon the filing of a petition under Section 15 of this
2 Act, the court shall review the petition to determine whether
3 to issue an order for detention of the person who is the
4 subject of the petition. The person shall be detained only if
5 there is cause to believe that the person is eligible for
6 commitment under subsection (f) of Section 35 of this Act. A
7 person detained under this Section shall be held in a facility
8 approved by the Department. If the person is serving a sentence
9 of imprisonment, is in a Department of Corrections correctional
10 facility or juvenile correctional facility or is committed to
11 institutional care, and the court orders detention under this
12 Section, the court shall order that the person be transferred
13 to a detention facility approved by the Department. A detention
14 order under this Section remains in effect until the person is
15 discharged after a trial under Section 35 of this Act or until
16 the effective date of a commitment order under Section 40 of
17 this Act, whichever is applicable.

18 (b) Whenever a petition is filed under Section 15 of this
19 Act, the court shall hold a hearing to determine whether there
20 is probable cause to believe that the person named in the
21 petition is a sexually violent person. If the person named in
22 the petition is in custody, the court shall hold the probable
23 cause hearing within 72 hours after the petition is filed,
24 excluding Saturdays, Sundays and legal holidays. The court may
25 grant a continuance of the probable cause hearing for no more
26 than 7 additional days upon the motion of the respondent, for

1 good cause. If the person named in the petition has been
2 released, is on parole, is on aftercare release, is on
3 mandatory supervised release, or otherwise is not in custody,
4 the court shall hold the probable cause hearing within a
5 reasonable time after the filing of the petition. At the
6 probable cause hearing, the court shall admit and consider all
7 relevant hearsay evidence.

8 (c) If the court determines after a hearing that there is
9 probable cause to believe that the person named in the petition
10 is a sexually violent person, the court shall order that the
11 person be taken into custody if he or she is not in custody and
12 shall order the person to be transferred within a reasonable
13 time to an appropriate facility for an evaluation as to whether
14 the person is a sexually violent person. If the person who is
15 named in the petition refuses to speak to, communicate with, or
16 otherwise fails to cooperate with the examining evaluator from
17 the Department of Human Services or the Department of
18 Corrections, that person may only introduce evidence and
19 testimony from any expert or professional person who is
20 retained or court-appointed to conduct an examination of the
21 person that results from a review of the records and may not
22 introduce evidence resulting from an examination of the person.
23 Notwithstanding the provisions of Section 10 of the Mental
24 Health and Developmental Disabilities Confidentiality Act, all
25 evaluations conducted pursuant to this Act and all Illinois
26 Department of Corrections treatment records shall be

1 admissible at all proceedings held pursuant to this Act,
2 including the probable cause hearing and the trial.

3 If the court determines that probable cause does not exist
4 to believe that the person is a sexually violent person, the
5 court shall dismiss the petition.

6 (d) The Department shall promulgate rules that provide the
7 qualifications for persons conducting evaluations under
8 subsection (c) of this Section.

9 (e) If the person named in the petition claims or appears
10 to be indigent, the court shall, prior to the probable cause
11 hearing under subsection (b) of this Section, appoint counsel.

12 (Source: P.A. 92-415, eff. 8-17-01; 93-616, eff. 1-1-04;
13 93-970, eff. 8-20-04.)

14 (725 ILCS 207/40)

15 (Text of Section before amendment by P.A. 97-1098)

16 Sec. 40. Commitment.

17 (a) If a court or jury determines that the person who is
18 the subject of a petition under Section 15 of this Act is a
19 sexually violent person, the court shall order the person to be
20 committed to the custody of the Department for control, care
21 and treatment until such time as the person is no longer a
22 sexually violent person.

23 (b) (1) The court shall enter an initial commitment order
24 under this Section pursuant to a hearing held as soon as
25 practicable after the judgment is entered that the person who

1 is the subject of a petition under Section 15 is a sexually
2 violent person. If the court lacks sufficient information to
3 make the determination required by paragraph (b)(2) of this
4 Section immediately after trial, it may adjourn the hearing and
5 order the Department to conduct a predisposition investigation
6 or a supplementary mental examination, or both, to assist the
7 court in framing the commitment order. If the Department's
8 examining evaluator previously rendered an opinion that the
9 person who is the subject of a petition under Section 15 does
10 not meet the criteria to be found a sexually violent person,
11 then another evaluator shall conduct the predisposition
12 investigation and/or supplementary mental examination. A
13 supplementary mental examination under this Section shall be
14 conducted in accordance with Section 3-804 of the Mental Health
15 and Developmental Disabilities Code. The State has the right to
16 have the person evaluated by experts chosen by the State.

17 (2) An order for commitment under this Section shall
18 specify either institutional care in a secure facility, as
19 provided under Section 50 of this Act, or conditional release.
20 In determining whether commitment shall be for institutional
21 care in a secure facility or for conditional release, the court
22 shall consider the nature and circumstances of the behavior
23 that was the basis of the allegation in the petition under
24 paragraph (b)(1) of Section 15, the person's mental history and
25 present mental condition, and what arrangements are available
26 to ensure that the person has access to and will participate in

1 necessary treatment. All treatment, whether in institutional
2 care, in a secure facility, or while on conditional release,
3 shall be conducted in conformance with the standards developed
4 under the Sex Offender Management Board Act and conducted by a
5 treatment provider approved by the Board. The Department shall
6 arrange for control, care and treatment of the person in the
7 least restrictive manner consistent with the requirements of
8 the person and in accordance with the court's commitment order.

9 (3) If the court finds that the person is appropriate for
10 conditional release, the court shall notify the Department. The
11 Department shall prepare a plan that identifies the treatment
12 and services, if any, that the person will receive in the
13 community. The plan shall address the person's need, if any,
14 for supervision, counseling, medication, community support
15 services, residential services, vocational services, and
16 alcohol or other drug abuse treatment. The Department may
17 contract with a county health department, with another public
18 agency or with a private agency to provide the treatment and
19 services identified in the plan. The plan shall specify who
20 will be responsible for providing the treatment and services
21 identified in the plan. The plan shall be presented to the
22 court for its approval within 60 days after the court finding
23 that the person is appropriate for conditional release, unless
24 the Department and the person to be released request additional
25 time to develop the plan. The conditional release program
26 operated under this Section is not subject to the provisions of

1 the Mental Health and Developmental Disabilities
2 Confidentiality Act.

3 (4) An order for conditional release places the person in
4 the custody and control of the Department. A person on
5 conditional release is subject to the conditions set by the
6 court and to the rules of the Department. Before a person is
7 placed on conditional release by the court under this Section,
8 the court shall so notify the municipal police department and
9 county sheriff for the municipality and county in which the
10 person will be residing. The notification requirement under
11 this Section does not apply if a municipal police department or
12 county sheriff submits to the court a written statement waiving
13 the right to be notified. Notwithstanding any other provision
14 in the Act, the person being supervised on conditional release
15 shall not reside at the same street address as another sex
16 offender being supervised on conditional release under this
17 Act, mandatory supervised release, parole, aftercare release,
18 probation, or any other manner of supervision. If the
19 Department alleges that a released person has violated any
20 condition or rule, or that the safety of others requires that
21 conditional release be revoked, he or she may be taken into
22 custody under the rules of the Department.

23 At any time during which the person is on conditional
24 release, if the Department determines that the person has
25 violated any condition or rule, or that the safety of others
26 requires that conditional release be revoked, the Department

1 may request the Attorney General or State's Attorney to request
2 the court to issue an emergency ex parte order directing any
3 law enforcement officer to take the person into custody and
4 transport the person to the county jail. The Department may
5 request, or the Attorney General or State's Attorney may
6 request independently of the Department, that a petition to
7 revoke conditional release be filed. When a petition is filed,
8 the court may order the Department to issue a notice to the
9 person to be present at the Department or other agency
10 designated by the court, order a summons to the person to be
11 present, or order a body attachment for all law enforcement
12 officers to take the person into custody and transport him or
13 her to the county jail, hospital, or treatment facility. The
14 Department shall submit a statement showing probable cause of
15 the detention and a petition to revoke the order for
16 conditional release to the committing court within 48 hours
17 after the detention. The court shall hear the petition within
18 30 days, unless the hearing or time deadline is waived by the
19 detained person. Pending the revocation hearing, the
20 Department may detain the person in a jail, in a hospital or
21 treatment facility. The State has the burden of proving by
22 clear and convincing evidence that any rule or condition of
23 release has been violated, or that the safety of others
24 requires that the conditional release be revoked. If the court
25 determines after hearing that any rule or condition of release
26 has been violated, or that the safety of others requires that

1 conditional release be revoked, it may revoke the order for
2 conditional release and order that the released person be
3 placed in an appropriate institution until the person is
4 discharged from the commitment under Section 65 of this Act or
5 until again placed on conditional release under Section 60 of
6 this Act.

7 (5) An order for conditional release places the person in
8 the custody, care, and control of the Department. The court
9 shall order the person be subject to the following rules of
10 conditional release, in addition to any other conditions
11 ordered, and the person shall be given a certificate setting
12 forth the conditions of conditional release. These conditions
13 shall be that the person:

14 (A) not violate any criminal statute of any
15 jurisdiction;

16 (B) report to or appear in person before such person or
17 agency as directed by the court and the Department;

18 (C) refrain from possession of a firearm or other
19 dangerous weapon;

20 (D) not leave the State without the consent of the
21 court or, in circumstances in which the reason for the
22 absence is of such an emergency nature, that prior consent
23 by the court is not possible without the prior notification
24 and approval of the Department;

25 (E) at the direction of the Department, notify third
26 parties of the risks that may be occasioned by his or her

1 criminal record or sexual offending history or
2 characteristics, and permit the supervising officer or
3 agent to make the notification requirement;

4 (F) attend and fully participate in assessment,
5 treatment, and behavior monitoring including, but not
6 limited to, medical, psychological or psychiatric
7 treatment specific to sexual offending, drug addiction, or
8 alcoholism, to the extent appropriate to the person based
9 upon the recommendation and findings made in the Department
10 evaluation or based upon any subsequent recommendations by
11 the Department;

12 (G) waive confidentiality allowing the court and
13 Department access to assessment or treatment results or
14 both;

15 (H) work regularly at a Department approved occupation
16 or pursue a course of study or vocational training and
17 notify the Department within 72 hours of any change in
18 employment, study, or training;

19 (I) not be employed or participate in any volunteer
20 activity that involves contact with children, except under
21 circumstances approved in advance and in writing by the
22 Department officer;

23 (J) submit to the search of his or her person,
24 residence, vehicle, or any personal or real property under
25 his or her control at any time by the Department;

26 (K) financially support his or her dependents and

1 provide the Department access to any requested financial
2 information;

3 (L) serve a term of home confinement, the conditions of
4 which shall be that the person:

5 (i) remain within the interior premises of the
6 place designated for his or her confinement during the
7 hours designated by the Department;

8 (ii) admit any person or agent designated by the
9 Department into the offender's place of confinement at
10 any time for purposes of verifying the person's
11 compliance with the condition of his or her
12 confinement;

13 (iii) if deemed necessary by the Department, be
14 placed on an electronic monitoring device;

15 (M) comply with the terms and conditions of an order of
16 protection issued by the court pursuant to the Illinois
17 Domestic Violence Act of 1986. A copy of the order of
18 protection shall be transmitted to the Department by the
19 clerk of the court;

20 (N) refrain from entering into a designated geographic
21 area except upon terms the Department finds appropriate.
22 The terms may include consideration of the purpose of the
23 entry, the time of day, others accompanying the person, and
24 advance approval by the Department;

25 (O) refrain from having any contact, including written
26 or oral communications, directly or indirectly, with

1 certain specified persons including, but not limited to,
2 the victim or the victim's family, and report any
3 incidental contact with the victim or the victim's family
4 to the Department within 72 hours; refrain from entering
5 onto the premises of, traveling past, or loitering near the
6 victim's residence, place of employment, or other places
7 frequented by the victim;

8 (P) refrain from having any contact, including written
9 or oral communications, directly or indirectly, with
10 particular types of persons, including but not limited to
11 members of street gangs, drug users, drug dealers, or
12 prostitutes;

13 (Q) refrain from all contact, direct or indirect,
14 personally, by telephone, letter, or through another
15 person, with minor children without prior identification
16 and approval of the Department;

17 (R) refrain from having in his or her body the presence
18 of alcohol or any illicit drug prohibited by the Cannabis
19 Control Act, the Illinois Controlled Substances Act, or the
20 Methamphetamine Control and Community Protection Act,
21 unless prescribed by a physician, and submit samples of his
22 or her breath, saliva, blood, or urine for tests to
23 determine the presence of alcohol or any illicit drug;

24 (S) not establish a dating, intimate, or sexual
25 relationship with a person without prior written
26 notification to the Department;

1 (T) neither possess or have under his or her control
2 any material that is pornographic, sexually oriented, or
3 sexually stimulating, or that depicts or alludes to sexual
4 activity or depicts minors under the age of 18, including
5 but not limited to visual, auditory, telephonic,
6 electronic media, or any matter obtained through access to
7 any computer or material linked to computer access use;

8 (U) not patronize any business providing sexually
9 stimulating or sexually oriented entertainment nor utilize
10 "900" or adult telephone numbers or any other sex-related
11 telephone numbers;

12 (V) not reside near, visit, or be in or about parks,
13 schools, day care centers, swimming pools, beaches,
14 theaters, or any other places where minor children
15 congregate without advance approval of the Department and
16 report any incidental contact with minor children to the
17 Department within 72 hours;

18 (W) not establish any living arrangement or residence
19 without prior approval of the Department;

20 (X) not publish any materials or print any
21 advertisements without providing a copy of the proposed
22 publications to the Department officer and obtaining
23 permission prior to publication;

24 (Y) not leave the county except with prior permission
25 of the Department and provide the Department officer or
26 agent with written travel routes to and from work and any

1 other designated destinations;

2 (Z) not possess or have under his or her control
3 certain specified items of contraband related to the
4 incidence of sexually offending items including video or
5 still camera items or children's toys;

6 (AA) provide a written daily log of activities as
7 directed by the Department;

8 (BB) comply with all other special conditions that the
9 Department may impose that restrict the person from
10 high-risk situations and limit access or potential
11 victims.

12 (6) A person placed on conditional release and who during
13 the term undergoes mandatory drug or alcohol testing or is
14 assigned to be placed on an approved electronic monitoring
15 device may be ordered to pay all costs incidental to the
16 mandatory drug or alcohol testing and all costs incidental to
17 the approved electronic monitoring in accordance with the
18 person's ability to pay those costs. The Department may
19 establish reasonable fees for the cost of maintenance, testing,
20 and incidental expenses related to the mandatory drug or
21 alcohol testing and all costs incidental to approved electronic
22 monitoring.

23 (Source: P.A. 96-1128, eff. 1-1-11.)

24 (Text of Section after amendment by P.A. 97-1098)

25 Sec. 40. Commitment.

1 (a) If a court or jury determines that the person who is
2 the subject of a petition under Section 15 of this Act is a
3 sexually violent person, the court shall order the person to be
4 committed to the custody of the Department for control, care
5 and treatment until such time as the person is no longer a
6 sexually violent person.

7 (b) (1) The court shall enter an initial commitment order
8 under this Section pursuant to a hearing held as soon as
9 practicable after the judgment is entered that the person who
10 is the subject of a petition under Section 15 is a sexually
11 violent person. If the court lacks sufficient information to
12 make the determination required by paragraph (b) (2) of this
13 Section immediately after trial, it may adjourn the hearing and
14 order the Department to conduct a predisposition investigation
15 or a supplementary mental examination, or both, to assist the
16 court in framing the commitment order. If the Department's
17 examining evaluator previously rendered an opinion that the
18 person who is the subject of a petition under Section 15 does
19 not meet the criteria to be found a sexually violent person,
20 then another evaluator shall conduct the predisposition
21 investigation and/or supplementary mental examination. A
22 supplementary mental examination under this Section shall be
23 conducted in accordance with Section 3-804 of the Mental Health
24 and Developmental Disabilities Code. The State has the right to
25 have the person evaluated by experts chosen by the State.

26 (2) An order for commitment under this Section shall

1 specify either institutional care in a secure facility, as
2 provided under Section 50 of this Act, or conditional release.
3 In determining whether commitment shall be for institutional
4 care in a secure facility or for conditional release, the court
5 shall consider the nature and circumstances of the behavior
6 that was the basis of the allegation in the petition under
7 paragraph (b) (1) of Section 15, the person's mental history and
8 present mental condition, and what arrangements are available
9 to ensure that the person has access to and will participate in
10 necessary treatment. All treatment, whether in institutional
11 care, in a secure facility, or while on conditional release,
12 shall be conducted in conformance with the standards developed
13 under the Sex Offender Management Board Act and conducted by a
14 treatment provider licensed under the Sex Offender Evaluation
15 and Treatment Provider Act. The Department shall arrange for
16 control, care and treatment of the person in the least
17 restrictive manner consistent with the requirements of the
18 person and in accordance with the court's commitment order.

19 (3) If the court finds that the person is appropriate for
20 conditional release, the court shall notify the Department. The
21 Department shall prepare a plan that identifies the treatment
22 and services, if any, that the person will receive in the
23 community. The plan shall address the person's need, if any,
24 for supervision, counseling, medication, community support
25 services, residential services, vocational services, and
26 alcohol or other drug abuse treatment. The Department may

1 contract with a county health department, with another public
2 agency or with a private agency to provide the treatment and
3 services identified in the plan. The plan shall specify who
4 will be responsible for providing the treatment and services
5 identified in the plan. The plan shall be presented to the
6 court for its approval within 60 days after the court finding
7 that the person is appropriate for conditional release, unless
8 the Department and the person to be released request additional
9 time to develop the plan. The conditional release program
10 operated under this Section is not subject to the provisions of
11 the Mental Health and Developmental Disabilities
12 Confidentiality Act.

13 (4) An order for conditional release places the person in
14 the custody and control of the Department. A person on
15 conditional release is subject to the conditions set by the
16 court and to the rules of the Department. Before a person is
17 placed on conditional release by the court under this Section,
18 the court shall so notify the municipal police department and
19 county sheriff for the municipality and county in which the
20 person will be residing. The notification requirement under
21 this Section does not apply if a municipal police department or
22 county sheriff submits to the court a written statement waiving
23 the right to be notified. Notwithstanding any other provision
24 in the Act, the person being supervised on conditional release
25 shall not reside at the same street address as another sex
26 offender being supervised on conditional release under this

1 Act, mandatory supervised release, parole, aftercare release,
2 probation, or any other manner of supervision. If the
3 Department alleges that a released person has violated any
4 condition or rule, or that the safety of others requires that
5 conditional release be revoked, he or she may be taken into
6 custody under the rules of the Department.

7 At any time during which the person is on conditional
8 release, if the Department determines that the person has
9 violated any condition or rule, or that the safety of others
10 requires that conditional release be revoked, the Department
11 may request the Attorney General or State's Attorney to request
12 the court to issue an emergency ex parte order directing any
13 law enforcement officer to take the person into custody and
14 transport the person to the county jail. The Department may
15 request, or the Attorney General or State's Attorney may
16 request independently of the Department, that a petition to
17 revoke conditional release be filed. When a petition is filed,
18 the court may order the Department to issue a notice to the
19 person to be present at the Department or other agency
20 designated by the court, order a summons to the person to be
21 present, or order a body attachment for all law enforcement
22 officers to take the person into custody and transport him or
23 her to the county jail, hospital, or treatment facility. The
24 Department shall submit a statement showing probable cause of
25 the detention and a petition to revoke the order for
26 conditional release to the committing court within 48 hours

1 after the detention. The court shall hear the petition within
2 30 days, unless the hearing or time deadline is waived by the
3 detained person. Pending the revocation hearing, the
4 Department may detain the person in a jail, in a hospital or
5 treatment facility. The State has the burden of proving by
6 clear and convincing evidence that any rule or condition of
7 release has been violated, or that the safety of others
8 requires that the conditional release be revoked. If the court
9 determines after hearing that any rule or condition of release
10 has been violated, or that the safety of others requires that
11 conditional release be revoked, it may revoke the order for
12 conditional release and order that the released person be
13 placed in an appropriate institution until the person is
14 discharged from the commitment under Section 65 of this Act or
15 until again placed on conditional release under Section 60 of
16 this Act.

17 (5) An order for conditional release places the person in
18 the custody, care, and control of the Department. The court
19 shall order the person be subject to the following rules of
20 conditional release, in addition to any other conditions
21 ordered, and the person shall be given a certificate setting
22 forth the conditions of conditional release. These conditions
23 shall be that the person:

24 (A) not violate any criminal statute of any
25 jurisdiction;

26 (B) report to or appear in person before such person or

1 agency as directed by the court and the Department;

2 (C) refrain from possession of a firearm or other
3 dangerous weapon;

4 (D) not leave the State without the consent of the
5 court or, in circumstances in which the reason for the
6 absence is of such an emergency nature, that prior consent
7 by the court is not possible without the prior notification
8 and approval of the Department;

9 (E) at the direction of the Department, notify third
10 parties of the risks that may be occasioned by his or her
11 criminal record or sexual offending history or
12 characteristics, and permit the supervising officer or
13 agent to make the notification requirement;

14 (F) attend and fully participate in assessment,
15 treatment, and behavior monitoring including, but not
16 limited to, medical, psychological or psychiatric
17 treatment specific to sexual offending, drug addiction, or
18 alcoholism, to the extent appropriate to the person based
19 upon the recommendation and findings made in the Department
20 evaluation or based upon any subsequent recommendations by
21 the Department;

22 (G) waive confidentiality allowing the court and
23 Department access to assessment or treatment results or
24 both;

25 (H) work regularly at a Department approved occupation
26 or pursue a course of study or vocational training and

1 notify the Department within 72 hours of any change in
2 employment, study, or training;

3 (I) not be employed or participate in any volunteer
4 activity that involves contact with children, except under
5 circumstances approved in advance and in writing by the
6 Department officer;

7 (J) submit to the search of his or her person,
8 residence, vehicle, or any personal or real property under
9 his or her control at any time by the Department;

10 (K) financially support his or her dependents and
11 provide the Department access to any requested financial
12 information;

13 (L) serve a term of home confinement, the conditions of
14 which shall be that the person:

15 (i) remain within the interior premises of the
16 place designated for his or her confinement during the
17 hours designated by the Department;

18 (ii) admit any person or agent designated by the
19 Department into the offender's place of confinement at
20 any time for purposes of verifying the person's
21 compliance with the condition of his or her
22 confinement;

23 (iii) if deemed necessary by the Department, be
24 placed on an electronic monitoring device;

25 (M) comply with the terms and conditions of an order of
26 protection issued by the court pursuant to the Illinois

1 Domestic Violence Act of 1986. A copy of the order of
2 protection shall be transmitted to the Department by the
3 clerk of the court;

4 (N) refrain from entering into a designated geographic
5 area except upon terms the Department finds appropriate.
6 The terms may include consideration of the purpose of the
7 entry, the time of day, others accompanying the person, and
8 advance approval by the Department;

9 (O) refrain from having any contact, including written
10 or oral communications, directly or indirectly, with
11 certain specified persons including, but not limited to,
12 the victim or the victim's family, and report any
13 incidental contact with the victim or the victim's family
14 to the Department within 72 hours; refrain from entering
15 onto the premises of, traveling past, or loitering near the
16 victim's residence, place of employment, or other places
17 frequented by the victim;

18 (P) refrain from having any contact, including written
19 or oral communications, directly or indirectly, with
20 particular types of persons, including but not limited to
21 members of street gangs, drug users, drug dealers, or
22 prostitutes;

23 (Q) refrain from all contact, direct or indirect,
24 personally, by telephone, letter, or through another
25 person, with minor children without prior identification
26 and approval of the Department;

1 (R) refrain from having in his or her body the presence
2 of alcohol or any illicit drug prohibited by the Cannabis
3 Control Act, the Illinois Controlled Substances Act, or the
4 Methamphetamine Control and Community Protection Act,
5 unless prescribed by a physician, and submit samples of his
6 or her breath, saliva, blood, or urine for tests to
7 determine the presence of alcohol or any illicit drug;

8 (S) not establish a dating, intimate, or sexual
9 relationship with a person without prior written
10 notification to the Department;

11 (T) neither possess or have under his or her control
12 any material that is pornographic, sexually oriented, or
13 sexually stimulating, or that depicts or alludes to sexual
14 activity or depicts minors under the age of 18, including
15 but not limited to visual, auditory, telephonic,
16 electronic media, or any matter obtained through access to
17 any computer or material linked to computer access use;

18 (U) not patronize any business providing sexually
19 stimulating or sexually oriented entertainment nor utilize
20 "900" or adult telephone numbers or any other sex-related
21 telephone numbers;

22 (V) not reside near, visit, or be in or about parks,
23 schools, day care centers, swimming pools, beaches,
24 theaters, or any other places where minor children
25 congregate without advance approval of the Department and
26 report any incidental contact with minor children to the

1 Department within 72 hours;

2 (W) not establish any living arrangement or residence
3 without prior approval of the Department;

4 (X) not publish any materials or print any
5 advertisements without providing a copy of the proposed
6 publications to the Department officer and obtaining
7 permission prior to publication;

8 (Y) not leave the county except with prior permission
9 of the Department and provide the Department officer or
10 agent with written travel routes to and from work and any
11 other designated destinations;

12 (Z) not possess or have under his or her control
13 certain specified items of contraband related to the
14 incidence of sexually offending items including video or
15 still camera items or children's toys;

16 (AA) provide a written daily log of activities as
17 directed by the Department;

18 (BB) comply with all other special conditions that the
19 Department may impose that restrict the person from
20 high-risk situations and limit access or potential
21 victims.

22 (6) A person placed on conditional release and who during
23 the term undergoes mandatory drug or alcohol testing or is
24 assigned to be placed on an approved electronic monitoring
25 device may be ordered to pay all costs incidental to the
26 mandatory drug or alcohol testing and all costs incidental to

1 the approved electronic monitoring in accordance with the
2 person's ability to pay those costs. The Department may
3 establish reasonable fees for the cost of maintenance, testing,
4 and incidental expenses related to the mandatory drug or
5 alcohol testing and all costs incidental to approved electronic
6 monitoring.

7 (Source: P.A. 96-1128, eff. 1-1-11; 97-1098, eff. 1-1-14.)

8 Section 100. The Uniform Criminal Extradition Act is
9 amended by changing Section 22 as follows:

10 (725 ILCS 225/22) (from Ch. 60, par. 39)

11 Sec. 22. Fugitives from this state; duty of Governors.

12 Whenever the Governor of this State shall demand a person
13 charged with crime or with escaping from confinement or
14 breaking the terms of his or her bail, probation, aftercare
15 release, or parole in this State, from the Executive Authority
16 of any other state, or from the chief justice or an associate
17 justice of the Supreme Court of the District of Columbia
18 authorized to receive such demand under the laws of the United
19 States, he or she shall issue a warrant under the seal of this
20 State, to some agent, commanding him or her to receive the
21 person so charged if delivered to him or her and convey him or
22 her to the proper officer of the county in this State in which
23 the offense was committed.

24 (Source: Laws 1955, p. 1982.)

1 Section 105. The Unified Code of Corrections is amended by
2 changing Sections 3-1-2, 3-2-2, 3-2.5-20, 3-2.5-65, 3-3-1,
3 3-3-2, 3-3-3, 3-3-4, 3-3-5, 3-3-7, 3-3-8, 3-3-9, 3-3-10, 3-4-3,
4 3-5-1, 3-10-6, 5-1-16, 5-4-3, 5-8A-3, 5-8A-5, and 5-8A-7 and by
5 adding Sections 3-2.5-70, 3-2.5-75, 3-2.5-80, and 5-1-1.1 as
6 follows:

7 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

8 Sec. 3-1-2. Definitions.

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

14 (a-3) "Aftercare release" means the conditional and
15 revocable release of a person committed to the Department of
16 Juvenile Justice under the Juvenile Court Act of 1987, under
17 the supervision of the Department of Juvenile Justice.

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

22 (i) A violation of any of the following Sections of the
23 Criminal Code of 1961 or the Criminal Code of 2012: 10-7
24 (aiding or abetting child abduction under Section

1 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
2 solicitation of a child), 11-6.5 (indecent solicitation of
3 an adult), 11-14.4 (promoting juvenile prostitution),
4 11-15.1 (soliciting for a juvenile prostitute), 11-17.1
5 (keeping a place of juvenile prostitution), 11-18.1
6 (patronizing a juvenile prostitute), 11-19.1 (juvenile
7 pimping), 11-19.2 (exploitation of a child), 11-20.1
8 (child pornography), 11-20.1B or 11-20.3 (aggravated child
9 pornography), 11-1.40 or 12-14.1 (predatory criminal
10 sexual assault of a child), or 12-33 (ritualized abuse of a
11 child). An attempt to commit any of these offenses.

12 (ii) A violation of any of the following Sections of
13 the Criminal Code of 1961 or the Criminal Code of 2012:
14 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or
15 12-14 (aggravated criminal sexual assault), 11-1.60 or
16 12-16 (aggravated criminal sexual abuse), and subsection
17 (a) of Section 11-1.50 or subsection (a) of Section 12-15
18 (criminal sexual abuse). An attempt to commit any of these
19 offenses.

20 (iii) A violation of any of the following Sections of
21 the Criminal Code of 1961 or the Criminal Code of 2012 when
22 the defendant is not a 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 person committed to the Department of Corrections ~~person~~
16 under the supervision of a parole officer.

17 (l) "Prisoner Review Board" means the Board established in
18 Section 3-3-1(a), independent of the Department, to review
19 rules and regulations with respect to good time credits, to
20 hear charges brought by the Department against certain
21 prisoners alleged to have violated Department rules with
22 respect to good time credits, to set release dates for certain
23 prisoners sentenced under the law in effect prior to the
24 effective date of this Amendatory Act of 1977, to hear and
25 decide the time of aftercare release for persons committed to
26 the Department of Juvenile Justice under the Juvenile Court Act

1 of 1987 to hear requests and make recommendations to the
2 Governor with respect to pardon, reprieve or commutation, to
3 set conditions for parole and mandatory supervised release and
4 determine whether violations of those conditions justify
5 revocation of parole or release, and to assume all other
6 functions previously exercised by the Illinois Parole and
7 Pardon Board.

8 (m) Whenever medical treatment, service, counseling, or
9 care is referred to in this Unified Code of Corrections, such
10 term may be construed by the Department or Court, within its
11 discretion, to include treatment, service or counseling by a
12 Christian Science practitioner or nursing care appropriate
13 therewith whenever request therefor is made by a person subject
14 to the provisions of this Act.

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

18 (o) "Wrongfully imprisoned person" means a person who has
19 been discharged from a prison of this State and has received:

20 (1) a pardon from the Governor stating that such pardon
21 is issued on the ground of innocence of the crime for which
22 he or she was imprisoned; or

23 (2) a certificate of innocence from the Circuit Court
24 as provided in Section 2-702 of the Code of Civil
25 Procedure.

26 (Source: P.A. 96-362, eff. 1-1-10; 96-710, eff. 1-1-10;

1 96-1000, eff. 7-2-10; 96-1550, eff. 7-1-11; 96-1551, eff.
2 7-1-11; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

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

4 Sec. 3-2-2. Powers and Duties of the Department.

5 (1) In addition to the powers, duties and responsibilities
6 which are otherwise provided by law, the Department shall have
7 the following powers:

8 (a) To accept persons committed to it by the courts of
9 this State for care, custody, treatment and
10 rehabilitation, and to accept federal prisoners and aliens
11 over whom the Office of the Federal Detention Trustee is
12 authorized to exercise the federal detention function for
13 limited purposes and periods of time.

14 (b) To develop and maintain reception and evaluation
15 units for purposes of analyzing the custody and
16 rehabilitation needs of persons committed to it and to
17 assign such persons to institutions and programs under its
18 control or transfer them to other appropriate agencies. In
19 consultation with the Department of Alcoholism and
20 Substance Abuse (now the Department of Human Services), the
21 Department of Corrections shall develop a master plan for
22 the screening and evaluation of persons committed to its
23 custody who have alcohol or drug abuse problems, and for
24 making appropriate treatment available to such persons;
25 the Department shall report to the General Assembly on such

1 plan not later than April 1, 1987. The maintenance and
2 implementation of such plan shall be contingent upon the
3 availability of funds.

4 (b-1) To create and implement, on January 1, 2002, a
5 pilot program to establish the effectiveness of
6 pupillometer technology (the measurement of the pupil's
7 reaction to light) as an alternative to a urine test for
8 purposes of screening and evaluating persons committed to
9 its custody who have alcohol or drug problems. The pilot
10 program shall require the pupillometer technology to be
11 used in at least one Department of Corrections facility.
12 The Director may expand the pilot program to include an
13 additional facility or facilities as he or she deems
14 appropriate. A minimum of 4,000 tests shall be included in
15 the pilot program. The Department must report to the
16 General Assembly on the effectiveness of the program by
17 January 1, 2003.

18 (b-5) To develop, in consultation with the Department
19 of State Police, a program for tracking and evaluating each
20 inmate from commitment through release for recording his or
21 her gang affiliations, activities, or ranks.

22 (c) To maintain and administer all State correctional
23 institutions and facilities under its control and to
24 establish new ones as needed. Pursuant to its power to
25 establish new institutions and facilities, the Department
26 may, with the written approval of the Governor, authorize

1 the Department of Central Management Services to enter into
2 an agreement of the type described in subsection (d) of
3 Section 405-300 of the Department of Central Management
4 Services Law (20 ILCS 405/405-300). The Department shall
5 designate those institutions which shall constitute the
6 State Penitentiary System.

7 Pursuant to its power to establish new institutions and
8 facilities, the Department may authorize the Department of
9 Central Management Services to accept bids from counties
10 and municipalities for the construction, remodeling or
11 conversion of a structure to be leased to the Department of
12 Corrections for the purposes of its serving as a
13 correctional institution or facility. Such construction,
14 remodeling or conversion may be financed with revenue bonds
15 issued pursuant to the Industrial Building Revenue Bond Act
16 by the municipality or county. The lease specified in a bid
17 shall be for a term of not less than the time needed to
18 retire any revenue bonds used to finance the project, but
19 not to exceed 40 years. The lease may grant to the State
20 the option to purchase the structure outright.

21 Upon receipt of the bids, the Department may certify
22 one or more of the bids and shall submit any such bids to
23 the General Assembly for approval. Upon approval of a bid
24 by a constitutional majority of both houses of the General
25 Assembly, pursuant to joint resolution, the Department of
26 Central Management Services may enter into an agreement

1 with the county or municipality pursuant to such bid.

2 (c-5) To build and maintain regional juvenile
3 detention centers and to charge a per diem to the counties
4 as established by the Department to defray the costs of
5 housing each minor in a center. In this subsection (c-5),
6 "juvenile detention center" means a facility to house
7 minors during pendency of trial who have been transferred
8 from proceedings under the Juvenile Court Act of 1987 to
9 prosecutions under the criminal laws of this State in
10 accordance with Section 5-805 of the Juvenile Court Act of
11 1987, whether the transfer was by operation of law or
12 permissive under that Section. The Department shall
13 designate the counties to be served by each regional
14 juvenile detention center.

15 (d) To develop and maintain programs of control,
16 rehabilitation and employment of committed persons within
17 its institutions.

18 (d-5) To provide a pre-release job preparation program
19 for inmates at Illinois adult correctional centers.

20 (e) To establish a system of supervision and guidance
21 of committed persons in the community.

22 (f) To establish in cooperation with the Department of
23 Transportation to supply a sufficient number of prisoners
24 for use by the Department of Transportation to clean up the
25 trash and garbage along State, county, township, or
26 municipal highways as designated by the Department of

1 Transportation. The Department of Corrections, at the
2 request of the Department of Transportation, shall furnish
3 such prisoners at least annually for a period to be agreed
4 upon between the Director of Corrections and the Director
5 of Transportation. The prisoners used on this program shall
6 be selected by the Director of Corrections on whatever
7 basis he deems proper in consideration of their term,
8 behavior and earned eligibility to participate in such
9 program - where they will be outside of the prison facility
10 but still in the custody of the Department of Corrections.
11 Prisoners convicted of first degree murder, or a Class X
12 felony, or armed violence, or aggravated kidnapping, or
13 criminal sexual assault, aggravated criminal sexual abuse
14 or a subsequent conviction for criminal sexual abuse, or
15 forcible detention, or arson, or a prisoner adjudged a
16 Habitual Criminal shall not be eligible for selection to
17 participate in such program. The prisoners shall remain as
18 prisoners in the custody of the Department of Corrections
19 and such Department shall furnish whatever security is
20 necessary. The Department of Transportation shall furnish
21 trucks and equipment for the highway cleanup program and
22 personnel to supervise and direct the program. Neither the
23 Department of Corrections nor the Department of
24 Transportation shall replace any regular employee with a
25 prisoner.

26 (g) To maintain records of persons committed to it and

1 to establish programs of research, statistics and
2 planning.

3 (h) To investigate the grievances of any person
4 committed to the Department, to inquire into any alleged
5 misconduct by employees or committed persons, and to
6 investigate the assets of committed persons to implement
7 Section 3-7-6 of this Code; and for these purposes it may
8 issue subpoenas and compel the attendance of witnesses and
9 the production of writings and papers, and may examine
10 under oath any witnesses who may appear before it; to also
11 investigate alleged violations of a parolee's or
12 releasee's conditions of parole or release; and for this
13 purpose it may issue subpoenas and compel the attendance of
14 witnesses and the production of documents only if there is
15 reason to believe that such procedures would provide
16 evidence that such violations have occurred.

17 If any person fails to obey a subpoena issued under
18 this subsection, the Director may apply to any circuit
19 court to secure compliance with the subpoena. The failure
20 to comply with the order of the court issued in response
21 thereto shall be punishable as contempt of court.

22 (i) To appoint and remove the chief administrative
23 officers, and administer programs of training and
24 development of personnel of the Department. Personnel
25 assigned by the Department to be responsible for the
26 custody and control of committed persons or to investigate

1 the alleged misconduct of committed persons or employees or
2 alleged violations of a parolee's or releasee's conditions
3 of parole shall be conservators of the peace for those
4 purposes, and shall have the full power of peace officers
5 outside of the facilities of the Department in the
6 protection, arrest, retaking and reconfining of committed
7 persons or where the exercise of such power is necessary to
8 the investigation of such misconduct or violations. This
9 subsection shall not apply to persons committed to the
10 Department of Juvenile Justice under the Juvenile Court Act
11 of 1987 on aftercare release.

12 (j) To cooperate with other departments and agencies
13 and with local communities for the development of standards
14 and programs for better correctional services in this
15 State.

16 (k) To administer all moneys and properties of the
17 Department.

18 (l) To report annually to the Governor on the committed
19 persons, institutions and programs of the Department.

20 (l-5) (Blank).

21 (m) To make all rules and regulations and exercise all
22 powers and duties vested by law in the Department.

23 (n) To establish rules and regulations for
24 administering a system of sentence credits, established in
25 accordance with Section 3-6-3, subject to review by the
26 Prisoner Review Board.

1 (o) To administer the distribution of funds from the
2 State Treasury to reimburse counties where State penal
3 institutions are located for the payment of assistant
4 state's attorneys' salaries under Section 4-2001 of the
5 Counties Code.

6 (p) To exchange information with the Department of
7 Human Services and the Department of Healthcare and Family
8 Services for the purpose of verifying living arrangements
9 and for other purposes directly connected with the
10 administration of this Code and the Illinois Public Aid
11 Code.

12 (q) To establish a diversion program.

13 The program shall provide a structured environment for
14 selected technical parole or mandatory supervised release
15 violators and committed persons who have violated the rules
16 governing their conduct while in work release. This program
17 shall not apply to those persons who have committed a new
18 offense while serving on parole or mandatory supervised
19 release or while committed to work release.

20 Elements of the program shall include, but shall not be
21 limited to, the following:

22 (1) The staff of a diversion facility shall provide
23 supervision in accordance with required objectives set
24 by the facility.

25 (2) Participants shall be required to maintain
26 employment.

1 (3) Each participant shall pay for room and board
2 at the facility on a sliding-scale basis according to
3 the participant's income.

4 (4) Each participant shall:

5 (A) provide restitution to victims in
6 accordance with any court order;

7 (B) provide financial support to his
8 dependents; and

9 (C) make appropriate payments toward any other
10 court-ordered obligations.

11 (5) Each participant shall complete community
12 service in addition to employment.

13 (6) Participants shall take part in such
14 counseling, educational and other programs as the
15 Department may deem appropriate.

16 (7) Participants shall submit to drug and alcohol
17 screening.

18 (8) The Department shall promulgate rules
19 governing the administration of the program.

20 (r) To enter into intergovernmental cooperation
21 agreements under which persons in the custody of the
22 Department may participate in a county impact
23 incarceration program established under Section 3-6038 or
24 3-15003.5 of the Counties Code.

25 (r-5) (Blank).

26 (r-10) To systematically and routinely identify with

1 respect to each streetgang active within the correctional
2 system: (1) each active gang; (2) every existing inter-gang
3 affiliation or alliance; and (3) the current leaders in
4 each gang. The Department shall promptly segregate leaders
5 from inmates who belong to their gangs and allied gangs.
6 "Segregate" means no physical contact and, to the extent
7 possible under the conditions and space available at the
8 correctional facility, prohibition of visual and sound
9 communication. For the purposes of this paragraph (r-10),
10 "leaders" means persons who:

11 (i) are members of a criminal streetgang;

12 (ii) with respect to other individuals within the
13 streetgang, occupy a position of organizer,
14 supervisor, or other position of management or
15 leadership; and

16 (iii) are actively and personally engaged in
17 directing, ordering, authorizing, or requesting
18 commission of criminal acts by others, which are
19 punishable as a felony, in furtherance of streetgang
20 related activity both within and outside of the
21 Department of Corrections.

22 "Streetgang", "gang", and "streetgang related" have the
23 meanings ascribed to them in Section 10 of the Illinois
24 Streetgang Terrorism Omnibus Prevention Act.

25 (s) To operate a super-maximum security institution,
26 in order to manage and supervise inmates who are disruptive

1 or dangerous and provide for the safety and security of the
2 staff and the other inmates.

3 (t) To monitor any unprivileged conversation or any
4 unprivileged communication, whether in person or by mail,
5 telephone, or other means, between an inmate who, before
6 commitment to the Department, was a member of an organized
7 gang and any other person without the need to show cause or
8 satisfy any other requirement of law before beginning the
9 monitoring, except as constitutionally required. The
10 monitoring may be by video, voice, or other method of
11 recording or by any other means. As used in this
12 subdivision (1)(t), "organized gang" has the meaning
13 ascribed to it in Section 10 of the Illinois Streetgang
14 Terrorism Omnibus Prevention Act.

15 As used in this subdivision (1)(t), "unprivileged
16 conversation" or "unprivileged communication" means a
17 conversation or communication that is not protected by any
18 privilege recognized by law or by decision, rule, or order
19 of the Illinois Supreme Court.

20 (u) To establish a Women's and Children's Pre-release
21 Community Supervision Program for the purpose of providing
22 housing and services to eligible female inmates, as
23 determined by the Department, and their newborn and young
24 children.

25 (u-5) To issue an order, whenever a person committed to
26 the Department absconds or absents himself or herself,

1 without authority to do so, from any facility or program to
2 which he or she is assigned. The order shall be certified
3 by the Director, the Supervisor of the Apprehension Unit,
4 or any person duly designated by the Director, with the
5 seal of the Department affixed. The order shall be directed
6 to all sheriffs, coroners, and police officers, or to any
7 particular person named in the order. Any order issued
8 pursuant to this subdivision (1) (u-5) shall be sufficient
9 warrant for the officer or person named in the order to
10 arrest and deliver the committed person to the proper
11 correctional officials and shall be executed the same as
12 criminal process.

13 (v) To do all other acts necessary to carry out the
14 provisions of this Chapter.

15 (2) The Department of Corrections shall by January 1, 1998,
16 consider building and operating a correctional facility within
17 100 miles of a county of over 2,000,000 inhabitants, especially
18 a facility designed to house juvenile participants in the
19 impact incarceration program.

20 (3) When the Department lets bids for contracts for medical
21 services to be provided to persons committed to Department
22 facilities by a health maintenance organization, medical
23 service corporation, or other health care provider, the bid may
24 only be let to a health care provider that has obtained an
25 irrevocable letter of credit or performance bond issued by a
26 company whose bonds have an investment grade or higher rating

1 by a bond rating organization.

2 (4) When the Department lets bids for contracts for food or
3 commissary services to be provided to Department facilities,
4 the bid may only be let to a food or commissary services
5 provider that has obtained an irrevocable letter of credit or
6 performance bond issued by a company whose bonds have an
7 investment grade or higher rating by a bond rating
8 organization.

9 (Source: P.A. 96-1265, eff. 7-26-10; 97-697, eff. 6-22-12;
10 97-800, eff. 7-13-12; 97-802, eff. 7-13-12; revised 7-23-12.)

11 (730 ILCS 5/3-2.5-20)

12 Sec. 3-2.5-20. General powers and duties.

13 (a) In addition to the powers, duties, and responsibilities
14 which are otherwise provided by law or transferred to the
15 Department as a result of this Article, the Department, as
16 determined by the Director, shall have, but are not limited to,
17 the following rights, powers, functions and duties:

18 (1) To accept juveniles committed to it by the courts
19 of this State for care, custody, treatment, and
20 rehabilitation.

21 (2) To maintain and administer all State juvenile
22 correctional institutions previously under the control of
23 the Juvenile and Women's & Children Divisions of the
24 Department of Corrections, and to establish and maintain
25 institutions as needed to meet the needs of the youth

1 committed to its care.

2 (3) To identify the need for and recommend the funding
3 and implementation of an appropriate mix of programs and
4 services within the juvenile justice continuum, including
5 but not limited to prevention, nonresidential and
6 residential commitment programs, day treatment, and
7 conditional release programs and services, with the
8 support of educational, vocational, alcohol, drug abuse,
9 and mental health services where appropriate.

10 (3.5) To assist youth committed to the Department of
11 Juvenile Justice under the Juvenile Court Act of 1987 with
12 successful reintegration into society, the Department
13 shall retain custody and control of all adjudicated
14 delinquent juveniles released under Section 3-3-10 of this
15 Code, shall provide a continuum of post-release treatment
16 and services to those youth, and shall supervise those
17 youth during their release period in accordance with the
18 conditions set by the Prisoner Review Board.

19 (4) To establish and provide transitional and
20 post-release treatment programs for juveniles committed to
21 the Department. Services shall include but are not limited
22 to:

23 (i) family and individual counseling and treatment
24 placement;

25 (ii) referral services to any other State or local
26 agencies;

- 1 (iii) mental health services;
2 (iv) educational services;
3 (v) family counseling services; and
4 (vi) substance abuse services.

5 (5) To access vital records of juveniles for the
6 purposes of providing necessary documentation for
7 transitional services such as obtaining identification,
8 educational enrollment, employment, and housing.

9 (6) To develop staffing and workload standards and
10 coordinate staff development and training appropriate for
11 juvenile populations.

12 (7) To develop, with the approval of the Office of the
13 Governor and the Governor's Office of Management and
14 Budget, annual budget requests.

15 (8) To administer the Interstate Compact for
16 Juveniles, with respect to all juveniles under its
17 jurisdiction, and to cooperate with the Department of Human
18 Services with regard to all non-offender juveniles subject
19 to the Interstate Compact for Juveniles.

20 (b) The Department may employ personnel in accordance with
21 the Personnel Code and Section 3-2.5-15 of this Code, provide
22 facilities, contract for goods and services, and adopt rules as
23 necessary to carry out its functions and purposes, all in
24 accordance with applicable State and federal law.

25 (Source: P.A. 94-696, eff. 6-1-06; 95-937, eff. 8-26-08.)

1 (730 ILCS 5/3-2.5-65)

2 Sec. 3-2.5-65. Juvenile Advisory Board.

3 (a) There is created a Juvenile Advisory Board composed of
4 11 persons, appointed by the Governor to advise the Director on
5 matters pertaining to juvenile offenders. The members of the
6 Board shall be qualified for their positions by demonstrated
7 interest in and knowledge of juvenile correctional work
8 consistent with the definition of purpose and mission of the
9 Department in Section 3-2.5-5 and shall not be officials of the
10 State in any other capacity. The members under this amendatory
11 Act of the 94th General Assembly shall be appointed as soon as
12 possible after the effective date of this amendatory Act of the
13 94th General Assembly and be appointed to staggered terms 3
14 each expiring in 2007, 2008, and 2009 and 2 of the members'
15 terms expiring in 2010. Thereafter all members will serve for a
16 term of 6 years, except that members shall continue to serve
17 until their replacements are appointed. Any vacancy occurring
18 shall be filled in the same manner for the remainder of the
19 term. The Director of Juvenile Justice shall be an ex officio
20 member of the Board. The Board shall elect a chair from among
21 its appointed members. The Director shall serve as secretary of
22 the Board. Members of the Board shall serve without
23 compensation but shall be reimbursed for expenses necessarily
24 incurred in the performance of their duties. The Board shall
25 meet quarterly and at other times at the call of the chair.

26 (b) The Board shall:

1 (1) Advise the Director concerning policy matters and
2 programs of the Department with regard to the custody,
3 care, study, discipline, training, and treatment of
4 juveniles in the State juvenile correctional institutions
5 and for the care and supervision of juveniles on aftercare
6 release ~~released on parole~~.

7 (2) Establish, with the Director and in conjunction
8 with the Office of the Governor, outcome measures for the
9 Department in order to ascertain that it is successfully
10 fulfilling the mission mandated in Section 3-2.5-5 of this
11 Code. The annual results of the Department's work as
12 defined by those measures shall be approved by the Board
13 and shall be included in an annual report transmitted to
14 the Governor and General Assembly jointly by the Director
15 and the Board.

16 (Source: P.A. 94-696, eff. 6-1-06.)

17 (730 ILCS 5/3-2.5-70 new)

18 Sec. 3-2.5-70. Aftercare.

19 (a) The Department shall implement an aftercare program
20 that includes, at a minimum, the following program elements:

21 (1) A process of case management plan for timely and
22 successful reentry into the community beginning upon
23 commitment.

24 (2) A process for reviewing committed youth for
25 recommendation for aftercare release.

1 (3) An aftercare release program that includes
2 supervision in accordance with the conditions set by the
3 Prisoner Review Board and referral to and facilitation of
4 community-based services as indicated including education,
5 social and mental health services, substance abuse
6 treatment, employment and vocational training, individual
7 and family counseling, financial counseling, and other
8 services as appropriate; and assistance in locating
9 appropriate residential placement and obtaining suitable
10 employment. The Department may purchase necessary services
11 for a releasee if they are otherwise unavailable and the
12 releasee is unable to pay for the services. It may assess
13 all or part of the costs of these services to a releasee in
14 accordance with his or her ability to pay for the services.

15 (4) Procedures for sanctions for violations of
16 conditions of aftercare release that ensure that juvenile
17 offenders face uniform and consistent consequences that
18 hold them accountable taking into account aggravating and
19 mitigating factors and prioritizing public safety.

20 (5) A process for reviewing youth on aftercare release
21 for discharge.

22 (b) The Department of Juvenile Justice shall have the
23 following rights, powers, functions, and duties:

24 (1) To investigate alleged violations of an aftercare
25 releasee's conditions of release; and for this purpose it
26 may issue subpoenas and compel the attendance of witnesses

1 and the production of documents only if there is reason to
2 believe that the procedures would provide evidence that the
3 violations have occurred. If any person fails to obey a
4 subpoena issued under this subsection, the Director may
5 apply to any circuit court to secure compliance with the
6 subpoena. The failure to comply with the order of the court
7 issued in response thereto shall be punishable as contempt
8 of court.

9 (2) To issue a violation warrant for the apprehension
10 of an aftercare releasee for violations of the conditions
11 of aftercare release. Aftercare Specialists and
12 Supervisors have the full power of peace officers in the
13 retaking of any youth alleged to have violated the
14 conditions of aftercare release.

15 (c) The Department of Juvenile Justice shall designate
16 Aftercare Specialists qualified in juvenile matters to perform
17 case management and post-release programming functions under
18 this Section.

19 (730 ILCS 5/3-2.5-75 new)

20 Sec. 3-2.5-75. Release from Department of Juvenile
21 Justice.

22 (a) Upon release of a youth on aftercare, the Department
23 shall return all property held for the youth, provide the youth
24 with suitable clothing, and procure necessary transportation
25 for the youth to his or her designated place of residence and

1 employment. It may provide the youth with a grant of money for
2 travel and expenses which may be paid in installments. The
3 amount of the money grant shall be determined by the
4 Department.

5 (b) Before a wrongfully imprisoned person, as defined in
6 Section 3-1-2 of this Code, is discharged from the Department,
7 the Department shall provide him or her with any documents
8 necessary after discharge, including an identification card
9 under subsection (e) of this Section.

10 (c) The Department of Juvenile Justice may establish and
11 maintain, in any institution it administers, revolving funds to
12 be known as "Travel and Allowances Revolving Funds". These
13 revolving funds shall be used for advancing travel and expense
14 allowances to committed, released, and discharged youth. The
15 moneys paid into these revolving funds shall be from
16 appropriations to the Department for committed, released, and
17 discharged prisoners.

18 (d) Upon the release of a youth on aftercare, the
19 Department shall provide that youth with information
20 concerning programs and services of the Illinois Department of
21 Public Health to ascertain whether that youth has been exposed
22 to the human immunodeficiency virus (HIV) or any identified
23 causative agent of Acquired Immunodeficiency Syndrome (AIDS).

24 (e) Upon the release of a youth on aftercare or who has
25 been wrongfully imprisoned, the Department shall provide the
26 youth with an identification card identifying the youth as

1 being on aftercare or wrongfully imprisoned, as the case may
2 be. The Department, in consultation with the Office of the
3 Secretary of State, shall prescribe the form of the
4 identification card, which may be similar to the form of the
5 standard Illinois Identification Card. The Department shall
6 inform the youth that he or she may present the identification
7 card to the Office of the Secretary of State upon application
8 for a standard Illinois Identification Card in accordance with
9 the Illinois Identification Card Act. The Department shall
10 require the youth to pay a \$1 fee for the identification card.
11 The Department shall adopt rules governing the issuance of
12 identification cards to youth being released on aftercare or
13 pardon.

14 (730 ILCS 5/3-2.5-80 new)

15 Sec. 3-2.5-80. Supervision on Aftercare Release.

16 (a) The Department shall retain custody of all youth placed
17 on aftercare release or released under Section 3-3-10 of this
18 Code. The Department shall supervise those youth during their
19 aftercare release period in accordance with the conditions set
20 by the Prisoner Review Board.

21 (b) A copy of youth's conditions of aftercare release shall
22 be signed by the youth and given to the youth and to his or her
23 Aftercare Specialist who shall report on the youth's progress
24 under the rules of the Prisoner Review Board. Aftercare
25 Specialists and Supervisors shall have the full power of peace

1 officers in the retaking of any releasees who has allegedly
2 violated his or her aftercare release conditions. The Aftercare
3 Specialist may request the Department of Juvenile Justice to
4 issue a warrant for the arrest of any releasee who has
5 allegedly violated his or her aftercare release conditions.

6 (c) The Aftercare Supervisor shall request the Department
7 of Juvenile Justice to issue an aftercare release violation
8 warrant, and the Department of Juvenile Justice shall issue an
9 aftercare release violation warrant, under the following
10 circumstances:

11 (1) if the releasee commits an act that constitutes a
12 felony using a firearm or knife;

13 (2) if applicable, the releasee fails to comply with
14 the requirements of the Sex Offender Registration Act;

15 (3) if the releasee is charged with:

16 (A) a felony offense of domestic battery under
17 Section 12-3.2 of the Criminal Code of 2012;

18 (B) aggravated domestic battery under Section
19 12-3.3 of the Criminal Code of 2012;

20 (C) stalking under Section 12-7.3 of the Criminal
21 Code of 2012;

22 (D) aggravated stalking under Section 12-7.4 of
23 the Criminal Code of 2012;

24 (E) violation of an order of protection under
25 Section 12-3.4 of the Criminal Code of 2012; or

26 (F) any offense that would require registration as

1 a sex offender under the Sex Offender Registration Act;

2 or

3 (4) if the releasee is on aftercare release for a
4 murder, a Class X felony or a Class 1 felony violation of
5 the Criminal Code of 2012, or any felony that requires
6 registration as a sex offender under the Sex Offender
7 Registration Act and commits an act that constitutes first
8 degree murder, a Class X felony, a Class 1 felony, a Class
9 2 felony, or a Class 3 felony.

10 Personnel designated by the Department of Juvenile
11 Justice or another peace officer may detain an alleged
12 aftercare release violator until a warrant for his or her
13 return to the Department of Juvenile Justice can be issued.
14 The releasee may be delivered to any secure place until he
15 or she can be transported to the Department of Juvenile
16 Justice. The Aftercare Specialist or the Department of
17 Juvenile Justice shall file a violation report with notice
18 of charges with the Prisoner Review Board.

19 (d) The Aftercare Specialist shall regularly advise and
20 consult with the releasee and assist the youth in adjusting to
21 community life in accord with this Section.

22 (e) If the aftercare releasee has been convicted of a sex
23 offense as defined in the Sex Offender Management Board Act,
24 the Aftercare Specialist shall periodically, but not less than
25 once a month, verify that the releasee is in compliance with
26 paragraph (7.6) of subsection (a) of Section 3-3-7.

1 (f) The Aftercare Specialist shall keep those records as
2 the Prisoner Review Board or Department may require. All
3 records shall be entered in the master file of the youth.

4 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

5 Sec. 3-3-1. Establishment and Appointment of Prisoner
6 Review Board.

7 (a) There shall be a Prisoner Review Board independent of
8 the Department of Corrections which shall be:

9 (1) the paroling authority for persons sentenced under
10 the law in effect prior to the effective date of this
11 amendatory Act of 1977;

12 (1.5) the authority for hearing and deciding the time
13 of aftercare release for persons adjudicated delinquent
14 under the Juvenile Court Act of 1987;

15 (2) the board of review for cases involving the
16 revocation of sentence credits or a suspension or reduction
17 in the rate of accumulating the credit;

18 (3) the board of review and recommendation for the
19 exercise of executive clemency by the Governor;

20 (4) the authority for establishing release dates for
21 certain prisoners sentenced under the law in existence
22 prior to the effective date of this amendatory Act of 1977,
23 in accordance with Section 3-3-2.1 of this Code;

24 (5) the authority for setting conditions for parole,
25 mandatory supervised release under Section 5-8-1(a) of

1 this Code, and aftercare release, and determining whether a
2 violation of those conditions warrant revocation of
3 parole, aftercare release, or mandatory supervised release
4 or the imposition of other sanctions.

5 (b) The Board shall consist of 15 persons appointed by the
6 Governor by and with the advice and consent of the Senate. One
7 member of the Board shall be designated by the Governor to be
8 Chairman and shall serve as Chairman at the pleasure of the
9 Governor. The members of the Board shall have had at least 5
10 years of actual experience in the fields of penology,
11 corrections work, law enforcement, sociology, law, education,
12 social work, medicine, psychology, other behavioral sciences,
13 or a combination thereof. At least 6 members so appointed must
14 have had at least 3 years experience in the field of juvenile
15 matters. No more than 8 Board members may be members of the
16 same political party.

17 Each member of the Board shall serve on a full-time basis
18 and shall not hold any other salaried public office, whether
19 elective or appointive, nor any other office or position of
20 profit, nor engage in any other business, employment, or
21 vocation. The Chairman of the Board shall receive \$35,000 a
22 year, or an amount set by the Compensation Review Board,
23 whichever is greater, and each other member \$30,000, or an
24 amount set by the Compensation Review Board, whichever is
25 greater.

26 (c) Notwithstanding any other provision of this Section,

1 the term of each member of the Board who was appointed by the
2 Governor and is in office on June 30, 2003 shall terminate at
3 the close of business on that date or when all of the successor
4 members to be appointed pursuant to this amendatory Act of the
5 93rd General Assembly have been appointed by the Governor,
6 whichever occurs later. As soon as possible, the Governor shall
7 appoint persons to fill the vacancies created by this
8 amendatory Act.

9 Of the initial members appointed under this amendatory Act
10 of the 93rd General Assembly, the Governor shall appoint 5
11 members whose terms shall expire on the third Monday in January
12 2005, 5 members whose terms shall expire on the third Monday in
13 January 2007, and 5 members whose terms shall expire on the
14 third Monday in January 2009. Their respective successors shall
15 be appointed for terms of 6 years from the third Monday in
16 January of the year of appointment. Each member shall serve
17 until his or her successor is appointed and qualified.

18 Any member may be removed by the Governor for incompetence,
19 neglect of duty, malfeasance or inability to serve.

20 (d) The Chairman of the Board shall be its chief executive
21 and administrative officer. The Board may have an Executive
22 Director; if so, the Executive Director shall be appointed by
23 the Governor with the advice and consent of the Senate. The
24 salary and duties of the Executive Director shall be fixed by
25 the Board.

26 (Source: P.A. 97-697, eff. 6-22-12.)

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

2 Sec. 3-3-2. Powers and Duties.

3 (a) The Parole and Pardon Board is abolished and the term
4 "Parole and Pardon Board" as used in any law of Illinois, shall
5 read "Prisoner Review Board." After the effective date of this
6 amendatory Act of 1977, the Prisoner Review Board shall provide
7 by rule for the orderly transition of all files, records, and
8 documents of the Parole and Pardon Board and for such other
9 steps as may be necessary to effect an orderly transition and
10 shall:

11 (1) hear by at least one member and through a panel of
12 at least 3 members decide, cases of prisoners who were
13 sentenced under the law in effect prior to the effective
14 date of this amendatory Act of 1977, and who are eligible
15 for parole;

16 (2) hear by at least one member and through a panel of
17 at least 3 members decide, the conditions of parole and the
18 time of discharge from parole, impose sanctions for
19 violations of parole, and revoke parole for those sentenced
20 under the law in effect prior to this amendatory Act of
21 1977; provided that the decision to parole and the
22 conditions of parole for all prisoners who were sentenced
23 for first degree murder or who received a minimum sentence
24 of 20 years or more under the law in effect prior to
25 February 1, 1978 shall be determined by a majority vote of

1 the Prisoner Review Board. One representative supporting
2 parole and one representative opposing parole will be
3 allowed to speak. Their comments shall be limited to making
4 corrections and filling in omissions to the Board's
5 presentation and discussion;

6 (3) hear by at least one member and through a panel of
7 at least 3 members decide, the conditions of mandatory
8 supervised release and the time of discharge from mandatory
9 supervised release, impose sanctions for violations of
10 mandatory supervised release, and revoke mandatory
11 supervised release for those sentenced under the law in
12 effect after the effective date of this amendatory Act of
13 1977;

14 (3.5) hear by at least one member and through a panel
15 of at least 3 members decide, the conditions of mandatory
16 supervised release and the time of discharge from mandatory
17 supervised release, to impose sanctions for violations of
18 mandatory supervised release and revoke mandatory
19 supervised release for those serving extended supervised
20 release terms pursuant to paragraph (4) of subsection (d)
21 of Section 5-8-1;

22 (3.6) hear by at least one member and through a panel
23 of at least 3 members decide, the time of aftercare
24 release, the conditions of aftercare release and the time
25 of discharge from aftercare release, impose sanctions for
26 violations of aftercare release, and revoke aftercare

1 release for those adjudicated delinquent under the
2 Juvenile Court Act of 1987;

3 (4) hear by at least one member and through a panel of
4 at least 3 members, decide cases brought by the Department
5 of Corrections against a prisoner in the custody of the
6 Department for alleged violation of Department rules with
7 respect to sentence credits under Section 3-6-3 of this
8 Code in which the Department seeks to revoke sentence
9 credits, if the amount of time at issue exceeds 30 days or
10 when, during any 12 month period, the cumulative amount of
11 credit revoked exceeds 30 days except where the infraction
12 is committed or discovered within 60 days of scheduled
13 release. In such cases, the Department of Corrections may
14 revoke up to 30 days of sentence credit. The Board may
15 subsequently approve the revocation of additional sentence
16 credit, if the Department seeks to revoke sentence credit
17 in excess of thirty days. However, the Board shall not be
18 empowered to review the Department's decision with respect
19 to the loss of 30 days of sentence credit for any prisoner
20 or to increase any penalty beyond the length requested by
21 the Department;

22 (5) hear by at least one member and through a panel of
23 at least 3 members decide, the release dates for certain
24 prisoners sentenced under the law in existence prior to the
25 effective date of this amendatory Act of 1977, in
26 accordance with Section 3-3-2.1 of this Code;

1 (6) hear by at least one member and through a panel of
2 at least 3 members decide, all requests for pardon,
3 reprieve or commutation, and make confidential
4 recommendations to the Governor;

5 (7) comply with the requirements of the Open Parole
6 Hearings Act;

7 (8) hear by at least one member and, through a panel of
8 at least 3 members, decide cases brought by the Department
9 of Corrections against a prisoner in the custody of the
10 Department for court dismissal of a frivolous lawsuit
11 pursuant to Section 3-6-3(d) of this Code in which the
12 Department seeks to revoke up to 180 days of sentence
13 credit, and if the prisoner has not accumulated 180 days of
14 sentence credit at the time of the dismissal, then all
15 sentence credit accumulated by the prisoner shall be
16 revoked;

17 (9) hear by at least 3 members, and, through a panel of
18 at least 3 members, decide whether to grant certificates of
19 relief from disabilities or certificates of good conduct as
20 provided in Article 5.5 of Chapter V; and

21 (10) upon a petition by a person who has been convicted
22 of a Class 3 or Class 4 felony and who meets the
23 requirements of this paragraph, hear by at least 3 members
24 and, with the unanimous vote of a panel of 3 members, issue
25 a certificate of eligibility for sealing recommending that
26 the court order the sealing of all official records of the

1 arresting authority, the circuit court clerk, and the
2 Department of State Police concerning the arrest and
3 conviction for the Class 3 or 4 felony. A person may not
4 apply to the Board for a certificate of eligibility for
5 sealing:

6 (A) until 5 years have elapsed since the expiration
7 of his or her sentence;

8 (B) until 5 years have elapsed since any arrests or
9 detentions by a law enforcement officer for an alleged
10 violation of law, other than a petty offense, traffic
11 offense, conservation offense, or local ordinance
12 offense;

13 (C) if convicted of a violation of the Cannabis
14 Control Act, Illinois Controlled Substances Act, the
15 Methamphetamine Control and Community Protection Act,
16 the Methamphetamine Precursor Control Act, or the
17 Methamphetamine Precursor Tracking Act unless the
18 petitioner has completed a drug abuse program for the
19 offense on which sealing is sought and provides proof
20 that he or she has completed the program successfully;

21 (D) if convicted of:

22 (i) a sex offense described in Article 11 or
23 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
24 the Criminal Code of 1961 or the Criminal Code of
25 2012;

26 (ii) aggravated assault;

- 1 (iii) aggravated battery;
- 2 (iv) domestic battery;
- 3 (v) aggravated domestic battery;
- 4 (vi) violation of an order of protection;
- 5 (vii) an offense under the Criminal Code of
6 1961 or the Criminal Code of 2012 involving a
7 firearm;
- 8 (viii) driving while under the influence of
9 alcohol, other drug or drugs, intoxicating
10 compound or compounds or any combination thereof;
- 11 (ix) aggravated driving while under the
12 influence of alcohol, other drug or drugs,
13 intoxicating compound or compounds or any
14 combination thereof; or
- 15 (x) any crime defined as a crime of violence
16 under Section 2 of the Crime Victims Compensation
17 Act.

18 If a person has applied to the Board for a certificate of
19 eligibility for sealing and the Board denies the certificate,
20 the person must wait at least 4 years before filing again or
21 filing for pardon from the Governor unless the Chairman of the
22 Prisoner Review Board grants a waiver.

23 The decision to issue or refrain from issuing a certificate
24 of eligibility for sealing shall be at the Board's sole
25 discretion, and shall not give rise to any cause of action
26 against either the Board or its members.

1 The Board may only authorize the sealing of Class 3 and 4
2 felony convictions of the petitioner from one information or
3 indictment under this paragraph (10). A petitioner may only
4 receive one certificate of eligibility for sealing under this
5 provision for life.

6 (a-5) The Prisoner Review Board, with the cooperation of
7 and in coordination with the Department of Corrections and the
8 Department of Central Management Services, shall implement a
9 pilot project in 3 correctional institutions providing for the
10 conduct of hearings under paragraphs (1) and (4) of subsection
11 (a) of this Section through interactive video conferences. The
12 project shall be implemented within 6 months after the
13 effective date of this amendatory Act of 1996. Within 6 months
14 after the implementation of the pilot project, the Prisoner
15 Review Board, with the cooperation of and in coordination with
16 the Department of Corrections and the Department of Central
17 Management Services, shall report to the Governor and the
18 General Assembly regarding the use, costs, effectiveness, and
19 future viability of interactive video conferences for Prisoner
20 Review Board hearings.

21 (b) Upon recommendation of the Department the Board may
22 restore sentence credit previously revoked.

23 (c) The Board shall cooperate with the Department in
24 promoting an effective system of parole, aftercare release, and
25 mandatory supervised release.

26 (d) The Board shall promulgate rules for the conduct of its

1 work, and the Chairman shall file a copy of such rules and any
2 amendments thereto with the Director and with the Secretary of
3 State.

4 (e) The Board shall keep records of all of its official
5 actions and shall make them accessible in accordance with law
6 and the rules of the Board.

7 (f) The Board or one who has allegedly violated the
8 conditions of his or her parole, aftercare release, or
9 mandatory supervised release may require by subpoena the
10 attendance and testimony of witnesses and the production of
11 documentary evidence relating to any matter under
12 investigation or hearing. The Chairman of the Board may sign
13 subpoenas which shall be served by any agent or public official
14 authorized by the Chairman of the Board, or by any person
15 lawfully authorized to serve a subpoena under the laws of the
16 State of Illinois. The attendance of witnesses, and the
17 production of documentary evidence, may be required from any
18 place in the State to a hearing location in the State before
19 the Chairman of the Board or his or her designated agent or
20 agents or any duly constituted Committee or Subcommittee of the
21 Board. Witnesses so summoned shall be paid the same fees and
22 mileage that are paid witnesses in the circuit courts of the
23 State, and witnesses whose depositions are taken and the
24 persons taking those depositions are each entitled to the same
25 fees as are paid for like services in actions in the circuit
26 courts of the State. Fees and mileage shall be vouchered for

1 payment when the witness is discharged from further attendance.

2 In case of disobedience to a subpoena, the Board may
3 petition any circuit court of the State for an order requiring
4 the attendance and testimony of witnesses or the production of
5 documentary evidence or both. A copy of such petition shall be
6 served by personal service or by registered or certified mail
7 upon the person who has failed to obey the subpoena, and such
8 person shall be advised in writing that a hearing upon the
9 petition will be requested in a court room to be designated in
10 such notice before the judge hearing motions or extraordinary
11 remedies at a specified time, on a specified date, not less
12 than 10 nor more than 15 days after the deposit of the copy of
13 the written notice and petition in the U.S. mails addressed to
14 the person at his last known address or after the personal
15 service of the copy of the notice and petition upon such
16 person. The court upon the filing of such a petition, may order
17 the person refusing to obey the subpoena to appear at an
18 investigation or hearing, or to there produce documentary
19 evidence, if so ordered, or to give evidence relative to the
20 subject matter of that investigation or hearing. Any failure to
21 obey such order of the circuit court may be punished by that
22 court as a contempt of court.

23 Each member of the Board and any hearing officer designated
24 by the Board shall have the power to administer oaths and to
25 take the testimony of persons under oath.

26 (g) Except under subsection (a) of this Section, a majority

1 of the members then appointed to the Prisoner Review Board
2 shall constitute a quorum for the transaction of all business
3 of the Board.

4 (h) The Prisoner Review Board shall annually transmit to
5 the Director a detailed report of its work for the preceding
6 calendar year. The annual report shall also be transmitted to
7 the Governor for submission to the Legislature.

8 (Source: P.A. 96-875, eff. 1-22-10; 97-697, eff. 6-22-12;
9 97-1120, eff. 1-1-13; 97-1150, eff. 1-25-13.)

10 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

11 Sec. 3-3-3. Eligibility for Parole or Release.

12 (a) Except for those offenders who accept the fixed release
13 date established by the Prisoner Review Board under Section
14 3-3-2.1, every person serving a term of imprisonment under the
15 law in effect prior to the effective date of this amendatory
16 Act of 1977 shall be eligible for parole when he or she has
17 served:

18 (1) the minimum term of an indeterminate sentence less
19 time credit for good behavior, or 20 years less time credit
20 for good behavior, whichever is less; or

21 (2) 20 years of a life sentence less time credit for
22 good behavior; or

23 (3) 20 years or one-third of a determinate sentence,
24 whichever is less, less time credit for good behavior.

25 (b) No person sentenced under this amendatory Act of 1977

1 or who accepts a release date under Section 3-3-2.1 shall be
2 eligible for parole.

3 (c) Except for those sentenced to a term of natural life
4 imprisonment, every person sentenced to imprisonment under
5 this amendatory Act of 1977 or given a release date under
6 Section 3-3-2.1 of this Act shall serve the full term of a
7 determinate sentence less time credit for good behavior and
8 shall then be released under the mandatory supervised release
9 provisions of paragraph (d) of Section 5-8-1 of this Code.

10 (d) No person serving a term of natural life imprisonment
11 may be paroled or released except through executive clemency.

12 (e) Every person committed to the Department of Juvenile
13 Justice under Section 5-10 of the Juvenile Court Act or Section
14 5-750 of the Juvenile Court Act of 1987 or Section 5-8-6 of
15 this Code and confined in the State correctional institutions
16 or facilities if such juvenile has not been tried as an adult
17 shall be eligible for aftercare release ~~parole~~ without regard
18 to the length of time the person has been confined or whether
19 the person has served any minimum term imposed. However, if a
20 juvenile has been tried as an adult he or she shall only be
21 eligible for parole or mandatory supervised release as an adult
22 under this Section.

23 (Source: P.A. 94-696, eff. 6-1-06.)

24 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

25 Sec. 3-3-4. Preparation for Parole Hearing.

1 (a) The Prisoner Review Board shall consider the parole of
2 each eligible person committed to the Department of Corrections
3 at least 30 days prior to the date he or she shall first become
4 eligible for parole, and shall consider the aftercare release
5 ~~parole~~ of each person committed to the Department of Juvenile
6 Justice as a delinquent at least 30 days prior to the
7 expiration of the first year of confinement.

8 (b) A person eligible for parole or aftercare release
9 shall, no less than 15 days in advance of his or her parole
10 interview, prepare a parole or aftercare release plan in
11 accordance with the rules of the Prisoner Review Board. The
12 person shall be assisted in preparing his or her parole or
13 aftercare release plan by personnel of the Department of
14 Corrections, or the Department of Juvenile Justice in the case
15 of a person committed to that Department, and may, for this
16 purpose, be released on furlough under Article 11 or on
17 authorized absence under Section 3-9-4. The appropriate
18 Department shall also provide assistance in obtaining
19 information and records helpful to the individual for his or
20 her parole hearing. If the person eligible for parole or
21 aftercare release has a petition or any written submissions
22 prepared on his or her behalf by an attorney or other
23 representative, the attorney or representative for the person
24 eligible for parole or aftercare release must serve by
25 certified mail the State's Attorney of the county where he or
26 she was prosecuted with the petition or any written submissions

1 15 days after his or her parole interview. The State's Attorney
2 shall provide the attorney for the person eligible for parole
3 or aftercare release with a copy of his or her letter in
4 opposition to parole or aftercare release via certified mail
5 within 5 business days of the en banc hearing.

6 (c) Any member of the Board shall have access at all
7 reasonable times to any committed person and to his or her
8 master record file within the Department, and the Department
9 shall furnish such a report to the Board concerning the conduct
10 and character of any such person prior to his or her parole
11 interview.

12 (d) In making its determination of parole or aftercare
13 release, the Board shall consider:

14 (1) material transmitted to the Department of Juvenile
15 Justice by the clerk of the committing court under Section
16 5-4-1 or Section 5-10 of the Juvenile Court Act or Section
17 5-750 of the Juvenile Court Act of 1987;

18 (2) the report under Section 3-8-2 or 3-10-2;

19 (3) a report by the Department and any report by the
20 chief administrative officer of the institution or
21 facility;

22 (4) a parole or aftercare release progress report;

23 (5) a medical and psychological report, if requested by
24 the Board;

25 (6) material in writing, or on film, video tape or
26 other electronic means in the form of a recording submitted

1 by the person whose parole or aftercare release is being
2 considered;

3 (7) material in writing, or on film, video tape or
4 other electronic means in the form of a recording or
5 testimony submitted by the State's Attorney and the victim
6 or a concerned citizen pursuant to the Rights of Crime
7 Victims and Witnesses Act; and

8 (8) the person's eligibility for commitment under the
9 Sexually Violent Persons Commitment Act.

10 (e) The prosecuting State's Attorney's office shall
11 receive from the Board reasonable written notice not less than
12 30 days prior to the parole or aftercare release interview and
13 may submit relevant information by oral argument or testimony
14 of victims and concerned citizens, or both, in writing, or on
15 film, video tape or other electronic means or in the form of a
16 recording to the Board for its consideration. Upon written
17 request of the State's Attorney's office, the Prisoner Review
18 Board shall hear protests to parole, or aftercare release,
19 except in counties of 1,500,000 or more inhabitants where there
20 shall be standing objections to all such petitions. If a
21 State's Attorney who represents a county of less than 1,500,000
22 inhabitants requests a protest hearing, the inmate's counsel or
23 other representative shall also receive notice of such request.
24 This hearing shall take place the month following the inmate's
25 parole or aftercare release interview. If the inmate's parole
26 or aftercare release interview is rescheduled then the Prisoner

1 Review Board shall promptly notify the State's Attorney of the
2 new date. The person eligible for parole or aftercare release
3 shall be heard at the next scheduled en banc hearing date. If
4 the case is to be continued, the State's Attorney's office and
5 the attorney or representative for the person eligible for
6 parole or aftercare release will be notified of any continuance
7 within 5 business days. The State's Attorney may waive the
8 written notice.

9 (f) The victim of the violent crime for which the prisoner
10 has been sentenced shall receive notice of a parole or
11 aftercare release hearing as provided in paragraph (4) of
12 subsection (d) of Section 4.5 of the Rights of Crime Victims
13 and Witnesses Act.

14 (g) Any recording considered under the provisions of
15 subsection (d)(6), (d)(7) or (e) of this Section shall be in
16 the form designated by the Board. Such recording shall be both
17 visual and aural. Every voice on the recording and person
18 present shall be identified and the recording shall contain
19 either a visual or aural statement of the person submitting
20 such recording, the date of the recording and the name of the
21 person whose parole or aftercare release eligibility is being
22 considered. Such recordings shall be retained by the Board and
23 shall be deemed to be submitted at any subsequent parole or
24 aftercare release hearing if the victim or State's Attorney
25 submits in writing a declaration clearly identifying such
26 recording as representing the present position of the victim or

1 State's Attorney regarding the issues to be considered at the
2 parole or aftercare release hearing.

3 (h) The Board shall not release any material to the inmate,
4 the inmate's attorney, any third party, or any other person
5 containing any information from the victim or from a person
6 related to the victim by blood, adoption, or marriage who has
7 written objections, testified at any hearing, or submitted
8 audio or visual objections to the inmate's parole, or aftercare
9 release, unless provided with a waiver from that objecting
10 party.

11 (Source: P.A. 96-875, eff. 1-22-10; 97-523, eff. 1-1-12;
12 97-1075, eff. 8-24-12; 97-1083, eff. 8-24-12; revised
13 9-20-12.)

14 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

15 Sec. 3-3-5. Hearing and Determination.

16 (a) The Prisoner Review Board shall meet as often as need
17 requires to consider the cases of persons eligible for parole
18 and aftercare release. Except as otherwise provided in
19 paragraph (2) of subsection (a) of Section 3-3-2 of this Act,
20 the Prisoner Review Board may meet and order its actions in
21 panels of 3 or more members. The action of a majority of the
22 panel shall be the action of the Board. In consideration of
23 persons committed to the Department of Juvenile Justice, the
24 panel shall have at least a majority of members experienced in
25 juvenile matters.

1 (b) If the person under consideration for parole or
2 aftercare release is in the custody of the Department, at least
3 one member of the Board shall interview him or her, and a
4 report of that interview shall be available for the Board's
5 consideration. However, in the discretion of the Board, the
6 interview need not be conducted if a psychiatric examination
7 determines that the person could not meaningfully contribute to
8 the Board's consideration. The Board may in its discretion
9 parole or release on aftercare a person who is then outside the
10 jurisdiction on his or her record without an interview. The
11 Board need not hold a hearing or interview a person who is
12 paroled or released on aftercare under paragraphs (d) or (e) of
13 this Section or released on Mandatory release under Section
14 3-3-10.

15 (c) The Board shall not parole or release a person eligible
16 for parole or aftercare release if it determines that:

17 (1) there is a substantial risk that he or she will not
18 conform to reasonable conditions of parole or aftercare
19 release; or

20 (2) his or her release at that time would deprecate the
21 seriousness of his or her offense or promote disrespect for
22 the law; or

23 (3) his or her release would have a substantially
24 adverse effect on institutional discipline.

25 (d) A person committed under the Juvenile Court Act or the
26 Juvenile Court Act of 1987 who has not been sooner released

1 shall be released on aftercare ~~paroled~~ on or before his or her
2 20th birthday to begin serving a period of aftercare release
3 ~~parole~~ under Section 3-3-8.

4 (e) A person who has served the maximum term of
5 imprisonment imposed at the time of sentencing less time credit
6 for good behavior shall be released on parole to serve a period
7 of parole under Section 5-8-1.

8 (f) The Board shall render its decision within a reasonable
9 time after hearing and shall state the basis therefor both in
10 the records of the Board and in written notice to the person on
11 whose application it has acted. In its decision, the Board
12 shall set the person's time for parole or aftercare release, or
13 if it denies parole or aftercare release it shall provide for a
14 rehearing not less frequently than once every year, except that
15 the Board may, after denying parole, schedule a rehearing no
16 later than 5 years from the date of the parole denial, if the
17 Board finds that it is not reasonable to expect that parole
18 would be granted at a hearing prior to the scheduled rehearing
19 date. If the Board shall parole or release a person, and, if he
20 or she is not released within 90 days from the effective date
21 of the order granting parole, or aftercare release, the matter
22 shall be returned to the Board for review.

23 (f-1) If the Board paroles or releases a person who is
24 eligible for commitment as a sexually violent person, the
25 effective date of the Board's order shall be stayed for 90 days
26 for the purpose of evaluation and proceedings under the

1 Sexually Violent Persons Commitment Act.

2 (g) The Board shall maintain a registry of decisions in
3 which parole has been granted, which shall include the name and
4 case number of the prisoner, the highest charge for which the
5 prisoner was sentenced, the length of sentence imposed, the
6 date of the sentence, the date of the parole, and the basis for
7 the decision of the Board to grant parole and the vote of the
8 Board on any such decisions. The registry shall be made
9 available for public inspection and copying during business
10 hours and shall be a public record pursuant to the provisions
11 of the Freedom of Information Act.

12 (h) The Board shall promulgate rules regarding the exercise
13 of its discretion under this Section.

14 (Source: P.A. 96-875, eff. 1-22-10; 97-522, eff. 1-1-12;
15 97-1075, eff. 8-24-12.)

16 (730 ILCS 5/3-3-7) (from Ch. 38, par. 1003-3-7)

17 Sec. 3-3-7. Conditions of Parole or Mandatory Supervised
18 Release.

19 (a) The conditions of parole, aftercare release, or
20 mandatory supervised release shall be such as the Prisoner
21 Review Board deems necessary to assist the subject in leading a
22 law-abiding life. The conditions of every parole, aftercare
23 release, and mandatory supervised release are that the subject:

24 (1) not violate any criminal statute of any
25 jurisdiction during the parole, aftercare release, or

1 release term;

2 (2) refrain from possessing a firearm or other
3 dangerous weapon;

4 (3) report to an agent of the Department of Corrections
5 or, in the case of aftercare releasees, to the Department
6 of Juvenile Justice;

7 (4) permit the agent or aftercare specialist to visit
8 him or her at his or her home, employment, or elsewhere to
9 the extent necessary for the agent or aftercare specialist
10 to discharge his or her duties;

11 (5) attend or reside in a facility established for the
12 instruction or residence of persons on parole, aftercare
13 release, or mandatory supervised release;

14 (6) secure permission before visiting or writing a
15 committed person in an Illinois Department of Corrections
16 facility;

17 (7) report all arrests to an agent of the Department of
18 Corrections or, in the case of aftercare releasees, to the
19 Department of Juvenile Justice as soon as permitted by the
20 arresting authority but in no event later than 24 hours
21 after release from custody and immediately report service
22 or notification of an order of protection, a civil no
23 contact order, or a stalking no contact order to an agent
24 of the Department of Corrections;

25 (7.5) if convicted of a sex offense as defined in the
26 Sex Offender Management Board Act, the individual shall

1 undergo and successfully complete sex offender treatment
2 conducted in conformance with the standards developed by
3 the Sex Offender Management Board Act by a treatment
4 provider approved by the Board;

5 (7.6) if convicted of a sex offense as defined in the
6 Sex Offender Management Board Act, refrain from residing at
7 the same address or in the same condominium unit or
8 apartment unit or in the same condominium complex or
9 apartment complex with another person he or she knows or
10 reasonably should know is a convicted sex offender or has
11 been placed on supervision for a sex offense; the
12 provisions of this paragraph do not apply to a person
13 convicted of a sex offense who is placed in a Department of
14 Corrections licensed transitional housing facility for sex
15 offenders, or is in any facility operated or licensed by
16 the Department of Children and Family Services or by the
17 Department of Human Services, or is in any licensed medical
18 facility;

19 (7.7) if convicted for an offense that would qualify
20 the accused as a sexual predator under the Sex Offender
21 Registration Act on or after January 1, 2007 (the effective
22 date of Public Act 94-988), wear an approved electronic
23 monitoring device as defined in Section 5-8A-2 for the
24 duration of the person's parole, aftercare release,
25 mandatory supervised release term, or extended mandatory
26 supervised release term and if convicted for an offense of

1 criminal sexual assault, aggravated criminal sexual
2 assault, predatory criminal sexual assault of a child,
3 criminal sexual abuse, aggravated criminal sexual abuse,
4 or ritualized abuse of a child committed on or after August
5 11, 2009 (the effective date of Public Act 96-236) when the
6 victim was under 18 years of age at the time of the
7 commission of the offense and the defendant used force or
8 the threat of force in the commission of the offense wear
9 an approved electronic monitoring device as defined in
10 Section 5-8A-2 that has Global Positioning System (GPS)
11 capability for the duration of the person's parole,
12 aftercare release, mandatory supervised release term, or
13 extended mandatory supervised release term;

14 (7.8) if convicted for an offense committed on or after
15 June 1, 2008 (the effective date of Public Act 95-464) that
16 would qualify the accused as a child sex offender as
17 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
18 1961 or the Criminal Code of 2012, refrain from
19 communicating with or contacting, by means of the Internet,
20 a person who is not related to the accused and whom the
21 accused reasonably believes to be under 18 years of age;
22 for purposes of this paragraph (7.8), "Internet" has the
23 meaning ascribed to it in Section 16-0.1 of the Criminal
24 Code of 2012; and a person is not related to the accused if
25 the person is not: (i) the spouse, brother, or sister of
26 the accused; (ii) a descendant of the accused; (iii) a

1 first or second cousin of the accused; or (iv) a step-child
2 or adopted child of the accused;

3 (7.9) if convicted under Section 11-6, 11-20.1,
4 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
5 the Criminal Code of 2012, consent to search of computers,
6 PDAs, cellular phones, and other devices under his or her
7 control that are capable of accessing the Internet or
8 storing electronic files, in order to confirm Internet
9 protocol addresses reported in accordance with the Sex
10 Offender Registration Act and compliance with conditions
11 in this Act;

12 (7.10) if convicted for an offense that would qualify
13 the accused as a sex offender or sexual predator under the
14 Sex Offender Registration Act on or after June 1, 2008 (the
15 effective date of Public Act 95-640), not possess
16 prescription drugs for erectile dysfunction;

17 (7.11) 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 the Criminal Code of 2012,
21 or any attempt to commit any of these offenses, committed
22 on or after June 1, 2009 (the effective date of Public Act
23 95-983):

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, aftercare specialist, a law enforcement
5 officer, or assigned computer or information
6 technology specialist, including the retrieval and
7 copying of all data from the computer or device and any
8 internal or external peripherals and removal of such
9 information, equipment, or device to conduct a more
10 thorough inspection;

11 (iii) submit to the installation on the offender's
12 computer or device with Internet capability, at the
13 offender's expense, of one or more hardware or software
14 systems to monitor the Internet use; and

15 (iv) submit to any other appropriate restrictions
16 concerning the offender's use of or access to a
17 computer or any other device with Internet capability
18 imposed by the Board, the Department or the offender's
19 supervising agent or aftercare specialist;

20 (7.12) if convicted of a sex offense as defined in the
21 Sex Offender Registration Act committed on or after January
22 1, 2010 (the effective date of Public Act 96-262), refrain
23 from accessing or using a social networking website as
24 defined in Section 17-0.5 of the Criminal Code of 2012;

25 (7.13) if convicted of a sex offense as defined in
26 Section 2 of the Sex Offender Registration Act committed on

1 or after January 1, 2010 (the effective date of Public Act
2 96-362) that requires the person to register as a sex
3 offender under that Act, may not knowingly use any computer
4 scrub software on any computer that the sex offender uses;

5 (8) obtain permission of an agent of the Department of
6 Corrections or, in the case of aftercare releasees, the
7 Department of Juvenile Justice before leaving the State of
8 Illinois;

9 (9) obtain permission of an agent of the Department of
10 Corrections or, in the case of aftercare releasees, the
11 Department of Juvenile Justice before changing his or her
12 residence or employment;

13 (10) consent to a search of his or her person,
14 property, or residence under his or her control;

15 (11) refrain from the use or possession of narcotics or
16 other controlled substances in any form, or both, or any
17 paraphernalia related to those substances and submit to a
18 urinalysis test as instructed by a parole agent of the
19 Department of Corrections or an aftercare specialist of the
20 Department of Juvenile Justice;

21 (12) not frequent places where controlled substances
22 are illegally sold, used, distributed, or administered;

23 (13) not knowingly associate with other persons on
24 parole, aftercare release, or mandatory supervised release
25 without prior written permission of his or her parole agent
26 or aftercare specialist and not associate with persons who

1 are members of an organized gang as that term is defined in
2 the Illinois Streetgang Terrorism Omnibus Prevention Act;

3 (14) provide true and accurate information, as it
4 relates to his or her adjustment in the community while on
5 parole, aftercare release, or mandatory supervised release
6 or to his or her conduct while incarcerated, in response to
7 inquiries by his or her parole agent or of the Department
8 of Corrections, or in the case of an aftercare releasee, by
9 his or her aftercare specialist or of the Department of
10 Juvenile Justice;

11 (15) follow any specific instructions provided by the
12 parole agent or aftercare specialist that are consistent
13 with furthering conditions set and approved by the Prisoner
14 Review Board or by law, exclusive of placement on
15 electronic detention, to achieve the goals and objectives
16 of his or her parole, aftercare release, or mandatory
17 supervised release or to protect the public. These
18 instructions by the parole agent or aftercare specialist
19 may be modified at any time, as the agent or aftercare
20 specialist deems appropriate;

21 (16) if convicted of a sex offense as defined in
22 subsection (a-5) of Section 3-1-2 of this Code, unless the
23 offender is a parent or guardian of the person under 18
24 years of age present in the home and no non-familial minors
25 are present, not participate in a holiday event involving
26 children under 18 years of age, such as distributing candy

1 or other items to children on Halloween, wearing a Santa
2 Claus costume on or preceding Christmas, being employed as
3 a department store Santa Claus, or wearing an Easter Bunny
4 costume on or preceding Easter;

5 (17) if convicted of a violation of an order of
6 protection under Section 12-3.4 or Section 12-30 of the
7 Criminal Code of 1961 or the Criminal Code of 2012, be
8 placed under electronic surveillance as provided in
9 Section 5-8A-7 of this Code;

10 (18) comply with the terms and conditions of an order
11 of protection issued pursuant to the Illinois Domestic
12 Violence Act of 1986; an order of protection issued by the
13 court of another state, tribe, or United States territory;
14 a no contact order issued pursuant to the Civil No Contact
15 Order Act; or a no contact order issued pursuant to the
16 Stalking No Contact Order Act; and

17 (19) if convicted of a violation of the Methamphetamine
18 Control and Community Protection Act, the Methamphetamine
19 Precursor Control Act, or a methamphetamine related
20 offense, be:

21 (A) prohibited from purchasing, possessing, or
22 having under his or her control any product containing
23 pseudoephedrine unless prescribed by a physician; and

24 (B) prohibited from purchasing, possessing, or
25 having under his or her control any product containing
26 ammonium nitrate.

1 (b) The Board may in addition to other conditions require
2 that the subject:

3 (1) work or pursue a course of study or vocational
4 training;

5 (2) undergo medical or psychiatric treatment, or
6 treatment for drug addiction or alcoholism;

7 (3) attend or reside in a facility established for the
8 instruction or residence of persons on probation or parole;

9 (4) support his or her dependents;

10 (5) (blank);

11 (6) (blank);

12 (7) (blank);

13 (7.5) if convicted for an offense committed on or after
14 the effective date of this amendatory Act of the 95th
15 General Assembly that would qualify the accused as a child
16 sex offender as defined in Section 11-9.3 or 11-9.4 of the
17 Criminal Code of 1961 or the Criminal Code of 2012, refrain
18 from communicating with or contacting, by means of the
19 Internet, a person who is related to the accused and whom
20 the accused reasonably believes to be under 18 years of
21 age; for purposes of this paragraph (7.5), "Internet" has
22 the meaning ascribed to it in Section 16-0.1 of the
23 Criminal Code of 2012; and a person is related to the
24 accused if the person is: (i) the spouse, brother, or
25 sister of the accused; (ii) a descendant of the accused;
26 (iii) a first or second cousin of the accused; or (iv) a

1 step-child or adopted child of the accused;

2 (7.6) if convicted for an offense committed on or after
3 June 1, 2009 (the effective date of Public Act 95-983) that
4 would qualify as a sex offense as defined in the Sex
5 Offender Registration Act:

6 (i) not access or use a computer or any other
7 device with Internet capability without the prior
8 written approval of the Department;

9 (ii) submit to periodic unannounced examinations
10 of the offender's computer or any other device with
11 Internet capability by the offender's supervising
12 agent or aftercare specialist, a law enforcement
13 officer, or assigned computer or information
14 technology specialist, including the retrieval and
15 copying of all data from the computer or device and any
16 internal or external peripherals and removal of such
17 information, equipment, or device to conduct a more
18 thorough inspection;

19 (iii) submit to the installation on the offender's
20 computer or device with Internet capability, at the
21 offender's expense, of one or more hardware or software
22 systems to monitor the Internet use; and

23 (iv) submit to any other appropriate restrictions
24 concerning the offender's use of or access to a
25 computer or any other device with Internet capability
26 imposed by the Board, the Department or the offender's

1 supervising agent or aftercare specialist; and

2 (8) in addition, if a minor:

3 (i) reside with his or her parents or in a foster
4 home;

5 (ii) attend school;

6 (iii) attend a non-residential program for youth;

7 or

8 (iv) contribute to his or her own support at home
9 or in a foster home.

10 (b-1) In addition to the conditions set forth in
11 subsections (a) and (b), persons required to register as sex
12 offenders pursuant to the Sex Offender Registration Act, upon
13 release from the custody of the Illinois Department of
14 Corrections or Department of Juvenile Justice, may be required
15 by the Board to comply with the following specific conditions
16 of release:

17 (1) reside only at a Department approved location;

18 (2) comply with all requirements of the Sex Offender
19 Registration Act;

20 (3) notify third parties of the risks that may be
21 occasioned by his or her criminal record;

22 (4) obtain the approval of an agent of the Department
23 of Corrections or, in the case of an aftercare releasee,
24 the Department of Juvenile Justice prior to accepting
25 employment or pursuing a course of study or vocational
26 training and notify the Department prior to any change in

1 employment, study, or training;

2 (5) not be employed or participate in any volunteer
3 activity that involves contact with children, except under
4 circumstances approved in advance and in writing by an
5 agent of the Department of Corrections or, in the case of
6 an aftercare releasee, the Department of Juvenile Justice;

7 (6) be electronically monitored for a minimum of 12
8 months from the date of release as determined by the Board;

9 (7) refrain from entering into a designated geographic
10 area except upon terms approved in advance by an agent of
11 the Department of Corrections or, in the case of an
12 aftercare releasee, the Department of Juvenile Justice.

13 The terms may include consideration of the purpose of the
14 entry, the time of day, and others accompanying the person;

15 (8) refrain from having any contact, including written
16 or oral communications, directly or indirectly, personally
17 or by telephone, letter, or through a third party with
18 certain specified persons including, but not limited to,
19 the victim or the victim's family without the prior written
20 approval of an agent of the Department of Corrections or,
21 in the case of an aftercare releasee, the Department of
22 Juvenile Justice;

23 (9) refrain from all contact, directly or indirectly,
24 personally, by telephone, letter, or through a third party,
25 with minor children without prior identification and
26 approval of an agent of the Department of Corrections or,

1 in the case of an aftercare releasee, the Department of
2 Juvenile Justice;

3 (10) neither possess or have under his or her control
4 any material that is sexually oriented, sexually
5 stimulating, or that shows male or female sex organs or any
6 pictures depicting children under 18 years of age nude or
7 any written or audio material describing sexual
8 intercourse or that depicts or alludes to sexual activity,
9 including but not limited to visual, auditory, telephonic,
10 or electronic media, or any matter obtained through access
11 to any computer or material linked to computer access use;

12 (11) not patronize any business providing sexually
13 stimulating or sexually oriented entertainment nor utilize
14 "900" or adult telephone numbers;

15 (12) not reside near, visit, or be in or about parks,
16 schools, day care centers, swimming pools, beaches,
17 theaters, or any other places where minor children
18 congregate without advance approval of an agent of the
19 Department of Corrections or, in the case of an aftercare
20 releasee, the Department of Juvenile Justice and
21 immediately report any incidental contact with minor
22 children to the Department;

23 (13) not possess or have under his or her control
24 certain specified items of contraband related to the
25 incidence of sexually offending as determined by an agent
26 of the Department of Corrections or, in the case of an

1 aftercare releasee, the Department of Juvenile Justice;

2 (14) may be required to provide a written daily log of
3 activities if directed by an agent of the Department of
4 Corrections or, in the case of an aftercare releasee, the
5 Department of Juvenile Justice;

6 (15) comply with all other special conditions that the
7 Department may impose that restrict the person from
8 high-risk situations and limit access to potential
9 victims;

10 (16) take an annual polygraph exam;

11 (17) maintain a log of his or her travel; or

12 (18) obtain prior approval of his or her parole officer
13 or aftercare specialist before driving alone in a motor
14 vehicle.

15 (c) The conditions under which the parole, aftercare
16 release, or mandatory supervised release is to be served shall
17 be communicated to the person in writing prior to his or her
18 release, and he or she shall sign the same before release. A
19 signed copy of these conditions, including a copy of an order
20 of protection where one had been issued by the criminal court,
21 shall be retained by the person and another copy forwarded to
22 the officer or, in the case of an aftercare releasee, aftercare
23 specialist in charge of his or her supervision.

24 (d) After a hearing under Section 3-3-9, the Prisoner
25 Review Board may modify or enlarge the conditions of parole,
26 aftercare release, or mandatory supervised release.

1 (e) The Department shall inform all offenders committed to
2 the Department of the optional services available to them upon
3 release and shall assist inmates in availing themselves of such
4 optional services upon their release on a voluntary basis.

5 (f) (Blank).

6 (Source: P.A. 96-236, eff. 8-11-09; 96-262, eff. 1-1-10;
7 96-328, eff. 8-11-09; 96-362, eff. 1-1-10; 96-1000, eff.
8 7-2-10; 96-1539, eff. 3-4-11; 96-1551, Article 2, Section 1065,
9 eff. 7-1-11; 96-1551, Article 10, Section 10-150, eff. 7-1-11;
10 97-50, eff. 6-28-11; 97-531, eff. 1-1-12; 97-560, eff. 1-1-12;
11 97-597, eff. 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff.
12 1-25-13.)

13 (730 ILCS 5/3-3-8) (from Ch. 38, par. 1003-3-8)

14 Sec. 3-3-8. Length of parole, aftercare release, and
15 mandatory supervised release; discharge.)

16 (a) The length of parole for a person sentenced under the
17 law in effect prior to the effective date of this amendatory
18 Act of 1977 and the length of mandatory supervised release for
19 those sentenced under the law in effect on and after such
20 effective date shall be as set out in Section 5-8-1 unless
21 sooner terminated under paragraph (b) of this Section. The
22 aftercare release ~~parole~~ period of a juvenile committed to the
23 Department under the Juvenile Court Act or the Juvenile Court
24 Act of 1987 shall extend until he or she is 21 years of age
25 unless sooner terminated under paragraph (b) of this Section.

1 (b) The Prisoner Review Board may enter an order releasing
2 and discharging one from parole, aftercare release, or
3 mandatory supervised release, and his or her commitment to the
4 Department, when it determines that he or she is likely to
5 remain at liberty without committing another offense.

6 (b-1) Provided that the subject is in compliance with the
7 terms and conditions of his or her parole, aftercare release,
8 or mandatory supervised release, the Prisoner Review Board may
9 reduce the period of a parolee or releasee's parole, aftercare
10 release, or mandatory supervised release by 90 days upon the
11 parolee or releasee receiving a high school diploma or upon
12 passage of the high school level Test of General Educational
13 Development during the period of his or her parole, aftercare
14 release, or mandatory supervised release. This reduction in the
15 period of a subject's term of parole, aftercare release, or
16 mandatory supervised release shall be available only to
17 subjects who have not previously earned a high school diploma
18 or who have not previously passed the high school level Test of
19 General Educational Development.

20 (c) The order of discharge shall become effective upon
21 entry of the order of the Board. The Board shall notify the
22 clerk of the committing court of the order. Upon receipt of
23 such copy, the clerk shall make an entry on the record judgment
24 that the sentence or commitment has been satisfied pursuant to
25 the order.

26 (d) Rights of the person discharged under this Section

1 shall be restored under Section 5-5-5. This Section is subject
2 to Section 5-750 of the Juvenile Court Act of 1987.

3 (Source: P.A. 97-531, eff. 1-1-12.)

4 (730 ILCS 5/3-3-9) (from Ch. 38, par. 1003-3-9)

5 Sec. 3-3-9. Violations; changes of conditions; preliminary
6 hearing; revocation of parole, aftercare release, or mandatory
7 supervised release; revocation hearing.

8 (a) If prior to expiration or termination of the term of
9 parole, aftercare release, or mandatory supervised release, a
10 person violates a condition set by the Prisoner Review Board or
11 a condition of parole, aftercare release, or mandatory
12 supervised release under Section 3-3-7 of this Code to govern
13 that term, the Board may:

14 (1) continue the existing term, with or without
15 modifying or enlarging the conditions; or

16 (2) parole or release the person to a half-way house;
17 or

18 (3) revoke the parole, aftercare release, or mandatory
19 supervised release and reconfine the person for a term
20 computed in the following manner:

21 (i) (A) For those sentenced under the law in effect
22 prior to this amendatory Act of 1977, the recommitment
23 shall be for any portion of the imposed maximum term of
24 imprisonment or confinement which had not been served
25 at the time of parole and the parole term, less the

1 time elapsed between the parole of the person and the
2 commission of the violation for which parole was
3 revoked;

4 (B) Except as set forth in paragraph (C), for those
5 subject to mandatory supervised release under
6 paragraph (d) of Section 5-8-1 of this Code, the
7 recommitment shall be for the total mandatory
8 supervised release term, less the time elapsed between
9 the release of the person and the commission of the
10 violation for which mandatory supervised release is
11 revoked. The Board may also order that a prisoner serve
12 up to one year of the sentence imposed by the court
13 which was not served due to the accumulation of
14 sentence credit;

15 (C) For those subject to sex offender supervision
16 under clause (d) (4) of Section 5-8-1 of this Code, the
17 reconfinement period for violations of clauses (a) (3)
18 through (b-1) (15) of Section 3-3-7 shall not exceed 2
19 years from the date of reconfinement~~;~~

20 (ii) the person shall be given credit against the
21 term of reimprisonment or reconfinement for time spent
22 in custody since he or she was paroled or released
23 which has not been credited against another sentence or
24 period of confinement;

25 (iii) persons committed under the Juvenile Court
26 Act or the Juvenile Court Act of 1987 may be continued

1 under the existing term of aftercare release parole
2 with or without modifying the conditions of aftercare
3 release parole, ~~paroled or~~ released on aftercare
4 release to a group home or other residential facility,
5 or recommitted until the age of 21 unless sooner
6 terminated;

7 (iv) this Section is subject to the release under
8 supervision and the reparole and rerelease provisions
9 of Section 3-3-10.

10 (b) The Board may revoke parole, aftercare release, or
11 mandatory supervised release for violation of a condition for
12 the duration of the term and for any further period which is
13 reasonably necessary for the adjudication of matters arising
14 before its expiration. The issuance of a warrant of arrest for
15 an alleged violation of the conditions of parole, aftercare
16 release, or mandatory supervised release shall toll the running
17 of the term until the final determination of the charge. When
18 parole, aftercare release, or mandatory supervised release is
19 not revoked that period shall be credited to the term, unless a
20 community-based sanction is imposed as an alternative to
21 revocation and reincarceration, including a diversion
22 established by the Illinois Department of Corrections Parole
23 Services Unit prior to the holding of a preliminary parole
24 revocation hearing. Parolees who are diverted to a
25 community-based sanction shall serve the entire term of parole
26 or mandatory supervised release, if otherwise appropriate.

1 (b-5) The Board shall revoke parole, aftercare release, or
2 mandatory supervised release for violation of the conditions
3 prescribed in paragraph (7.6) of subsection (a) of Section
4 3-3-7.

5 (c) A person charged with violating a condition of parole, aftercare release,
6 or mandatory supervised release shall have a
7 preliminary hearing before a hearing officer designated by the
8 Board to determine if there is cause to hold the person for a
9 revocation hearing. However, no preliminary hearing need be
10 held when revocation is based upon new criminal charges and a
11 court finds probable cause on the new criminal charges or when
12 the revocation is based upon a new criminal conviction and a
13 certified copy of that conviction is available.

14 (d) Parole, aftercare release, or mandatory supervised
15 release shall not be revoked without written notice to the
16 offender setting forth the violation of parole, aftercare
17 release, or mandatory supervised release charged against him or
18 her.

19 (e) A hearing on revocation shall be conducted before at
20 least one member of the Prisoner Review Board. The Board may
21 meet and order its actions in panels of 3 or more members. The
22 action of a majority of the panel shall be the action of the
23 Board. In consideration of persons committed to the Department
24 of Juvenile Justice, the member hearing the matter and at least
25 a majority of the panel shall be experienced in juvenile
26 matters. A record of the hearing shall be made. At the hearing

1 the offender shall be permitted to:

2 (1) appear and answer the charge; and

3 (2) bring witnesses on his or her behalf.

4 (f) The Board shall either revoke parole, aftercare
5 release, or mandatory supervised release or order the person's
6 term continued with or without modification or enlargement of
7 the conditions.

8 (g) Parole, aftercare release, or mandatory supervised
9 release shall not be revoked for failure to make payments under
10 the conditions of parole or release unless the Board determines
11 that such failure is due to the offender's willful refusal to
12 pay.

13 (Source: P.A. 96-1271, eff. 1-1-11; 97-697, eff. 6-22-12;
14 revised 8-3-12.)

15 (730 ILCS 5/3-3-10) (from Ch. 38, par. 1003-3-10)

16 Sec. 3-3-10. Eligibility after Revocation; Release under
17 Supervision.

18 (a) A person whose parole, aftercare release, or mandatory
19 supervised release has been revoked may be reparaoled or
20 rereleased by the Board at any time to the full parole,
21 aftercare release, or mandatory supervised release term under
22 Section 3-3-8, except that the time which the person shall
23 remain subject to the Board shall not exceed (1) the imposed
24 maximum term of imprisonment or confinement and the parole term
25 for those sentenced under the law in effect prior to the

1 effective date of this amendatory Act of 1977 or (2) the term
2 of imprisonment imposed by the court and the mandatory
3 supervised release term for those sentenced under the law in
4 effect on and after such effective date.

5 (b) If the Board sets no earlier release date:

6 (1) A person sentenced for any violation of law which
7 occurred before January 1, 1973, shall be released under
8 supervision 6 months prior to the expiration of his or her
9 maximum sentence of imprisonment less good time credit
10 under Section 3-6-3.

11 (2) Any person who has violated the conditions of his
12 or her parole or aftercare release and been reconfined
13 under Section 3-3-9 shall be released under supervision 6
14 months prior to the expiration of the term of his or her
15 reconfinement under paragraph (a) of Section 3-3-9 less
16 good time credit under Section 3-6-3. This paragraph shall
17 not apply to persons serving terms of mandatory supervised
18 release.

19 (3) Nothing herein shall require the release of a
20 person who has violated his or her parole within 6 months
21 of the date when his or her release under this Section
22 would otherwise be mandatory.

23 (c) Persons released under this Section shall be subject to
24 Sections 3-3-6, 3-3-7, 3-3-9, 3-14-1, 3-14-2, 3-14-2.5,
25 3-14-3, and 3-14-4.

26 (Source: P.A. 94-165, eff. 7-11-05; 95-331, eff. 8-21-07.)

1 (730 ILCS 5/3-4-3) (from Ch. 38, par. 1003-4-3)

2 Sec. 3-4-3. Funds and Property of Persons Committed.

3 (a) The Department of Corrections and the Department of
4 Juvenile Justice shall establish accounting records with
5 accounts for each person who has or receives money while in an
6 institution or facility of that Department and it shall allow
7 the withdrawal and disbursement of money by the person under
8 rules and regulations of that Department. Any interest or other
9 income from moneys deposited with the Department by a resident
10 of the Department of Juvenile Justice in excess of \$200 shall
11 accrue to the individual's account, or in balances up to \$200
12 shall accrue to the Residents' Benefit Fund. For an individual
13 in an institution or facility of the Department of Corrections
14 the interest shall accrue to the Residents' Benefit Fund. The
15 Department shall disburse all moneys so held no later than the
16 person's final discharge from the Department. Moneys in the
17 account of a committed person who files a lawsuit determined
18 frivolous under Article XXII of the Code of Civil Procedure
19 shall be deducted to pay for the filing fees and cost of the
20 suit as provided in that Article. The Department shall under
21 rules and regulations record and receipt all personal property
22 not allowed to committed persons. The Department shall return
23 such property to the individual no later than the person's
24 release on parole or aftercare.

25 (b) Any money held in accounts of committed persons

1 separated from the Department by death, discharge, or
2 unauthorized absence and unclaimed for a period of 1 year
3 thereafter by the person or his legal representative shall be
4 transmitted to the State Treasurer who shall deposit it into
5 the General Revenue Fund. Articles of personal property of
6 persons so separated may be sold or used by the Department if
7 unclaimed for a period of 1 year for the same purpose.
8 Clothing, if unclaimed within 30 days, may be used or disposed
9 of as determined by the Department.

10 (c) Forty percent of the profits on sales from commissary
11 stores shall be expended by the Department for the special
12 benefit of committed persons which shall include but not be
13 limited to the advancement of inmate payrolls, for the special
14 benefit of employees, and for the advancement or reimbursement
15 of employee travel, provided that amounts expended for
16 employees shall not exceed the amount of profits derived from
17 sales made to employees by such commissaries, as determined by
18 the Department. The remainder of the profits from sales from
19 commissary stores must be used first to pay for wages and
20 benefits of employees covered under a collective bargaining
21 agreement who are employed at commissary facilities of the
22 Department and then to pay the costs of dietary staff.

23 (d) The Department shall confiscate any unauthorized
24 currency found in the possession of a committed person. The
25 Department shall transmit the confiscated currency to the State
26 Treasurer who shall deposit it into the General Revenue Fund.

1 (Source: P.A. 97-1083, eff. 8-24-12.)

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

3 Sec. 3-5-1. Master Record File.

4 (a) The Department of Corrections and the Department of
5 Juvenile Justice shall maintain a master record file on each
6 person committed to it, which shall contain the following
7 information:

8 (1) all information from the committing court;

9 (2) reception summary;

10 (3) evaluation and assignment reports and
11 recommendations;

12 (4) reports as to program assignment and progress;

13 (5) reports of disciplinary infractions and
14 disposition, including tickets and Administrative Review
15 Board action;

16 (6) any parole or aftercare release plan;

17 (7) any parole or aftercare release reports;

18 (8) the date and circumstances of final discharge;

19 (9) criminal history;

20 (10) current and past gang affiliations and ranks;

21 (11) information regarding associations and family
22 relationships;

23 (12) any grievances filed and responses to those
24 grievances; and

25 (13) other information that the respective Department

1 determines is relevant to the secure confinement and
2 rehabilitation of the committed person.

3 (b) All files shall be confidential and access shall be
4 limited to authorized personnel of the respective Department.
5 Personnel of other correctional, welfare or law enforcement
6 agencies may have access to files under rules and regulations
7 of the respective Department. The respective Department shall
8 keep a record of all outside personnel who have access to
9 files, the files reviewed, any file material copied, and the
10 purpose of access. If the respective Department or the Prisoner
11 Review Board makes a determination under this Code which
12 affects the length of the period of confinement or commitment,
13 the committed person and his counsel shall be advised of
14 factual information relied upon by the respective Department or
15 Board to make the determination, provided that the Department
16 or Board shall not be required to advise a person committed to
17 the Department of Juvenile Justice any such information which
18 in the opinion of the Department of Juvenile Justice or Board
19 would be detrimental to his treatment or rehabilitation.

20 (c) The master file shall be maintained at a place
21 convenient to its use by personnel of the respective Department
22 in charge of the person. When custody of a person is
23 transferred from the Department to another department or
24 agency, a summary of the file shall be forwarded to the
25 receiving agency with such other information required by law or
26 requested by the agency under rules and regulations of the

1 respective Department.

2 (d) The master file of a person no longer in the custody of
3 the respective Department shall be placed on inactive status
4 and its use shall be restricted subject to rules and
5 regulations of the Department.

6 (e) All public agencies may make available to the
7 respective Department on request any factual data not otherwise
8 privileged as a matter of law in their possession in respect to
9 individuals committed to the respective Department.

10 (Source: P.A. 97-696, eff. 6-22-12.)

11 (730 ILCS 5/3-10-6) (from Ch. 38, par. 1003-10-6)

12 Sec. 3-10-6. Return and Release from Department of Human
13 Services.

14 (a) The Department of Human Services shall return to the
15 Department of Juvenile Justice any person committed to a
16 facility of the Department under paragraph (a) of Section
17 3-10-5 when the person no longer meets the standard for
18 admission of a minor to a mental health facility, or is
19 suitable for administrative admission to a developmental
20 disability facility.

21 (b) If a person returned to the Department of Juvenile
22 Justice under paragraph (a) of this Section has not had an
23 aftercare release ~~a parole~~ hearing within the preceding 6
24 months, he or she shall have an aftercare release ~~a parole~~
25 hearing within 45 days after his or her return.

1 (c) The Department of Juvenile Justice shall notify the
2 Secretary of Human Services of the expiration of the commitment
3 or sentence of any person transferred to the Department of
4 Human Services under Section 3-10-5. If the Department of Human
5 Services determines that such person transferred to it under
6 paragraph (a) of Section 3-10-5 requires further
7 hospitalization, it shall file a petition for commitment of
8 such person under the Mental Health and Developmental
9 Disabilities Code.

10 (d) The Department of Human Services shall release under
11 the Mental Health and Developmental Disabilities Code, any
12 person transferred to it pursuant to paragraph (c) of Section
13 3-10-5, whose sentence has expired and whom it deems no longer
14 meets the standard for admission of a minor to a mental health
15 facility, or is suitable for administrative admission to a
16 developmental disability facility. A person committed to the
17 Department of Juvenile Justice under the Juvenile Court Act or
18 the Juvenile Court Act of 1987 and transferred to the
19 Department of Human Services under paragraph (c) of Section
20 3-10-5 shall be released to the committing juvenile court when
21 the Department of Human Services determines that he or she no
22 longer requires hospitalization for treatment.

23 (Source: P.A. 94-696, eff. 6-1-06.)

24 (730 ILCS 5/5-1-1.1 new)

25 Sec. 5-1-1.1. Aftercare release. "Aftercare release" means

1 the conditional and revocable release of a person committed to
2 the Department of Juvenile Justice under the Juvenile Court Act
3 of 1987, under the Department of Juvenile Justice.

4 (730 ILCS 5/5-1-16) (from Ch. 38, par. 1005-1-16)

5 Sec. 5-1-16. Parole.

6 "Parole" means the conditional and revocable release of a
7 person committed to the Department of Corrections ~~person~~ under
8 the supervision of a parole officer.

9 (Source: P.A. 78-939.)

10 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

11 Sec. 5-4-3. Specimens; genetic marker groups.

12 (a) Any person convicted of, found guilty under the
13 Juvenile Court Act of 1987 for, or who received a disposition
14 of court supervision for, a qualifying offense or attempt of a
15 qualifying offense, convicted or found guilty of any offense
16 classified as a felony under Illinois law, convicted or found
17 guilty of any offense requiring registration under the Sex
18 Offender Registration Act, found guilty or given supervision
19 for any offense classified as a felony under the Juvenile Court
20 Act of 1987, convicted or found guilty of, under the Juvenile
21 Court Act of 1987, any offense requiring registration under the
22 Sex Offender Registration Act, or institutionalized as a
23 sexually dangerous person under the Sexually Dangerous Persons
24 Act, or committed as a sexually violent person under the

1 Sexually Violent Persons Commitment Act shall, regardless of
2 the sentence or disposition imposed, be required to submit
3 specimens of blood, saliva, or tissue to the Illinois
4 Department of State Police in accordance with the provisions of
5 this Section, provided such person is:

6 (1) convicted of a qualifying offense or attempt of a
7 qualifying offense on or after July 1, 1990 and sentenced
8 to a term of imprisonment, periodic imprisonment, fine,
9 probation, conditional discharge or any other form of
10 sentence, or given a disposition of court supervision for
11 the offense;

12 (1.5) found guilty or given supervision under the
13 Juvenile Court Act of 1987 for a qualifying offense or
14 attempt of a qualifying offense on or after January 1,
15 1997;

16 (2) ordered institutionalized as a sexually dangerous
17 person on or after July 1, 1990;

18 (3) convicted of a qualifying offense or attempt of a
19 qualifying offense before July 1, 1990 and is presently
20 confined as a result of such conviction in any State
21 correctional facility or county jail or is presently
22 serving a sentence of probation, conditional discharge or
23 periodic imprisonment as a result of such conviction;

24 (3.5) convicted or found guilty of any offense
25 classified as a felony under Illinois law or found guilty
26 or given supervision for such an offense under the Juvenile

1 Court Act of 1987 on or after August 22, 2002;

2 (4) presently institutionalized as a sexually
3 dangerous person or presently institutionalized as a
4 person found guilty but mentally ill of a sexual offense or
5 attempt to commit a sexual offense; or

6 (4.5) ordered committed as a sexually violent person on
7 or after the effective date of the Sexually Violent Persons
8 Commitment Act.

9 (a-1) Any person incarcerated in a facility of the Illinois
10 Department of Corrections or the Illinois Department of
11 Juvenile Justice on or after August 22, 2002, whether for a
12 term of years, natural life, or a sentence of death, who has
13 not yet submitted a specimen of blood, saliva, or tissue shall
14 be required to submit a specimen of blood, saliva, or tissue
15 prior to his or her final discharge, or release on parole,
16 aftercare release, or mandatory supervised release, as a
17 condition of his or her parole, aftercare release, or mandatory
18 supervised release, or within 6 months from August 13, 2009
19 (the effective date of Public Act 96-426), whichever is sooner.
20 A person incarcerated on or after August 13, 2009 (the
21 effective date of Public Act 96-426) shall be required to
22 submit a specimen within 45 days of incarceration, or prior to
23 his or her final discharge, or release on parole, aftercare
24 release, or mandatory supervised release, as a condition of his
25 or her parole, aftercare release, or mandatory supervised
26 release, whichever is sooner. These specimens shall be placed

1 into the State or national DNA database, to be used in
2 accordance with other provisions of this Section, by the
3 Illinois State Police.

4 (a-2) Any person sentenced to life imprisonment in a
5 facility of the Illinois Department of Corrections after the
6 effective date of this amendatory Act of the 94th General
7 Assembly or sentenced to death after the effective date of this
8 amendatory Act of the 94th General Assembly shall be required
9 to provide a specimen of blood, saliva, or tissue within 45
10 days after sentencing or disposition at a collection site
11 designated by the Illinois Department of State Police. Any
12 person serving a sentence of life imprisonment in a facility of
13 the Illinois Department of Corrections on the effective date of
14 this amendatory Act of the 94th General Assembly or any person
15 who is under a sentence of death on the effective date of this
16 amendatory Act of the 94th General Assembly shall be required
17 to provide a specimen of blood, saliva, or tissue upon request
18 at a collection site designated by the Illinois Department of
19 State Police.

20 (a-3) Any person seeking transfer to or residency in
21 Illinois under Sections 3-3-11.05 through 3-3-11.5 of this
22 Code, the Interstate Compact for Adult Offender Supervision, or
23 the Interstate Agreements on Sexually Dangerous Persons Act
24 shall be required to provide a specimen of blood, saliva, or
25 tissue within 45 days after transfer to or residency in
26 Illinois at a collection site designated by the Illinois

1 Department of State Police.

2 (a-3.1) Any person required by an order of the court to
3 submit a DNA specimen shall be required to provide a specimen
4 of blood, saliva, or tissue within 45 days after the court
5 order at a collection site designated by the Illinois
6 Department of State Police.

7 (a-3.2) On or after January 1, 2012 (the effective date of
8 Public Act 97-383), any person arrested for any of the
9 following offenses, after an indictment has been returned by a
10 grand jury, or following a hearing pursuant to Section 109-3 of
11 the Code of Criminal Procedure of 1963 and a judge finds there
12 is probable cause to believe the arrestee has committed one of
13 the designated offenses, or an arrestee has waived a
14 preliminary hearing shall be required to provide a specimen of
15 blood, saliva, or tissue within 14 days after such indictment
16 or hearing at a collection site designated by the Illinois
17 Department of State Police:

- 18 (A) first degree murder;
19 (B) home invasion;
20 (C) predatory criminal sexual assault of a child;
21 (D) aggravated criminal sexual assault; or
22 (E) criminal sexual assault.

23 (a-3.3) Any person required to register as a sex offender
24 under the Sex Offender Registration Act, regardless of the date
25 of conviction as set forth in subsection (c-5.2) shall be
26 required to provide a specimen of blood, saliva, or tissue

1 within the time period prescribed in subsection (c-5.2) at a
2 collection site designated by the Illinois Department of State
3 Police.

4 (a-5) Any person who was otherwise convicted of or received
5 a disposition of court supervision for any other offense under
6 the Criminal Code of 1961 or the Criminal Code of 2012 or who
7 was found guilty or given supervision for such a violation
8 under the Juvenile Court Act of 1987, may, regardless of the
9 sentence imposed, be required by an order of the court to
10 submit specimens of blood, saliva, or tissue to the Illinois
11 Department of State Police in accordance with the provisions of
12 this Section.

13 (b) Any person required by paragraphs (a)(1), (a)(1.5),
14 (a)(2), (a)(3.5), and (a-5) to provide specimens of blood,
15 saliva, or tissue shall provide specimens of blood, saliva, or
16 tissue within 45 days after sentencing or disposition at a
17 collection site designated by the Illinois Department of State
18 Police.

19 (c) Any person required by paragraphs (a)(3), (a)(4), and
20 (a)(4.5) to provide specimens of blood, saliva, or tissue shall
21 be required to provide such specimens prior to final discharge
22 or within 6 months from August 13, 2009 (the effective date of
23 Public Act 96-426), whichever is sooner. These specimens shall
24 be placed into the State or national DNA database, to be used
25 in accordance with other provisions of this Act, by the
26 Illinois State Police.

1 (c-5) Any person required by paragraph (a-3) to provide
2 specimens of blood, saliva, or tissue shall, where feasible, be
3 required to provide the specimens before being accepted for
4 conditioned residency in Illinois under the interstate compact
5 or agreement, but no later than 45 days after arrival in this
6 State.

7 (c-5.2) Unless it is determined that a registered sex
8 offender has previously submitted a specimen of blood, saliva,
9 or tissue that has been placed into the State DNA database, a
10 person registering as a sex offender shall be required to
11 submit a specimen at the time of his or her initial
12 registration pursuant to the Sex Offender Registration Act or,
13 for a person registered as a sex offender on or prior to
14 January 1, 2012 (the effective date of Public Act 97-383),
15 within one year of January 1, 2012 (the effective date of
16 Public Act 97-383) or at the time of his or her next required
17 registration.

18 (c-6) The Illinois Department of State Police may determine
19 which type of specimen or specimens, blood, saliva, or tissue,
20 is acceptable for submission to the Division of Forensic
21 Services for analysis. The Illinois Department of State Police
22 may require the submission of fingerprints from anyone required
23 to give a specimen under this Act.

24 (d) The Illinois Department of State Police shall provide
25 all equipment and instructions necessary for the collection of
26 blood specimens. The collection of specimens shall be performed

1 in a medically approved manner. Only a physician authorized to
2 practice medicine, a registered nurse or other qualified person
3 trained in venipuncture may withdraw blood for the purposes of
4 this Act. The specimens shall thereafter be forwarded to the
5 Illinois Department of State Police, Division of Forensic
6 Services, for analysis and categorizing into genetic marker
7 groupings.

8 (d-1) The Illinois Department of State Police shall provide
9 all equipment and instructions necessary for the collection of
10 saliva specimens. The collection of saliva specimens shall be
11 performed in a medically approved manner. Only a person trained
12 in the instructions promulgated by the Illinois State Police on
13 collecting saliva may collect saliva for the purposes of this
14 Section. The specimens shall thereafter be forwarded to the
15 Illinois Department of State Police, Division of Forensic
16 Services, for analysis and categorizing into genetic marker
17 groupings.

18 (d-2) The Illinois Department of State Police shall provide
19 all equipment and instructions necessary for the collection of
20 tissue specimens. The collection of tissue specimens shall be
21 performed in a medically approved manner. Only a person trained
22 in the instructions promulgated by the Illinois State Police on
23 collecting tissue may collect tissue for the purposes of this
24 Section. The specimens shall thereafter be forwarded to the
25 Illinois Department of State Police, Division of Forensic
26 Services, for analysis and categorizing into genetic marker

1 groupings.

2 (d-5) To the extent that funds are available, the Illinois
3 Department of State Police shall contract with qualified
4 personnel and certified laboratories for the collection,
5 analysis, and categorization of known specimens, except as
6 provided in subsection (n) of this Section.

7 (d-6) Agencies designated by the Illinois Department of
8 State Police and the Illinois Department of State Police may
9 contract with third parties to provide for the collection or
10 analysis of DNA, or both, of an offender's blood, saliva, and
11 tissue specimens, except as provided in subsection (n) of this
12 Section.

13 (e) The genetic marker groupings shall be maintained by the
14 Illinois Department of State Police, Division of Forensic
15 Services.

16 (f) The genetic marker grouping analysis information
17 obtained pursuant to this Act shall be confidential and shall
18 be released only to peace officers of the United States, of
19 other states or territories, of the insular possessions of the
20 United States, of foreign countries duly authorized to receive
21 the same, to all peace officers of the State of Illinois and to
22 all prosecutorial agencies, and to defense counsel as provided
23 by Section 116-5 of the Code of Criminal Procedure of 1963. The
24 genetic marker grouping analysis information obtained pursuant
25 to this Act shall be used only for (i) valid law enforcement
26 identification purposes and as required by the Federal Bureau

1 of Investigation for participation in the National DNA
2 database, (ii) technology validation purposes, (iii) a
3 population statistics database, (iv) quality assurance
4 purposes if personally identifying information is removed, (v)
5 assisting in the defense of the criminally accused pursuant to
6 Section 116-5 of the Code of Criminal Procedure of 1963, or
7 (vi) identifying and assisting in the prosecution of a person
8 who is suspected of committing a sexual assault as defined in
9 Section 1a of the Sexual Assault Survivors Emergency Treatment
10 Act. Notwithstanding any other statutory provision to the
11 contrary, all information obtained under this Section shall be
12 maintained in a single State data base, which may be uploaded
13 into a national database, and which information may be subject
14 to expungement only as set forth in subsection (f-1).

15 (f-1) Upon receipt of notification of a reversal of a
16 conviction based on actual innocence, or of the granting of a
17 pardon pursuant to Section 12 of Article V of the Illinois
18 Constitution, if that pardon document specifically states that
19 the reason for the pardon is the actual innocence of an
20 individual whose DNA record has been stored in the State or
21 national DNA identification index in accordance with this
22 Section by the Illinois Department of State Police, the DNA
23 record shall be expunged from the DNA identification index, and
24 the Department shall by rule prescribe procedures to ensure
25 that the record and any specimens, analyses, or other documents
26 relating to such record, whether in the possession of the

1 Department or any law enforcement or police agency, or any
2 forensic DNA laboratory, including any duplicates or copies
3 thereof, are destroyed and a letter is sent to the court
4 verifying the expungement is completed. For specimens required
5 to be collected prior to conviction, unless the individual has
6 other charges or convictions that require submission of a
7 specimen, the DNA record for an individual shall be expunged
8 from the DNA identification databases and the specimen
9 destroyed upon receipt of a certified copy of a final court
10 order for each charge against an individual in which the charge
11 has been dismissed, resulted in acquittal, or that the charge
12 was not filed within the applicable time period. The Department
13 shall by rule prescribe procedures to ensure that the record
14 and any specimens in the possession or control of the
15 Department are destroyed and a letter is sent to the court
16 verifying the expungement is completed.

17 (f-5) Any person who intentionally uses genetic marker
18 grouping analysis information, or any other information
19 derived from a DNA specimen, beyond the authorized uses as
20 provided under this Section, or any other Illinois law, is
21 guilty of a Class 4 felony, and shall be subject to a fine of
22 not less than \$5,000.

23 (f-6) The Illinois Department of State Police may contract
24 with third parties for the purposes of implementing this
25 amendatory Act of the 93rd General Assembly, except as provided
26 in subsection (n) of this Section. Any other party contracting

1 to carry out the functions of this Section shall be subject to
2 the same restrictions and requirements of this Section insofar
3 as applicable, as the Illinois Department of State Police, and
4 to any additional restrictions imposed by the Illinois
5 Department of State Police.

6 (g) For the purposes of this Section, "qualifying offense"
7 means any of the following:

8 (1) any violation or inchoate violation of Section
9 11-1.50, 11-1.60, 11-6, 11-9.1, 11-11, 11-18.1, 12-15, or
10 12-16 of the Criminal Code of 1961 or the Criminal Code of
11 2012;

12 (1.1) any violation or inchoate violation of Section
13 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3,
14 18-4, 18-6, 19-1, 19-2, or 19-6 of the Criminal Code of
15 1961 or the Criminal Code of 2012 for which persons are
16 convicted on or after July 1, 2001;

17 (2) any former statute of this State which defined a
18 felony sexual offense;

19 (3) (blank);

20 (4) any inchoate violation of Section 9-3.1, 9-3.4,
21 11-9.3, 12-7.3, or 12-7.4 of the Criminal Code of 1961 or
22 the Criminal Code of 2012; or

23 (5) any violation or inchoate violation of Article 29D
24 of the Criminal Code of 1961 or the Criminal Code of 2012.

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 the
7 Criminal Code of 2012 or for matters adjudicated under the
8 Juvenile Court Act of 1987, and includes the use of forensic
9 databases and databanks, including DNA, firearm, and
10 fingerprint databases, and expert testimony.

11 (o) Mistake does not invalidate a database match. The
12 detention, arrest, or conviction of a person based upon a
13 database match or database information is not invalidated if it
14 is determined that the specimen was obtained or placed in the
15 database by mistake.

16 (p) This Section may be referred to as the Illinois DNA
17 Database Law of 2011.

18 (Source: P.A. 96-426, eff. 8-13-09; 96-642, eff. 8-24-09;
19 96-1000, eff. 7-2-10; 96-1551, eff. 7-1-11; 97-383, eff.
20 1-1-12; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

21 (730 ILCS 5/5-8A-3) (from Ch. 38, par. 1005-8A-3)

22 Sec. 5-8A-3. Application.

23 (a) Except as provided in subsection (d), a person charged
24 with or convicted of an excluded offense may not be placed in
25 an electronic home detention program, except for bond pending

1 trial or appeal or while on parole, aftercare release, or
2 mandatory supervised release.

3 (b) A person serving a sentence for a conviction of a Class
4 1 felony, other than an excluded offense, may be placed in an
5 electronic home detention program for a period not to exceed
6 the last 90 days of incarceration.

7 (c) A person serving a sentence for a conviction of a Class
8 X felony, other than an excluded offense, may be placed in an
9 electronic home detention program for a period not to exceed
10 the last 90 days of incarceration, provided that the person was
11 sentenced on or after the effective date of this amendatory Act
12 of 1993 and provided that the court has not prohibited the
13 program for the person in the sentencing order.

14 (d) A person serving a sentence for conviction of an
15 offense other than for predatory criminal sexual assault of a
16 child, aggravated criminal sexual assault, criminal sexual
17 assault, aggravated criminal sexual abuse, or felony criminal
18 sexual abuse, may be placed in an electronic home detention
19 program for a period not to exceed the last 12 months of
20 incarceration, provided that (i) the person is 55 years of age
21 or older; (ii) the person is serving a determinate sentence;
22 (iii) the person has served at least 25% of the sentenced
23 prison term; and (iv) placement in an electronic home detention
24 program is approved by the Prisoner Review Board.

25 (e) A person serving a sentence for conviction of a Class
26 2, 3 or 4 felony offense which is not an excluded offense may

1 be placed in an electronic home detention program pursuant to
2 Department administrative directives.

3 (f) Applications for electronic home detention may include
4 the following:

5 (1) pretrial or pre-adjudicatory detention;

6 (2) probation;

7 (3) conditional discharge;

8 (4) periodic imprisonment;

9 (5) parole, aftercare release, or mandatory supervised
10 release;

11 (6) work release;

12 (7) furlough or

13 (8) post-trial incarceration.

14 (g) A person convicted of an offense described in clause
15 (4) or (5) of subsection (d) of Section 5-8-1 of this Code
16 shall be placed in an electronic home detention program for at
17 least the first 2 years of the person's mandatory supervised
18 release term.

19 (Source: P.A. 91-279, eff. 1-1-00.)

20 (730 ILCS 5/5-8A-5) (from Ch. 38, par. 1005-8A-5)

21 Sec. 5-8A-5. Consent of the participant. Before entering an
22 order for commitment for electronic home detention, the
23 supervising authority shall inform the participant and other
24 persons residing in the home of the nature and extent of the
25 approved electronic monitoring devices by doing the following:

1 (A) Securing the written consent of the participant in the
2 program to comply with the rules and regulations of the program
3 as stipulated in subsections (A) through (I) of Section 5-8A-4.

4 (B) Where possible, securing the written consent of other
5 persons residing in the home of the participant, including the
6 person in whose name the telephone is registered, at the time
7 of the order or commitment for electronic home detention is
8 entered and acknowledge the nature and extent of approved
9 electronic monitoring devices.

10 (C) Insure that the approved electronic devices be
11 minimally intrusive upon the privacy of the participant and
12 other persons residing in the home while remaining in
13 compliance with subsections (B) through (D) of Section 5-8A-4.

14 (D) This Section does not apply to persons subject to
15 Electronic Home Monitoring as a term or condition of parole,
16 aftercare release, or mandatory supervised release under
17 subsection (d) of Section 5-8-1 of this Code.

18 (Source: P.A. 90-399, eff. 1-1-98; 91-279, eff. 1-1-00.)

19 (730 ILCS 5/5-8A-7)

20 Sec. 5-8A-7. Domestic violence surveillance program. If
21 the Prisoner Review Board, Department of Corrections, or court
22 (the supervising authority) orders electronic surveillance as
23 a condition of parole, aftercare release, mandatory supervised
24 release, early release, probation, or conditional discharge
25 for a violation of an order of protection or as a condition of

1 bail for a person charged with a violation of an order of
2 protection, the supervising authority shall use the best
3 available global positioning technology to track domestic
4 violence offenders. Best available technology must have
5 real-time and interactive capabilities that facilitate the
6 following objectives: (1) immediate notification to the
7 supervising authority of a breach of a court ordered exclusion
8 zone; (2) notification of the breach to the offender; and (3)
9 communication between the supervising authority, law
10 enforcement, and the victim, regarding the breach.

11 (Source: P.A. 95-773, eff. 1-1-09; 96-688, eff. 8-25-09.)

12 Section 110. The Open Parole Hearings Act is amended by
13 changing Sections 5, 10, 15, 20, 25, and 35 as follows:

14 (730 ILCS 105/5) (from Ch. 38, par. 1655)

15 Sec. 5. Definitions. As used in this Act:

16 (a) "Applicant" means an inmate who is being considered for
17 parole or aftercare release by the Prisoner Review Board.

18 (a-1) "Aftercare releasee" means a person released from the
19 Department of Juvenile Justice on aftercare release subject to
20 aftercare revocation proceedings.

21 (b) "Board" means the Prisoner Review Board as established
22 in Section 3-3-1 of the Unified Code of Corrections.

23 (c) "Parolee" means a person subject to parole revocation
24 proceedings.

1 (d) "Parole or aftercare release hearing" means the formal
2 hearing and determination of an inmate being considered for
3 release from incarceration on community supervision.

4 (e) "Parole, aftercare release, or mandatory supervised
5 release revocation hearing" means the formal hearing and
6 determination of allegations that a parolee, aftercare
7 releasee, or mandatory supervised releasee has violated the
8 conditions of his or her release agreement.

9 (f) "Victim" means a victim or witness of a violent crime
10 as defined in subsection (a) of Section 3 of the Bill of Rights
11 for Victims and Witnesses of Violent Crime Act, or any person
12 legally related to the victim by blood, marriage, adoption, or
13 guardianship, or any friend of the victim, or any concerned
14 citizen.

15 (g) "Violent crime" means a crime defined in subsection (c)
16 of Section 3 of the Bill of Rights for Victims and Witnesses of
17 Violent Crime Act.

18 (Source: P.A. 97-299, eff. 8-11-11.)

19 (730 ILCS 105/10) (from Ch. 38, par. 1660)

20 Sec. 10. Victim's statements.

21 (a) Upon request of the victim, the State's Attorney shall
22 forward a copy of any statement presented at the time of trial
23 to the Prisoner Review Board to be considered at the time of a
24 parole or aftercare release hearing.

25 (b) The victim may enter a statement either oral, written,

1 on video tape, or other electronic means in the form and manner
2 described by the Prisoner Review Board to be considered at the
3 time of a parole or aftercare release consideration hearing.

4 (Source: P.A. 87-224.)

5 (730 ILCS 105/15) (from Ch. 38, par. 1665)

6 Sec. 15. Open hearings.

7 (a) The Board may restrict the number of individuals
8 allowed to attend parole or aftercare release or parole or
9 aftercare release revocation hearings in accordance with
10 confidentiality concerns of the juvenile or his or her
11 representative, physical limitations, security requirements of
12 the hearing facilities or those giving repetitive or cumulative
13 testimony.

14 (b) The Board may deny admission or continued attendance at
15 parole or aftercare release or parole or aftercare release
16 revocation hearings to individuals who:

17 (1) threaten or present danger to the security of the
18 institution in which the hearing is being held;

19 (2) threaten or present a danger to other attendees or
20 participants; or

21 (3) disrupt the hearing.

22 (c) Upon formal action of a majority of the Board members
23 present, the Board may close parole or aftercare release and
24 parole or aftercare release revocation hearings in order to:

25 (1) deliberate upon the oral testimony and any other

1 relevant information received from applicants, parolees,
2 releasees, victims, or others; or

3 (2) provide applicants, releasees, and parolees the
4 opportunity to challenge information other than that which
5 if the person's identity were to be exposed would possibly
6 subject them to bodily harm or death, which they believe
7 detrimental to their parole or aftercare release
8 determination hearing or revocation proceedings.

9 (Source: P.A. 87-224.)

10 (730 ILCS 105/20) (from Ch. 38, par. 1670)

11 Sec. 20. Finality of Board decisions. A Board decision
12 concerning parole or aftercare release or parole or aftercare
13 release revocation shall be final at the time the decision is
14 delivered to the inmate, subject to any rehearing granted under
15 Board rules.

16 (Source: P.A. 87-224.)

17 (730 ILCS 105/25) (from Ch. 38, par. 1675)

18 Sec. 25. Notification of future parole or aftercare release
19 hearings.

20 (a) The Board shall notify the State's Attorney of the
21 committing county of the pending hearing and the victim of all
22 forthcoming parole or aftercare release hearings at least 15
23 days in advance. Written notification shall contain:

24 (1) notification of the place of the hearing;

1 (2) the date and approximate time of the hearing;

2 (3) their right to enter a statement, to appear in
3 person, and to submit other information by video tape, tape
4 recording, or other electronic means in the form and manner
5 described by the Board or if a victim of a violent crime as
6 defined in subsection (c) of Section 3 of the Rights of
7 Crime Victims and Witnesses Act, by calling the toll-free
8 number established in subsection (f) of that Section.

9 Notification to the victims shall be at the last known
10 address of the victim. It shall be the responsibility of the
11 victim to notify the board of any changes in address and name.

12 (b) However, at any time the victim may request by a
13 written certified statement that the Prisoner Review Board stop
14 sending notice under this Section.

15 (c) (Blank).

16 (d) No later than 7 days after a parole hearing the Board
17 shall send notice of its decision to the State's Attorney and
18 victim. If parole or aftercare release is denied, the Board
19 shall within a reasonable period of time notify the victim of
20 the month and year of the next scheduled hearing.

21 (Source: P.A. 93-235, eff. 7-22-03.)

22 (730 ILCS 105/35) (from Ch. 38, par. 1685)

23 Sec. 35. Victim impact statements.

24 (a) The Board shall receive and consider victim impact
25 statements.

1 (b) Victim impact statements either oral, written,
2 video-taped, tape recorded or made by other electronic means
3 shall not be considered public documents under provisions of
4 the Freedom of Information Act.

5 (c) The inmate or his or her attorney shall be informed of
6 the existence of a victim impact statement and its contents
7 under provisions of Board rules. This shall not be construed to
8 permit disclosure to an inmate of any information which might
9 result in the risk of threats or physical harm to a victim or
10 complaining witness.

11 (d) The inmate shall be given the opportunity to answer a
12 victim impact statement, either orally or in writing.

13 (e) All written victim impact statements shall be part of
14 the applicant's, releasee's, or parolee's parole file.

15 (Source: P.A. 97-299, eff. 8-11-11.)

16 Section 115. The Sex Offender Registration Act is amended
17 by changing Sections 3, 4, and 8-5 as follows:

18 (730 ILCS 150/3)

19 Sec. 3. Duty to register.

20 (a) A sex offender, as defined in Section 2 of this Act, or
21 sexual predator shall, within the time period prescribed in
22 subsections (b) and (c), register in person and provide
23 accurate information as required by the Department of State
24 Police. Such information shall include a current photograph,

1 current address, current place of employment, the sex
2 offender's or sexual predator's telephone number, including
3 cellular telephone number, the employer's telephone number,
4 school attended, all e-mail addresses, instant messaging
5 identities, chat room identities, and other Internet
6 communications identities that the sex offender uses or plans
7 to use, all Uniform Resource Locators (URLs) registered or used
8 by the sex offender, all blogs and other Internet sites
9 maintained by the sex offender or to which the sex offender has
10 uploaded any content or posted any messages or information,
11 extensions of the time period for registering as provided in
12 this Article and, if an extension was granted, the reason why
13 the extension was granted and the date the sex offender was
14 notified of the extension. The information shall also include a
15 copy of the terms and conditions of parole or release signed by
16 the sex offender and given to the sex offender by his or her
17 supervising officer or aftercare specialist, in the case of an
18 aftercare releasee, the county of conviction, license plate
19 numbers for every vehicle registered in the name of the sex
20 offender, the age of the sex offender at the time of the
21 commission of the offense, the age of the victim at the time of
22 the commission of the offense, and any distinguishing marks
23 located on the body of the sex offender. A sex offender
24 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
25 11-21 of the Criminal Code of 1961 or the Criminal Code of 2012
26 shall provide all Internet protocol (IP) addresses in his or

1 her residence, registered in his or her name, accessible at his
2 or her place of employment, or otherwise under his or her
3 control or custody. If the sex offender is a child sex offender
4 as defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
5 1961 or the Criminal Code of 2012, the sex offender shall
6 report to the registering agency whether he or she is living in
7 a household with a child under 18 years of age who is not his or
8 her own child, provided that his or her own child is not the
9 victim of the sex offense. The sex offender or sexual predator
10 shall register:

11 (1) with the chief of police in the municipality in
12 which he or she resides or is temporarily domiciled for a
13 period of time of 3 or more days, unless the municipality
14 is the City of Chicago, in which case he or she shall
15 register at the Chicago Police Department Headquarters; or

16 (2) with the sheriff in the county in which he or she
17 resides or is temporarily domiciled for a period of time of
18 3 or more days in an unincorporated area or, if
19 incorporated, no police chief exists.

20 If the sex offender or sexual predator is employed at or
21 attends an institution of higher education, he or she shall
22 also register:

23 (i) with:

24 (A) the chief of police in the municipality in
25 which he or she is employed at or attends an
26 institution of higher education, unless the

1 municipality is the City of Chicago, in which case he
2 or she shall register at the Chicago Police Department
3 Headquarters; or

4 (B) the sheriff in the county in which he or she is
5 employed or attends an institution of higher education
6 located in an unincorporated area, or if incorporated,
7 no police chief exists; and

8 (ii) with the public safety or security director of the
9 institution of higher education which he or she is employed
10 at or attends.

11 The registration fees shall only apply to the municipality
12 or county of primary registration, and not to campus
13 registration.

14 For purposes of this Article, the place of residence or
15 temporary domicile is defined as any and all places where the
16 sex offender resides for an aggregate period of time of 3 or
17 more days during any calendar year. Any person required to
18 register under this Article who lacks a fixed address or
19 temporary domicile must notify, in person, the agency of
20 jurisdiction of his or her last known address within 3 days
21 after ceasing to have a fixed residence.

22 A sex offender or sexual predator who is temporarily absent
23 from his or her current address of registration for 3 or more
24 days shall notify the law enforcement agency having
25 jurisdiction of his or her current registration, including the
26 itinerary for travel, in the manner provided in Section 6 of

1 this Act for notification to the law enforcement agency having
2 jurisdiction of change of address.

3 Any person who lacks a fixed residence must report weekly,
4 in person, with the sheriff's office of the county in which he
5 or she is located in an unincorporated area, or with the chief
6 of police in the municipality in which he or she is located.
7 The agency of jurisdiction will document each weekly
8 registration to include all the locations where the person has
9 stayed during the past 7 days.

10 The sex offender or sexual predator shall provide accurate
11 information as required by the Department of State Police. That
12 information shall include the sex offender's or sexual
13 predator's current place of employment.

14 (a-5) An out-of-state student or out-of-state employee
15 shall, within 3 days after beginning school or employment in
16 this State, register in person and provide accurate information
17 as required by the Department of State Police. Such information
18 will include current place of employment, school attended, and
19 address in state of residence. A sex offender convicted under
20 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the
21 Criminal Code of 1961 or the Criminal Code of 2012 shall
22 provide all Internet protocol (IP) addresses in his or her
23 residence, registered in his or her name, accessible at his or
24 her place of employment, or otherwise under his or her control
25 or custody. The out-of-state student or out-of-state employee
26 shall register:

1 (1) with:

2 (A) the chief of police in the municipality in
3 which he or she attends school or is employed for a
4 period of time of 5 or more days or for an aggregate
5 period of time of more than 30 days during any calendar
6 year, unless the municipality is the City of Chicago,
7 in which case he or she shall register at the Chicago
8 Police Department Headquarters; or

9 (B) the sheriff in the county in which he or she
10 attends school or is employed for a period of time of 5
11 or more days or for an aggregate period of time of more
12 than 30 days during any calendar year in an
13 unincorporated area or, if incorporated, no police
14 chief exists; and

15 (2) with the public safety or security director of the
16 institution of higher education he or she is employed at or
17 attends for a period of time of 5 or more days or for an
18 aggregate period of time of more than 30 days during a
19 calendar year.

20 The registration fees shall only apply to the municipality
21 or county of primary registration, and not to campus
22 registration.

23 The out-of-state student or out-of-state employee shall
24 provide accurate information as required by the Department of
25 State Police. That information shall include the out-of-state
26 student's current place of school attendance or the

1 out-of-state employee's current place of employment.

2 (a-10) Any law enforcement agency registering sex
3 offenders or sexual predators in accordance with subsections
4 (a) or (a-5) of this Section shall forward to the Attorney
5 General a copy of sex offender registration forms from persons
6 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
7 11-21 of the Criminal Code of 1961 or the Criminal Code of
8 2012, including periodic and annual registrations under
9 Section 6 of this Act.

10 (b) Any sex offender, as defined in Section 2 of this Act,
11 or sexual predator, regardless of any initial, prior, or other
12 registration, shall, within 3 days of beginning school, or
13 establishing a residence, place of employment, or temporary
14 domicile in any county, register in person as set forth in
15 subsection (a) or (a-5).

16 (c) The registration for any person required to register
17 under this Article shall be as follows:

18 (1) Any person registered under the Habitual Child Sex
19 Offender Registration Act or the Child Sex Offender
20 Registration Act prior to January 1, 1996, shall be deemed
21 initially registered as of January 1, 1996; however, this
22 shall not be construed to extend the duration of
23 registration set forth in Section 7.

24 (2) Except as provided in subsection (c)(2.1) or
25 (c)(4), any person convicted or adjudicated prior to
26 January 1, 1996, whose liability for registration under

1 Section 7 has not expired, shall register in person prior
2 to January 31, 1996.

3 (2.1) A sex offender or sexual predator, who has never
4 previously been required to register under this Act, has a
5 duty to register if the person has been convicted of any
6 felony offense after July 1, 2011. A person who previously
7 was required to register under this Act for a period of 10
8 years and successfully completed that registration period
9 has a duty to register if: (i) the person has been
10 convicted of any felony offense after July 1, 2011, and
11 (ii) the offense for which the 10 year registration was
12 served currently requires a registration period of more
13 than 10 years. Notification of an offender's duty to
14 register under this subsection shall be pursuant to Section
15 5-7 of this Act.

16 (2.5) Except as provided in subsection (c)(4), any
17 person who has not been notified of his or her
18 responsibility to register shall be notified by a criminal
19 justice entity of his or her responsibility to register.
20 Upon notification the person must then register within 3
21 days of notification of his or her requirement to register.
22 Except as provided in subsection (c)(2.1), if notification
23 is not made within the offender's 10 year registration
24 requirement, and the Department of State Police determines
25 no evidence exists or indicates the offender attempted to
26 avoid registration, the offender will no longer be required

1 to register under this Act.

2 (3) Except as provided in subsection (c) (4), any person
3 convicted on or after January 1, 1996, shall register in
4 person within 3 days after the entry of the sentencing
5 order based upon his or her conviction.

6 (4) Any person unable to comply with the registration
7 requirements of this Article because he or she is confined,
8 institutionalized, or imprisoned in Illinois on or after
9 January 1, 1996, shall register in person within 3 days of
10 discharge, parole or release.

11 (5) The person shall provide positive identification
12 and documentation that substantiates proof of residence at
13 the registering address.

14 (6) The person shall pay a \$100 initial registration
15 fee and a \$100 annual renewal fee. The fees shall be used
16 by the registering agency for official purposes. The agency
17 shall establish procedures to document receipt and use of
18 the funds. The law enforcement agency having jurisdiction
19 may waive the registration fee if it determines that the
20 person is indigent and unable to pay the registration fee.
21 Thirty-five dollars for the initial registration fee and
22 \$35 of the annual renewal fee shall be used by the
23 registering agency for official purposes. Five dollars of
24 the initial registration fee and \$5 of the annual fee shall
25 be deposited into the Sex Offender Management Board Fund
26 under Section 19 of the Sex Offender Management Board Act.

1 Money deposited into the Sex Offender Management Board Fund
2 shall be administered by the Sex Offender Management Board
3 and shall be used by the Board to comply with the
4 provisions of the Sex Offender Management Board Act. Thirty
5 dollars of the initial registration fee and \$30 of the
6 annual renewal fee shall be deposited into the Sex Offender
7 Registration Fund and shall be used by the Department of
8 State Police to maintain and update the Illinois State
9 Police Sex Offender Registry. Thirty dollars of the initial
10 registration fee and \$30 of the annual renewal fee shall be
11 deposited into the Attorney General Sex Offender
12 Awareness, Training, and Education Fund. Moneys deposited
13 into the Fund shall be used by the Attorney General to
14 administer the I-SORT program and to alert and educate the
15 public, victims, and witnesses of their rights under
16 various victim notification laws and for training law
17 enforcement agencies, State's Attorneys, and medical
18 providers of their legal duties concerning the prosecution
19 and investigation of sex offenses.

20 (d) Within 3 days after obtaining or changing employment
21 and, if employed on January 1, 2000, within 5 days after that
22 date, a person required to register under this Section must
23 report, in person to the law enforcement agency having
24 jurisdiction, the business name and address where he or she is
25 employed. If the person has multiple businesses or work
26 locations, every business and work location must be reported to

1 the law enforcement agency having jurisdiction.

2 (Source: P.A. 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11;
3 96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff.
4 1-1-11; 96-1551, eff. 7-1-11; 97-155, eff 1-1-12; 97-333, eff.
5 8-12-11; 97-578, eff. 1-1-12; 97-1098, eff. 1-1-13; 97-1109,
6 eff. 1-1-13; 97-1150, eff. 1-25-13.)

7 (730 ILCS 150/4) (from Ch. 38, par. 224)

8 Sec. 4. Discharge of sex offender, as defined in Section 2
9 of this Act, or sexual predator from Department of Corrections
10 facility or other penal institution; duties of official in
11 charge. Any sex offender, as defined in Section 2 of this Act,
12 or sexual predator, as defined by this Article, who is
13 discharged, paroled or released from a Department of
14 Corrections facility, a facility where such person was placed
15 by the Department of Corrections or another penal institution,
16 and whose liability for registration has not terminated under
17 Section 7 shall, prior to discharge, parole or release from the
18 facility or institution, be informed of his or her duty to
19 register in person within 3 days of release by the facility or
20 institution in which he or she was confined. The facility or
21 institution shall also inform any person who must register that
22 if he or she establishes a residence outside of the State of
23 Illinois, is employed outside of the State of Illinois, or
24 attends school outside of the State of Illinois, he or she must
25 register in the new state within 3 days after establishing the

1 residence, beginning employment, or beginning school.

2 The facility shall require the person to read and sign such
3 form as may be required by the Department of State Police
4 stating that the duty to register and the procedure for
5 registration has been explained to him or her and that he or
6 she understands the duty to register and the procedure for
7 registration. The facility shall further advise the person in
8 writing that the failure to register or other violation of this
9 Article shall result in revocation of parole, aftercare
10 release, mandatory supervised release or conditional release.
11 The facility shall obtain information about where the person
12 expects to reside, work, and attend school upon his or her
13 discharge, parole or release and shall report the information
14 to the Department of State Police. The facility shall give one
15 copy of the form to the person and shall send one copy to each
16 of the law enforcement agencies having jurisdiction where the
17 person expects to reside, work, and attend school upon his or
18 her discharge, parole or release and retain one copy for the
19 files. Electronic data files which includes all notification
20 form information and photographs of sex offenders being
21 released from an Illinois Department of Corrections or Illinois
22 Department of Juvenile Justice facility will be shared on a
23 regular basis as determined between the Department of State
24 Police, ~~and~~ the Department of Corrections, and Department of
25 Juvenile Justice.

26 (Source: P.A. 94-168, eff. 1-1-06; 95-640, eff. 6-1-08.)

1 (730 ILCS 150/8-5)

2 Sec. 8-5. Verification requirements.

3 (a) Address verification. The agency having jurisdiction
4 shall verify the address of sex offenders, as defined in
5 Section 2 of this Act, or sexual predators required to register
6 with their agency at least once per year. The verification must
7 be documented in LEADS in the form and manner required by the
8 Department of State Police.

9 (a-5) Internet Protocol address verification. The agency
10 having jurisdiction may verify the Internet protocol (IP)
11 address of sex offenders, as defined in Section 2 of this Act,
12 who are required to register with their agency under Section 3
13 of this Act. A copy of any such verification must be sent to
14 the Attorney General for entrance in the Illinois Cyber-crimes
15 Location Database pursuant to Section 5-4-3.2 of the Unified
16 Code of Corrections.

17 (b) Registration verification. The supervising officer or
18 aftercare specialist, in the case of an aftercare releasee,
19 shall, within 15 days of sentencing to probation or release
20 from an Illinois Department of Corrections facility or other
21 penal institution, contact the law enforcement agency in the
22 jurisdiction in which the sex offender or sexual predator
23 designated as his or her intended residence and verify
24 compliance with the requirements of this Act. Revocation
25 proceedings shall be immediately commenced against a sex

1 offender or sexual predator on probation, parole, aftercare
2 release, or mandatory supervised release who fails to comply
3 with the requirements of this Act.

4 (c) In an effort to ensure that sexual predators and sex
5 offenders who fail to respond to address-verification attempts
6 or who otherwise abscond from registration are located in a
7 timely manner, the Department of State Police shall share
8 information with local law enforcement agencies. The
9 Department shall use analytical resources to assist local law
10 enforcement agencies to determine the potential whereabouts of
11 any sexual predator or sex offender who fails to respond to
12 address-verification attempts or who otherwise absconds from
13 registration. The Department shall review and analyze all
14 available information concerning any such predator or offender
15 who fails to respond to address-verification attempts or who
16 otherwise absconds from registration and provide the
17 information to local law enforcement agencies in order to
18 assist the agencies in locating and apprehending the sexual
19 predator or sex offender.

20 (Source: P.A. 94-988, eff. 1-1-07; 95-579, eff. 6-1-08.)

21 Section 120. The Murderer and Violent Offender Against
22 Youth Registration Act is amended by changing Sections 15 and
23 50 as follows:

24 (730 ILCS 154/15)

1 Sec. 15. Discharge of violent offender against youth.
2 Discharge of violent offender against youth from Department of
3 Corrections facility or other penal institution; duties of
4 official in charge. Any violent offender against youth who is
5 discharged, paroled, or released from a Department of
6 Corrections facility, a facility where such person was placed
7 by the Department of Corrections or another penal institution,
8 and whose liability for registration has not terminated under
9 Section 40 shall, prior to discharge, parole or release from
10 the facility or institution, be informed of his or her duty to
11 register in person within 5 days of release by the facility or
12 institution in which he or she was confined. The facility or
13 institution shall also inform any person who must register that
14 if he or she establishes a residence outside of the State of
15 Illinois, is employed outside of the State of Illinois, or
16 attends school outside of the State of Illinois, he or she must
17 register in the new state within 5 days after establishing the
18 residence, beginning employment, or beginning school.

19 The facility shall require the person to read and sign such
20 form as may be required by the Department of State Police
21 stating that the duty to register and the procedure for
22 registration has been explained to him or her and that he or
23 she understands the duty to register and the procedure for
24 registration. The facility shall further advise the person in
25 writing that the failure to register or other violation of this
26 Act shall result in revocation of parole, aftercare release,

1 mandatory supervised release or conditional release. The
2 facility shall obtain information about where the person
3 expects to reside, work, and attend school upon his or her
4 discharge, parole or release and shall report the information
5 to the Department of State Police. The facility shall give one
6 copy of the form to the person and shall send one copy to each
7 of the law enforcement agencies having jurisdiction where the
8 person expects to reside, work, and attend school upon his or
9 her discharge, parole or release and retain one copy for the
10 files. Electronic data files which includes all notification
11 form information and photographs of violent offenders against
12 youth being released from an Illinois Department of Corrections
13 or Illinois Department of Juvenile Justice facility will be
14 shared on a regular basis as determined between the Department
15 of State Police, ~~and~~ the Department of Corrections and
16 Department of Juvenile Justice.

17 (Source: P.A. 94-945, eff. 6-27-06.)

18 (730 ILCS 154/50)

19 Sec. 50. Verification requirements.

20 (a) The agency having jurisdiction shall verify the address
21 of violent offenders against youth required to register with
22 their agency at least once per year. The verification must be
23 documented in LEADS in the form and manner required by the
24 Department of State Police.

25 (b) The supervising officer or aftercare specialist, in the

1 case of an aftercare releasee, shall, within 15 days of
2 sentencing to probation or release from an Illinois Department
3 of Corrections facility or other penal institution, contact the
4 law enforcement agency in the jurisdiction which the violent
5 offender against youth designated as his or her intended
6 residence and verify compliance with the requirements of this
7 Act. Revocation proceedings shall be immediately commenced
8 against a violent offender against youth on probation, parole,
9 aftercare release, or mandatory supervised release who fails to
10 comply with the requirements of this Act.

11 (Source: P.A. 94-945, eff. 6-27-06.)

12 Section 125. The Stalking No Contact Order Act is amended
13 by changing Sections 20, 115, and 117 as follows:

14 (740 ILCS 21/20)

15 Sec. 20. Commencement of action; filing fees.

16 (a) An action for a stalking no contact order is commenced:

17 (1) independently, by filing a petition for a stalking
18 no contact order in any civil court, unless specific courts
19 are designated by local rule or order; or

20 (2) in conjunction with a delinquency petition or a
21 criminal prosecution, by filing a petition for a stalking
22 no contact order under the same case number as the
23 delinquency petition or criminal prosecution, to be
24 granted during pre-trial release of a defendant, with any

1 dispositional order issued under Section 5-710 of the
2 Juvenile Court Act of 1987 or as a condition of release,
3 supervision, conditional discharge, probation, periodic
4 imprisonment, parole, aftercare release, or mandatory
5 supervised release, or in conjunction with imprisonment or
6 a bond forfeiture warrant, provided that (i) the violation
7 is alleged in an information, complaint, indictment, or
8 delinquency petition on file and the alleged victim is a
9 person protected by this Act, and (ii) the petition, which
10 is filed by the State's Attorney, names a victim of the
11 alleged crime as a petitioner.

12 (b) Withdrawal or dismissal of any petition for a stalking
13 no contact order prior to adjudication where the petitioner is
14 represented by the State shall operate as a dismissal without
15 prejudice. No action for a stalking no contact order shall be
16 dismissed because the respondent is being prosecuted for a
17 crime against the petitioner. For any action commenced under
18 item (2) of subsection (a) of this Section, dismissal of the
19 conjoined case (or a finding of not guilty) shall not require
20 dismissal of the action for a stalking no contact order;
21 instead, it may be treated as an independent action and, if
22 necessary and appropriate, transferred to a different court or
23 division.

24 (c) No fee shall be charged by the clerk of the court for
25 filing petitions or modifying or certifying orders. No fee
26 shall be charged by the sheriff for service by the sheriff of a

1 petition, rule, motion, or order in an action commenced under
2 this Section.

3 (d) The court shall provide, through the office of the
4 clerk of the court, simplified forms for filing of a petition
5 under this Section by any person not represented by counsel.

6 (Source: P.A. 96-246, eff. 1-1-10.)

7 (740 ILCS 21/115)

8 Sec. 115. Notice of orders.

9 (a) Upon issuance of any stalking no contact order, the
10 clerk shall immediately, or on the next court day if an
11 emergency order is issued in accordance with subsection (c) of
12 Section 95:

13 (1) enter the order on the record and file it in
14 accordance with the circuit court procedures; and

15 (2) provide a file stamped copy of the order to the
16 respondent, if present, and to the petitioner.

17 (b) The clerk of the issuing judge shall, or the petitioner
18 may, on the same day that a stalking no contact order is
19 issued, file a certified copy of that order with the sheriff or
20 other law enforcement officials charged with maintaining
21 Department of State Police records or charged with serving the
22 order upon the respondent. If the order was issued in
23 accordance with subsection (c) of Section 95, the clerk shall,
24 on the next court day, file a certified copy of the order with
25 the sheriff or other law enforcement officials charged with

1 maintaining Department of State Police records. If the
2 respondent, at the time of the issuance of the order, is
3 committed to the custody of the Illinois Department of
4 Corrections or Illinois Department of Juvenile Justice or is on
5 parole, aftercare release, or mandatory supervised release,
6 the sheriff or other law enforcement officials charged with
7 maintaining Department of State Police records shall notify the
8 Department of Corrections or Department of Juvenile Justice
9 within 48 hours of receipt of a copy of the stalking no contact
10 order from the clerk of the issuing judge or the petitioner.
11 Such notice shall include the name of the respondent, the
12 respondent's IDOC or IDJJ inmate number, the respondent's date
13 of birth, and the LEADS Record Index Number.

14 (c) Unless the respondent was present in court when the
15 order was issued, the sheriff, other law enforcement official,
16 or special process server shall promptly serve that order upon
17 the respondent and file proof of such service in the manner
18 provided for service of process in civil proceedings. Instead
19 of serving the order upon the respondent, however, the sheriff,
20 other law enforcement official, special process server, or
21 other persons defined in Section 117 may serve the respondent
22 with a short form notification as provided in Section 117. If
23 process has not yet been served upon the respondent, it shall
24 be served with the order or short form notification if such
25 service is made by the sheriff, other law enforcement official,
26 or special process server.

1 (d) If the person against whom the stalking no contact
2 order is issued is arrested and the written order is issued in
3 accordance with subsection (c) of Section 95 and received by
4 the custodial law enforcement agency before the respondent or
5 arrestee is released from custody, the custodial law
6 enforcement agent shall promptly serve the order upon the
7 respondent or arrestee before the respondent or arrestee is
8 released from custody. In no event shall detention of the
9 respondent or arrestee be extended for hearing on the petition
10 for stalking no contact order or receipt of the order issued
11 under Section 95 of this Act.

12 (e) Any order extending, modifying, or revoking any
13 stalking no contact order shall be promptly recorded, issued,
14 and served as provided in this Section.

15 (f) Upon the request of the petitioner, within 24 hours of
16 the issuance of a stalking no contact order, the clerk of the
17 issuing judge shall send written notice of the order along with
18 a certified copy of the order to any school, daycare, college,
19 or university at which the petitioner is enrolled.

20 (Source: P.A. 96-246, eff. 1-1-10; 97-904, eff. 1-1-13;
21 97-1017, eff. 1-1-13; revised 8-23-12.)

22 (740 ILCS 21/117)

23 Sec. 117. Short form notification.

24 (a) Instead of personal service of a stalking no contact
25 order under Section 115, a sheriff, other law enforcement

1 official, special process server, or personnel assigned by the
2 Department of Corrections or Department of Juvenile Justice to
3 investigate the alleged misconduct of committed persons or
4 alleged violations of a parolee's or releasee's conditions of
5 parole, aftercare release, or mandatory supervised release may
6 serve a respondent with a short form notification. The short
7 form notification must include the following items:

8 (1) The respondent's name.

9 (2) The respondent's date of birth, if known.

10 (3) The petitioner's name.

11 (4) The names of other protected parties.

12 (5) The date and county in which the stalking no
13 contact order was filed.

14 (6) The court file number.

15 (7) The hearing date and time, if known.

16 (8) The conditions that apply to the respondent, either
17 in checklist form or handwritten.

18 (b) The short form notification must contain the following
19 notice in bold print:

20 "The order is now enforceable. You must report to the
21 office of the sheriff or the office of the circuit court in
22 (name of county) County to obtain a copy of the order. You are
23 subject to arrest and may be charged with a misdemeanor or
24 felony if you violate any of the terms of the order."

25 (c) Upon verification of the identity of the respondent and
26 the existence of an unserved order against the respondent, a

1 sheriff or other law enforcement official may detain the
2 respondent for a reasonable time necessary to complete and
3 serve the short form notification.

4 (d) When service is made by short form notification under
5 this Section, it may be proved by the affidavit of the person
6 making the service.

7 (e) The Attorney General shall make the short form
8 notification form available to law enforcement agencies in this
9 State.

10 (f) A single short form notification form may be used for
11 orders of protection under the Illinois Domestic Violence Act
12 of 1986, stalking no contact orders under this Act, and civil
13 no contact orders under the Civil No Contact Order Act.

14 (Source: P.A. 97-1017, eff. 1-1-13.)

15 Section 130. The Civil No Contact Order Act is amended by
16 changing Sections 202, 216, 218, and 218.1 as follows:

17 (740 ILCS 22/202)

18 Sec. 202. Commencement of action; filing fees.

19 (a) An action for a civil no contact order is commenced:

20 (1) independently, by filing a petition for a civil no
21 contact order in any civil court, unless specific courts
22 are designated by local rule or order; or

23 (2) in conjunction with a delinquency petition or a
24 criminal prosecution, by filing a petition for a civil no

1 contact order under the same case number as the delinquency
2 petition or criminal prosecution, to be granted during
3 pre-trial release of a defendant, with any dispositional
4 order issued under Section 5-710 of the Juvenile Court Act
5 of 1987 or as a condition of release, supervision,
6 conditional discharge, probation, periodic imprisonment,
7 parole, aftercare release, or mandatory supervised
8 release, or in conjunction with imprisonment or a bond
9 forfeiture warrant, provided that (i) the violation is
10 alleged in an information, complaint, indictment, or
11 delinquency petition on file and the alleged victim is a
12 person protected by this Act, and (ii) the petition, which
13 is filed by the State's Attorney, names a victim of the
14 alleged crime as a petitioner.

15 (b) Withdrawal or dismissal of any petition for a civil no
16 contact order prior to adjudication where the petitioner is
17 represented by the State shall operate as a dismissal without
18 prejudice. No action for a civil no contact order shall be
19 dismissed because the respondent is being prosecuted for a
20 crime against the petitioner. For any action commenced under
21 item (2) of subsection (a) of this Section, dismissal of the
22 conjoined case (or a finding of not guilty) shall not require
23 dismissal of the action for a civil no contact order; instead,
24 it may be treated as an independent action and, if necessary
25 and appropriate, transferred to a different court or division.

26 (c) No fee shall be charged by the clerk of the court for

1 filing petitions or modifying or certifying orders. No fee
2 shall be charged by the sheriff for service by the sheriff of a
3 petition, rule, motion, or order in an action commenced under
4 this Section.

5 (d) The court shall provide, through the office of the
6 clerk of the court, simplified forms for filing of a petition
7 under this Section by any person not represented by counsel.

8 (Source: P.A. 93-236, eff. 1-1-04; 93-811, eff. 1-1-05.)

9 (740 ILCS 22/216)

10 Sec. 216. Duration and extension of orders.

11 (a) Unless re-opened or extended or voided by entry of an
12 order of greater duration, an emergency order shall be
13 effective for not less than 14 nor more than 21 days.

14 (b) Except as otherwise provided in this Section, a plenary
15 civil no contact order shall be effective for a fixed period of
16 time, not to exceed 2 years. A plenary civil no contact order
17 entered in conjunction with a criminal prosecution shall remain
18 in effect as follows:

19 (1) if entered during pre-trial release, until
20 disposition, withdrawal, or dismissal of the underlying
21 charge; if however, the case is continued as an independent
22 cause of action, the order's duration may be for a fixed
23 period of time not to exceed 2 years;

24 (2) if in effect in conjunction with a bond forfeiture
25 warrant, until final disposition or an additional period of

1 time not exceeding 2 years; no civil no contact order,
2 however, shall be terminated by a dismissal that is
3 accompanied by the issuance of a bond forfeiture warrant;

4 (3) until expiration of any supervision, conditional
5 discharge, probation, periodic imprisonment, parole,
6 aftercare release, or mandatory supervised release and for
7 an additional period of time thereafter not exceeding 2
8 years; or

9 (4) until the date set by the court for expiration of
10 any sentence of imprisonment and subsequent parole
11 aftercare release, or mandatory supervised release and for
12 an additional period of time thereafter not exceeding 2
13 years.

14 (c) Any emergency or plenary order may be extended one or
15 more times, as required, provided that the requirements of
16 Section 214 or 215, as appropriate, are satisfied. If the
17 motion for extension is uncontested and the petitioner seeks no
18 modification of the order, the order may be extended on the
19 basis of the petitioner's motion or affidavit stating that
20 there has been no material change in relevant circumstances
21 since entry of the order and stating the reason for the
22 requested extension. Extensions may be granted only in open
23 court and not under the provisions of subsection (c) of Section
24 214, which applies only when the court is unavailable at the
25 close of business or on a court holiday.

26 (d) Any civil no contact order which would expire on a

1 court holiday shall instead expire at the close of the next
2 court business day.

3 (d-5) An extension of a plenary civil no contact order may
4 be granted, upon good cause shown, to remain in effect until
5 the civil no contact order is vacated or modified.

6 (e) The practice of dismissing or suspending a criminal
7 prosecution in exchange for the issuance of a civil no contact
8 order undermines the purposes of this Act. This Section shall
9 not be construed as encouraging that practice.

10 (Source: P.A. 96-311, eff. 1-1-10.)

11 (740 ILCS 22/218)

12 Sec. 218. Notice of orders.

13 (a) Upon issuance of any civil no contact order, the clerk
14 shall immediately, or on the next court day if an emergency
15 order is issued in accordance with subsection (c) of Section
16 214:

17 (1) enter the order on the record and file it in
18 accordance with the circuit court procedures; and

19 (2) provide a file stamped copy of the order to the
20 respondent, if present, and to the petitioner.

21 (b) The clerk of the issuing judge shall, or the petitioner
22 may, on the same day that a civil no contact order is issued,
23 file a certified copy of that order with the sheriff or other
24 law enforcement officials charged with maintaining Department
25 of State Police records or charged with serving the order upon

1 the respondent. If the order was issued in accordance with
2 subsection (c) of Section 214, the clerk shall, on the next
3 court day, file a certified copy of the order with the Sheriff
4 or other law enforcement officials charged with maintaining
5 Department of State Police records. If the respondent, at the
6 time of the issuance of the order, is committed to the custody
7 of the Illinois Department of Corrections or Illinois
8 Department of Juvenile Justice or is on parole, aftercare
9 release, or mandatory supervised release, the sheriff or other
10 law enforcement officials charged with maintaining Department
11 of State Police records shall notify the Department of
12 Corrections or Department of Juvenile Justice within 48 hours
13 of receipt of a copy of the civil no contact order from the
14 clerk of the issuing judge or the petitioner. Such notice shall
15 include the name of the respondent, the respondent's IDOC or
16 IDJJ inmate number, the respondent's date of birth, and the
17 LEADS Record Index Number.

18 (c) Unless the respondent was present in court when the
19 order was issued, the sheriff, other law enforcement official,
20 or special process server shall promptly serve that order upon
21 the respondent and file proof of such service in the manner
22 provided for service of process in civil proceedings. Instead
23 of serving the order upon the respondent, however, the sheriff,
24 other law enforcement official, special process server, or
25 other persons defined in Section 218.1 may serve the respondent
26 with a short form notification as provided in Section 218.1. If

1 process has not yet been served upon the respondent, it shall
2 be served with the order or short form notification if such
3 service is made by the sheriff, other law enforcement official,
4 or special process server.

5 (d) If the person against whom the civil no contact order
6 is issued is arrested and the written order is issued in
7 accordance with subsection (c) of Section 214 and received by
8 the custodial law enforcement agency before the respondent or
9 arrestee is released from custody, the custodial law
10 enforcement agent shall promptly serve the order upon the
11 respondent or arrestee before the respondent or arrestee is
12 released from custody. In no event shall detention of the
13 respondent or arrestee be extended for hearing on the petition
14 for civil no contact order or receipt of the order issued under
15 Section 214 of this Act.

16 (e) Any order extending, modifying, or revoking any civil
17 no contact order shall be promptly recorded, issued, and served
18 as provided in this Section.

19 (f) Upon the request of the petitioner, within 24 hours of
20 the issuance of a civil no contact order, the clerk of the
21 issuing judge shall send written notice of the order along with
22 a certified copy of the order to any school, college, or
23 university at which the petitioner is enrolled.

24 (Source: P.A. 97-904, eff. 1-1-13; 97-1017, eff. 1-1-13;
25 revised 8-23-12.)

1 (740 ILCS 22/218.1)

2 Sec. 218.1. Short form notification.

3 (a) Instead of personal service of a civil no contact order
4 under Section 218, a sheriff, other law enforcement official,
5 special process server, or personnel assigned by the Department
6 of Corrections or Department of Juvenile Justice to investigate
7 the alleged misconduct of committed persons or alleged
8 violations of a parolee's or releasee's conditions of parole, l
9 aftercare release, or mandatory supervised release may serve a
10 respondent with a short form notification. The short form
11 notification must include the following items:

12 (1) The respondent's name.

13 (2) The respondent's date of birth, if known.

14 (3) The petitioner's name.

15 (4) The names of other protected parties.

16 (5) The date and county in which the civil no contact
17 order was filed.

18 (6) The court file number.

19 (7) The hearing date and time, if known.

20 (8) The conditions that apply to the respondent, either
21 in checklist form or handwritten.

22 (b) The short form notification must contain the following
23 notice in bold print:

24 "The order is now enforceable. You must report to the
25 office of the sheriff or the office of the circuit court in
26 (name of county) County to obtain a copy of the order. You are

1 subject to arrest and may be charged with a misdemeanor or
2 felony if you violate any of the terms of the order."

3 (c) Upon verification of the identity of the respondent and
4 the existence of an unserved order against the respondent, a
5 sheriff or other law enforcement official may detain the
6 respondent for a reasonable time necessary to complete and
7 serve the short form notification.

8 (d) When service is made by short form notification under
9 this Section, it may be proved by the affidavit of the person
10 making the service.

11 (e) The Attorney General shall make the short form
12 notification form available to law enforcement agencies in this
13 State.

14 (f) A single short form notification form may be used for
15 orders of protection under the Illinois Domestic Violence Act
16 of 1986, stalking no contact orders under the Stalking No
17 Contact Order Act, and civil no contact orders under this Act.
18 (Source: P.A. 97-1017, eff. 1-1-13.)

19 Section 135. The Illinois Streetgang Terrorism Omnibus
20 Prevention Act is amended by changing Section 30 as follows:

21 (740 ILCS 147/30)

22 Sec. 30. Service of process.

23 (a) All streetgangs and streetgang members engaged in a
24 course or pattern of gang-related criminal activity within this

1 State impliedly consent to service of process upon them as set
2 forth in this Section, or as may be otherwise authorized by the
3 Code of Civil Procedure.

4 (b) Service of process upon a streetgang may be had by
5 leaving a copy of the complaint and summons directed to any
6 officer of such gang, commanding the gang to appear and answer
7 the complaint or otherwise plead at a time and place certain:

8 (1) with any gang officer; or

9 (2) with any individual member of the gang
10 simultaneously named therein; or

11 (3) in the manner provided for service upon a voluntary
12 unincorporated association in a civil action; or

13 (4) in the manner provided for service by publication
14 in a civil action; or

15 (5) with any parent, legal guardian, or legal custodian
16 of any persons charged with a gang-related offense when any
17 person sued civilly under this Act is under 18 years of age
18 and is also charged criminally or as a delinquent minor; or

19 (6) with the director of any agency or department of
20 this State who is the legal guardian, guardianship
21 administrator, or custodian of any person sued under this
22 Act; or

23 (7) with the probation or parole officer or aftercare
24 specialist of any person sued under this Act; or

25 (8) with such other person or agent as the court may,
26 upon petition of the State's Attorney or his or her

1 designee, authorize as appropriate and reasonable under
2 all of the circumstances.

3 (c) If after being summoned a streetgang does not appear,
4 the court shall enter an answer for the streetgang neither
5 affirming nor denying the allegations of the complaint but
6 demanding strict proof thereof, and proceed to trial and
7 judgment without further process.

8 (d) When any person is named as a defendant streetgang
9 member in any complaint, or subsequently becomes known and is
10 added or joined as a named defendant, service of process may be
11 had as authorized or provided for in the Code of Civil
12 Procedure for service of process in a civil case.

13 (e) Unknown gang members may be sued as a class and
14 designated as such in the caption of any complaint filed under
15 this Act. Service of process upon unknown members may be made
16 in the manner prescribed for provision of notice to members of
17 a class in a class action, or as the court may direct for
18 providing the best service and notice practicable under the
19 circumstances which shall include individual, personal, or
20 other service upon all members who can be identified and
21 located through reasonable effort.

22 (Source: P.A. 87-932.)

23 Section 140. The Local Governmental and Governmental
24 Employees Tort Immunity Act is amended by changing Section
25 4-106 as follows:

1 (745 ILCS 10/4-106) (from Ch. 85, par. 4-106)

2 Sec. 4-106. Neither a local public entity nor a public
3 employee is liable for:

4 (a) Any injury resulting from determining to parole or
5 release a prisoner, to revoke his or her parole or release, or
6 the terms and conditions of his or her parole or release.

7 (b) Any injury inflicted by an escaped or escaping
8 prisoner.

9 (Source: Laws 1965, p. 2983.)

10 Section 145. The Illinois Domestic Violence Act of 1986 is
11 amended by changing Sections 202, 220, 222, and 222.10 as
12 follows:

13 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

14 Sec. 202. Commencement of action; filing fees; dismissal.

15 (a) How to commence action. Actions for orders of
16 protection are commenced:

17 (1) Independently: By filing a petition for an order of
18 protection in any civil court, unless specific courts are
19 designated by local rule or order.

20 (2) In conjunction with another civil proceeding: By
21 filing a petition for an order of protection under the same
22 case number as another civil proceeding involving the
23 parties, including but not limited to: (i) any proceeding

1 under the Illinois Marriage and Dissolution of Marriage
2 Act, Illinois Parentage Act of 1984, Nonsupport of Spouse
3 and Children Act, Revised Uniform Reciprocal Enforcement
4 of Support Act or an action for nonsupport brought under
5 Article 10 of the Illinois Public Aid Code, provided that a
6 petitioner and the respondent are a party to or the subject
7 of that proceeding or (ii) a guardianship proceeding under
8 the Probate Act of 1975, or a proceeding for involuntary
9 commitment under the Mental Health and Developmental
10 Disabilities Code, or any proceeding, other than a
11 delinquency petition, under the Juvenile Court Act of 1987,
12 provided that a petitioner or the respondent is a party to
13 or the subject of such proceeding.

14 (3) In conjunction with a delinquency petition or a
15 criminal prosecution: By filing a petition for an order of
16 protection, under the same case number as the delinquency
17 petition or criminal prosecution, to be granted during
18 pre-trial release of a defendant, with any dispositional
19 order issued under Section 5-710 of the Juvenile Court Act
20 of 1987 or as a condition of release, supervision,
21 conditional discharge, probation, periodic imprisonment,
22 parole, aftercare release, or mandatory supervised
23 release, or in conjunction with imprisonment or a bond
24 forfeiture warrant; provided that:

25 (i) the violation is alleged in an information,
26 complaint, indictment or delinquency petition on file,

1 and the alleged offender and victim are family or
2 household members or persons protected by this Act; and

3 (ii) the petition, which is filed by the State's
4 Attorney, names a victim of the alleged crime as a
5 petitioner.

6 (b) Filing, certification, and service fees. No fee shall
7 be charged by the clerk for filing, amending, vacating,
8 certifying, or photocopying petitions or orders; or for issuing
9 alias summons; or for any related filing service. No fee shall
10 be charged by the sheriff for service by the sheriff of a
11 petition, rule, motion, or order in an action commenced under
12 this Section.

13 (c) Dismissal and consolidation. Withdrawal or dismissal
14 of any petition for an order of protection prior to
15 adjudication where the petitioner is represented by the State
16 shall operate as a dismissal without prejudice. No action for
17 an order of protection shall be dismissed because the
18 respondent is being prosecuted for a crime against the
19 petitioner. An independent action may be consolidated with
20 another civil proceeding, as provided by paragraph (2) of
21 subsection (a) of this Section. For any action commenced under
22 paragraph (2) or (3) of subsection (a) of this Section,
23 dismissal of the conjoined case (or a finding of not guilty)
24 shall not require dismissal of the action for the order of
25 protection; instead, it may be treated as an independent action
26 and, if necessary and appropriate, transferred to a different

1 court or division. Dismissal of any conjoined case shall not
2 affect the validity of any previously issued order of
3 protection, and thereafter subsections (b)(1) and (b)(2) of
4 Section 220 shall be inapplicable to such order.

5 (d) Pro se petitions. The court shall provide, through the
6 office of the clerk of the court, simplified forms and clerical
7 assistance to help with the writing and filing of a petition
8 under this Section by any person not represented by counsel. In
9 addition, that assistance may be provided by the state's
10 attorney.

11 (Source: P.A. 93-458, eff. 1-1-04.)

12 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

13 Sec. 220. Duration and extension of orders.

14 (a) Duration of emergency and interim orders. Unless
15 re-opened or extended or voided by entry of an order of greater
16 duration:

17 (1) Emergency orders issued under Section 217 shall be
18 effective for not less than 14 nor more than 21 days;

19 (2) Interim orders shall be effective for up to 30
20 days.

21 (b) Duration of plenary orders. Except as otherwise
22 provided in this Section, a plenary order of protection shall
23 be valid for a fixed period of time, not to exceed two years.

24 (1) A plenary order of protection entered in
25 conjunction with another civil proceeding shall remain in

1 effect as follows:

2 (i) if entered as preliminary relief in that other
3 proceeding, until entry of final judgment in that other
4 proceeding;

5 (ii) if incorporated into the final judgment in
6 that other proceeding, until the order of protection is
7 vacated or modified; or

8 (iii) if incorporated in an order for involuntary
9 commitment, until termination of both the involuntary
10 commitment and any voluntary commitment, or for a fixed
11 period of time not exceeding 2 years.

12 (2) A plenary order of protection entered in
13 conjunction with a criminal prosecution shall remain in
14 effect as follows:

15 (i) if entered during pre-trial release, until
16 disposition, withdrawal, or dismissal of the
17 underlying charge; if, however, the case is continued
18 as an independent cause of action, the order's duration
19 may be for a fixed period of time not to exceed 2
20 years;

21 (ii) if in effect in conjunction with a bond
22 forfeiture warrant, until final disposition or an
23 additional period of time not exceeding 2 years; no
24 order of protection, however, shall be terminated by a
25 dismissal that is accompanied by the issuance of a bond
26 forfeiture warrant;

1 (iii) until expiration of any supervision,
2 conditional discharge, probation, periodic
3 imprisonment, parole, aftercare release, or mandatory
4 supervised release and for an additional period of time
5 thereafter not exceeding 2 years; or

6 (iv) until the date set by the court for expiration
7 of any sentence of imprisonment and subsequent parole, aftercare release,
8 or mandatory supervised release and
9 for an additional period of time thereafter not
10 exceeding 2 years.

11 (c) Computation of time. The duration of an order of
12 protection shall not be reduced by the duration of any prior
13 order of protection.

14 (d) Law enforcement records. When a plenary order of
15 protection expires upon the occurrence of a specified event,
16 rather than upon a specified date as provided in subsection
17 (b), no expiration date shall be entered in Department of State
18 Police records. To remove the plenary order from those records,
19 either party shall request the clerk of the court to file a
20 certified copy of an order stating that the specified event has
21 occurred or that the plenary order has been vacated or modified
22 with the Sheriff, and the Sheriff shall direct that law
23 enforcement records shall be promptly corrected in accordance
24 with the filed order.

25 (e) Extension of orders. Any emergency, interim or plenary
26 order may be extended one or more times, as required, provided

1 that the requirements of Section 217, 218 or 219, as
2 appropriate, are satisfied. If the motion for extension is
3 uncontested and petitioner seeks no modification of the order,
4 the order may be extended on the basis of petitioner's motion
5 or affidavit stating that there has been no material change in
6 relevant circumstances since entry of the order and stating the
7 reason for the requested extension. An extension of a plenary
8 order of protection may be granted, upon good cause shown, to
9 remain in effect until the order of protection is vacated or
10 modified. Extensions may be granted only in open court and not
11 under the provisions of subsection (c) of Section 217, which
12 applies only when the court is unavailable at the close of
13 business or on a court holiday.

14 (f) Termination date. Any order of protection which would
15 expire on a court holiday shall instead expire at the close of
16 the next court business day.

17 (g) Statement of purpose. The practice of dismissing or
18 suspending a criminal prosecution in exchange for the issuance
19 of an order of protection undermines the purposes of this Act.
20 This Section shall not be construed as encouraging that
21 practice.

22 (Source: P.A. 95-886, eff. 1-1-09.)

23 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

24 Sec. 222. Notice of orders.

25 (a) Entry and issuance. Upon issuance of any order of

1 protection, the clerk shall immediately, or on the next court
2 day if an emergency order is issued in accordance with
3 subsection (c) of Section 217, (i) enter the order on the
4 record and file it in accordance with the circuit court
5 procedures and (ii) provide a file stamped copy of the order to
6 respondent, if present, and to petitioner.

7 (b) Filing with sheriff. The clerk of the issuing judge
8 shall, or the petitioner may, on the same day that an order of
9 protection is issued, file a certified copy of that order with
10 the sheriff or other law enforcement officials charged with
11 maintaining Department of State Police records or charged with
12 serving the order upon respondent. If the order was issued in
13 accordance with subsection (c) of Section 217, the clerk shall
14 on the next court day, file a certified copy of the order with
15 the Sheriff or other law enforcement officials charged with
16 maintaining Department of State Police records. If the
17 respondent, at the time of the issuance of the order, is
18 committed to the custody of the Illinois Department of
19 Corrections or Illinois Department of Juvenile Justice or is on
20 parole, aftercare release, or mandatory supervised release,
21 the sheriff or other law enforcement officials charged with
22 maintaining Department of State Police records shall notify the
23 Department of Corrections or Department of Juvenile Justice
24 within 48 hours of receipt of a copy of the order of protection
25 from the clerk of the issuing judge or the petitioner. Such
26 notice shall include the name of the respondent, the

1 respondent's IDOC inmate number or IDJJ youth identification
2 number, the respondent's date of birth, and the LEADS Record
3 Index Number.

4 (c) Service by sheriff. Unless respondent was present in
5 court when the order was issued, the sheriff, other law
6 enforcement official or special process server shall promptly
7 serve that order upon respondent and file proof of such
8 service, in the manner provided for service of process in civil
9 proceedings. Instead of serving the order upon the respondent,
10 however, the sheriff, other law enforcement official, special
11 process server, or other persons defined in Section 222.10 may
12 serve the respondent with a short form notification as provided
13 in Section 222.10. If process has not yet been served upon the
14 respondent, it shall be served with the order or short form
15 notification if such service is made by the sheriff, other law
16 enforcement official, or special process server. A single fee
17 may be charged for service of an order obtained in civil court,
18 or for service of such an order together with process, unless
19 waived or deferred under Section 210.

20 (c-5) If the person against whom the order of protection is
21 issued is arrested and the written order is issued in
22 accordance with subsection (c) of Section 217 and received by
23 the custodial law enforcement agency before the respondent or
24 arrestee is released from custody, the custodial law
25 enforcement agent shall promptly serve the order upon the
26 respondent or arrestee before the respondent or arrestee is

1 released from custody. In no event shall detention of the
2 respondent or arrestee be extended for hearing on the petition
3 for order of protection or receipt of the order issued under
4 Section 217 of this Act.

5 (d) Extensions, modifications and revocations. Any order
6 extending, modifying or revoking any order of protection shall
7 be promptly recorded, issued and served as provided in this
8 Section.

9 (e) Notice to schools. Upon the request of the petitioner,
10 within 24 hours of the issuance of an order of protection, the
11 clerk of the issuing judge shall send a certified copy of the
12 order of protection to the day-care facility, pre-school or
13 pre-kindergarten, or private school or the principal office of
14 the public school district or any college or university in
15 which any child who is a protected person under the order of
16 protection or any child of the petitioner is enrolled as
17 requested by the petitioner at the mailing address provided by
18 the petitioner. If the child transfers enrollment to another
19 day-care facility, pre-school, pre-kindergarten, private
20 school, public school, college, or university, the petitioner
21 may, within 24 hours of the transfer, send to the clerk written
22 notice of the transfer, including the name and address of the
23 institution to which the child is transferring. Within 24 hours
24 of receipt of notice from the petitioner that a child is
25 transferring to another day-care facility, pre-school,
26 pre-kindergarten, private school, public school, college, or

1 university, the clerk shall send a certified copy of the order
2 to the institution to which the child is transferring.

3 (f) Disclosure by schools. After receiving a certified copy
4 of an order of protection that prohibits a respondent's access
5 to records, neither a day-care facility, pre-school,
6 pre-kindergarten, public or private school, college, or
7 university nor its employees shall allow a respondent access to
8 a protected child's records or release information in those
9 records to the respondent. The school shall file the copy of
10 the order of protection in the records of a child who is a
11 protected person under the order of protection. When a child
12 who is a protected person under the order of protection
13 transfers to another day-care facility, pre-school,
14 pre-kindergarten, public or private school, college, or
15 university, the institution from which the child is
16 transferring may, at the request of the petitioner, provide,
17 within 24 hours of the transfer, written notice of the order of
18 protection, along with a certified copy of the order, to the
19 institution to which the child is transferring.

20 (g) Notice to health care facilities and health care
21 practitioners. Upon the request of the petitioner, the clerk of
22 the circuit court shall send a certified copy of the order of
23 protection to any specified health care facility or health care
24 practitioner requested by the petitioner at the mailing address
25 provided by the petitioner.

26 (h) Disclosure by health care facilities and health care

1 practitioners. After receiving a certified copy of an order of
2 protection that prohibits a respondent's access to records, no
3 health care facility or health care practitioner shall allow a
4 respondent access to the records of any child who is a
5 protected person under the order of protection, or release
6 information in those records to the respondent, unless the
7 order has expired or the respondent shows a certified copy of
8 the court order vacating the corresponding order of protection
9 that was sent to the health care facility or practitioner.
10 Nothing in this Section shall be construed to require health
11 care facilities or health care practitioners to alter
12 procedures related to billing and payment. The health care
13 facility or health care practitioner may file the copy of the
14 order of protection in the records of a child who is a
15 protected person under the order of protection, or may employ
16 any other method to identify the records to which a respondent
17 is prohibited access. No health care facility or health care
18 practitioner shall be civilly or professionally liable for
19 reliance on a copy of an order of protection, except for
20 willful and wanton misconduct.

21 (Source: P.A. 96-651, eff. 1-1-10; 97-50, eff. 6-28-11; 97-904,
22 eff. 1-1-13.)

23 (750 ILCS 60/222.10)

24 Sec. 222.10. Short form notification.

25 (a) Instead of personal service of an order of protection

1 under Section 222, a sheriff, other law enforcement official,
2 special process server, or personnel assigned by the Department
3 of Corrections or Department of Juvenile Justice to investigate
4 the alleged misconduct of committed persons or alleged
5 violations of a parolee's or releasee's conditions of parole, l
6 aftercare release, or mandatory supervised release may serve a
7 respondent with a short form notification. The short form
8 notification must include the following items:

9 (1) The respondent's name.

10 (2) The respondent's date of birth, if known.

11 (3) The petitioner's name.

12 (4) The names of other protected parties.

13 (5) The date and county in which the order of
14 protection was filed.

15 (6) The court file number.

16 (7) The hearing date and time, if known.

17 (8) The conditions that apply to the respondent, either
18 in checklist form or handwritten.

19 (b) The short form notification must contain the following
20 notice in bold print:

21 "The order is now enforceable. You must report to the
22 office of the sheriff or the office of the circuit court in
23 (name of county) County to obtain a copy of the order. You
24 are subject to arrest and may be charged with a misdemeanor
25 or felony if you violate any of the terms of the order."

26 (c) Upon verification of the identity of the respondent and

1 the existence of an unserved order against the respondent, a
2 sheriff or other law enforcement official may detain the
3 respondent for a reasonable time necessary to complete and
4 serve the short form notification.

5 (d) When service is made by short form notification under
6 this Section, it may be proved by the affidavit of the person
7 making the service.

8 (e) The Attorney General shall make the short form
9 notification form available to law enforcement agencies in this
10 State.

11 (f) A single short form notification form may be used for
12 orders of protection under this Act, stalking no contact orders
13 under the Stalking No Contact Order Act, and civil no contact
14 orders under the Civil No Contact Order Act.

15 (Source: P.A. 97-50, eff. 6-28-11; 97-1017, eff. 1-1-13.)

16 Section 150. The Line of Duty Compensation Act is amended
17 by changing Section 2 as follows:

18 (820 ILCS 315/2) (from Ch. 48, par. 282)

19 Sec. 2. As used in this Act, unless the context otherwise
20 requires:

21 (a) "Law enforcement officer" or "officer" means any person
22 employed by the State or a local governmental entity as a
23 policeman, peace officer, auxiliary policeman or in some like
24 position involving the enforcement of the law and protection of

1 the public interest at the risk of that person's life. This
2 includes supervisors, wardens, superintendents and their
3 assistants, guards and keepers, correctional officers, youth
4 supervisors, parole agents, aftercare specialists, school
5 teachers and correctional counsellors in all facilities of both
6 the Department of Corrections and the Department of Juvenile
7 Justice, while within the facilities under the control of the
8 Department of Corrections or the Department of Juvenile Justice
9 or in the act of transporting inmates or wards from one
10 location to another or while performing their official duties,
11 and all other Department of Correction or Department of
12 Juvenile Justice employees who have daily contact with inmates.

13 The death of the foregoing employees of the Department of
14 Corrections or the Department of Juvenile Justice in order to
15 be included herein must be by the direct or indirect willful
16 act of an inmate, ward, work-releasee, parolee, aftercare
17 releasee, parole violator, aftercare release violator, person
18 under conditional release, or any person sentenced or
19 committed, or otherwise subject to confinement in or to the
20 Department of Corrections or the Department of Juvenile
21 Justice.

22 (b) "Fireman" means any person employed by the State or a
23 local governmental entity as, or otherwise serving as, a member
24 or officer of a fire department either for the purpose of the
25 prevention or control of fire or the underwater recovery of
26 drowning victims, including volunteer firemen.

1 (c) "Local governmental entity" includes counties,
2 municipalities and municipal corporations.

3 (d) "State" means the State of Illinois and its
4 departments, divisions, boards, bureaus, commissions,
5 authorities and colleges and universities.

6 (e) "Killed in the line of duty" means losing one's life as
7 a result of injury received in the active performance of duties
8 as a law enforcement officer, civil defense worker, civil air
9 patrol member, paramedic, fireman, or chaplain if the death
10 occurs within one year from the date the injury was received
11 and if that injury arose from violence or other accidental
12 cause. In the case of a State employee, "killed in the line of
13 duty" means losing one's life as a result of injury received in
14 the active performance of one's duties as a State employee, if
15 the death occurs within one year from the date the injury was
16 received and if that injury arose from a willful act of
17 violence by another State employee committed during such other
18 employee's course of employment and after January 1, 1988. The
19 term excludes death resulting from the willful misconduct or
20 intoxication of the officer, civil defense worker, civil air
21 patrol member, paramedic, fireman, chaplain, or State
22 employee. However, the burden of proof of such willful
23 misconduct or intoxication of the officer, civil defense
24 worker, civil air patrol member, paramedic, fireman, chaplain,
25 or State employee is on the Attorney General. Subject to the
26 conditions set forth in subsection (a) with respect to

1 inclusion under this Act of Department of Corrections and
2 Department of Juvenile Justice employees described in that
3 subsection, for the purposes of this Act, instances in which a
4 law enforcement officer receives an injury in the active
5 performance of duties as a law enforcement officer include but
6 are not limited to instances when:

7 (1) the injury is received as a result of a wilful act
8 of violence committed other than by the officer and a
9 relationship exists between the commission of such act and
10 the officer's performance of his duties as a law
11 enforcement officer, whether or not the injury is received
12 while the officer is on duty as a law enforcement officer;

13 (2) the injury is received by the officer while the
14 officer is attempting to prevent the commission of a
15 criminal act by another or attempting to apprehend an
16 individual the officer suspects has committed a crime,
17 whether or not the injury is received while the officer is
18 on duty as a law enforcement officer;

19 (3) the injury is received by the officer while the
20 officer is travelling to or from his employment as a law
21 enforcement officer or during any meal break, or other
22 break, which takes place during the period in which the
23 officer is on duty as a law enforcement officer.

24 In the case of an Armed Forces member, "killed in the line
25 of duty" means losing one's life while on active duty in
26 connection with the September 11, 2001 terrorist attacks on the

1 United States, Operation Enduring Freedom, or Operation Iraqi
2 Freedom.

3 (f) "Volunteer fireman" means a person having principal
4 employment other than as a fireman, but who is carried on the
5 rolls of a regularly constituted fire department either for the
6 purpose of the prevention or control of fire or the underwater
7 recovery of drowning victims, the members of which are under
8 the jurisdiction of the corporate authorities of a city,
9 village, incorporated town, or fire protection district, and
10 includes a volunteer member of a fire department organized
11 under the "General Not for Profit Corporation Act", approved
12 July 17, 1943, as now or hereafter amended, which is under
13 contract with any city, village, incorporated town, fire
14 protection district, or persons residing therein, for fire
15 fighting services. "Volunteer fireman" does not mean an
16 individual who volunteers assistance without being regularly
17 enrolled as a fireman.

18 (g) "Civil defense worker" means any person employed by the
19 State or a local governmental entity as, or otherwise serving
20 as, a member of a civil defense work force, including volunteer
21 civil defense work forces engaged in serving the public
22 interest during periods of disaster, whether natural or
23 man-made.

24 (h) "Civil air patrol member" means any person employed by
25 the State or a local governmental entity as, or otherwise
26 serving as, a member of the organization commonly known as the

1 "Civil Air Patrol", including volunteer members of the
2 organization commonly known as the "Civil Air Patrol".

3 (i) "Paramedic" means an Emergency Medical
4 Technician-Paramedic certified by the Illinois Department of
5 Public Health under the Emergency Medical Services (EMS)
6 Systems Act, and all other emergency medical personnel
7 certified by the Illinois Department of Public Health who are
8 members of an organized body or not-for-profit corporation
9 under the jurisdiction of a city, village, incorporated town,
10 fire protection district or county, that provides emergency
11 medical treatment to persons of a defined geographical area.

12 (j) "State employee" means any employee as defined in
13 Section 14-103.05 of the Illinois Pension Code, as now or
14 hereafter amended.

15 (k) "Chaplain" means an individual who:

16 (1) is a chaplain of (i) a fire department or (ii) a
17 police department or other agency consisting of law
18 enforcement officers; and

19 (2) has been designated a chaplain by (i) the fire
20 department, police department, or other agency or an
21 officer or body having jurisdiction over the department or
22 agency or (ii) a labor organization representing the
23 firemen or law enforcement officers.

24 (l) "Armed Forces member" means an Illinois resident who
25 is: a member of the Armed Forces of the United States; a member
26 of the Illinois National Guard while on active military service

1 pursuant to an order of the President of the United States; or
2 a member of any reserve component of the Armed Forces of the
3 United States while on active military service pursuant to an
4 order of the President of the United States.

5 (Source: P.A. 93-1047, eff. 10-18-04; 93-1073, eff. 1-18-05;
6 94-696, eff. 6-1-06.)

7 Section 995. No acceleration or delay. Where this Act makes
8 changes in a statute that is represented in this Act by text
9 that is not yet or no longer in effect (for example, a Section
10 represented by multiple versions), the use of that text does
11 not accelerate or delay the taking effect of (i) the changes
12 made by this Act or (ii) provisions derived from any other
13 Public Act.