



Rep. Arthur Turner

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1 AMENDMENT TO SENATE BILL 1192

2 AMENDMENT NO. _____. Amend Senate Bill 1192 by replacing
3 everything after the enacting clause with the following:

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

1 under Section 3-14-1 or Section 3-2.5-70 of the Unified Code of
2 Corrections, together with the prescribed fees. No
3 identification card shall be issued to any person who holds a
4 valid foreign state identification card, license, or permit
5 unless the person first surrenders to the Secretary of State
6 the valid foreign state identification card, license, or
7 permit. The card shall be prepared and supplied by the
8 Secretary of State and shall include a photograph and signature
9 or mark of the applicant. However, the Secretary of State may
10 provide by rule for the issuance of Illinois Identification
11 Cards without photographs if the applicant has a bona fide
12 religious objection to being photographed or to the display of
13 his or her photograph. The Illinois Identification Card may be
14 used for identification purposes in any lawful situation only
15 by the person to whom it was issued. As used in this Act,
16 "photograph" means any color photograph or digitally produced
17 and captured image of an applicant for an identification card.
18 As used in this Act, "signature" means the name of a person as
19 written by that person and captured in a manner acceptable to
20 the Secretary of State.

21 (a-5) If an applicant for an identification card has a
22 current driver's license or instruction permit issued by the
23 Secretary of State, the Secretary may require the applicant to
24 utilize the same residence address and name on the
25 identification card, driver's license, and instruction permit
26 records maintained by the Secretary. The Secretary may

1 promulgate rules to implement this provision.

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

7 (b) The Secretary of State shall issue a special Illinois
8 Identification Card, which shall be known as an Illinois Person
9 with a Disability Identification Card, to any natural person
10 who is a resident of the State of Illinois, who is a person
11 with a disability as defined in Section 4A of this Act, who
12 applies for such card, or renewal thereof. No Illinois Person
13 with a Disability Identification Card shall be issued to any
14 person who holds a valid foreign state identification card,
15 license, or permit unless the person first surrenders to the
16 Secretary of State the valid foreign state identification card,
17 license, or permit. The Secretary of State shall charge no fee
18 to issue such card. The card shall be prepared and supplied by
19 the Secretary of State, and shall include a photograph and
20 signature or mark of the applicant, a designation indicating
21 that the card is an Illinois Person with a Disability
22 Identification Card, and shall include a comprehensible
23 designation of the type and classification of the applicant's
24 disability as set out in Section 4A of this Act. However, the
25 Secretary of State may provide by rule for the issuance of
26 Illinois ~~Disabled~~ Person with a Disability Identification

1 Cards without photographs if the applicant has a bona fide
2 religious objection to being photographed or to the display of
3 his or her photograph. If the applicant so requests, the card
4 shall include a description of the applicant's disability and
5 any information about the applicant's disability or medical
6 history which the Secretary determines would be helpful to the
7 applicant in securing emergency medical care. If a mark is used
8 in lieu of a signature, such mark shall be affixed to the card
9 in the presence of two witnesses who attest to the authenticity
10 of the mark. The Illinois Person with a Disability
11 Identification Card may be used for identification purposes in
12 any lawful situation by the person to whom it was issued.

13 The Illinois Person with a Disability Identification Card
14 may be used as adequate documentation of disability in lieu of
15 a physician's determination of disability, a determination of
16 disability from a physician assistant who has been delegated
17 the authority to make this determination by his or her
18 supervising physician, a determination of disability from an
19 advanced practice nurse who has a written collaborative
20 agreement with a collaborating physician that authorizes the
21 advanced practice nurse to make this determination, or any
22 other documentation of disability whenever any State law
23 requires that a disabled person provide such documentation of
24 disability, however an Illinois Person with a Disability
25 Identification Card shall not qualify the cardholder to
26 participate in any program or to receive any benefit which is

1 not available to all persons with like disabilities.
2 Notwithstanding any other provisions of law, an Illinois Person
3 with a Disability Identification Card, or evidence that the
4 Secretary of State has issued an Illinois Person with a
5 Disability Identification Card, shall not be used by any person
6 other than the person named on such card to prove that the
7 person named on such card is a disabled person or for any other
8 purpose unless the card is used for the benefit of the person
9 named on such card, and the person named on such card consents
10 to such use at the time the card is so used.

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

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

19 (c) The Secretary of State shall provide that each original
20 or renewal Illinois Identification Card or Illinois Person with
21 a Disability Identification Card issued to a person under the
22 age of 21⁷ shall be of a distinct nature from those Illinois
23 Identification Cards or Illinois Person with a Disability
24 Identification Cards issued to individuals 21 years of age or
25 older. The color designated for Illinois Identification Cards
26 or Illinois Person with a Disability Identification Cards for

1 persons under the age of 21 shall be at the discretion of the
2 Secretary of State.

3 (c-1) Each original or renewal Illinois Identification
4 Card or Illinois Person with a Disability Identification Card
5 issued to a person under the age of 21 shall display the date
6 upon which the person becomes 18 years of age and the date upon
7 which the person becomes 21 years of age.

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

23 (c-5) Beginning on or before July 1, 2015, the Secretary of
24 State shall designate a space on each original or renewal
25 identification card where, at the request of the applicant, the
26 word "veteran" shall be placed. The veteran designation shall

1 be available to a person identified as a veteran under
2 subsection (b) of Section 5 of this Act who was discharged or
3 separated under honorable conditions.

4 (d) The Secretary of State may issue a Senior Citizen
5 discount card, to any natural person who is a resident of the
6 State of Illinois who is 60 years of age or older and who
7 applies for such a card or renewal thereof. The Secretary of
8 State shall charge no fee to issue such card. The card shall be
9 issued in every county and applications shall be made available
10 at, but not limited to, nutrition sites, senior citizen centers
11 and Area Agencies on Aging. The applicant, upon receipt of such
12 card and prior to its use for any purpose, shall have affixed
13 thereon in the space provided therefor his signature or mark.

14 (e) The Secretary of State, in his or her discretion, may
15 designate on each Illinois Identification Card or Illinois
16 Person with a Disability Identification Card a space where the
17 card holder may place a sticker or decal, issued by the
18 Secretary of State, of uniform size as the Secretary may
19 specify, that shall indicate in appropriate language that the
20 card holder has renewed his or her Illinois Identification Card
21 or Illinois Person with a Disability Identification Card.

22 (Source: P.A. 96-146, eff. 1-1-10; 96-328, eff. 8-11-09;
23 96-1231, eff. 7-23-10; 97-371, eff. 1-1-12; 97-739, eff.
24 1-1-13; 97-847, eff. 1-1-13; 97-1064, eff. 1-1-13; revised
25 9-5-12.)

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

3 (20 ILCS 301/40-15)

4 Sec. 40-15. Acceptance for treatment as a parole or
5 aftercare release condition. Acceptance for treatment for drug
6 addiction or alcoholism under the supervision of a designated
7 program may be made a condition of parole or aftercare release,
8 and failure to comply with such treatment may be treated as a
9 violation of parole or aftercare release. A designated program
10 shall establish the conditions under which a parolee or
11 releasee is accepted for treatment. No parolee or releasee may
12 be placed under the supervision of a designated program for
13 treatment unless the designated program accepts him or her for
14 treatment. The designated program shall make periodic progress
15 reports regarding each such parolee or releasee to the
16 appropriate parole authority and shall report failures to
17 comply with the prescribed treatment program.

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

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

21 (20 ILCS 505/34.2) (from Ch. 23, par. 5034.2)

22 Sec. 34.2. To conduct meetings in each service region
23 between local youth service, police, probation and aftercare

1 ~~parole~~ workers to develop inter-agency plans to combat gang
2 crime. The Department shall develop a model policy for local
3 interagency cooperation in dealing with gangs.

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

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

7 (20 ILCS 515/25)

8 Sec. 25. Team access to information.

9 (a) The Department shall provide to a child death review
10 team, on the request of the team chairperson, all records and
11 information in the Department's possession that are relevant to
12 the team's review of a child death, including records and
13 information concerning previous reports or investigations of
14 suspected child abuse or neglect.

15 (b) A child death review team shall have access to all
16 records and information that are relevant to its review of a
17 child death and in the possession of a State or local
18 governmental agency, including, but not limited to,
19 information gained through the Child Advocacy Center protocol
20 for cases of serious or fatal injury to a child. These records
21 and information include, without limitation, birth
22 certificates, all relevant medical and mental health records,
23 records of law enforcement agency investigations, records of
24 coroner or medical examiner investigations, records of the

1 Department of Corrections and Department of Juvenile Justice
2 concerning a person's parole or aftercare release, records of a
3 probation and court services department, and records of a
4 social services agency that provided services to the child or
5 the child's family.

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

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

9 (20 ILCS 3930/3) (from Ch. 38, par. 210-3)

10 Sec. 3. Definitions. Whenever used in this Act, and for the
11 purposes of this Act unless the context clearly denotes
12 otherwise:

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

24 (b) The term "Authority" means the Illinois Criminal

1 Justice Information Authority created by this Act.

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

5 (d) The term "criminal history record information" means
6 data identifiable to an individual and consisting of
7 descriptions or notations of arrests, detentions, indictments,
8 informations, pre-trial proceedings, trials, or other formal
9 events in the criminal justice system or descriptions or
10 notations of criminal charges (including criminal violations
11 of local municipal ordinances) and the nature of any
12 disposition arising therefrom, including sentencing, court or
13 correctional supervision, rehabilitation, and release. The
14 term does not apply to statistical records and reports in which
15 individuals are not identified and from which their identities
16 are not ascertainable, or to information that is for criminal
17 investigative or intelligence purposes.

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

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

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

24 (20 ILCS 4026/17)

1 Sec. 17. Sentencing of sex offenders; treatment based upon
2 evaluation required.

3 (a) Each felony sex offender sentenced by the court for a
4 sex offense shall be required as a part of any sentence to
5 probation, conditional release, or periodic imprisonment to
6 undergo treatment based upon the recommendations of the
7 evaluation made pursuant to Section 16 or based upon any
8 subsequent recommendations by the Administrative Office of the
9 Illinois Courts or the county probation department, whichever
10 is appropriate. Beginning on January 1, 2014, the treatment
11 shall be with a sex offender treatment provider or associate
12 sex offender provider as defined in Section 10 of this Act and
13 at the offender's own expense based upon the offender's ability
14 to pay for such treatment.

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

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

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

3 (210 ILCS 28/25)

4 Sec. 25. Review team access to information.

5 (a) The Department shall provide to a review team, on the
6 request of the review team chairperson, all records and
7 information in the Department's possession that are relevant to
8 the review team's review of a sexual assault or death described
9 in subsection (b) of Section 20, including records and
10 information concerning previous reports or investigations of
11 suspected abuse or neglect.

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

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

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

3 (210 ILCS 45/2-110) (from Ch. 111 1/2, par. 4152-110)

4 Sec. 2-110. (a) Any employee or agent of a public agency,
5 any representative of a community legal services program or any
6 other member of the general public shall be permitted access at
7 reasonable hours to any individual resident of any facility,
8 but only if there is neither a commercial purpose nor effect to
9 such access and if the purpose is to do any of the following:

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

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

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

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

24 (a-5) If a resident of a licensed facility is an identified

1 offender, any federal, State, or local law enforcement officer
2 or county probation officer shall be permitted reasonable
3 access to the individual resident to verify compliance with the
4 requirements of the Sex Offender Registration Act, to verify
5 compliance with the requirements of Public Act 94-163 and this
6 amendatory Act of the 94th General Assembly, or to verify
7 compliance with applicable terms of probation, parole,
8 aftercare release, or mandatory supervised release.

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

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

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

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

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

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

10 (210 ILCS 47/2-110)

11 Sec. 2-110. Access to residents.

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

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

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

24 (3) Assist residents in asserting their legal rights

1 regarding claims for public assistance, medical assistance
2 and social security benefits, as well as in all other
3 matters in which residents are aggrieved. Assistance may
4 include counseling and litigation; or

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

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

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

25 (c) This Section shall not limit the power of the
26 Department or other public agency otherwise permitted or

1 required by law to enter and inspect a facility.

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

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

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

16 (210 ILCS 48/2-110)

17 Sec. 2-110. Access to residents.

18 (a) Any employee or agent of a public agency, any
19 representative of a community legal services program or any
20 other member of the general public shall be permitted access at
21 reasonable hours to any individual resident of any facility,
22 but only if there is neither a commercial purpose nor effect to
23 such access and if the purpose is to do any of the following:

24 (1) Visit, talk with and make personal, social and

1 legal services available to all residents;

2 (2) Inform residents of their rights and entitlements
3 and their corresponding obligations, under federal and
4 State laws, by means of educational materials and
5 discussions in groups and with individual residents;

6 (3) Assist residents in asserting their legal rights
7 regarding claims for public assistance, medical assistance
8 and social security benefits, as well as in all other
9 matters in which residents are aggrieved. Assistance may
10 include counseling and litigation; or

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

14 (a-5) If a resident of a licensed facility is an identified
15 offender, any federal, State, or local law enforcement officer
16 or county probation officer shall be permitted reasonable
17 access to the individual resident to verify compliance with the
18 requirements of the Sex Offender Registration Act or to verify
19 compliance with applicable terms of probation, parole,
20 aftercare release, or mandatory supervised release.

21 (b) All persons entering a facility under this Section
22 shall promptly notify appropriate facility personnel of their
23 presence. They shall, upon request, produce identification to
24 establish their identity. No such person shall enter the
25 immediate living area of any resident without first identifying
26 himself or herself and then receiving permission from the

1 resident to enter. The rights of other residents present in the
2 room shall be respected. A resident may terminate at any time a
3 visit by a person having access to the resident's living area
4 under this Section.

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

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

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

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

22 (305 ILCS 5/12-10.4)

23 Sec. 12-10.4. Juvenile Rehabilitation Services Medicaid
24 Matching Fund. There is created in the State Treasury the

1 Juvenile Rehabilitation Services Medicaid Matching Fund.
2 Deposits to this Fund shall consist of all moneys received from
3 the federal government for behavioral health services secured
4 by counties pursuant to an agreement with the Department of
5 Healthcare and Family Services with respect to Title XIX of the
6 Social Security Act or under the Children's Health Insurance
7 Program pursuant to the Children's Health Insurance Program Act
8 and Title XXI of the Social Security Act for minors who are
9 committed to mental health facilities by the Illinois court
10 system and for residential placements secured by the Department
11 of Juvenile Justice for minors as a condition of their
12 aftercare release ~~parole~~.

13 Disbursements from the Fund shall be made, subject to
14 appropriation, by the Department of Healthcare and Family
15 Services for grants to the Department of Juvenile Justice and
16 those counties which secure behavioral health services ordered
17 by the courts and which have an interagency agreement with the
18 Department and submit detailed bills according to standards
19 determined by the Department.

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

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

23 (405 ILCS 82/20)

24 Sec. 20. Independent team of experts' access to

1 information.

2 (a) The Secretary of Human Services shall provide to the
3 independent team of experts, on the request of the team
4 Chairperson, all records and information in the Department's
5 possession that are relevant to the team's examination of a
6 death of the sort described in subsection (c) of Section 10,
7 including records and information concerning previous reports
8 or investigations of any matter, as determined by the team.

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

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

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

24 (705 ILCS 405/5-105)

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

2 (1) "Aftercare release" means the conditional and
3 revocable release of an adjudicated delinquent juvenile
4 committed to the Department of Juvenile Justice under the
5 supervision of the Department of Juvenile Justice.

6 (1.5) ~~(1)~~ "Court" means the circuit court in a session or
7 division assigned to hear proceedings under this Act, and
8 includes the term Juvenile Court.

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

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

23 (3) "Delinquent minor" means any minor who prior to his or
24 her 17th birthday has violated or attempted to violate,
25 regardless of where the act occurred, any federal or State law,
26 county or municipal ordinance, and any minor who prior to his

1 or her 18th birthday has violated or attempted to violate,
2 regardless of where the act occurred, any federal, State,
3 county or municipal law or ordinance classified as a
4 misdemeanor offense.

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

7 (5) "Detention" means the temporary care of a minor who is
8 alleged to be or has been adjudicated delinquent and who
9 requires secure custody for the minor's own protection or the
10 community's protection in a facility designed to physically
11 restrict the minor's movements, pending disposition by the
12 court or execution of an order of the court for placement or
13 commitment. Design features that physically restrict movement
14 include, but are not limited to, locked rooms and the secure
15 handcuffing of a minor to a rail or other stationary object. In
16 addition, "detention" includes the court ordered care of an
17 alleged or adjudicated delinquent minor who requires secure
18 custody pursuant to Section 5-125 of this Act.

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

23 (7) "Juvenile detention home" means a public facility with
24 specially trained staff that conforms to the county juvenile
25 detention standards promulgated by the Department of
26 Corrections.

1 (8) "Juvenile justice continuum" means a set of delinquency
2 prevention programs and services designed for the purpose of
3 preventing or reducing delinquent acts, including criminal
4 activity by youth gangs, as well as intervention,
5 rehabilitation, and prevention services targeted at minors who
6 have committed delinquent acts, and minors who have previously
7 been committed to residential treatment programs for
8 delinquents. The term includes children-in-need-of-services
9 and families-in-need-of-services programs; aftercare and
10 reentry services; substance abuse and mental health programs;
11 community service programs; community service work programs;
12 and alternative-dispute resolution programs serving
13 youth-at-risk of delinquency and their families, whether
14 offered or delivered by State or local governmental entities,
15 public or private for-profit or not-for-profit organizations,
16 or religious or charitable organizations. This term would also
17 encompass any program or service consistent with the purpose of
18 those programs and services enumerated in this subsection.

19 (9) "Juvenile police officer" means a sworn police officer
20 who has completed a Basic Recruit Training Course, has been
21 assigned to the position of juvenile police officer by his or
22 her chief law enforcement officer and has completed the
23 necessary juvenile officers training as prescribed by the
24 Illinois Law Enforcement Training Standards Board, or in the
25 case of a State police officer, juvenile officer training
26 approved by the Director of State Police.

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

3 (11) "Non-secure custody" means confinement where the
4 minor is not physically restricted by being placed in a locked
5 cell or room, by being handcuffed to a rail or other stationary
6 object, or by other means. Non-secure custody may include, but
7 is not limited to, electronic monitoring, foster home
8 placement, home confinement, group home placement, or physical
9 restriction of movement or activity solely through facility
10 staff.

11 (12) "Public or community service" means uncompensated
12 labor for a not-for-profit organization or public body whose
13 purpose is to enhance physical or mental stability of the
14 offender, environmental quality or the social welfare and which
15 agrees to accept public or community service from offenders and
16 to report on the progress of the offender and the public or
17 community service to the court or to the authorized diversion
18 program that has referred the offender for public or community
19 service.

20 (13) "Sentencing hearing" means a hearing to determine
21 whether a minor should be adjudged a ward of the court, and to
22 determine what sentence should be imposed on the minor. It is
23 the intent of the General Assembly that the term "sentencing
24 hearing" replace the term "dispositional hearing" and be
25 synonymous with that definition as it was used in the Juvenile
26 Court Act of 1987.

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

4 (15) "Site" means a not-for-profit organization, public
5 body, church, charitable organization, or individual agreeing
6 to accept community service from offenders and to report on the
7 progress of ordered or required public or community service to
8 the court or to the authorized diversion program that has
9 referred the offender for public or community service.

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

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

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

19 (705 ILCS 405/5-750)

20 Sec. 5-750. Commitment to the Department of Juvenile
21 Justice.

22 (1) Except as provided in subsection (2) of this Section,
23 when any delinquent has been adjudged a ward of the court under
24 this Act, the court may commit him or her to the Department of
25 Juvenile Justice, if it finds that (a) his or her parents,

1 guardian or legal custodian are unfit or are unable, for some
2 reason other than financial circumstances alone, to care for,
3 protect, train or discipline the minor, or are unwilling to do
4 so, and the best interests of the minor and the public will not
5 be served by placement under Section 5-740, or it is necessary
6 to ensure the protection of the public from the consequences of
7 criminal activity of the delinquent; and (b) commitment to the
8 Department of Juvenile Justice is the least restrictive
9 alternative based on evidence that efforts were made to locate
10 less restrictive alternatives to secure confinement and the
11 reasons why efforts were unsuccessful in locating a less
12 restrictive alternative to secure confinement. Before the
13 court commits a minor to the Department of Juvenile Justice, it
14 shall make a finding that secure confinement is necessary,
15 following a review of the following individualized factors:

16 (A) Age of the minor.

17 (B) Criminal background of the minor.

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

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

24 (E) Physical, mental and emotional health of the minor,
25 indicating whether the minor has ever been diagnosed with a
26 health issue and if so what services were provided and

1 whether the minor was compliant with services.

2 (F) Community based services that have been provided to
3 the minor, and whether the minor was compliant with the
4 services, and the reason the services were unsuccessful.

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

7 (1.5) Before the court commits a minor to the Department of
8 Juvenile Justice, the court must find reasonable efforts have
9 been made to prevent or eliminate the need for the minor to be
10 removed from the home, or reasonable efforts cannot, at this
11 time, for good cause, prevent or eliminate the need for
12 removal, and removal from home is in the best interests of the
13 minor, the minor's family, and the public.

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

1 proceeding under this Act.

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

9 (3.5) Every delinquent minor committed to the Department of
10 Juvenile Justice under this Act shall be eligible for aftercare
11 release without regard to the length of time the minor has been
12 confined or whether the minor has served any minimum term
13 imposed. Aftercare release shall be administered by the
14 Department of Juvenile Justice, under the direction of the
15 Director.

16 (4) When the court commits a minor to the Department of
17 Juvenile Justice, it shall order him or her conveyed forthwith
18 to the appropriate reception station or other place designated
19 by the Department of Juvenile Justice, and shall appoint the
20 Director of Juvenile Justice legal custodian of the minor. The
21 clerk of the court shall issue to the Director of Juvenile
22 Justice a certified copy of the order, which constitutes proof
23 of the Director's authority. No other process need issue to
24 warrant the keeping of the minor.

25 (5) If a minor is committed to the Department of Juvenile
26 Justice, the clerk of the court shall forward to the

1 Department:

2 (a) the disposition ordered;

3 (b) all reports;

4 (c) the court's statement of the basis for ordering the
5 disposition; and

6 (d) all additional matters which the court directs the
7 clerk to transmit.

8 (6) Whenever the Department of Juvenile Justice lawfully
9 discharges from its custody and control a minor committed to
10 it, the Director of Juvenile Justice shall petition the court
11 for an order terminating his or her custodianship. The
12 custodianship shall terminate automatically 30 days after
13 receipt of the petition unless the court orders otherwise.

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

15 (705 ILCS 405/5-815)

16 Sec. 5-815. Habitual Juvenile Offender.

17 (a) Definition. Any minor having been twice adjudicated a
18 delinquent minor for offenses which, had he been prosecuted as
19 an adult, would have been felonies under the laws of this
20 State, and who is thereafter adjudicated a delinquent minor for
21 a third time shall be adjudged an Habitual Juvenile Offender
22 where:

23 1. the third adjudication is for an offense occurring
24 after adjudication on the second; and

25 2. the second adjudication was for an offense occurring

1 after adjudication on the first; and

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

4 4. the third offense was based upon the commission of
5 or attempted commission of the following offenses: first
6 degree murder, second degree murder or involuntary
7 manslaughter; criminal sexual assault or aggravated
8 criminal sexual assault; aggravated or heinous battery
9 involving permanent disability or disfigurement or great
10 bodily harm to the victim; burglary of a home or other
11 residence intended for use as a temporary or permanent
12 dwelling place for human beings; home invasion; robbery or
13 armed robbery; or aggravated arson.

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

17 A continuance under supervision authorized by Section
18 5-615 of this Act shall not be permitted under this Section.

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

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

1 The petition upon which such Habitual Juvenile Offender
2 notice is based shall contain the information and averments
3 required for all other delinquency petitions filed under this
4 Act and its service shall be according to the provisions of
5 this Act.

6 No prior adjudication shall be alleged in the petition.

7 (d) Trial. Trial on such petition shall be by jury unless
8 the minor demands, in open court and with advice of counsel, a
9 trial by the court without jury.

10 Except as otherwise provided herein, the provisions of this
11 Act concerning delinquency proceedings generally shall be
12 applicable to Habitual Juvenile Offender proceedings.

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

1 After an admission of the facts in the petition or
2 adjudication of delinquency, the State's Attorney may file with
3 the court a verified written statement signed by the State's
4 Attorney concerning any prior adjudication of an offense set
5 forth in subsection (a) of this Section which offense would
6 have been a felony or of any offense that involved dishonesty
7 or false statement had the minor been tried as an adult.

8 The court shall then cause the minor to be brought before
9 it; shall inform him of the allegations of the statement so
10 filed, and of his right to a hearing before the court on the
11 issue of such prior adjudication and of his right to counsel at
12 such hearing; and unless the minor admits such adjudication,
13 the court shall hear and determine such issue, and shall make a
14 written finding thereon.

15 A duly authenticated copy of the record of any such alleged
16 prior adjudication shall be prima facie evidence of such prior
17 adjudication or of any offense that involved dishonesty or
18 false statement.

19 Any claim that a previous adjudication offered by the
20 State's Attorney is not a former adjudication of an offense
21 which, had the minor been prosecuted as an adult, would have
22 resulted in his conviction of a felony or of any offense that
23 involved dishonesty or false statement, is waived unless duly
24 raised at the hearing on such adjudication, or unless the
25 State's Attorney's proof shows that such prior adjudication was
26 not based upon proof of what would have been a felony.

1 (f) Disposition. If the court finds that the prerequisites
2 established in subsection (a) of this Section have been proven,
3 it shall adjudicate the minor an Habitual Juvenile Offender and
4 commit him to the Department of Juvenile Justice until his 21st
5 birthday, without possibility of aftercare release parole,
6 furlough, or non-emergency authorized absence. However, the
7 minor shall be entitled to earn one day of good conduct credit
8 for each day served as reductions against the period of his
9 confinement. Such good conduct credits shall be earned or
10 revoked according to the procedures applicable to the allowance
11 and revocation of good conduct credit for adult prisoners
12 serving determinate sentences for felonies.

13 For purposes of determining good conduct credit,
14 commitment as an Habitual Juvenile Offender shall be considered
15 a determinate commitment, and the difference between the date
16 of the commitment and the minor's 21st birthday shall be
17 considered the determinate period of his confinement.

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

19 (705 ILCS 405/5-820)

20 Sec. 5-820. Violent Juvenile Offender.

21 (a) Definition. A minor having been previously adjudicated
22 a delinquent minor for an offense which, had he or she been
23 prosecuted as an adult, would have been a Class 2 or greater
24 felony involving the use or threat of physical force or
25 violence against an individual or a Class 2 or greater felony

1 for which an element of the offense is possession or use of a
2 firearm, and who is thereafter adjudicated a delinquent minor
3 for a second time for any of those offenses shall be
4 adjudicated a Violent Juvenile Offender if:

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

7 (2) The second offense occurred on or after January 1,
8 1995.

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

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

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

22 No prior adjudication shall be alleged in the petition.

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

26 Except as otherwise provided in this Section, the

1 provisions of this Act concerning delinquency proceedings
2 generally shall be applicable to Violent Juvenile Offender
3 proceedings.

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

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

25 The court shall then cause the minor to be brought before
26 it; shall inform the minor of the allegations of the statement

1 so filed, of his or her right to a hearing before the court on
2 the issue of the prior adjudication and of his or her right to
3 counsel at the hearing; and unless the minor admits the
4 adjudication, the court shall hear and determine the issue, and
5 shall make a written finding of the issue.

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

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

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

1 conduct credit for each day served as reductions against the
2 period of his or her confinement. The good conduct credits
3 shall be earned or revoked according to the procedures
4 applicable to the allowance and revocation of good conduct
5 credit for adult prisoners serving determinate sentences for
6 felonies.

7 For purposes of determining good conduct credit,
8 commitment as a Violent Juvenile Offender shall be considered a
9 determinate commitment, and the difference between the date of
10 the commitment and the minor's 21st birthday shall be
11 considered the determinate period of his or her confinement.

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

16 (h) A continuance under supervision authorized by Section
17 5-615 of this Act shall not be permitted under this Section.

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

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

22 (720 ILCS 5/11-9.2)

23 Sec. 11-9.2. Custodial sexual misconduct.

24 (a) A person commits custodial sexual misconduct when: (1)

1 he or she is an employee of a penal system and engages in
2 sexual conduct or sexual penetration with a person who is in
3 the custody of that penal system or (2) he or she is an
4 employee of a treatment and detention facility and engages in
5 sexual conduct or sexual penetration with a person who is in
6 the custody of that treatment and detention facility.

7 (b) A probation or supervising officer, ~~or~~ surveillance
8 agent, or aftercare specialist commits custodial sexual
9 misconduct when the probation or supervising officer, ~~or~~
10 surveillance agent, or aftercare specialist engages in sexual
11 conduct or sexual penetration with a probationer, parolee, or
12 releasee or person serving a term of conditional release who is
13 under the supervisory, disciplinary, or custodial authority of
14 the officer or agent or employee so engaging in the sexual
15 conduct or sexual penetration.

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

17 (d) Any person convicted of violating this Section
18 immediately shall forfeit his or her employment with a penal
19 system, treatment and detention facility, or conditional
20 release program.

21 (e) For purposes of this Section, the consent of the
22 probationer, parolee, releasee, or inmate in custody of the
23 penal system or person detained or civilly committed under the
24 Sexually Violent Persons Commitment Act shall not be a defense
25 to a prosecution under this Section. A person is deemed
26 incapable of consent, for purposes of this Section, when he or

1 she is a probationer, parolee, releasee, or inmate in custody
2 of a penal system or person detained or civilly committed under
3 the Sexually Violent Persons Commitment Act.

4 (f) This Section does not apply to:

5 (1) Any employee, probation or supervising officer, ~~or~~
6 surveillance agent, or aftercare specialist who is
7 lawfully married to a person in custody if the marriage
8 occurred before the date of custody.

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

14 (g) In this Section:

15 (0.5) "Aftercare specialist" means any person employed
16 by the Department of Juvenile Justice to supervise and
17 facilitate services for persons placed on aftercare
18 release.

19 (1) "Custody" means:

20 (i) pretrial incarceration or detention;

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

23 (iii) parole, aftercare release, or mandatory
24 supervised release;

25 (iv) electronic home detention;

26 (v) probation;

1 (vi) detention or civil commitment either in
2 secure care or in the community under the Sexually
3 Violent Persons Commitment Act.

4 (2) "Penal system" means any system which includes
5 institutions as defined in Section 2-14 of this Code or a
6 county shelter care or detention home established under
7 Section 1 of the County Shelter Care and Detention Home
8 Act.

9 (2.1) "Treatment and detention facility" means any
10 Department of Human Services facility established for the
11 detention or civil commitment of persons under the Sexually
12 Violent Persons Commitment Act.

13 (2.2) "Conditional release" means a program of
14 treatment and services, vocational services, and alcohol
15 or other drug abuse treatment provided to any person
16 civilly committed and conditionally released to the
17 community under the Sexually Violent Persons Commitment
18 Act;

19 (3) "Employee" means:

20 (i) an employee of any governmental agency of this
21 State or any county or municipal corporation that has
22 by statute, ordinance, or court order the
23 responsibility for the care, control, or supervision
24 of pretrial or sentenced persons in a penal system or
25 persons detained or civilly committed under the
26 Sexually Violent Persons Commitment Act;

1 (ii) a contractual employee of a penal system as
2 defined in paragraph (g)(2) of this Section who works
3 in a penal institution as defined in Section 2-14 of
4 this Code;

5 (iii) a contractual employee of a "treatment and
6 detention facility" as defined in paragraph (g)(2.1)
7 of this Code or a contractual employee of the
8 Department of Human Services who provides supervision
9 of persons serving a term of conditional release as
10 defined in paragraph (g)(2.2) of this Code.

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

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

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

21 (7) "Surveillance agent" means any person employed or
22 contracted to supervise persons placed on conditional
23 release in the community under the Sexually Violent Persons
24 Commitment Act.

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

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

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

4 (a) A person who knowingly resists or obstructs the
5 performance by one known to the person to be a peace officer,
6 firefighter, or correctional institution employee of any
7 authorized act within his or her official capacity commits a
8 Class A misdemeanor.

9 (a-5) In addition to any other sentence that may be
10 imposed, a court shall order any person convicted of resisting
11 or obstructing a peace officer, firefighter, or correctional
12 institution employee to be sentenced to a minimum of 48
13 consecutive hours of imprisonment or ordered to perform
14 community service for not less than 100 hours as may be
15 determined by the court. The person shall not be eligible for
16 probation in order to reduce the sentence of imprisonment or
17 community service.

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

22 (b) For purposes of this Section, "correctional
23 institution employee" means any person employed to supervise
24 and control inmates incarcerated in a penitentiary, State farm,
25 reformatory, prison, jail, house of correction, police
26 detention area, half-way house, or other institution or place

1 for the incarceration or custody of persons under sentence for
2 offenses or awaiting trial or sentence for offenses, under
3 arrest for an offense, a violation of probation, a violation of
4 parole, a violation of aftercare release, ~~or~~ a violation of
5 mandatory supervised release, or awaiting a bail setting
6 hearing or preliminary hearing, or who are sexually dangerous
7 persons or who are sexually violent persons; and "firefighter"
8 means any individual, either as an employee or volunteer, of a
9 regularly constituted fire department of a municipality or fire
10 protection district who performs fire fighting duties,
11 including, but not limited to, the fire chief, assistant fire
12 chief, captain, engineer, driver, ladder person, hose person,
13 pipe person, and any other member of a regularly constituted
14 fire department. "Firefighter" also means a person employed by
15 the Office of the State Fire Marshal to conduct arson
16 investigations.

17 (c) It is an affirmative defense to a violation of this
18 Section if a person resists or obstructs the performance of one
19 known by the person to be a firefighter by returning to or
20 remaining in a dwelling, residence, building, or other
21 structure to rescue or to attempt to rescue any person.

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

23 (720 ILCS 5/31-6) (from Ch. 38, par. 31-6)

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

1 (a) A person convicted of a felony or charged with the
2 commission of a felony, or charged with or adjudicated
3 delinquent for an act which, if committed by an adult, would
4 constitute a felony, who intentionally escapes from any penal
5 institution or from the custody of an employee of that
6 institution commits a Class 2 felony; however, a person
7 convicted of a felony, or adjudicated delinquent for an act
8 which, if committed by an adult, would constitute a felony, who
9 knowingly fails to report to a penal institution or to report
10 for periodic imprisonment at any time or knowingly fails to
11 return from furlough or from work and day release or who
12 knowingly fails to abide by the terms of home confinement is
13 guilty of a Class 3 felony.

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

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

7 (c) A person in the lawful custody of a peace officer for
8 the alleged commission of a felony offense or an act which, if
9 committed by an adult, would constitute a felony, and who
10 intentionally escapes from custody commits a Class 2 felony;
11 however, a person in the lawful custody of a peace officer for
12 the alleged commission of a misdemeanor offense or an act
13 which, if committed by an adult, would constitute a
14 misdemeanor, who intentionally escapes from custody commits a
15 Class A misdemeanor.

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

22 (c-6) A person in the lawful custody of a peace officer for
23 an alleged violation of a term or condition of supervision,
24 probation, or conditional discharge for a misdemeanor or an act
25 which, if committed by an adult, would constitute a
26 misdemeanor, who intentionally escapes from custody is guilty

1 of a Class A misdemeanor.

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

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

6 (720 ILCS 5/31-7) (from Ch. 38, par. 31-7)
7 Sec. 31-7. Aiding escape.

8 (a) Whoever, with intent to aid any prisoner in escaping
9 from any penal institution, conveys into the institution or
10 transfers to the prisoner anything for use in escaping commits
11 a Class A misdemeanor.

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

23 (c) Whoever knowingly aids a person convicted of a
24 misdemeanor or charged with the commission of a misdemeanor, or
25 charged with or adjudicated delinquent for an act which, if

1 committed by an adult, would constitute a misdemeanor, in
2 escaping from any penal institution or from the custody of an
3 employee of that institution commits a Class A misdemeanor;
4 however, whoever knowingly aids a person convicted of a
5 misdemeanor or charged with the commission of a misdemeanor, or
6 charged with or adjudicated delinquent for an act which, if
7 committed by an adult, would constitute a misdemeanor, in
8 failing to return from furlough or from work and day release is
9 guilty of a Class B misdemeanor.

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

14 (e) Whoever knowingly aids a person in the lawful custody
15 of a peace officer for the alleged commission of a felony
16 offense or an act which, if committed by an adult, would
17 constitute a felony, in escaping from custody commits a Class 2
18 felony; however, whoever knowingly aids a person in the lawful
19 custody of a peace officer for the alleged commission of a
20 misdemeanor offense or an act which, if committed by an adult,
21 would constitute a misdemeanor, in escaping from custody
22 commits a Class A misdemeanor.

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

26 (f-5) With respect to a person in the lawful custody of a

1 peace officer for an alleged violation of a term or condition
2 of probation, conditional discharge, parole, aftercare
3 release, or mandatory supervised release for a felony, whoever
4 intentionally aids that person to escape from that custody is
5 guilty of a Class 2 felony.

6 (f-6) With respect to a person who is in the lawful custody
7 of a peace officer for an alleged violation of a term or
8 condition of supervision, probation, or conditional discharge
9 for a misdemeanor, whoever intentionally aids that person to
10 escape from that custody is guilty of a Class A misdemeanor.

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

13 (Source: P.A. 95-839, eff. 8-15-08; 95-921, eff. 1-1-09;
14 96-328, eff. 8-11-09.)

15 (720 ILCS 5/31A-0.1)

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

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

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

1 the penal institution or its governing authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 ammunition.

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

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

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

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

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

5 "Penal institution" means any penitentiary, State farm,
6 reformatory, prison, jail, house of correction, police
7 detention area, half-way house or other institution or place
8 for the incarceration or custody of persons under sentence for
9 offenses awaiting trial or sentence for offenses, under arrest
10 for an offense, a violation of probation, a violation of
11 parole, a violation of aftercare release, or a violation of
12 mandatory supervised release, or awaiting a bail setting
13 hearing or preliminary hearing; provided that where the place
14 for incarceration or custody is housed within another public
15 building this Article shall not apply to that part of the
16 building unrelated to the incarceration or custody of persons.
17 (Source: P.A. 97-1108, eff. 1-1-13.)

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

20 (720 ILCS 570/509) (from Ch. 56 1/2, par. 1509)
21 Sec. 509.

22 Whenever any court in this State grants probation to any
23 person that the court has reason to believe is or has been an
24 addict or unlawful possessor of controlled substances, the

1 court shall require, as a condition of probation, that the
2 probationer submit to periodic tests by the Department of
3 Corrections to determine by means of appropriate chemical
4 detection tests whether the probationer is using controlled
5 substances. The court may require as a condition of probation
6 that the probationer enter an approved treatment program, if
7 the court determines that the probationer is addicted to a
8 controlled substance. Whenever the Parole and Pardon Board
9 grants parole or aftercare release to a person whom the Board
10 has reason to believe has been an unlawful possessor or addict
11 of controlled substances, the Board shall require as a
12 condition of parole that the parolee or aftercare releasee
13 submit to appropriate periodic chemical tests by the Department
14 of Corrections or the Department of Juvenile Justice to
15 determine whether the parolee or aftercare releasee is using
16 controlled substances.

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

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

22 (725 ILCS 5/102-3.5 new)

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

24 "Aftercare release" means the conditional and revocable

1 release of a person committed to the Department of Juvenile
2 Justice under the Juvenile Court Act of 1987, under the
3 supervision of the Department of Juvenile Justice.

4 (725 ILCS 5/102-16) (from Ch. 38, par. 102-16)
5 Sec. 102-16. "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 paroling authority.

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

10 (725 ILCS 5/103-5) (from Ch. 38, par. 103-5)
11 Sec. 103-5. Speedy trial.)

12 (a) Every person in custody in this State for an alleged
13 offense shall be tried by the court having jurisdiction within
14 120 days from the date he or she was taken into custody unless
15 delay is occasioned by the defendant, by an examination for
16 fitness ordered pursuant to Section 104-13 of this Act, by a
17 fitness hearing, by an adjudication of unfitness to stand
18 trial, by a continuance allowed pursuant to Section 114-4 of
19 this Act after a court's determination of the defendant's
20 physical incapacity for trial, or by an interlocutory appeal.
21 Delay shall be considered to be agreed to by the defendant
22 unless he or she objects to the delay by making a written
23 demand for trial or an oral demand for trial on the record. The
24 provisions of this subsection (a) do not apply to a person on

1 bail or recognizance for an offense but who is in custody for a
2 violation of his or her parole, aftercare release, or mandatory
3 supervised release for another offense.

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

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

20 For purposes of computing the 160 day period under this
21 subsection (b), every person who was in custody for an alleged
22 offense and demanded trial and is subsequently released on bail
23 or recognizance and demands trial, shall be given credit for
24 time spent in custody following the making of the demand while
25 in custody. Any demand for trial made under this subsection (b)
26 shall be in writing; and in the case of a defendant not in

1 custody, the demand for trial shall include the date of any
2 prior demand made under this provision while the defendant was
3 in custody.

4 (c) If the court determines that the State has exercised
5 without success due diligence to obtain evidence material to
6 the case and that there are reasonable grounds to believe that
7 such evidence may be obtained at a later day the court may
8 continue the cause on application of the State for not more
9 than an additional 60 days. If the court determines that the
10 State has exercised without success due diligence to obtain
11 results of DNA testing that is material to the case and that
12 there are reasonable grounds to believe that such results may
13 be obtained at a later day, the court may continue the cause on
14 application of the State for not more than an additional 120
15 days.

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

20 (e) If a person is simultaneously in custody upon more than
21 one charge pending against him in the same county, or
22 simultaneously demands trial upon more than one charge pending
23 against him in the same county, he shall be tried, or adjudged
24 guilty after waiver of trial, upon at least one such charge
25 before expiration relative to any of such pending charges of
26 the period prescribed by subsections (a) and (b) of this

1 Section. Such person shall be tried upon all of the remaining
2 charges thus pending within 160 days from the date on which
3 judgment relative to the first charge thus prosecuted is
4 rendered pursuant to the Unified Code of Corrections or, if
5 such trial upon such first charge is terminated without
6 judgment and there is no subsequent trial of, or adjudication
7 of guilt after waiver of trial of, such first charge within a
8 reasonable time, the person shall be tried upon all of the
9 remaining charges thus pending within 160 days from the date on
10 which such trial is terminated; if either such period of 160
11 days expires without the commencement of trial of, or
12 adjudication of guilt after waiver of trial of, any of such
13 remaining charges thus pending, such charge or charges shall be
14 dismissed and barred for want of prosecution unless delay is
15 occasioned by the defendant, by an examination for fitness
16 ordered pursuant to Section 104-13 of this Act, by a fitness
17 hearing, by an adjudication of unfitness for trial, by a
18 continuance allowed pursuant to Section 114-4 of this Act after
19 a court's determination of the defendant's physical incapacity
20 for trial, or by an interlocutory appeal; provided, however,
21 that if the court determines that the State has exercised
22 without success due diligence to obtain evidence material to
23 the case and that there are reasonable grounds to believe that
24 such evidence may be obtained at a later day the court may
25 continue the cause on application of the State for not more
26 than an additional 60 days.

1 (f) Delay occasioned by the defendant shall temporarily
2 suspend for the time of the delay the period within which a
3 person shall be tried as prescribed by subsections (a), (b), or
4 (e) of this Section and on the day of expiration of the delay
5 the said period shall continue at the point at which it was
6 suspended. Where such delay occurs within 21 days of the end of
7 the period within which a person shall be tried as prescribed
8 by subsections (a), (b), or (e) of this Section, the court may
9 continue the cause on application of the State for not more
10 than an additional 21 days beyond the period prescribed by
11 subsections (a), (b), or (e). This subsection (f) shall become
12 effective on, and apply to persons charged with alleged
13 offenses committed on or after, March 1, 1977.

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

15 (725 ILCS 5/110-5) (from Ch. 38, par. 110-5)

16 Sec. 110-5. Determining the amount of bail and conditions
17 of release.

18 (a) In determining the amount of monetary bail or
19 conditions of release, if any, which will reasonably assure the
20 appearance of a defendant as required or the safety of any
21 other person or the community and the likelihood of compliance
22 by the defendant with all the conditions of bail, the court
23 shall, on the basis of available information, take into account
24 such matters as the nature and circumstances of the offense
25 charged, whether the evidence shows that as part of the offense

1 there was a use of violence or threatened use of violence,
2 whether the offense involved corruption of public officials or
3 employees, whether there was physical harm or threats of
4 physical harm to any public official, public employee, judge,
5 prosecutor, juror or witness, senior citizen, child or
6 handicapped person, whether evidence shows that during the
7 offense or during the arrest the defendant possessed or used a
8 firearm, machine gun, explosive or metal piercing ammunition or
9 explosive bomb device or any military or paramilitary armament,
10 whether the evidence shows that the offense committed was
11 related to or in furtherance of the criminal activities of an
12 organized gang or was motivated by the defendant's membership
13 in or allegiance to an organized gang, the condition of the
14 victim, any written statement submitted by the victim or
15 proffer or representation by the State regarding the impact
16 which the alleged criminal conduct has had on the victim and
17 the victim's concern, if any, with further contact with the
18 defendant if released on bail, whether the offense was based on
19 racial, religious, sexual orientation or ethnic hatred, the
20 likelihood of the filing of a greater charge, the likelihood of
21 conviction, the sentence applicable upon conviction, the
22 weight of the evidence against such defendant, whether there
23 exists motivation or ability to flee, whether there is any
24 verification as to prior residence, education, or family ties
25 in the local jurisdiction, in another county, state or foreign
26 country, the defendant's employment, financial resources,

1 character and mental condition, past conduct, prior use of
2 alias names or dates of birth, and length of residence in the
3 community, the consent of the defendant to periodic drug
4 testing in accordance with Section 110-6.5, whether a foreign
5 national defendant is lawfully admitted in the United States of
6 America, whether the government of the foreign national
7 maintains an extradition treaty with the United States by which
8 the foreign government will extradite to the United States its
9 national for a trial for a crime allegedly committed in the
10 United States, whether the defendant is currently subject to
11 deportation or exclusion under the immigration laws of the
12 United States, whether the defendant, although a United States
13 citizen, is considered under the law of any foreign state a
14 national of that state for the purposes of extradition or
15 non-extradition to the United States, the amount of unrecovered
16 proceeds lost as a result of the alleged offense, the source of
17 bail funds tendered or sought to be tendered for bail, whether
18 from the totality of the court's consideration, the loss of
19 funds posted or sought to be posted for bail will not deter the
20 defendant from flight, whether the evidence shows that the
21 defendant is engaged in significant possession, manufacture,
22 or delivery of a controlled substance or cannabis, either
23 individually or in consort with others, whether at the time of
24 the offense charged he or she was on bond or pre-trial release
25 pending trial, probation, periodic imprisonment or conditional
26 discharge pursuant to this Code or the comparable Code of any

1 other state or federal jurisdiction, whether the defendant is
2 on bond or pre-trial release pending the imposition or
3 execution of sentence or appeal of sentence for any offense
4 under the laws of Illinois or any other state or federal
5 jurisdiction, whether the defendant is under parole, aftercare
6 release, ~~or~~ mandatory supervised release, or work release from
7 the Illinois Department of Corrections or Illinois Department
8 of Juvenile Justice or any penal institution or corrections
9 department of any state or federal jurisdiction, the
10 defendant's record of convictions, whether the defendant has
11 been convicted of a misdemeanor or ordinance offense in
12 Illinois or similar offense in other state or federal
13 jurisdiction within the 10 years preceding the current charge
14 or convicted of a felony in Illinois, whether the defendant was
15 convicted of an offense in another state or federal
16 jurisdiction that would be a felony if committed in Illinois
17 within the 20 years preceding the current charge or has been
18 convicted of such felony and released from the penitentiary
19 within 20 years preceding the current charge if a penitentiary
20 sentence was imposed in Illinois or other state or federal
21 jurisdiction, the defendant's records of juvenile adjudication
22 of delinquency in any jurisdiction, any record of appearance or
23 failure to appear by the defendant at court proceedings,
24 whether there was flight to avoid arrest or prosecution,
25 whether the defendant escaped or attempted to escape to avoid
26 arrest, whether the defendant refused to identify himself or

1 herself, or whether there was a refusal by the defendant to be
2 fingerprinted as required by law. Information used by the court
3 in its findings or stated in or offered in connection with this
4 Section may be by way of proffer based upon reliable
5 information offered by the State or defendant. All evidence
6 shall be admissible if it is relevant and reliable regardless
7 of whether it would be admissible under the rules of evidence
8 applicable at criminal trials. If the State presents evidence
9 that the offense committed by the defendant was related to or
10 in furtherance of the criminal activities of an organized gang
11 or was motivated by the defendant's membership in or allegiance
12 to an organized gang, and if the court determines that the
13 evidence may be substantiated, the court shall prohibit the
14 defendant from associating with other members of the organized
15 gang as a condition of bail or release. For the purposes of
16 this Section, "organized gang" has the meaning ascribed to it
17 in Section 10 of the Illinois Streetgang Terrorism Omnibus
18 Prevention Act.

19 (b) The amount of bail shall be:

20 (1) Sufficient to assure compliance with the
21 conditions set forth in the bail bond, which shall include
22 the defendant's current address with a written
23 admonishment to the defendant that he or she must comply
24 with the provisions of Section 110-12 regarding any change
25 in his or her address. The defendant's address shall at all
26 times remain a matter of public record with the clerk of

1 the court.

2 (2) Not oppressive.

3 (3) Considerate of the financial ability of the
4 accused.

5 (4) When a person is charged with a drug related
6 offense involving possession or delivery of cannabis or
7 possession or delivery of a controlled substance as defined
8 in the Cannabis Control Act, the Illinois Controlled
9 Substances Act, or the Methamphetamine Control and
10 Community Protection Act, the full street value of the
11 drugs seized shall be considered. "Street value" shall be
12 determined by the court on the basis of a proffer by the
13 State based upon reliable information of a law enforcement
14 official contained in a written report as to the amount
15 seized and such proffer may be used by the court as to the
16 current street value of the smallest unit of the drug
17 seized.

18 (b-5) Upon the filing of a written request demonstrating
19 reasonable cause, the State's Attorney may request a source of
20 bail hearing either before or after the posting of any funds.
21 If the hearing is granted, before the posting of any bail, the
22 accused must file a written notice requesting that the court
23 conduct a source of bail hearing. The notice must be
24 accompanied by justifying affidavits stating the legitimate
25 and lawful source of funds for bail. At the hearing, the court
26 shall inquire into any matters stated in any justifying

1 affidavits, and may also inquire into matters appropriate to
2 the determination which shall include, but are not limited to,
3 the following:

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

6 (2) the source of any money or property deposited by
7 any surety, and whether any such money or property
8 constitutes the fruits of criminal or unlawful conduct; and

9 (3) the source of any money posted as cash bail, and
10 whether any such money constitutes the fruits of criminal
11 or unlawful conduct; and

12 (4) the background, character, reputation, and
13 relationship to the accused of the person posting cash
14 bail.

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

17 The State's Attorney has a right to attend the hearing, to
18 call witnesses and to examine any witness in the proceeding.
19 The court shall, upon request of the State's Attorney, continue
20 the proceedings for a reasonable period to allow the State's
21 Attorney to investigate the matter raised in any testimony or
22 affidavit. If the hearing is granted after the accused has
23 posted bail, the court shall conduct a hearing consistent with
24 this subsection (b-5). At the conclusion of the hearing, the
25 court must issue an order either approving or disapproving the
26 bail.

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

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

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

9 (f) When a person is charged with a violation of an order
10 of protection under Section 12-3.4 or 12-30 of the Criminal
11 Code of 1961 or the Criminal Code of 2012,

12 (1) whether the alleged incident involved harassment
13 or abuse, as defined in the Illinois Domestic Violence Act
14 of 1986;

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

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

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

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

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

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

1 (8) based on the severity of the alleged incident that
2 is the basis of the alleged offense, including, but not
3 limited to, the duration of the current incident, and
4 whether the alleged incident involved physical injury,
5 sexual assault, strangulation, abuse during the alleged
6 victim's pregnancy, abuse of pets, or forcible entry to
7 gain access to the alleged victim;

8 (9) whether a separation of the person from the alleged
9 victim or a termination of the relationship between the
10 person and the alleged victim has recently occurred or is
11 pending;

12 (10) whether the person has exhibited obsessive or
13 controlling behaviors toward the alleged victim,
14 including, but not limited to, stalking, surveillance, or
15 isolation of the alleged victim or victim's family member
16 or members;

17 (11) whether the person has expressed suicidal or
18 homicidal ideations;

19 (12) based on any information contained in the
20 complaint and any police reports, affidavits, or other
21 documents accompanying the complaint,
22 the court may, in its discretion, order the respondent to
23 undergo a risk assessment evaluation conducted by an Illinois
24 Department of Human Services approved partner abuse
25 intervention program provider, pretrial service, probation, or
26 parole agency. These agencies shall have access to summaries of

1 the defendant's criminal history, which shall not include
2 victim interviews or information, for the risk evaluation.
3 Based on the information collected from the 12 points to be
4 considered at a bail hearing for a violation of an order of
5 protection, the results of any risk evaluation conducted and
6 the other circumstances of the violation, the court may order
7 that the person, as a condition of bail, be placed under
8 electronic surveillance as provided in Section 5-8A-7 of the
9 Unified Code of Corrections.

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

12 (725 ILCS 5/110-6.1) (from Ch. 38, par. 110-6.1)

13 Sec. 110-6.1. Denial of bail in non-probationable felony
14 offenses.

15 (a) Upon verified petition by the State, the court shall
16 hold a hearing to determine whether bail should be denied to a
17 defendant who is charged with a felony offense for which a
18 sentence of imprisonment, without probation, periodic
19 imprisonment or conditional discharge, is required by law upon
20 conviction, when it is alleged that the defendant's admission
21 to bail poses a real and present threat to the physical safety
22 of any person or persons.

23 (1) A petition may be filed without prior notice to the
24 defendant at the first appearance before a judge, or within
25 the 21 calendar days, except as provided in Section 110-6,

1 after arrest and release of the defendant upon reasonable
2 notice to defendant; provided that while such petition is
3 pending before the court, the defendant if previously
4 released shall not be detained.

5 (2) The hearing shall be held immediately upon the
6 defendant's appearance before the court, unless for good
7 cause shown the defendant or the State seeks a continuance.
8 A continuance on motion of the defendant may not exceed 5
9 calendar days, and a continuance on the motion of the State
10 may not exceed 3 calendar days. The defendant may be held
11 in custody during such continuance.

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

14 (1) the proof is evident or the presumption great that
15 the defendant has committed an offense for which a sentence
16 of imprisonment, without probation, periodic imprisonment
17 or conditional discharge, must be imposed by law as a
18 consequence of conviction, and

19 (2) the defendant poses a real and present threat to
20 the physical safety of any person or persons, by conduct
21 which may include, but is not limited to, a forcible
22 felony, the obstruction of justice, intimidation, injury,
23 physical harm, an offense under the Illinois Controlled
24 Substances Act which is a Class X felony, or an offense
25 under the Methamphetamine Control and Community Protection
26 Act which is a Class X felony, and

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

5 (c) Conduct of the hearings.

6 (1) The hearing on the defendant's culpability and
7 dangerousness shall be conducted in accordance with the
8 following provisions:

9 (A) Information used by the court in its findings
10 or stated in or offered at such hearing may be by way
11 of proffer based upon reliable information offered by
12 the State or by defendant. Defendant has the right to
13 be represented by counsel, and if he is indigent, to
14 have counsel appointed for him. Defendant shall have
15 the opportunity to testify, to present witnesses in his
16 own behalf, and to cross-examine witnesses if any are
17 called by the State. The defendant has the right to
18 present witnesses in his favor. When the ends of
19 justice so require, the court may exercises its
20 discretion and compel the appearance of a complaining
21 witness. The court shall state on the record reasons
22 for granting a defense request to compel the presence
23 of a complaining witness. Cross-examination of a
24 complaining witness at the pretrial detention hearing
25 for the purpose of impeaching the witness' credibility
26 is insufficient reason to compel the presence of the

1 witness. In deciding whether to compel the appearance
2 of a complaining witness, the court shall be
3 considerate of the emotional and physical well-being
4 of the witness. The pre-trial detention hearing is not
5 to be used for purposes of discovery, and the post
6 arraignment rules of discovery do not apply. The State
7 shall tender to the defendant, prior to the hearing,
8 copies of defendant's criminal history, if any, if
9 available, and any written or recorded statements and
10 the substance of any oral statements made by any
11 person, if relied upon by the State in its petition.
12 The rules concerning the admissibility of evidence in
13 criminal trials do not apply to the presentation and
14 consideration of information at the hearing. At the
15 trial concerning the offense for which the hearing was
16 conducted neither the finding of the court nor any
17 transcript or other record of the hearing shall be
18 admissible in the State's case in chief, but shall be
19 admissible for impeachment, or as provided in Section
20 115-10.1 of this Code, or in a perjury proceeding.

21 (B) A motion by the defendant to suppress evidence
22 or to suppress a confession shall not be entertained.
23 Evidence that proof may have been obtained as the
24 result of an unlawful search and seizure or through
25 improper interrogation is not relevant to this state of
26 the prosecution.

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

6 (d) Factors to be considered in making a determination of
7 dangerousness. The court may, in determining whether the
8 defendant poses a real and present threat to the physical
9 safety of any person or persons, consider but shall not be
10 limited to evidence or testimony concerning:

11 (1) The nature and circumstances of any offense
12 charged, including whether the offense is a crime of
13 violence, involving a weapon.

14 (2) The history and characteristics of the defendant
15 including:

16 (A) Any evidence of the defendant's prior criminal
17 history indicative of violent, abusive or assaultive
18 behavior, or lack of such behavior. Such evidence may
19 include testimony or documents received in juvenile
20 proceedings, criminal, quasi-criminal, civil
21 commitment, domestic relations or other proceedings.

22 (B) Any evidence of the defendant's psychological,
23 psychiatric or other similar social history which
24 tends to indicate a violent, abusive, or assaultive
25 nature, or lack of any such history.

26 (3) The identity of any person or persons to whose

1 safety the defendant is believed to pose a threat, and the
2 nature of the threat;

3 (4) Any statements made by, or attributed to the
4 defendant, together with the circumstances surrounding
5 them;

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

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

10 (7) Whether, at the time of the current offense or any
11 other offense or arrest, the defendant was on probation,
12 parole, aftercare release, mandatory supervised release or
13 other release from custody pending trial, sentencing,
14 appeal or completion of sentence for an offense under
15 federal or state law;

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

21 (e) Detention order. The court shall, in any order for
22 detention:

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

26 (2) direct that the defendant be committed to the

1 custody of the sheriff for confinement in the county jail
2 pending trial;

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

7 (4) direct that the sheriff deliver the defendant as
8 required for appearances in connection with court
9 proceedings.

10 (f) If the court enters an order for the detention of the
11 defendant pursuant to subsection (e) of this Section, the
12 defendant shall be brought to trial on the offense for which he
13 is detained within 90 days after the date on which the order
14 for detention was entered. If the defendant is not brought to
15 trial within the 90 day period required by the preceding
16 sentence, he shall not be held longer without bail. In
17 computing the 90 day period, the court shall omit any period of
18 delay resulting from a continuance granted at the request of
19 the defendant.

20 (g) Rights of the defendant. Any person shall be entitled
21 to appeal any order entered under this Section denying bail to
22 the defendant.

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

25 (i) Nothing in this Section shall be construed as modifying
26 or limiting in any way the defendant's presumption of innocence

1 in further criminal proceedings.

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

3 (725 ILCS 5/110-6.3) (from Ch. 38, par. 110-6.3)

4 Sec. 110-6.3. Denial of bail in stalking and aggravated
5 stalking 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 stalking or aggravated stalking,
9 when it is alleged that the defendant's admission to bail poses
10 a real and present threat to the physical safety of the alleged
11 victim of the offense, and denial of release on bail or
12 personal recognizance is necessary to prevent fulfillment of
13 the threat upon which the charge is based.

14 (1) A petition may be filed without prior notice to the
15 defendant at the first appearance before a judge, or within
16 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 the 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 the defendant may be held in custody

1 during the continuance. A continuance on the motion of the
2 State may not exceed 3 calendar days; however, the
3 defendant may be held in custody during the continuance
4 under this provision if the defendant has been previously
5 found to have violated an order of protection or has been
6 previously convicted of, or granted court supervision for,
7 any of the offenses set forth in Sections 11-1.20, 11-1.30,
8 11-1.40, 11-1.50, 11-1.60, 12-2, 12-3.05, 12-3.2, 12-3.3,
9 12-4, 12-4.1, 12-7.3, 12-7.4, 12-13, 12-14, 12-14.1, 12-15
10 or 12-16 of the Criminal Code of 1961 or the Criminal Code
11 of 2012, against the same person as the alleged victim of
12 the stalking or aggravated stalking offense.

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

15 (1) the proof is evident or the presumption great that
16 the defendant has committed the offense of stalking or
17 aggravated stalking; and

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

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

24 (4) the court finds that no condition or combination of
25 conditions set forth in subsection (b) of Section 110-10 of
26 this Code, including mental health treatment at a community

1 mental health center, hospital, or facility of the
2 Department of Human Services, can reasonably assure the
3 physical safety of the alleged victim of the offense.

4 (c) Conduct of the hearings.

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

8 (A) Information used by the court in its findings
9 or stated in or offered at the hearing may be by way of
10 proffer based upon reliable information offered by the
11 State or by defendant. Defendant has the right to be
12 represented by counsel, and if he is indigent, to have
13 counsel appointed for him. Defendant shall have the
14 opportunity to testify, to present witnesses in his own
15 behalf, and to cross-examine witnesses if any are
16 called by the State. The defendant has the right to
17 present witnesses in his favor. When the ends of
18 justice so require, the court may exercise its
19 discretion and compel the appearance of a complaining
20 witness. The court shall state on the record reasons
21 for granting a defense request to compel the presence
22 of a complaining witness. Cross-examination of a
23 complaining witness at the pretrial detention hearing
24 for the purpose of impeaching the witness' credibility
25 is insufficient reason to compel the presence of the
26 witness. In deciding whether to compel the appearance

1 of a complaining witness, the court shall be
2 considerate of the emotional and physical well-being
3 of the witness. The pretrial detention hearing is not
4 to be used for the purposes of discovery, and the post
5 arraignment rules of discovery do not apply. The State
6 shall tender to the defendant, prior to the hearing,
7 copies of defendant's criminal history, if any, if
8 available, and any written or recorded statements and
9 the substance of any oral statements made by any
10 person, if relied upon by the State. The rules
11 concerning the admissibility of evidence in criminal
12 trials do not apply to the presentation and
13 consideration of information at the hearing. At the
14 trial concerning the offense for which the hearing was
15 conducted neither the finding of the court nor any
16 transcript or other record of the hearing shall be
17 admissible in the State's case in chief, but shall be
18 admissible for impeachment, or as provided in Section
19 115-10.1 of this Code, or in a perjury proceeding.

20 (B) A motion by the defendant to suppress evidence
21 or to suppress a confession shall not be entertained.
22 Evidence that proof may have been obtained as the
23 result of an unlawful search and seizure or through
24 improper interrogation is not relevant to this state of
25 the prosecution.

26 (2) The facts relied upon by the court to support a

1 finding that:

2 (A) the defendant poses a real and present threat
3 to the physical safety of the alleged victim of the
4 offense; and

5 (B) the denial of release on bail or personal
6 recognizance is necessary to prevent fulfillment of
7 the threat upon which the charge is based;

8 shall be supported by clear and convincing evidence
9 presented by the State.

10 (d) Factors to be considered in making a determination of
11 the threat to the alleged victim of the offense. The court may,
12 in determining whether the defendant poses, at the time of the
13 hearing, a real and present threat to the physical safety of
14 the alleged victim of the offense, consider but shall not be
15 limited to evidence or testimony concerning:

16 (1) The nature and circumstances of the offense
17 charged;

18 (2) The history and characteristics of the defendant
19 including:

20 (A) Any evidence of the defendant's prior criminal
21 history indicative of violent, abusive or assaultive
22 behavior, or lack of that behavior. The evidence may
23 include testimony or documents received in juvenile
24 proceedings, criminal, quasi-criminal, civil
25 commitment, domestic relations or other proceedings;

26 (B) Any evidence of the defendant's psychological,

1 psychiatric or other similar social history that tends
2 to indicate a violent, abusive, or assaultive nature,
3 or lack of any such history.

4 (3) The nature of the threat which is the basis of the
5 charge against the defendant;

6 (4) Any statements made by, or attributed to the
7 defendant, together with the circumstances surrounding
8 them;

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

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

13 (7) Whether, at the time of the current offense or any
14 other offense or arrest, the defendant was on probation,
15 parole, aftercare release, mandatory supervised release or
16 other release from custody pending trial, sentencing,
17 appeal or completion of sentence for an offense under
18 federal or state law;

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

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

26 (1) briefly summarize the evidence of the defendant's

1 culpability and its reasons for concluding that the
2 defendant should be held without bail;

3 (2) direct that the defendant be committed to the
4 custody of the sheriff for confinement in the county jail
5 pending trial;

6 (3) direct that the defendant be given a reasonable
7 opportunity for private consultation with counsel, and for
8 communication with others of his choice by visitation, mail
9 and telephone; and

10 (4) direct that the sheriff deliver the defendant as
11 required for appearances in connection with court
12 proceedings.

13 (f) If the court enters an order for the detention of the
14 defendant under subsection (e) of this Section, the defendant
15 shall be brought to trial on the offense for which he is
16 detained within 90 days after the date on which the order for
17 detention was entered. If the defendant is not brought to trial
18 within the 90 day period required by this subsection (f), he
19 shall not be held longer without bail. In computing the 90 day
20 period, the court shall omit any period of delay resulting from
21 a continuance granted at the request of the defendant. The
22 court shall immediately notify the alleged victim of the
23 offense that the defendant has been admitted to bail under this
24 subsection.

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

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

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

6 (Source: P.A. 96-1551, Article 1, Section 965, eff. 7-1-11;
7 96-1551, Article 2, Section 1040, eff. 7-1-11; 97-1109, eff.
8 1-1-13; 97-1150, eff. 1-25-13.)

9 (725 ILCS 5/112A-2) (from Ch. 38, par. 112A-2)

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

11 (a) Actions for orders of protection are commenced in
12 conjunction with a delinquency petition or a criminal
13 prosecution by filing a petition for an order of protection,
14 under the same case number as the delinquency petition or the
15 criminal prosecution, to be granted during pre-trial release of
16 a defendant, with any dispositional order issued under Section
17 5-710 of the Juvenile Court Act of 1987, or as a condition of
18 release, supervision, conditional discharge, probation,
19 periodic imprisonment, parole, aftercare release, or mandatory
20 supervised release, or in conjunction with imprisonment or a
21 bond forfeiture warrant, provided that:

22 (i) the violation is alleged in an information,
23 complaint, indictment or delinquency petition on file, and
24 the alleged offender and victim are family or household
25 members; and

1 (ii) the petition, which is filed by the State's
2 Attorney, names a victim of the alleged crime as a
3 petitioner.

4 (b) Withdrawal or dismissal of any petition for an order of
5 protection prior to adjudication where the petitioner is
6 represented by the state shall operate as a dismissal without
7 prejudice.

8 (c) Voluntary dismissal or withdrawal of any delinquency
9 petition or criminal prosecution or a finding of not guilty
10 shall not require dismissal of the action for the order of
11 protection; instead, in the discretion of the State's Attorney,
12 it may be treated as an independent action and, if necessary
13 and appropriate, transferred to a different court or division.
14 Dismissal of any delinquency petition or criminal prosecution
15 shall not affect the validity of any previously issued order of
16 protection, and thereafter subsection (b) of Section 112A-20
17 shall be inapplicable to that order.

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

19 (725 ILCS 5/112A-20) (from Ch. 38, par. 112A-20)

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

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

24 (1) Emergency orders issued under Section 112A-17
25 shall be effective for not less than 14 nor more than 21

1 days;

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

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

9 (1) if entered during pre-trial release, until
10 disposition, withdrawal, or dismissal of the underlying
11 charge; if, however, the case is continued as an
12 independent cause of action, the order's duration may be
13 for a fixed period of time not to exceed 2 years;

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

19 (3) until expiration of any supervision, conditional
20 discharge, probation, periodic imprisonment, parole,
21 aftercare release, or mandatory supervised release and for
22 an additional period of time thereafter not exceeding 2
23 years; or

24 (4) until the date set by the court for expiration of
25 any sentence of imprisonment and subsequent parole,
26 aftercare release, or mandatory supervised release and for

1 an additional period of time thereafter not exceeding 2
2 years.

3 (c) Computation of time. The duration of an order of
4 protection shall not be reduced by the duration of any prior
5 order of protection.

6 (d) Law enforcement records. When a plenary order of
7 protection expires upon the occurrence of a specified event,
8 rather than upon a specified date as provided in subsection
9 (b), no expiration date shall be entered in Department of State
10 Police records. To remove the plenary order from those records,
11 either party shall request the clerk of the court to file a
12 certified copy of an order stating that the specified event has
13 occurred or that the plenary order has been vacated or modified
14 with the sheriff, and the sheriff shall direct that law
15 enforcement records shall be promptly corrected in accordance
16 with the filed order.

17 (e) Extension of Orders. Any emergency, interim or plenary
18 order of protection may be extended one or more times, as
19 required, provided that the requirements of Section 112A-17,
20 112A-18 or 112A-19, as appropriate, are satisfied. If the
21 motion for extension is uncontested and petitioner seeks no
22 modification of the order, the order may be extended on the
23 basis of petitioner's motion or affidavit stating that there
24 has been no material change in relevant circumstances since
25 entry of the order and stating the reason for the requested
26 extension. An extension of a plenary order of protection may be

1 granted, upon good cause shown, to remain in effect until the
2 order of protection is vacated or modified. Extensions may be
3 granted only in open court and not under the provisions of
4 Section 112A-17(c), which applies only when the court is
5 unavailable at the close of business or on a court holiday.

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

9 (g) Statement of purpose. The practice of dismissing or
10 suspending a criminal prosecution in exchange for issuing an
11 order of protection undermines the purposes of this Article.
12 This Section shall not be construed as encouraging that
13 practice.

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

15 (725 ILCS 5/112A-22) (from Ch. 38, par. 112A-22)

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

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

24 (b) Filing with sheriff. The clerk of the issuing judge
25 shall, or the petitioner may, on the same day that an order of

1 protection is issued, file a copy of that order with the
2 sheriff or other law enforcement officials charged with
3 maintaining Department of State Police records or charged with
4 serving the order upon respondent. If the order was issued in
5 accordance with subsection (c) of Section 112A-17, the clerk
6 shall on the next court day, file a certified copy of the order
7 with the Sheriff or other law enforcement officials charged
8 with maintaining Department of State Police records. If the
9 respondent, at the time of the issuance of the order, is
10 committed to the custody of the Illinois Department of
11 Corrections or Illinois Department of Juvenile Justice or is on
12 parole, aftercare release, or mandatory supervised release,
13 the sheriff or other law enforcement officials charged with
14 maintaining Department of State Police records shall notify the
15 Department of Corrections or Department of Juvenile Justice
16 within 48 hours of receipt of a copy of the order of protection
17 from the clerk of the issuing judge or the petitioner. Such
18 notice shall include the name of the respondent, the
19 respondent's IDOC inmate number or IDJJ youth identification
20 number, the respondent's date of birth, and the LEADS Record
21 Index Number.

22 (c) Service by sheriff. Unless respondent was present in
23 court when the order was issued, the sheriff, other law
24 enforcement official or special process server shall promptly
25 serve that order upon respondent and file proof of such
26 service, in the manner provided for service of process in civil

1 proceedings. Instead of serving the order upon the respondent,
2 however, the sheriff, other law enforcement official, special
3 process server, or other persons defined in Section 112A-22.10
4 may serve the respondent with a short form notification as
5 provided in Section 112A-22.10. If process has not yet been
6 served upon the respondent, it shall be served with the order
7 or short form notification if such service is made by the
8 sheriff, other law enforcement official, or special process
9 server.

10 (c-5) If the person against whom the order of protection is
11 issued is arrested and the written order is issued in
12 accordance with subsection (c) of Section 112A-17 and received
13 by the custodial law enforcement agency before the respondent
14 or arrestee is released from custody, the custodial law
15 enforcement agent shall promptly serve the order upon the
16 respondent or arrestee before the respondent or arrestee is
17 released from custody. In no event shall detention of the
18 respondent or arrestee be extended for hearing on the petition
19 for order of protection or receipt of the order issued under
20 Section 112A-17 of this Code.

21 (d) Extensions, modifications and revocations. Any order
22 extending, modifying or revoking any order of protection shall
23 be promptly recorded, issued and served as provided in this
24 Section.

25 (e) Notice to health care facilities and health care
26 practitioners. Upon the request of the petitioner, the clerk of

1 the circuit court shall send a certified copy of the order of
2 protection to any specified health care facility or health care
3 practitioner requested by the petitioner at the mailing address
4 provided by the petitioner.

5 (f) Disclosure by health care facilities and health care
6 practitioners. After receiving a certified copy of an order of
7 protection that prohibits a respondent's access to records, no
8 health care facility or health care practitioner shall allow a
9 respondent access to the records of any child who is a
10 protected person under the order of protection, or release
11 information in those records to the respondent, unless the
12 order has expired or the respondent shows a certified copy of
13 the court order vacating the corresponding order of protection
14 that was sent to the health care facility or practitioner.
15 Nothing in this Section shall be construed to require health
16 care facilities or health care practitioners to alter
17 procedures related to billing and payment. The health care
18 facility or health care practitioner may file the copy of the
19 order of protection in the records of a child who is a
20 protected person under the order of protection, or may employ
21 any other method to identify the records to which a respondent
22 is prohibited access. No health care facility or health care
23 practitioner shall be civilly or professionally liable for
24 reliance on a copy of an order of protection, except for
25 willful and wanton misconduct.

26 (g) Notice to schools. Upon the request of the petitioner,

1 within 24 hours of the issuance of an order of protection, the
2 clerk of the issuing judge shall send a certified copy of the
3 order of protection to the day-care facility, pre-school or
4 pre-kindergarten, or private school or the principal office of
5 the public school district or any college or university in
6 which any child who is a protected person under the order of
7 protection or any child of the petitioner is enrolled as
8 requested by the petitioner at the mailing address provided by
9 the petitioner. If the child transfers enrollment to another
10 day-care facility, pre-school, pre-kindergarten, private
11 school, public school, college, or university, the petitioner
12 may, within 24 hours of the transfer, send to the clerk written
13 notice of the transfer, including the name and address of the
14 institution to which the child is transferring. Within 24 hours
15 of receipt of notice from the petitioner that a child is
16 transferring to another day-care facility, pre-school,
17 pre-kindergarten, private school, public school, college, or
18 university, the clerk shall send a certified copy of the order
19 to the institution to which the child is transferring.

20 (h) Disclosure by schools. After receiving a certified copy
21 of an order of protection that prohibits a respondent's access
22 to records, neither a day-care facility, pre-school,
23 pre-kindergarten, public or private school, college, or
24 university nor its employees shall allow a respondent access to
25 a protected child's records or release information in those
26 records to the respondent. The school shall file the copy of

1 the order of protection in the records of a child who is a
2 protected person under the order of protection. When a child
3 who is a protected person under the order of protection
4 transfers to another day-care facility, pre-school,
5 pre-kindergarten, public or private school, college, or
6 university, the institution from which the child is
7 transferring may, at the request of the petitioner, provide,
8 within 24 hours of the transfer, written notice of the order of
9 protection, along with a certified copy of the order, to the
10 institution to which the child is transferring.

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

13 (725 ILCS 5/112A-22.10)

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

15 (a) Instead of personal service of an order of protection
16 under Section 112A-22, a sheriff, other law enforcement
17 official, special process server, or personnel assigned by the
18 Department of Corrections or Department of Juvenile Justice to
19 investigate the alleged misconduct of committed persons or
20 alleged violations of a parolee's or releasee's conditions of
21 parole, aftercare release, or mandatory supervised release may
22 serve a respondent with a short form notification. The short
23 form notification must include the following items:

24 (1) The respondent's name.

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

1 (3) The petitioner's name.

2 (4) The names of other protected parties.

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

5 (6) The court file number.

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

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

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

10 (b) The short form notification must contain the following
11 notice in bold print:

12 "The order of protection is now enforceable. You must
13 report to the office of the sheriff or the office of the
14 circuit court in (name of county) County to obtain a copy
15 of the order of protection. You are subject to arrest and
16 may be charged with a misdemeanor or felony if you violate
17 any of the terms of the order of protection."

18 (c) Upon verification of the identity of the respondent and
19 the existence of an unserved order of protection against the
20 respondent, a sheriff or other law enforcement official may
21 detain the respondent for a reasonable time necessary to
22 complete and serve the short form notification.

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

26 (e) The Attorney General shall provide adequate copies of

1 the short form notification form to law enforcement agencies in
2 this State.

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

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

6 (725 ILCS 120/3) (from Ch. 38, par. 1403)

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

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

1 Criminal Code of 1961 or the Criminal Code of 2012 or (6) in
2 proceedings under the Juvenile Court Act of 1987, both parents,
3 legal guardians, foster parents, or a single adult
4 representative of a minor or disabled person who is a crime
5 victim.

6 (b) "Witness" means any person who personally observed the
7 commission of a violent crime and who will testify on behalf of
8 the State of Illinois in the criminal prosecution of the
9 violent crime.

10 (c) "Violent Crime" means any felony in which force or
11 threat of force was used against the victim, or any offense
12 involving sexual exploitation, sexual conduct or sexual
13 penetration, or a violation of Section 11-20.1, 11-20.1B, or
14 11-20.3 of the Criminal Code of 1961 or the Criminal Code of
15 2012, domestic battery, violation of an order of protection,
16 stalking, or any misdemeanor which results in death or great
17 bodily harm to the victim or any violation of Section 9-3 of
18 the Criminal Code of 1961 or the Criminal Code of 2012, or
19 Section 11-501 of the Illinois Vehicle Code, or a similar
20 provision of a local ordinance, if the violation resulted in
21 personal injury or death, and includes any action committed by
22 a juvenile that would be a violent crime if committed by an
23 adult. For the purposes of this paragraph, "personal injury"
24 shall include any Type A injury as indicated on the traffic
25 accident report completed by a law enforcement officer that
26 requires immediate professional attention in either a doctor's

1 office or medical facility. A type A injury shall include
2 severely bleeding wounds, distorted extremities, and injuries
3 that require the injured party to be carried from the scene.

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

8 (e) "Court proceedings" includes the preliminary hearing,
9 any hearing the effect of which may be the release of the
10 defendant from custody or to alter the conditions of bond, the
11 trial, sentencing hearing, notice of appeal, any modification
12 of sentence, probation revocation hearings, aftercare release
13 or parole hearings.

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

17 (Source: P.A. 96-292, eff. 1-1-10; 96-875, eff. 1-22-10;
18 96-1551, eff. 7-1-11; 97-572, eff. 1-1-12; 97-1150, eff.
19 1-25-13.)

20 (725 ILCS 120/4.5)

21 Sec. 4.5. Procedures to implement the rights of crime
22 victims. To afford crime victims their rights, law enforcement,
23 prosecutors, judges and corrections will provide information,
24 as appropriate of the following procedures:

25 (a) At the request of the crime victim, law enforcement

1 authorities investigating the case shall provide notice of the
2 status of the investigation, except where the State's Attorney
3 determines that disclosure of such information would
4 unreasonably interfere with the investigation, until such time
5 as the alleged assailant is apprehended or the investigation is
6 closed.

7 (a-5) When law enforcement authorities re-open a closed
8 case to resume investigating, they shall provide notice of the
9 re-opening of the case, except where the State's Attorney
10 determines that disclosure of such information would
11 unreasonably interfere with the investigation.

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

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

17 (2) shall provide notice of the date, time, and place
18 of trial;

19 (3) or victim advocate personnel shall provide
20 information of social services and financial assistance
21 available for victims of crime, including information of
22 how to apply for these services and assistance;

23 (3.5) or victim advocate personnel shall provide
24 information about available victim services, including
25 referrals to programs, counselors, and agencies that
26 assist a victim to deal with trauma, loss, and grief;

1 (4) shall assist in having any stolen or other personal
2 property held by law enforcement authorities for
3 evidentiary or other purposes returned as expeditiously as
4 possible, pursuant to the procedures set out in Section
5 115-9 of the Code of Criminal Procedure of 1963;

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

11 (6) shall provide information whenever possible, of a
12 secure waiting area during court proceedings that does not
13 require victims to be in close proximity to defendant or
14 juveniles accused of a violent crime, and their families
15 and friends;

16 (7) shall provide notice to the crime victim of the
17 right to have a translator present at all court proceedings
18 and, in compliance with the federal Americans with
19 Disabilities Act of 1990, the right to communications
20 access through a sign language interpreter or by other
21 means;

22 (8) in the case of the death of a person, which death
23 occurred in the same transaction or occurrence in which
24 acts occurred for which a defendant is charged with an
25 offense, shall notify the spouse, parent, child or sibling
26 of the decedent of the date of the trial of the person or

1 persons allegedly responsible for the death;

2 (9) shall inform the victim of the right to have
3 present at all court proceedings, subject to the rules of
4 evidence, an advocate or other support person of the
5 victim's choice, and the right to retain an attorney, at
6 the victim's own expense, who, upon written notice filed
7 with the clerk of the court and State's Attorney, is to
8 receive copies of all notices, motions and court orders
9 filed thereafter in the case, in the same manner as if the
10 victim were a named party in the case;

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

18 (11) shall request restitution at sentencing and shall
19 consider restitution in any plea negotiation, as provided
20 by law; and

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

26 (c) At the written request of the crime victim, the office

1 of the State's Attorney shall:

2 (1) provide notice a reasonable time in advance of the
3 following court proceedings: preliminary hearing, any
4 hearing the effect of which may be the release of defendant
5 from custody, or to alter the conditions of bond and the
6 sentencing hearing. The crime victim shall also be notified
7 of the cancellation of the court proceeding in sufficient
8 time, wherever possible, to prevent an unnecessary
9 appearance in court;

10 (2) provide notice within a reasonable time after
11 receipt of notice from the custodian, of the release of the
12 defendant on bail or personal recognizance or the release
13 from detention of a minor who has been detained for a
14 violent crime;

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

18 (4) where practical, consult with the crime victim
19 before the Office of the State's Attorney makes an offer of
20 a plea bargain to the defendant or enters into negotiations
21 with the defendant concerning a possible plea agreement,
22 and shall consider the written victim impact statement, if
23 prepared prior to entering into a plea agreement;

24 (5) provide notice of the ultimate disposition of the
25 cases arising from an indictment or an information, or a
26 petition to have a juvenile adjudicated as a delinquent for

1 a violent crime;

2 (6) provide notice of any appeal taken by the defendant
3 and information on how to contact the appropriate agency
4 handling the appeal;

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

10 (8) forward a copy of any statement presented under
11 Section 6 to the Prisoner Review Board to be considered by
12 the Board in making its determination under subsection (b)
13 of Section 3-3-8 of the Unified Code of Corrections.

14 (d) (1) The Prisoner Review Board shall inform a victim or
15 any other concerned citizen, upon written request, of the
16 prisoner's release on parole, aftercare release, mandatory
17 supervised release, electronic detention, work release,
18 international transfer or exchange, or by the custodian of the
19 discharge of any individual who was adjudicated a delinquent
20 for a violent crime from State custody and by the sheriff of
21 the appropriate county of any such person's final discharge
22 from county custody. The Prisoner Review Board, upon written
23 request, shall provide to a victim or any other concerned
24 citizen a recent photograph of any person convicted of a
25 felony, upon his or her release from custody. The Prisoner
26 Review Board, upon written request, shall inform a victim or

1 any other concerned citizen when feasible at least 7 days prior
2 to the prisoner's release on furlough of the times and dates of
3 such furlough. Upon written request by the victim or any other
4 concerned citizen, the State's Attorney shall notify the person
5 once of the times and dates of release of a prisoner sentenced
6 to periodic imprisonment. Notification shall be based on the
7 most recent information as to victim's or other concerned
8 citizen's residence or other location available to the
9 notifying authority.

10 (2) When the defendant has been committed to the Department
11 of Human Services pursuant to Section 5-2-4 or any other
12 provision of the Unified Code of Corrections, the victim may
13 request to be notified by the releasing authority of the
14 approval by the court of an on-grounds pass, a supervised
15 off-grounds pass, an unsupervised off-grounds pass, or
16 conditional release; the release on an off-grounds pass; the
17 return from an off-grounds pass; transfer to another facility;
18 conditional release; escape; death; or final discharge from
19 State custody. The Department of Human Services shall establish
20 and maintain a statewide telephone number to be used by victims
21 to make notification requests under these provisions and shall
22 publicize this telephone number on its website and to the
23 State's Attorney of each county.

24 (3) In the event of an escape from State custody, the
25 Department of Corrections or the Department of Juvenile Justice
26 immediately shall notify the Prisoner Review Board of the

1 escape and the Prisoner Review Board shall notify the victim.
2 The notification shall be based upon the most recent
3 information as to the victim's residence or other location
4 available to the Board. When no such information is available,
5 the Board shall make all reasonable efforts to obtain the
6 information and make the notification. When the escapee is
7 apprehended, the Department of Corrections or the Department of
8 Juvenile Justice immediately shall notify the Prisoner Review
9 Board and the Board shall notify the victim.

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

25 (5) If a statement is presented under Section 6, the
26 Prisoner Review Board shall inform the victim of any order of

1 discharge entered by the Board pursuant to Section 3-3-8 of the
2 Unified Code of Corrections.

3 (6) At the written request of the victim of the crime for
4 which the prisoner was sentenced or the State's Attorney of the
5 county where the person seeking parole or aftercare release was
6 prosecuted, the Prisoner Review Board shall notify the victim
7 and the State's Attorney of the county where the person seeking
8 parole or aftercare release was prosecuted of the death of the
9 prisoner if the prisoner died while on parole or aftercare
10 release or mandatory supervised release.

11 (7) When a defendant who has been committed to the
12 Department of Corrections, the Department of Juvenile Justice,
13 or the Department of Human Services is released or discharged
14 and subsequently committed to the Department of Human Services
15 as a sexually violent person and the victim had requested to be
16 notified by the releasing authority of the defendant's
17 discharge, conditional release, death, or escape from State
18 custody, the releasing authority shall provide to the
19 Department of Human Services such information that would allow
20 the Department of Human Services to contact the victim.

21 (8) When a defendant has been convicted of a sex offense as
22 defined in Section 2 of the Sex Offender Registration Act and
23 has been sentenced to the Department of Corrections or the
24 Department of Juvenile Justice, the Prisoner Review Board shall
25 notify the victim of the sex offense of the prisoner's
26 eligibility for release on parole, aftercare release,

1 mandatory supervised release, electronic detention, work
2 release, international transfer or exchange, or by the
3 custodian of the discharge of any individual who was
4 adjudicated a delinquent for a sex offense from State custody
5 and by the sheriff of the appropriate county of any such
6 person's final discharge from county custody. The notification
7 shall be made to the victim at least 30 days, whenever
8 possible, before release of the sex offender.

9 (e) The officials named in this Section may satisfy some or
10 all of their obligations to provide notices and other
11 information through participation in a statewide victim and
12 witness notification system established by the Attorney
13 General under Section 8.5 of this Act.

14 (f) To permit a victim of a violent crime to provide
15 information to the Prisoner Review Board for consideration by
16 the Board at a parole or aftercare release hearing of a person
17 who committed the crime against the victim in accordance with
18 clause (d)(4) of this Section or at a proceeding to determine
19 the conditions of mandatory supervised release of a person
20 sentenced to a determinate sentence or at a hearing on
21 revocation of mandatory supervised release of a person
22 sentenced to a determinate sentence, the Board shall establish
23 a toll-free number that may be accessed by the victim of a
24 violent crime to present that information to the Board.

25 (Source: P.A. 96-328, eff. 8-11-09; 96-875, eff. 1-22-10;
26 97-457, eff. 1-1-12; 97-572, eff. 1-1-12; 97-813, eff. 7-13-12;

1 97-815, eff. 1-1-13.)

2 (725 ILCS 120/5) (from Ch. 38, par. 1405)

3 Sec. 5. Rights of Witnesses.

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

6 (1) to be notified by the Office of the State's
7 Attorney of all court proceedings at which the witness'
8 presence is required in a reasonable amount of time prior
9 to the proceeding, and to be notified of the cancellation
10 of any scheduled court proceeding in sufficient time to
11 prevent an unnecessary appearance in court, where
12 possible;

13 (2) to be provided with appropriate employer
14 intercession services by the Office of the State's Attorney
15 or the victim advocate personnel to ensure that employers
16 of witnesses will cooperate with the criminal justice
17 system in order to minimize an employee's loss of pay and
18 other benefits resulting from court appearances;

19 (3) to be provided, whenever possible, a secure waiting
20 area during court proceedings that does not require
21 witnesses to be in close proximity to defendants and their
22 families and friends;

23 (4) to be provided with notice by the Office of the
24 State's Attorney, where necessary, of the right to have a
25 translator present whenever the witness' presence is

1 required and, in compliance with the federal Americans with
2 Disabilities Act of 1990, to be provided with notice of the
3 right to communications access through a sign language
4 interpreter or by other means.

5 (b) At the written request of the witness, the witness
6 shall:

7 (1) receive notice from the office of the State's
8 Attorney of any request for post-conviction review filed by
9 the defendant under Article 122 of the Code of Criminal
10 Procedure of 1963, and of the date, time, and place of any
11 hearing concerning the petition for post-conviction
12 review; whenever possible, notice of the hearing on the
13 petition shall be given in advance;

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

19 (3) receive notice from the Prisoner Review Board of
20 the prisoner's escape from State custody, after the Board
21 has been notified of the escape by the Department of
22 Corrections or the Department of Juvenile Justice; when the
23 escapee is apprehended, the Department of Corrections or
24 the Department of Juvenile Justice shall immediately
25 notify the Prisoner Review Board and the Board shall notify
26 the witness;

1 (4) receive notice from the Prisoner Review Board of
2 the prisoner's release on parole, aftercare release,
3 electronic detention, work release or mandatory supervised
4 release and of the prisoner's final discharge from parole, aftercare release,
5 electronic detention, work release, or
6 mandatory supervised release.

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

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

10 (725 ILCS 190/3) (from Ch. 38, par. 1453)

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

1 any person or agency present in court from further disclosing
2 the child's identity.

3 When a criminal sexual offense is committed or alleged to
4 have been committed by a school district employee or any
5 individual contractually employed by a school district, a copy
6 of the criminal history record information relating to the
7 investigation of the offense or alleged offense shall be
8 transmitted to the superintendent of schools of the district
9 immediately upon request or if the law enforcement agency knows
10 that a school district employee or any individual contractually
11 employed by a school district has committed or is alleged to
12 have committed a criminal sexual offense, the superintendent of
13 schools of the district shall be immediately provided a copy of
14 the criminal history record information. The superintendent
15 shall be restricted from specifically revealing the name of the
16 victim without written consent of the victim or victim's parent
17 or guardian.

18 A court may prohibit such disclosure only after giving
19 notice and a hearing to all affected parties. In determining
20 whether to prohibit disclosure of the minor's identity the
21 court shall consider:

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

23 (b) whether such nondisclosure would further a
24 compelling State interest.

25 For the purposes of this Act, "criminal history record
26 information" means:

1 (i) chronologically maintained arrest information,
2 such as traditional arrest logs or blotters;

3 (ii) the name of a person in the custody of a law
4 enforcement agency and the charges for which that person is
5 being held;

6 (iii) court records that are public;

7 (iv) records that are otherwise available under State
8 or local law; or

9 (v) records in which the requesting party is the
10 individual identified, except as provided under part (vii)
11 of paragraph (c) of subsection (1) of Section 7 of the
12 Freedom of Information Act.

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

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

17 (725 ILCS 207/15)

18 Sec. 15. Sexually violent person petition; contents;
19 filing.

20 (a) A petition alleging that a person is a sexually violent
21 person must be filed before the release or discharge of the
22 person or within 30 days of placement onto parole, aftercare
23 release, or mandatory supervised release for an offense
24 enumerated in paragraph (e) of Section 5 of this Act. A

1 petition may be filed by the following:

2 (1) The Attorney General on his or her own motion,
3 after consulting with and advising the State's Attorney of
4 the county in which the person was convicted of a sexually
5 violent offense, adjudicated delinquent for a sexually
6 violent offense or found not guilty of or not responsible
7 for a sexually violent offense by reason of insanity,
8 mental disease, or mental defect; or

9 (2) The State's Attorney of the county referenced in
10 paragraph (1)(a)(1) of this Section, on his or her own
11 motion; or

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

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

18 (a) the Attorney General;

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

21 (c) the Attorney General and the State's Attorney
22 jointly.

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

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

1 (A) The person has been convicted of a sexually
2 violent offense;

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

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

8 (2) (Blank).

9 (3) (Blank).

10 (4) The person has a mental disorder.

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

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

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

25 (1) from a Department of Juvenile Justice juvenile
26 correctional facility if the person was placed in the

1 facility for being adjudicated delinquent under Section
2 5-20 of the Juvenile Court Act of 1987 or found guilty
3 under Section 5-620 of that Act on the basis of a sexually
4 violent offense; or

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

7 (b-7) A person convicted of a sexually violent offense
8 remains eligible for commitment as a sexually violent person
9 pursuant to this Act under the following circumstances: (1) the
10 person is in custody for a sentence that is being served
11 concurrently or consecutively with a sexually violent offense;
12 (2) the person returns to the custody of the Illinois
13 Department of Corrections or the Department of Juvenile Justice
14 for any reason during the term of parole, aftercare release, or
15 mandatory supervised release being served for a sexually
16 violent offense; or (3) the person is convicted or adjudicated
17 delinquent for any offense committed during the term of parole, aftercare release,
18 aftercare release, or mandatory supervised release being
19 served for a sexually violent offense, regardless of whether
20 that conviction or adjudication was for a sexually violent
21 offense.

22 (c) A petition filed under this Section shall state with
23 particularity essential facts to establish probable cause to
24 believe the person is a sexually violent person. If the
25 petition alleges that a sexually violent offense or act that is
26 a basis for the allegation under paragraph (b)(1) of this

1 Section was an act that was sexually motivated as provided
2 under paragraph (e) (2) of Section 5 of this Act, the petition
3 shall state the grounds on which the offense or act is alleged
4 to be sexually motivated.

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

7 (1) The circuit court for the county in which the
8 person was convicted of a sexually violent offense,
9 adjudicated delinquent for a sexually violent offense or
10 found not guilty of a sexually violent offense by reason of
11 insanity, mental disease or mental defect.

12 (2) The circuit court for the county in which the
13 person is in custody under a sentence, a placement to a
14 Department of Corrections correctional facility or a
15 Department of Juvenile Justice juvenile correctional
16 facility, or a commitment order.

17 (e) The filing of a petition under this Act shall toll the
18 running of the term of parole or mandatory supervised release
19 until:

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

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

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

25 (f) The State has the right to have the person evaluated by
26 experts chosen by the State. The agency with jurisdiction as

1 defined in Section 10 of this Act shall allow the expert
2 reasonable access to the person for purposes of examination, to
3 the person's records, and to past and present treatment
4 providers and any other staff members relevant to the
5 examination.

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

7 (725 ILCS 207/30)

8 Sec. 30. Detention; probable cause hearing; transfer for
9 examination.

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

1 this Act, whichever is applicable.

2 (b) Whenever a petition is filed under Section 15 of this
3 Act, the court shall hold a hearing to determine whether there
4 is probable cause to believe that the person named in the
5 petition is a sexually violent person. If the person named in
6 the petition is in custody, the court shall hold the probable
7 cause hearing within 72 hours after the petition is filed,
8 excluding Saturdays, Sundays and legal holidays. The court may
9 grant a continuance of the probable cause hearing for no more
10 than 7 additional days upon the motion of the respondent, for
11 good cause. If the person named in the petition has been
12 released, is on parole, is on aftercare release, is on
13 mandatory supervised release, or otherwise is not in custody,
14 the court shall hold the probable cause hearing within a
15 reasonable time after the filing of the petition. At the
16 probable cause hearing, the court shall admit and consider all
17 relevant hearsay evidence.

18 (c) If the court determines after a hearing that there is
19 probable cause to believe that the person named in the petition
20 is a sexually violent person, the court shall order that the
21 person be taken into custody if he or she is not in custody and
22 shall order the person to be transferred within a reasonable
23 time to an appropriate facility for an evaluation as to whether
24 the person is a sexually violent person. If the person who is
25 named in the petition refuses to speak to, communicate with, or
26 otherwise fails to cooperate with the examining evaluator from

1 the Department of Human Services or the Department of
2 Corrections, that person may only introduce evidence and
3 testimony from any expert or professional person who is
4 retained or court-appointed to conduct an examination of the
5 person that results from a review of the records and may not
6 introduce evidence resulting from an examination of the person.
7 Notwithstanding the provisions of Section 10 of the Mental
8 Health and Developmental Disabilities Confidentiality Act, all
9 evaluations conducted pursuant to this Act and all Illinois
10 Department of Corrections treatment records shall be
11 admissible at all proceedings held pursuant to this Act,
12 including the probable cause hearing and the trial.

13 If the court determines that probable cause does not exist
14 to believe that the person is a sexually violent person, the
15 court shall dismiss the petition.

16 (d) The Department shall promulgate rules that provide the
17 qualifications for persons conducting evaluations under
18 subsection (c) of this Section.

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

22 (Source: P.A. 92-415, eff. 8-17-01; 93-616, eff. 1-1-04;
23 93-970, eff. 8-20-04.)

24 (725 ILCS 207/40)

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

1 Sec. 40. Commitment.

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

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

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

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

9 Sec. 40. Commitment.

10 (a) If a court or jury determines that the person who is
11 the subject of a petition under Section 15 of this Act is a
12 sexually violent person, the court shall order the person to be
13 committed to the custody of the Department for control, care
14 and treatment until such time as the person is no longer a
15 sexually violent person.

16 (b) (1) The court shall enter an initial commitment order
17 under this Section pursuant to a hearing held as soon as
18 practicable after the judgment is entered that the person who
19 is the subject of a petition under Section 15 is a sexually
20 violent person. If the court lacks sufficient information to
21 make the determination required by paragraph (b) (2) of this
22 Section immediately after trial, it may adjourn the hearing and
23 order the Department to conduct a predisposition investigation
24 or a supplementary mental examination, or both, to assist the
25 court in framing the commitment order. If the Department's

1 examining evaluator previously rendered an opinion that the
2 person who is the subject of a petition under Section 15 does
3 not meet the criteria to be found a sexually violent person,
4 then another evaluator shall conduct the predisposition
5 investigation and/or supplementary mental examination. A
6 supplementary mental examination under this Section shall be
7 conducted in accordance with Section 3-804 of the Mental Health
8 and Developmental Disabilities Code. The State has the right to
9 have the person evaluated by experts chosen by the State.

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

1 restrictive manner consistent with the requirements of the
2 person and in accordance with the court's commitment order.

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

23 (4) An order for conditional release places the person in
24 the custody and control of the Department. A person on
25 conditional release is subject to the conditions set by the
26 court and to the rules of the Department. Before a person is

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

17 At any time during which the person is on conditional
18 release, if the Department determines that the person has
19 violated any condition or rule, or that the safety of others
20 requires that conditional release be revoked, the Department
21 may request the Attorney General or State's Attorney to request
22 the court to issue an emergency ex parte order directing any
23 law enforcement officer to take the person into custody and
24 transport the person to the county jail. The Department may
25 request, or the Attorney General or State's Attorney may
26 request independently of the Department, that a petition to

1 revoke conditional release be filed. When a petition is filed,
2 the court may order the Department to issue a notice to the
3 person to be present at the Department or other agency
4 designated by the court, order a summons to the person to be
5 present, or order a body attachment for all law enforcement
6 officers to take the person into custody and transport him or
7 her to the county jail, hospital, or treatment facility. The
8 Department shall submit a statement showing probable cause of
9 the detention and a petition to revoke the order for
10 conditional release to the committing court within 48 hours
11 after the detention. The court shall hear the petition within
12 30 days, unless the hearing or time deadline is waived by the
13 detained person. Pending the revocation hearing, the
14 Department may detain the person in a jail, in a hospital or
15 treatment facility. The State has the burden of proving by
16 clear and convincing evidence that any rule or condition of
17 release has been violated, or that the safety of others
18 requires that the conditional release be revoked. If the court
19 determines after hearing that any rule or condition of release
20 has been violated, or that the safety of others requires that
21 conditional release be revoked, it may revoke the order for
22 conditional release and order that the released person be
23 placed in an appropriate institution until the person is
24 discharged from the commitment under Section 65 of this Act or
25 until again placed on conditional release under Section 60 of
26 this Act.

1 (5) An order for conditional release places the person in
2 the custody, care, and control of the Department. The court
3 shall order the person be subject to the following rules of
4 conditional release, in addition to any other conditions
5 ordered, and the person shall be given a certificate setting
6 forth the conditions of conditional release. These conditions
7 shall be that the person:

8 (A) not violate any criminal statute of any
9 jurisdiction;

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

12 (C) refrain from possession of a firearm or other
13 dangerous weapon;

14 (D) not leave the State without the consent of the
15 court or, in circumstances in which the reason for the
16 absence is of such an emergency nature, that prior consent
17 by the court is not possible without the prior notification
18 and approval of the Department;

19 (E) at the direction of the Department, notify third
20 parties of the risks that may be occasioned by his or her
21 criminal record or sexual offending history or
22 characteristics, and permit the supervising officer or
23 agent to make the notification requirement;

24 (F) attend and fully participate in assessment,
25 treatment, and behavior monitoring including, but not
26 limited to, medical, psychological or psychiatric

1 treatment specific to sexual offending, drug addiction, or
2 alcoholism, to the extent appropriate to the person based
3 upon the recommendation and findings made in the Department
4 evaluation or based upon any subsequent recommendations by
5 the Department;

6 (G) waive confidentiality allowing the court and
7 Department access to assessment or treatment results or
8 both;

9 (H) work regularly at a Department approved occupation
10 or pursue a course of study or vocational training and
11 notify the Department within 72 hours of any change in
12 employment, study, or training;

13 (I) not be employed or participate in any volunteer
14 activity that involves contact with children, except under
15 circumstances approved in advance and in writing by the
16 Department officer;

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

20 (K) financially support his or her dependents and
21 provide the Department access to any requested financial
22 information;

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

25 (i) remain within the interior premises of the
26 place designated for his or her confinement during the

1 hours designated by the Department;

2 (ii) admit any person or agent designated by the
3 Department into the offender's place of confinement at
4 any time for purposes of verifying the person's
5 compliance with the condition of his or her
6 confinement;

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

9 (M) comply with the terms and conditions of an order of
10 protection issued by the court pursuant to the Illinois
11 Domestic Violence Act of 1986. A copy of the order of
12 protection shall be transmitted to the Department by the
13 clerk of the court;

14 (N) refrain from entering into a designated geographic
15 area except upon terms the Department finds appropriate.
16 The terms may include consideration of the purpose of the
17 entry, the time of day, others accompanying the person, and
18 advance approval by the Department;

19 (O) refrain from having any contact, including written
20 or oral communications, directly or indirectly, with
21 certain specified persons including, but not limited to,
22 the victim or the victim's family, and report any
23 incidental contact with the victim or the victim's family
24 to the Department within 72 hours; refrain from entering
25 onto the premises of, traveling past, or loitering near the
26 victim's residence, place of employment, or other places

1 frequented by the victim;

2 (P) refrain from having any contact, including written
3 or oral communications, directly or indirectly, with
4 particular types of persons, including but not limited to
5 members of street gangs, drug users, drug dealers, or
6 prostitutes;

7 (Q) refrain from all contact, direct or indirect,
8 personally, by telephone, letter, or through another
9 person, with minor children without prior identification
10 and approval of the Department;

11 (R) refrain from having in his or her body the presence
12 of alcohol or any illicit drug prohibited by the Cannabis
13 Control Act, the Illinois Controlled Substances Act, or the
14 Methamphetamine Control and Community Protection Act,
15 unless prescribed by a physician, and submit samples of his
16 or her breath, saliva, blood, or urine for tests to
17 determine the presence of alcohol or any illicit drug;

18 (S) not establish a dating, intimate, or sexual
19 relationship with a person without prior written
20 notification to the Department;

21 (T) neither possess or have under his or her control
22 any material that is pornographic, sexually oriented, or
23 sexually stimulating, or that depicts or alludes to sexual
24 activity or depicts minors under the age of 18, including
25 but not limited to visual, auditory, telephonic,
26 electronic media, or any matter obtained through access to

1 any computer or material linked to computer access use;

2 (U) not patronize any business providing sexually
3 stimulating or sexually oriented entertainment nor utilize
4 "900" or adult telephone numbers or any other sex-related
5 telephone numbers;

6 (V) not reside near, visit, or be in or about parks,
7 schools, day care centers, swimming pools, beaches,
8 theaters, or any other places where minor children
9 congregate without advance approval of the Department and
10 report any incidental contact with minor children to the
11 Department within 72 hours;

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

14 (X) not publish any materials or print any
15 advertisements without providing a copy of the proposed
16 publications to the Department officer and obtaining
17 permission prior to publication;

18 (Y) not leave the county except with prior permission
19 of the Department and provide the Department officer or
20 agent with written travel routes to and from work and any
21 other designated destinations;

22 (Z) not possess or have under his or her control
23 certain specified items of contraband related to the
24 incidence of sexually offending items including video or
25 still camera items or children's toys;

26 (AA) provide a written daily log of activities as

1 directed by the Department;

2 (BB) comply with all other special conditions that the
3 Department may impose that restrict the person from
4 high-risk situations and limit access or potential
5 victims.

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

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

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

20 (725 ILCS 225/22) (from Ch. 60, par. 39)

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

22 Whenever the Governor of this State shall demand a person
23 charged with crime or with escaping from confinement or
24 breaking the terms of his or her bail, probation, aftercare

1 release, or parole in this State, from the Executive Authority
2 of any other state, or from the chief justice or an associate
3 justice of the Supreme Court of the District of Columbia
4 authorized to receive such demand under the laws of the United
5 States, he or she shall issue a warrant under the seal of this
6 State, to some agent, commanding him or her to receive the
7 person so charged if delivered to him or her and convey him or
8 her to the proper officer of the county in this State in which
9 the offense was committed.

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

11 Section 105. The Unified Code of Corrections is amended by
12 changing Sections 3-1-2, 3-2-2, 3-2.5-20, 3-2.5-65, 3-3-1,
13 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,
14 3-5-1, 3-10-6, 5-1-16, 5-4-3, 5-8A-3, 5-8A-5, and 5-8A-7 and by
15 adding Sections 3-2.5-70, 3-2.5-75, 3-2.5-80, and 5-1-1.1 as
16 follows:

17 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

18 Sec. 3-1-2. Definitions.

19 (a) "Chief Administrative Officer" means the person
20 designated by the Director to exercise the powers and duties of
21 the Department of Corrections in regard to committed persons
22 within a correctional institution or facility, and includes the
23 superintendent of any juvenile institution or facility.

24 (a-3) "Aftercare release" means the conditional and

1 revocable release of a person committed to the Department of
2 Juvenile Justice under the Juvenile Court Act of 1987, under
3 the supervision of the Department of Juvenile Justice.

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

8 (i) A violation of any of the following Sections of the
9 Criminal Code of 1961 or the Criminal Code of 2012: 10-7
10 (aiding or abetting child abduction under Section
11 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
12 solicitation of a child), 11-6.5 (indecent solicitation of
13 an adult), 11-14.4 (promoting juvenile prostitution),
14 11-15.1 (soliciting for a juvenile prostitute), 11-17.1
15 (keeping a place of juvenile prostitution), 11-18.1
16 (patronizing a juvenile prostitute), 11-19.1 (juvenile
17 pimping), 11-19.2 (exploitation of a child), 11-20.1
18 (child pornography), 11-20.1B or 11-20.3 (aggravated child
19 pornography), 11-1.40 or 12-14.1 (predatory criminal
20 sexual assault of a child), or 12-33 (ritualized abuse of a
21 child). An attempt to commit any of these offenses.

22 (ii) A violation of any of the following Sections of
23 the Criminal Code of 1961 or the Criminal Code of 2012:
24 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or
25 12-14 (aggravated criminal sexual assault), 11-1.60 or
26 12-16 (aggravated criminal sexual abuse), and subsection

1 (a) of Section 11-1.50 or subsection (a) of Section 12-15
2 (criminal sexual abuse). An attempt to commit any of these
3 offenses.

4 (iii) A violation of any of the following Sections of
5 the Criminal Code of 1961 or the Criminal Code of 2012 when
6 the defendant is not a parent of the victim:

7 10-1 (kidnapping),

8 10-2 (aggravated kidnapping),

9 10-3 (unlawful restraint),

10 10-3.1 (aggravated unlawful restraint).

11 An attempt to commit any of these offenses.

12 (iv) A violation of any former law of this State
13 substantially equivalent to any offense listed in this
14 subsection (a-5).

15 An offense violating federal law or the law of another
16 state that is substantially equivalent to any offense listed in
17 this subsection (a-5) shall constitute a sex offense for the
18 purpose of this subsection (a-5). A finding or adjudication as
19 a sexually dangerous person under any federal law or law of
20 another state that is substantially equivalent to the Sexually
21 Dangerous Persons Act shall constitute an adjudication for a
22 sex offense for the purposes of this subsection (a-5).

23 (b) "Commitment" means a judicially determined placement
24 in the custody of the Department of Corrections on the basis of
25 delinquency or conviction.

26 (c) "Committed Person" is a person committed to the

1 Department, however a committed person shall not be considered
2 to be an employee of the Department of Corrections for any
3 purpose, including eligibility for a pension, benefits, or any
4 other compensation or rights or privileges which may be
5 provided to employees of the Department.

6 (c-5) "Computer scrub software" means any third-party
7 added software, designed to delete information from the
8 computer unit, the hard drive, or other software, which would
9 eliminate and prevent discovery of browser activity, including
10 but not limited to Internet history, address bar or bars, cache
11 or caches, and/or cookies, and which would over-write files in
12 a way so as to make previous computer activity, including but
13 not limited to website access, more difficult to discover.

14 (d) "Correctional Institution or Facility" means any
15 building or part of a building where committed persons are kept
16 in a secured manner.

17 (e) In the case of functions performed before the effective
18 date of this amendatory Act of the 94th General Assembly,
19 "Department" means the Department of Corrections of this State.
20 In the case of functions performed on or after the effective
21 date of this amendatory Act of the 94th General Assembly,
22 "Department" has the meaning ascribed to it in subsection
23 (f-5).

24 (f) In the case of functions performed before the effective
25 date of this amendatory Act of the 94th General Assembly,
26 "Director" means the Director of the Department of Corrections.

1 In the case of functions performed on or after the effective
2 date of this amendatory Act of the 94th General Assembly,
3 "Director" has the meaning ascribed to it in subsection (f-5).

4 (f-5) In the case of functions performed on or after the
5 effective date of this amendatory Act of the 94th General
6 Assembly, references to "Department" or "Director" refer to
7 either the Department of Corrections or the Director of
8 Corrections or to the Department of Juvenile Justice or the
9 Director of Juvenile Justice unless the context is specific to
10 the Department of Juvenile Justice or the Director of Juvenile
11 Justice.

12 (g) "Discharge" means the final termination of a commitment
13 to the Department of Corrections.

14 (h) "Discipline" means the rules and regulations for the
15 maintenance of order and the protection of persons and property
16 within the institutions and facilities of the Department and
17 their enforcement.

18 (i) "Escape" means the intentional and unauthorized
19 absence of a committed person from the custody of the
20 Department.

21 (j) "Furlough" means an authorized leave of absence from
22 the Department of Corrections for a designated purpose and
23 period of time.

24 (k) "Parole" means the conditional and revocable release of
25 a person committed to the Department of Corrections ~~person~~
26 under the supervision of a parole officer.

1 (1) "Prisoner Review Board" means the Board established in
2 Section 3-3-1(a), independent of the Department, to review
3 rules and regulations with respect to good time credits, to
4 hear charges brought by the Department against certain
5 prisoners alleged to have violated Department rules with
6 respect to good time credits, to set release dates for certain
7 prisoners sentenced under the law in effect prior to the
8 effective date of this Amendatory Act of 1977, to hear and
9 decide the time of aftercare release for persons committed to
10 the Department of Juvenile Justice under the Juvenile Court Act
11 of 1987 to hear requests and make recommendations to the
12 Governor with respect to pardon, reprieve or commutation, to
13 set conditions for parole, aftercare release, and mandatory
14 supervised release and determine whether violations of those
15 conditions justify revocation of parole or release, and to
16 assume all other functions previously exercised by the Illinois
17 Parole and Pardon Board.

18 (m) Whenever medical treatment, service, counseling, or
19 care is referred to in this Unified Code of Corrections, such
20 term may be construed by the Department or Court, within its
21 discretion, to include treatment, service or counseling by a
22 Christian Science practitioner or nursing care appropriate
23 therewith whenever request therefor is made by a person subject
24 to the provisions of this Act.

25 (n) "Victim" shall have the meaning ascribed to it in
26 subsection (a) of Section 3 of the Bill of Rights for Victims

1 and Witnesses of Violent Crime Act.

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

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

7 (2) a certificate of innocence from the Circuit Court
8 as provided in Section 2-702 of the Code of Civil
9 Procedure.

10 (Source: P.A. 96-362, eff. 1-1-10; 96-710, eff. 1-1-10;
11 96-1000, eff. 7-2-10; 96-1550, eff. 7-1-11; 96-1551, eff.
12 7-1-11; 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13.)

13 (730 ILCS 5/3-2-2) (from Ch. 38, par. 1003-2-2)

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

15 (1) In addition to the powers, duties and responsibilities
16 which are otherwise provided by law, the Department shall have
17 the following powers:

18 (a) To accept persons committed to it by the courts of
19 this State for care, custody, treatment and
20 rehabilitation, and to accept federal prisoners and aliens
21 over whom the Office of the Federal Detention Trustee is
22 authorized to exercise the federal detention function for
23 limited purposes and periods of time.

24 (b) To develop and maintain reception and evaluation
25 units for purposes of analyzing the custody and

1 rehabilitation needs of persons committed to it and to
2 assign such persons to institutions and programs under its
3 control or transfer them to other appropriate agencies. In
4 consultation with the Department of Alcoholism and
5 Substance Abuse (now the Department of Human Services), the
6 Department of Corrections shall develop a master plan for
7 the screening and evaluation of persons committed to its
8 custody who have alcohol or drug abuse problems, and for
9 making appropriate treatment available to such persons;
10 the Department shall report to the General Assembly on such
11 plan not later than April 1, 1987. The maintenance and
12 implementation of such plan shall be contingent upon the
13 availability of funds.

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

1 January 1, 2003.

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

6 (c) To maintain and administer all State correctional
7 institutions and facilities under its control and to
8 establish new ones as needed. Pursuant to its power to
9 establish new institutions and facilities, the Department
10 may, with the written approval of the Governor, authorize
11 the Department of Central Management Services to enter into
12 an agreement of the type described in subsection (d) of
13 Section 405-300 of the Department of Central Management
14 Services Law (20 ILCS 405/405-300). The Department shall
15 designate those institutions which shall constitute the
16 State Penitentiary System.

17 Pursuant to its power to establish new institutions and
18 facilities, the Department may authorize the Department of
19 Central Management Services to accept bids from counties
20 and municipalities for the construction, remodeling or
21 conversion of a structure to be leased to the Department of
22 Corrections for the purposes of its serving as a
23 correctional institution or facility. Such construction,
24 remodeling or conversion may be financed with revenue bonds
25 issued pursuant to the Industrial Building Revenue Bond Act
26 by the municipality or county. The lease specified in a bid

1 shall be for a term of not less than the time needed to
2 retire any revenue bonds used to finance the project, but
3 not to exceed 40 years. The lease may grant to the State
4 the option to purchase the structure outright.

5 Upon receipt of the bids, the Department may certify
6 one or more of the bids and shall submit any such bids to
7 the General Assembly for approval. Upon approval of a bid
8 by a constitutional majority of both houses of the General
9 Assembly, pursuant to joint resolution, the Department of
10 Central Management Services may enter into an agreement
11 with the county or municipality pursuant to such bid.

12 (c-5) To build and maintain regional juvenile
13 detention centers and to charge a per diem to the counties
14 as established by the Department to defray the costs of
15 housing each minor in a center. In this subsection (c-5),
16 "juvenile detention center" means a facility to house
17 minors during pendency of trial who have been transferred
18 from proceedings under the Juvenile Court Act of 1987 to
19 prosecutions under the criminal laws of this State in
20 accordance with Section 5-805 of the Juvenile Court Act of
21 1987, whether the transfer was by operation of law or
22 permissive under that Section. The Department shall
23 designate the counties to be served by each regional
24 juvenile detention center.

25 (d) To develop and maintain programs of control,
26 rehabilitation and employment of committed persons within

1 its institutions.

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

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

6 (f) To establish in cooperation with the Department of
7 Transportation to supply a sufficient number of prisoners
8 for use by the Department of Transportation to clean up the
9 trash and garbage along State, county, township, or
10 municipal highways as designated by the Department of
11 Transportation. The Department of Corrections, at the
12 request of the Department of Transportation, shall furnish
13 such prisoners at least annually for a period to be agreed
14 upon between the Director of Corrections and the Director
15 of Transportation. The prisoners used on this program shall
16 be selected by the Director of Corrections on whatever
17 basis he deems proper in consideration of their term,
18 behavior and earned eligibility to participate in such
19 program - where they will be outside of the prison facility
20 but still in the custody of the Department of Corrections.
21 Prisoners convicted of first degree murder, or a Class X
22 felony, or armed violence, or aggravated kidnapping, or
23 criminal sexual assault, aggravated criminal sexual abuse
24 or a subsequent conviction for criminal sexual abuse, or
25 forcible detention, or arson, or a prisoner adjudged a
26 Habitual Criminal shall not be eligible for selection to

1 participate in such program. The prisoners shall remain as
2 prisoners in the custody of the Department of Corrections
3 and such Department shall furnish whatever security is
4 necessary. The Department of Transportation shall furnish
5 trucks and equipment for the highway cleanup program and
6 personnel to supervise and direct the program. Neither the
7 Department of Corrections nor the Department of
8 Transportation shall replace any regular employee with a
9 prisoner.

10 (g) To maintain records of persons committed to it and
11 to establish programs of research, statistics and
12 planning.

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

1 If any person fails to obey a subpoena issued under
2 this subsection, the Director may apply to any circuit
3 court to secure compliance with the subpoena. The failure
4 to comply with the order of the court issued in response
5 thereto shall be punishable as contempt of court.

6 (i) To appoint and remove the chief administrative
7 officers, and administer programs of training and
8 development of personnel of the Department. Personnel
9 assigned by the Department to be responsible for the
10 custody and control of committed persons or to investigate
11 the alleged misconduct of committed persons or employees or
12 alleged violations of a parolee's or releasee's conditions
13 of parole shall be conservators of the peace for those
14 purposes, and shall have the full power of peace officers
15 outside of the facilities of the Department in the
16 protection, arrest, retaking and reconfining of committed
17 persons or where the exercise of such power is necessary to
18 the investigation of such misconduct or violations. This
19 subsection shall not apply to persons committed to the
20 Department of Juvenile Justice under the Juvenile Court Act
21 of 1987 on aftercare release.

22 (j) To cooperate with other departments and agencies
23 and with local communities for the development of standards
24 and programs for better correctional services in this
25 State.

26 (k) To administer all moneys and properties of the

1 Department.

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

4 (l-5) (Blank).

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

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

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

16 (p) To exchange information with the Department of
17 Human Services and the Department of Healthcare and Family
18 Services for the purpose of verifying living arrangements
19 and for other purposes directly connected with the
20 administration of this Code and the Illinois Public Aid
21 Code.

22 (q) To establish a diversion program.

23 The program shall provide a structured environment for
24 selected technical parole or mandatory supervised release
25 violators and committed persons who have violated the rules
26 governing their conduct while in work release. This program

1 shall not apply to those persons who have committed a new
2 offense while serving on parole or mandatory supervised
3 release or while committed to work release.

4 Elements of the program shall include, but shall not be
5 limited to, the following:

6 (1) The staff of a diversion facility shall provide
7 supervision in accordance with required objectives set
8 by the facility.

9 (2) Participants shall be required to maintain
10 employment.

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

14 (4) Each participant shall:

15 (A) provide restitution to victims in
16 accordance with any court order;

17 (B) provide financial support to his
18 dependents; and

19 (C) make appropriate payments toward any other
20 court-ordered obligations.

21 (5) Each participant shall complete community
22 service in addition to employment.

23 (6) Participants shall take part in such
24 counseling, educational and other programs as the
25 Department may deem appropriate.

26 (7) Participants shall submit to drug and alcohol

1 screening.

2 (8) The Department shall promulgate rules
3 governing the administration of the program.

4 (r) To enter into intergovernmental cooperation
5 agreements under which persons in the custody of the
6 Department may participate in a county impact
7 incarceration program established under Section 3-6038 or
8 3-15003.5 of the Counties Code.

9 (r-5) (Blank).

10 (r-10) To systematically and routinely identify with
11 respect to each streetgang active within the correctional
12 system: (1) each active gang; (2) every existing inter-gang
13 affiliation or alliance; and (3) the current leaders in
14 each gang. The Department shall promptly segregate leaders
15 from inmates who belong to their gangs and allied gangs.
16 "Segregate" means no physical contact and, to the extent
17 possible under the conditions and space available at the
18 correctional facility, prohibition of visual and sound
19 communication. For the purposes of this paragraph (r-10),
20 "leaders" means persons who:

21 (i) are members of a criminal streetgang;

22 (ii) with respect to other individuals within the
23 streetgang, occupy a position of organizer,
24 supervisor, or other position of management or
25 leadership; and

26 (iii) are actively and personally engaged in

1 directing, ordering, authorizing, or requesting
2 commission of criminal acts by others, which are
3 punishable as a felony, in furtherance of streetgang
4 related activity both within and outside of the
5 Department of Corrections.

6 "Streetgang", "gang", and "streetgang related" have the
7 meanings ascribed to them in Section 10 of the Illinois
8 Streetgang Terrorism Omnibus Prevention Act.

9 (s) To operate a super-maximum security institution,
10 in order to manage and supervise inmates who are disruptive
11 or dangerous and provide for the safety and security of the
12 staff and the other inmates.

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

25 As used in this subdivision (1)(t), "unprivileged
26 conversation" or "unprivileged communication" means a

1 conversation or communication that is not protected by any
2 privilege recognized by law or by decision, rule, or order
3 of the Illinois Supreme Court.

4 (u) To establish a Women's and Children's Pre-release
5 Community Supervision Program for the purpose of providing
6 housing and services to eligible female inmates, as
7 determined by the Department, and their newborn and young
8 children.

9 (u-5) To issue an order, whenever a person committed to
10 the Department absconds or absents himself or herself,
11 without authority to do so, from any facility or program to
12 which he or she is assigned. The order shall be certified
13 by the Director, the Supervisor of the Apprehension Unit,
14 or any person duly designated by the Director, with the
15 seal of the Department affixed. The order shall be directed
16 to all sheriffs, coroners, and police officers, or to any
17 particular person named in the order. Any order issued
18 pursuant to this subdivision (1) (u-5) shall be sufficient
19 warrant for the officer or person named in the order to
20 arrest and deliver the committed person to the proper
21 correctional officials and shall be executed the same as
22 criminal process.

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

25 (2) The Department of Corrections shall by January 1, 1998,
26 consider building and operating a correctional facility within

1 100 miles of a county of over 2,000,000 inhabitants, especially
2 a facility designed to house juvenile participants in the
3 impact incarceration program.

4 (3) When the Department lets bids for contracts for medical
5 services to be provided to persons committed to Department
6 facilities by a health maintenance organization, medical
7 service corporation, or other health care provider, the bid may
8 only be let to a health care provider that has obtained an
9 irrevocable letter of credit or performance bond issued by a
10 company whose bonds have an investment grade or higher rating
11 by a bond rating organization.

12 (4) When the Department lets bids for contracts for food or
13 commissary services to be provided to Department facilities,
14 the bid may only be let to a food or commissary services
15 provider that has obtained an irrevocable letter of credit or
16 performance bond issued by a company whose bonds have an
17 investment grade or higher rating by a bond rating
18 organization.

19 (Source: P.A. 96-1265, eff. 7-26-10; 97-697, eff. 6-22-12;
20 97-800, eff. 7-13-12; 97-802, eff. 7-13-12; revised 7-23-12.)

21 (730 ILCS 5/3-2.5-20)

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

23 (a) In addition to the powers, duties, and responsibilities
24 which are otherwise provided by law or transferred to the
25 Department as a result of this Article, the Department, as

1 determined by the Director, shall have, but are not limited to,
2 the following rights, powers, functions and duties:

3 (1) To accept juveniles committed to it by the courts
4 of this State for care, custody, treatment, and
5 rehabilitation.

6 (2) To maintain and administer all State juvenile
7 correctional institutions previously under the control of
8 the Juvenile and Women's & Children Divisions of the
9 Department of Corrections, and to establish and maintain
10 institutions as needed to meet the needs of the youth
11 committed to its care.

12 (3) To identify the need for and recommend the funding
13 and implementation of an appropriate mix of programs and
14 services within the juvenile justice continuum, including
15 but not limited to prevention, nonresidential and
16 residential commitment programs, day treatment, and
17 conditional release programs and services, with the
18 support of educational, vocational, alcohol, drug abuse,
19 and mental health services where appropriate.

20 (3.5) To assist youth committed to the Department of
21 Juvenile Justice under the Juvenile Court Act of 1987 with
22 successful reintegration into society, the Department
23 shall retain custody and control of all adjudicated
24 delinquent juveniles released under Section 3-3-10 of this
25 Code, shall provide a continuum of post-release treatment
26 and services to those youth, and shall supervise those

1 youth during their release period in accordance with the
2 conditions set by the Prisoner Review Board.

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

7 (i) family and individual counseling and treatment
8 placement;

9 (ii) referral services to any other State or local
10 agencies;

11 (iii) mental health services;

12 (iv) educational services;

13 (v) family counseling services; and

14 (vi) substance abuse services.

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

19 (6) To develop staffing and workload standards and
20 coordinate staff development and training appropriate for
21 juvenile populations.

22 (7) To develop, with the approval of the Office of the
23 Governor and the Governor's Office of Management and
24 Budget, annual budget requests.

25 (8) To administer the Interstate Compact for
26 Juveniles, with respect to all juveniles under its

1 jurisdiction, and to cooperate with the Department of Human
2 Services with regard to all non-offender juveniles subject
3 to the Interstate Compact for Juveniles.

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

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

10 (730 ILCS 5/3-2.5-65)

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

12 (a) There is created a Juvenile Advisory Board composed of
13 11 persons, appointed by the Governor to advise the Director on
14 matters pertaining to juvenile offenders. The members of the
15 Board shall be qualified for their positions by demonstrated
16 interest in and knowledge of juvenile correctional work
17 consistent with the definition of purpose and mission of the
18 Department in Section 3-2.5-5 and shall not be officials of the
19 State in any other capacity. The members under this amendatory
20 Act of the 94th General Assembly shall be appointed as soon as
21 possible after the effective date of this amendatory Act of the
22 94th General Assembly and be appointed to staggered terms 3
23 each expiring in 2007, 2008, and 2009 and 2 of the members'
24 terms expiring in 2010. Thereafter all members will serve for a
25 term of 6 years, except that members shall continue to serve

1 until their replacements are appointed. Any vacancy occurring
2 shall be filled in the same manner for the remainder of the
3 term. The Director of Juvenile Justice shall be an ex officio
4 member of the Board. The Board shall elect a chair from among
5 its appointed members. The Director shall serve as secretary of
6 the Board. Members of the Board shall serve without
7 compensation but shall be reimbursed for expenses necessarily
8 incurred in the performance of their duties. The Board shall
9 meet quarterly and at other times at the call of the chair.

10 (b) The Board shall:

11 (1) Advise the Director concerning policy matters and
12 programs of the Department with regard to the custody,
13 care, study, discipline, training, and treatment of
14 juveniles in the State juvenile correctional institutions
15 and for the care and supervision of juveniles on aftercare
16 release ~~released on parole~~.

17 (2) Establish, with the Director and in conjunction
18 with the Office of the Governor, outcome measures for the
19 Department in order to ascertain that it is successfully
20 fulfilling the mission mandated in Section 3-2.5-5 of this
21 Code. The annual results of the Department's work as
22 defined by those measures shall be approved by the Board
23 and shall be included in an annual report transmitted to
24 the Governor and General Assembly jointly by the Director
25 and the Board.

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

1 (730 ILCS 5/3-2.5-70 new)

2 Sec. 3-2.5-70. Aftercare.

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

5 (1) A process for developing and implementing a case
6 management plan for timely and successful reentry into the
7 community beginning upon commitment.

8 (2) A process for reviewing committed youth for
9 recommendation for aftercare release.

10 (3) Supervision in accordance with the conditions set
11 by the Prisoner Review Board and referral to and
12 facilitation of community-based services including
13 education, social and mental health services, substance
14 abuse treatment, employment and vocational training,
15 individual and family counseling, financial counseling,
16 and other services as appropriate; and assistance in
17 locating appropriate residential placement and obtaining
18 suitable employment. The Department may purchase necessary
19 services for a releasee if they are otherwise unavailable
20 and the releasee is unable to pay for the services. It may
21 assess all or part of the costs of these services to a
22 releasee in accordance with his or her ability to pay for
23 the services.

24 (4) Standards for sanctioning violations of conditions
25 of aftercare release that ensure that juvenile offenders

1 face uniform and consistent consequences that hold them
2 accountable taking into account aggravating and mitigating
3 factors and prioritizing public safety.

4 (5) A process for reviewing youth on aftercare release
5 for discharge.

6 (b) The Department of Juvenile Justice shall have the
7 following rights, powers, functions, and duties:

8 (1) To investigate alleged violations of an aftercare
9 releasee's conditions of release; and for this purpose it
10 may issue subpoenas and compel the attendance of witnesses
11 and the production of documents only if there is reason to
12 believe that the procedures would provide evidence that the
13 violations have occurred. If any person fails to obey a
14 subpoena issued under this subsection, the Director may
15 apply to any circuit court to secure compliance with the
16 subpoena. The failure to comply with the order of the court
17 issued in response thereto shall be punishable as contempt
18 of court.

19 (2) To issue a violation warrant for the apprehension
20 of an aftercare releasee for violations of the conditions
21 of aftercare release. Aftercare specialists and
22 supervisors have the full power of peace officers in the
23 retaking of any youth alleged to have violated the
24 conditions of aftercare release.

25 (c) The Department of Juvenile Justice shall designate
26 aftercare specialists qualified in juvenile matters to perform

1 case management and post-release programming functions under
2 this Section.

3 (730 ILCS 5/3-2.5-75 new)

4 Sec. 3-2.5-75. Release from Department of Juvenile
5 Justice.

6 (a) Upon release of a youth on aftercare, the Department
7 shall return all property held for the youth, provide the youth
8 with suitable clothing, and procure necessary transportation
9 for the youth to his or her designated place of residence and
10 employment. It may provide the youth with a grant of money for
11 travel and expenses which may be paid in installments. The
12 amount of the money grant shall be determined by the
13 Department.

14 (b) Before a wrongfully imprisoned person, as defined in
15 Section 3-1-2 of this Code, is discharged from the Department,
16 the Department shall provide him or her with any documents
17 necessary after discharge, including an identification card
18 under subsection (e) of this Section.

19 (c) The Department of Juvenile Justice may establish and
20 maintain, in any institution it administers, revolving funds to
21 be known as "Travel and Allowances Revolving Funds". These
22 revolving funds shall be used for advancing travel and expense
23 allowances to committed, released, and discharged youth. The
24 moneys paid into these revolving funds shall be from
25 appropriations to the Department for committed, released, and

1 discharged prisoners.

2 (d) Upon the release of a youth on aftercare, the
3 Department shall provide that youth with information
4 concerning programs and services of the Department of Public
5 Health to ascertain whether that youth has been exposed to the
6 human immunodeficiency virus (HIV) or any identified causative
7 agent of Acquired Immunodeficiency Syndrome (AIDS).

8 (e) Upon the release of a youth on aftercare or who has
9 been wrongfully imprisoned, the Department shall provide the
10 youth with an identification card identifying the youth as
11 being on aftercare or wrongfully imprisoned, as the case may
12 be. The Department, in consultation with the Office of the
13 Secretary of State, shall prescribe the form of the
14 identification card, which may be similar to the form of the
15 standard Illinois Identification Card. The Department shall
16 inform the youth that he or she may present the identification
17 card to the Office of the Secretary of State upon application
18 for a standard Illinois Identification Card in accordance with
19 the Illinois Identification Card Act. The Department shall
20 require the youth to pay a \$1 fee for the identification card.
21 The Department shall adopt rules governing the issuance of
22 identification cards to youth being released on aftercare or
23 pardon.

24 (730 ILCS 5/3-2.5-80 new)

25 Sec. 3-2.5-80. Supervision on Aftercare Release.

1 (a) The Department shall retain custody of all youth placed
2 on aftercare release or released under Section 3-3-10 of this
3 Code. The Department shall supervise those youth during their
4 aftercare release period in accordance with the conditions set
5 by the Prisoner Review Board.

6 (b) A copy of youth's conditions of aftercare release shall
7 be signed by the youth and given to the youth and to his or her
8 aftercare specialist who shall report on the youth's progress
9 under the rules of the Prisoner Review Board. Aftercare
10 specialists and supervisors shall have the full power of peace
11 officers in the retaking of any releasee who has allegedly
12 violated his or her aftercare release conditions. The aftercare
13 specialist shall request the Department of Juvenile Justice to
14 issue a warrant for the arrest of any releasee who has
15 allegedly violated his or her aftercare release conditions.

16 (c) The aftercare supervisor shall request the Department
17 of Juvenile Justice to issue an aftercare release violation
18 warrant, and the Department of Juvenile Justice shall issue an
19 aftercare release violation warrant, under the following
20 circumstances:

21 (1) if the releasee commits an act that constitutes a
22 felony using a firearm or knife;

23 (2) if the releasee is required to and fails to comply
24 with the requirements of the Sex Offender Registration Act;

25 (3) if the releasee is charged with:

26 (A) a felony offense of domestic battery under

1 Section 12-3.2 of the Criminal Code of 2012;

2 (B) aggravated domestic battery under Section
3 12-3.3 of the Criminal Code of 2012;

4 (C) stalking under Section 12-7.3 of the Criminal
5 Code of 2012;

6 (D) aggravated stalking under Section 12-7.4 of
7 the Criminal Code of 2012;

8 (E) violation of an order of protection under
9 Section 12-3.4 of the Criminal Code of 2012; or

10 (F) any offense that would require registration as
11 a sex offender under the Sex Offender Registration Act;

12 or

13 (4) if the releasee is on aftercare release for a
14 murder, a Class X felony or a Class 1 felony violation of
15 the Criminal Code of 2012, or any felony that requires
16 registration as a sex offender under the Sex Offender
17 Registration Act and commits an act that constitutes first
18 degree murder, a Class X felony, a Class 1 felony, a Class
19 2 felony, or a Class 3 felony.

20 Personnel designated by the Department of Juvenile
21 Justice or another peace officer may detain an alleged
22 aftercare release violator until a warrant for his or her
23 return to the Department of Juvenile Justice can be issued.
24 The releasee may be delivered to any secure place until he
25 or she can be transported to the Department of Juvenile
26 Justice. The aftercare specialist or the Department of

1 Juvenile Justice shall file a violation report with notice
2 of charges with the Prisoner Review Board.

3 (d) The aftercare specialist shall regularly advise and
4 consult with the releasee and assist the youth in adjusting to
5 community life in accord with this Section.

6 (e) If the aftercare releasee has been convicted of a sex
7 offense as defined in the Sex Offender Management Board Act,
8 the aftercare specialist shall periodically, but not less than
9 once a month, verify that the releasee is in compliance with
10 paragraph (7.6) of subsection (a) of Section 3-3-7.

11 (f) The aftercare specialist shall keep those records as
12 the Prisoner Review Board or Department may require. All
13 records shall be entered in the master file of the youth.

14 (730 ILCS 5/3-3-1) (from Ch. 38, par. 1003-3-1)

15 Sec. 3-3-1. Establishment and Appointment of Prisoner
16 Review Board.

17 (a) There shall be a Prisoner Review Board independent of
18 the Department of Corrections which shall be:

19 (1) the paroling authority for persons sentenced under
20 the law in effect prior to the effective date of this
21 amendatory Act of 1977;

22 (1.5) the authority for hearing and deciding the time
23 of aftercare release for persons adjudicated delinquent
24 under the Juvenile Court Act of 1987;

25 (2) the board of review for cases involving the

1 revocation of sentence credits or a suspension or reduction
2 in the rate of accumulating the credit;

3 (3) the board of review and recommendation for the
4 exercise of executive clemency by the Governor;

5 (4) the authority for establishing release dates for
6 certain prisoners sentenced under the law in existence
7 prior to the effective date of this amendatory Act of 1977,
8 in accordance with Section 3-3-2.1 of this Code;

9 (5) the authority for setting conditions for parole,
10 mandatory supervised release under Section 5-8-1(a) of
11 this Code, and aftercare release, and determining whether a
12 violation of those conditions warrant revocation of
13 parole, aftercare release, or mandatory supervised release
14 or the imposition of other sanctions.

15 (b) The Board shall consist of 15 persons appointed by the
16 Governor by and with the advice and consent of the Senate. One
17 member of the Board shall be designated by the Governor to be
18 Chairman and shall serve as Chairman at the pleasure of the
19 Governor. The members of the Board shall have had at least 5
20 years of actual experience in the fields of penology,
21 corrections work, law enforcement, sociology, law, education,
22 social work, medicine, psychology, other behavioral sciences,
23 or a combination thereof. At least 6 members so appointed must
24 have had at least 3 years experience in the field of juvenile
25 matters. No more than 8 Board members may be members of the
26 same political party.

1 Each member of the Board shall serve on a full-time basis
2 and shall not hold any other salaried public office, whether
3 elective or appointive, nor any other office or position of
4 profit, nor engage in any other business, employment, or
5 vocation. The Chairman of the Board shall receive \$35,000 a
6 year, or an amount set by the Compensation Review Board,
7 whichever is greater, and each other member \$30,000, or an
8 amount set by the Compensation Review Board, whichever is
9 greater.

10 (c) Notwithstanding any other provision of this Section,
11 the term of each member of the Board who was appointed by the
12 Governor and is in office on June 30, 2003 shall terminate at
13 the close of business on that date or when all of the successor
14 members to be appointed pursuant to this amendatory Act of the
15 93rd General Assembly have been appointed by the Governor,
16 whichever occurs later. As soon as possible, the Governor shall
17 appoint persons to fill the vacancies created by this
18 amendatory Act.

19 Of the initial members appointed under this amendatory Act
20 of the 93rd General Assembly, the Governor shall appoint 5
21 members whose terms shall expire on the third Monday in January
22 2005, 5 members whose terms shall expire on the third Monday in
23 January 2007, and 5 members whose terms shall expire on the
24 third Monday in January 2009. Their respective successors shall
25 be appointed for terms of 6 years from the third Monday in
26 January of the year of appointment. Each member shall serve

1 until his or her successor is appointed and qualified.

2 Any member may be removed by the Governor for incompetence,
3 neglect of duty, malfeasance or inability to serve.

4 (d) The Chairman of the Board shall be its chief executive
5 and administrative officer. The Board may have an Executive
6 Director; if so, the Executive Director shall be appointed by
7 the Governor with the advice and consent of the Senate. The
8 salary and duties of the Executive Director shall be fixed by
9 the Board.

10 (Source: P.A. 97-697, eff. 6-22-12.)

11 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

12 Sec. 3-3-2. Powers and Duties.

13 (a) The Parole and Pardon Board is abolished and the term
14 "Parole and Pardon Board" as used in any law of Illinois, shall
15 read "Prisoner Review Board." After the effective date of this
16 amendatory Act of 1977, the Prisoner Review Board shall provide
17 by rule for the orderly transition of all files, records, and
18 documents of the Parole and Pardon Board and for such other
19 steps as may be necessary to effect an orderly transition and
20 shall:

21 (1) hear by at least one member and through a panel of
22 at least 3 members decide, cases of prisoners who were
23 sentenced under the law in effect prior to the effective
24 date of this amendatory Act of 1977, and who are eligible
25 for parole;

1 (2) hear by at least one member and through a panel of
2 at least 3 members decide, the conditions of parole and the
3 time of discharge from parole, impose sanctions for
4 violations of parole, and revoke parole for those sentenced
5 under the law in effect prior to this amendatory Act of
6 1977; provided that the decision to parole and the
7 conditions of parole for all prisoners who were sentenced
8 for first degree murder or who received a minimum sentence
9 of 20 years or more under the law in effect prior to
10 February 1, 1978 shall be determined by a majority vote of
11 the Prisoner Review Board. One representative supporting
12 parole and one representative opposing parole will be
13 allowed to speak. Their comments shall be limited to making
14 corrections and filling in omissions to the Board's
15 presentation and discussion;

16 (3) hear by at least one member and through a panel of
17 at least 3 members decide, the conditions of mandatory
18 supervised release and the time of discharge from mandatory
19 supervised release, impose sanctions for violations of
20 mandatory supervised release, and revoke mandatory
21 supervised release for those sentenced under the law in
22 effect after the effective date of this amendatory Act of
23 1977;

24 (3.5) hear by at least one member and through a panel
25 of at least 3 members decide, the conditions of mandatory
26 supervised release and the time of discharge from mandatory

1 supervised release, to impose sanctions for violations of
2 mandatory supervised release and revoke mandatory
3 supervised release for those serving extended supervised
4 release terms pursuant to paragraph (4) of subsection (d)
5 of Section 5-8-1;

6 (3.6) hear by at least one member and through a panel
7 of at least 3 members decide, the time of aftercare
8 release, the conditions of aftercare release and the time
9 of discharge from aftercare release, impose sanctions for
10 violations of aftercare release, and revoke aftercare
11 release for those adjudicated delinquent under the
12 Juvenile Court Act of 1987;

13 (4) hear by at least one member and through a panel of
14 at least 3 members, decide cases brought by the Department
15 of Corrections against a prisoner in the custody of the
16 Department for alleged violation of Department rules with
17 respect to sentence credits under Section 3-6-3 of this
18 Code in which the Department seeks to revoke sentence
19 credits, if the amount of time at issue exceeds 30 days or
20 when, during any 12 month period, the cumulative amount of
21 credit revoked exceeds 30 days except where the infraction
22 is committed or discovered within 60 days of scheduled
23 release. In such cases, the Department of Corrections may
24 revoke up to 30 days of sentence credit. The Board may
25 subsequently approve the revocation of additional sentence
26 credit, if the Department seeks to revoke sentence credit

1 in excess of thirty days. However, the Board shall not be
2 empowered to review the Department's decision with respect
3 to the loss of 30 days of sentence credit for any prisoner
4 or to increase any penalty beyond the length requested by
5 the Department;

6 (5) hear by at least one member and through a panel of
7 at least 3 members decide, the release dates for certain
8 prisoners sentenced under the law in existence prior to the
9 effective date of this amendatory Act of 1977, in
10 accordance with Section 3-3-2.1 of this Code;

11 (6) hear by at least one member and through a panel of
12 at least 3 members decide, all requests for pardon,
13 reprieve or commutation, and make confidential
14 recommendations to the Governor;

15 (7) comply with the requirements of the Open Parole
16 Hearings Act;

17 (8) hear by at least one member and, through a panel of
18 at least 3 members, decide cases brought by the Department
19 of Corrections against a prisoner in the custody of the
20 Department for court dismissal of a frivolous lawsuit
21 pursuant to Section 3-6-3(d) of this Code in which the
22 Department seeks to revoke up to 180 days of sentence
23 credit, and if the prisoner has not accumulated 180 days of
24 sentence credit at the time of the dismissal, then all
25 sentence credit accumulated by the prisoner shall be
26 revoked;

1 (9) hear by at least 3 members, and, through a panel of
2 at least 3 members, decide whether to grant certificates of
3 relief from disabilities or certificates of good conduct as
4 provided in Article 5.5 of Chapter V; and

5 (10) upon a petition by a person who has been convicted
6 of a Class 3 or Class 4 felony and who meets the
7 requirements of this paragraph, hear by at least 3 members
8 and, with the unanimous vote of a panel of 3 members, issue
9 a certificate of eligibility for sealing recommending that
10 the court order the sealing of all official records of the
11 arresting authority, the circuit court clerk, and the
12 Department of State Police concerning the arrest and
13 conviction for the Class 3 or 4 felony. A person may not
14 apply to the Board for a certificate of eligibility for
15 sealing:

16 (A) until 5 years have elapsed since the expiration
17 of his or her sentence;

18 (B) until 5 years have elapsed since any arrests or
19 detentions by a law enforcement officer for an alleged
20 violation of law, other than a petty offense, traffic
21 offense, conservation offense, or local ordinance
22 offense;

23 (C) if convicted of a violation of the Cannabis
24 Control Act, Illinois Controlled Substances Act, the
25 Methamphetamine Control and Community Protection Act,
26 the Methamphetamine Precursor Control Act, or the

1 Methamphetamine Precursor Tracking Act unless the
2 petitioner has completed a drug abuse program for the
3 offense on which sealing is sought and provides proof
4 that he or she has completed the program successfully;

5 (D) if convicted of:

6 (i) a sex offense described in Article 11 or
7 Sections 12-13, 12-14, 12-14.1, 12-15, or 12-16 of
8 the Criminal Code of 1961 or the Criminal Code of
9 2012;

10 (ii) aggravated assault;

11 (iii) aggravated battery;

12 (iv) domestic battery;

13 (v) aggravated domestic battery;

14 (vi) violation of an order of protection;

15 (vii) an offense under the Criminal Code of
16 1961 or the Criminal Code of 2012 involving a
17 firearm;

18 (viii) driving while under the influence of
19 alcohol, other drug or drugs, intoxicating
20 compound or compounds or any combination thereof;

21 (ix) aggravated driving while under the
22 influence of alcohol, other drug or drugs,
23 intoxicating compound or compounds or any
24 combination thereof; or

25 (x) any crime defined as a crime of violence
26 under Section 2 of the Crime Victims Compensation

1 Act.

2 If a person has applied to the Board for a certificate of
3 eligibility for sealing and the Board denies the certificate,
4 the person must wait at least 4 years before filing again or
5 filing for pardon from the Governor unless the Chairman of the
6 Prisoner Review Board grants a waiver.

7 The decision to issue or refrain from issuing a certificate
8 of eligibility for sealing shall be at the Board's sole
9 discretion, and shall not give rise to any cause of action
10 against either the Board or its members.

11 The Board may only authorize the sealing of Class 3 and 4
12 felony convictions of the petitioner from one information or
13 indictment under this paragraph (10). A petitioner may only
14 receive one certificate of eligibility for sealing under this
15 provision for life.

16 (a-5) The Prisoner Review Board, with the cooperation of
17 and in coordination with the Department of Corrections and the
18 Department of Central Management Services, shall implement a
19 pilot project in 3 correctional institutions providing for the
20 conduct of hearings under paragraphs (1) and (4) of subsection
21 (a) of this Section through interactive video conferences. The
22 project shall be implemented within 6 months after the
23 effective date of this amendatory Act of 1996. Within 6 months
24 after the implementation of the pilot project, the Prisoner
25 Review Board, with the cooperation of and in coordination with
26 the Department of Corrections and the Department of Central

1 Management Services, shall report to the Governor and the
2 General Assembly regarding the use, costs, effectiveness, and
3 future viability of interactive video conferences for Prisoner
4 Review Board hearings.

5 (b) Upon recommendation of the Department the Board may
6 restore sentence credit previously revoked.

7 (c) The Board shall cooperate with the Department in
8 promoting an effective system of parole, aftercare release, and
9 mandatory supervised release.

10 (d) The Board shall promulgate rules for the conduct of its
11 work, and the Chairman shall file a copy of such rules and any
12 amendments thereto with the Director and with the Secretary of
13 State.

14 (e) The Board shall keep records of all of its official
15 actions and shall make them accessible in accordance with law
16 and the rules of the Board.

17 (f) The Board or one who has allegedly violated the
18 conditions of his or her parole, aftercare release, or
19 mandatory supervised release may require by subpoena the
20 attendance and testimony of witnesses and the production of
21 documentary evidence relating to any matter under
22 investigation or hearing. The Chairman of the Board may sign
23 subpoenas which shall be served by any agent or public official
24 authorized by the Chairman of the Board, or by any person
25 lawfully authorized to serve a subpoena under the laws of the
26 State of Illinois. The attendance of witnesses, and the

1 production of documentary evidence, may be required from any
2 place in the State to a hearing location in the State before
3 the Chairman of the Board or his or her designated agent or
4 agents or any duly constituted Committee or Subcommittee of the
5 Board. Witnesses so summoned shall be paid the same fees and
6 mileage that are paid witnesses in the circuit courts of the
7 State, and witnesses whose depositions are taken and the
8 persons taking those depositions are each entitled to the same
9 fees as are paid for like services in actions in the circuit
10 courts of the State. Fees and mileage shall be vouchered for
11 payment when the witness is discharged from further attendance.

12 In case of disobedience to a subpoena, the Board may
13 petition any circuit court of the State for an order requiring
14 the attendance and testimony of witnesses or the production of
15 documentary evidence or both. A copy of such petition shall be
16 served by personal service or by registered or certified mail
17 upon the person who has failed to obey the subpoena, and such
18 person shall be advised in writing that a hearing upon the
19 petition will be requested in a court room to be designated in
20 such notice before the judge hearing motions or extraordinary
21 remedies at a specified time, on a specified date, not less
22 than 10 nor more than 15 days after the deposit of the copy of
23 the written notice and petition in the U.S. mails addressed to
24 the person at his last known address or after the personal
25 service of the copy of the notice and petition upon such
26 person. The court upon the filing of such a petition, may order

1 the person refusing to obey the subpoena to appear at an
2 investigation or hearing, or to there produce documentary
3 evidence, if so ordered, or to give evidence relative to the
4 subject matter of that investigation or hearing. Any failure to
5 obey such order of the circuit court may be punished by that
6 court as a contempt of court.

7 Each member of the Board and any hearing officer designated
8 by the Board shall have the power to administer oaths and to
9 take the testimony of persons under oath.

10 (g) Except under subsection (a) of this Section, a majority
11 of the members then appointed to the Prisoner Review Board
12 shall constitute a quorum for the transaction of all business
13 of the Board.

14 (h) The Prisoner Review Board shall annually transmit to
15 the Director a detailed report of its work for the preceding
16 calendar year. The annual report shall also be transmitted to
17 the Governor for submission to the Legislature.

18 (Source: P.A. 96-875, eff. 1-22-10; 97-697, eff. 6-22-12;
19 97-1120, eff. 1-1-13; 97-1150, eff. 1-25-13.)

20 (730 ILCS 5/3-3-3) (from Ch. 38, par. 1003-3-3)

21 Sec. 3-3-3. Eligibility for Parole or Release.

22 (a) Except for those offenders who accept the fixed release
23 date established by the Prisoner Review Board under Section
24 3-3-2.1, every person serving a term of imprisonment under the
25 law in effect prior to the effective date of this amendatory

1 Act of 1977 shall be eligible for parole when he or she has
2 served:

3 (1) the minimum term of an indeterminate sentence less
4 time credit for good behavior, or 20 years less time credit
5 for good behavior, whichever is less; or

6 (2) 20 years of a life sentence less time credit for
7 good behavior; or

8 (3) 20 years or one-third of a determinate sentence,
9 whichever is less, less time credit for good behavior.

10 (b) No person sentenced under this amendatory Act of 1977
11 or who accepts a release date under Section 3-3-2.1 shall be
12 eligible for parole.

13 (c) Except for those sentenced to a term of natural life
14 imprisonment, every person sentenced to imprisonment under
15 this amendatory Act of 1977 or given a release date under
16 Section 3-3-2.1 of this Act shall serve the full term of a
17 determinate sentence less time credit for good behavior and
18 shall then be released under the mandatory supervised release
19 provisions of paragraph (d) of Section 5-8-1 of this Code.

20 (d) No person serving a term of natural life imprisonment
21 may be paroled or released except through executive clemency.

22 (e) Every person committed to the Department of Juvenile
23 Justice under Section 5-10 of the Juvenile Court Act or Section
24 5-750 of the Juvenile Court Act of 1987 or Section 5-8-6 of
25 this Code and confined in the State correctional institutions
26 or facilities if such juvenile has not been tried as an adult

1 shall be eligible for aftercare release ~~parole~~ without regard
2 to the length of time the person has been confined or whether
3 the person has served any minimum term imposed. However, if a
4 juvenile has been tried as an adult he or she shall only be
5 eligible for parole or mandatory supervised release as an adult
6 under this Section.

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

8 (730 ILCS 5/3-3-4) (from Ch. 38, par. 1003-3-4)

9 Sec. 3-3-4. Preparation for Parole Hearing.

10 (a) The Prisoner Review Board shall consider the parole of
11 each eligible person committed to the Department of Corrections
12 at least 30 days prior to the date he or she shall first become
13 eligible for parole, and shall consider the aftercare release
14 ~~parole~~ of each person committed to the Department of Juvenile
15 Justice as a delinquent at least 30 days prior to the
16 expiration of the first year of confinement.

17 (b) A person eligible for parole or aftercare release
18 shall, no less than 15 days in advance of his or her parole
19 interview, prepare a parole or aftercare release plan in
20 accordance with the rules of the Prisoner Review Board. The
21 person shall be assisted in preparing his or her parole or
22 aftercare release plan by personnel of the Department of
23 Corrections, or the Department of Juvenile Justice in the case
24 of a person committed to that Department, and may, for this
25 purpose, be released on furlough under Article 11 or on

1 authorized absence under Section 3-9-4. The appropriate
2 Department shall also provide assistance in obtaining
3 information and records helpful to the individual for his or
4 her parole hearing. If the person eligible for parole or
5 aftercare release has a petition or any written submissions
6 prepared on his or her behalf by an attorney or other
7 representative, the attorney or representative for the person
8 eligible for parole or aftercare release must serve by
9 certified mail the State's Attorney of the county where he or
10 she was prosecuted with the petition or any written submissions
11 15 days after his or her parole interview. The State's Attorney
12 shall provide the attorney for the person eligible for parole
13 or aftercare release with a copy of his or her letter in
14 opposition to parole or aftercare release via certified mail
15 within 5 business days of the en banc hearing.

16 (c) Any member of the Board shall have access at all
17 reasonable times to any committed person and to his or her
18 master record file within the Department, and the Department
19 shall furnish such a report to the Board concerning the conduct
20 and character of any such person prior to his or her parole
21 interview.

22 (d) In making its determination of parole or aftercare
23 release, the Board shall consider:

24 (1) material transmitted to the Department of Juvenile
25 Justice by the clerk of the committing court under Section
26 5-4-1 or Section 5-10 of the Juvenile Court Act or Section

1 5-750 of the Juvenile Court Act of 1987;

2 (2) the report under Section 3-8-2 or 3-10-2;

3 (3) a report by the Department and any report by the
4 chief administrative officer of the institution or
5 facility;

6 (4) a parole or aftercare release progress report;

7 (5) a medical and psychological report, if requested by
8 the Board;

9 (6) material in writing, or on film, video tape or
10 other electronic means in the form of a recording submitted
11 by the person whose parole or aftercare release is being
12 considered;

13 (7) material in writing, or on film, video tape or
14 other electronic means in the form of a recording or
15 testimony submitted by the State's Attorney and the victim
16 or a concerned citizen pursuant to the Rights of Crime
17 Victims and Witnesses Act; and

18 (8) the person's eligibility for commitment under the
19 Sexually Violent Persons Commitment Act.

20 (e) The prosecuting State's Attorney's office shall
21 receive from the Board reasonable written notice not less than
22 30 days prior to the parole or aftercare release interview and
23 may submit relevant information by oral argument or testimony
24 of victims and concerned citizens, or both, in writing, or on
25 film, video tape or other electronic means or in the form of a
26 recording to the Board for its consideration. Upon written

1 request of the State's Attorney's office, the Prisoner Review
2 Board shall hear protests to parole, or aftercare release,
3 except in counties of 1,500,000 or more inhabitants where there
4 shall be standing objections to all such petitions. If a
5 State's Attorney who represents a county of less than 1,500,000
6 inhabitants requests a protest hearing, the inmate's counsel or
7 other representative shall also receive notice of such request.
8 This hearing shall take place the month following the inmate's
9 parole or aftercare release interview. If the inmate's parole
10 or aftercare release interview is rescheduled then the Prisoner
11 Review Board shall promptly notify the State's Attorney of the
12 new date. The person eligible for parole or aftercare release
13 shall be heard at the next scheduled en banc hearing date. If
14 the case is to be continued, the State's Attorney's office and
15 the attorney or representative for the person eligible for
16 parole or aftercare release will be notified of any continuance
17 within 5 business days. The State's Attorney may waive the
18 written notice.

19 (f) The victim of the violent crime for which the prisoner
20 has been sentenced shall receive notice of a parole or
21 aftercare release hearing as provided in paragraph (4) of
22 subsection (d) of Section 4.5 of the Rights of Crime Victims
23 and Witnesses Act.

24 (g) Any recording considered under the provisions of
25 subsection (d)(6), (d)(7) or (e) of this Section shall be in
26 the form designated by the Board. Such recording shall be both

1 visual and aural. Every voice on the recording and person
2 present shall be identified and the recording shall contain
3 either a visual or aural statement of the person submitting
4 such recording, the date of the recording and the name of the
5 person whose parole or aftercare release eligibility is being
6 considered. Such recordings shall be retained by the Board and
7 shall be deemed to be submitted at any subsequent parole or
8 aftercare release hearing if the victim or State's Attorney
9 submits in writing a declaration clearly identifying such
10 recording as representing the present position of the victim or
11 State's Attorney regarding the issues to be considered at the
12 parole or aftercare release hearing.

13 (h) The Board shall not release any material to the inmate,
14 the inmate's attorney, any third party, or any other person
15 containing any information from the victim or from a person
16 related to the victim by blood, adoption, or marriage who has
17 written objections, testified at any hearing, or submitted
18 audio or visual objections to the inmate's parole, or aftercare
19 release, unless provided with a waiver from that objecting
20 party.

21 (Source: P.A. 96-875, eff. 1-22-10; 97-523, eff. 1-1-12;
22 97-1075, eff. 8-24-12; 97-1083, eff. 8-24-12; revised
23 9-20-12.)

24 (730 ILCS 5/3-3-5) (from Ch. 38, par. 1003-3-5)

25 Sec. 3-3-5. Hearing and Determination.

1 (a) The Prisoner Review Board shall meet as often as need
2 requires to consider the cases of persons eligible for parole
3 and aftercare release. Except as otherwise provided in
4 paragraph (2) of subsection (a) of Section 3-3-2 of this Act,
5 the Prisoner Review Board may meet and order its actions in
6 panels of 3 or more members. The action of a majority of the
7 panel shall be the action of the Board. In consideration of
8 persons committed to the Department of Juvenile Justice, the
9 panel shall have at least a majority of members experienced in
10 juvenile matters.

11 (b) If the person under consideration for parole or
12 aftercare release is in the custody of the Department, at least
13 one member of the Board shall interview him or her, and a
14 report of that interview shall be available for the Board's
15 consideration. However, in the discretion of the Board, the
16 interview need not be conducted if a psychiatric examination
17 determines that the person could not meaningfully contribute to
18 the Board's consideration. The Board may in its discretion
19 parole or release on aftercare a person who is then outside the
20 jurisdiction on his or her record without an interview. The
21 Board need not hold a hearing or interview a person who is
22 paroled or released on aftercare under paragraphs (d) or (e) of
23 this Section or released on Mandatory release under Section
24 3-3-10.

25 (c) The Board shall not parole or release a person eligible
26 for parole or aftercare release if it determines that:

1 (1) there is a substantial risk that he or she will not
2 conform to reasonable conditions of parole or aftercare
3 release; or

4 (2) his or her release at that time would deprecate the
5 seriousness of his or her offense or promote disrespect for
6 the law; or

7 (3) his or her release would have a substantially
8 adverse effect on institutional discipline.

9 (d) A person committed under the Juvenile Court Act or the
10 Juvenile Court Act of 1987 who has not been sooner released
11 shall be released on aftercare ~~paroled~~ on or before his or her
12 20th birthday to begin serving a period of aftercare release
13 ~~parole~~ under Section 3-3-8.

14 (e) A person who has served the maximum term of
15 imprisonment imposed at the time of sentencing less time credit
16 for good behavior shall be released on parole to serve a period
17 of parole under Section 5-8-1.

18 (f) The Board shall render its decision within a reasonable
19 time after hearing and shall state the basis therefor both in
20 the records of the Board and in written notice to the person on
21 whose application it has acted. In its decision, the Board
22 shall set the person's time for parole or aftercare release, or
23 if it denies parole or aftercare release it shall provide for a
24 rehearing not less frequently than once every year, except that
25 the Board may, after denying parole, schedule a rehearing no
26 later than 5 years from the date of the parole denial, if the

1 Board finds that it is not reasonable to expect that parole
2 would be granted at a hearing prior to the scheduled rehearing
3 date. If the Board shall parole or release a person, and, if he
4 or she is not released within 90 days from the effective date
5 of the order granting parole or aftercare release, the matter
6 shall be returned to the Board for review.

7 (f-1) If the Board paroles or releases a person who is
8 eligible for commitment as a sexually violent person, the
9 effective date of the Board's order shall be stayed for 90 days
10 for the purpose of evaluation and proceedings under the
11 Sexually Violent Persons Commitment Act.

12 (g) The Board shall maintain a registry of decisions in
13 which parole has been granted, which shall include the name and
14 case number of the prisoner, the highest charge for which the
15 prisoner was sentenced, the length of sentence imposed, the
16 date of the sentence, the date of the parole, and the basis for
17 the decision of the Board to grant parole and the vote of the
18 Board on any such decisions. The registry shall be made
19 available for public inspection and copying during business
20 hours and shall be a public record pursuant to the provisions
21 of the Freedom of Information Act.

22 (h) The Board shall promulgate rules regarding the exercise
23 of its discretion under this Section.

24 (Source: P.A. 96-875, eff. 1-22-10; 97-522, eff. 1-1-12;
25 97-1075, eff. 8-24-12.)

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

2 Sec. 3-3-7. Conditions of Parole, ~~or~~ Mandatory Supervised
3 Release, or Aftercare Release.

4 (a) The conditions of parole, aftercare release, or
5 mandatory supervised release shall be such as the Prisoner
6 Review Board deems necessary to assist the subject in leading a
7 law-abiding life. The conditions of every parole, aftercare
8 release, and mandatory supervised release are that the subject:

9 (1) not violate any criminal statute of any
10 jurisdiction during the parole, aftercare release, or
11 release term;

12 (2) refrain from possessing a firearm or other
13 dangerous weapon;

14 (3) report to an agent of the Department of Corrections
15 or to the Department of Juvenile Justice;

16 (4) permit the agent or aftercare specialist to visit
17 him or her at his or her home, employment, or elsewhere to
18 the extent necessary for the agent or aftercare specialist
19 to discharge his or her duties;

20 (5) attend or reside in a facility established for the
21 instruction or residence of persons on parole, aftercare
22 release, or mandatory supervised release;

23 (6) secure permission before visiting or writing a
24 committed person in an Illinois Department of Corrections
25 facility;

26 (7) report all arrests to an agent of the Department of

1 Corrections or to the Department of Juvenile Justice as
2 soon as permitted by the arresting authority but in no
3 event later than 24 hours after release from custody and
4 immediately report service or notification of an order of
5 protection, a civil no contact order, or a stalking no
6 contact order to an agent of the Department of Corrections;

7 (7.5) if convicted of a sex offense as defined in the
8 Sex Offender Management Board Act, the individual shall
9 undergo and successfully complete sex offender treatment
10 conducted in conformance with the standards developed by
11 the Sex Offender Management Board Act by a treatment
12 provider approved by the Board;

13 (7.6) if convicted of a sex offense as defined in the
14 Sex Offender Management Board Act, refrain from residing at
15 the same address or in the same condominium unit or
16 apartment unit or in the same condominium complex or
17 apartment complex with another person he or she knows or
18 reasonably should know is a convicted sex offender or has
19 been placed on supervision for a sex offense; the
20 provisions of this paragraph do not apply to a person
21 convicted of a sex offense who is placed in a Department of
22 Corrections licensed transitional housing facility for sex
23 offenders, or is in any facility operated or licensed by
24 the Department of Children and Family Services or by the
25 Department of Human Services, or is in any licensed medical
26 facility;

1 (7.7) if convicted for an offense that would qualify
2 the accused as a sexual predator under the Sex Offender
3 Registration Act on or after January 1, 2007 (the effective
4 date of Public Act 94-988), wear an approved electronic
5 monitoring device as defined in Section 5-8A-2 for the
6 duration of the person's parole, aftercare release,
7 mandatory supervised release term, or extended mandatory
8 supervised release term and if convicted for an offense of
9 criminal sexual assault, aggravated criminal sexual
10 assault, predatory criminal sexual assault of a child,
11 criminal sexual abuse, aggravated criminal sexual abuse,
12 or ritualized abuse of a child committed on or after August
13 11, 2009 (the effective date of Public Act 96-236) when the
14 victim was under 18 years of age at the time of the
15 commission of the offense and the defendant used force or
16 the threat of force in the commission of the offense wear
17 an approved electronic monitoring device as defined in
18 Section 5-8A-2 that has Global Positioning System (GPS)
19 capability for the duration of the person's parole,
20 aftercare release, mandatory supervised release term, or
21 extended mandatory supervised release term;

22 (7.8) if convicted for an offense committed on or after
23 June 1, 2008 (the effective date of Public Act 95-464) that
24 would qualify the accused as a child sex offender as
25 defined in Section 11-9.3 or 11-9.4 of the Criminal Code of
26 1961 or the Criminal Code of 2012, refrain from

1 communicating with or contacting, by means of the Internet,
2 a person who is not related to the accused and whom the
3 accused reasonably believes to be under 18 years of age;
4 for purposes of this paragraph (7.8), "Internet" has the
5 meaning ascribed to it in Section 16-0.1 of the Criminal
6 Code of 2012; and a person is not related to the accused if
7 the person is not: (i) the spouse, brother, or sister of
8 the accused; (ii) a descendant of the accused; (iii) a
9 first or second cousin of the accused; or (iv) a step-child
10 or adopted child of the accused;

11 (7.9) if convicted under Section 11-6, 11-20.1,
12 11-20.1B, 11-20.3, or 11-21 of the Criminal Code of 1961 or
13 the Criminal Code of 2012, consent to search of computers,
14 PDAs, cellular phones, and other devices under his or her
15 control that are capable of accessing the Internet or
16 storing electronic files, in order to confirm Internet
17 protocol addresses reported in accordance with the Sex
18 Offender Registration Act and compliance with conditions
19 in this Act;

20 (7.10) if convicted for an offense that would qualify
21 the accused as a sex offender or sexual predator under the
22 Sex Offender Registration Act on or after June 1, 2008 (the
23 effective date of Public Act 95-640), not possess
24 prescription drugs for erectile dysfunction;

25 (7.11) if convicted for an offense under Section 11-6,
26 11-9.1, 11-14.4 that involves soliciting for a juvenile

1 prostitute, 11-15.1, 11-20.1, 11-20.1B, 11-20.3, or 11-21
2 of the Criminal Code of 1961 or the Criminal Code of 2012,
3 or any attempt to commit any of these offenses, committed
4 on or after June 1, 2009 (the effective date of Public Act
5 95-983):

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, 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;

2 (7.12) if convicted of a sex offense as defined in the
3 Sex Offender Registration Act committed on or after January
4 1, 2010 (the effective date of Public Act 96-262), refrain
5 from accessing or using a social networking website as
6 defined in Section 17-0.5 of the Criminal Code of 2012;

7 (7.13) if convicted of a sex offense as defined in
8 Section 2 of the Sex Offender Registration Act committed on
9 or after January 1, 2010 (the effective date of Public Act
10 96-362) that requires the person to register as a sex
11 offender under that Act, may not knowingly use any computer
12 scrub software on any computer that the sex offender uses;

13 (8) obtain permission of an agent of the Department of
14 Corrections or the Department of Juvenile Justice before
15 leaving the State of Illinois;

16 (9) obtain permission of an agent of the Department of
17 Corrections or the Department of Juvenile Justice before
18 changing his or her residence or employment;

19 (10) consent to a search of his or her person,
20 property, or residence under his or her control;

21 (11) refrain from the use or possession of narcotics or
22 other controlled substances in any form, or both, or any
23 paraphernalia related to those substances and submit to a
24 urinalysis test as instructed by a parole agent of the
25 Department of Corrections or an aftercare specialist of the
26 Department of Juvenile Justice;

1 (12) not frequent places where controlled substances
2 are illegally sold, used, distributed, or administered;

3 (13) not knowingly associate with other persons on
4 parole, aftercare release, or mandatory supervised release
5 without prior written permission of his or her parole agent
6 or aftercare specialist and not associate with persons who
7 are members of an organized gang as that term is defined in
8 the Illinois Streetgang Terrorism Omnibus Prevention Act;

9 (14) provide true and accurate information, as it
10 relates to his or her adjustment in the community while on
11 parole, aftercare release, or mandatory supervised release
12 or to his or her conduct while incarcerated, in response to
13 inquiries by his or her parole agent or of the Department
14 of Corrections or by his or her aftercare specialist or of
15 the Department of Juvenile Justice;

16 (15) follow any specific instructions provided by the
17 parole agent or aftercare specialist that are consistent
18 with furthering conditions set and approved by the Prisoner
19 Review Board or by law, exclusive of placement on
20 electronic detention, to achieve the goals and objectives
21 of his or her parole, aftercare release, or mandatory
22 supervised release or to protect the public. These
23 instructions by the parole agent or aftercare specialist
24 may be modified at any time, as the agent or aftercare
25 specialist deems appropriate;

26 (16) if convicted of a sex offense as defined in

1 subsection (a-5) of Section 3-1-2 of this Code, unless the
2 offender is a parent or guardian of the person under 18
3 years of age present in the home and no non-familial minors
4 are present, not participate in a holiday event involving
5 children under 18 years of age, such as distributing candy
6 or other items to children on Halloween, wearing a Santa
7 Claus costume on or preceding Christmas, being employed as
8 a department store Santa Claus, or wearing an Easter Bunny
9 costume on or preceding Easter;

10 (17) if convicted of a violation of an order of
11 protection under Section 12-3.4 or Section 12-30 of the
12 Criminal Code of 1961 or the Criminal Code of 2012, be
13 placed under electronic surveillance as provided in
14 Section 5-8A-7 of this Code;

15 (18) comply with the terms and conditions of an order
16 of protection issued pursuant to the Illinois Domestic
17 Violence Act of 1986; an order of protection issued by the
18 court of another state, tribe, or United States territory;
19 a no contact order issued pursuant to the Civil No Contact
20 Order Act; or a no contact order issued pursuant to the
21 Stalking No Contact Order Act; and

22 (19) if convicted of a violation of the Methamphetamine
23 Control and Community Protection Act, the Methamphetamine
24 Precursor Control Act, or a methamphetamine related
25 offense, be:

26 (A) prohibited from purchasing, possessing, or

1 having under his or her control any product containing
2 pseudoephedrine unless prescribed by a physician; and

3 (B) prohibited from purchasing, possessing, or
4 having under his or her control any product containing
5 ammonium nitrate.

6 (b) The Board may in addition to other conditions require
7 that the subject:

8 (1) work or pursue a course of study or vocational
9 training;

10 (2) undergo medical or psychiatric treatment, or
11 treatment for drug addiction or alcoholism;

12 (3) attend or reside in a facility established for the
13 instruction or residence of persons on probation or parole;

14 (4) support his or her dependents;

15 (5) (blank);

16 (6) (blank);

17 (7) (blank);

18 (7.5) if convicted for an offense committed on or after
19 the effective date of this amendatory Act of the 95th
20 General Assembly that would qualify the accused as a child
21 sex offender as defined in Section 11-9.3 or 11-9.4 of the
22 Criminal Code of 1961 or the Criminal Code of 2012, refrain
23 from communicating with or contacting, by means of the
24 Internet, a person who is related to the accused and whom
25 the accused reasonably believes to be under 18 years of
26 age; for purposes of this paragraph (7.5), "Internet" has

1 the meaning ascribed to it in Section 16-0.1 of the
2 Criminal Code of 2012; and a person is related to the
3 accused if the person is: (i) the spouse, brother, or
4 sister of the accused; (ii) a descendant of the accused;
5 (iii) a first or second cousin of the accused; or (iv) a
6 step-child or adopted child of the accused;

7 (7.6) if convicted for an offense committed on or after
8 June 1, 2009 (the effective date of Public Act 95-983) that
9 would qualify as a sex offense as defined in the Sex
10 Offender Registration Act:

11 (i) not access or use a computer or any other
12 device with Internet capability without the prior
13 written approval of the Department;

14 (ii) submit to periodic unannounced examinations
15 of the offender's computer or any other device with
16 Internet capability by the offender's supervising
17 agent or aftercare specialist, a law enforcement
18 officer, or assigned computer or information
19 technology specialist, including the retrieval and
20 copying of all data from the computer or device and any
21 internal or external peripherals and removal of such
22 information, equipment, or device to conduct a more
23 thorough inspection;

24 (iii) submit to the installation on the offender's
25 computer or device with Internet capability, at the
26 offender's expense, of one or more hardware or software

1 systems to monitor the Internet use; and

2 (iv) submit to any other appropriate restrictions
3 concerning the offender's use of or access to a
4 computer or any other device with Internet capability
5 imposed by the Board, the Department or the offender's
6 supervising agent or aftercare specialist; and

7 (8) in addition, if a minor:

8 (i) reside with his or her parents or in a foster
9 home;

10 (ii) attend school;

11 (iii) attend a non-residential program for youth;

12 or

13 (iv) contribute to his or her own support at home
14 or in a foster home.

15 (b-1) In addition to the conditions set forth in
16 subsections (a) and (b), persons required to register as sex
17 offenders pursuant to the Sex Offender Registration Act, upon
18 release from the custody of the Illinois Department of
19 Corrections or Department of Juvenile Justice, may be required
20 by the Board to comply with the following specific conditions
21 of release:

22 (1) reside only at a Department approved location;

23 (2) comply with all requirements of the Sex Offender
24 Registration Act;

25 (3) notify third parties of the risks that may be
26 occasioned by his or her criminal record;

1 (4) obtain the approval of an agent of the Department
2 of Corrections or the Department of Juvenile Justice prior
3 to accepting employment or pursuing a course of study or
4 vocational training and notify the Department prior to any
5 change in employment, study, or training;

6 (5) not be employed or participate in any volunteer
7 activity that involves contact with children, except under
8 circumstances approved in advance and in writing by an
9 agent of the Department of Corrections or the Department of
10 Juvenile Justice;

11 (6) be electronically monitored for a minimum of 12
12 months from the date of release as determined by the Board;

13 (7) refrain from entering into a designated geographic
14 area except upon terms approved in advance by an agent of
15 the Department of Corrections or the Department of Juvenile
16 Justice. The terms may include consideration of the purpose
17 of the entry, the time of day, and others accompanying the
18 person;

19 (8) refrain from having any contact, including written
20 or oral communications, directly or indirectly, personally
21 or by telephone, letter, or through a third party with
22 certain specified persons including, but not limited to,
23 the victim or the victim's family without the prior written
24 approval of an agent of the Department of Corrections or
25 the Department of Juvenile Justice;

26 (9) refrain from all contact, directly or indirectly,

1 personally, by telephone, letter, or through a third party,
2 with minor children without prior identification and
3 approval of an agent of the Department of Corrections or
4 the Department of Juvenile Justice;

5 (10) neither possess or have under his or her control
6 any material that is sexually oriented, sexually
7 stimulating, or that shows male or female sex organs or any
8 pictures depicting children under 18 years of age nude or
9 any written or audio material describing sexual
10 intercourse or that depicts or alludes to sexual activity,
11 including but not limited to visual, auditory, telephonic,
12 or electronic media, or any matter obtained through access
13 to any computer or material linked to computer access use;

14 (11) not patronize any business providing sexually
15 stimulating or sexually oriented entertainment nor utilize
16 "900" or adult telephone numbers;

17 (12) not reside near, visit, or be in or about parks,
18 schools, day care centers, swimming pools, beaches,
19 theaters, or any other places where minor children
20 congregate without advance approval of an agent of the
21 Department of Corrections or the Department of Juvenile
22 Justice and immediately report any incidental contact with
23 minor children to the Department;

24 (13) not possess or have under his or her control
25 certain specified items of contraband related to the
26 incidence of sexually offending as determined by an agent

1 of the Department of Corrections or the Department of
2 Juvenile Justice;

3 (14) may be required to provide a written daily log of
4 activities if directed by an agent of the Department of
5 Corrections or the 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 aftercare specialist in charge of his or her
23 supervision.

24 (d) After a hearing under Section 3-3-9, the Prisoner
25 Review Board may modify or enlarge the conditions of parole, or
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, aftercare release,
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 physical limitations, security requirements of the hearing
11 facilities or those giving repetitive or cumulative testimony.
12 The Board may also restrict attendance at an aftercare release
13 or aftercare release revocation hearing in order to protect the
14 confidentiality of the youth.

15 (b) The Board may deny admission or continued attendance at
16 parole or aftercare release hearings, or parole or aftercare
17 release revocation hearings to individuals who:

18 (1) threaten or present danger to the security of the
19 institution in which the hearing is being held;

20 (2) threaten or present a danger to other attendees or
21 participants; or

22 (3) disrupt the hearing.

23 (c) Upon formal action of a majority of the Board members
24 present, the Board may close parole or aftercare release
25 hearings and parole or aftercare release revocation hearings in

1 order to:

2 (1) deliberate upon the oral testimony and any other
3 relevant information received from applicants, parolees,
4 releasees, victims, or others; or

5 (2) provide applicants, releasees, and parolees the
6 opportunity to challenge information other than that which
7 if the person's identity were to be exposed would possibly
8 subject them to bodily harm or death, which they believe
9 detrimental to their parole or aftercare release
10 determination hearing or revocation proceedings.

11 (Source: P.A. 87-224.)

12 (730 ILCS 105/20) (from Ch. 38, par. 1670)

13 Sec. 20. Finality of Board decisions. A Board decision
14 concerning parole or aftercare release, or parole or aftercare
15 release revocation shall be final at the time the decision is
16 delivered to the inmate, subject to any rehearing granted under
17 Board rules.

18 (Source: P.A. 87-224.)

19 (730 ILCS 105/25) (from Ch. 38, par. 1675)

20 Sec. 25. Notification of future parole or aftercare release
21 hearings.

22 (a) The Board shall notify the State's Attorney of the
23 committing county of the pending hearing and the victim of all
24 forthcoming parole or aftercare release hearings at least 15

1 days in advance. Written notification shall contain:

2 (1) notification of the place of the hearing;

3 (2) the date and approximate time of the hearing;

4 (3) their right to enter a statement, to appear in
5 person, and to submit other information by video tape, tape
6 recording, or other electronic means in the form and manner
7 described by the Board or if a victim of a violent crime as
8 defined in subsection (c) of Section 3 of the Rights of
9 Crime Victims and Witnesses Act, by calling the toll-free
10 number established in subsection (f) of that Section.

11 Notification to the victims shall be at the last known
12 address of the victim. It shall be the responsibility of the
13 victim to notify the board of any changes in address and name.

14 (b) However, at any time the victim may request by a
15 written certified statement that the Prisoner Review Board stop
16 sending notice under this Section.

17 (c) (Blank).

18 (d) No later than 7 days after a parole hearing the Board
19 shall send notice of its decision to the State's Attorney and
20 victim. If parole or aftercare release is denied, the Board
21 shall within a reasonable period of time notify the victim of
22 the month and year of the next scheduled hearing.

23 (Source: P.A. 93-235, eff. 7-22-03.)

24 (730 ILCS 105/35) (from Ch. 38, par. 1685)

25 Sec. 35. Victim impact statements.

1 (a) The Board shall receive and consider victim impact
2 statements.

3 (b) Victim impact statements either oral, written,
4 video-taped, tape recorded or made by other electronic means
5 shall not be considered public documents under provisions of
6 the Freedom of Information Act.

7 (c) The inmate or his or her attorney shall be informed of
8 the existence of a victim impact statement and its contents
9 under provisions of Board rules. This shall not be construed to
10 permit disclosure to an inmate of any information which might
11 result in the risk of threats or physical harm to a victim or
12 complaining witness.

13 (d) The inmate shall be given the opportunity to answer a
14 victim impact statement, either orally or in writing.

15 (e) All written victim impact statements shall be part of
16 the applicant's, releasee's, or parolee's parole file.

17 (Source: P.A. 97-299, eff. 8-11-11.)

18 Section 115. The Sex Offender Registration Act is amended
19 by changing Sections 3, 4, and 8-5 as follows:

20 (730 ILCS 150/3)

21 Sec. 3. Duty to register.

22 (a) A sex offender, as defined in Section 2 of this Act, or
23 sexual predator shall, within the time period prescribed in
24 subsections (b) and (c), register in person and provide

1 accurate information as required by the Department of State
2 Police. Such information shall include a current photograph,
3 current address, current place of employment, the sex
4 offender's or sexual predator's telephone number, including
5 cellular telephone number, the employer's telephone number,
6 school attended, all e-mail addresses, instant messaging
7 identities, chat room identities, and other Internet
8 communications identities that the sex offender uses or plans
9 to use, all Uniform Resource Locators (URLs) registered or used
10 by the sex offender, all blogs and other Internet sites
11 maintained by the sex offender or to which the sex offender has
12 uploaded any content or posted any messages or information,
13 extensions of the time period for registering as provided in
14 this Article and, if an extension was granted, the reason why
15 the extension was granted and the date the sex offender was
16 notified of the extension. The information shall also include a
17 copy of the terms and conditions of parole or release signed by
18 the sex offender and given to the sex offender by his or her
19 supervising officer or aftercare specialist, the county of
20 conviction, license plate numbers for every vehicle registered
21 in the name of the sex offender, the age of the sex offender at
22 the time of the commission of the offense, the age of the
23 victim at the time of the commission of the offense, and any
24 distinguishing marks located on the body of the sex offender. A
25 sex offender convicted under Section 11-6, 11-20.1, 11-20.1B,
26 11-20.3, or 11-21 of the Criminal Code of 1961 or the Criminal

1 Code of 2012 shall provide all Internet protocol (IP) addresses
2 in his or her residence, registered in his or her name,
3 accessible at his or her place of employment, or otherwise
4 under his or her control or custody. If the sex offender is a
5 child sex offender as defined in Section 11-9.3 or 11-9.4 of
6 the Criminal Code of 1961 or the Criminal Code of 2012, the sex
7 offender shall report to the registering agency whether he or
8 she is living in a household with a child under 18 years of age
9 who is not his or her own child, provided that his or her own
10 child is not the victim of the sex offense. The sex offender or
11 sexual predator shall register:

12 (1) with the chief of police in the municipality in
13 which he or she resides or is temporarily domiciled for a
14 period of time of 3 or more days, unless the municipality
15 is the City of Chicago, in which case he or she shall
16 register at the Chicago Police Department Headquarters; or

17 (2) with the sheriff in the county in which he or she
18 resides or is temporarily domiciled for a period of time of
19 3 or more days in an unincorporated area or, if
20 incorporated, no police chief exists.

21 If the sex offender or sexual predator is employed at or
22 attends an institution of higher education, he or she shall
23 also register:

24 (i) with:

25 (A) the chief of police in the municipality in
26 which he or she is employed at or attends an

1 institution of higher education, unless the
2 municipality is the City of Chicago, in which case he
3 or she shall register at the Chicago Police Department
4 Headquarters; or

5 (B) the sheriff in the county in which he or she is
6 employed or attends an institution of higher education
7 located in an unincorporated area, or if incorporated,
8 no police chief exists; and

9 (ii) with the public safety or security director of the
10 institution of higher education which he or she is employed
11 at or attends.

12 The registration fees shall only apply to the municipality
13 or county of primary registration, and not to campus
14 registration.

15 For purposes of this Article, the place of residence or
16 temporary domicile is defined as any and all places where the
17 sex offender resides for an aggregate period of time of 3 or
18 more days during any calendar year. Any person required to
19 register under this Article who lacks a fixed address or
20 temporary domicile must notify, in person, the agency of
21 jurisdiction of his or her last known address within 3 days
22 after ceasing to have a fixed residence.

23 A sex offender or sexual predator who is temporarily absent
24 from his or her current address of registration for 3 or more
25 days shall notify the law enforcement agency having
26 jurisdiction of his or her current registration, including the

1 itinerary for travel, in the manner provided in Section 6 of
2 this Act for notification to the law enforcement agency having
3 jurisdiction of change of address.

4 Any person who lacks a fixed residence must report weekly,
5 in person, with the sheriff's office of the county in which he
6 or she is located in an unincorporated area, or with the chief
7 of police in the municipality in which he or she is located.
8 The agency of jurisdiction will document each weekly
9 registration to include all the locations where the person has
10 stayed during the past 7 days.

11 The sex offender or sexual predator shall provide accurate
12 information as required by the Department of State Police. That
13 information shall include the sex offender's or sexual
14 predator's current place of employment.

15 (a-5) An out-of-state student or out-of-state employee
16 shall, within 3 days after beginning school or employment in
17 this State, register in person and provide accurate information
18 as required by the Department of State Police. Such information
19 will include current place of employment, school attended, and
20 address in state of residence. A sex offender convicted under
21 Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or 11-21 of the
22 Criminal Code of 1961 or the Criminal Code of 2012 shall
23 provide all Internet protocol (IP) addresses in his or her
24 residence, registered in his or her name, accessible at his or
25 her place of employment, or otherwise under his or her control
26 or custody. The out-of-state student or out-of-state employee

1 shall register:

2 (1) with:

3 (A) the chief of police in the municipality in
4 which he or she attends school or is employed for a
5 period of time of 5 or more days or for an aggregate
6 period of time of more than 30 days during any calendar
7 year, unless the municipality is the City of Chicago,
8 in which case he or she shall register at the Chicago
9 Police Department Headquarters; or

10 (B) the sheriff in the county in which he or she
11 attends school or is employed for a period of time of 5
12 or more days or for an aggregate period of time of more
13 than 30 days during any calendar year in an
14 unincorporated area or, if incorporated, no police
15 chief exists; and

16 (2) with the public safety or security director of the
17 institution of higher education he or she is employed at or
18 attends for a period of time of 5 or more days or for an
19 aggregate period of time of more than 30 days during a
20 calendar year.

21 The registration fees shall only apply to the municipality
22 or county of primary registration, and not to campus
23 registration.

24 The out-of-state student or out-of-state employee shall
25 provide accurate information as required by the Department of
26 State Police. That information shall include the out-of-state

1 student's current place of school attendance or the
2 out-of-state employee's current place of employment.

3 (a-10) Any law enforcement agency registering sex
4 offenders or sexual predators in accordance with subsections
5 (a) or (a-5) of this Section shall forward to the Attorney
6 General a copy of sex offender registration forms from persons
7 convicted under Section 11-6, 11-20.1, 11-20.1B, 11-20.3, or
8 11-21 of the Criminal Code of 1961 or the Criminal Code of
9 2012, including periodic and annual registrations under
10 Section 6 of this Act.

11 (b) Any sex offender, as defined in Section 2 of this Act,
12 or sexual predator, regardless of any initial, prior, or other
13 registration, shall, within 3 days of beginning school, or
14 establishing a residence, place of employment, or temporary
15 domicile in any county, register in person as set forth in
16 subsection (a) or (a-5).

17 (c) The registration for any person required to register
18 under this Article shall be as follows:

19 (1) Any person registered under the Habitual Child Sex
20 Offender Registration Act or the Child Sex Offender
21 Registration Act prior to January 1, 1996, shall be deemed
22 initially registered as of January 1, 1996; however, this
23 shall not be construed to extend the duration of
24 registration set forth in Section 7.

25 (2) Except as provided in subsection (c)(2.1) or
26 (c)(4), any person convicted or adjudicated prior to

1 January 1, 1996, whose liability for registration under
2 Section 7 has not expired, shall register in person prior
3 to January 31, 1996.

4 (2.1) A sex offender or sexual predator, who has never
5 previously been required to register under this Act, has a
6 duty to register if the person has been convicted of any
7 felony offense after July 1, 2011. A person who previously
8 was required to register under this Act for a period of 10
9 years and successfully completed that registration period
10 has a duty to register if: (i) the person has been
11 convicted of any felony offense after July 1, 2011, and
12 (ii) the offense for which the 10 year registration was
13 served currently requires a registration period of more
14 than 10 years. Notification of an offender's duty to
15 register under this subsection shall be pursuant to Section
16 5-7 of this Act.

17 (2.5) Except as provided in subsection (c)(4), any
18 person who has not been notified of his or her
19 responsibility to register shall be notified by a criminal
20 justice entity of his or her responsibility to register.
21 Upon notification the person must then register within 3
22 days of notification of his or her requirement to register.
23 Except as provided in subsection (c)(2.1), if notification
24 is not made within the offender's 10 year registration
25 requirement, and the Department of State Police determines
26 no evidence exists or indicates the offender attempted to

1 avoid registration, the offender will no longer be required
2 to register under this Act.

3 (3) Except as provided in subsection (c)(4), any person
4 convicted on or after January 1, 1996, shall register in
5 person within 3 days after the entry of the sentencing
6 order based upon his or her conviction.

7 (4) Any person unable to comply with the registration
8 requirements of this Article because he or she is confined,
9 institutionalized, or imprisoned in Illinois on or after
10 January 1, 1996, shall register in person within 3 days of
11 discharge, parole or release.

12 (5) The person shall provide positive identification
13 and documentation that substantiates proof of residence at
14 the registering address.

15 (6) The person shall pay a \$100 initial registration
16 fee and a \$100 annual renewal fee. The fees shall be used
17 by the registering agency for official purposes. The agency
18 shall establish procedures to document receipt and use of
19 the funds. The law enforcement agency having jurisdiction
20 may waive the registration fee if it determines that the
21 person is indigent and unable to pay the registration fee.
22 Thirty-five dollars for the initial registration fee and
23 \$35 of the annual renewal fee shall be used by the
24 registering agency for official purposes. Five dollars of
25 the initial registration fee and \$5 of the annual fee shall
26 be deposited into the Sex Offender Management Board Fund

1 under Section 19 of the Sex Offender Management Board Act.
2 Money deposited into the Sex Offender Management Board Fund
3 shall be administered by the Sex Offender Management Board
4 and shall be used by the Board to comply with the
5 provisions of the Sex Offender Management Board Act. Thirty
6 dollars of the initial registration fee and \$30 of the
7 annual renewal fee shall be deposited into the Sex Offender
8 Registration Fund and shall be used by the Department of
9 State Police to maintain and update the Illinois State
10 Police Sex Offender Registry. Thirty dollars of the initial
11 registration fee and \$30 of the annual renewal fee shall be
12 deposited into the Attorney General Sex Offender
13 Awareness, Training, and Education Fund. Moneys deposited
14 into the Fund shall be used by the Attorney General to
15 administer the I-SORT program and to alert and educate the
16 public, victims, and witnesses of their rights under
17 various victim notification laws and for training law
18 enforcement agencies, State's Attorneys, and medical
19 providers of their legal duties concerning the prosecution
20 and investigation of sex offenses.

21 (d) Within 3 days after obtaining or changing employment
22 and, if employed on January 1, 2000, within 5 days after that
23 date, a person required to register under this Section must
24 report, in person to the law enforcement agency having
25 jurisdiction, the business name and address where he or she is
26 employed. If the person has multiple businesses or work

1 locations, every business and work location must be reported to
2 the law enforcement agency having jurisdiction.

3 (Source: P.A. 96-1094, eff. 1-1-11; 96-1096, eff. 1-1-11;
4 96-1097, eff. 1-1-11; 96-1102, eff. 1-1-11; 96-1104, eff.
5 1-1-11; 96-1551, eff. 7-1-11; 97-155, eff 1-1-12; 97-333, eff.
6 8-12-11; 97-578, eff. 1-1-12; 97-1098, eff. 1-1-13; 97-1109,
7 eff. 1-1-13; 97-1150, eff. 1-25-13.)

8 (730 ILCS 150/4) (from Ch. 38, par. 224)

9 Sec. 4. Discharge of sex offender, as defined in Section 2
10 of this Act, or sexual predator from Department of Corrections
11 facility or other penal institution; duties of official in
12 charge. Any sex offender, as defined in Section 2 of this Act,
13 or sexual predator, as defined by this Article, who is
14 discharged, paroled or released from a Department of
15 Corrections or Department of Juvenile Justice facility, a
16 facility where such person was placed by the Department of
17 Corrections or Department of Juvenile Justice or another penal
18 institution, and whose liability for registration has not
19 terminated under Section 7 shall, prior to discharge, parole or
20 release from the facility or institution, be informed of his or
21 her duty to register in person within 3 days of release by the
22 facility or institution in which he or she was confined. The
23 facility or institution shall also inform any person who must
24 register that if he or she establishes a residence outside of
25 the State of Illinois, is employed outside of the State of

1 Illinois, or attends school outside of the State of Illinois,
2 he or she must register in the new state within 3 days after
3 establishing the residence, beginning employment, or beginning
4 school.

5 The facility shall require the person to read and sign such
6 form as may be required by the Department of State Police
7 stating that the duty to register and the procedure for
8 registration has been explained to him or her and that he or
9 she understands the duty to register and the procedure for
10 registration. The facility shall further advise the person in
11 writing that the failure to register or other violation of this
12 Article shall result in revocation of parole, aftercare
13 release, mandatory supervised release or conditional release.
14 The facility shall obtain information about where the person
15 expects to reside, work, and attend school upon his or her
16 discharge, parole or release and shall report the information
17 to the Department of State Police. The facility shall give one
18 copy of the form to the person and shall send one copy to each
19 of the law enforcement agencies having jurisdiction where the
20 person expects to reside, work, and attend school upon his or
21 her discharge, parole or release and retain one copy for the
22 files. Electronic data files which includes all notification
23 form information and photographs of sex offenders being
24 released from an Illinois Department of Corrections or Illinois
25 Department of Juvenile Justice facility will be shared on a
26 regular basis as determined between the Department of State

1 Police, ~~and~~ the Department of Corrections, and Department of
2 Juvenile Justice.

3 (Source: P.A. 94-168, eff. 1-1-06; 95-640, eff. 6-1-08.)

4 (730 ILCS 150/8-5)

5 Sec. 8-5. Verification requirements.

6 (a) Address verification. The agency having jurisdiction
7 shall verify the address of sex offenders, as defined in
8 Section 2 of this Act, or sexual predators required to register
9 with their agency at least once per year. The verification must
10 be documented in LEADS in the form and manner required by the
11 Department of State Police.

12 (a-5) Internet Protocol address verification. The agency
13 having jurisdiction may verify the Internet protocol (IP)
14 address of sex offenders, as defined in Section 2 of this Act,
15 who are required to register with their agency under Section 3
16 of this Act. A copy of any such verification must be sent to
17 the Attorney General for entrance in the Illinois Cyber-crimes
18 Location Database pursuant to Section 5-4-3.2 of the Unified
19 Code of Corrections.

20 (b) Registration verification. The supervising officer or
21 aftercare specialist, shall, within 15 days of sentencing to
22 probation or release from an Illinois Department of Corrections
23 or Illinois Department of Juvenile Justice facility or other
24 penal institution, contact the law enforcement agency in the
25 jurisdiction in which the sex offender or sexual predator

1 designated as his or her intended residence and verify
2 compliance with the requirements of this Act. Revocation
3 proceedings shall be immediately commenced against a sex
4 offender or sexual predator on probation, parole, aftercare
5 release, or mandatory supervised release who fails to comply
6 with the requirements of this Act.

7 (c) In an effort to ensure that sexual predators and sex
8 offenders who fail to respond to address-verification attempts
9 or who otherwise abscond from registration are located in a
10 timely manner, the Department of State Police shall share
11 information with local law enforcement agencies. The
12 Department shall use analytical resources to assist local law
13 enforcement agencies to determine the potential whereabouts of
14 any sexual predator or sex offender who fails to respond to
15 address-verification attempts or who otherwise absconds from
16 registration. The Department shall review and analyze all
17 available information concerning any such predator or offender
18 who fails to respond to address-verification attempts or who
19 otherwise absconds from registration and provide the
20 information to local law enforcement agencies in order to
21 assist the agencies in locating and apprehending the sexual
22 predator or sex offender.

23 (Source: P.A. 94-988, eff. 1-1-07; 95-579, eff. 6-1-08.)

24 Section 120. The Murderer and Violent Offender Against
25 Youth Registration Act is amended by changing Sections 15 and

1 50 as follows:

2 (730 ILCS 154/15)

3 Sec. 15. Discharge of violent offender against youth.

4 Discharge of violent offender against youth from Department of
5 Corrections facility or other penal institution; duties of
6 official in charge. Any violent offender against youth who is
7 discharged, paroled, or released from a Department of
8 Corrections facility, a facility where such person was placed
9 by the Department of Corrections or another penal institution,
10 and whose liability for registration has not terminated under
11 Section 40 shall, prior to discharge, parole or release from
12 the facility or institution, be informed of his or her duty to
13 register in person within 5 days of release by the facility or
14 institution in which he or she was confined. The facility or
15 institution shall also inform any person who must register that
16 if he or she establishes a residence outside of the State of
17 Illinois, is employed outside of the State of Illinois, or
18 attends school outside of the State of Illinois, he or she must
19 register in the new state within 5 days after establishing the
20 residence, beginning employment, or beginning school.

21 The facility shall require the person to read and sign such
22 form as may be required by the Department of State Police
23 stating that the duty to register and the procedure for
24 registration has been explained to him or her and that he or
25 she understands the duty to register and the procedure for

1 registration. The facility shall further advise the person in
2 writing that the failure to register or other violation of this
3 Act shall result in revocation of parole, aftercare release,
4 mandatory supervised release or conditional release. The
5 facility shall obtain information about where the person
6 expects to reside, work, and attend school upon his or her
7 discharge, parole or release and shall report the information
8 to the Department of State Police. The facility shall give one
9 copy of the form to the person and shall send one copy to each
10 of the law enforcement agencies having jurisdiction where the
11 person expects to reside, work, and attend school upon his or
12 her discharge, parole or release and retain one copy for the
13 files. Electronic data files which includes all notification
14 form information and photographs of violent offenders against
15 youth being released from an Illinois Department of Corrections
16 or Illinois Department of Juvenile Justice facility will be
17 shared on a regular basis as determined between the Department
18 of State Police, ~~and~~ the Department of Corrections and
19 Department of Juvenile Justice.

20 (Source: P.A. 94-945, eff. 6-27-06.)

21 (730 ILCS 154/50)

22 Sec. 50. Verification requirements.

23 (a) The agency having jurisdiction shall verify the address
24 of violent offenders against youth required to register with
25 their agency at least once per year. The verification must be

1 documented in LEADS in the form and manner required by the
2 Department of State Police.

3 (b) The supervising officer or aftercare specialist,
4 shall, within 15 days of sentencing to probation or release
5 from an Illinois Department of Corrections facility or other
6 penal institution, contact the law enforcement agency in the
7 jurisdiction which the violent offender against youth
8 designated as his or her intended residence and verify
9 compliance with the requirements of this Act. Revocation
10 proceedings shall be immediately commenced against a violent
11 offender against youth on probation, parole, aftercare
12 release, or mandatory supervised release who fails to comply
13 with the requirements of this Act.

14 (Source: P.A. 94-945, eff. 6-27-06.)

15 Section 125. The Stalking No Contact Order Act is amended
16 by changing Sections 20, 115, and 117 as follows:

17 (740 ILCS 21/20)

18 Sec. 20. Commencement of action; filing fees.

19 (a) An action for a stalking no contact order is commenced:

20 (1) independently, by filing a petition for a stalking
21 no 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 stalking

1 no contact order under the same case number as the
2 delinquency petition or criminal prosecution, to be
3 granted during pre-trial release of a defendant, with any
4 dispositional order issued under Section 5-710 of the
5 Juvenile Court Act of 1987 or as a condition of release,
6 supervision, conditional discharge, probation, periodic
7 imprisonment, parole, aftercare release, or mandatory
8 supervised release, or in conjunction with imprisonment or
9 a bond forfeiture warrant, provided that (i) the violation
10 is 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 stalking
16 no 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 stalking 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 stalking no contact order;
24 instead, it may be treated as an independent action and, if
25 necessary and appropriate, transferred to a different court or
26 division.

1 (c) No fee shall be charged by the clerk of the court for
2 filing petitions or modifying or certifying orders. No fee
3 shall be charged by the sheriff for service by the sheriff of a
4 petition, rule, motion, or order in an action commenced under
5 this Section.

6 (d) The court shall provide, through the office of the
7 clerk of the court, simplified forms for filing of a petition
8 under this Section by any person not represented by counsel.

9 (Source: P.A. 96-246, eff. 1-1-10.)

10 (740 ILCS 21/115)

11 Sec. 115. Notice of orders.

12 (a) Upon issuance of any stalking no contact order, the
13 clerk shall immediately, or on the next court day if an
14 emergency order is issued in accordance with subsection (c) of
15 Section 95:

16 (1) enter the order on the record and file it in
17 accordance with the circuit court procedures; and

18 (2) provide a file stamped copy of the order to the
19 respondent, if present, and to the petitioner.

20 (b) The clerk of the issuing judge shall, or the petitioner
21 may, on the same day that a stalking no contact order is
22 issued, file a certified copy of that order with the sheriff or
23 other law enforcement officials charged with maintaining
24 Department of State Police records or charged with serving the
25 order upon the respondent. If the order was issued in

1 accordance with subsection (c) of Section 95, the clerk shall,
2 on the next court day, file a certified copy of the order with
3 the sheriff or other law enforcement officials charged with
4 maintaining Department of State Police records. If the
5 respondent, at the time of the issuance of the order, is
6 committed to the custody of the Illinois Department of
7 Corrections or Illinois Department of Juvenile Justice or is on
8 parole, aftercare release, or mandatory supervised release,
9 the sheriff or other law enforcement officials charged with
10 maintaining Department of State Police records shall notify the
11 Department of Corrections or Department of Juvenile Justice
12 within 48 hours of receipt of a copy of the stalking no contact
13 order from the clerk of the issuing judge or the petitioner.
14 Such notice shall include the name of the respondent, the
15 respondent's IDOC inmate number or IDJJ youth identification
16 number, the respondent's date of birth, and the LEADS Record
17 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 117 may serve the respondent
26 with a short form notification as provided in Section 117. 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 stalking no contact
6 order is issued is arrested and the written order is issued in
7 accordance with subsection (c) of Section 95 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 stalking no contact order or receipt of the order issued
15 under Section 95 of this Act.

16 (e) Any order extending, modifying, or revoking any
17 stalking no contact order shall be promptly recorded, issued,
18 and served as provided in this Section.

19 (f) Upon the request of the petitioner, within 24 hours of
20 the issuance of a stalking 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, daycare, college,
23 or university at which the petitioner is enrolled.

24 (Source: P.A. 96-246, eff. 1-1-10; 97-904, eff. 1-1-13;
25 97-1017, eff. 1-1-13; revised 8-23-12.)

1 (740 ILCS 21/117)

2 Sec. 117. Short form notification.

3 (a) Instead of personal service of a stalking no contact
4 order under Section 115, a sheriff, other law enforcement
5 official, special process server, or personnel assigned by the
6 Department of Corrections or Department of Juvenile Justice to
7 investigate the alleged misconduct of committed persons or
8 alleged violations of a parolee's or releasee's conditions of
9 parole, aftercare release, or mandatory supervised release may
10 serve a respondent with a short form notification. The short
11 form 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 stalking no
17 contact 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 this Act, and civil
17 no contact orders under the Civil No Contact Order Act.

18 (Source: P.A. 97-1017, eff. 1-1-13.)

19 Section 130. The Civil No Contact Order Act is amended by
20 changing Sections 202, 216, 218, and 218.1 as follows:

21 (740 ILCS 22/202)

22 Sec. 202. Commencement of action; filing fees.

23 (a) An action for a civil no contact order is commenced:

24 (1) independently, by filing a petition for a civil no

1 contact order in any civil court, unless specific courts
2 are designated by local rule or order; or

3 (2) in conjunction with a delinquency petition or a
4 criminal prosecution, by filing a petition for a civil no
5 contact order under the same case number as the delinquency
6 petition or criminal prosecution, to be granted during
7 pre-trial release of a defendant, with any dispositional
8 order issued under Section 5-710 of the Juvenile Court Act
9 of 1987 or as a condition of release, supervision,
10 conditional discharge, probation, periodic imprisonment,
11 parole, aftercare release, or mandatory supervised
12 release, or in conjunction with imprisonment or a bond
13 forfeiture warrant, provided that (i) the violation is
14 alleged in an information, complaint, indictment, or
15 delinquency petition on file and the alleged victim is a
16 person protected by this Act, and (ii) the petition, which
17 is filed by the State's Attorney, names a victim of the
18 alleged crime as a petitioner.

19 (b) Withdrawal or dismissal of any petition for a civil no
20 contact order prior to adjudication where the petitioner is
21 represented by the State shall operate as a dismissal without
22 prejudice. No action for a civil no contact order shall be
23 dismissed because the respondent is being prosecuted for a
24 crime against the petitioner. For any action commenced under
25 item (2) of subsection (a) of this Section, dismissal of the
26 conjoined case (or a finding of not guilty) shall not require

1 dismissal of the action for a civil no contact order; instead,
2 it may be treated as an independent action and, if necessary
3 and appropriate, transferred to a different court or division.

4 (c) No fee shall be charged by the clerk of the court for
5 filing petitions or modifying or certifying orders. No fee
6 shall be charged by the sheriff for service by the sheriff of a
7 petition, rule, motion, or order in an action commenced under
8 this Section.

9 (d) The court shall provide, through the office of the
10 clerk of the court, simplified forms for filing of a petition
11 under this Section by any person not represented by counsel.

12 (Source: P.A. 93-236, eff. 1-1-04; 93-811, eff. 1-1-05.)

13 (740 ILCS 22/216)

14 Sec. 216. Duration and extension of orders.

15 (a) Unless re-opened or extended or voided by entry of an
16 order of greater duration, an emergency order shall be
17 effective for not less than 14 nor more than 21 days.

18 (b) Except as otherwise provided in this Section, a plenary
19 civil no contact order shall be effective for a fixed period of
20 time, not to exceed 2 years. A plenary civil no contact order
21 entered in conjunction with a criminal prosecution shall remain
22 in effect as follows:

23 (1) if entered during pre-trial release, until
24 disposition, withdrawal, or dismissal of the underlying
25 charge; if however, the case is continued as an independent

1 cause of action, the order's duration may be for a fixed
2 period of time not to exceed 2 years;

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

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

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

18 (c) Any emergency or plenary order may be extended one or
19 more times, as required, provided that the requirements of
20 Section 214 or 215, as appropriate, are satisfied. If the
21 motion for extension is uncontested and the petitioner seeks no
22 modification of the order, the order may be extended on the
23 basis of the petitioner's motion or affidavit stating that
24 there has been no material change in relevant circumstances
25 since entry of the order and stating the reason for the
26 requested extension. Extensions may be granted only in open

1 court and not under the provisions of subsection (c) of Section
2 214, which applies only when the court is unavailable at the
3 close of business or on a court holiday.

4 (d) Any civil no contact order which would expire on a
5 court holiday shall instead expire at the close of the next
6 court business day.

7 (d-5) An extension of a plenary civil no contact order may
8 be granted, upon good cause shown, to remain in effect until
9 the civil no contact order is vacated or modified.

10 (e) The practice of dismissing or suspending a criminal
11 prosecution in exchange for the issuance of a civil no contact
12 order undermines the purposes of this Act. This Section shall
13 not be construed as encouraging that practice.

14 (Source: P.A. 96-311, eff. 1-1-10.)

15 (740 ILCS 22/218)

16 Sec. 218. Notice of orders.

17 (a) Upon issuance of any civil no contact order, the clerk
18 shall immediately, or on the next court day if an emergency
19 order is issued in accordance with subsection (c) of Section
20 214:

21 (1) enter the order on the record and file it in
22 accordance with the circuit court procedures; and

23 (2) provide a file stamped copy of the order to the
24 respondent, if present, and to the petitioner.

25 (b) The clerk of the issuing judge shall, or the petitioner

1 may, on the same day that a civil no contact order is issued,
2 file a certified copy of that order with the sheriff or other
3 law enforcement officials charged with maintaining Department
4 of State Police records or charged with serving the order upon
5 the respondent. If the order was issued in accordance with
6 subsection (c) of Section 214, the clerk shall, on the next
7 court day, file a certified copy of the order with the Sheriff
8 or other law enforcement officials charged with maintaining
9 Department of State Police records. If the respondent, at the
10 time of the issuance of the order, is committed to the custody
11 of the Illinois Department of Corrections or Illinois
12 Department of Juvenile Justice, or is on parole, aftercare
13 release, or mandatory supervised release, the sheriff or other
14 law enforcement officials charged with maintaining Department
15 of State Police records shall notify the Department of
16 Corrections or Department of Juvenile Justice within 48 hours
17 of receipt of a copy of the civil no contact order from the
18 clerk of the issuing judge or the petitioner. Such notice shall
19 include the name of the respondent, the respondent's IDOC
20 inmate number or IDJJ youth identification number, the
21 respondent's date of birth, and the LEADS Record Index Number.

22 (c) Unless the respondent was present in court when the
23 order was issued, the sheriff, other law enforcement official,
24 or special process server shall promptly serve that order upon
25 the respondent and file proof of such service in the manner
26 provided for service of process in civil proceedings. Instead

1 of serving the order upon the respondent, however, the sheriff,
2 other law enforcement official, special process server, or
3 other persons defined in Section 218.1 may serve the respondent
4 with a short form notification as provided in Section 218.1. If
5 process has not yet been served upon the respondent, it shall
6 be served with the order or short form notification if such
7 service is made by the sheriff, other law enforcement official,
8 or special process server.

9 (d) If the person against whom the civil no contact order
10 is issued is arrested and the written order is issued in
11 accordance with subsection (c) of Section 214 and received by
12 the custodial law enforcement agency before the respondent or
13 arrestee is released from custody, the custodial law
14 enforcement agent shall promptly serve the order upon the
15 respondent or arrestee before the respondent or arrestee is
16 released from custody. In no event shall detention of the
17 respondent or arrestee be extended for hearing on the petition
18 for civil no contact order or receipt of the order issued under
19 Section 214 of this Act.

20 (e) Any order extending, modifying, or revoking any civil
21 no contact order shall be promptly recorded, issued, and served
22 as provided in this Section.

23 (f) Upon the request of the petitioner, within 24 hours of
24 the issuance of a civil no contact order, the clerk of the
25 issuing judge shall send written notice of the order along with
26 a certified copy of the order to any school, college, or

1 university at which the petitioner is enrolled.

2 (Source: P.A. 97-904, eff. 1-1-13; 97-1017, eff. 1-1-13;
3 revised 8-23-12.)

4 (740 ILCS 22/218.1)

5 Sec. 218.1. Short form notification.

6 (a) Instead of personal service of a civil no contact order
7 under Section 218, a sheriff, other law enforcement official,
8 special process server, or personnel assigned by the Department
9 of Corrections or Department of Juvenile Justice to investigate
10 the alleged misconduct of committed persons or alleged
11 violations of a parolee's or releasee's conditions of parole,
12 aftercare release, or mandatory supervised release may serve a
13 respondent with a short form notification. The short form
14 notification must include the following items:

15 (1) The respondent's name.

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

17 (3) The petitioner's name.

18 (4) The names of other protected parties.

19 (5) The date and county in which the civil no contact
20 order was filed.

21 (6) The court file number.

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

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

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

1 notice in bold print:

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

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

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

15 (e) The Attorney General shall make the short form
16 notification form available to law enforcement agencies in this
17 State.

18 (f) A single short form notification form may be used for
19 orders of protection under the Illinois Domestic Violence Act
20 of 1986, stalking no contact orders under the Stalking No
21 Contact Order Act, and civil no contact orders under this Act.

22 (Source: P.A. 97-1017, eff. 1-1-13.)

23 Section 135. The Illinois Streetgang Terrorism Omnibus
24 Prevention Act is amended by changing Section 30 as follows:

1 (740 ILCS 147/30)

2 Sec. 30. Service of process.

3 (a) All streetgangs and streetgang members engaged in a
4 course or pattern of gang-related criminal activity within this
5 State impliedly consent to service of process upon them as set
6 forth in this Section, or as may be otherwise authorized by the
7 Code of Civil Procedure.

8 (b) Service of process upon a streetgang may be had by
9 leaving a copy of the complaint and summons directed to any
10 officer of such gang, commanding the gang to appear and answer
11 the complaint or otherwise plead at a time and place certain:

12 (1) with any gang officer; or

13 (2) with any individual member of the gang
14 simultaneously named therein; or

15 (3) in the manner provided for service upon a voluntary
16 unincorporated association in a civil action; or

17 (4) in the manner provided for service by publication
18 in a civil action; or

19 (5) with any parent, legal guardian, or legal custodian
20 of any persons charged with a gang-related offense when any
21 person sued civilly under this Act is under 18 years of age
22 and is also charged criminally or as a delinquent minor; or

23 (6) with the director of any agency or department of
24 this State who is the legal guardian, guardianship
25 administrator, or custodian of any person sued under this
26 Act; or

1 (7) with the probation or parole officer or aftercare
2 specialist of any person sued under this Act; or

3 (8) with such other person or agent as the court may,
4 upon petition of the State's Attorney or his or her
5 designee, authorize as appropriate and reasonable under
6 all of the circumstances.

7 (c) If after being summoned a streetgang does not appear,
8 the court shall enter an answer for the streetgang neither
9 affirming nor denying the allegations of the complaint but
10 demanding strict proof thereof, and proceed to trial and
11 judgment without further process.

12 (d) When any person is named as a defendant streetgang
13 member in any complaint, or subsequently becomes known and is
14 added or joined as a named defendant, service of process may be
15 had as authorized or provided for in the Code of Civil
16 Procedure for service of process in a civil case.

17 (e) Unknown gang members may be sued as a class and
18 designated as such in the caption of any complaint filed under
19 this Act. Service of process upon unknown members may be made
20 in the manner prescribed for provision of notice to members of
21 a class in a class action, or as the court may direct for
22 providing the best service and notice practicable under the
23 circumstances which shall include individual, personal, or
24 other service upon all members who can be identified and
25 located through reasonable effort.

26 (Source: P.A. 87-932.)

1 Section 140. The Local Governmental and Governmental
2 Employees Tort Immunity Act is amended by changing Section
3 4-106 as follows:

4 (745 ILCS 10/4-106) (from Ch. 85, par. 4-106)

5 Sec. 4-106. Neither a local public entity nor a public
6 employee is liable for:

7 (a) Any injury resulting from determining to parole or
8 release a prisoner, to revoke his or her parole or release, or
9 the terms and conditions of his or her parole or release.

10 (b) Any injury inflicted by an escaped or escaping
11 prisoner.

12 (Source: Laws 1965, p. 2983.)

13 Section 145. The Illinois Domestic Violence Act of 1986 is
14 amended by changing Sections 202, 220, 222, and 222.10 as
15 follows:

16 (750 ILCS 60/202) (from Ch. 40, par. 2312-2)

17 Sec. 202. Commencement of action; filing fees; dismissal.

18 (a) How to commence action. Actions for orders of
19 protection are commenced:

20 (1) Independently: By filing a petition for an order of
21 protection in any civil court, unless specific courts are
22 designated by local rule or order.

1 (2) In conjunction with another civil proceeding: By
2 filing a petition for an order of protection under the same
3 case number as another civil proceeding involving the
4 parties, including but not limited to: (i) any proceeding
5 under the Illinois Marriage and Dissolution of Marriage
6 Act, Illinois Parentage Act of 1984, Nonsupport of Spouse
7 and Children Act, Revised Uniform Reciprocal Enforcement
8 of Support Act or an action for nonsupport brought under
9 Article 10 of the Illinois Public Aid Code, provided that a
10 petitioner and the respondent are a party to or the subject
11 of that proceeding or (ii) a guardianship proceeding under
12 the Probate Act of 1975, or a proceeding for involuntary
13 commitment under the Mental Health and Developmental
14 Disabilities Code, or any proceeding, other than a
15 delinquency petition, under the Juvenile Court Act of 1987,
16 provided that a petitioner or the respondent is a party to
17 or the subject of such proceeding.

18 (3) In conjunction with a delinquency petition or a
19 criminal prosecution: By filing a petition for an order of
20 protection, under the same case number as the delinquency
21 petition or criminal prosecution, to be granted during
22 pre-trial release of a defendant, with any dispositional
23 order issued under Section 5-710 of the Juvenile Court Act
24 of 1987 or as a condition of release, supervision,
25 conditional discharge, probation, periodic imprisonment,
26 parole, aftercare release, or mandatory supervised

1 release, or in conjunction with imprisonment or a bond
2 forfeiture warrant; provided that:

3 (i) the violation is alleged in an information,
4 complaint, indictment or delinquency petition on file,
5 and the alleged offender and victim are family or
6 household members or persons protected by this Act; and

7 (ii) the petition, which is filed by the State's
8 Attorney, names a victim of the alleged crime as a
9 petitioner.

10 (b) Filing, certification, and service fees. No fee shall
11 be charged by the clerk for filing, amending, vacating,
12 certifying, or photocopying petitions or orders; or for issuing
13 alias summons; or for any related filing service. No fee shall
14 be charged by the sheriff for service by the sheriff of a
15 petition, rule, motion, or order in an action commenced under
16 this Section.

17 (c) Dismissal and consolidation. Withdrawal or dismissal
18 of any petition for an order of protection prior to
19 adjudication where the petitioner is represented by the State
20 shall operate as a dismissal without prejudice. No action for
21 an order of protection shall be dismissed because the
22 respondent is being prosecuted for a crime against the
23 petitioner. An independent action may be consolidated with
24 another civil proceeding, as provided by paragraph (2) of
25 subsection (a) of this Section. For any action commenced under
26 paragraph (2) or (3) of subsection (a) of this Section,

1 dismissal of the conjoined case (or a finding of not guilty)
2 shall not require dismissal of the action for the order of
3 protection; instead, it may be treated as an independent action
4 and, if necessary and appropriate, transferred to a different
5 court or division. Dismissal of any conjoined case shall not
6 affect the validity of any previously issued order of
7 protection, and thereafter subsections (b)(1) and (b)(2) of
8 Section 220 shall be inapplicable to such order.

9 (d) Pro se petitions. The court shall provide, through the
10 office of the clerk of the court, simplified forms and clerical
11 assistance to help with the writing and filing of a petition
12 under this Section by any person not represented by counsel. In
13 addition, that assistance may be provided by the state's
14 attorney.

15 (Source: P.A. 93-458, eff. 1-1-04.)

16 (750 ILCS 60/220) (from Ch. 40, par. 2312-20)

17 Sec. 220. Duration and extension of orders.

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

21 (1) Emergency orders issued under Section 217 shall be
22 effective for not less than 14 nor more than 21 days;

23 (2) Interim orders shall be effective for up to 30
24 days.

25 (b) Duration of plenary orders. Except as otherwise

1 provided in this Section, a plenary order of protection shall
2 be valid for a fixed period of time, not to exceed two years.

3 (1) A plenary order of protection entered in
4 conjunction with another civil proceeding shall remain in
5 effect as follows:

6 (i) if entered as preliminary relief in that other
7 proceeding, until entry of final judgment in that other
8 proceeding;

9 (ii) if incorporated into the final judgment in
10 that other proceeding, until the order of protection is
11 vacated or modified; or

12 (iii) if incorporated in an order for involuntary
13 commitment, until termination of both the involuntary
14 commitment and any voluntary commitment, or for a fixed
15 period of time not exceeding 2 years.

16 (2) A plenary order of protection entered in
17 conjunction with a criminal prosecution shall remain in
18 effect as follows:

19 (i) if entered during pre-trial release, until
20 disposition, withdrawal, or dismissal of the
21 underlying charge; if, however, the case is continued
22 as an independent cause of action, the order's duration
23 may be for a fixed period of time not to exceed 2
24 years;

25 (ii) if in effect in conjunction with a bond
26 forfeiture warrant, until final disposition or an

1 additional period of time not exceeding 2 years; no
2 order of protection, however, shall be terminated by a
3 dismissal that is accompanied by the issuance of a bond
4 forfeiture warrant;

5 (iii) until expiration of any supervision,
6 conditional discharge, probation, periodic
7 imprisonment, parole, aftercare release, or mandatory
8 supervised release and for an additional period of time
9 thereafter not exceeding 2 years; or

10 (iv) until the date set by the court for expiration
11 of any sentence of imprisonment and subsequent parole, aftercare release,
12 aftercare release, or mandatory supervised release and
13 for an additional period of time thereafter not
14 exceeding 2 years.

15 (c) Computation of time. The duration of an order of
16 protection shall not be reduced by the duration of any prior
17 order of protection.

18 (d) Law enforcement records. When a plenary order of
19 protection expires upon the occurrence of a specified event,
20 rather than upon a specified date as provided in subsection
21 (b), no expiration date shall be entered in Department of State
22 Police records. To remove the plenary order from those records,
23 either party shall request the clerk of the court to file a
24 certified copy of an order stating that the specified event has
25 occurred or that the plenary order has been vacated or modified
26 with the Sheriff, and the Sheriff shall direct that law

1 enforcement records shall be promptly corrected in accordance
2 with the filed order.

3 (e) Extension of orders. Any emergency, interim or plenary
4 order may be extended one or more times, as required, provided
5 that the requirements of Section 217, 218 or 219, as
6 appropriate, are satisfied. If the motion for extension is
7 uncontested and petitioner seeks no modification of the order,
8 the order may be extended on the basis of petitioner's motion
9 or affidavit stating that there has been no material change in
10 relevant circumstances since entry of the order and stating the
11 reason for the requested extension. An extension of a plenary
12 order of protection may be granted, upon good cause shown, to
13 remain in effect until the order of protection is vacated or
14 modified. Extensions may be granted only in open court and not
15 under the provisions of subsection (c) of Section 217, which
16 applies only when the court is unavailable at the close of
17 business or on a court holiday.

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

21 (g) Statement of purpose. The practice of dismissing or
22 suspending a criminal prosecution in exchange for the issuance
23 of an order of protection undermines the purposes of this Act.
24 This Section shall not be construed as encouraging that
25 practice.

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

1 (750 ILCS 60/222) (from Ch. 40, par. 2312-22)

2 Sec. 222. Notice of orders.

3 (a) Entry and issuance. Upon issuance of any order of
4 protection, the clerk shall immediately, or on the next court
5 day if an emergency order is issued in accordance with
6 subsection (c) of Section 217, (i) enter the order on the
7 record and file it in accordance with the circuit court
8 procedures and (ii) provide a file stamped copy of the order to
9 respondent, if present, and to petitioner.

10 (b) Filing with sheriff. The clerk of the issuing judge
11 shall, or the petitioner may, on the same day that an order of
12 protection is issued, file a certified copy of that order with
13 the sheriff or other law enforcement officials charged with
14 maintaining Department of State Police records or charged with
15 serving the order upon respondent. If the order was issued in
16 accordance with subsection (c) of Section 217, the clerk shall
17 on the next court day, file a certified copy of the order with
18 the Sheriff or other law enforcement officials charged with
19 maintaining Department of State Police records. If the
20 respondent, at the time of the issuance of the order, is
21 committed to the custody of the Illinois Department of
22 Corrections or Illinois Department of Juvenile Justice or is on
23 parole, aftercare release, or mandatory supervised release,
24 the sheriff or other law enforcement officials charged with
25 maintaining Department of State Police records shall notify the

1 Department of Corrections or Department of Juvenile Justice
2 within 48 hours of receipt of a copy of the order of protection
3 from the clerk of the issuing judge or the petitioner. Such
4 notice shall include the name of the respondent, the
5 respondent's IDOC inmate number or IDJJ youth identification
6 number, the respondent's date of birth, and the LEADS Record
7 Index Number.

8 (c) Service by sheriff. Unless respondent was present in
9 court when the order was issued, the sheriff, other law
10 enforcement official or special process server shall promptly
11 serve that order upon respondent and file proof of such
12 service, in the manner provided for service of process in civil
13 proceedings. Instead of serving the order upon the respondent,
14 however, the sheriff, other law enforcement official, special
15 process server, or other persons defined in Section 222.10 may
16 serve the respondent with a short form notification as provided
17 in Section 222.10. If process has not yet been served upon the
18 respondent, it shall be served with the order or short form
19 notification if such service is made by the sheriff, other law
20 enforcement official, or special process server. A single fee
21 may be charged for service of an order obtained in civil court,
22 or for service of such an order together with process, unless
23 waived or deferred under Section 210.

24 (c-5) If the person against whom the order of protection is
25 issued is arrested and the written order is issued in
26 accordance with subsection (c) of Section 217 and received by

1 the custodial law enforcement agency before the respondent or
2 arrestee is released from custody, the custodial law
3 enforcement agent shall promptly serve the order upon the
4 respondent or arrestee before the respondent or arrestee is
5 released from custody. In no event shall detention of the
6 respondent or arrestee be extended for hearing on the petition
7 for order of protection or receipt of the order issued under
8 Section 217 of this Act.

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

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

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

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

24 (g) Notice to health care facilities and health care
25 practitioners. Upon the request of the petitioner, the clerk of
26 the circuit court shall send a certified copy of the order of

1 protection to any specified health care facility or health care
2 practitioner requested by the petitioner at the mailing address
3 provided by the petitioner.

4 (h) Disclosure by health care facilities and health care
5 practitioners. After receiving a certified copy of an order of
6 protection that prohibits a respondent's access to records, no
7 health care facility or health care practitioner shall allow a
8 respondent access to the records of any child who is a
9 protected person under the order of protection, or release
10 information in those records to the respondent, unless the
11 order has expired or the respondent shows a certified copy of
12 the court order vacating the corresponding order of protection
13 that was sent to the health care facility or practitioner.
14 Nothing in this Section shall be construed to require health
15 care facilities or health care practitioners to alter
16 procedures related to billing and payment. The health care
17 facility or health care practitioner may file the copy of the
18 order of protection in the records of a child who is a
19 protected person under the order of protection, or may employ
20 any other method to identify the records to which a respondent
21 is prohibited access. No health care facility or health care
22 practitioner shall be civilly or professionally liable for
23 reliance on a copy of an order of protection, except for
24 willful and wanton misconduct.

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

1 (750 ILCS 60/222.10)

2 Sec. 222.10. Short form notification.

3 (a) Instead of personal service of an order of protection
4 under Section 222, 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 order of
17 protection 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

1 (name of county) County to obtain a copy of the order. You
2 are subject to arrest and may be charged with a misdemeanor
3 or felony if you violate any of the terms of the order."

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

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

12 (e) The Attorney General shall make the short form
13 notification form available to law enforcement agencies in this
14 State.

15 (f) A single short form notification form may be used for
16 orders of protection under this Act, stalking no contact orders
17 under the Stalking No Contact Order Act, and civil no contact
18 orders under the Civil No Contact Order Act.

19 (Source: P.A. 97-50, eff. 6-28-11; 97-1017, eff. 1-1-13.)

20 Section 150. The Line of Duty Compensation Act is amended
21 by changing Section 2 as follows:

22 (820 ILCS 315/2) (from Ch. 48, par. 282)

23 Sec. 2. As used in this Act, unless the context otherwise
24 requires:

1 (a) "Law enforcement officer" or "officer" means any person
2 employed by the State or a local governmental entity as a
3 policeman, peace officer, auxiliary policeman or in some like
4 position involving the enforcement of the law and protection of
5 the public interest at the risk of that person's life. This
6 includes supervisors, wardens, superintendents and their
7 assistants, guards and keepers, correctional officers, youth
8 supervisors, parole agents, aftercare specialists, school
9 teachers and correctional counsellors in all facilities of both
10 the Department of Corrections and the Department of Juvenile
11 Justice, while within the facilities under the control of the
12 Department of Corrections or the Department of Juvenile Justice
13 or in the act of transporting inmates or wards from one
14 location to another or while performing their official duties,
15 and all other Department of Correction or Department of
16 Juvenile Justice employees who have daily contact with inmates.

17 The death of the foregoing employees of the Department of
18 Corrections or the Department of Juvenile Justice in order to
19 be included herein must be by the direct or indirect willful
20 act of an inmate, ward, work-releasee, parolee, aftercare
21 releasee, parole violator, aftercare release violator, person
22 under conditional release, or any person sentenced or
23 committed, or otherwise subject to confinement in or to the
24 Department of Corrections or the Department of Juvenile
25 Justice.

26 (b) "Fireman" means any person employed by the State or a

1 local governmental entity as, or otherwise serving as, a member
2 or officer of a fire department either for the purpose of the
3 prevention or control of fire or the underwater recovery of
4 drowning victims, including volunteer firemen.

5 (c) "Local governmental entity" includes counties,
6 municipalities and municipal corporations.

7 (d) "State" means the State of Illinois and its
8 departments, divisions, boards, bureaus, commissions,
9 authorities and colleges and universities.

10 (e) "Killed in the line of duty" means losing one's life as
11 a result of injury received in the active performance of duties
12 as a law enforcement officer, civil defense worker, civil air
13 patrol member, paramedic, fireman, or chaplain if the death
14 occurs within one year from the date the injury was received
15 and if that injury arose from violence or other accidental
16 cause. In the case of a State employee, "killed in the line of
17 duty" means losing one's life as a result of injury received in
18 the active performance of one's duties as a State employee, if
19 the death occurs within one year from the date the injury was
20 received and if that injury arose from a willful act of
21 violence by another State employee committed during such other
22 employee's course of employment and after January 1, 1988. The
23 term excludes death resulting from the willful misconduct or
24 intoxication of the officer, civil defense worker, civil air
25 patrol member, paramedic, fireman, chaplain, or State
26 employee. However, the burden of proof of such willful

1 misconduct or intoxication of the officer, civil defense
2 worker, civil air patrol member, paramedic, fireman, chaplain,
3 or State employee is on the Attorney General. Subject to the
4 conditions set forth in subsection (a) with respect to
5 inclusion under this Act of Department of Corrections and
6 Department of Juvenile Justice employees described in that
7 subsection, for the purposes of this Act, instances in which a
8 law enforcement officer receives an injury in the active
9 performance of duties as a law enforcement officer include but
10 are not limited to instances when:

11 (1) the injury is received as a result of a wilful act
12 of violence committed other than by the officer and a
13 relationship exists between the commission of such act and
14 the officer's performance of his duties as a law
15 enforcement officer, whether or not the injury is received
16 while the officer is on duty as a law enforcement officer;

17 (2) the injury is received by the officer while the
18 officer is attempting to prevent the commission of a
19 criminal act by another or attempting to apprehend an
20 individual the officer suspects has committed a crime,
21 whether or not the injury is received while the officer is
22 on duty as a law enforcement officer;

23 (3) the injury is received by the officer while the
24 officer is travelling to or from his employment as a law
25 enforcement officer or during any meal break, or other
26 break, which takes place during the period in which the

1 officer is on duty as a law enforcement officer.

2 In the case of an Armed Forces member, "killed in the line
3 of duty" means losing one's life while on active duty in
4 connection with the September 11, 2001 terrorist attacks on the
5 United States, Operation Enduring Freedom, or Operation Iraqi
6 Freedom.

7 (f) "Volunteer fireman" means a person having principal
8 employment other than as a fireman, but who is carried on the
9 rolls of a regularly constituted fire department either for the
10 purpose of the prevention or control of fire or the underwater
11 recovery of drowning victims, the members of which are under
12 the jurisdiction of the corporate authorities of a city,
13 village, incorporated town, or fire protection district, and
14 includes a volunteer member of a fire department organized
15 under the "General Not for Profit Corporation Act", approved
16 July 17, 1943, as now or hereafter amended, which is under
17 contract with any city, village, incorporated town, fire
18 protection district, or persons residing therein, for fire
19 fighting services. "Volunteer fireman" does not mean an
20 individual who volunteers assistance without being regularly
21 enrolled as a fireman.

22 (g) "Civil defense worker" means any person employed by the
23 State or a local governmental entity as, or otherwise serving
24 as, a member of a civil defense work force, including volunteer
25 civil defense work forces engaged in serving the public
26 interest during periods of disaster, whether natural or

1 man-made.

2 (h) "Civil air patrol member" means any person employed by
3 the State or a local governmental entity as, or otherwise
4 serving as, a member of the organization commonly known as the
5 "Civil Air Patrol", including volunteer members of the
6 organization commonly known as the "Civil Air Patrol".

7 (i) "Paramedic" means an Emergency Medical
8 Technician-Paramedic certified by the Illinois Department of
9 Public Health under the Emergency Medical Services (EMS)
10 Systems Act, and all other emergency medical personnel
11 certified by the Illinois Department of Public Health who are
12 members of an organized body or not-for-profit corporation
13 under the jurisdiction of a city, village, incorporated town,
14 fire protection district or county, that provides emergency
15 medical treatment to persons of a defined geographical area.

16 (j) "State employee" means any employee as defined in
17 Section 14-103.05 of the Illinois Pension Code, as now or
18 hereafter amended.

19 (k) "Chaplain" means an individual who:

20 (1) is a chaplain of (i) a fire department or (ii) a
21 police department or other agency consisting of law
22 enforcement officers; and

23 (2) has been designated a chaplain by (i) the fire
24 department, police department, or other agency or an
25 officer or body having jurisdiction over the department or
26 agency or (ii) a labor organization representing the

1 firemen or law enforcement officers.

2 (1) "Armed Forces member" means an Illinois resident who
3 is: a member of the Armed Forces of the United States; a member
4 of the Illinois National Guard while on active military service
5 pursuant to an order of the President of the United States; or
6 a member of any reserve component of the Armed Forces of the
7 United States while on active military service pursuant to an
8 order of the President of the United States.

9 (Source: P.A. 93-1047, eff. 10-18-04; 93-1073, eff. 1-18-05;
10 94-696, eff. 6-1-06.)

11 Section 995. No acceleration or delay. Where this Act makes
12 changes in a statute that is represented in this Act by text
13 that is not yet or no longer in effect (for example, a Section
14 represented by multiple versions), the use of that text does
15 not accelerate or delay the taking effect of (i) the changes
16 made by this Act or (ii) provisions derived from any other
17 Public Act."