



Sen. Michael Connelly

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1 AMENDMENT TO SENATE BILL 2347

2 AMENDMENT NO. _____. Amend Senate Bill 2347 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 2012 is amended by
5 changing Sections 11-6, 11-25, and 11-26 as follows:

6 (720 ILCS 5/11-6) (from Ch. 38, par. 11-6)

7 Sec. 11-6. Indecent solicitation of a child.

8 (a) A person of the age of 17 years and upwards commits
9 indecent solicitation of a child if the person, with the intent
10 that the offense of aggravated criminal sexual assault,
11 criminal sexual assault, predatory criminal sexual assault of a
12 child, or aggravated criminal sexual abuse be committed,
13 knowingly solicits a child or one whom he or she believes to be
14 a child to perform an act of sexual penetration or sexual
15 conduct as defined in Section 11-0.1 of this Code.

16 (a-5) A person of the age of 17 years and upwards commits

1 indecent solicitation of a child if the person knowingly
2 discusses an act of sexual conduct or sexual penetration with a
3 child or with one whom he or she believes to be a child by means
4 of the Internet with the intent that the offense of aggravated
5 criminal sexual assault, predatory criminal sexual assault of a
6 child, or aggravated criminal sexual abuse be committed.

7 (a-6) It is not a defense to subsection (a-5) that the
8 person did not solicit the child to perform sexual conduct or
9 sexual penetration with the person.

10 (b) Definitions. As used in this Section:

11 "Solicit" means to command, authorize, urge, incite,
12 request, or advise another to perform an act by any means
13 including, but not limited to, in person, over the phone,
14 in writing, by computer, or by advertisement of any kind.

15 "Child" means a person under 17 years of age.

16 "Internet" has the meaning set forth in Section 16-0.1
17 of this Code.

18 "Sexual penetration" or "sexual conduct" are defined
19 in Section 11-0.1 of this Code.

20 (c) Sentence. Indecent solicitation of a child under
21 subsection (a) is:

22 (1) a Class 1 felony when the act, if done, would be
23 predatory criminal sexual assault of a child or aggravated
24 criminal sexual assault;

25 (2) a Class 2 felony when the act, if done, would be
26 criminal sexual assault;

1 (3) a Class 3 felony when the act, if done, would be
2 aggravated criminal sexual abuse.

3 Indecent solicitation of a child under subsection (a-5) is
4 a Class 4 felony.

5 (d) Forfeiture of property. A person convicted under this
6 Section is subject to the property forfeiture provisions set
7 forth in Article 124B of the Code of Criminal Procedure of
8 1963.

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

10 (720 ILCS 5/11-25)

11 Sec. 11-25. Grooming.

12 (a) A person commits grooming when he or she knowingly uses
13 a computer on-line service, Internet service, local bulletin
14 board service, or any other device capable of electronic data
15 storage or transmission to seduce, solicit, lure, or entice, or
16 attempt to seduce, solicit, lure, or entice, a child, a child's
17 guardian, or another person believed by the person to be a
18 child or a child's guardian, to commit any sex offense as
19 defined in Section 2 of the Sex Offender Registration Act, to
20 distribute photographs depicting the sex organs of the child,
21 or to otherwise engage in any unlawful sexual conduct with a
22 child or with another person believed by the person to be a
23 child.

24 (b) Sentence. Grooming is a Class 4 felony.

25 (c) Forfeiture of property. A person convicted under this

1 Section is subject to the property forfeiture provisions set
2 forth in Article 124B of the Code of Criminal Procedure of
3 1963.

4 (Source: P.A. 98-919, eff. 1-1-15.)

5 (720 ILCS 5/11-26)

6 Sec. 11-26. Traveling to meet a minor.

7 (a) A person commits the offense of traveling to meet a
8 minor when he or she travels any distance either within this
9 State, to this State, or from this State by any means, attempts
10 to do so, or causes another to do so or attempt to do so for the
11 purpose of engaging in any sex offense as defined in Section 2
12 of the Sex Offender Registration Act, or to otherwise engage in
13 other unlawful sexual conduct with a child or with another
14 person believed by the person to be a child after using a
15 computer on-line service, Internet service, local bulletin
16 board service, or any other device capable of electronic data
17 storage or transmission to seduce, solicit, lure, or entice, or
18 to attempt to seduce, solicit, lure, or entice, a child or a
19 child's guardian, or another person believed by the person to
20 be a child or a child's guardian, for such purpose.

21 (b) Sentence. Traveling to meet a minor is a Class 3
22 felony.

23 (c) Forfeiture of property. A person convicted under this
24 Section is subject to the property forfeiture provisions set
25 forth in Article 124B of the Code of Criminal Procedure of

1 1963.

2 (Source: P.A. 95-901, eff. 1-1-09.)

3 Section 10. The Code of Criminal Procedure of 1963 is
4 amended by changing Sections 124B-10, 124B-100, 124B-500, and
5 124B-505 as follows:

6 (725 ILCS 5/124B-10)

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

10 (1) A violation of Section 10-9 or 10A-10 of the
11 Criminal Code of 1961 or the Criminal Code of 2012
12 (involuntary servitude; involuntary servitude of a minor;
13 or trafficking in persons).

14 (1.5) A violation of Section 11-6, 11-25, or 11-26 of
15 the Criminal Code of 2012 (indecent solicitation of a
16 child; grooming; or traveling to meet a minor).

17 (2) A violation of subdivision (a)(1) of Section
18 11-14.4 of the Criminal Code of 1961 or the Criminal Code
19 of 2012 (promoting juvenile prostitution) or a violation of
20 Section 11-17.1 of the Criminal Code of 1961 (keeping a
21 place of juvenile prostitution).

22 (3) A violation of subdivision (a)(4) of Section
23 11-14.4 of the Criminal Code of 1961 or the Criminal Code
24 of 2012 (promoting juvenile prostitution) or a violation of

1 Section 11-19.2 of the Criminal Code of 1961 (exploitation
2 of a child).

3 (4) A second or subsequent violation of Section 11-20
4 of the Criminal Code of 1961 or the Criminal Code of 2012
5 (obscenity).

6 (5) A violation of Section 11-20.1 of the Criminal Code
7 of 1961 or the Criminal Code of 2012 (child pornography).

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

10 (6.5) A violation of Section 11-23.5 of the Criminal
11 Code of 2012.

12 (7) A violation of Section 12C-65 of the Criminal Code
13 of 2012 or Article 44 of the Criminal Code of 1961
14 (unlawful transfer of a telecommunications device to a
15 minor).

16 (8) A violation of Section 17-50 or Section 16D-5 of
17 the Criminal Code of 2012 or the Criminal Code of 1961
18 (computer fraud).

19 (9) A felony violation of Section 17-6.3 or Article 17B
20 of the Criminal Code of 2012 or the Criminal Code of 1961
21 (WIC fraud).

22 (10) A felony violation of Section 48-1 of the Criminal
23 Code of 2012 or Section 26-5 of the Criminal Code of 1961
24 (dog fighting).

25 (11) A violation of Article 29D of the Criminal Code of
26 1961 or the Criminal Code of 2012 (terrorism).

1 (12) A felony violation of Section 4.01 of the Humane
2 Care for Animals Act (animals in entertainment).
3 (Source: P.A. 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13;
4 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-1138, eff.
5 6-1-15.)

6 (725 ILCS 5/124B-100)
7 Sec. 124B-100. Definition; "offense". For purposes of this
8 Article, "offense" is defined as follows:

9 (1) In the case of forfeiture authorized under Section
10 10A-15 of the Criminal Code of 1961 or Section 10-9 of the
11 Criminal Code of 2012, "offense" means the offense of
12 involuntary servitude, involuntary servitude of a minor,
13 or trafficking in persons in violation of Section 10-9 or
14 10A-10 of those Codes.

15 (1.5) In the case of forfeiture authorized under
16 Section 11-6, 11-25, or 11-26 of the Criminal Code of 2012,
17 "offense" means the offense of indecent solicitation of a
18 child, grooming, or traveling to meet a minor in violation
19 of Section 11-6, 11-25, or 11-26 of that Code.

20 (2) In the case of forfeiture authorized under
21 subdivision (a) (1) of Section 11-14.4, or Section 11-17.1,
22 of the Criminal Code of 1961 or the Criminal Code of 2012,
23 "offense" means the offense of promoting juvenile
24 prostitution or keeping a place of juvenile prostitution in
25 violation of subdivision (a) (1) of Section 11-14.4, or

1 Section 11-17.1, of those Codes.

2 (3) In the case of forfeiture authorized under
3 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,
4 of the Criminal Code of 1961 or the Criminal Code of 2012,
5 "offense" means the offense of promoting juvenile
6 prostitution or exploitation of a child in violation of
7 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,
8 of those Codes.

9 (4) In the case of forfeiture authorized under Section
10 11-20 of the Criminal Code of 1961 or the Criminal Code of
11 2012, "offense" means the offense of obscenity in violation
12 of that Section.

13 (5) In the case of forfeiture authorized under Section
14 11-20.1 of the Criminal Code of 1961 or the Criminal Code
15 of 2012, "offense" means the offense of child pornography
16 in violation of Section 11-20.1 of that Code.

17 (6) In the case of forfeiture authorized under Section
18 11-20.1B or 11-20.3 of the Criminal Code of 1961, "offense"
19 means the offense of aggravated child pornography in
20 violation of Section 11-20.1B or 11-20.3 of that Code.

21 (7) In the case of forfeiture authorized under Section
22 12C-65 of the Criminal Code of 2012 or Article 44 of the
23 Criminal Code of 1961, "offense" means the offense of
24 unlawful transfer of a telecommunications device to a minor
25 in violation of Section 12C-65 or Article 44 of those
26 Codes.

1 (8) In the case of forfeiture authorized under Section
2 17-50 or 16D-5 of the Criminal Code of 1961 or the Criminal
3 Code of 2012, "offense" means the offense of computer fraud
4 in violation of Section 17-50 or 16D-5 of those Codes.

5 (9) In the case of forfeiture authorized under Section
6 17-6.3 or Article 17B of the Criminal Code of 1961 or the
7 Criminal Code of 2012, "offense" means any felony violation
8 of Section 17-6.3 or Article 17B of those Codes.

9 (10) In the case of forfeiture authorized under Section
10 29D-65 of the Criminal Code of 1961 or the Criminal Code of
11 2012, "offense" means any offense under Article 29D of that
12 Code.

13 (11) In the case of forfeiture authorized under Section
14 4.01 of the Humane Care for Animals Act, Section 26-5 of
15 the Criminal Code of 1961, or Section 48-1 of the Criminal
16 Code of 2012, "offense" means any felony offense under
17 either of those Sections.

18 (12) In the case of forfeiture authorized under Section
19 124B-1000(b) of the Code of Criminal Procedure of 1963,
20 "offense" means an offense in violation of the Criminal
21 Code of 1961, the Criminal Code of 2012, the Illinois
22 Controlled Substances Act, the Cannabis Control Act, or the
23 Methamphetamine Control and Community Protection Act, or
24 an offense involving a telecommunications device possessed
25 by a person on the real property of any elementary or
26 secondary school without authority of the school

1 principal.

2 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;
3 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
4 1-1-13; 97-1150, eff. 1-25-13.)

5 (725 ILCS 5/124B-500)

6 Sec. 124B-500. Persons and property subject to forfeiture.
7 A person who commits child pornography, aggravated child
8 pornography, or non-consensual dissemination of private sexual
9 images under Section 11-20.1, 11-20.1B, 11-20.3, or 11-23.5 of
10 the Criminal Code of 1961 or the Criminal Code of 2012, or
11 indecent solicitation of a child, grooming, or traveling to
12 meet a minor under Section 11-6, 11-25, or 11-26 of the
13 Criminal Code of 2012, shall forfeit the following property to
14 the State of Illinois:

15 (1) Any profits or proceeds and any property the person
16 has acquired or maintained in violation of Section 11-20.1,
17 11-20.1B, 11-20.3, or 11-23.5 of the Criminal Code of 1961
18 or the Criminal Code of 2012 that the sentencing court
19 determines, after a forfeiture hearing under this Article,
20 to have been acquired or maintained as a result of child
21 pornography, aggravated child pornography, or
22 non-consensual dissemination of private sexual images.

23 (2) Any interest in, securities of, claim against, or
24 property or contractual right of any kind affording a
25 source of influence over any enterprise that the person has

1 established, operated, controlled, or conducted in
2 violation of Section 11-20.1, 11-20.1B, 11-20.3, or
3 11-23.5 of the Criminal Code of 1961 or the Criminal Code
4 of 2012 that the sentencing court determines, after a
5 forfeiture hearing under this Article, to have been
6 acquired or maintained as a result of child pornography,
7 aggravated child pornography, or non-consensual
8 dissemination of private sexual images.

9 (3) Any computer that contains a depiction of child
10 pornography in any encoded or decoded format in violation
11 of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal
12 Code of 1961 or the Criminal Code of 2012. For purposes of
13 this paragraph (3), "computer" has the meaning ascribed to
14 it in Section 17-0.5 of the Criminal Code of 2012.

15 (Source: P.A. 97-1150, eff. 1-25-13; 98-1013, eff. 1-1-15;
16 98-1138, eff. 6-1-15.)

17 (725 ILCS 5/124B-505)

18 Sec. 124B-505. Distribution of property and sale proceeds.

19 (a) All moneys and the sale proceeds of all other property
20 forfeited and seized under this Part 500 shall be distributed
21 as follows:

22 (1) One-half shall be divided equally between all State
23 agencies and units of local government whose officers or
24 employees conducted the investigation that resulted in the
25 forfeiture.

1 (2) One-half shall be deposited into the Violent Crime
2 Victims Assistance Fund.

3 (b) Before any distribution under subsection (a), the
4 Attorney General or State's Attorney shall retain from the
5 forfeited moneys or sale proceeds, or both, sufficient moneys
6 to cover expenses related to the administration and sale of the
7 forfeited property.

8 (c) Before any distribution under subsection (a), a law
9 enforcement agency shall retain from the forfeited money,
10 property, or sale proceeds, any computer or monies to support
11 the training and equipment needs of the agency's child
12 exploitation unit and to further future investigations. The
13 computer may also be recommissioned for official use by the
14 agency or destroyed. A computer subject to seizure and
15 forfeiture under paragraph (3) of Section 124B-500 of this Code
16 shall not be returned to the defendant or his or her designee.

17 (Source: P.A. 96-712, eff. 1-1-10.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."