

1 AN ACT in relation to criminal law.

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

4 Section 5. The Sex Offender Management Board Act is
5 amended by changing Section 10 as follows:

6 (20 ILCS 4026/10)

7 Sec. 10. Definitions. In this Act, unless the context
8 otherwise requires:

9 (a) "Board" means the Sex Offender Management Board
10 created in Section 15.

11 (b) "Sex offender" means any person who is convicted or
12 found delinquent in the State of Illinois, or under any
13 substantially similar federal law or law of another state, of
14 any sex offense or attempt of a sex offense as defined in
15 subsection (c) of this Section, or any former statute of this
16 State that defined a felony sex offense, or who has been
17 certified as a sexually dangerous person under the Sexually
18 Dangerous Persons Act or declared a sexually violent person
19 under the Sexually Violent Persons Commitment Act, or any
20 substantially similar federal law or law of another state.

21 (c) "Sex offense" means any felony or misdemeanor
22 offense described in this subsection (c) as follows:

23 (1) Indecent solicitation of a child, in violation
24 of Section 11-6 of the Criminal Code of 1961;

25 (2) Indecent solicitation of an adult, in violation
26 of Section 11-6.5 of the Criminal Code of 1961;

27 (3) Public indecency, in violation of Section 11-9
28 of the Criminal Code of 1961;

29 (4) Sexual exploitation of a child, in violation of
30 Section 11-9.1 of the Criminal Code of 1961;

31 (5) Sexual relations within families, in violation

1 of Section 11-11 of the Criminal Code of 1961;

2 (6) Soliciting for a juvenile prostitute, in
3 violation of Section 11-15.1 of the Criminal Code of
4 1961;

5 (7) Keeping a place of juvenile prostitution, in
6 violation of Section 11-17.1 of the Criminal Code of
7 1961;

8 (8) Patronizing a juvenile prostitute, in violation
9 of Section 11-18.1 of the Criminal Code of 1961;

10 (9) Juvenile pimping, in violation of Section
11 11-19.1 of the Criminal Code of 1961;

12 (10) Exploitation of a child, in violation of
13 Section 11-19.2 of the Criminal Code of 1961;

14 (11) Child pornography, in violation of Section
15 11-20.1 of the Criminal Code of 1961;

16 (12) Harmful material for a child, in violation of
17 Section 11-21 of the Criminal Code of 1961;

18 (13) Criminal sexual assault, in violation of
19 Section 12-13 of the Criminal Code of 1961;

20 (14) Aggravated criminal sexual assault, in
21 violation of Section 12-14 of the Criminal Code of 1961;

22 (15) Predatory criminal sexual assault of a child,
23 in violation of Section 12-14.1 of the Criminal Code of
24 1961;

25 (16) Criminal sexual abuse, in violation of Section
26 12-15 of the Criminal Code of 1961;

27 (17) Aggravated criminal sexual abuse, in violation
28 of Section 12-16 of the Criminal Code of 1961;

29 (18) Ritualized abuse of a child, in violation of
30 Section 12-33 of the Criminal Code of 1961;

31 (19) An attempt to commit any of the offenses
32 enumerated in this subsection (c).

33 (d) "Management" means counseling, monitoring, and
34 supervision of any sex offender that conforms to the

1 standards created by the Board under Section 15.
2 (Source: P.A. 90-133, eff. 7-22-97; 90-793, eff. 8-14-98.)

3 Section 10. The Criminal Code of 1961 is amended by
4 changing Sections 10-7, 11-9.3, 11-9.4, 11-20.1, and 11-21
5 and adding Sections 11-6.1 and 11-24 as follows:

6 (720 ILCS 5/10-7) (from Ch. 38, par. 10-7)

7 Sec. 10-7. Aiding and abetting child abduction or
8 illegal solicitation of a child. (a) A person violates this
9 Section when:

10 (i) Before or during the commission of a child abduction
11 as defined in Section 10-5 or illegal solicitation of a child
12 as defined in Section 11-6.1 and with the intent to promote
13 or facilitate such offense, he or she intentionally aids or
14 abets another in the planning or commission of child
15 abduction or illegal solicitation of a child, unless before
16 the commission of the offense he or she makes proper effort
17 to prevent the commission of the offense; or

18 (ii) With the intent to prevent the apprehension of a
19 person known to have committed the offense of child abduction
20 or illegal solicitation of a child, or with the intent to
21 obstruct or prevent efforts to locate the child victim of a
22 child abduction or illegal solicitation of a child, he or she
23 knowingly destroys, alters, conceals or disguises physical
24 evidence or furnishes false information.

25 (b) Sentence. A person who violates this Section commits
26 a Class 4 felony.

27 (Source: P.A. 84-1308.)

28 (720 ILCS 5/11-6.1 new)

29 Sec. 11-6.1. Illegal solicitation of a child.

30 (a) In this Section:

31 "Child" means a person under 18 years of age.

1 "Contacts or communicates with" includes direct and
2 indirect contact or communication, by any means, including in
3 person or through an agent or agency, and includes the use of
4 any print medium, the mails, a common carrier or
5 communication common carrier, any electronic communications
6 system, and any telecommunications, wire, computer, or radio
7 communications device or system.

8 "Detains" means taking or retaining physical custody of a
9 child, whether or not the child resists or objects.

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

15 (b) A person commits the offense of illegal solicitation
16 of a child when he or she:

17 (1) intentionally solicits, lures, or attempts to
18 solicit or lure a child to any location without the
19 consent of the parent or lawful custodian of the child
20 for other than a lawful purpose; or

21 (2) intentionally contacts or communicates with, or
22 attempts to contact or communicate with, any child, with
23 belief or knowledge or reason to know the person is a
24 child, for the purpose of or with intent to engage in any
25 unlawful act upon or with any child, including aggravated
26 battery of a child, criminal sexual assault, aggravated
27 criminal sexual assault, predatory criminal sexual
28 assault of a child, criminal sexual abuse, aggravated
29 criminal sexual abuse, child pornography, a crime of
30 violence or theft, or any unlawful interference with
31 custody or control over a child, or any other act for
32 which any person can be charged with a criminal offense
33 under a state or federal law.

34 (c) It is not a defense to a violation of this Section

1 that the person solicited or lured is a peace officer whom
2 the defendant reasonably believes to be a child.

3 (d) For the purposes of this Section, the solicitation
4 or luring or attempted solicitation or luring of a child to
5 any location without the consent of the parent or lawful
6 custodian of the child is prima facie evidence of other than
7 a lawful purpose.

8 (e) Sentence. A person convicted of illegal solicitation
9 of a child is guilty of a Class 4 felony. A person convicted
10 of a second or subsequent violation of this Section is guilty
11 of a Class 3 felony. It is a factor in aggravation for which
12 a court may impose a more severe sentence under Section 5-8-1
13 of the Unified Code of Corrections if, upon sentencing, the
14 court finds evidence of any of the following aggravating
15 factors:

16 (1) that the defendant abused or neglected the child
17 following the concealment, detention, or removal of the
18 child; or

19 (2) that the defendant has previously been
20 convicted of illegal solicitation of a child or a sex
21 offense as defined in clause (c)(2), (c)(2.5), or (c)(3)
22 of Section 11-9.3; or

23 (3) that the defendant committed the offense while
24 armed with a deadly weapon or the taking of the child
25 resulted in serious bodily injury to another; or

26 (4) that the defendant committed the offense while
27 in a school, regardless of the time of day or time of
28 year; in a playground; on any conveyance owned, leased,
29 or contracted by a school to transport students to or
30 from school or a school related activity; on the real
31 property of a school; or on a public way within 1,000
32 feet of the real property comprising any school or
33 playground. For purposes of this paragraph (4),
34 "playground" means a piece of land owned or controlled by

1 a unit of local government that is designated by the unit
 2 of local government for use solely or primarily for
 3 children's recreation; and "school" means a public or
 4 private elementary or secondary school, community
 5 college, college, or university.

6 (720 ILCS 5/11-9.3)

7 Sec. 11-9.3. Presence within school zone by child sex
 8 offenders prohibited.

9 (a) It is unlawful for a child sex offender to knowingly
 10 be present in any school building, on real property
 11 comprising any school, or in any conveyance owned, leased, or
 12 contracted by a school to transport students to or from
 13 school or a school related activity when persons under the
 14 age of 18 are present in the building, on the grounds or in
 15 the conveyance, unless the offender is a parent or guardian
 16 of a student present in the building, on the grounds or in
 17 the conveyance or unless the offender has permission to be
 18 present from the superintendent or the school board or in the
 19 case of a private school from the principal. In the case of
 20 a public school, if permission is granted, the superintendent
 21 or school board president must inform the principal of the
 22 school where the sex offender will be present. Notification
 23 includes the nature of the sex offender's visit and the hours
 24 in which the sex offender will be present in the school. The
 25 sex offender is responsible for notifying the principal's
 26 office when he or she arrives on school property and when he
 27 or she departs from school property. If the sex offender is
 28 to be present in the vicinity of children, the sex offender
 29 has the duty to remain under the direct supervision of a
 30 school official. A child sex offender who violates this
 31 provision is guilty of a Class 4 felony.

32 (1) (Blank; or)

33 (2) (Blank.)

1 (b) It is unlawful for a child sex offender to knowingly
2 loiter on a public way within 500 feet of a school building
3 or real property comprising any school while persons under
4 the age of 18 are present in the building or on the grounds,
5 unless the offender is a parent or guardian of a student
6 present in the building or on the grounds or has permission
7 to be present from the superintendent or the school board or
8 in the case of a private school from the principal. In the
9 case of a public school, if permission is granted, the
10 superintendent or school board president must inform the
11 principal of the school where the sex offender will be
12 present. Notification includes the nature of the sex
13 offender's visit and the hours in which the sex offender will
14 be present in the school. The sex offender is responsible
15 for notifying the principal's office when he or she arrives
16 on school property and when he or she departs from school
17 property. If the sex offender is to be present in the
18 vicinity of children, the sex offender has the duty to remain
19 under the direct supervision of a school official. A child
20 sex offender who violates this provision is guilty of a Class
21 4 felony.

22 (1) (Blank; or)

23 (2) (Blank.)

24 (b-5) It is unlawful for a child sex offender to
25 knowingly reside within 500 feet of a school building or the
26 real property comprising any school that persons under the
27 age of 18 attend. Nothing in this subsection (b-5) prohibits
28 a child sex offender from residing within 500 feet of a
29 school building or the real property comprising any school
30 that persons under 18 attend if the property is owned by the
31 child sex offender and was purchased before the effective
32 date of this amendatory Act of the 91st General Assembly.

33 (c) Definitions. In this Section:

34 (1) "Child sex offender" means any person who:

1 (i) has been charged under Illinois law, or
2 any substantially similar federal law or law of
3 another state, with a sex offense set forth in
4 paragraph (2) of this subsection (c) or the attempt
5 to commit an included sex offense, and:

6 (A) is convicted of such offense or an
7 attempt to commit such offense; or

8 (B) is found not guilty by reason of
9 insanity of such offense or an attempt to
10 commit such offense; or

11 (C) is found not guilty by reason of
12 insanity pursuant to subsection (c) of Section
13 104-25 of the Code of Criminal Procedure of
14 1963 of such offense or an attempt to commit
15 such offense; or

16 (D) is the subject of a finding not
17 resulting in an acquittal at a hearing
18 conducted pursuant to subsection (a) of Section
19 104-25 of the Code of Criminal Procedure of
20 1963 for the alleged commission or attempted
21 commission of such offense; or

22 (E) is found not guilty by reason of
23 insanity following a hearing conducted pursuant
24 to a federal law or the law of another state
25 substantially similar to subsection (c) of
26 Section 104-25 of the Code of Criminal
27 Procedure of 1963 of such offense or of the
28 attempted commission of such offense; or

29 (F) is the subject of a finding not
30 resulting in an acquittal at a hearing
31 conducted pursuant to a federal law or the law
32 of another state substantially similar to
33 subsection (a) of Section 104-25 of the Code of
34 Criminal Procedure of 1963 for the alleged

1 violation or attempted commission of such
2 offense; or

3 (ii) is certified as a sexually dangerous
4 person pursuant to the Illinois Sexually Dangerous
5 Persons Act, or any substantially similar federal
6 law or the law of another state, when any conduct
7 giving rise to such certification is committed or
8 attempted against a person less than 18 years of
9 age; or

10 (iii) is subject to the provisions of Section
11 2 of the Interstate Agreements on Sexually Dangerous
12 Persons Act.

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

19 (2) Except as otherwise provided in paragraph
20 (2.5), "sex offense" means:

21 (i) A violation of any of the following
22 Sections of the Criminal Code of 1961: 10-7 (aiding
23 and abetting child abduction under Section
24 10-5(b)(10) or aiding and abetting illegal
25 solicitation of a child under Section 11-6.1),
26 10-5(b)(10) (child luring), 11-6 (indecent
27 solicitation of a child), 11-6.1 (illegal
28 solicitation of a child), 11-6.5 (indecent
29 solicitation of an adult), 11-9 (public indecency
30 when committed in a school, on the real property
31 comprising a school, or on a conveyance, owned,
32 leased, or contracted by a school to transport
33 students to or from school or a school related
34 activity), 11-9.1 (sexual exploitation of a child),

1 11-15.1 (soliciting for a juvenile prostitute),
2 11-17.1 (keeping a place of juvenile prostitution),
3 11-18.1 (patronizing a juvenile prostitute), 11-19.1
4 (juvenile pimping), 11-19.2 (exploitation of a
5 child), 11-20.1 (child pornography), 11-21 (harmful
6 material for a child), 12-14.1 (predatory criminal
7 sexual assault of a child), 12-33 (ritualized abuse
8 of a child), 11-20 (obscenity) (when that offense
9 was committed in any school, on real property
10 comprising any school, in any conveyance owned,
11 leased, or contracted by a school to transport
12 students to or from school or a school related
13 activity). An attempt to commit any of these
14 offenses.

15 (ii) A violation of any of the following
16 Sections of the Criminal Code of 1961, when the
17 victim is a person under 18 years of age: 12-13
18 (criminal sexual assault), 12-14 (aggravated
19 criminal sexual assault), 12-15 (criminal sexual
20 abuse), 12-16 (aggravated criminal sexual abuse).
21 An attempt to commit any of these offenses.

22 (iii) A violation of any of the following
23 Sections of the Criminal Code of 1961, when the
24 victim is a person under 18 years of age and the
25 defendant is not a parent of the victim:

26 10-1 (kidnapping),
27 10-2 (aggravated kidnapping),
28 10-3 (unlawful restraint),
29 10-3.1 (aggravated unlawful restraint).

30 An attempt to commit any of these offenses.

31 (iv) A violation of any former law of this
32 State substantially equivalent to any offense listed
33 in clause (2)(i) of subsection (c) of this Section.

34 (2.5) For the purposes of subsection (b-5) only, a

1 sex offense means:

2 (i) A violation of any of the following
3 Sections of the Criminal Code of 1961:

4 10-5(b)(10) (child luring), 10-7 (aiding
5 and abetting child abduction under Section
6 10-5(b)(10) or aiding and abetting illegal
7 solicitation of a child under Section 11-6.1)),
8 11-6 (indecent solicitation of a child), 11-6.1
9 (illegal solicitation of a child), 11-6.5
10 (indecent solicitation of an adult), 11-15.1
11 (soliciting for a juvenile prostitute), 11-17.1
12 (keeping a place of juvenile prostitution),
13 11-18.1 (patronizing a juvenile prostitute),
14 11-19.1 (juvenile pimping), 11-19.2
15 (exploitation of a child), 11-20.1 (child
16 pornography), 12-14.1 (predatory criminal
17 sexual assault of a child), or 12-33
18 (ritualized abuse of a child). An attempt to
19 commit any of these offenses.

20 (ii) A violation of any of the following
21 Sections of the Criminal Code of 1961, when the
22 victim is a person under 18 years of age: 12-13
23 (criminal sexual assault), 12-14 (aggravated
24 criminal sexual assault), 12-16 (aggravated criminal
25 sexual abuse), and subsection (a) of Section 12-15
26 (criminal sexual abuse). An attempt to commit any
27 of these offenses.

28 (iii) A violation of any of the following
29 Sections of the Criminal Code of 1961, when the
30 victim is a person under 18 years of age and the
31 defendant is not a parent of the victim:

32 10-1 (kidnapping),
33 10-2 (aggravated kidnapping),
34 10-3 (unlawful restraint),

1 10-3.1 (aggravated unlawful restraint).

2 An attempt to commit any of these offenses.

3 (iv) A violation of any former law of this
4 State substantially equivalent to any offense listed
5 in this paragraph (2.5) of this subsection.

6 (3) A conviction for an offense of federal law or
7 the law of another state that is substantially equivalent
8 to any offense listed in paragraph (2) of subsection (c)
9 of this Section shall constitute a conviction for the
10 purpose of this Article. A finding or adjudication as a
11 sexually dangerous person under any federal law or law of
12 another state that is substantially equivalent to the
13 Sexually Dangerous Persons Act shall constitute an
14 adjudication for the purposes of this Section.

15 (4) "School" means a public or private pre-school,
16 elementary, or secondary school.

17 (5) "Loiter" means:

18 (i) Standing, sitting idly, whether or not the
19 person is in a vehicle or remaining in or around
20 school property.

21 (ii) Standing, sitting idly, whether or not
22 the person is in a vehicle or remaining in or around
23 school property, for the purpose of committing or
24 attempting to commit a sex offense.

25 (6) "School official" means the principal, a
26 teacher, or any other certified employee of the school,
27 the superintendent of schools or a member of the school
28 board.

29 (d) Sentence. A person who violates this Section is
30 guilty of a Class 4 felony.

31 (Source: P.A. 90-234, eff. 1-1-98; 90-655, eff. 7-30-98;
32 91-356, eff. 1-1-00; 91-911, eff. 7-7-00.)

33 (720 ILCS 5/11-9.4)

1 Sec. 11-9.4. Approaching, contacting, residing, or
2 communicating with a child within public park zone by child
3 sex offenders prohibited.

4 (a) It is unlawful for a child sex offender to knowingly
5 be present in any public park building or on real property
6 comprising any public park when persons under the age of 18
7 are present in the building or on the grounds and to
8 approach, contact, or communicate with a child under 18 years
9 of age, unless the offender is a parent or guardian of a
10 person under 18 years of age present in the building or on
11 the grounds.

12 (b) It is unlawful for a child sex offender to knowingly
13 loiter on a public way within 500 feet of a public park
14 building or real property comprising any public park while
15 persons under the age of 18 are present in the building or on
16 the grounds and to approach, contact, or communicate with a
17 child under 18 years of age, unless the offender is a parent
18 or guardian of a person under 18 years of age present in the
19 building or on the grounds.

20 (b-5) It is unlawful for a child sex offender to
21 knowingly reside within 500 feet of a playground or a
22 facility providing programs or services exclusively directed
23 toward persons under 18 years of age. Nothing in this
24 subsection (b-5) prohibits a child sex offender from residing
25 within 500 feet of a playground or a facility providing
26 programs or services exclusively directed toward persons
27 under 18 years of age if the property is owned by the child
28 sex offender and was purchased before the effective date of
29 this amendatory Act of the 91st General Assembly.

30 (c) It is unlawful for a child sex offender to knowingly
31 operate, manage, be employed by, volunteer at, be associated
32 with, or knowingly be present at any facility providing
33 programs or services exclusively directed towards persons
34 under the age of 18. This does not prohibit a child sex

1 offender from owning the real property upon which the
2 programs or services are offered, provided the child sex
3 offender refrains from being present on the premises for the
4 hours during which the programs or services are being
5 offered.

6 (d) Definitions. In this Section:

7 (1) "Child sex offender" means any person who:

8 (i) has been charged under Illinois law, or
9 any substantially similar federal law or law of
10 another state, with a sex offense set forth in
11 paragraph (2) of this subsection (d) or the attempt
12 to commit an included sex offense, and:

13 (A) is convicted of such offense or an
14 attempt to commit such offense; or

15 (B) is found not guilty by reason of
16 insanity of such offense or an attempt to
17 commit such offense; or

18 (C) is found not guilty by reason of
19 insanity pursuant to subsection (c) of Section
20 104-25 of the Code of Criminal Procedure of
21 1963 of such offense or an attempt to commit
22 such offense; or

23 (D) is the subject of a finding not
24 resulting in an acquittal at a hearing
25 conducted pursuant to subsection (a) of Section
26 104-25 of the Code of Criminal Procedure of
27 1963 for the alleged commission or attempted
28 commission of such offense; or

29 (E) is found not guilty by reason of
30 insanity following a hearing conducted pursuant
31 to a federal law or the law of another state
32 substantially similar to subsection (c) of
33 Section 104-25 of the Code of Criminal
34 Procedure of 1963 of such offense or of the

1 attempted commission of such offense; or

2 (F) is the subject of a finding not
3 resulting in an acquittal at a hearing
4 conducted pursuant to a federal law or the law
5 of another state substantially similar to
6 subsection (a) of Section 104-25 of the Code of
7 Criminal Procedure of 1963 for the alleged
8 violation or attempted commission of such
9 offense; or

10 (ii) is certified as a sexually dangerous
11 person pursuant to the Illinois Sexually Dangerous
12 Persons Act, or any substantially similar federal
13 law or the law of another state, when any conduct
14 giving rise to such certification is committed or
15 attempted against a person less than 18 years of
16 age; or

17 (iii) is subject to the provisions of Section
18 2 of the Interstate Agreements on Sexually Dangerous
19 Persons Act.

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

26 (2) Except as otherwise provided in paragraph
27 (2.5), "sex offense" means:

28 (i) A violation of any of the following
29 Sections of the Criminal Code of 1961: 10-7 (aiding
30 and abetting child abduction under Section
31 10-5(b)(10) or aiding and abetting illegal
32 solicitation of a child under Section 11-6.1),
33 10-5(b)(10) (child luring), 11-6 (indecent
34 solicitation of a child), 11-6.1 (illegal

1 solicitation of a child), 11-6.5 (indecent
2 solicitation of an adult), 11-9 (public indecency
3 when committed in a school, on the real property
4 comprising a school, on a conveyance owned, leased,
5 or contracted by a school to transport students to
6 or from school or a school related activity, or in a
7 public park), 11-9.1 (sexual exploitation of a
8 child), 11-15.1 (soliciting for a juvenile
9 prostitute), 11-17.1 (keeping a place of juvenile
10 prostitution), 11-18.1 (patronizing a juvenile
11 prostitute), 11-19.1 (juvenile pimping), 11-19.2
12 (exploitation of a child), 11-20.1 (child
13 pornography), 11-21 (harmful material for a child),
14 12-14.1 (predatory criminal sexual assault of a
15 child), 12-33 (ritualized abuse of a child), 11-20
16 (obscurity) (when that offense was committed in any
17 school, on real property comprising any school, on
18 any conveyance owned, leased, or contracted by a
19 school to transport students to or from school or a
20 school related activity, or in a public park). An
21 attempt to commit any of these offenses.

22 (ii) A violation of any of the following
23 Sections of the Criminal Code of 1961, when the
24 victim is a person under 18 years of age: 12-13
25 (criminal sexual assault), 12-14 (aggravated
26 criminal sexual assault), 12-15 (criminal sexual
27 abuse), 12-16 (aggravated criminal sexual abuse).
28 An attempt to commit any of these offenses.

29 (iii) A violation of any of the following
30 Sections of the Criminal Code of 1961, when the
31 victim is a person under 18 years of age and the
32 defendant is not a parent of the victim:

33 10-1 (kidnapping),
34 10-2 (aggravated kidnapping),

1 10-3 (unlawful restraint),

2 10-3.1 (aggravated unlawful restraint).

3 An attempt to commit any of these offenses.

4 (iv) A violation of any former law of this
5 State substantially equivalent to any offense listed
6 in clause (2)(i) of this subsection (d).

7 (2.5) For the purposes of subsection (b-5) only, a
8 sex offense means:

9 (i) A violation of any of the following
10 Sections of the Criminal Code of 1961:

11 10-5(b)(10) (child luring), 10-7 (aiding
12 and abetting child abduction under Section
13 10-5(b)(10) or aiding and abetting illegal
14 solicitation of a child under Section 11-6.1),
15 11-6 (indecent solicitation of a child), 11-6.1
16 (illegal solicitation of a child), 11-6.5
17 (indecent solicitation of an adult), 11-15.1
18 (soliciting for a juvenile prostitute), 11-17.1
19 (keeping a place of juvenile prostitution),
20 11-18.1 (patronizing a juvenile prostitute),
21 11-19.1 (juvenile pimping), 11-19.2
22 (exploitation of a child), 11-20.1 (child
23 pornography), 12-14.1 (predatory criminal
24 sexual assault of a child), or 12-33
25 (ritualized abuse of a child). An attempt to
26 commit any of these offenses.

27 (ii) A violation of any of the following
28 Sections of the Criminal Code of 1961, when the
29 victim is a person under 18 years of age: 12-13
30 (criminal sexual assault), 12-14 (aggravated
31 criminal sexual assault), 12-16 (aggravated criminal
32 sexual abuse), and subsection (a) of Section 12-15
33 (criminal sexual abuse). An attempt to commit any
34 of these offenses.

1 (iii) A violation of any of the following
2 Sections of the Criminal Code of 1961, when the
3 victim is a person under 18 years of age and the
4 defendant is not a parent of the victim:

5 10-1 (kidnapping),

6 10-2 (aggravated kidnapping),

7 10-3 (unlawful restraint),

8 10-3.1 (aggravated unlawful restraint).

9 An attempt to commit any of these offenses.

10 (iv) A violation of any former law of this
11 State substantially equivalent to any offense listed
12 in this paragraph (2.5) of this subsection.

13 (3) A conviction for an offense of federal law or
14 the law of another state that is substantially equivalent
15 to any offense listed in paragraph (2) of this
16 subsection (d) shall constitute a conviction for the
17 purpose of this Section. A finding or adjudication as a
18 sexually dangerous person under any federal law or law of
19 another state that is substantially equivalent to the
20 Sexually Dangerous Persons Act shall constitute an
21 adjudication for the purposes of this Section.

22 (4) "Public park" includes a park, forest preserve,
23 or conservation area under the jurisdiction of the State
24 or a unit of local government.

25 (5) "Facility providing programs or services
26 directed towards persons under the age of 18" means any
27 facility providing programs or services exclusively
28 directed towards persons under the age of 18.

29 (6) "Loiter" means:

30 (i) Standing, sitting idly, whether or not the
31 person is in a vehicle or remaining in or around
32 public park property.

33 (ii) Standing, sitting idly, whether or not
34 the person is in a vehicle or remaining in or around

1 public park property, for the purpose of committing
2 or attempting to commit a sex offense.

3 (7) "Playground" means a piece of land owned or
4 controlled by a unit of local government that is
5 designated by the unit of local government for use solely
6 or primarily for children's recreation.

7 (e) Sentence. A person who violates this Section is
8 guilty of a Class 4 felony.

9 (Source: P.A. 91-458, eff. 1-1-00; 91-911, eff. 7-7-00.)

10 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

11 Sec. 11-20.1. Child pornography.

12 (a) A person commits the offense of child pornography
13 who:

14 (1) films, videotapes, photographs, or otherwise
15 depicts or portrays by means of any similar visual medium
16 or reproduction or depicts by computer any child whom he
17 knows or reasonably should know to be under the age of 18
18 or any severely or profoundly mentally retarded person
19 where such child or severely or profoundly mentally
20 retarded person is:

21 (i) actually or by simulation engaged in any
22 act of sexual intercourse with any person or animal;
23 or

24 (ii) actually or by simulation engaged in any
25 act of sexual contact involving the sex organs of
26 the child or severely or profoundly mentally
27 retarded person and the mouth, anus, or sex organs
28 of another person or animal; or which involves the
29 mouth, anus or sex organs of the child or severely
30 or profoundly mentally retarded person and the sex
31 organs of another person or animal; or

32 (iii) actually or by simulation engaged in any
33 act of masturbation; or

1 (iv) actually or by simulation portrayed as
2 being the object of, or otherwise engaged in, any
3 act of lewd fondling, touching, or caressing
4 involving another person or animal; or

5 (v) actually or by simulation engaged in any
6 act of excretion or urination within a sexual
7 context; or

8 (vi) actually or by simulation portrayed or
9 depicted as bound, fettered, or subject to sadistic,
10 masochistic, or sadomasochistic abuse in any sexual
11 context; or

12 (vii) depicted or portrayed in any pose,
13 posture or setting involving a lewd exhibition of
14 the unclothed genitals, pubic area, buttocks, or, if
15 such person is female, a fully or partially
16 developed breast of the child or other person; or

17 (2) with the knowledge of the nature or content
18 thereof, reproduces, disseminates, offers to disseminate,
19 exhibits or possesses with intent to disseminate any
20 film, videotape, photograph or other similar visual
21 reproduction or depiction by computer of any child or
22 severely or profoundly mentally retarded person whom the
23 person knows or reasonably should know to be under the
24 age of 18 or to be a severely or profoundly mentally
25 retarded person, engaged in any activity described in
26 subparagraphs (i) through (vii) of paragraph (1) of this
27 subsection; or

28 (3) with knowledge of the subject matter or theme
29 thereof, produces any stage play, live performance, film,
30 videotape or other similar visual portrayal or depiction
31 by computer which includes a child whom the person knows
32 or reasonably should know to be under the age of 18 or a
33 severely or profoundly mentally retarded person engaged
34 in any activity described in subparagraphs (i) through

1 (vii) of paragraph (1) of this subsection; or

2 (4) solicits, uses, persuades, induces, entices, or
3 coerces any child whom he knows or reasonably should know
4 to be under the age of 18 or a severely or profoundly
5 mentally retarded person to appear in any stage play,
6 live presentation, film, videotape, photograph or other
7 similar visual reproduction or depiction by computer in
8 which the child or severely or profoundly mentally
9 retarded person is or will be depicted, actually or by
10 simulation, in any act, pose or setting described in
11 subparagraphs (i) through (vii) of paragraph (1) of this
12 subsection; or

13 (5) is a parent, step-parent, legal guardian or
14 other person having care or custody of a child whom the
15 person knows or reasonably should know to be under the
16 age of 18 or a severely or profoundly mentally retarded
17 person and who knowingly permits, induces, promotes, or
18 arranges for such child or severely or profoundly
19 mentally retarded person to appear in any stage play,
20 live performance, film, videotape, photograph or other
21 similar visual presentation, portrayal or simulation or
22 depiction by computer of any act or activity described in
23 subparagraphs (i) through (vii) of paragraph (1) of this
24 subsection; or

25 (6) with knowledge of the nature or content
26 thereof, possesses any film, videotape, photograph or
27 other similar visual reproduction or depiction by
28 computer of any child or severely or profoundly mentally
29 retarded person whom the person knows or reasonably
30 should know to be under the age of 18 or to be a severely
31 or profoundly mentally retarded person, engaged in any
32 activity described in subparagraphs (i) through (vii) of
33 paragraph (1) of this subsection; or

34 (7) solicits, uses, persuades, induces, entices, or

1 coerces a person to provide a child under the age of 18
2 or a severely or profoundly mentally retarded person to
3 appear in any videotape, photograph, film, stage play,
4 live presentation, or other similar visual reproduction
5 or depiction by computer in which the child or severely
6 or profoundly mentally retarded person will be depicted,
7 actually or by simulation, in any act, pose, or setting
8 described in subparagraphs (i) through (vii) of paragraph
9 (1) of this subsection; or-

10 (8) solicits, persuades, induces, entices, seduces,
11 or coerces a child under 18 years of age to pose for a
12 photograph, video, or a digital image in any posture or
13 setting that could be construed as child erotica.

14 (b) (1) It shall be an affirmative defense to a charge
15 of child pornography that the defendant reasonably believed,
16 under all of the circumstances, that the child was 18 years
17 of age or older or that the person was not a severely or
18 profoundly mentally retarded person but only where, prior to
19 the act or acts giving rise to a prosecution under this
20 Section, he took some affirmative action or made a bonafide
21 inquiry designed to ascertain whether the child was 18 years
22 of age or older or that the person was not a severely or
23 profoundly mentally retarded person and his reliance upon the
24 information so obtained was clearly reasonable.

25 (2) (Blank).

26 (3) The charge of child pornography shall not apply
27 to the performance of official duties by law enforcement
28 or prosecuting officers, court personnel or attorneys,
29 nor to bonafide treatment or professional education
30 programs conducted by licensed physicians, psychologists
31 or social workers.

32 (4) Possession by the defendant of more than one of
33 the same film, videotape or visual reproduction or
34 depiction by computer in which child pornography is

1 depicted shall raise a rebuttable presumption that the
2 defendant possessed such materials with the intent to
3 disseminate them.

4 (5) The charge of child pornography does not apply
5 to a person who does not voluntarily possess a film,
6 videotape, or visual reproduction or depiction by
7 computer in which child pornography is depicted.
8 Possession is voluntary if the defendant knowingly
9 procures or receives a film, videotape, or visual
10 reproduction or depiction for a sufficient time to be
11 able to terminate his or her possession.

12 (6) The charge of child pornography does not apply
13 to the generation, depiction, or possession of computer
14 generated images that are not depictions of actual
15 persons.

16 (c) Violation of paragraph (1), (4), (5), or (7) of
17 subsection (a) is a Class 1 felony with a mandatory minimum
18 fine of \$2,000 and a maximum fine of \$100,000. Violation of
19 paragraph (3) of subsection (a) is a Class 1 felony with a
20 mandatory minimum fine of \$1500 and a maximum fine of
21 \$100,000. Violation of paragraph (2) of subsection (a) is a
22 Class 1 felony with a mandatory minimum fine of \$1000 and a
23 maximum fine of \$100,000. Violation of paragraph (6) or (8)
24 of subsection (a) is a Class 3 felony with a mandatory
25 minimum fine of \$1000 and a maximum fine of \$100,000.

26 (d) If a person is convicted of a second or subsequent
27 violation of this Section within 10 years of a prior
28 conviction, the court shall order a presentence psychiatric
29 examination of the person. The examiner shall report to the
30 court whether treatment of the person is necessary.

31 (e) Any film, videotape, photograph or other similar
32 visual reproduction or depiction by computer which includes a
33 child under the age of 18 or a severely or profoundly
34 mentally retarded person engaged in any activity described in

1 subparagraphs (i) through (vii) or paragraph 1 of subsection
2 (a), and any material or equipment used or intended for use
3 in photographing, filming, printing, producing, reproducing,
4 manufacturing, projecting, exhibiting, depiction by computer,
5 or disseminating such material shall be seized and forfeited
6 in the manner, method and procedure provided by Section 36-1
7 of this Code for the seizure and forfeiture of vessels,
8 vehicles and aircraft.

9 (e-5) Upon the conclusion of a case brought under this
10 Section, the court shall seal all evidence depicting a victim
11 or witness that is sexually explicit. The evidence may be
12 unsealed and viewed, on a motion of the party seeking to
13 unseal and view the evidence, only for good cause shown and
14 in the discretion of the court. The motion must expressly
15 set forth the purpose for viewing the material. The State's
16 attorney and the victim, if possible, shall be provided
17 reasonable notice of the hearing on the motion to unseal the
18 evidence. Any person entitled to notice of a hearing under
19 this subsection (e-5) may object to the motion.

20 (f) Definitions. For the purposes of this Section:

21 (1) "Disseminate" means (i) to sell, distribute,
22 exchange or transfer possession, whether with or without
23 consideration or (ii) to make a depiction by computer
24 available for distribution or downloading through the
25 facilities of any telecommunications network or through
26 any other means of transferring computer programs or data
27 to a computer;

28 (2) "Produce" means to direct, promote, advertise,
29 publish, manufacture, issue, present or show;

30 (3) "Reproduce" means to make a duplication or
31 copy;

32 (4) "Depict by computer" means to generate or
33 create, or cause to be created or generated, a computer
34 program or data that, after being processed by a computer

1 either alone or in conjunction with one or more computer
2 programs, results in a visual depiction on a computer
3 monitor, screen, or display.

4 (5) "Depiction by computer" means a computer
5 program or data that, after being processed by a computer
6 either alone or in conjunction with one or more computer
7 programs, results in a visual depiction on a computer
8 monitor, screen, or display.

9 (6) "Computer", "computer program", and "data" have
10 the meanings ascribed to them in Section 16D-2 of this
11 Code.

12 (7) "Child" includes a film, videotape, photograph,
13 or other similar visual medium or reproduction or
14 depiction by computer that is, or appears to be, that of
15 a person, either in part, or in total, under the age of
16 18, regardless of the method by which the film,
17 videotape, photograph, or other similar visual medium or
18 reproduction or depiction by computer is created,
19 adopted, or modified to appear as such. "Child" also
20 includes a film, videotape, photograph, or other similar
21 visual medium or reproduction or depiction by computer
22 that is advertised, promoted, presented, described, or
23 distributed in such a manner that conveys the impression
24 that the film, videotape, photograph, or other similar
25 visual medium or reproduction or depiction by computer is
26 of a person under the age of 18.

27 (8) "Child erotica" means any photograph,
28 videotape, or digital image in which the focus or the
29 concentration of the photograph, videotape, or digital
30 image is the lewd or lascivious depiction or exhibition
31 of the child's clothed or unclothed genitals, the child's
32 pubic area, or, if the child is a female, the child's
33 fully or partially developed breast exposed or through
34 transparent clothing. The following factors shall be

1 taken into consideration in determining whether a visual
2 depiction of a child constitutes a lewd or lascivious
3 exhibition of the genitals, pubic area, or breast: (i)
4 whether the focal point of the visual depiction is on the
5 child's genitalia, pubic area, or breast; (ii) whether
6 the setting of the visual depiction is sexually
7 suggestive, i.e., in a place or pose generally associated
8 with sexual activity; (iii) whether the child is depicted
9 in an unnatural pose, or in inappropriate attire,
10 considering the age of the child; (iv) whether the child
11 is fully or partially clothed, or nude; (v) whether the
12 visual depiction suggests sexual coyness or a willingness
13 to engage in sexual activity; or (vi) whether the visual
14 depiction is intended or designed to elicit a sexual
15 response in the viewer.

16 (g) Re-enactment; findings; purposes.

17 (1) The General Assembly finds and declares that:

18 (i) Section 50-5 of Public Act 88-680,
19 effective January 1, 1995, contained provisions
20 amending the child pornography statute, Section
21 11-20.1 of the Criminal Code of 1961. Section 50-5
22 also contained other provisions.

23 (ii) In addition, Public Act 88-680 was
24 entitled "AN ACT to create a Safe Neighborhoods
25 Law". (A) Article 5 was entitled JUVENILE JUSTICE
26 and amended the Juvenile Court Act of 1987. (B)
27 Article 15 was entitled GANGS and amended various
28 provisions of the Criminal Code of 1961 and the
29 Unified Code of Corrections. (C) Article 20 was
30 entitled ALCOHOL ABUSE and amended various
31 provisions of the Illinois Vehicle Code. (D)
32 Article 25 was entitled DRUG ABUSE and amended the
33 Cannabis Control Act and the Illinois Controlled
34 Substances Act. (E) Article 30 was entitled FIREARMS

1 and amended the Criminal Code of 1961 and the Code
2 of Criminal Procedure of 1963. (F) Article 35
3 amended the Criminal Code of 1961, the Rights of
4 Crime Victims and Witnesses Act, and the Unified
5 Code of Corrections. (G) Article 40 amended the
6 Criminal Code of 1961 to increase the penalty for
7 compelling organization membership of persons. (H)
8 Article 45 created the Secure Residential Youth Care
9 Facility Licensing Act and amended the State Finance
10 Act, the Juvenile Court Act of 1987, the Unified
11 Code of Corrections, and the Private Correctional
12 Facility Moratorium Act. (I) Article 50 amended the
13 WIC Vendor Management Act, the Firearm Owners
14 Identification Card Act, the Juvenile Court Act of
15 1987, the Criminal Code of 1961, the Wrongs to
16 Children Act, and the Unified Code of Corrections.

17 (iii) On September 22, 1998, the Third
18 District Appellate Court in *People v. Dainty*, 701
19 N.E. 2d 118, ruled that Public Act 88-680 violates
20 the single subject clause of the Illinois
21 Constitution (Article IV, Section 8 (d)) and was
22 unconstitutional in its entirety. As of the time
23 this amendatory Act of 1999 was prepared, *People v.*
24 *Dainty* was still subject to appeal.

25 (iv) Child pornography is a vital concern to
26 the people of this State and the validity of future
27 prosecutions under the child pornography statute of
28 the Criminal Code of 1961 is in grave doubt.

29 (2) It is the purpose of this amendatory Act of
30 1999 to prevent or minimize any problems relating to
31 prosecutions for child pornography that may result from
32 challenges to the constitutional validity of Public Act
33 88-680 by re-enacting the Section relating to child
34 pornography that was included in Public Act 88-680.

1 (3) This amendatory Act of 1999 re-enacts Section
 2 11-20.1 of the Criminal Code of 1961, as it has been
 3 amended. This re-enactment is intended to remove any
 4 question as to the validity or content of that Section;
 5 it is not intended to supersede any other Public Act that
 6 amends the text of the Section as set forth in this
 7 amendatory Act of 1999. The material is shown as
 8 existing text (i.e., without underscoring) because, as
 9 of the time this amendatory Act of 1999 was prepared,
 10 People v. Dainty was subject to appeal to the Illinois
 11 Supreme Court.

12 (4) The re-enactment by this amendatory Act of 1999
 13 of Section 11-20.1 of the Criminal Code of 1961 relating
 14 to child pornography that was amended by Public Act
 15 88-680 is not intended, and shall not be construed, to
 16 imply that Public Act 88-680 is invalid or to limit or
 17 impair any legal argument concerning whether those
 18 provisions were substantially re-enacted by other Public
 19 Acts.

20 (Source: P.A. 91-54, eff. 6-30-99; 91-229, eff. 1-1-00;
 21 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-434, eff.
 22 1-1-02.)

23 (720 ILCS 5/11-21) (from Ch. 38, par. 11-21)
 24 Sec. 11-21. Harmful material for a child.

25 (a) Elements of the Offense.

26 A person who, with knowledge that a person is a child,
 27 that is a person under 18 years of age, or who fails to
 28 exercise reasonable care in ascertaining the true age of a
 29 child, knowingly distributes to or sends or causes to be sent
 30 to, or exhibits to, or offers to distribute or exhibit any
 31 harmful material to a child, is guilty of distribution of
 32 harmful material for a child a-misdemeanor.

33 (b) Definitions.

1 (1) Material is harmful or obscene for children when it
2 is a pornographic written, visual, or audio matter, judged in
3 reference to the age group of children in the intended and
4 probable recipient audience, and if: (i) the average adult
5 person, applying contemporary community standards, would
6 find, taken as a whole and with respect to those children,
7 appeals to a prurient interest in nudity, sex, or excretion;
8 and (ii) the average adult person, applying contemporary
9 community standards, would find depicts, describes, or
10 represents, in a patently offensive way with respect to what
11 is suitable for those children, ultimate sexual acts or
12 sadomasochistic sexual acts or abuse, whether normal or
13 perverted, actual or simulated, or masturbation, excretory
14 functions, or lewd exhibition of the genitals, pubic area,
15 buttocks, or post-pubertal female breast; and (iii) a
16 reasonable person would find, taken as a whole, that it lacks
17 serious literary, artistic, political, or scientific value
18 for those children in the intended and probable recipient
19 audience. Material-is-harmful--if,--to--the--average--person,
20 applying--contemporary--standards,--its--predominant--appeal,
21 taken-as-a-whole,--is-to-prurient-interest,--that-is-a-shameful
22 or--morbid--interest-in-nudity,--sex,--or-excretion,--which-goes
23 substantially--beyond---customary---limits---of---eander---in
24 description---or--representation--of--such--matters,--and--is
25 material--the--redeeming--social--importance--of---which---is
26 substantially-less-than-its-prurient-appeal.

27 (2) Material, as used in this Section means any writing,
28 picture, record or other representation or embodiment.

29 (3) Distribute means to transfer possession of, whether
30 with or without consideration.

31 (4) Knowingly, as used in this Section means having
32 general knowledge or awareness of the nature or contents of
33 the subject matter, or recklessly failing to exercise
34 reasonable inspection which would have disclosed the contents

1 thereof.

2 (c) Interpretation of Evidence.

3 The predominant appeal to prurient interest of the
4 material shall be judged with reference to average children
5 of the same general age of the child to whom such material
6 was offered, distributed, sent or exhibited, unless it
7 appears from the nature of the matter or the circumstances of
8 its dissemination, distribution or exhibition that it is
9 designed for specially susceptible groups, in which case the
10 predominant appeal of the material shall be judged with
11 reference to its intended or probable recipient group.

12 In prosecutions under this section, where circumstances
13 of production, presentation, sale, dissemination,
14 distribution, or publicity indicate the material is being
15 commercially exploited for the sake of its prurient appeal,
16 such evidence is probative with respect to the nature of the
17 material and can justify the conclusion that the redeeming
18 social importance of the material is in fact substantially
19 less than its prurient appeal.

20 (d) Sentence.

21 Distribution of harmful material in violation of this
22 Section is a Class A misdemeanor. A second or subsequent
23 offense is a Class 4 felony. If a person uses a computer to
24 knowingly distribute to, or sends or causes to be sent to, or
25 exhibits to, or offers to distribute or exhibit any harmful
26 material for a child, he or she is guilty of a Class 4
27 felony.

28 (e) Affirmative Defenses.

29 (1) Nothing in this section shall prohibit any public
30 library or any library operated by an accredited institution
31 of higher education from circulating harmful material to any
32 person under 18 years of age, provided such circulation is in
33 aid of a legitimate scientific or educational purpose, and it
34 shall be an affirmative defense in any prosecution for a

1 violation of this section that the act charged was committed
2 in aid of legitimate scientific or educational purposes.

3 (2) Nothing in this section shall prohibit any parent
4 from distributing to his child any harmful material.

5 (3) Proof that the defendant demanded, was shown and
6 acted in reliance upon any of the following documents as
7 proof of the age of a child, shall be a defense to any
8 criminal prosecution under this section: A document issued by
9 the federal government or any state, county or municipal
10 government or subdivision or agency thereof, including, but
11 not limited to, a motor vehicle operator's license, a
12 registration certificate issued under the Federal Selective
13 Service Act or an identification card issued to a member of
14 the armed forces.

15 (4) In the event an advertisement of harmful material as
16 defined in this Section culminates in the sale or
17 distribution of such harmful material to a child, under
18 circumstances where there was no personal confrontation of
19 the child by the defendant, his employees or agents, as where
20 the order or request for such harmful material was
21 transmitted by mail, telephone, computer, common carrier, or
22 similar means of communication, and delivery of such harmful
23 material to the child was by mail, freight, computer, common
24 carrier, or similar means of transport, such purchase of the
25 harmful material must be by credit card or personal check and
26 the harmful material must be delivered to the purchaser only
27 at the address listed on the credit card or personal check.

28 It shall be a defense in any prosecution for a violation of
29 this Section that: (1) the advertisement contained the
30 following statement, or a statement substantially similar
31 thereto, and that the defendant required the purchaser to
32 certify that he was not under 18 years of age and that the
33 purchaser falsely stated that he was not under 18 years of
34 age: "NOTICE: It is unlawful for any person under 18 years of

1 age to purchase the matter herein advertised. Any person
 2 under 18 years of age who falsely states that he is not under
 3 18 years of age for the purpose of obtaining the material
 4 advertised herein, is guilty of a Class B misdemeanor under
 5 the laws of the State of Illinois". and (2) in any sale or
 6 distribution of such harmful material for a child the
 7 purchase was by credit card or personal check and the harmful
 8 material for a child was sent to the address on the credit
 9 card or personal check.

10 (f) Child Falsifying Age.

11 Any person under 18 years of age who falsely states,
 12 either orally or in writing, that he is not under the age of
 13 18 years, or who presents or offers to any person any
 14 evidence of age and identity which is false or not actually
 15 his own for the purpose of ordering, obtaining, viewing, or
 16 otherwise procuring or attempting to procure or view any
 17 harmful material, is guilty of a Class B misdemeanor.

18 (Source: P.A. 77-2638.)

19 (720 ILCS 5/11-24 new)

20 Sec. 11-24. Child photography by sex offender.

21 (a) In this Section:

22 "Child" means a person under 18 years of age.

23 "Child sex offender" has the meaning ascribed to it in
 24 Section 11-9.3 of this Code.

25 (b) It is unlawful for a child sex offender to
 26 knowingly:

27 (1) conduct or operate any type of business in
 28 which he or she photographs, videotapes, or takes a
 29 digital image of a child;

30 (2) conduct or operate any type of business in
 31 which he or she instructs or directs another person to
 32 photograph, videotape, or take a digital image of a
 33 child;

1 (3) conduct or operate any type of business in
2 which he or she offers for sale a photograph, videotape,
3 computer disk, digital image, or visual depiction of a
4 child;

5 (4) solicit, induce, persuade, or entice a child to
6 pose for a photograph, videotape, or digital image;

7 (5) transport a child or cause a child to be
8 transported in order to pose for a photograph, videotape,
9 or digital image; or

10 (6) arrange for a child to pose for a photograph,
11 videotape, or digital image.

12 (c) Sentence. A violation of this Section is a Class 2
13 felony.

14 Section 15. The Unified Code of Corrections is amended
15 by changing Sections 5-4-3 and 5-9-1.7 as follows:

16 (730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

17 Sec. 5-4-3. Persons convicted of, or found delinquent
18 for, qualifying offenses or institutionalized as sexually
19 dangerous; blood specimens; genetic marker groups.

20 (a) Any person convicted of, found guilty under the
21 Juvenile Court Act of 1987 for, or who received a disposition
22 of court supervision for, a qualifying offense or attempt of
23 a qualifying offense, or institutionalized as a sexually
24 dangerous person under the Sexually Dangerous Persons Act, or
25 committed as a sexually violent person under the Sexually
26 Violent Persons Commitment Act shall, regardless of the
27 sentence or disposition imposed, be required to submit
28 specimens of blood to the Illinois Department of State Police
29 in accordance with the provisions of this Section, provided
30 such person is:

31 (1) convicted of a qualifying offense or attempt of
32 a qualifying offense on or after the effective date of

1 this amendatory Act of 1989, and sentenced to a term of
2 imprisonment, periodic imprisonment, fine, probation,
3 conditional discharge or any other form of sentence, or
4 given a disposition of court supervision for the offense,
5 or

6 (1.5) found guilty or given supervision under the
7 Juvenile Court Act of 1987 for a qualifying offense or
8 attempt of a qualifying offense on or after the effective
9 date of this amendatory Act of 1996, or

10 (2) ordered institutionalized as a sexually
11 dangerous person on or after the effective date of this
12 amendatory Act of 1989, or

13 (3) convicted of a qualifying offense or attempt of
14 a qualifying offense before the effective date of this
15 amendatory Act of 1989 and is presently confined as a
16 result of such conviction in any State correctional
17 facility or county jail or is presently serving a
18 sentence of probation, conditional discharge or periodic
19 imprisonment as a result of such conviction, or

20 (4) presently institutionalized as a sexually
21 dangerous person or presently institutionalized as a
22 person found guilty but mentally ill of a sexual offense
23 or attempt to commit a sexual offense; or

24 (4.5) ordered committed as a sexually violent
25 person on or after the effective date of the Sexually
26 Violent Persons Commitment Act; or

27 (5) seeking transfer to or residency in Illinois
28 under Sections 3-3-11 through 3-3-11.5 of the Unified
29 Code of Corrections (Interstate Compact for the
30 Supervision of Parolees and Probationers) or the
31 Interstate Agreements on Sexually Dangerous Persons Act.

32 (a-5) Any person who was otherwise convicted of or
33 received a disposition of court supervision for any other
34 offense under the Criminal Code of 1961 or any offense

1 classified as a felony under Illinois law or who was found
2 guilty or given supervision for such a violation under the
3 Juvenile Court Act of 1987, may, regardless of the sentence
4 imposed, be required by an order of the court to submit
5 specimens of blood to the Illinois Department of State Police
6 in accordance with the provisions of this Section.

7 (b) Any person required by paragraphs (a)(1), (a)(1.5),
8 (a)(2), and (a-5) to provide specimens of blood shall provide
9 specimens of blood within 45 days after sentencing or
10 disposition at a collection site designated by the Illinois
11 Department of State Police.

12 (c) Any person required by paragraphs (a)(3), (a)(4),
13 and (a)(4.5) to provide specimens of blood shall be required
14 to provide such samples prior to final discharge, parole, or
15 release at a collection site designated by the Illinois
16 Department of State Police.

17 (c-5) Any person required by paragraph (a)(5) to provide
18 specimens of blood shall, where feasible, be required to
19 provide the specimens before being accepted for conditioned
20 residency in Illinois under the interstate compact or
21 agreement, but no later than 45 days after arrival in this
22 State.

23 (d) The Illinois Department of State Police shall
24 provide all equipment and instructions necessary for the
25 collection of blood samples. The collection of samples shall
26 be performed in a medically approved manner. Only a
27 physician authorized to practice medicine, a registered nurse
28 or other qualified person trained in venipuncture may
29 withdraw blood for the purposes of this Act. The samples
30 shall thereafter be forwarded to the Illinois Department of
31 State Police, Division of Forensic Services, for analysis and
32 categorizing into genetic marker groupings.

33 (e) The genetic marker groupings shall be maintained by
34 the Illinois Department of State Police, Division of Forensic

1 Services.

2 (f) The genetic marker grouping analysis information
 3 obtained pursuant to this Act shall be confidential and shall
 4 be released only to peace officers of the United States, of
 5 other states or territories, of the insular possessions of
 6 the United States, of foreign countries duly authorized to
 7 receive the same, to all peace officers of the State of
 8 Illinois and to all prosecutorial agencies. Notwithstanding
 9 any other statutory provision to the contrary, all
 10 information obtained under this Section shall be maintained
 11 in a single State data base, which may be uploaded into a
 12 national database, and may not be subject to expungement.

13 (g) For the purposes of this Section, "qualifying
 14 offense" means any of the following:

15 (1) Any violation or inchoate violation of Section
 16 11-6, 11-9.1, 11-11, 11-15.1, 11-17.1, 11-18.1, 11-19.1,
 17 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, or
 18 12-33 of the Criminal Code of 1961, or

19 (1.1) Any violation or inchoate violation of
 20 Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2,
 21 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961
 22 for which persons are convicted on or after July 1, 2001,
 23 or

24 (2) Any former statute of this State which defined
 25 a felony sexual offense, or

26 (3) Any violation of paragraph (10) of subsection
 27 (b) of Section 10-5 or Section 11-6.1 of the Criminal
 28 Code of 1961 when the sentencing court, upon a motion by
 29 the State's Attorney or Attorney General, makes a finding
 30 that the child luring or solicitation involved an intent
 31 to commit sexual penetration or sexual conduct as defined
 32 in Section 12-12 of the Criminal Code of 1961, or

33 (4) Any violation or inchoate violation of Section
 34 9-3.1, 11-9.3, 12-3.3, 12-4.2, 12-4.3, 12-7.3, 12-7.4,

1 18-5, 19-3, 20-1.1, or 20.5-5 of the Criminal Code of
2 1961.

3 (g-5) The Department of State Police is not required to
4 provide equipment to collect or to accept or process blood
5 specimens from individuals convicted of any offense listed in
6 paragraph (1.1) or (4) of subsection (g), until acquisition
7 of the resources necessary to process such blood specimens,
8 or in the case of paragraph (1.1) of subsection (g) until
9 July 1, 2003, whichever is earlier.

10 Upon acquisition of necessary resources, including an
11 appropriation for the purpose of implementing this amendatory
12 Act of the 91st General Assembly, but in the case of
13 paragraph (1.1) of subsection (g) no later than July 1, 2003,
14 the Department of State Police shall notify the Department of
15 Corrections, the Administrative Office of the Illinois
16 Courts, and any other entity deemed appropriate by the
17 Department of State Police, to begin blood specimen
18 collection from individuals convicted of offenses enumerated
19 in paragraphs (1.1) and (4) of subsection (g) that the
20 Department is prepared to provide collection equipment and
21 receive and process blood specimens from individuals
22 convicted of offenses enumerated in paragraph (1.1) of
23 subsection (g).

24 Until the Department of State Police provides
25 notification, designated collection agencies are not required
26 to collect blood specimen from individuals convicted of
27 offenses enumerated in paragraphs (1.1) and (4) of subsection
28 (g).

29 (h) The Illinois Department of State Police shall be the
30 State central repository for all genetic marker grouping
31 analysis information obtained pursuant to this Act. The
32 Illinois Department of State Police may promulgate rules for
33 the form and manner of the collection of blood samples and
34 other procedures for the operation of this Act. The

1 provisions of the Administrative Review Law shall apply to
2 all actions taken under the rules so promulgated.

3 (i) A person required to provide a blood specimen shall
4 cooperate with the collection of the specimen and any
5 deliberate act by that person intended to impede, delay or
6 stop the collection of the blood specimen is a Class A
7 misdemeanor.

8 (j) Any person required by subsection (a) to submit
9 specimens of blood to the Illinois Department of State Police
10 for analysis and categorization into genetic marker grouping,
11 in addition to any other disposition, penalty, or fine
12 imposed, shall pay an analysis fee of \$500. Upon verified
13 petition of the person, the court may suspend payment of all
14 or part of the fee if it finds that the person does not have
15 the ability to pay the fee.

16 (k) All analysis and categorization fees provided for by
17 subsection (j) shall be regulated as follows:

18 (1) The State Offender DNA Identification System
19 Fund is hereby created as a special fund in the State
20 Treasury.

21 (2) All fees shall be collected by the clerk of the
22 court and forwarded to the State Offender DNA
23 Identification System Fund for deposit. The clerk of the
24 circuit court may retain the amount of \$10 from each
25 collected analysis fee to offset administrative costs
26 incurred in carrying out the clerk's responsibilities
27 under this Section.

28 (3) Fees deposited into the State Offender DNA
29 Identification System Fund shall be used by Illinois
30 State Police crime laboratories as designated by the
31 Director of State Police. These funds shall be in
32 addition to any allocations made pursuant to existing
33 laws and shall be designated for the exclusive use of
34 State crime laboratories. These uses may include, but

1 are not limited to, the following:

2 (A) Costs incurred in providing analysis and
3 genetic marker categorization as required by
4 subsection (d).

5 (B) Costs incurred in maintaining genetic
6 marker groupings as required by subsection (e).

7 (C) Costs incurred in the purchase and
8 maintenance of equipment for use in performing
9 analyses.

10 (D) Costs incurred in continuing research and
11 development of new techniques for analysis and
12 genetic marker categorization.

13 (E) Costs incurred in continuing education,
14 training, and professional development of forensic
15 scientists regularly employed by these laboratories.

16 (1) The failure of a person to provide a specimen, or of
17 any person or agency to collect a specimen, within the 45 day
18 period shall in no way alter the obligation of the person to
19 submit such specimen, or the authority of the Illinois
20 Department of State Police or persons designated by the
21 Department to collect the specimen, or the authority of the
22 Illinois Department of State Police to accept, analyze and
23 maintain the specimen or to maintain or upload results of
24 genetic marker grouping analysis information into a State or
25 national database.

26 (Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01;
27 92-40, eff. 6-29-01.)

28 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)
29 Sec. 5-9-1.7. Sexual assault fines.

30 (a) Definitions. The terms used in this Section shall
31 have the following meanings ascribed to them:

32 (1) "Sexual assault" means the commission or
33 attempted commission of the following: criminal sexual

1 assault, predatory criminal sexual assault of a child,
2 aggravated criminal sexual assault, criminal sexual
3 abuse, aggravated criminal sexual abuse, indecent
4 solicitation of a child, public indecency, sexual
5 relations within families, soliciting for a juvenile
6 prostitute, keeping a place of juvenile prostitution,
7 patronizing a juvenile prostitute, juvenile pimping,
8 exploitation of a child, obscenity, child pornography, or
9 harmful material for a child, as those offenses are
10 defined in the Criminal Code of 1961.

11 (2) "Family member" shall have the meaning ascribed
12 to it in Section 12-12 of the Criminal Code of 1961.

13 (3) "Sexual assault organization" means any
14 not-for-profit organization providing comprehensive,
15 community-based services to victims of sexual assault.
16 "Community-based services" include, but are not limited
17 to, direct crisis intervention through a 24-hour
18 response, medical and legal advocacy, counseling,
19 information and referral services, training, and
20 community education.

21 (b) Sexual assault fine; collection by clerk.

22 (1) In addition to any other penalty imposed, a
23 fine of \$100 shall be imposed upon any person who pleads
24 guilty or who is convicted of, or who receives a
25 disposition of court supervision for, a sexual assault or
26 attempt of a sexual assault. Upon request of the victim
27 or the victim's representative, the court shall determine
28 whether the fine will impose an undue burden on the
29 victim of the offense. For purposes of this paragraph,
30 the defendant may not be considered the victim's
31 representative. If the court finds that the fine would
32 impose an undue burden on the victim, the court may
33 reduce or waive the fine. The court shall order that the
34 defendant may not use funds belonging solely to the

1 victim of the offense for payment of the fine.

2 (2) Sexual assault fines shall be assessed by the
3 court imposing the sentence and shall be collected by the
4 circuit clerk. The circuit clerk shall retain 10% of the
5 penalty to cover the costs involved in administering and
6 enforcing this Section. The circuit clerk shall remit
7 the remainder of each fine within one month of its
8 receipt to the State Treasurer for deposit as follows:

9 (i) for family member offenders, one-half to
10 the Sexual Assault Services Fund, and one-half to
11 the Domestic Violence Shelter and Service Fund; and

12 (ii) for other than family member offenders,
13 the full amount to the Sexual Assault Services Fund.

14 (c) Sexual Assault Services Fund; administration. There
15 is created a Sexual Assault Services Fund. Moneys deposited
16 into the Fund under this Section shall be appropriated to the
17 Department of Public Health. Upon appropriation of moneys
18 from the Sexual Assault Services Fund, the Department of
19 Public Health shall make grants of these moneys from the Fund
20 to sexual assault organizations with whom the Department has
21 contracts for the purpose of providing community-based
22 services to victims of sexual assault. Grants made under this
23 Section are in addition to, and are not substitutes for,
24 other grants authorized and made by the Department.

25 (Source: P.A. 88-45; 89-428, eff. 12-13-95; 89-462, eff.
26 5-29-96.)

27 Section 20. The Sex Offender Registration Act is
28 amended by changing Section 2 as follows:

29 (730 ILCS 150/2) (from Ch. 38, par. 222)

30 Sec. 2. Definitions. As used in this Article, the
31 following definitions apply:

32 (A) "Sex offender" means any person who is:

1 (1) charged pursuant to Illinois law, or any
2 substantially similar federal, sister state, or foreign
3 country law, with a sex offense set forth in subsection
4 (B) of this Section or the attempt to commit an included
5 sex offense, and:

6 (a) is convicted of such offense or an attempt
7 to commit such offense; or

8 (b) is found not guilty by reason of insanity
9 of such offense or an attempt to commit such
10 offense; or

11 (c) is found not guilty by reason of insanity
12 pursuant to Section 104-25(c) of the Code of
13 Criminal Procedure of 1963 of such offense or an
14 attempt to commit such offense; or

15 (d) is the subject of a finding not resulting
16 in an acquittal at a hearing conducted pursuant to
17 Section 104-25(a) of the Code of Criminal Procedure
18 of 1963 for the alleged commission or attempted
19 commission of such offense; or

20 (e) is found not guilty by reason of insanity
21 following a hearing conducted pursuant to a federal,
22 sister state, or foreign country law substantially
23 similar to Section 104-25(c) of the Code of Criminal
24 Procedure of 1963 of such offense or of the
25 attempted commission of such offense; or

26 (f) is the subject of a finding not resulting
27 in an acquittal at a hearing conducted pursuant to a
28 federal, sister state, or foreign country law
29 substantially similar to Section 104-25(a) of the
30 Code of Criminal Procedure of 1963 for the alleged
31 violation or attempted commission of such offense;
32 or

33 (2) certified as a sexually dangerous person
34 pursuant to the Illinois Sexually Dangerous Persons Act,

1 or any substantially similar federal, sister state, or
2 foreign country law; or

3 (3) subject to the provisions of Section 2 of the
4 Interstate Agreements on Sexually Dangerous Persons Act;
5 or

6 (4) found to be a sexually violent person pursuant
7 to the Sexually Violent Persons Commitment Act or any
8 substantially similar federal, sister state, or foreign
9 country law.

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

15 (A-5) "Juvenile sex offender" means any person who is
16 adjudicated a juvenile delinquent as the result of the
17 commission of or attempt to commit a violation set forth in
18 item (B), (C), or (C-5) of this Section or a violation of any
19 substantially similar federal, sister state, or foreign
20 country law. For purposes of this Section, "convicted" shall
21 have the same meaning as "adjudicated".

22 (B) As used in this Section, "sex offense" means:

23 (1) A violation of any of the following Sections of
24 the Criminal Code of 1961:

- 25 11-20.1 (child pornography),
- 26 11-6 (indecent solicitation of a child),
- 27 11-6.1 (illegal solicitation of a child),
- 28 11-9.1 (sexual exploitation of a child),
- 29 11-15.1 (soliciting for a juvenile prostitute),
- 30 11-18.1 (patronizing a juvenile prostitute),
- 31 11-17.1 (keeping a place of juvenile
- 32 prostitution),
- 33 11-19.1 (juvenile pimping),
- 34 11-19.2 (exploitation of a child),

- 1 12-13 (criminal sexual assault),
- 2 12-14 (aggravated criminal sexual assault),
- 3 12-14.1 (predatory criminal sexual assault of a
- 4 child),
- 5 12-15 (criminal sexual abuse),
- 6 12-16 (aggravated criminal sexual abuse),
- 7 12-33 (ritualized abuse of a child).

8 An attempt to commit any of these offenses.

9 (1.5) A felony violation of any of the following
10 Sections of the Criminal Code of 1961, when the victim is
11 a person under 18 years of age, the defendant is not a
12 parent of the victim, and the offense was committed on or
13 after January 1, 1996:

- 14 10-1 (kidnapping),
- 15 10-2 (aggravated kidnapping),
- 16 10-3 (unlawful restraint),
- 17 10-3.1 (aggravated unlawful restraint).

18 An attempt to commit any of these offenses.

19 (1.6) First degree murder under Section 9-1 of the
20 Criminal Code of 1961, when the victim was a person under
21 18 years of age, the defendant was at least 17 years of
22 age at the time of the commission of the offense, and the
23 offense was committed on or after June 1, 1996.

24 (1.7) (Blank).

25 (1.8) A violation or attempted violation of Section
26 11-11 (sexual relations within families) of the Criminal
27 Code of 1961, when the victim was a person under 18 years
28 of age and the offense was committed on or after June 1,
29 1997.

30 (1.9) Child abduction under paragraph (10) of
31 subsection (b) of Section 10-5 of the Criminal Code of
32 1961 committed by luring or attempting to lure a child
33 under the age of 16 into a motor vehicle, building,
34 housetrailer, or dwelling place without the consent of

1 the parent or lawful custodian of the child for other
2 than a lawful purpose and the offense was committed on or
3 after January 1, 1998.

4 (1.10) A violation or attempted violation of any of
5 the following Sections of the Criminal Code of 1961 when
6 the offense was committed on or after the effective date
7 of this amendatory Act of the 91st General Assembly:

8 10-4 (forcible detention, if the victim is
9 under 18 years of age),

10 11-6.5 (indecent solicitation of an adult),

11 11-15 (soliciting for a prostitute, if the
12 victim is under 18 years of age),

13 11-16 (pandering, if the victim is under 18
14 years of age),

15 11-18 (patronizing a prostitute, if the victim
16 is under 18 years of age),

17 11-19 (pimping, if the victim is under 18
18 years of age).

19 (2) A violation of any former law of this State
20 substantially equivalent to any offense listed in
21 subsection (B)(1) of this Section.

22 (C) A conviction for an offense of federal law or the
23 law of another state or a foreign country that is
24 substantially equivalent to any offense listed in subsection
25 (B) of this Section shall constitute a conviction for the
26 purpose of this Article. A finding or adjudication as a
27 sexually dangerous person or a sexually violent person under
28 any federal law or law of another state or foreign country
29 that is substantially equivalent to the Sexually Dangerous
30 Persons Act or the Sexually Violent Persons Commitment Act
31 shall constitute an adjudication for the purposes of this
32 Article.

33 (C-5) A person at least 17 years of age at the time of
34 the commission of the offense who is convicted of first

1 degree murder under Section 9-1 of the Criminal Code of 1961,
2 committed on or after June 1, 1996 against a person under 18
3 years of age, shall be required to register for natural life.

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

15 (E) As used in this Article, "sexual predator" means any
16 person who, after the effective date of this amendatory Act
17 of the 91st General Assembly, is:

18 (1) Convicted of a violation of any of the
19 following Sections of the Criminal Code of 1961 and the
20 conviction occurred after the effective date of this
21 amendatory Act of the 91st General Assembly:

22 11-17.1 (keeping a place of juvenile
23 prostitution),

24 11-19.1 (juvenile pimping),

25 11-19.2 (exploitation of a child),

26 11-20.1 (child pornography),

27 12-13 (criminal sexual assault, if the victim
28 is a person under 12 years of age),

29 12-14 (aggravated criminal sexual assault),

30 12-14.1 (predatory criminal sexual assault of
31 a child),

32 12-16 (aggravated criminal sexual abuse),

33 12-33 (ritualized abuse of a child); or

34 (2) convicted of first degree murder under Section

1 9-1 of the Criminal Code of 1961, when the victim was a
2 person under 18 years of age and the defendant was at
3 least 17 years of age at the time of the commission of
4 the offense; or

5 (3) certified as a sexually dangerous person
6 pursuant to the Sexually Dangerous Persons Act or any
7 substantially similar federal, sister state, or foreign
8 country law; or

9 (4) found to be a sexually violent person pursuant
10 to the Sexually Violent Persons Commitment Act or any
11 substantially similar federal, sister state, or foreign
12 country law; or

13 (5) convicted of a second or subsequent offense
14 which requires registration pursuant to this Act. The
15 conviction for the second or subsequent offense must have
16 occurred after the effective date of this amendatory Act
17 of the 91st General Assembly. For purposes of this
18 paragraph (5), "convicted" includes a conviction under
19 any substantially similar Illinois, federal, sister
20 state, or foreign country law.

21 (F) As used in this Article, "out-of-state student"
22 means any sex offender or sexual predator who is enrolled in
23 Illinois, on a full-time or part-time basis, in any public or
24 private educational institution, including, but not limited
25 to, any secondary school, trade or professional institution,
26 or institution of higher learning.

27 (G) As used in this Article, "out-of-state employee"
28 means any sex offender or sexual predator who works in
29 Illinois, regardless of whether the individual receives
30 payment for services performed, for a period of time
31 exceeding 14 days or for an aggregate period of time
32 exceeding 30 days during any calendar year. Persons who
33 operate motor vehicles in the State accrue one day of
34 employment time for any portion of a day spent in Illinois.

1 (Source: P.A. 90-193, eff. 7-24-97; 90-494, eff. 1-1-98;
2 90-655, eff. 7-30-98; 91-48, eff. 7-1-99.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.

1 INDEX

2 Statutes amended in order of appearance

- 3 20 ILCS 4026/10
- 4 720 ILCS 5/10-7 from Ch. 38, par. 10-7
- 5 720 ILCS 5/11-6.1 new
- 6 720 ILCS 5/11-9.3
- 7 720 ILCS 5/11-9.4
- 8 720 ILCS 5/11-20.1 from Ch. 38, par. 11-20.1
- 9 720 ILCS 5/11-21 from Ch. 38, par. 11-21
- 10 720 ILCS 5/11-24 new
- 11 730 ILCS 5/5-4-3 from Ch. 38, par. 1005-4-3
- 12 730 ILCS 5/5-9-1.7 from Ch. 38, par. 1005-9-1.7
- 13 730 ILCS 150/2 from Ch. 38, par. 222