



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB1411

Introduced 2/9/2017, by Sen. Michael Connelly

SYNOPSIS AS INTRODUCED:

720 ILCS 5/11-6	from Ch. 38, par. 11-6
720 ILCS 5/11-25	
720 ILCS 5/11-26	
725 ILCS 5/124B-10	
725 ILCS 5/124B-100	
725 ILCS 5/124B-500	
725 ILCS 5/124B-505	

Amends the Criminal Code of 2012 and the Code of Criminal Procedure of 1963. Provides that computers seized during the commission of indecent solicitation of a child, child pornography, aggravated child pornography, non-consensual dissemination of private sexual images, grooming, or traveling to meet a minor are forfeited and before there is to be a distribution of property or sale proceeds, the computers or monies seized and forfeited for those offenses may be used to support the training, equipment, or investigation needs of the child exploitation unit of the law enforcement agency. Provides that the computers may also be recommissioned for official use by the agency or destroyed. Provides that the law enforcement agency shall not be ordered by the court to return the computer to the defendant or his or her designee. Effective immediately.

LRB100 06665 SLF 16706 b

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by changing
5 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
17 indecent solicitation of a child if the person knowingly
18 discusses an act of sexual conduct or sexual penetration with a
19 child or with one whom he or she believes to be a child by means
20 of the Internet with the intent that the offense of aggravated
21 criminal sexual assault, predatory criminal sexual assault of a
22 child, or aggravated criminal sexual abuse be committed.

23 (a-6) It is not a defense to subsection (a-5) that the

1 person did not solicit the child to perform sexual conduct or
2 sexual penetration with the person.

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

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

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

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

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

13 (c) Sentence. Indecent solicitation of a child under
14 subsection (a) is:

15 (1) a Class 1 felony when the act, if done, would be
16 predatory criminal sexual assault of a child or aggravated
17 criminal sexual assault;

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

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

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

24 (d) Forfeiture of property. A person convicted under this
25 Section is subject to the property forfeiture provisions under
26 Article 124B of the Code of Criminal Procedure of 1963.

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

2 (720 ILCS 5/11-25)

3 Sec. 11-25. Grooming.

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

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

17 (c) Forfeiture of property. A person convicted under this
18 Section is subject to the property forfeiture provisions under
19 Article 124B of the Code of Criminal Procedure of 1963.

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

21 (720 ILCS 5/11-26)

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

23 (a) A person commits the offense of traveling to meet a
24 minor when he or she travels any distance either within this

1 State, to this State, or from this State by any means, attempts
2 to do so, or causes another to do so or attempt to do so for the
3 purpose of engaging in any sex offense as defined in Section 2
4 of the Sex Offender Registration Act, or to otherwise engage in
5 other unlawful sexual conduct with a child or with another
6 person believed by the person to be a child after using a
7 computer on-line service, Internet service, local bulletin
8 board service, or any other device capable of electronic data
9 storage or transmission to seduce, solicit, lure, or entice, or
10 to attempt to seduce, solicit, lure, or entice, a child or a
11 child's guardian, or another person believed by the person to
12 be a child or a child's guardian, for such purpose.

13 (b) Sentence. Traveling to meet a minor is a Class 3
14 felony.

15 (c) Forfeiture of property. A person convicted under this
16 Section is subject to the property forfeiture provisions under
17 Article 124B of the Code of Criminal Procedure of 1963.

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

19 Section 10. The Code of Criminal Procedure of 1963 is
20 amended by changing Sections 124B-10, 124B-100, 124B-500, and
21 124B-505 as follows:

22 (725 ILCS 5/124B-10)

23 Sec. 124B-10. Applicability; offenses. This Article
24 applies to forfeiture of property in connection with the

1 following:

2 (1) A violation of Section 10-9 or 10A-10 of the
3 Criminal Code of 1961 or the Criminal Code of 2012
4 (involuntary servitude; involuntary servitude of a minor;
5 or trafficking in persons).

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

9 (2) A violation of subdivision (a)(1) of Section
10 11-14.4 of the Criminal Code of 1961 or the Criminal Code
11 of 2012 (promoting juvenile prostitution) or a violation of
12 Section 11-17.1 of the Criminal Code of 1961 (keeping a
13 place of juvenile prostitution).

14 (3) A violation of subdivision (a)(4) of Section
15 11-14.4 of the Criminal Code of 1961 or the Criminal Code
16 of 2012 (promoting juvenile prostitution) or a violation of
17 Section 11-19.2 of the Criminal Code of 1961 (exploitation
18 of a child).

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

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

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

26 (6.5) A violation of Section 11-23.5 of the Criminal

1 Code of 2012.

2 (7) A violation of Section 12C-65 of the Criminal Code
3 of 2012 or Article 44 of the Criminal Code of 1961
4 (unlawful transfer of a telecommunications device to a
5 minor).

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

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

12 (10) A felony violation of Section 48-1 of the Criminal
13 Code of 2012 or Section 26-5 of the Criminal Code of 1961
14 (dog fighting).

15 (11) A violation of Article 29D of the Criminal Code of
16 1961 or the Criminal Code of 2012 (terrorism).

17 (12) A felony violation of Section 4.01 of the Humane
18 Care for Animals Act (animals in entertainment).

19 (Source: P.A. 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13;
20 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-1138, eff.
21 6-1-15.)

22 (725 ILCS 5/124B-100)

23 Sec. 124B-100. Definition; "offense". For purposes of this
24 Article, "offense" is defined as follows:

25 (1) In the case of forfeiture authorized under Section

1 10A-15 of the Criminal Code of 1961 or Section 10-9 of the
2 Criminal Code of 2012, "offense" means the offense of
3 involuntary servitude, involuntary servitude of a minor,
4 or trafficking in persons in violation of Section 10-9 or
5 10A-10 of those Codes.

6 (1.5) In the case of forfeiture authorized under
7 Section 11-6, Section 11-25, or Section 11-26 of the
8 Criminal Code of 2012, "offense" means the offense of
9 indecent solicitation of a child, grooming, or traveling to
10 meet a minor in violation of Section 11-6, Section 11-25,
11 or Section 11-26, of the Code.

12 (2) In the case of forfeiture authorized under
13 subdivision (a) (1) of Section 11-14.4, or Section 11-17.1,
14 of the Criminal Code of 1961 or the Criminal Code of 2012,
15 "offense" means the offense of promoting juvenile
16 prostitution or keeping a place of juvenile prostitution in
17 violation of subdivision (a) (1) of Section 11-14.4, or
18 Section 11-17.1, of those Codes.

19 (3) In the case of forfeiture authorized under
20 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,
21 of the Criminal Code of 1961 or the Criminal Code of 2012,
22 "offense" means the offense of promoting juvenile
23 prostitution or exploitation of a child in violation of
24 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,
25 of those Codes.

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

1 11-20 of the Criminal Code of 1961 or the Criminal Code of
2 2012, "offense" means the offense of obscenity in violation
3 of that Section.

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

8 (6) In the case of forfeiture authorized under Section
9 11-20.1B or 11-20.3 of the Criminal Code of 1961, "offense"
10 means the offense of aggravated child pornography in
11 violation of Section 11-20.1B or 11-20.3 of that Code.

12 (7) In the case of forfeiture authorized under Section
13 12C-65 of the Criminal Code of 2012 or Article 44 of the
14 Criminal Code of 1961, "offense" means the offense of
15 unlawful transfer of a telecommunications device to a minor
16 in violation of Section 12C-65 or Article 44 of those
17 Codes.

18 (8) In the case of forfeiture authorized under Section
19 17-50 or 16D-5 of the Criminal Code of 1961 or the Criminal
20 Code of 2012, "offense" means the offense of computer fraud
21 in violation of Section 17-50 or 16D-5 of those Codes.

22 (9) In the case of forfeiture authorized under Section
23 17-6.3 or Article 17B of the Criminal Code of 1961 or the
24 Criminal Code of 2012, "offense" means any felony violation
25 of Section 17-6.3 or Article 17B of those Codes.

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

1 29D-65 of the Criminal Code of 1961 or the Criminal Code of
2 2012, "offense" means any offense under Article 29D of that
3 Code.

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

9 (12) In the case of forfeiture authorized under Section
10 124B-1000(b) of the Code of Criminal Procedure of 1963,
11 "offense" means an offense in violation of the Criminal
12 Code of 1961, the Criminal Code of 2012, the Illinois
13 Controlled Substances Act, the Cannabis Control Act, or the
14 Methamphetamine Control and Community Protection Act, or
15 an offense involving a telecommunications device possessed
16 by a person on the real property of any elementary or
17 secondary school without authority of the school
18 principal.

19 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;
20 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
21 1-1-13; 97-1150, eff. 1-25-13.)

22 (725 ILCS 5/124B-500)

23 Sec. 124B-500. Persons and property subject to forfeiture.
24 A person who commits child pornography, aggravated child
25 pornography, or non-consensual dissemination of private sexual

1 images under Section 11-20.1, 11-20.1B, 11-20.3, or 11-23.5 of
2 the Criminal Code of 1961 or the Criminal Code of 2012, or
3 indecent solicitation of a child, grooming, or traveling to
4 meet a minor under Section 11-6, 11-25, or 11-26 of the
5 Criminal Code of 2012, shall forfeit the following property to
6 the State of Illinois:

7 (1) Any profits or proceeds and any property the person
8 has acquired or maintained in violation of Section 11-20.1,
9 11-20.1B, 11-20.3, or 11-23.5 of the Criminal Code of 1961
10 or the Criminal Code of 2012 that the sentencing court
11 determines, after a forfeiture hearing under this Article,
12 to have been acquired or maintained as a result of child
13 pornography, aggravated child pornography, or
14 non-consensual dissemination of private sexual images.

15 (2) Any interest in, securities of, claim against, or
16 property or contractual right of any kind affording a
17 source of influence over any enterprise that the person has
18 established, operated, controlled, or conducted in
19 violation of Section 11-20.1, 11-20.1B, 11-20.3, or
20 11-23.5 of the Criminal Code of 1961 or the Criminal Code
21 of 2012 that the sentencing court determines, after a
22 forfeiture hearing under this Article, to have been
23 acquired or maintained as a result of child pornography,
24 aggravated child pornography, or non-consensual
25 dissemination of private sexual images.

26 (3) Any computer that contains a depiction of child

1 pornography in any encoded or decoded format in violation
2 of Section 11-20.1, 11-20.1B, or 11-20.3 of the Criminal
3 Code of 1961 or the Criminal Code of 2012. For purposes of
4 this paragraph (3), "computer" has the meaning ascribed to
5 it in Section 17-0.5 of the Criminal Code of 2012.

6 (Source: P.A. 97-1150, eff. 1-25-13; 98-1013, eff. 1-1-15;
7 98-1138, eff. 6-1-15.)

8 (725 ILCS 5/124B-505)

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

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

13 (1) One-half shall be divided equally between all State
14 agencies and units of local government whose officers or
15 employees conducted the investigation that resulted in the
16 forfeiture.

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

19 (b) Before any distribution under subsection (a), the
20 Attorney General or State's Attorney shall retain from the
21 forfeited moneys or sale proceeds, or both, sufficient moneys
22 to cover expenses related to the administration and sale of the
23 forfeited property.

24 (c) Before any distribution under subsection (a), a law
25 enforcement agency shall retain from the forfeited money,

1 property, or sale proceeds, any computer or monies to support
2 the training and equipment needs of the agency's child
3 exploitation unit and to further future investigations. The
4 computer may also be recommissioned for official use by the
5 agency or destroyed. The court shall not order a law
6 enforcement agency to fix, alter, or remove data from a seized
7 and forfeited computer in order to return the computer to the
8 defendant or his or her designee.

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

10 Section 99. Effective date. This Act takes effect upon
11 becoming law.