



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2974

Introduced 2/15/2018, by Sen. Michael Connelly

SYNOPSIS AS INTRODUCED:

50 ILCS 705/7	from Ch. 85, par. 507
720 ILCS 5/10-9	
720 ILCS 5/11-14.1	
720 ILCS 5/11-18.1	from Ch. 38, par. 11-18.1
720 ILCS 5/36-1	from Ch. 38, par. 36-1
725 ILCS 5/115-7	from Ch. 38, par. 115-7
725 ILCS 5/124B-100	
730 ILCS 5/5-9-1.21	
730 ILCS 150/2	from Ch. 38, par. 222

Amends the Illinois Police Training Act. Provides that the Illinois Law Enforcement Training Standards Board shall require police training schools to teach identification of victims of human trafficking. Amends the Criminal Code of 2012. Provides for enhanced penalties for human trafficking crimes when the victim is under 18 years of age at the time of the offense. Amends the Code of Criminal Procedure of 1963. Prohibits the admissibility of evidence in prosecution for trafficking of the prior sexual activities or reputation of the victim. Amends the Sex Offender Registration Act. Includes in the definition of "sex offense" involuntary sexual servitude of a minor and trafficking in persons. Amends the Unified Code of Corrections concerning fines for certain sexual offenses.

LRB100 18288 MRW 33492 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning criminal law.

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

4 Section 5. The Illinois Police Training Act is amended by
5 changing Section 7 as follows:

6 (50 ILCS 705/7) (from Ch. 85, par. 507)

7 Sec. 7. Rules and standards for schools. The Board shall
8 adopt rules and minimum standards for such schools which shall
9 include, but not be limited to, the following:

10 a. The curriculum for probationary police officers
11 which shall be offered by all certified schools shall
12 include, but not be limited to, courses of procedural
13 justice, arrest and use and control tactics, search and
14 seizure, including temporary questioning, civil rights,
15 human rights, human relations, cultural competency,
16 including implicit bias and racial and ethnic sensitivity,
17 criminal law, law of criminal procedure, constitutional
18 and proper use of law enforcement authority, vehicle and
19 traffic law including uniform and non-discriminatory
20 enforcement of the Illinois Vehicle Code, traffic control
21 and accident investigation, techniques of obtaining
22 physical evidence, court testimonies, statements, reports,
23 firearms training, training in the use of electronic

1 control devices, including the psychological and
2 physiological effects of the use of those devices on
3 humans, first-aid (including cardiopulmonary
4 resuscitation), training in the administration of opioid
5 antagonists as defined in paragraph (1) of subsection (e)
6 of Section 5-23 of the Alcoholism and Other Drug Abuse and
7 Dependency Act, handling of juvenile offenders,
8 recognition of mental conditions and crises, including,
9 but not limited to, the disease of addiction, which require
10 immediate assistance and response and methods to safeguard
11 and provide assistance to a person in need of mental
12 treatment, recognition of abuse, neglect, financial
13 exploitation, and self-neglect of adults with disabilities
14 and older adults, as defined in Section 2 of the Adult
15 Protective Services Act, crimes against the elderly, law of
16 evidence, identification of victims of human trafficking,
17 the hazards of high-speed police vehicle chases with an
18 emphasis on alternatives to the high-speed chase, and
19 physical training. The curriculum shall include specific
20 training in techniques for immediate response to and
21 investigation of cases of domestic violence and of sexual
22 assault of adults and children, including cultural
23 perceptions and common myths of sexual assault and sexual
24 abuse as well as interview techniques that are trauma
25 informed, victim centered, and victim sensitive. The
26 curriculum shall include training in techniques designed

1 to promote effective communication at the initial contact
2 with crime victims and ways to comprehensively explain to
3 victims and witnesses their rights under the Rights of
4 Crime Victims and Witnesses Act and the Crime Victims
5 Compensation Act. The curriculum shall also include
6 training in effective recognition of and responses to
7 stress, trauma, and post-traumatic stress experienced by
8 police officers. The curriculum shall also include a block
9 of instruction aimed at identifying and interacting with
10 persons with autism and other developmental or physical
11 disabilities, reducing barriers to reporting crimes
12 against persons with autism, and addressing the unique
13 challenges presented by cases involving victims or
14 witnesses with autism and other developmental
15 disabilities. The curriculum for permanent police officers
16 shall include, but not be limited to: (1) refresher and
17 in-service training in any of the courses listed above in
18 this subparagraph, (2) advanced courses in any of the
19 subjects listed above in this subparagraph, (3) training
20 for supervisory personnel, and (4) specialized training in
21 subjects and fields to be selected by the board. The
22 training in the use of electronic control devices shall be
23 conducted for probationary police officers, including
24 University police officers.

25 b. Minimum courses of study, attendance requirements
26 and equipment requirements.

1 c. Minimum requirements for instructors.

2 d. Minimum basic training requirements, which a
3 probationary police officer must satisfactorily complete
4 before being eligible for permanent employment as a local
5 law enforcement officer for a participating local
6 governmental agency. Those requirements shall include
7 training in first aid (including cardiopulmonary
8 resuscitation).

9 e. Minimum basic training requirements, which a
10 probationary county corrections officer must
11 satisfactorily complete before being eligible for
12 permanent employment as a county corrections officer for a
13 participating local governmental agency.

14 f. Minimum basic training requirements which a
15 probationary court security officer must satisfactorily
16 complete before being eligible for permanent employment as
17 a court security officer for a participating local
18 governmental agency. The Board shall establish those
19 training requirements which it considers appropriate for
20 court security officers and shall certify schools to
21 conduct that training.

22 A person hired to serve as a court security officer
23 must obtain from the Board a certificate (i) attesting to
24 his or her successful completion of the training course;
25 (ii) attesting to his or her satisfactory completion of a
26 training program of similar content and number of hours

1 that has been found acceptable by the Board under the
2 provisions of this Act; or (iii) attesting to the Board's
3 determination that the training course is unnecessary
4 because of the person's extensive prior law enforcement
5 experience.

6 Individuals who currently serve as court security
7 officers shall be deemed qualified to continue to serve in
8 that capacity so long as they are certified as provided by
9 this Act within 24 months of June 1, 1997 (the effective
10 date of Public Act 89-685). Failure to be so certified,
11 absent a waiver from the Board, shall cause the officer to
12 forfeit his or her position.

13 All individuals hired as court security officers on or
14 after June 1, 1997 (the effective date of Public Act
15 89-685) ~~this amendatory Act of 1996~~ shall be certified
16 within 12 months of the date of their hire, unless a waiver
17 has been obtained by the Board, or they shall forfeit their
18 positions.

19 The Sheriff's Merit Commission, if one exists, or the
20 Sheriff's Office if there is no Sheriff's Merit Commission,
21 shall maintain a list of all individuals who have filed
22 applications to become court security officers and who meet
23 the eligibility requirements established under this Act.
24 Either the Sheriff's Merit Commission, or the Sheriff's
25 Office if no Sheriff's Merit Commission exists, shall
26 establish a schedule of reasonable intervals for

1 verification of the applicants' qualifications under this
2 Act and as established by the Board.

3 g. Minimum in-service training requirements, which a
4 police officer must satisfactorily complete every 3 years.
5 Those requirements shall include constitutional and proper
6 use of law enforcement authority, procedural justice,
7 civil rights, human rights, mental health awareness and
8 response, and cultural competency.

9 h. Minimum in-service training requirements, which a
10 police officer must satisfactorily complete at least
11 annually. Those requirements shall include law updates and
12 use of force training which shall include scenario based
13 training, or similar training approved by the Board.

14 (Source: P.A. 99-352, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642,
15 eff. 7-28-16; 99-801, eff. 1-1-17; 100-121, eff. 1-1-18;
16 100-247, eff. 1-1-18; revised 10-3-17.)

17 Section 10. The Criminal Code of 2012 is amended by
18 changing Sections 10-9, 11-14.1, 11-18.1, and 36-1 as follows:

19 (720 ILCS 5/10-9)

20 Sec. 10-9. Trafficking in persons, involuntary servitude,
21 and related offenses.

22 (a) Definitions. In this Section:

23 (1) "Intimidation" has the meaning prescribed in
24 Section 12-6.

1 (2) "Commercial sexual activity" means any sex act on
2 account of which anything of value is given, promised to,
3 or received by any person.

4 (3) "Financial harm" includes intimidation that brings
5 about financial loss, criminal usury, or employment
6 contracts that violate the Frauds Act.

7 (4) (Blank).

8 (5) "Labor" means work of economic or financial value.

9 (6) "Maintain" means, in relation to labor or services,
10 to secure continued performance thereof, regardless of any
11 initial agreement on the part of the victim to perform that
12 type of service.

13 (7) "Obtain" means, in relation to labor or services,
14 to secure performance thereof.

15 (7.5) "Serious harm" means any harm, whether physical
16 or nonphysical, including psychological, financial, or
17 reputational harm, that is sufficiently serious, under all
18 the surrounding circumstances, to compel a reasonable
19 person of the same background and in the same circumstances
20 to perform or to continue performing labor or services in
21 order to avoid incurring that harm.

22 (8) "Services" means activities resulting from a
23 relationship between a person and the actor in which the
24 person performs activities under the supervision of or for
25 the benefit of the actor. Commercial sexual activity and
26 sexually-explicit performances are forms of activities

1 that are "services" under this Section. Nothing in this
2 definition may be construed to legitimize or legalize
3 prostitution.

4 (9) "Sexually-explicit performance" means a live,
5 recorded, broadcast (including over the Internet), or
6 public act or show intended to arouse or satisfy the sexual
7 desires or appeal to the prurient interests of patrons.

8 (10) "Trafficking victim" means a person subjected to
9 the practices set forth in subsection (b), (c), or (d).

10 (b) Involuntary servitude. A person commits involuntary
11 servitude when he or she knowingly subjects, attempts to
12 subject, or engages in a conspiracy to subject another person
13 to labor or services obtained or maintained through any of the
14 following means, or any combination of these means:

15 (1) causes or threatens to cause physical harm to any
16 person;

17 (2) physically restrains or threatens to physically
18 restrain another person;

19 (3) abuses or threatens to abuse the law or legal
20 process;

21 (4) knowingly destroys, conceals, removes,
22 confiscates, or possesses any actual or purported passport
23 or other immigration document, or any other actual or
24 purported government identification document, of another
25 person;

26 (5) uses intimidation, or exerts financial control

1 over any person; or

2 (6) uses any scheme, plan, or pattern intended to cause
3 the person to believe that, if the person did not perform
4 the labor or services, that person or another person would
5 suffer serious harm or physical restraint.

6 Sentence. Except as otherwise provided in this paragraph or
7 subsection (e) or (f) of this Section, a violation of
8 subsection (b)(1) is a Class X felony, (b)(2) is a Class 1
9 felony, (b)(3) is a Class 2 felony, (b)(4) is a Class 3 felony,
10 and (b)(5) or ~~and~~ (b)(6) is a Class 4 felony. If the victim of
11 the offense is under 18 years of age at the time of the
12 commission of the offense, the violation is a Class X for which
13 the person shall be sentenced to a minimum term of imprisonment
14 of 10 years if the defendant knew that the victim will engage
15 in commercial sexual activity, a sexually-explicit
16 performance, or the production of pornography, or causes or
17 attempts to cause the victim to engage in one or more of those
18 activities, but the victim has not engaged in one or more of
19 those activities; or the violation is a Class X felony for
20 which the person shall be sentenced to a minimum term of
21 imprisonment of 25 years if the victim of the offense has
22 engaged in commercial sexual activity, a sexually-explicit
23 performance, or the production of pornography.

24 (c) Involuntary sexual servitude of a minor. A person
25 commits involuntary sexual servitude of a minor when he or she
26 knowingly recruits, entices, harbors, transports, provides, or

1 obtains by any means, or attempts to recruit, entice, harbor,
2 provide, or obtain by any means, another person under 18 years
3 of age, knowing that the minor will engage in commercial sexual
4 activity, a sexually-explicit performance, or the production
5 of pornography, or causes or attempts to cause a minor to
6 engage in one or more of those activities. ~~and:~~

7 ~~(1) there is no overt force or threat and the minor is~~
8 ~~between the ages of 17 and 18 years;~~

9 ~~(2) there is no overt force or threat and the minor is~~
10 ~~under the age of 17 years; or~~

11 ~~(3) there is overt force or threat.~~

12 Sentence. Involuntary sexual servitude of a minor is a
13 Class X felony for which the person shall be sentenced to a
14 minimum term of imprisonment of 10 years if the victim is
15 recruited, enticed, harbored, transported, provided, or
16 obtained by any means, or if there was an attempt to recruit,
17 entice, harbor, provide, or obtain by any means, another person
18 under 18 years of age, knowing that the victim will engage in
19 commercial sexual activity, a sexually-explicit performance,
20 or the production of pornography, or causes or attempts to
21 cause the victim to engage in one or more of those activities,
22 but the victim has not engaged in one or more of those
23 activities. Involuntary sexual servitude of a minor is a Class
24 X felony for which the person shall be sentenced to a minimum
25 term of imprisonment of 25 years if the victim of the offense
26 has engaged in commercial sexual activity, a sexually-explicit

1 performance, or the production of pornography ~~Except as~~
2 ~~otherwise provided in subsection (e) or (f), a violation of~~
3 ~~subsection (e) (1) is a Class 1 felony, (e) (2) is a Class X~~
4 ~~felony, and (e) (3) is a Class X felony.~~

5 (d) Trafficking in persons. A person commits trafficking in
6 persons when he or she knowingly: (1) recruits, entices,
7 harbors, transports, provides, or obtains by any means, or
8 attempts to recruit, entice, harbor, transport, provide, or
9 obtain by any means, another person, intending or knowing that
10 the person will be subjected to involuntary servitude; or (2)
11 benefits, financially or by receiving anything of value, from
12 participation in a venture that has engaged in an act of
13 involuntary servitude or involuntary sexual servitude of a
14 minor.

15 Sentence. Except as otherwise provided in this paragraph or
16 subsection (e) or (f) of this Section, a violation of this
17 subsection is a Class 1 felony. If the victim of the offense is
18 under 18 years of age at the time of the commission of the
19 offense, the violation is a Class X for which the person shall
20 be sentenced to a minimum term of imprisonment of 10 years if
21 the defendant knew that the victim will engage in commercial
22 sexual activity, a sexually-explicit performance, or the
23 production of pornography, or causes or attempts to cause the
24 victim to engage in one or more of those activities, but the
25 victim has not engaged in one or more of those activities; or
26 the violation is a Class X felony for which the person shall be

1 sentenced to a minimum term of imprisonment of 25 years if the
2 victim of the offense has engaged in commercial sexual
3 activity, a sexually-explicit performance, or the production
4 of pornography.

5 (e) Aggravating factors. A violation of this Section
6 involving kidnapping or an attempt to kidnap, aggravated
7 criminal sexual assault or an attempt to commit aggravated
8 criminal sexual assault, or an attempt to commit first degree
9 murder is a Class X felony, unless the victim is under 18 years
10 of age at the time of the offense in which case it is a Class X
11 felony for which the person shall be sentenced to a minimum
12 term of imprisonment of 25 years.

13 (f) Sentencing considerations.

14 (1) Bodily injury. If, pursuant to a violation of this
15 Section, a victim suffered bodily injury, the defendant may
16 be sentenced to an extended-term sentence under Section
17 5-8-2 of the Unified Code of Corrections. The sentencing
18 court must take into account the time in which the victim
19 was held in servitude, with increased penalties for cases
20 in which the victim was held for between 180 days and one
21 year, and increased penalties for cases in which the victim
22 was held for more than one year.

23 (2) Number of victims. In determining sentences within
24 statutory maximums, the sentencing court should take into
25 account the number of victims, and may provide for
26 substantially increased sentences in cases involving more

1 than 10 victims.

2 (g) Restitution. Restitution is mandatory under this
3 Section. In addition to any other amount of loss identified,
4 the court shall order restitution including the greater of (1)
5 the gross income or value to the defendant of the victim's
6 labor or services or (2) the value of the victim's labor as
7 guaranteed under the Minimum Wage Law and overtime provisions
8 of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law,
9 whichever is greater.

10 (g-5) Fine distribution. If the court imposes a fine under
11 subsection (b), (c), or (d) of this Section, it shall be
12 collected and distributed to the Specialized Services for
13 Survivors of Human Trafficking Fund in accordance with Section
14 5-9-1.21 of the Unified Code of Corrections.

15 (h) Trafficking victim services. Subject to the
16 availability of funds, the Department of Human Services may
17 provide or fund emergency services and assistance to
18 individuals who are victims of one or more offenses defined in
19 this Section.

20 (i) Certification. The Attorney General, a State's
21 Attorney, or any law enforcement official shall certify in
22 writing to the United States Department of Justice or other
23 federal agency, such as the United States Department of
24 Homeland Security, that an investigation or prosecution under
25 this Section has begun and the individual who is a likely
26 victim of a crime described in this Section is willing to

1 cooperate or is cooperating with the investigation to enable
2 the individual, if eligible under federal law, to qualify for
3 an appropriate special immigrant visa and to access available
4 federal benefits. Cooperation with law enforcement shall not be
5 required of victims of a crime described in this Section who
6 are under 18 years of age. This certification shall be made
7 available to the victim and his or her designated legal
8 representative.

9 (j) A person who commits involuntary servitude,
10 involuntary sexual servitude of a minor, or trafficking in
11 persons under subsection (b), (c), or (d) of this Section is
12 subject to the property forfeiture provisions set forth in
13 Article 124B of the Code of Criminal Procedure of 1963.

14 (Source: P.A. 97-897, eff. 1-1-13; 98-756, eff. 7-16-14;
15 98-1013, eff. 1-1-15.)

16 (720 ILCS 5/11-14.1)

17 Sec. 11-14.1. Solicitation of a sexual act.

18 (a) Any person who offers a person not his or her spouse
19 any money, property, token, object, or article or anything of
20 value for that person or any other person not his or her spouse
21 to perform any act of sexual penetration as defined in Section
22 11-0.1 of this Code, or any touching or fondling of the sex
23 organs of one person by another person for the purpose of
24 sexual arousal or gratification, commits solicitation of a
25 sexual act.

1 (b) Sentence. Solicitation of a sexual act is a Class A
2 misdemeanor. Solicitation of a sexual act from a person who is
3 under the age of 18 or who is a person with a severe or profound
4 intellectual disability is a Class 4 felony. If the court
5 imposes a fine under this subsection (b), it shall be collected
6 and distributed to the Specialized Services for Survivors of
7 Human Trafficking Fund in accordance with Section 5-9-1.21 of
8 the Unified Code of Corrections.

9 (b-5) It is an affirmative defense to a charge of
10 solicitation of a sexual act with a person who is under the age
11 of 18 or who is a person with a severe or profound intellectual
12 disability that the accused reasonably believed the person was
13 of the age of 18 years or over or was not a person with a severe
14 or profound intellectual disability at the time of the act
15 giving rise to the charge.

16 (c) This Section does not apply to a person engaged in
17 prostitution who is under 18 years of age.

18 (d) A person cannot be convicted under this Section if the
19 practice of prostitution underlying the offense consists
20 exclusively of the accused's own acts of prostitution under
21 Section 11-14 of this Code.

22 (e) Forfeiture. Any person convicted of a violation of this
23 Section that involves solicitation of a sexual act from a
24 person who is under the age of 18 or who is a person with a
25 severe or profound intellectual disability is subject to the
26 property forfeiture provisions set forth in Article 124B of the

1 Code of Criminal Procedure of 1963 or seizure under Article 36
2 of this Code.

3 (Source: P.A. 98-1013, eff. 1-1-15; 99-143, eff. 7-27-15.)

4 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

5 Sec. 11-18.1. Patronizing a minor engaged in prostitution.

6 (a) Any person who engages in an act of sexual penetration
7 as defined in Section 11-0.1 of this Code with a person engaged
8 in prostitution who is under 18 years of age or is a person
9 with a severe or profound intellectual disability commits
10 patronizing a minor engaged in prostitution.

11 (a-5) Any person who engages in any touching or fondling,
12 with a person engaged in prostitution who either is under 18
13 years of age or is a person with a severe or profound
14 intellectual disability, of the sex organs of one person by the
15 other person, with the intent to achieve sexual arousal or
16 gratification, commits patronizing a minor engaged in
17 prostitution.

18 (b) It is an affirmative defense to the charge of
19 patronizing a minor engaged in prostitution that the accused
20 reasonably believed that the person was of the age of 18 years
21 or over or was not a person with a severe or profound
22 intellectual disability at the time of the act giving rise to
23 the charge.

24 (c) Sentence. A person who commits patronizing a juvenile
25 prostitute is guilty of a Class 3 felony, unless committed

1 within 1,000 feet of real property comprising a school, in
2 which case it is a Class 2 felony. A person convicted of a
3 second or subsequent violation of this Section, or of any
4 combination of such number of convictions under this Section
5 and Sections 11-14 (prostitution), 11-14.1 (solicitation of a
6 sexual act), 11-14.3 (promoting prostitution), 11-14.4
7 (promoting juvenile prostitution), 11-15 (soliciting for a
8 prostitute), 11-15.1 (soliciting for a juvenile prostitute),
9 11-16 (pandering), 11-17 (keeping a place of prostitution),
10 11-17.1 (keeping a place of juvenile prostitution), 11-18
11 (patronizing a prostitute), 11-19 (pimping), 11-19.1 (juvenile
12 pimping or aggravated juvenile pimping), or 11-19.2
13 (exploitation of a child) of this Code, is guilty of a Class 2
14 felony. The fact of such conviction is not an element of the
15 offense and may not be disclosed to the jury during trial
16 unless otherwise permitted by issues properly raised during
17 such trial.

18 (d) Forfeiture. Any person convicted of a violation of this
19 Section is subject to the property forfeiture provisions set
20 forth in Article 124B of the Code of Criminal Procedure of
21 1963.

22 (Source: P.A. 99-143, eff. 7-27-15.)

23 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

24 (Text of Section before amendment by P.A. 100-512)

25 Sec. 36-1. Seizure.

1 (a) Any vessel or watercraft, vehicle, or aircraft may be
2 seized and impounded by the law enforcement agency if the
3 vessel or watercraft, vehicle, or aircraft is used with the
4 knowledge and consent of the owner in the commission of or in
5 the attempt to commit as defined in Section 8-4 of this Code:

6 (1) an offense prohibited by Section 9-1 (first degree
7 murder), Section 9-3 (involuntary manslaughter and
8 reckless homicide), Section 10-2 (aggravated kidnaping),
9 Section 11-1.20 (criminal sexual assault), Section 11-1.30
10 (aggravated criminal sexual assault), Section 11-1.40
11 (predatory criminal sexual assault of a child), subsection
12 (a) of Section 11-1.50 (criminal sexual abuse), subsection
13 (a), (c), or (d) of Section 11-1.60 (aggravated criminal
14 sexual abuse), Section 11-6 (indecent solicitation of a
15 child), Section 11-14.4 (promoting juvenile prostitution
16 except for keeping a place of juvenile prostitution),
17 Section 11-20.1 (child pornography), paragraph (a)(1),
18 (a)(2), (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3),
19 (e)(4), (e)(5), (e)(6), or (e)(7) of Section 12-3.05
20 (aggravated battery), Section 12-7.3 (stalking), Section
21 12-7.4 (aggravated stalking), Section 16-1 (theft if the
22 theft is of precious metal or of scrap metal), subdivision
23 (f)(2) or (f)(3) of Section 16-25 (retail theft), Section
24 18-2 (armed robbery), Section 19-1 (burglary), Section
25 19-2 (possession of burglary tools), Section 19-3
26 (residential burglary), Section 20-1 (arson; residential

1 arson; place of worship arson), Section 20-2 (possession of
2 explosives or explosive or incendiary devices),
3 subdivision (a)(6) or (a)(7) of Section 24-1 (unlawful use
4 of weapons), Section 24-1.2 (aggravated discharge of a
5 firearm), Section 24-1.2-5 (aggravated discharge of a
6 machine gun or a firearm equipped with a device designed or
7 used for silencing the report of a firearm), Section 24-1.5
8 (reckless discharge of a firearm), Section 28-1
9 (gambling), or Section 29D-15.2 (possession of a deadly
10 substance) of this Code;

11 (2) an offense prohibited by Section 21, 22, 23, 24 or
12 26 of the Cigarette Tax Act if the vessel or watercraft,
13 vehicle, or aircraft contains more than 10 cartons of such
14 cigarettes;

15 (3) an offense prohibited by Section 28, 29, or 30 of
16 the Cigarette Use Tax Act if the vessel or watercraft,
17 vehicle, or aircraft contains more than 10 cartons of such
18 cigarettes;

19 (4) an offense prohibited by Section 44 of the
20 Environmental Protection Act;

21 (5) an offense prohibited by Section 11-204.1 of the
22 Illinois Vehicle Code (aggravated fleeing or attempting to
23 elude a peace officer);

24 (6) an offense prohibited by Section 11-501 of the
25 Illinois Vehicle Code (driving while under the influence of
26 alcohol or other drug or drugs, intoxicating compound or

1 compounds or any combination thereof) or a similar
2 provision of a local ordinance, and:

3 (A) during a period in which his or her driving
4 privileges are revoked or suspended if the revocation
5 or suspension was for:

6 (i) Section 11-501 (driving under the
7 influence of alcohol or other drug or drugs,
8 intoxicating compound or compounds or any
9 combination thereof),

10 (ii) Section 11-501.1 (statutory summary
11 suspension or revocation),

12 (iii) paragraph (b) of Section 11-401 (motor
13 vehicle accidents involving death or personal
14 injuries), or

15 (iv) reckless homicide as defined in Section
16 9-3 of this Code;

17 (B) has been previously convicted of reckless
18 homicide or a similar provision of a law of another
19 state relating to reckless homicide in which the person
20 was determined to have been under the influence of
21 alcohol, other drug or drugs, or intoxicating compound
22 or compounds as an element of the offense or the person
23 has previously been convicted of committing a
24 violation of driving under the influence of alcohol or
25 other drug or drugs, intoxicating compound or
26 compounds or any combination thereof and was involved

1 in a motor vehicle accident that resulted in death,
2 great bodily harm, or permanent disability or
3 disfigurement to another, when the violation was a
4 proximate cause of the death or injuries;

5 (C) the person committed a violation of driving
6 under the influence of alcohol or other drug or drugs,
7 intoxicating compound or compounds or any combination
8 thereof under Section 11-501 of the Illinois Vehicle
9 Code or a similar provision for the third or subsequent
10 time;

11 (D) he or she did not possess a valid driver's
12 license or permit or a valid restricted driving permit
13 or a valid judicial driving permit or a valid
14 monitoring device driving permit; or

15 (E) he or she knew or should have known that the
16 vehicle he or she was driving was not covered by a
17 liability insurance policy;

18 (7) an offense described in subsection (g) of Section
19 6-303 of the Illinois Vehicle Code;

20 (8) an offense described in subsection (e) of Section
21 6-101 of the Illinois Vehicle Code; or

22 (9) (A) operating a watercraft under the influence of
23 alcohol, other drug or drugs, intoxicating compound or
24 compounds, or combination thereof under Section 5-16 of the
25 Boat Registration and Safety Act during a period in which
26 his or her privileges to operate a watercraft are revoked

1 or suspended and the revocation or suspension was for
2 operating a watercraft under the influence of alcohol,
3 other drug or drugs, intoxicating compound or compounds, or
4 combination thereof; (B) operating a watercraft under the
5 influence of alcohol, other drug or drugs, intoxicating
6 compound or compounds, or combination thereof and has been
7 previously convicted of reckless homicide or a similar
8 provision of a law in another state relating to reckless
9 homicide in which the person was determined to have been
10 under the influence of alcohol, other drug or drugs,
11 intoxicating compound or compounds, or combination thereof
12 as an element of the offense or the person has previously
13 been convicted of committing a violation of operating a
14 watercraft under the influence of alcohol, other drug or
15 drugs, intoxicating compound or compounds, or combination
16 thereof and was involved in an accident that resulted in
17 death, great bodily harm, or permanent disability or
18 disfigurement to another, when the violation was a
19 proximate cause of the death or injuries; or (C) the person
20 committed a violation of operating a watercraft under the
21 influence of alcohol, other drug or drugs, intoxicating
22 compound or compounds, or combination thereof under
23 Section 5-16 of the Boat Registration and Safety Act or a
24 similar provision for the third or subsequent time.

25 (b) In addition, any mobile or portable equipment used in
26 the commission of an act which is in violation of Section 7g of

1 the Metropolitan Water Reclamation District Act shall be
2 subject to seizure and forfeiture under the same procedures
3 provided in this Article for the seizure and forfeiture of
4 vessels or watercraft, vehicles, and aircraft, and any such
5 equipment shall be deemed a vessel or watercraft, vehicle, or
6 aircraft for purposes of this Article.

7 (c) In addition, when a person discharges a firearm at
8 another individual from a vehicle with the knowledge and
9 consent of the owner of the vehicle and with the intent to
10 cause death or great bodily harm to that individual and as a
11 result causes death or great bodily harm to that individual,
12 the vehicle shall be subject to seizure and forfeiture under
13 the same procedures provided in this Article for the seizure
14 and forfeiture of vehicles used in violations of clauses (1),
15 (2), (3), or (4) of subsection (a) of this Section.

16 (d) If the spouse of the owner of a vehicle seized for an
17 offense described in subsection (g) of Section 6-303 of the
18 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
19 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
20 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
21 Code makes a showing that the seized vehicle is the only source
22 of transportation and it is determined that the financial
23 hardship to the family as a result of the seizure outweighs the
24 benefit to the State from the seizure, the vehicle may be
25 forfeited to the spouse or family member and the title to the
26 vehicle shall be transferred to the spouse or family member who

1 is properly licensed and who requires the use of the vehicle
2 for employment or family transportation purposes. A written
3 declaration of forfeiture of a vehicle under this Section shall
4 be sufficient cause for the title to be transferred to the
5 spouse or family member. The provisions of this paragraph shall
6 apply only to one forfeiture per vehicle. If the vehicle is the
7 subject of a subsequent forfeiture proceeding by virtue of a
8 subsequent conviction of either spouse or the family member,
9 the spouse or family member to whom the vehicle was forfeited
10 under the first forfeiture proceeding may not utilize the
11 provisions of this paragraph in another forfeiture proceeding.
12 If the owner of the vehicle seized owns more than one vehicle,
13 the procedure set out in this paragraph may be used for only
14 one vehicle.

15 (e) In addition, property declared contraband under
16 Section 40 of the Illinois Streetgang Terrorism Omnibus
17 Prevention Act may be seized and forfeited under this Article.
18 (Source: P.A. 98-699, eff. 1-1-15; 98-1020, eff. 8-22-14;
19 99-78, eff. 7-20-15.)

20 (Text of Section after amendment by P.A. 100-512)

21 Sec. 36-1. Property subject to forfeiture.

22 (a) Any vessel or watercraft, vehicle, or aircraft is
23 subject to forfeiture under this Article if the vessel or
24 watercraft, vehicle, or aircraft is used with the knowledge and
25 consent of the owner in the commission of or in the attempt to

1 commit as defined in Section 8-4 of this Code:

2 (1) an offense prohibited by Section 9-1 (first degree
3 murder), Section 9-3 (involuntary manslaughter and
4 reckless homicide), Section 10-2 (aggravated kidnaping),
5 Section 11-1.20 (criminal sexual assault), Section 11-1.30
6 (aggravated criminal sexual assault), Section 11-1.40
7 (predatory criminal sexual assault of a child), subsection
8 (a) of Section 11-1.50 (criminal sexual abuse), subsection
9 (a), (c), or (d) of Section 11-1.60 (aggravated criminal
10 sexual abuse), Section 11-6 (indecent solicitation of a
11 child), Section 11-14.1 (solicitation of a sexual act from
12 a person who is under the age of 18 or who is a person with
13 a severe or profound intellectual disability), Section
14 11-14.4 (promoting juvenile prostitution except for
15 keeping a place of juvenile prostitution), Section 11-18.1
16 (patronizing a minor engaged in prostitution), Section
17 11-20.1 (child pornography), paragraph (a)(1), (a)(2),
18 (a)(4), (b)(1), (b)(2), (e)(1), (e)(2), (e)(3), (e)(4),
19 (e)(5), (e)(6), or (e)(7) of Section 12-3.05 (aggravated
20 battery), Section 12-7.3 (stalking), Section 12-7.4
21 (aggravated stalking), Section 16-1 (theft if the theft is
22 of precious metal or of scrap metal), subdivision (f)(2) or
23 (f)(3) of Section 16-25 (retail theft), Section 18-2 (armed
24 robbery), Section 19-1 (burglary), Section 19-2
25 (possession of burglary tools), Section 19-3 (residential
26 burglary), Section 20-1 (arson; residential arson; place

1 of worship arson), Section 20-2 (possession of explosives
2 or explosive or incendiary devices), subdivision (a)(6) or
3 (a)(7) of Section 24-1 (unlawful use of weapons), Section
4 24-1.2 (aggravated discharge of a firearm), Section
5 24-1.2-5 (aggravated discharge of a machine gun or a
6 firearm equipped with a device designed or used for
7 silencing the report of a firearm), Section 24-1.5
8 (reckless discharge of a firearm), Section 28-1
9 (gambling), or Section 29D-15.2 (possession of a deadly
10 substance) of this Code;

11 (2) an offense prohibited by Section 21, 22, 23, 24 or
12 26 of the Cigarette Tax Act if the vessel or watercraft,
13 vehicle, or aircraft contains more than 10 cartons of such
14 cigarettes;

15 (3) an offense prohibited by Section 28, 29, or 30 of
16 the Cigarette Use Tax Act if the vessel or watercraft,
17 vehicle, or aircraft contains more than 10 cartons of such
18 cigarettes;

19 (4) an offense prohibited by Section 44 of the
20 Environmental Protection Act;

21 (5) an offense prohibited by Section 11-204.1 of the
22 Illinois Vehicle Code (aggravated fleeing or attempting to
23 elude a peace officer);

24 (6) an offense prohibited by Section 11-501 of the
25 Illinois Vehicle Code (driving while under the influence of
26 alcohol or other drug or drugs, intoxicating compound or

1 compounds or any combination thereof) or a similar
2 provision of a local ordinance, and:

3 (A) during a period in which his or her driving
4 privileges are revoked or suspended if the revocation
5 or suspension was for:

6 (i) Section 11-501 (driving under the
7 influence of alcohol or other drug or drugs,
8 intoxicating compound or compounds or any
9 combination thereof),

10 (ii) Section 11-501.1 (statutory summary
11 suspension or revocation),

12 (iii) paragraph (b) of Section 11-401 (motor
13 vehicle accidents involving death or personal
14 injuries), or

15 (iv) reckless homicide as defined in Section
16 9-3 of this Code;

17 (B) has been previously convicted of reckless
18 homicide or a similar provision of a law of another
19 state relating to reckless homicide in which the person
20 was determined to have been under the influence of
21 alcohol, other drug or drugs, or intoxicating compound
22 or compounds as an element of the offense or the person
23 has previously been convicted of committing a
24 violation of driving under the influence of alcohol or
25 other drug or drugs, intoxicating compound or
26 compounds or any combination thereof and was involved

1 in a motor vehicle accident that resulted in death,
2 great bodily harm, or permanent disability or
3 disfigurement to another, when the violation was a
4 proximate cause of the death or injuries;

5 (C) the person committed a violation of driving
6 under the influence of alcohol or other drug or drugs,
7 intoxicating compound or compounds or any combination
8 thereof under Section 11-501 of the Illinois Vehicle
9 Code or a similar provision for the third or subsequent
10 time;

11 (D) he or she did not possess a valid driver's
12 license or permit or a valid restricted driving permit
13 or a valid judicial driving permit or a valid
14 monitoring device driving permit; or

15 (E) he or she knew or should have known that the
16 vehicle he or she was driving was not covered by a
17 liability insurance policy;

18 (7) an offense described in subsection (g) of Section
19 6-303 of the Illinois Vehicle Code;

20 (8) an offense described in subsection (e) of Section
21 6-101 of the Illinois Vehicle Code; or

22 (9) (A) operating a watercraft under the influence of
23 alcohol, other drug or drugs, intoxicating compound or
24 compounds, or combination thereof under Section 5-16 of the
25 Boat Registration and Safety Act during a period in which
26 his or her privileges to operate a watercraft are revoked

1 or suspended and the revocation or suspension was for
2 operating a watercraft under the influence of alcohol,
3 other drug or drugs, intoxicating compound or compounds, or
4 combination thereof; (B) operating a watercraft under the
5 influence of alcohol, other drug or drugs, intoxicating
6 compound or compounds, or combination thereof and has been
7 previously convicted of reckless homicide or a similar
8 provision of a law in another state relating to reckless
9 homicide in which the person was determined to have been
10 under the influence of alcohol, other drug or drugs,
11 intoxicating compound or compounds, or combination thereof
12 as an element of the offense or the person has previously
13 been convicted of committing a violation of operating a
14 watercraft under the influence of alcohol, other drug or
15 drugs, intoxicating compound or compounds, or combination
16 thereof and was involved in an accident that resulted in
17 death, great bodily harm, or permanent disability or
18 disfigurement to another, when the violation was a
19 proximate cause of the death or injuries; or (C) the person
20 committed a violation of operating a watercraft under the
21 influence of alcohol, other drug or drugs, intoxicating
22 compound or compounds, or combination thereof under
23 Section 5-16 of the Boat Registration and Safety Act or a
24 similar provision for the third or subsequent time.

25 (b) In addition, any mobile or portable equipment used in
26 the commission of an act which is in violation of Section 7g of

1 the Metropolitan Water Reclamation District Act shall be
2 subject to seizure and forfeiture under the same procedures
3 provided in this Article for the seizure and forfeiture of
4 vessels or watercraft, vehicles, and aircraft, and any such
5 equipment shall be deemed a vessel or watercraft, vehicle, or
6 aircraft for purposes of this Article.

7 (c) In addition, when a person discharges a firearm at
8 another individual from a vehicle with the knowledge and
9 consent of the owner of the vehicle and with the intent to
10 cause death or great bodily harm to that individual and as a
11 result causes death or great bodily harm to that individual,
12 the vehicle shall be subject to seizure and forfeiture under
13 the same procedures provided in this Article for the seizure
14 and forfeiture of vehicles used in violations of clauses (1),
15 (2), (3), or (4) of subsection (a) of this Section.

16 (d) If the spouse of the owner of a vehicle seized for an
17 offense described in subsection (g) of Section 6-303 of the
18 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
19 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
20 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
21 Code makes a showing that the seized vehicle is the only source
22 of transportation and it is determined that the financial
23 hardship to the family as a result of the seizure outweighs the
24 benefit to the State from the seizure, the vehicle may be
25 forfeited to the spouse or family member and the title to the
26 vehicle shall be transferred to the spouse or family member who

1 is properly licensed and who requires the use of the vehicle
2 for employment or family transportation purposes. A written
3 declaration of forfeiture of a vehicle under this Section shall
4 be sufficient cause for the title to be transferred to the
5 spouse or family member. The provisions of this paragraph shall
6 apply only to one forfeiture per vehicle. If the vehicle is the
7 subject of a subsequent forfeiture proceeding by virtue of a
8 subsequent conviction of either spouse or the family member,
9 the spouse or family member to whom the vehicle was forfeited
10 under the first forfeiture proceeding may not utilize the
11 provisions of this paragraph in another forfeiture proceeding.
12 If the owner of the vehicle seized owns more than one vehicle,
13 the procedure set out in this paragraph may be used for only
14 one vehicle.

15 (e) In addition, property subject to forfeiture under
16 Section 40 of the Illinois Streetgang Terrorism Omnibus
17 Prevention Act may be seized and forfeited under this Article.
18 (Source: P.A. 99-78, eff. 7-20-15; 100-512, eff. 7-1-18.)

19 Section 15. The Code of Criminal Procedure of 1963 is
20 amended by changing Sections 115-7 and 124B-100 as follows:

21 (725 ILCS 5/115-7) (from Ch. 38, par. 115-7)

22 Sec. 115-7. a. In prosecutions for predatory criminal
23 sexual assault of a child, aggravated criminal sexual assault,
24 criminal sexual assault, aggravated criminal sexual abuse,

1 trafficking in persons, involuntary servitude, involuntary
2 sexual servitude, criminal sexual abuse, or criminal
3 transmission of HIV; and in prosecutions for battery and
4 aggravated battery, when the commission of the offense involves
5 sexual penetration or sexual conduct as defined in Section
6 11-0.1 of the Criminal Code of 2012; and with the trial or
7 retrial of the offenses formerly known as rape, deviate sexual
8 assault, indecent liberties with a child, and aggravated
9 indecent liberties with a child, the prior sexual activity or
10 the reputation of the alleged victim or corroborating witness
11 under Section 115-7.3 of this Code is inadmissible except (1)
12 as evidence concerning the past sexual conduct of the alleged
13 victim or corroborating witness under Section 115-7.3 of this
14 Code with the accused when this evidence is offered by the
15 accused upon the issue of whether the alleged victim or
16 corroborating witness under Section 115-7.3 of this Code
17 consented to the sexual conduct with respect to which the
18 offense is alleged; or (2) when constitutionally required to be
19 admitted.

20 b. No evidence admissible under this Section shall be
21 introduced unless ruled admissible by the trial judge after an
22 offer of proof has been made at a hearing to be held in camera
23 in order to determine whether the defense has evidence to
24 impeach the witness in the event that prior sexual activity
25 with the defendant is denied. Such offer of proof shall include
26 reasonably specific information as to the date, time and place

1 of the past sexual conduct between the alleged victim or
2 corroborating witness under Section 115-7.3 of this Code and
3 the defendant. Unless the court finds that reasonably specific
4 information as to date, time or place, or some combination
5 thereof, has been offered as to prior sexual activity with the
6 defendant, counsel for the defendant shall be ordered to
7 refrain from inquiring into prior sexual activity between the
8 alleged victim or corroborating witness under Section 115-7.3
9 of this Code and the defendant. The court shall not admit
10 evidence under this Section unless it determines at the hearing
11 that the evidence is relevant and the probative value of the
12 evidence outweighs the danger of unfair prejudice. The evidence
13 shall be admissible at trial to the extent an order made by the
14 court specifies the evidence that may be admitted and areas
15 with respect to which the alleged victim or corroborating
16 witness under Section 115-7.3 of this Code may be examined or
17 cross examined.

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

19 (725 ILCS 5/124B-100)

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

22 (1) In the case of forfeiture authorized under Section
23 10A-15 of the Criminal Code of 1961 or Section 10-9 of the
24 Criminal Code of 2012, "offense" means the offense of
25 involuntary servitude, involuntary servitude of a minor,

1 or trafficking in persons in violation of Section 10-9 or
2 10A-10 of those Codes.

3 (2) In the case of forfeiture authorized under
4 subdivision (a) (1) of Section 11-14.4, or Section 11-17.1,
5 of the Criminal Code of 1961 or the Criminal Code of 2012,
6 "offense" means the offense of promoting juvenile
7 prostitution or keeping a place of juvenile prostitution in
8 violation of subdivision (a) (1) of Section 11-14.4, or
9 Section 11-17.1, of those Codes.

10 (2.5) In the case of forfeiture authorized under
11 Section 11-17.1 of the Criminal Code of 2012, "offense"
12 means the offense of patronizing a minor engaged in
13 prostitution in violation of Section 11-18.1 of that Code.

14 (3) In the case of forfeiture authorized under
15 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,
16 of the Criminal Code of 1961 or the Criminal Code of 2012,
17 "offense" means the offense of promoting juvenile
18 prostitution or exploitation of a child in violation of
19 subdivision (a) (4) of Section 11-14.4, or Section 11-19.2,
20 of those Codes.

21 (4) In the case of forfeiture authorized under Section
22 11-20 of the Criminal Code of 1961 or the Criminal Code of
23 2012, "offense" means the offense of obscenity in violation
24 of that Section.

25 (5) In the case of forfeiture authorized under Section
26 11-20.1 of the Criminal Code of 1961 or the Criminal Code

1 of 2012, "offense" means the offense of child pornography
2 in violation of Section 11-20.1 of that Code.

3 (6) In the case of forfeiture authorized under Section
4 11-20.1B or 11-20.3 of the Criminal Code of 1961, "offense"
5 means the offense of aggravated child pornography in
6 violation of Section 11-20.1B or 11-20.3 of that Code.

7 (7) In the case of forfeiture authorized under Section
8 12C-65 of the Criminal Code of 2012 or Article 44 of the
9 Criminal Code of 1961, "offense" means the offense of
10 unlawful transfer of a telecommunications device to a minor
11 in violation of Section 12C-65 or Article 44 of those
12 Codes.

13 (8) In the case of forfeiture authorized under Section
14 17-50 or 16D-5 of the Criminal Code of 1961 or the Criminal
15 Code of 2012, "offense" means the offense of computer fraud
16 in violation of Section 17-50 or 16D-5 of those Codes.

17 (9) In the case of forfeiture authorized under Section
18 17-6.3 or Article 17B of the Criminal Code of 1961 or the
19 Criminal Code of 2012, "offense" means any felony violation
20 of Section 17-6.3 or Article 17B of those Codes.

21 (10) In the case of forfeiture authorized under Section
22 29D-65 of the Criminal Code of 1961 or the Criminal Code of
23 2012, "offense" means any offense under Article 29D of that
24 Code.

25 (11) In the case of forfeiture authorized under Section
26 4.01 of the Humane Care for Animals Act, Section 26-5 of

1 the Criminal Code of 1961, or Section 48-1 of the Criminal
2 Code of 2012, "offense" means any felony offense under
3 either of those Sections.

4 (12) In the case of forfeiture authorized under Section
5 124B-1000(b) of the Code of Criminal Procedure of 1963,
6 "offense" means an offense in violation of the Criminal
7 Code of 1961, the Criminal Code of 2012, the Illinois
8 Controlled Substances Act, the Cannabis Control Act, or the
9 Methamphetamine Control and Community Protection Act, or
10 an offense involving a telecommunications device possessed
11 by a person on the real property of any elementary or
12 secondary school without authority of the school
13 principal.

14 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;
15 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
16 1-1-13; 97-1150, eff. 1-25-13.)

17 Section 20. The Unified Code of Corrections is amended by
18 changing Section 5-9-1.21 as follows:

19 (730 ILCS 5/5-9-1.21)

20 Sec. 5-9-1.21. Specialized Services for Survivors of Human
21 Trafficking Fund.

22 (a) There is created in the State treasury a Specialized
23 Services for Survivors of Human Trafficking Fund. Moneys
24 deposited into the Fund under this Section shall be available

1 for the Department of Human Services for the purposes in this
2 Section.

3 (b) Each plea of guilty, stipulation of facts, or finding
4 of guilt resulting in a judgment of conviction or order of
5 supervision for an offense under Section 10-9, 11-14.1,
6 11-14.3, 11-14.4, ~~or 11-18~~, or 11-18.1 of the Criminal Code of
7 2012 that results in the imposition of a fine shall have a
8 portion of that fine deposited into the Specialized Services
9 for Survivors of Human Trafficking Fund.

10 (c) If imposed, the fine shall be collected by the circuit
11 court clerk in addition to any other imposed fee. The circuit
12 court clerk shall retain \$50 to cover the costs in
13 administering and enforcing this Section. The circuit court
14 clerk shall remit the remainder of the fine within one month of
15 its receipt as follows:

16 (1) \$300 shall be distributed equally between all State
17 law enforcement agencies whose officers or employees
18 conducted the investigation or prosecution that resulted
19 in the finding of guilt; and

20 (2) the remainder of the fine shall be remitted to the
21 Department of Human Services for deposit into the
22 Specialized Services for Survivors of Human Trafficking
23 Fund.

24 (d) Upon appropriation of moneys from the Specialized
25 Services for Survivors of Human Trafficking Fund, the
26 Department of Human Services shall use these moneys to make

1 grants to non-governmental organizations to provide
2 specialized, trauma-informed services specifically designed to
3 address the priority service needs associated with
4 prostitution and human trafficking. Priority services include,
5 but are not limited to, community based drop-in centers,
6 emergency housing, and long-term safe homes. The Department
7 shall consult with prostitution and human trafficking
8 advocates, survivors, and service providers to identify
9 priority service needs in their respective communities.

10 (e) Grants made under this Section are in addition to, and
11 not substitutes for, other grants authorized and made by the
12 Department.

13 (f) Notwithstanding any other law to the contrary, the
14 Specialized Services for Survivors of Human Trafficking Fund is
15 not subject to sweeps, administrative charge-backs, or any
16 other fiscal maneuver that would in any way transfer any
17 amounts from the Specialized Services for Survivors of Human
18 Trafficking Fund into any other fund of the State.

19 (Source: P.A. 98-1013, eff. 1-1-15.)

20 Section 25. The Sex Offender Registration Act is amended by
21 changing Section 2 as follows:

22 (730 ILCS 150/2) (from Ch. 38, par. 222)

23 Sec. 2. Definitions.

24 (A) As used in this Article, "sex offender" means any

1 person who is:

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

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

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

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

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

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

1 (f) is the subject of a finding not resulting in an
2 acquittal at a hearing conducted pursuant to a federal,
3 Uniform Code of Military Justice, sister state, or
4 foreign country law substantially similar to Section
5 104-25(a) of the Code of Criminal Procedure of 1963 for
6 the alleged violation or attempted commission of such
7 offense; or

8 (2) declared as a sexually dangerous person pursuant to
9 the Illinois Sexually Dangerous Persons Act, or any
10 substantially similar federal, Uniform Code of Military
11 Justice, sister state, or foreign country law; or

12 (3) subject to the provisions of Section 2 of the
13 Interstate Agreements on Sexually Dangerous Persons Act;
14 or

15 (4) found to be a sexually violent person pursuant to
16 the Sexually Violent Persons Commitment Act or any
17 substantially similar federal, Uniform Code of Military
18 Justice, sister state, or foreign country law; or

19 (5) adjudicated a juvenile delinquent as the result of
20 committing or attempting to commit an act which, if
21 committed by an adult, would constitute any of the offenses
22 specified in item (B), (C), or (C-5) of this Section or a
23 violation of any substantially similar federal, Uniform
24 Code of Military Justice, sister state, or foreign country
25 law, or found guilty under Article V of the Juvenile Court
26 Act of 1987 of committing or attempting to commit an act

1 which, if committed by an adult, would constitute any of
2 the offenses specified in item (B), (C), or (C-5) of this
3 Section or a violation of any substantially similar
4 federal, Uniform Code of Military Justice, sister state, or
5 foreign country law.

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

11 For purposes of this Section, "convicted" shall have the
12 same meaning as "adjudicated".

13 (B) As used in this Article, "sex offense" means:

14 (1) A violation of any of the following Sections of the
15 Criminal Code of 1961 or the Criminal Code of 2012:

16 11-20.1 (child pornography),

17 11-20.1B or 11-20.3 (aggravated child
18 pornography),

19 11-6 (indecent solicitation of a child),

20 11-9.1 (sexual exploitation of a child),

21 11-9.2 (custodial sexual misconduct),

22 11-9.5 (sexual misconduct with a person with a
23 disability),

24 11-14.4 (promoting juvenile prostitution),

25 11-15.1 (soliciting for a juvenile prostitute),

26 11-18.1 (patronizing a juvenile prostitute),

1 11-17.1 (keeping a place of juvenile
2 prostitution),
3 11-19.1 (juvenile pimping),
4 11-19.2 (exploitation of a child),
5 11-25 (grooming),
6 11-26 (traveling to meet a minor or traveling to
7 meet a child),
8 11-1.20 or 12-13 (criminal sexual assault),
9 11-1.30 or 12-14 (aggravated criminal sexual
10 assault),
11 11-1.40 or 12-14.1 (predatory criminal sexual
12 assault of a child),
13 11-1.50 or 12-15 (criminal sexual abuse),
14 11-1.60 or 12-16 (aggravated criminal sexual
15 abuse),
16 12-33 (ritualized abuse of a child).

17 An attempt to commit any of these offenses.

18 (1.5) A violation of any of the following Sections of
19 the Criminal Code of 1961 or the Criminal Code of 2012,
20 when the victim is a person under 18 years of age, the
21 defendant is not a parent of the victim, the offense was
22 sexually motivated as defined in Section 10 of the Sex
23 Offender Evaluation and Treatment Act, and the offense was
24 committed on or after January 1, 1996:

25 10-1 (kidnapping),

26 10-2 (aggravated kidnapping),

1 10-3 (unlawful restraint),

2 10-3.1 (aggravated unlawful restraint).

3 If the offense was committed before January 1, 1996, it
4 is a sex offense requiring registration only when the
5 person is convicted of any felony after July 1, 2011, and
6 paragraph (2.1) of subsection (c) of Section 3 of this Act
7 applies.

8 (1.6) First degree murder under Section 9-1 of the
9 Criminal Code of 1961 or the Criminal Code of 2012,
10 provided the offense was sexually motivated as defined in
11 Section 10 of the Sex Offender Management Board Act.

12 (1.7) (Blank).

13 (1.8) A violation or attempted violation of Section
14 11-11 (sexual relations within families) of the Criminal
15 Code of 1961 or the Criminal Code of 2012, and the offense
16 was committed on or after June 1, 1997. If the offense was
17 committed before June 1, 1997, it is a sex offense
18 requiring registration only when the person is convicted of
19 any felony after July 1, 2011, and paragraph (2.1) of
20 subsection (c) of Section 3 of this Act applies.

21 (1.9) Child abduction under paragraph (10) of
22 subsection (b) of Section 10-5 of the Criminal Code of 1961
23 or the Criminal Code of 2012 committed by luring or
24 attempting to lure a child under the age of 16 into a motor
25 vehicle, building, house trailer, or dwelling place
26 without the consent of the parent or lawful custodian of

1 the child for other than a lawful purpose and the offense
2 was committed on or after January 1, 1998, provided the
3 offense was sexually motivated as defined in Section 10 of
4 the Sex Offender Management Board Act. If the offense was
5 committed before January 1, 1998, it is a sex offense
6 requiring registration only when the person is convicted of
7 any felony after July 1, 2011, and paragraph (2.1) of
8 subsection (c) of Section 3 of this Act applies.

9 (1.10) A violation or attempted violation of any of the
10 following Sections of the Criminal Code of 1961 or the
11 Criminal Code of 2012 when the offense was committed on or
12 after July 1, 1999:

13 10-4 (forcible detention, if the victim is under 18
14 years of age), provided the offense was sexually
15 motivated as defined in Section 10 of the Sex Offender
16 Management Board Act,

17 11-6.5 (indecent solicitation of an adult),

18 11-14.3 that involves soliciting for a prostitute,
19 or 11-15 (soliciting for a prostitute, if the victim is
20 under 18 years of age),

21 subdivision (a) (2) (A) or (a) (2) (B) of Section
22 11-14.3, or Section 11-16 (pandering, if the victim is
23 under 18 years of age),

24 11-18 (patronizing a prostitute, if the victim is
25 under 18 years of age),

26 subdivision (a) (2) (C) of Section 11-14.3, or

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

3 If the offense was committed before July 1, 1999, it is
4 a sex offense requiring registration only when the person
5 is convicted of any felony after July 1, 2011, and
6 paragraph (2.1) of subsection (c) of Section 3 of this Act
7 applies.

8 (1.11) A violation or attempted violation of any of the
9 following Sections of the Criminal Code of 1961 or the
10 Criminal Code of 2012 when the offense was committed on or
11 after August 22, 2002:

12 11-9 or 11-30 (public indecency for a third or
13 subsequent conviction).

14 If the third or subsequent conviction was imposed
15 before August 22, 2002, it is a sex offense requiring
16 registration only when the person is convicted of any
17 felony after July 1, 2011, and paragraph (2.1) of
18 subsection (c) of Section 3 of this Act applies.

19 (1.12) A violation or attempted violation of Section
20 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
21 Criminal Code of 1961 or the Criminal Code of 2012
22 (permitting sexual abuse) when the offense was committed on
23 or after August 22, 2002. If the offense was committed
24 before August 22, 2002, it is a sex offense requiring
25 registration only when the person is convicted of any
26 felony after July 1, 2011, and paragraph (2.1) of

1 subsection (c) of Section 3 of this Act applies.

2 (1.13) A violation or attempted violation of
3 subsection (c) or (d) of Section 10-9 of the Criminal Code
4 of 2012 (trafficking in persons, involuntary servitude,
5 and related offenses).

6 (2) A violation of any former law of this State
7 substantially equivalent to any offense listed in
8 subsection (B) of this Section.

9 (C) A conviction for an offense of federal law, Uniform
10 Code of Military Justice, or the law of another state or a
11 foreign country that is substantially equivalent to any offense
12 listed in subsections (B), (C), (E), and (E-5) of this Section
13 shall constitute a conviction for the purpose of this Article.
14 A finding or adjudication as a sexually dangerous person or a
15 sexually violent person under any federal law, Uniform Code of
16 Military Justice, or the law of another state or foreign
17 country that is substantially equivalent to the Sexually
18 Dangerous Persons Act or the Sexually Violent Persons
19 Commitment Act shall constitute an adjudication for the
20 purposes of this Article.

21 (C-5) A person at least 17 years of age at the time of the
22 commission of the offense who is convicted of first degree
23 murder under Section 9-1 of the Criminal Code of 1961 or the
24 Criminal Code of 2012, against a person under 18 years of age,
25 shall be required to register for natural life. A conviction
26 for an offense of federal, Uniform Code of Military Justice,

1 sister state, or foreign country law that is substantially
2 equivalent to any offense listed in subsection (C-5) of this
3 Section shall constitute a conviction for the purpose of this
4 Article. This subsection (C-5) applies to a person who
5 committed the offense before June 1, 1996 if: (i) the person is
6 incarcerated in an Illinois Department of Corrections facility
7 on August 20, 2004 (the effective date of Public Act 93-977),
8 or (ii) subparagraph (i) does not apply and the person is
9 convicted of any felony after July 1, 2011, and paragraph (2.1)
10 of subsection (c) of Section 3 of this Act applies.

11 (C-6) A person who is convicted or adjudicated delinquent
12 of first degree murder as defined in Section 9-1 of the
13 Criminal Code of 1961 or the Criminal Code of 2012, against a
14 person 18 years of age or over, shall be required to register
15 for his or her natural life. A conviction for an offense of
16 federal, Uniform Code of Military Justice, sister state, or
17 foreign country law that is substantially equivalent to any
18 offense listed in subsection (C-6) of this Section shall
19 constitute a conviction for the purpose of this Article. This
20 subsection (C-6) does not apply to those individuals released
21 from incarceration more than 10 years prior to January 1, 2012
22 (the effective date of Public Act 97-154).

23 (D) As used in this Article, "law enforcement agency having
24 jurisdiction" means the Chief of Police in each of the
25 municipalities in which the sex offender expects to reside,
26 work, or attend school (1) upon his or her discharge, parole or

1 release or (2) during the service of his or her sentence of
2 probation or conditional discharge, or the Sheriff of the
3 county, in the event no Police Chief exists or if the offender
4 intends to reside, work, or attend school in an unincorporated
5 area. "Law enforcement agency having jurisdiction" includes
6 the location where out-of-state students attend school and
7 where out-of-state employees are employed or are otherwise
8 required to register.

9 (D-1) As used in this Article, "supervising officer" means
10 the assigned Illinois Department of Corrections parole agent or
11 county probation officer.

12 (E) As used in this Article, "sexual predator" means any
13 person who, after July 1, 1999, is:

14 (1) Convicted for an offense of federal, Uniform Code
15 of Military Justice, sister state, or foreign country law
16 that is substantially equivalent to any offense listed in
17 subsection (E) or (E-5) of this Section shall constitute a
18 conviction for the purpose of this Article. Convicted of a
19 violation or attempted violation of any of the following
20 Sections of the Criminal Code of 1961 or the Criminal Code
21 of 2012:

22 10-5.1 (luring of a minor),

23 11-14.4 that involves keeping a place of juvenile
24 prostitution, or 11-17.1 (keeping a place of juvenile
25 prostitution),

26 subdivision (a) (2) or (a) (3) of Section 11-14.4,

1 or Section 11-19.1 (juvenile pimping),
2 subdivision (a) (4) of Section 11-14.4, or Section
3 11-19.2 (exploitation of a child),
4 11-20.1 (child pornography),
5 11-20.1B or 11-20.3 (aggravated child
6 pornography),
7 11-1.20 or 12-13 (criminal sexual assault),
8 11-1.30 or 12-14 (aggravated criminal sexual
9 assault),
10 11-1.40 or 12-14.1 (predatory criminal sexual
11 assault of a child),
12 11-1.60 or 12-16 (aggravated criminal sexual
13 abuse),
14 12-33 (ritualized abuse of a child);
15 (2) (blank);
16 (3) declared as a sexually dangerous person pursuant to
17 the Sexually Dangerous Persons Act or any substantially
18 similar federal, Uniform Code of Military Justice, sister
19 state, or foreign country law;
20 (4) found to be a sexually violent person pursuant to
21 the Sexually Violent Persons Commitment Act or any
22 substantially similar federal, Uniform Code of Military
23 Justice, sister state, or foreign country law;
24 (5) convicted of a second or subsequent offense which
25 requires registration pursuant to this Act. For purposes of
26 this paragraph (5), "convicted" shall include a conviction

1 under any substantially similar Illinois, federal, Uniform
2 Code of Military Justice, sister state, or foreign country
3 law;

4 (6) (blank); or

5 (7) if the person was convicted of an offense set forth
6 in this subsection (E) on or before July 1, 1999, the
7 person is a sexual predator for whom registration is
8 required only when the person is convicted of a felony
9 offense after July 1, 2011, and paragraph (2.1) of
10 subsection (c) of Section 3 of this Act applies.

11 (E-5) As used in this Article, "sexual predator" also means
12 a person convicted of a violation or attempted violation of any
13 of the following Sections of the Criminal Code of 1961 or the
14 Criminal Code of 2012:

15 (1) Section 9-1 (first degree murder, when the victim
16 was a person under 18 years of age and the defendant was at
17 least 17 years of age at the time of the commission of the
18 offense, provided the offense was sexually motivated as
19 defined in Section 10 of the Sex Offender Management Board
20 Act);

21 (2) Section 11-9.5 (sexual misconduct with a person
22 with a disability);

23 (3) when the victim is a person under 18 years of age,
24 the defendant is not a parent of the victim, the offense
25 was sexually motivated as defined in Section 10 of the Sex
26 Offender Management Board Act, and the offense was

1 committed on or after January 1, 1996: (A) Section 10-1
2 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
3 (C) Section 10-3 (unlawful restraint), and (D) Section
4 10-3.1 (aggravated unlawful restraint); and

5 (4) Section 10-5(b)(10) (child abduction committed by
6 luring or attempting to lure a child under the age of 16
7 into a motor vehicle, building, house trailer, or dwelling
8 place without the consent of the parent or lawful custodian
9 of the child for other than a lawful purpose and the
10 offense was committed on or after January 1, 1998, provided
11 the offense was sexually motivated as defined in Section 10
12 of the Sex Offender Management Board Act).

13 (E-10) As used in this Article, "sexual predator" also
14 means a person required to register in another State due to a
15 conviction, adjudication or other action of any court
16 triggering an obligation to register as a sex offender, sexual
17 predator, or substantially similar status under the laws of
18 that State.

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

26 (G) As used in this Article, "out-of-state employee" means

1 any sex offender, as defined in this Section, or sexual
2 predator who works in Illinois, regardless of whether the
3 individual receives payment for services performed, for a
4 period of time of 10 or more days or for an aggregate period of
5 time of 30 or more days during any calendar year. Persons who
6 operate motor vehicles in the State accrue one day of
7 employment time for any portion of a day spent in Illinois.

8 (H) As used in this Article, "school" means any public or
9 private educational institution, including, but not limited
10 to, any elementary or secondary school, trade or professional
11 institution, or institution of higher education.

12 (I) As used in this Article, "fixed residence" means any
13 and all places that a sex offender resides for an aggregate
14 period of time of 5 or more days in a calendar year.

15 (J) As used in this Article, "Internet protocol address"
16 means the string of numbers by which a location on the Internet
17 is identified by routers or other computers connected to the
18 Internet.

19 (Source: P.A. 100-428, eff. 1-1-18.)

20 Section 95. No acceleration or delay. Where this Act makes
21 changes in a statute that is represented in this Act by text
22 that is not yet or no longer in effect (for example, a Section
23 represented by multiple versions), the use of that text does
24 not accelerate or delay the taking effect of (i) the changes
25 made by this Act or (ii) provisions derived from any other

1 Public Act.