



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

SB0100

Introduced 1/31/2007, by Sen. John J. Cullerton

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 1961 and certain other Acts. Moves, adds, deletes, repeals, and changes certain provisions. Adds or changes mental states for certain offenses. Changes certain statutory evidence presumptions to permissive inferences. Repeals various Acts, adds certain provisions from those Acts to the Criminal Code of 1961 and the Consumer Fraud and Deceptive Business Practices Act, and creates the Controlled Substances Registration and Hypodermic Syringes and Needles Law, the Grain Coloring Law, the Unauthorized Sale of Certain Plants Law, the Mandatory Life Sentence Law, the Civil Liability for Certain Sex Offenses Law, the Defacing or Removing Identification Marks and Unlawful Sale of Household Appliances Law, the Odometer or Hour Meter Fraud Law, the Installation of Object in Lieu of Air Bag Law, the Fraudulent Sale of Publications Law, the Fraudulent Repair of Fire Extinguisher or Related Equipment Law, the Fraudulent Advertisements Law, the Taxpreparer Information Disclosure Law, the Auction Sales Sign Law, and the Sale of Yo-yo Waterballs Law. Makes other changes. Contains a severability clause and savings provisions. Effective January 1, 2008 if confirmed by joint resolution.

LRB095 03581 DRJ 24845 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 ARTICLE 5.

5 Section 5-1. Short title. This Article may be cited as the
6 Controlled Substances Registration and Hypodermic Syringes and
7 Needles Law. References in this Article to "this Act" mean this
8 Article.

9 Section 5-301. Rules; fees. The Department of Financial and
10 Professional Regulation shall promulgate rules and charge
11 reasonable fees and fines relating to the registration and
12 control of the manufacture, distribution, and dispensing of
13 controlled substances within this State. All moneys received by
14 the Department of Financial and Professional Regulation under
15 this Act shall be deposited into the respective professional
16 dedicated funds in like manner as the primary professional
17 licenses.

18 Section 5-302. Registration required for manufacture,
19 distribution and dispensing.

20 (a) Every person who manufactures, distributes, or
21 dispenses any controlled substances, or engages in chemical

1 analysis, and instructional activities which utilize
2 controlled substances, or who purchases, stores, or
3 administers euthanasia drugs, within this State or who proposes
4 to engage in the manufacture, distribution, or dispensing of
5 any controlled substance, or to engage in chemical analysis,
6 and instructional activities which utilize controlled
7 substances, or to engage in purchasing, storing, or
8 administering euthanasia drugs, within this State, must obtain
9 a registration issued by the Department of Financial and
10 Professional Regulation in accordance with its rules. The rules
11 shall include, but not be limited to, setting the expiration
12 date and renewal period for each registration under this Act.
13 The Department, and any facility or service licensed by the
14 Department, shall be exempt from the regulation requirements of
15 this Section.

16 (b) Persons registered by the Department of Financial and
17 Professional Regulation under this Act to manufacture,
18 distribute, or dispense controlled substances, or purchase,
19 store, or administer euthanasia drugs, may possess,
20 manufacture, distribute, or dispense those substances, or
21 purchase, store, or administer euthanasia drugs, to the extent
22 authorized by their registration and in conformity with the
23 other provisions of this Article.

24 (c) The following persons need not register and may
25 lawfully possess controlled substances under this Act:

26 (1) an agent or employee of any registered

1 manufacturer, distributor, or dispenser of any controlled
2 substance if he is acting in the usual course of his
3 employer's lawful business or employment;

4 (2) a common or contract carrier or warehouseman, or an
5 agent or employee thereof, whose possession of any
6 controlled substance is in the usual lawful course of such
7 business or employment;

8 (3) an ultimate user or a person in possession of any
9 controlled substance pursuant to a lawful prescription of a
10 practitioner or in lawful possession of a Schedule V
11 substance;

12 (4) officers and employees of this State or of the
13 United States while acting in the lawful course of their
14 official duties which requires possession of controlled
15 substances;

16 (5) a registered pharmacist who is employed in, or the
17 owner of, a pharmacy licensed under this Act and the
18 Federal Controlled Substances Act, at the licensed
19 location, or if he is acting in the usual course of his
20 lawful profession, business, or employment.

21 (d) A separate registration is required at each place of
22 business or professional practice where the applicant
23 manufactures, distributes, or dispenses controlled substances,
24 or purchases, stores, or administers euthanasia drugs. Persons
25 are required to obtain a separate registration for each place
26 of business or professional practice where controlled

1 substances are located or stored. A separate registration is
2 not required for every location at which a controlled substance
3 may be prescribed.

4 (e) The Department of Financial and Professional
5 Regulation or the Department of State Police may inspect the
6 controlled premises, as defined in Section 47.10-419 of the
7 Criminal Code of 1961, of a registrant or applicant for
8 registration in accordance with this Act and the rules
9 promulgated hereunder and with regard to persons licensed by
10 the Department, in accordance with subsection (bb) of Section
11 30-5 of the Alcoholism and Other Drug Abuse and Dependency Act
12 and the rules and regulations promulgated thereunder.

13 Section 5-303. Applicant to be registered unless
14 inconsistent with public interest; limitations; fee.

15 (a) The Department of Financial and Professional
16 Regulation shall license an applicant to manufacture,
17 distribute or dispense controlled substances included in
18 Sections 47.10-204, 47.10-206, 47.10-208, 47.10-210, and
19 47.10-212 of the Criminal Code of 1961 or purchase, store, or
20 administer euthanasia drugs unless it determines that the
21 issuance of that license would be inconsistent with the public
22 interest. In determining the public interest, the Department of
23 Financial and Professional Regulation shall consider the
24 following:

25 (1) maintenance of effective controls against

1 diversion of controlled substances into other than lawful
2 medical, scientific, or industrial channels;

3 (2) compliance with applicable Federal, State and
4 local law;

5 (3) any convictions of the applicant under any law of
6 the United States or of any State relating to any
7 controlled substance;

8 (4) past experience in the manufacture or distribution
9 of controlled substances, and the existence in the
10 applicant's establishment of effective controls against
11 diversion;

12 (5) furnishing by the applicant of false or fraudulent
13 material in any application filed under this Act;

14 (6) suspension or revocation of the applicant's
15 Federal registration to manufacture, distribute, or
16 dispense controlled substances, or purchase, store, or
17 administer euthanasia drugs, as authorized by Federal law;

18 (7) whether the applicant is suitably equipped with the
19 facilities appropriate to carry on the operation described
20 in his application;

21 (8) whether the applicant is of good moral character
22 or, if the applicant is a partnership, association,
23 corporation or other organization, whether the partners,
24 directors, governing committee and managing officers are
25 of good moral character;

26 (9) any other factors relevant to and consistent with

1 the public health and safety; and

2 (10) evidence from court, medical disciplinary and
3 pharmacy board records and those of State and Federal
4 investigatory bodies that the applicant has not or does not
5 prescribe controlled substances within the provisions of
6 this Act.

7 (b) No license shall be granted to or renewed for any
8 person who has within 5 years been convicted of a wilful
9 violation of any law of the United States or any law of any
10 State relating to controlled substances, or who is found to be
11 deficient in any of the matters enumerated in subsections
12 (a) (1) through (a) (8).

13 (c) Licensure under subsection (a) does not entitle a
14 registrant to manufacture, distribute or dispense controlled
15 substances in Schedules I or II other than those specified in
16 the registration.

17 (d) Practitioners who are licensed to dispense any
18 controlled substances in Schedules II through V are authorized
19 to conduct instructional activities with controlled substances
20 in Schedules II through V under the law of this State.

21 (e) If an applicant for registration is registered under
22 the Federal law to manufacture, distribute or dispense
23 controlled substances, or purchase, store, or administer
24 euthanasia drugs, upon filing a completed application for
25 licensure in this State and payment of all fees due hereunder,
26 he shall be licensed in this State to the same extent as his

1 Federal registration, unless, within 30 days after completing
2 his application in this State, the Department of Financial and
3 Professional Regulation notifies the applicant that his
4 application has not been granted. A practitioner who is in
5 compliance with the Federal law with respect to registration to
6 dispense controlled substances in Schedules II through V need
7 only send a current copy of that Federal registration to the
8 Department of Financial and Professional Regulation and he
9 shall be deemed in compliance with the registration provisions
10 of this State.

11 (e-5) Beginning July 1, 2003, all of the fees and fines
12 collected under this Section 5-303 shall be deposited into the
13 Illinois State Pharmacy Disciplinary Fund.

14 (f) The fee for registration as a manufacturer or wholesale
15 distributor of controlled substances shall be \$50.00 per year,
16 except that the fee for registration as a manufacturer or
17 wholesale distributor of controlled substances that may be
18 dispensed without a prescription under this Act shall be \$15.00
19 per year. The expiration date and renewal period for each
20 controlled substance license issued under this Act shall be set
21 by rule.

22 Section 5-303.05. Mid-level practitioner registration.

23 (a) The Department of Financial and Professional
24 Regulation shall register licensed physician assistants and
25 licensed advanced practice nurses to prescribe and dispense

1 Schedule III, IV, or V controlled substances under Section
2 5-303 and euthanasia agencies to purchase, store, or administer
3 euthanasia drugs under the following circumstances:

4 (1) with respect to physician assistants or advanced
5 practice nurses,

6 (A) the physician assistant or advanced practice
7 nurse has been delegated prescriptive authority by a
8 physician licensed to practice medicine in all its
9 branches in accordance with Section 7.5 of the
10 Physician Assistant Practice Act of 1987 or Section
11 15-20 of the Nursing and Advanced Practice Nursing Act;
12 and

13 (B) the physician assistant or advanced practice
14 nurse has completed the appropriate application forms
15 and has paid the required fees as set by rule; or

16 (2) with respect to euthanasia agencies, the
17 euthanasia agency has obtained a license from the
18 Department of Financial and Professional Regulation and
19 obtained a registration number from the Department.

20 (b) The mid-level practitioner shall only be licensed to
21 prescribe those schedules of controlled substances for which a
22 licensed physician has delegated prescriptive authority,
23 except that a euthanasia agency does not have any prescriptive
24 authority.

25 (c) Upon completion of all registration requirements,
26 physician assistants, advanced practice nurses, and euthanasia

1 agencies shall be issued a mid-level practitioner controlled
2 substances license for Illinois.

3 Section 5-303.1. Checks not honored for insufficient
4 funds; fee; lapse of registration. Any person who delivers a
5 check or other payment to the Department of Financial and
6 Professional Regulation that is returned to the Department
7 unpaid by the financial institution upon which it is drawn
8 shall pay to the Department, in addition to the amount already
9 owed to the Department, a fine of \$50. If the check or other
10 payment was for a renewal or issuance fee and that person
11 practices without paying the renewal fee or issuance fee and
12 the fine due, an additional fine of \$100 shall be imposed. The
13 fines imposed by this Section are in addition to any other
14 discipline provided under this Act for unlicensed practice or
15 practice on a nonrenewed license. The Department of Financial
16 and Professional Regulation shall notify the person that
17 payment of fees and fines shall be paid to the Department by
18 certified check or money order within 30 calendar days of the
19 notification. If, after the expiration of 30 days from the date
20 of the notification, the person has failed to submit the
21 necessary remittance, the Department of Financial and
22 Professional Regulation shall automatically terminate the
23 license or certificate or deny the application, without
24 hearing. If, after termination or denial, the person seeks a
25 license or certificate, he or she shall apply to the Department

1 for restoration or issuance of the license or certificate and
2 pay all fees and fines due to the Department. The Department of
3 Financial and Professional Regulation may establish a fee for
4 the processing of an application for restoration of a license
5 or certificate to pay all expenses of processing this
6 application. The Director may waive the fines due under this
7 Section in individual cases where the Director finds that the
8 fines would be unreasonable or unnecessarily burdensome.

9 Section 5-304. Suspension or revocation of registration.

10 (a) A registration under Section 5-303 to manufacture,
11 distribute, or dispense a controlled substance or purchase,
12 store, or administer euthanasia drugs may be suspended or
13 revoked by the Department of Financial and Professional
14 Regulation upon a finding that the registrant:

15 (1) has furnished any false or fraudulent material
16 information in any application filed under this Act; or

17 (2) has been convicted of a felony under any law of the
18 United States or any State relating to any controlled
19 substance; or

20 (3) has had suspended or revoked his Federal
21 registration to manufacture, distribute, or dispense
22 controlled substances or purchase, store, or administer
23 euthanasia drugs; or

24 (4) has been convicted of bribery, perjury, or other
25 infamous crime under the laws of the United States or of

1 any State; or

2 (5) has violated any provision of this Act or any rules
3 promulgated hereunder, or any provision of the
4 Methamphetamine Precursor Control Act or rules promulgated
5 thereunder, whether or not he has been convicted of such
6 violation; or

7 (6) has failed to provide effective controls against
8 the diversion of controlled substances in other than
9 legitimate medical, scientific or industrial channels.

10 (b) The Department of Financial and Professional
11 Regulation may limit revocation or suspension of a registration
12 to the particular controlled substance with respect to which
13 grounds for revocation or suspension exist.

14 (c) The Department of Financial and Professional
15 Regulation shall promptly notify the Administration, the
16 Department and the Department of State Police or their
17 successor agencies, of all orders denying, suspending or
18 revoking registration, all forfeitures of controlled
19 substances, and all final court dispositions, if any, of such
20 denials, suspensions, revocations or forfeitures.

21 (d) If Federal registration of any registrant is suspended,
22 revoked, refused renewal or refused issuance, then the
23 Department of Financial and Professional Regulation shall
24 issue a notice and conduct a hearing in accordance with Section
25 5-305 of this Act.

1 Section 5-305. Suspension or revocation; notice and
2 hearing.

3 (a) Before denying, refusing renewal of, suspending or
4 revoking a registration, the Department of Financial and
5 Professional Regulation shall serve upon the applicant or
6 registrant, by registered mail at the address in the
7 application or registration or by any other means authorized
8 under the Civil Practice Law or Rules of the Illinois Supreme
9 Court for the service of summons or subpoenas, a notice of
10 hearing to determine why registration should not be denied,
11 refused renewal, suspended or revoked. The notice shall contain
12 a statement of the basis therefor and shall call upon the
13 applicant or registrant to appear before the Department of
14 Financial and Professional Regulation at a reasonable time and
15 place. These proceedings shall be conducted in accordance with
16 Sections 2105-5, 2105-15, 2105-100, 2105-105, 2105-110,
17 2105-115, 2105-120, 2105-125, 2105-175, and 2105-325 of the
18 Department of Professional Regulation Law (20 ILCS
19 2105/2105-5, 2105/2105-15, 2105/2105-100, 2105/2105-105,
20 2105/2105-110, 2105/2105-115, 2105/2105-120, 2105/2105-125,
21 2105/2105-175, and 2105/2105-325), without regard to any
22 criminal prosecution or other proceeding. Except as authorized
23 in subsection (c), proceedings to refuse renewal or suspend or
24 revoke registration shall not abate the existing registration,
25 which shall remain in effect until the Department of Financial
26 and Professional Regulation has held the hearing called for in

1 the notice and found, with input from the appropriate licensure
2 or disciplinary board, that the registration shall no longer
3 remain in effect.

4 (b) The Director may appoint an attorney duly licensed to
5 practice law in the State of Illinois to serve as the hearing
6 officer in any action to deny, refuse to renew, suspend, or
7 revoke, or take any other disciplinary action with regard to a
8 registration. The hearing officer shall have full authority to
9 conduct the hearing. The hearing officer shall report his or
10 her findings and recommendations to the appropriate licensure
11 or disciplinary board within 30 days after receiving the
12 record. The Disciplinary Board shall have 60 days from receipt
13 of the report to review the report of the hearing officer and
14 present its findings of fact, conclusions of law, and
15 recommendations to the Director.

16 (c) If the Department of Financial and Professional
17 Regulation finds that there is an imminent danger to the public
18 health or safety by the continued manufacture, distribution or
19 dispensing of controlled substances by the registrant, the
20 Department of Financial and Professional Regulation may, upon
21 the issuance of a written ruling stating the reasons for such
22 finding and without notice or hearing, suspend such registrant.
23 The suspension shall continue in effect for not more than 14
24 days during which time the registrant shall be given a hearing
25 on the issues involved in the suspension. If after the hearing,
26 and after input from the appropriate licensure or disciplinary

1 board, the Department of Financial and Professional Regulation
2 finds that the public health or safety requires the suspension
3 to remain in effect it shall so remain until the ruling is
4 terminated by its own terms or subsequent ruling or is
5 dissolved by a circuit court upon determination that the
6 suspension was wholly without basis in fact and law.

7 (d) If, after a hearing as provided in subsection (a), the
8 Department of Financial and Professional Regulation finds that
9 a registration should be refused renewal, suspended or revoked,
10 a written ruling to that effect shall be entered. The
11 Department of Financial and Professional Regulation's ruling
12 shall remain in effect until the ruling is terminated by its
13 own terms or subsequent ruling or is dissolved by a circuit
14 court upon a determination that the refusal to renew suspension
15 or revocation was wholly without basis in fact and law.

16 Section 5-306. Records; inventories; quarterly reports.
17 Every practitioner and person who is required under this Act to
18 be registered to manufacture, distribute or dispense
19 controlled substances or purchase, store, or administer
20 euthanasia drugs under this Act shall keep records and maintain
21 inventories in conformance with the recordkeeping and
22 inventory requirements of the laws of the United States and
23 with any additional rules and forms issued by the Department of
24 Financial and Professional Regulation.

1 Section 5-307. Distribution to another registrant.
2 Controlled substances in Schedules I and II shall be
3 distributed by a registrant to another registrant only pursuant
4 to a written order. Compliance with the laws of the United
5 States respecting order forms shall be deemed compliance with
6 this Section.

7 Section 5-320. Advisory committee.

8 (a) The Secretary of Human Services must appoint an
9 advisory committee to assist the Department in implementing the
10 Schedule II controlled substance prescription monitoring
11 program created by Section 47.10-414 of the Criminal Code of
12 1961. The Advisory Committee consists of prescribers and
13 dispensers.

14 (b) The Secretary of Human Services must determine the
15 number of members to serve on the advisory committee. The
16 Secretary must choose one of the members of the advisory
17 committee to serve as chair of the committee.

18 (c) The advisory committee may appoint its other officers
19 as it deems appropriate.

20 (d) The members of the advisory committee shall receive no
21 compensation for their services as members of the advisory
22 committee but may be reimbursed for their actual expenses
23 incurred in serving on the advisory committee.

24 Section 5-501.1. Administrative Procedure Act. The

1 Illinois Administrative Procedure Act is hereby expressly
2 adopted and incorporated herein, but shall apply only to the
3 Department of Financial and Professional Regulation, as if all
4 of the provisions of that Act were included in this Act, except
5 that the provision of subsection (d) of Section 10-65 of the
6 Illinois Administrative Procedure Act which provides that at
7 hearings the licensee has the right to show compliance with all
8 lawful requirements for retention, continuation or renewal of
9 the license is specifically excluded. For the purposes of this
10 Act the notice required under Section 10-25 of the Illinois
11 Administrative Procedure Act is deemed sufficient when mailed
12 to the last known address of a party.

13 Section 5-507.1. Certification of record to court. The
14 Department shall not be required to certify any record to the
15 court or file any answer in court or otherwise appear in any
16 court proceedings under the Administrative Review Law, unless
17 there is filed in the court with the complaint a receipt from
18 the Department acknowledging payment of the costs of furnishing
19 and certifying the record. Exhibits shall be certified without
20 cost. Failure on the part of the plaintiff to file such receipt
21 in court shall be grounds for dismissal of the action.

22 Section 5-508. Research on controlled substances. The
23 Department shall encourage research on controlled substances.
24 In connection with the research, and in furtherance of the

1 purposes of this Act, the Department may:

2 (1) establish methods to assess accurately the effect
3 of controlled substances and identify and characterize
4 those with potential for abuse;

5 (2) make studies and undertake programs of research to:

6 (i) develop new or improved approaches,
7 techniques, systems, equipment and devices to
8 strengthen the enforcement of this Act;

9 (ii) determine patterns of use, misuse, and abuse
10 of controlled substances and their social effects; and

11 (iii) improve methods for preventing, predicting,
12 understanding, and dealing with the use, misuse and
13 abuse of controlled substances; and

14 (3) enter into contracts with public agencies,
15 educational institutions, and private organizations or
16 individuals for the purpose of conducting research,
17 demonstrations, or special projects which relate to the
18 use, misuse and abuse of controlled substances.

19 (b) Persons authorized to engage in research may be
20 authorized by the Department to protect the privacy of
21 individuals who are the subjects of such research by
22 withholding from all persons not connected with the conduct of
23 the research the names and other identifying characteristics of
24 such individuals. Persons who are given this authorization
25 shall not be compelled in any civil, criminal, administrative,
26 legislative or other proceeding to identify the individuals who

1 are the subjects of research for which the authorization was
2 granted, except to the extent necessary to permit the
3 Department to determine whether the research is being conducted
4 in accordance with the authorization.

5 (c) The Department may authorize the possession and
6 dispensing of controlled substances by persons engaged in
7 research, upon such terms and conditions as may be consistent
8 with the public health and safety. The Department may also
9 approve research and treatment programs involving the
10 administration of Methadone. The use of Methadone, or any
11 similar controlled substance by any person is prohibited in
12 this State except as approved and authorized by the Department
13 in accordance with its rules and regulations. To the extent of
14 the applicable authorization, persons are exempt from
15 prosecution in this State for possession, manufacture or
16 delivery of controlled substances.

17 (d) Practitioners registered under Federal law to conduct
18 research with Schedule I substances may conduct research with
19 Schedule I substances within this State upon furnishing
20 evidence of that Federal registration and notification of the
21 scope and purpose of such research to the Department.

22 Section 5-601. Educational materials, guidelines for
23 disposal of syringes and needles.

24 (a) The Illinois Department of Public Health must develop
25 educational materials and make copies of the educational

1 materials available to pharmacists. Pharmacists must make
2 these educational materials available to persons who purchase
3 syringes and needles as authorized under paragraph (d)(2) of
4 Section 47.10-350 of the Criminal Code of 1961. The educational
5 materials must include information regarding safer injection,
6 HIV prevention, syringe and needle disposal, and drug
7 treatment.

8 (b) The Illinois Department of Public Health must create
9 guidelines to advise local health departments on implementing
10 syringe and needle disposal policies that are consistent with
11 or more stringent than any available guidelines regarding
12 disposal for home health care products provided by the United
13 States Environmental Protection Agency.

14 Section 5-602. Prescriptions for hypodermic syringes and
15 needles. Except as provided under Section 47.10-350 of the
16 Criminal Code of 1961, a licensed physician may direct a
17 patient under his immediate charge to have in possession any of
18 the instruments specified in Section 47.10-350 of the Criminal
19 Code of 1961 which may be dispensed by a registered pharmacist
20 or assistant registered pharmacist in this state only (1) upon
21 a written prescription of such physician, or (2) upon an oral
22 order of such physician, which order is reduced promptly to
23 writing and filed by the pharmacist, or (3) by refilling any
24 such written or oral prescription if such refilling is
25 authorized by the prescriber either in the original

1 prescription or by oral order which is reduced promptly to
2 writing and filed by the pharmacist in the same manner and
3 under the same conditions as any other prescription issued by a
4 practitioner licensed by law to write prescriptions, or (4)
5 upon a signed statement of a patient, upon proper
6 identification, stating that the prescriptions or instruments
7 specified in Section 47.10-350 of the Criminal Code of 1961
8 were lost or broken, as the case may be, the name and address
9 of the prescriber, the name and address of the patient and the
10 purpose for which the prescription was ordered. Such written or
11 oral prescriptions when reduced to writing for instruments
12 specified in Section 47.10-350 of the Criminal Code of 1961
13 shall contain the date of such prescription, the name and
14 address of the prescriber, the name and address of the patient,
15 the purpose for which the prescription is ordered, the date
16 when dispensed and by whom dispensed.

17 Provided, however, that a licensed physician or other
18 allied medical practitioner, authorized by the laws of the
19 State of Illinois to prescribe or administer controlled
20 substances or cannabis to humans or animals, may authorize any
21 person or the owner of any animal, to purchase and have in his
22 possession any of the instruments specified in Section
23 47.10-350 of the Criminal Code of 1961, which may be sold to
24 him without a specific written or oral prescription or order,
25 by any person authorized by the laws of the State of Illinois
26 to sell and dispense controlled substances or cannabis, if such

1 authorization is in the form of a certificate giving the name
2 and address of such licensed physician or other allied medical
3 practitioner, the name, address and signature of the person, or
4 of the owner of the animal, so authorized, the purpose or
5 reason of such authorization, and the date of such certificate
6 and in that event, no other prescription, writing or record
7 shall be required to authorize the possession or sale of such
8 instruments.

9 ARTICLE 10.

10 Section 10-1. Short title. This Article may be cited as the
11 Grain Coloring Law.

12 Section 10-5. Grain coloring.

13 (a) Grain coloring. No person shall:

14 (1) knowingly subject, or cause to be subjected, any
15 barley, wheat or other grain to fumigation, by sulphur, or
16 other material, or to any chemical or coloring process,
17 whereby the color, quality or germ of such grain is
18 affected; or

19 (2) offer for sale, or procure to be sold, any barley,
20 wheat, or other grain that has been subjected to
21 fumigation, or other process, as provided in subsection (a)
22 of this Section, knowing such barley, wheat, or other grain
23 to have been so subjected.

1 (b) Sentence. A person who violates this Section shall be
2 guilty of a Class B misdemeanor, and shall also be liable for
3 all damages sustained by any person injured by such violation.

4 ARTICLE 15.

5 Section 15-1. Short title. This Article may be cited as the
6 Unauthorized Sale of Certain Plants Law. References in this
7 Article to "this Act" mean this Article.

8 Section 15-5. Unauthorized sale of certain plants
9 prohibited.

10 (a) Any person, firm or corporation who knowingly buys,
11 sells, offers or exposes for sale any blood root (*Sanguinaria*
12 *canadensis*), lady slipper (*Cypripedium parviflorum* and
13 *Cypripedium hirsutum*), columbine (*Aquilegia canadensis*),
14 *Trillium* (*Trillium grandiflorum* and *Trillium sessile*), lotus
15 (*Nelumbo lutes*), or gentian (*Gentiana crinita* and *Gentiana*
16 *andrewsii*), or any part thereof, dug, pulled up or gathered
17 from any public or private land, unless in the case of private
18 land the owner or person lawfully occupying such land gives his
19 consent in writing thereto, is guilty of a petty offense.

20 (b) All prosecutions under this Act shall be commenced
21 within six months from the time such offense was committed and
22 not afterwards.

1 ARTICLE 20.

2 Section 20-1. Short title. This Article may be cited as the
3 Mandatory Life Sentence Law. References in this Article to
4 "this Act" mean this Article.

5 Section 20-5. Habitual criminals; determination;
6 application of article.

7 (a) Every person who has been twice convicted in any state
8 or federal court of an offense that contains the same elements
9 as an offense now classified in Illinois as a Class X felony,
10 criminal sexual assault, aggravated kidnapping or first degree
11 murder, and is thereafter convicted of a Class X felony,
12 criminal sexual assault or first degree murder, committed after
13 the 2 prior convictions, shall be adjudged an habitual
14 criminal.

15 (b) The 2 prior convictions need not have been for the same
16 offense.

17 (c) Any convictions which result from or are connected with
18 the same transaction, or result from offenses committed at the
19 same time, shall be counted for the purposes of this Section as
20 one conviction.

21 (d) This Article shall not apply unless each of the
22 following requirements are satisfied:

23 (1) the third offense was committed after the effective
24 date of this Act;

1 (2) the third offense was committed within 20 years of
2 the date that judgment was entered on the first conviction,
3 provided, however, that time spent in custody shall not be
4 counted;

5 (3) the third offense was committed after conviction on
6 the second offense;

7 (4) the second offense was committed after conviction
8 on the first offense.

9 (e) Except when the death penalty is imposed, anyone
10 adjudged an habitual criminal shall be sentenced to life
11 imprisonment.

12 Section 20-10. Evidence of prior conviction; records as
13 prima facie evidence; waiver of exceptions.

14 (a) A prior conviction shall not be alleged in the
15 indictment, and no evidence or other disclosure of such
16 conviction shall be presented to the court or the jury during
17 the trial of an offense set forth in Section 20-5 unless
18 otherwise permitted by the issues properly raised in such
19 trial. After a plea or verdict or finding of guilty and before
20 sentence is imposed, the prosecutor may file with the court a
21 verified written statement signed by the State's Attorney
22 concerning any former conviction of an offense set forth in
23 Section 20-5 rendered against the defendant. The court shall
24 then cause the defendant to be brought before it; shall inform
25 him of the allegations of the statement so filed, and of his

1 right to a hearing before the court on the issue of such former
2 conviction and of his right to counsel at such hearing; and
3 unless the defendant admits such conviction, the court shall
4 hear and determine such issue, and shall make a written finding
5 thereon. If a sentence has previously been imposed, the court
6 may vacate such sentence and impose a new sentence in
7 accordance with Section 20-5.

8 (b) A duly authenticated copy of the record of any alleged
9 former conviction of an offense set forth in Section 20-5 shall
10 be prima facie evidence of such former conviction; and a duly
11 authenticated copy of the record of the defendant's final
12 release or discharge from probation granted, or from sentence
13 and parole supervision (if any) imposed pursuant to such former
14 conviction, shall be prima facie evidence of such release or
15 discharge.

16 (c) Any claim that a previous conviction offered by the
17 prosecution is not a former conviction of an offense set forth
18 in Section 20-5 because of the existence of any exceptions
19 described in this Law, is waived unless duly raised at the
20 hearing on such conviction, or unless the prosecution's proof
21 shows the existence of such exceptions described in this Act.

22 Section 20-15. Release from imprisonment by pardon;
23 consideration. If the person so convicted shall show to the
24 satisfaction of the court before whom such conviction was had
25 that he was released from imprisonment, upon either of the

1 sentences upon a pardon granted for the reason that he was
2 innocent, such conviction and sentence shall not be considered
3 under Section 20-5.

4 ARTICLE 25.

5 Section 25-1. Short title. This Article may be cited as the
6 Civil Liability for Certain Sex Offenses Law.

7 Section 25-5. Civil Liability.

8 (a) If any person has been convicted of any offense defined
9 in Sections 11-6.35 through 11-6.45 of the Criminal Code of
10 1961, a victim of such offense has a cause of action for
11 damages against any person or entity who, by the manufacture,
12 production, or wholesale distribution of any obscene material
13 which was possessed or viewed by the person convicted of the
14 offense, proximately caused such person, through his or her
15 reading or viewing of the obscene material, to commit the
16 violation of Sections 11-6.35 through 11-6.45 of the Criminal
17 Code of 1961. No victim may recover in any such action unless
18 he or she proves by a preponderance of the evidence that: (1)
19 the reading or viewing of the specific obscene material
20 manufactured, produced, or distributed wholesale by the
21 defendant proximately caused the person convicted of the
22 violation of Sections 11-6.35 through 11-6.45 of the Criminal
23 Code of 1961 to commit such violation and (2) the defendant

1 knew or had reason to know that the manufacture, production, or
2 wholesale distribution of such material was likely to cause a
3 violation of an offense substantially of the type enumerated.

4 (b) The manufacturer, producer, or wholesale distributor
5 shall be liable to the victim for:

6 (1) actual damages incurred by the victim, including
7 medical costs;

8 (2) court costs and reasonable attorney's fees;

9 (3) infliction of emotional distress;

10 (4) pain and suffering; and

11 (5) loss of consortium.

12 (c) Every action under this Section shall be commenced
13 within 3 years after the conviction of the defendant for a
14 violation of Sections 11-6.35 through 11-6.45 of the Criminal
15 Code of 1961. However, if the victim was under the age of 18
16 years at the time of the conviction of the defendant for a
17 violation of Sections 11-6.35 through 11-6.45 of the Criminal
18 Code of 1961, an action under this Section shall be commenced
19 within 3 years after the victim attains the age of 18 years.

20 (d) For the purposes of this Section:

21 "Manufacturer" means any individual, partnership,
22 corporation, association, or other legal entity which
23 manufacturers, assembles, or produces obscene material.

24 "Obscene" has the meaning ascribed to it in subsection (b)
25 of Section 11-20 of the Criminal Code of 1961.

26 "Producer" means any individual, partnership, corporation,

1 association, or other legal entity which finances or
2 supervises, to any extent, the production or making of obscene
3 material.

4 "Wholesale distributor" means any individual, partnership,
5 corporation, association, or other legal entity which stands
6 between the manufacturer and the retail seller in purchases,
7 consignments, contracts for sale, or rental of the obscene
8 material.

9 ARTICLE 30.

10 Section 30-1. Short title. This Article may be cited as the
11 Defacing or Removing Identification Marks and Unlawful Sale of
12 Household Appliances Law.

13 Section 30-5. Defacing or removing identification marks;
14 unlawful sale of household appliances.

15 (a) Definitions. For purposes of this Article, the
16 following words and phrases have the following meanings:

17 "Commercial context" means a continuing business
18 enterprise conducted for profit by any person whose primary
19 business is the wholesale or retail marketing of household
20 appliances, or a significant portion of whose business or
21 inventory consists of household appliances kept or sold on a
22 wholesale or retail basis.

23 "Demonstrator unit" means any household appliance, not

1 sold or transferred to a consumer, utilized by a seller or
2 dealer as a sample to demonstrate the operation of the
3 appliance to customers.

4 "Household appliance" means any gas or electric device or
5 machine marketed for use as home entertainment or for
6 facilitating or expediting household tasks or chores. The term
7 shall include but not necessarily be limited to refrigerators,
8 freezers, ranges, radios, television sets, vacuum cleaners,
9 toasters, dishwashers, heating devices, cooking equipment,
10 electric fans, clocks, air conditioners and other similar
11 household items.

12 "Manufacturer's identification number" means any serial
13 number or other similar numerical or alphabetical designation
14 imprinted upon or attached to or placed, stamped, or otherwise
15 imprinted upon or attached to merchandise or equipment by the
16 manufacturer for purposes of identifying a particular
17 appliance individually or by lot number. For purposes of this
18 Article, merchandise or equipment includes household
19 appliances, other equipment or merchandise, machines or
20 equipment used in the construction, maintenance or demolition
21 of buildings, structures, bridges, tunnels, sewers, utility
22 pipes or lines, ditches or open cuts, roads, highways, dams,
23 airports or waterways or material handling for such projects.
24 Merchandise or equipment as defined in this Article does not
25 include a motor vehicle as defined in Section 1-146 of the
26 Illinois Vehicle Code or a firearm as defined in the Firearm

1 Owners Identification Card Act.

2 "Rebuilt" means any household appliance that has a
3 substantial portion of its original, major parts replaced.

4 "Reconditioned" means any household appliance which has
5 been substantially repaired but has not been rebuilt.

6 "Repossessed" means any household appliance purchased on
7 credit that is offered for sale after it has been reclaimed by
8 the seller or holder of the instrument evidencing the debt
9 because of default.

10 "Used" means any household appliance, previously sold,
11 transferred to a consumer and put in service and utilized by
12 the consumer for its intended purpose, that is not a rebuilt,
13 reconditioned or repossessed appliance.

14 (b) No person shall sell, attempt to sell or offer to sell,
15 by retail, wholesale or auction, any household appliance other
16 than a new appliance unless there is affixed thereto a tag or
17 label no smaller in size than 4 inches in length and 2 inches
18 in width bearing a statement that the appliance is used,
19 repossessed, rebuilt or reconditioned or that the appliance has
20 been utilized as a demonstrator unit. Any person who sells or
21 offers for sale a household appliance which was obtained by the
22 person making the sale for his own use, but who is not
23 regularly engaged in the business of making such sales is
24 exempted from the provisions of this Section.

25 (c) A person commits the offense of defacing or removing
26 identification marks when he or she knowingly removes, alters,

1 defaces, covers, or destroys the manufacturers' serial number
2 or any other manufacturers' number or distinguishing
3 identification mark upon any machine or other article of
4 merchandise with the intent of concealing or destroying the
5 identity of such machine or other article of merchandise.

6 (d) No person shall knowingly change, alter, remove,
7 mutilate, or obliterate a permanently affixed serial number or
8 other mark of identification or owner-applied identification
9 number attached to or stamped, inscribed, molded, or etched
10 into a machine or other equipment, whether stationary or mobile
11 or self-propelled, or a part of such machine or equipment used
12 in the construction, maintenance, or demolition of buildings,
13 structures, bridges, tunnels, sewers, utility pipes or lines,
14 ditches or open cuts, roads, highways, dams, airports, or
15 waterways or material handling for such projects. Possession of
16 any machine or other equipment or a part of such machine or
17 equipment used in the construction, maintenance, or demolition
18 of buildings, structures, bridges, tunnels, sewers, utility
19 pipes or lines, ditches or open cuts, roads, highways, dams,
20 airports, or waterways or material handling for such projects
21 upon which any such serial number, product identification
22 number, part number, component identification number,
23 owner-applied identification number, or other mark of
24 identification shall have been changed, altered, removed, or
25 obliterated may give rise to the inference that the possessor
26 has knowingly changed, altered, removed, or obliterated the

1 same.

2 (e) A person commits the offense of unlawful sale of
3 household appliances when he or she knowingly, with the intent
4 to defraud or deceive another, keeps for sale, within any
5 commercial context, any household appliance with a missing,
6 defaced, obliterated, or otherwise altered manufacturer's
7 identification number.

8 (f) Sentence. A violation of subsection (b) of this Section
9 shall be a petty offense and punished by a fine of not
10 exceeding \$100 nor less than \$50 for the first offense; not
11 exceeding \$200 nor less than \$100 for the second offense; and
12 not exceeding \$500 nor less than \$200 for the third and each
13 subsequent offense and all costs for each and every offense; a
14 violation of subsection (c) of this Section is a Class B
15 misdemeanor; a violation of subsection (d) of this Section is a
16 Class A misdemeanor; a violation of subsection (e) of this
17 Section is a Class 4 felony, if the value of the appliance or
18 appliances exceeds \$1,000 and a Class B misdemeanor if the
19 value of the appliance or appliances is \$1,000 or less.

20 ARTICLE 35.

21 Section 35-1. Short title. This Article may be cited as the
22 Odometer or Hour Meter Fraud Law.

23 Section 35-5. Odometer or hour meter fraud. A person

1 commits the offense of Odometer or Hour meter fraud when he or
2 she disconnects, resets, alters, or causes to be disconnected,
3 reset, or altered the odometer or hour meter of any used motor
4 vehicle or farm implement, including but not limited to
5 tractors and combines, to conceal or change the actual miles
6 driven or hours of operation with the intent to defraud
7 another. A violation is a Class A misdemeanor. A second or
8 subsequent violation is a Class 4 felony. This Article shall
9 not apply to legitimate practices of automotive or implement
10 parts recyclers who recycle used odometers or hour meters for
11 resale.

12 ARTICLE 40.

13 Section 40-1. Short title. This Article may be cited as the
14 Installation of Object in Lieu of Air Bag Law.

15 Section 40-5. Installation of object in lieu of air bag. A
16 person commits the offense of installation of object in lieu of
17 air bag when he or she, for consideration, knowingly installs
18 or reinstalls in a vehicle any object in lieu of an air bag
19 that was designed in accordance with federal safety regulations
20 for the make, model, and year of the vehicle as part of a
21 vehicle inflatable restraint system. A violation is a Class A
22 misdemeanor.

1 ARTICLE 45.

2 Section 45-1. Short title. This Article may be cited as the
3 Fraudulent Sale of Publications Law.

4 Section 45-5. Fraudulent sale of publications. A person
5 commits the offense of fraudulent sale of publication when he
6 or she knowingly sells, offers, or exposes for sale (except in
7 bulk as waste paper) any newspaper, magazine, periodical or
8 other publication, except a rare book, manuscript or
9 educational text, from which the cover or title page has been
10 removed, or from which the title, trade name, trade mark, or
11 other identification mark has been removed or obliterated. A
12 violation is a petty offense.

13 ARTICLE 50.

14 Section 50-1. Short title. This Article may be cited as the
15 Fraudulent Repair of Fire Extinguisher or Related Equipment
16 Law.

17 Section 50-5. Fraudulent repair of fire extinguisher or
18 related equipment. A person commits the offense of fraudulent
19 repair of fire extinguisher or related equipment when he or she
20 represents that a fire extinguisher or fire extinguishing
21 equipment has been serviced, repaired, or examined to determine

1 whether or not it is in good working condition when no such
2 service, repair, or examination has been performed. Such
3 representations shall mean any mark, symbol, initial or date
4 recorded on the extinguisher or equipment or on anything
5 attached thereto or on any list schedule or in any other place
6 where such service, repair, or examination is normally
7 recorded. A violation is a petty offense.

8 ARTICLE 55.

9 Section 55-1. Short title. This Article may be cited as the
10 Fraudulent Advertisements Law.

11 Section 55-5. Fraudulent advertisements.

12 (a) Deceptive sale of gold or silver. A person commits the
13 offense of deceptive sale of gold or silver when he or she
14 sells, or offers to sell or dispose of, or has in his or her
15 possession with intent to sell or dispose of, any article or
16 articles constructed in whole or in part, of gold or silver or
17 any alloy or imitation thereof, having thereon or on any box,
18 package, cover, wrapper or other thing enclosing or encasing
19 such article or articles for sale, any stamp, brand, engraving,
20 printed label, trade mark, imprint or other mark

21 (1) indicating or designed, or intended to indicate,
22 that the gold, alloy or imitation thereof in such article
23 or articles, is different from or better than the actual

1 kind and quality of such gold, alloy or imitation; or

2 (2) containing the words "sterling" or "sterling
3 silver", referring, or designed or intended to refer, to
4 the silver, alloy or imitation thereof in such article or
5 articles, when such silver, alloy or imitation thereof
6 shall contain less than nine hundred and twenty-five
7 one-thousandths thereof of pure silver; or

8 (3) containing the words "coin" or "coin silver",
9 referring to or designed or intended to refer to, the
10 silver, alloy or imitation thereof in such article or
11 articles, when such silver, alloy or imitation shall
12 contain less than nine-tenths thereof pure silver.

13 A violation of this subsection (a) is a petty offense.

14 (b) Deceptive or misleading advertising.

15 (1) A person, firm, corporation, association or agent
16 or employee thereof commits the offense of deceptive or
17 misleading advertising when that person or entity, with
18 intent to sell, purchase, dispose of, or enter into
19 contract with reference to merchandise, securities, real
20 estate, service, employment, money, credit or anything
21 offered by such person or entity, directly or indirectly,
22 to the public for sale, purchase, loan, distribution, or
23 the hire of personal services, or to induce the public in
24 any manner to enter into any obligation relating thereto,
25 or to acquire title thereto, or an interest therein, or to
26 make any loan, makes, publishes, disseminates, circulates,

1 or places before the public, or causes, directly or
2 indirectly, to be made, published, disseminated,
3 circulated, or placed before the public, in this State, in
4 a newspaper, magazine, or other publication, or in the form
5 of a book, notice, handbill, poster, sign, bill, circular,
6 pamphlet, letter, placard, card, label, or over any radio
7 or television station, or in any other way similar or
8 dissimilar to the foregoing, an advertisement,
9 announcement, or statement of any sort regarding
10 merchandise, securities, real estate, money, credit,
11 service, employment, or anything so offered for use,
12 purchase, loan or sale, or the interest, terms or
13 conditions upon which such loan will be made to the public,
14 which advertisement contains any assertion, representation
15 or statement of fact which is untrue, misleading or
16 deceptive.

17 (2) A person, firm or corporation commits the offense
18 of deceptive or misleading advertising when that person or
19 entity offers for sale merchandise, commodities or service
20 by making, publishing, disseminating, circulating or
21 placing before the public within this State in any manner
22 an advertisement of merchandise, commodities, or service,
23 with the intent not to sell the merchandise, commodities,
24 or service so advertised at the price stated therein, may
25 be enjoined from such advertising upon application for
26 injunctive relief by the State's Attorney or Attorney

1 General.

2 (3) A person, firm or corporation commits the offense
3 of deceptive or misleading advertising when that person or
4 entity knowingly makes, publishes, disseminates,
5 circulates or places before the public, or causes, directly
6 or indirectly to be made, published, disseminated,
7 circulated or placed before the public, in this State, in a
8 newspaper, magazine or other publication published in this
9 State, or in the form of a book, notice, handbill, poster,
10 sign, bill, circular, pamphlet, letter, placard, card, or
11 label distributed in this State, or over any radio or
12 television station located in this State or in any other
13 way in this State similar or dissimilar to the foregoing,
14 an advertisement, announcement, statement or
15 representation of any kind to the public relating to the
16 sale, offering for sale, purchase, use or lease of any real
17 estate in a subdivision located outside the State of
18 Illinois may be enjoined from such activity upon
19 application for injunctive relief by the State's Attorney
20 or Attorney General and shall also be guilty of a Class A
21 misdemeanor unless such advertisement, announcement,
22 statement or representation contains or is accompanied by a
23 clear, concise statement of the proximity of such real
24 estate in common units of measurement to public schools,
25 public highways, fresh water supply, public sewers,
26 electric power, stores and shops, and telephone service or

1 contains a statement that one or more of such facilities
2 are not readily available, and name those not available.

3 (4) This subsection (b) shall not apply to any medium
4 for the printing, publishing, or disseminating of
5 advertising, or any owner, agent or employee thereof, nor
6 to any advertising agency or owner, agent or employee
7 thereof, nor to any radio or television station, or owner,
8 agent, or employee thereof, for printing, publishing, or
9 disseminating, or causing to be printed, published, or
10 disseminated, such advertisement in good faith and without
11 knowledge of the deceptive character thereof.

12 A violation of this subsection (b) is a Class A
13 misdemeanor.

14 (c) False advertising of gasoline prices. A person, firm or
15 corporation owning or operating a service station commits the
16 offense of false advertising of gasoline prices when that
17 person or entity knowingly advertises or holds out or states to
18 the public the per gallon price of gasoline, upon any sign on
19 the premises of such station, at a price that does not includes
20 all taxes; the price, as so advertised, must also correspond
21 with the price appearing on the pump from which such gasoline
22 is dispensed; and the identity of the product must be included
23 with the price in any such advertisement, holding out or
24 statement to the public. A violation of subsection (c) is a
25 petty offense.

26 (d) False claim to bankrupt persons. A person commits the

1 offense of false claim to bankrupt person when he or she
2 engages in the business of making loans or of selling any
3 property or services under installment contracts or charge
4 agreements and knowingly solicits or advertises for such
5 business using any language stating or implying that a loan or
6 extension of credit will be made to a person who has been
7 adjudged a bankrupt. A violation of subsection (d) is a petty
8 offense.

9 ARTICLE 65.

10 Section 65-1. Short title. This Article may be cited as the
11 Taxpreparer Information Disclosure Law.

12 Section 65-5. Taxpreparer information disclosure.

13 (a) It is a Class A misdemeanor for any person, including
14 an individual, firm, corporation, association, partnership,
15 joint venture, or any employee or agent thereof, to knowingly
16 disclose, or to convey a list of names prepared on the basis of
17 any information obtained in the business of preparing federal
18 or state income tax returns or assisting taxpayers in preparing
19 such returns, including the disclosure or conveyance of such
20 information between separate departments of the same firm,
21 corporation, association, partnership, or joint venture,
22 unless such disclosure or conveyance is within any of the
23 following:

1 unless the bidding on all sales of goods in the place so
2 designated is open to the general public.

3 (b) Whoever violates the provisions of this Section shall
4 be guilty of a Class B misdemeanor.

5 ARTICLE 75.

6 Section 75-1. Short title. This Article may be cited as the
7 Sale of Yo-yo Waterballs Law.

8 Section 75-5. Sale of yo-yo waterballs prohibited.

9 (a) It is unlawful to sell a yo-yo waterball in this State.

10 (b) Sentence. A person who sells a yo-yo waterball in this
11 State is guilty of a business offense punishable by a fine of
12 \$1,001 for each violation. Each sale of a yo-yo waterball in
13 violation of this Section is a separate violation.

14 (c) Definition. In this Section, "yo-yo waterball" means a
15 water yo-yo or a soft, rubber-like ball that is filled with a
16 liquid and is attached to an elastic cord.

17 ARTICLE 105

18 Section 105-2. The Illinois Diseased Animals Act is amended
19 by changing Section 21 as follows:

20 (510 ILCS 50/21) (from Ch. 8, par. 188)

1 Sec. 21. Diseased animals, concealment, sale,
2 transportation. Any person who, knowing that any contagious or
3 infectious disease exists among his animals, conceals such
4 fact, or knowing of the existence of such disease, sells any
5 animal or animals so diseased, or any exposed animal, or
6 knowing the same, removes any such diseased or exposed animal
7 from his premises to the premises of another, or along any
8 public highway, or knowing of the existence of such disease, or
9 exposure thereto, transports, drives, leads or ships any animal
10 so diseased or exposed, by any means, or permits any such
11 animal to run at large ~~motor vehicle, car or steamboat, to any~~
12 ~~place in or out of this State;~~ and any person who brings any
13 such diseased, or knowingly, brings any such exposed animals
14 into this State from another state; and any person who
15 knowingly buys, receives, sells, conveys, or engages in the
16 traffic of such diseased or exposed stock, and any person who
17 violates any quarantine regulation established under the
18 provisions of this or any other Act, for each, either, any or
19 all acts above mentioned in this Section, is guilty of a petty
20 offense and shall forfeit all right to any compensation for any
21 animal or property destroyed under the provisions of this Act.
22 (Source: P.A. 91-457, eff. 1-1-00.)

23 Section 105-3. The Illinois Vehicle Code is amended by
24 changing Section 6-205.2 as follows:

1 (625 ILCS 5/6-205.2)

2 Sec. 6-205.2. Suspension of driver's license of person
3 convicted of theft of motor fuel. The driver's license of a
4 person convicted of knowingly dispensing motor fuel into a
5 storage container or the fuel tank of a motor vehicle at an
6 establishment in which motor fuel is offered for retail sale
7 and leaving the premises of the establishment without making
8 payment or the authorized charge for the motor fuel with the
9 intention of depriving the establishment in which the motor
10 fuel is offered for retail sale of the possession, use, or
11 benefit of that motor fuel without paying the full retail value
12 of the ~~theft of~~ motor fuel ~~under Section 16J-15 of the Criminal~~
13 ~~Code of 1961~~ shall be suspended by the Secretary for a period
14 not to exceed 6 months for a first offense. Upon a second or
15 subsequent conviction for such an offense ~~theft of motor fuel~~,
16 the suspension shall be for a period not to exceed one year.
17 Upon conviction of a person for such an offense ~~theft of motor~~
18 ~~fuel~~, the court shall order the person to surrender his or her
19 driver's license to the clerk of the court who shall forward
20 the suspended license to the Secretary.

21 (Source: P.A. 94-700, eff. 6-1-06; revised 9-28-06.)

22 Section 105-5. The Criminal Code of 1961 is amended by
23 adding Sections 2-3.3, 10-9, 11-0.5, 11-6.15, 11-6.25,
24 11-6.35, 11-6.45, 11-6.75, 11-6.80, 12-0.5, 12-102, 12-105,
25 12-106, 12-107, 12-108, 12-109, 12-116, 12-119, 12-120,

1 12-121, 12-122, 12-131, 13-9, 14-10, 14-11, 15-0.5, 16-101,
2 16-102, 16-103, 16-104, 16-105, 16-106, 16-201, 16-202,
3 16-204, 17-201, 17-202, 17-204, 17-205, 17-206, 17-301,
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14 47.10-426, 47.10-427, 47.10-428, 47.10-429, 47.10-430,
15 47.10-431, 47.10-432, 47.10-433, 47.10-434, 47.10-435, 48-1,
16 48-2, 48-3, 48-4, 48-5, 48-6, 48-7, 48-8, 48-9, 48-10, 48-11,
17 48-12, 48-13, 48-14, 48-15, 90-5, 91-1, 91-2, 91-3, 91-4, 91-5,
18 91-6, 91-7, 91-8, 91-9, 91-10, 91-11, 91-12, 91-13, 91-14,
19 92-1, 92-2, 92-3, 92-4, 92-5, and 92-6, adding the heading of
20 Article 13, adding the headings of Divisions I and II of
21 Article 16, adding the headings of Divisions I, II, III, IV, V,
22 and VI of Article 17, adding the headings of Divisions I, II,
23 and III of Article 21, adding the headings of Articles 22 and
24 23, adding the headings of Divisions I, II, III, and IV of
25 Article 24, adding the heading of Article 27, adding the
26 headings of Divisions I, II, III, IV, V, and VI of Article 34,

1 adding the headings of Divisions I, II, III, IV, V, VI, VII,
2 VIII, IX, and X of Article 35, adding the headings of Divisions
3 I, II, III, IV, and V of Article 36, adding the headings of
4 Articles 47.5 and 47.10, adding the headings of Division I,
5 Division II, Division III, Subdivision 1 and Groups A, B, and
6 C, Subdivision 2 and Groups A, B, and C, Subdivision 3 and
7 Groups A, B, and C, Subdivision 4 and Groups A, B, and C,
8 Subdivision 5 and Groups A, B, and C, Subdivision 6 and Groups
9 A, B, and C, Subdivision 7 and Groups A, B, C, and D,
10 Subdivision 8 and Groups A, B, and C, and Division IV and
11 Groups A, B, and C of Article 47.10, adding the headings of
12 Articles 48, 90, 91, and 92, renumbering and changing Sections
13 9-3.1, 11-9, 11-9.1, 11-9.2, 11-9.3, 11-9.4, 11-11, 11-14,
14 11-18, 11-18.1, 11-20, 11-20.1, 11-20.2, 11-21, 11-22, 11-23,
15 11-24, 12-1, 12-2.6, 12-3, 12-3.1, 12-6, 12-6.1, 12-6.4, 12-7,
16 12-7.1, 12-7.2, 12-7.6, 12-9, 12-10.2, 12-11, 12-11.1,
17 12-14.1, 12-16.2, 12-17, 12-18, 12-20, 12-20.5, 12-21.5,
18 12-21.6, 12-22, 12-31, 12-32, 12-33, 12-34, 12-35, 12-36,
19 12A-1, 12A-5, 12A-10, 12A-15, 12A-20, 12A-25, 12B-1, 12B-5,
20 12B-10, 12B-15, 12B-20, 12B-25, 12B-30, 12B-35, 16-22, 17-24,
21 17-26, 20.5-5, 20.5-6, 21-4, 21.1-2, 21.2-2, 21.2-3, 21.2-4,
22 21.2-5, 21.2-6, 21.3-5, 24-1.1, 24-1.2, 24-1.5, 24-1.6,
23 24-1.7, 24-2, 24-2.1, 24-2.2, 24-3, 24-3.1, 24-3.2, 24-3.3,
24 24-3.4, 24-3.5, 24-4, 24-5, 24-6, 24-7, 24-8, 24-9, 24-10,
25 25-1.1, 25-2, 29-2, 29-3, 29A-1, 29A-2, 29A-3, 29A-4, 29D-5,
26 29D-10, 29D-15, 29D-20, 29D-25, 29D-30, 29D-35, 29D-40,

1 29D-45, 29D-60, 29D-70, 30-1, 30-2, 30-3, 31A-1.1, 31A-1.2,
2 33A-2, 33E-1, 33E-2, 33E-3, 33E-4, 33E-5, 33E-6, 33E-7, 33E-8,
3 33E-9, 33E-10, 33E-11, 33E-12, 33E-13, 33E-14, 33E-15, 33E-16,
4 33E-17, 33E-18, 34-1, 34-2, 34-3, 34-4, 39-1, and 47-5,
5 renumbering and changing the heading of Article 30, changing
6 Sections 2-2, 2-7.1, 3-4, 4-5, 5-2, 7-11, 8-1, 8-2, 8-4, 9-2,
7 10-1, 10-3, 10-5, 10-5.5, 11-6, 11-6.5, 16-1, 17-1, 17-2, 17-3,
8 18-1, 18-3, 19-1, 19-2, 19-3, 19-4, 20-1, 21-1, 21-1.2, 21-2,
9 21-3, 21-5, 21-7, 21-8, 21-9, 21-10, 24-1, 25-1, 26-1, 26-2,
10 26-3, 26-4, 26-5, 28-1, 28-1.1, 29-1, 31-1a, 32-1, 32-2, 32-3,
11 32-4b, 32-4c, 32-4d, 32-7, 32-8, 32-10, 33-1, 33-4, 33-5, 33-6,
12 36-1, 36-2, 36-3, and 36-4, and changing the headings of
13 Articles 34, 35, and 36 as follows:

14 (720 ILCS 5/2-2) (from Ch. 38, par. 2-2)

15 Sec. 2-2. "Act".

16 "Act" means a bodily movement, and includes a failure or
17 omission to take action.

18 (Source: Laws 1961, p. 1983.)

19 (720 ILCS 5/2-3.3 new)

20 Sec. 2-3.3. "Bodily harm". Except as otherwise provided in
21 a specific Section, "bodily harm" means any physical pain,
22 injury to the body, illness, or impairment of the physical
23 condition of the body, regardless of gravity or duration.

1 (720 ILCS 5/2-7.1)

2 Sec. 2-7.1. "Firearm" and "firearm ammunition". Except as
3 otherwise provided in a specific Section, "firearm" "Firearm"
4 and "firearm ammunition" have the meanings ascribed to them in
5 Section 1.1 of the Firearm Owners Identification Card Act.

6 (Source: P.A. 91-544, eff. 1-1-00.)

7 (720 ILCS 5/3-4) (from Ch. 38, par. 3-4)

8 Sec. 3-4. Effect of former prosecution.

9 (a) A prosecution is barred if the defendant was
10 formerly prosecuted for the same offense, based upon the same
11 facts, if such former prosecution:

12 (1) Resulted in either a conviction or an acquittal or
13 in a determination that the evidence was insufficient to
14 warrant a conviction; or

15 (2) Was terminated by a final order or judgment, even
16 if entered before trial, which required a determination
17 inconsistent with any fact or legal proposition necessary to a
18 conviction in the subsequent prosecution; or

19 (3) Was terminated improperly after the jury was
20 impaneled and sworn or, in a trial before a court without a
21 jury, after the first witness was sworn but before findings
22 were rendered by the trier of facts, or after a plea of guilty
23 was accepted by the court.

24 A conviction of an included offense, other than through a
25 guilty plea, is an acquittal of the offense charged.

1 (b) A prosecution is barred if the defendant was formerly
2 prosecuted for a different offense, or for the same offense
3 based upon different facts, if such former prosecution:

4 (1) Resulted in either a conviction or an acquittal,
5 and the subsequent prosecution is for an offense of which the
6 defendant could have been convicted on the former prosecution;
7 or was for an offense with which the defendant should have been
8 charged on the former prosecution, as provided in Section 3-3
9 of this Code (unless the court ordered a separate trial of such
10 charge); or was for an offense which involves the same conduct,
11 unless each prosecution requires proof of a fact not required
12 on the other prosecution, or the offense was not consummated
13 when the former trial began; or

14 (2) Was terminated by a final order or judgment, even
15 if entered before trial, which required a determination
16 inconsistent with any fact necessary to a conviction in the
17 subsequent prosecution; or

18 (3) Was terminated improperly under the circumstances
19 stated in Subsection (a), and the subsequent prosecution is for
20 an offense of which the defendant could have been convicted if
21 the former prosecution had not been terminated improperly.

22 (c) A prosecution is barred if the defendant was formerly
23 prosecuted in a District Court of the United States or in a
24 sister State for an offense which is within the concurrent
25 jurisdiction of this State, if such former prosecution:

26 (1) Resulted in either a conviction or an acquittal,

1 and the subsequent prosecution is for the same conduct, unless
2 each prosecution requires proof of a fact not required in the
3 other prosecution, or the offense was not consummated when the
4 former trial began; or

5 (2) Was terminated by a final order or judgment, even
6 if entered before trial, which required a determination
7 inconsistent with any fact necessary to a conviction in the
8 prosecution in this State.

9 (d) However, a prosecution is not barred within the meaning
10 of this Section 3-4 if the former prosecution:

11 (1) Was before a court which lacked jurisdiction over
12 the defendant or the offense; or

13 (2) Was procured by the defendant without the knowledge
14 of the proper prosecuting officer, and with the purpose of
15 avoiding the sentence which otherwise might be imposed; or if
16 subsequent proceedings resulted in the invalidation, setting
17 aside, reversal, or vacating of the conviction, unless the
18 defendant was thereby adjudged not guilty.

19 (Source: Laws 1961, p. 1983.)

20 (720 ILCS 5/4-5) (from Ch. 38, par. 4-5)

21 Sec. 4-5. Knowledge.

22 A person knows, or acts knowingly or with knowledge of:

23 (a) The nature or attendant circumstances of his conduct,
24 described by the statute defining the offense, when he is
25 consciously aware that his conduct is of such nature or that

1 such circumstances exist. Knowledge of a material fact includes
2 awareness of the substantial probability that such fact exists.

3 (b) The result of his conduct, described by the statute
4 defining the offense, when he is consciously aware that such
5 result is practically certain to be caused by his conduct.

6 Conduct performed knowingly or with knowledge is performed
7 wilfully, within the meaning of a statute using the latter
8 term, unless the statute clearly requires another meaning.

9 (c) When a statute provides that acting knowingly suffices
10 to establish an element of an offense, that element also is
11 established if a person acts intentionally.

12 (Source: Laws 1961, p. 1983.)

13 (720 ILCS 5/5-2) (from Ch. 38, par. 5-2)

14 Sec. 5-2. When accountability exists.

15 A person is legally accountable for the conduct of another
16 when:

17 (a) Having a mental state described by the statute defining
18 the offense, he causes another to perform the conduct, and the
19 other person in fact or by reason of legal incapacity lacks
20 such a mental state; or

21 (b) The statute defining the offense makes him so
22 accountable; or

23 (c) Either before or during the commission of an offense,
24 and with the intent to promote or facilitate such commission,
25 he solicits, aids, abets, agrees or attempts to aid, such other

1 person in the planning or commission of the offense. Where two
2 or more persons engage in a common criminal design or
3 agreement, any acts in the furtherance thereof committed by one
4 party are considered to be the acts of all parties to the
5 common design and all are equally responsible for the
6 consequences of such further acts. Presence at the scene of a
7 crime does not render a person accountable for an offense;
8 however, a person's presence at the scene of a crime may be
9 considered with other circumstances by the trier of fact when
10 determining accountability. However, a person is not so
11 accountable, unless the statute defining the offense provides
12 otherwise, if:

13 (1) He is a victim of the offense committed; or

14 (2) The offense is so defined that his conduct was
15 inevitably incident to its commission; or

16 (3) Before the commission of the offense, he terminates
17 his effort to promote or facilitate such commission, and does
18 one of the following: wholly deprives his prior efforts of
19 effectiveness in such commission, or gives timely warning to
20 the proper law enforcement authorities, or otherwise makes
21 proper effort to prevent the commission of the offense.

22 (Source: Laws 1961, p. 1983.)

23 (720 ILCS 5/7-11) (from Ch. 38, par. 7-11)

24 Sec. 7-11. Compulsion.

25 (a) A person is not guilty of an offense, other than an

1 offense punishable with death, by reason of conduct which he
2 performs under the compulsion of threat or menace of the
3 imminent infliction of death or great bodily harm, if he
4 reasonably believes death or great bodily harm will be
5 inflicted upon him or upon his or her spouse or child if he
6 does not perform such conduct.

7 (b) A married woman is not entitled, by reason of the
8 presence of her husband, to any presumption of compulsion, or
9 to any defense of compulsion except that stated in Subsection
10 (a).

11 (Source: Laws 1961, p. 1983.)

12 (720 ILCS 5/8-1) (from Ch. 38, par. 8-1)

13 Sec. 8-1. Solicitation and solicitation of murder.

14 (a) Solicitation. ~~Elements of the offense~~. A person commits
15 the offense of Solicitation ~~solicitation~~ when, with intent that
16 an offense be committed, ~~other than first degree murder~~, he
17 commands, encourages or requests another to commit that
18 offense.

19 (b) Penalty.

20 (1) Except as provided in subsection (b)(2) of this
21 Section, a ~~A~~ person convicted of solicitation may be fined
22 or imprisoned or both not to exceed the maximum provided
23 for the offense solicited: Provided, however, the penalty
24 shall not exceed the corresponding maximum limit provided
25 by subparagraph (c) of Section 8-4 of this Act, as

1 heretofore and hereafter amended.

2 (2) Solicitation of murder. A person commits the
3 offense of Solicitation of murder when he or she commits
4 Solicitation with the intent that the offense of first
5 degree murder be committed. Solicitation of murder is a
6 Class X felony and a person convicted of such an offense
7 shall be sentenced to a term of imprisonment for a period
8 of not less than 15 years and not more than 30 years,
9 except that in cases where the person solicited was a
10 person under the age of 17 years, the person convicted of
11 solicitation of murder shall be sentenced to a term of
12 imprisonment for a period of not less than 20 years and not
13 more than 60 years.

14 (Source: P.A. 85-1030.)

15 (720 ILCS 5/8-2) (from Ch. 38, par. 8-2)

16 Sec. 8-2. Conspiracy.

17 (a) Elements of the offense. A person commits conspiracy
18 when, with intent that an offense be committed, he or she
19 agrees with another to the commission of that offense. No
20 person may be convicted of conspiracy to commit an offense
21 unless an act in furtherance of such agreement is alleged and
22 proved to have been committed by him or her or by a
23 co-conspirator.

24 (b) Co-conspirators.

25 It shall not be a defense to conspiracy that the person or

1 persons with whom the accused is alleged to have conspired:

- 2 (1) Has not been prosecuted or convicted, or
3 (2) Has been convicted of a different offense, or
4 (3) Is not amenable to justice, or
5 (4) Has been acquitted, or
6 (5) Lacked the capacity to commit an offense.

7 (c) Sentence.

8 (1) A person convicted of conspiracy to commit a
9 misdemeanor or any offense set forth in Sections 401, 402,
10 or 407 of the Illinois Controlled Substances Act may be
11 fined or imprisoned or both not to exceed the maximum
12 provided for the offense which is the object of the
13 conspiracy.

14 (2) Except as provided in subsection (c)(3) of this
15 Section:

16 (A) the sentence for conspiracy to commit a Class X
17 felony is the sentence for a Class 1 felony;

18 (B) the sentence for conspiracy to commit a Class 1
19 felony is the sentence for a Class 2 felony;

20 (C) the sentence for conspiracy to commit a Class 2
21 felony is the sentence for a Class 3 felony; and

22 (D) the sentence for conspiracy to commit a Class 3
23 or a Class 4 felony is the sentence for a Class A
24 misdemeanor.

25 (3) (A) Conspiracy to commit, ~~except that if the object~~
26 ~~is~~ an offense prohibited by Sections 11-15, 11-16, 11-17,

1 11-19, 24-1(a)(1), 24-1(a)(7), 28-1, 28-3 and 28-4 of the
2 "~~Criminal Code of 1961~~", ~~approved July 28, 1961, as~~
3 ~~amended~~, or prohibited by Sections 404 or 406 (b) of the
4 "~~Illinois Controlled Substances Act~~", ~~enacted by the 77th~~
5 ~~General Assembly~~, or an inchoate offense related to any of
6 the aforesaid principal offenses, ~~the person convicted may~~
7 ~~be sentenced for~~ is a Class 3 felony;

8 (B) A conspiracy to commit insurance fraud or
9 governmental entity insurance fraud is a Class 2 felony.

10 (C) Conspiracy ~~however, conspiracy~~ to commit treason,
11 first degree murder, aggravated kidnapping, aggravated
12 criminal sexual assault, or predatory criminal sexual
13 assault of a child, aggravated insurance fraud, or
14 aggravated governmental entity insurance fraud is a Class 1
15 felony, ~~and conspiracy to commit any offense other than~~
16 ~~those specified in this subsection, and other than those~~
17 ~~set forth in Sections 401, 402, or 407 of the Illinois~~
18 ~~Controlled Substances Act, shall not be sentenced in excess~~
19 ~~of a Class 4 felony.~~

20 (D) Being an organizer of an aggravated insurance fraud
21 conspiracy or being an organizer of an aggravated
22 governmental entity insurance fraud conspiracy is a Class X
23 felony.

24 (Source: P.A. 94-184, eff. 7-12-05.)

25 (720 ILCS 5/8-4) (from Ch. 38, par. 8-4)

1 Sec. 8-4. Attempt.

2 (a) Elements of the Offense.

3 A person commits an attempt when, with intent to commit a
4 specific offense, he does any act which constitutes a
5 substantial step toward the commission of that offense.

6 (b) Impossibility.

7 It shall not be a defense to a charge of attempt that
8 because of a misapprehension of the circumstances it would have
9 been impossible for the accused to commit the offense
10 attempted.

11 (c) Sentence.

12 A person convicted of an attempt may be fined or imprisoned
13 or both not to exceed the maximum provided for the offense
14 attempted but, except for an attempt to commit the offense
15 defined in Section 33A-2 of this Act,

16 (1) the sentence for attempt to commit first degree
17 murder is the sentence for a Class X felony, except that

18 (A) an attempt to commit first degree murder when
19 at least one of the aggravating factors specified in
20 paragraphs (1), (2) and (12) of subsection (b) of
21 Section 9-1 is present is a Class X felony for which
22 the sentence shall be a term of imprisonment of not
23 less than 20 years and not more than 80 years;

24 (B) an attempt to commit first degree murder while
25 armed with a firearm is a Class X felony for which 15
26 years shall be added to the term of imprisonment

1 imposed by the court;

2 (C) an attempt to commit first degree murder during
3 which the person personally discharged a firearm is a
4 Class X felony for which 20 years shall be added to the
5 term of imprisonment imposed by the court;

6 (D) an attempt to commit first degree murder during
7 which the person personally discharged a firearm that
8 proximately caused great bodily harm, permanent
9 disability, permanent disfigurement, or death to
10 another person, is a Class X felony for which 25 years
11 or up to a term of natural life shall be added to the
12 term of imprisonment imposed by the court; -

13 (E) if the defendant proves by a preponderance of
14 the evidence at sentencing that at the time of the
15 attempted murder, he or she was acting under a sudden
16 and intense passion resulting from serious provocation
17 by the individual whom the defendant endeavored to
18 kill, or another, and, had the individual the defendant
19 endeavored to kill died, the defendant would have
20 negligently or accidentally caused that death, then
21 the sentence for the attempted murder is the sentence
22 for a Class 1 felony.

23 (2) the sentence for attempt to commit a Class X felony
24 is the sentence for a Class 1 felony;

25 (3) the sentence for attempt to commit a Class 1 felony
26 is the sentence for a Class 2 felony;

1 (4) the sentence for attempt to commit a Class 2 felony
2 is the sentence for a Class 3 felony; and

3 (5) the sentence for attempt to commit any felony other
4 than those specified in subsections (1), (2), (3) and (4)
5 hereof is the sentence for a Class A misdemeanor.

6 (Source: P.A. 91-404, eff. 1-1-00; 91-696, eff. 4-13-00.)

7 (720 ILCS 5/9-2) (from Ch. 38, par. 9-2)

8 Sec. 9-2. Second Degree Murder. (a) A person commits the
9 offense of second degree murder when he commits the offense of
10 first degree murder as defined in paragraphs (1) or (2) of
11 subsection (a) of Section 9-1 of this Code and either of the
12 following mitigating factors are present:

13 (1) At the time of the killing he is acting under a sudden
14 and intense passion resulting from serious provocation by the
15 individual killed or another whom the offender endeavors to
16 kill, but he negligently or accidentally causes the death of
17 the individual killed; or

18 (2) At the time of the killing he believes the
19 circumstances to be such that, if they existed, would justify
20 or exonerate the killing under the principles stated in Article
21 7 of this Code, but his belief is unreasonable.

22 (b) Serious provocation is conduct sufficient to excite an
23 intense passion in a reasonable person.

24 (c) When ~~a defendant is on trial for first degree murder~~
25 ~~and~~ evidence of either of the mitigating factors defined in

1 subsection (a) of this Section has been presented, the burden
2 of proof is on the defendant to prove either mitigating factor
3 by a preponderance of the evidence before the defendant can be
4 found guilty of second degree murder. However, the burden of
5 proof remains on the State to prove beyond a reasonable doubt
6 each of the elements of first degree murder and, when
7 appropriately raised, the absence of circumstances at the time
8 of the killing that would justify or exonerate the killing
9 under the principles stated in Article 7 of this Code. ~~In a~~
10 ~~jury trial for first degree murder in which evidence of either~~
11 ~~of the mitigating factors defined in subsection (a) of this~~
12 ~~Section has been presented and the defendant has requested that~~
13 ~~the jury be given the option of finding the defendant guilty of~~
14 ~~second degree murder, the jury must be instructed that it may~~
15 ~~not consider whether the defendant has met his burden of proof~~
16 ~~with regard to second degree murder until and unless it has~~
17 ~~first determined that the State has proven beyond a reasonable~~
18 ~~doubt each of the elements of first degree murder.~~

19 (d) Sentence.

20 Second Degree Murder is a Class 1 felony.

21 (Source: P.A. 84-1450.)

22 (720 ILCS 5/9-3.4) (was 720 ILCS 5/9-3.1)

23 Sec. 9-3.4 ~~9-3.1~~. Concealment of homicidal death.

24 (a) A person commits the offense of Concealment ~~concealment~~
25 of homicidal death when he or she knowingly conceals the death

1 of any other person with knowledge that such other person has
2 died by homicidal means.

3 (b) Nothing in this Section prevents the defendant from
4 also being charged with and tried for the first degree murder,
5 second degree murder or involuntary manslaughter of the person
6 whose death is concealed. ~~If a person convicted under this~~
7 ~~Section is also convicted of first degree murder, second degree~~
8 ~~murder or involuntary manslaughter, the penalty under this~~
9 ~~Section shall be imposed separately and in addition to the~~
10 ~~penalty for first degree murder, second degree murder or~~
11 ~~involuntary manslaughter.~~

12 (b-5) For purposes of this Section:

13 "Conceal" means the performing of some act or acts for the
14 purpose of preventing or delaying the discovery of a death by
15 homicidal means. "Conceal" means something more than simply
16 withholding knowledge or failing to disclose information.

17 "Homicidal means" means any act or acts, lawful or
18 unlawful, of a person which cause the death of another person.

19 (c) Sentence.

20 Concealment of homicidal death is a Class 3 felony.

21 (Source: P.A. 84-1308; 84-1450.)

22 (720 ILCS 5/10-1) (from Ch. 38, par. 10-1)

23 Sec. 10-1. Kidnapping and aggravated kidnapping.→

24 (a) Kidnapping. A person commits the offense of kidnapping
25 when he or she ~~occurs when a person~~ knowingly:

1 (1) And secretly confines another against his or her will,
2 or

3 (2) By force or threat of imminent force carries another
4 from one place to another with intent secretly to confine him
5 or her against his or her will, or

6 (3) By deceit or enticement induces another to go from one
7 place to another with intent secretly to confine him or her
8 against his or her will.

9 (b) Aggravated kidnapping. A person commits the offense of
10 aggravated kidnapping when he or she violates subsection (a)
11 and:

12 (1) Kidnaps with the intent to obtain ransom from the
13 person kidnapped or from any other person, or

14 (2) Takes as his or her victim a child under the age of
15 13 years, or a severely or profoundly mentally retarded
16 person, or

17 (3) Inflicts great bodily harm, other than by the
18 discharge of a firearm, or commits another felony upon his
19 or her victim, or

20 (4) Wears a hood, robe or mask or conceals his or her
21 identity, or

22 (5) Commits the offense of kidnapping while armed with
23 a dangerous weapon, other than a firearm, as defined in
24 Section 33A-1 of this Code, or

25 (6) Commits the offense of kidnapping while armed with
26 a firearm, or

1 (7) During the commission of the offense of kidnapping,
2 personally discharged a firearm, or

3 (8) During the commission of the offense of kidnapping,
4 personally discharged a firearm that proximately caused
5 great bodily harm, permanent disability, permanent
6 disfigurement, or death to another person.

7 As used in this Section, "ransom" includes money, benefit
8 or other valuable thing or concession.

9 (c) Sentence. Kidnapping in violation of subsection (a) is
10 a Class 2 felony. Aggravated kidnapping in violation of
11 paragraph (1), (2), (3), (4), or (5) of subsection (b) is a
12 Class X felony. A violation of paragraph (b)(6) is a Class X
13 felony for which 15 years shall be added to the term of
14 imprisonment imposed by the court. A violation of paragraph
15 (b)(7) is a Class X felony for which 20 years shall be added to
16 the term of imprisonment imposed by the court. A violation of
17 paragraph (b)(8) is a Class X felony for which 25 years or up
18 to a term of natural life shall be added to the term of
19 imprisonment imposed by the court. A person who is convicted of
20 a second or subsequent offense of aggravated kidnapping in
21 violation of subsection (b) shall be sentenced to a term of
22 natural life imprisonment; provided, however, that a sentence
23 of natural life imprisonment shall not be imposed under this
24 Section unless the second or subsequent offense was committed
25 after conviction on the first offense.

26 (d) Confinement of a child under the age of 13 years, or a

1 severely or profoundly mentally retarded person, is against his
2 or her will within the meaning of this Section if such
3 confinement is without the consent of his or her parent or
4 legal guardian.

5 ~~(c) Sentence.~~

6 ~~Kidnapping is a Class 2 felony.~~

7 (Source: P.A. 79-765.)

8 (720 ILCS 5/10-3) (from Ch. 38, par. 10-3)

9 Sec. 10-3. Unlawful restraint and aggravated unlawful
10 restraint.†

11 (a) A person commits the offense of unlawful restraint when
12 he or she knowingly without legal authority detains another.

13 (b) Aggravated unlawful restraint. A person commits the
14 offense of aggravated unlawful restraint when he or she
15 violates subsection (a) while using a deadly weapon.

16 (c) Sentence. Unlawful restraint under subsection (a) is a
17 Class 4 felony. Aggravated unlawful restraint under subsection
18 (b) is a Class 3 felony.

19 ~~Unlawful restraint is a Class 4 felony.~~

20 (Source: P.A. 79-840.)

21 (720 ILCS 5/10-5) (from Ch. 38, par. 10-5)

22 Sec. 10-5. Child abduction ~~Abduction.~~

23 (a) For purposes of this Section, the following terms shall
24 have the following meanings:

1 (1) "Child" means a person under the age of 18 or a
2 severely or profoundly mentally retarded person at the time
3 the alleged violation occurred; and

4 (2) "Detains" means taking or retaining physical
5 custody of a child, whether or not the child resists or
6 objects; and

7 (3) "Lawful custodian" means a person or persons
8 granted legal custody of a child or entitled to physical
9 possession of a child pursuant to a court order. It is
10 presumed that, when the parties have never been married to
11 each other, the mother has legal custody of the child
12 unless a valid court order states otherwise. If an
13 adjudication of paternity has been completed and the father
14 has been assigned support obligations or visitation
15 rights, such a paternity order should, for the purposes of
16 this Section be considered a valid court order granting
17 custody to the mother.

18 (4) "Putative father" means a man who has a reasonable
19 belief that he is the father of a child born of a woman who
20 is not his wife.

21 (b) A person commits the offense of Child ~~child~~ abduction
22 when he or she:

23 (1) Intentionally violates any terms of a valid court
24 order granting sole or joint custody, care or possession to
25 another, by concealing or detaining the child or removing
26 the child from the jurisdiction of the court; or

1 (2) Intentionally violates a court order prohibiting
2 the person from concealing or detaining the child or
3 removing the child from the jurisdiction of the court; or

4 (3) Intentionally conceals, detains or removes the
5 child without the consent of the mother or lawful custodian
6 of the child if the person is a putative father and either:

7 (A) the paternity of the child has not been legally
8 established or (B) the paternity of the child has been
9 legally established but no orders relating to custody have
10 been entered. However, notwithstanding the presumption
11 created by paragraph (3) of subsection (a), a mother
12 commits child abduction when she intentionally conceals or
13 removes a child, whom she has abandoned or relinquished
14 custody of, from an unadjudicated father who has provided
15 sole ongoing care and custody of the child in her absence;
16 or

17 (4) Intentionally conceals or removes the child from a
18 parent after filing a petition or being served with process
19 in an action affecting marriage or paternity but prior to
20 the issuance of a temporary or final order determining
21 custody; or

22 (5) At the expiration of visitation rights outside the
23 State, intentionally fails or refuses to return or impedes
24 the return of the child to the lawful custodian in
25 Illinois; or

26 (6) Being a parent of the child, and where the parents

1 of such child are or have been married and there has been
2 no court order of custody, knowingly conceals the child for
3 15 days, and fails to make reasonable attempts within the
4 15 day period to notify the other parent as to the specific
5 whereabouts of the child, including a means by which to
6 contact such child, or to arrange reasonable visitation or
7 contact with the child. It is not a violation of this
8 Section for a person fleeing domestic violence to take the
9 child with him or her to housing provided by a domestic
10 violence program; or

11 (7) Being a parent of the child, and where the parents
12 of the child are or have been married and there has been no
13 court order of custody, knowingly conceals, detains, or
14 removes the child with physical force or threat of physical
15 force; or

16 (8) Knowingly conceals ~~Conceals~~, detains, or removes
17 the child for payment or promise of payment at the
18 instruction of a person who has no legal right to custody;
19 or

20 (9) Knowingly retains ~~Retains~~ in this State for 30 days
21 a child removed from another state without the consent of
22 the lawful custodian or in violation of a valid court order
23 of custody; or

24 (10) Intentionally lures or attempts to lure a child
25 under the age of 16 into a motor vehicle, building,
26 housetrailer, or dwelling place without the consent of the

1 parent or lawful custodian of the child for other than a
2 lawful purpose.

3 For the purposes of ~~this~~ subsection (b)(10) of this
4 Section, the trier of fact may infer that (b), paragraph (10),
5 the luring or attempted luring of a child under the age of 16
6 into a motor vehicle, building, housetrailer, or dwelling place
7 without the consent of the parent or lawful custodian of the
8 child was for ~~shall be prima facie evidence of~~ other than a
9 lawful purpose.

10 (11) With the intent to obstruct or prevent efforts to
11 locate the child victim of a child abduction, he or she
12 knowingly destroys, alters, conceals or disguises physical
13 evidence or furnishes false information.

14 (c) It shall be an affirmative defense to subsections
15 (b)(1) through (b)(10) of this Section that:

16 (1) The person had custody of the child pursuant to a
17 court order granting legal custody or visitation rights
18 which existed at the time of the alleged violation; or

19 (2) The person had physical custody of the child
20 pursuant to a court order granting legal custody or
21 visitation rights and failed to return the child as a
22 result of circumstances beyond his or her control, and the
23 person notified and disclosed to the other parent or legal
24 custodian the specific whereabouts of the child and a means
25 by which such child can be contacted or made a reasonable
26 attempt to notify the other parent or lawful custodian of

1 the child of such circumstances and make such disclosure
2 within 24 hours after the visitation period had expired and
3 returned the child as soon as possible; or

4 (3) The person was fleeing an incidence or pattern of
5 domestic violence; or

6 (4) The person lured or attempted to lure a child under
7 the age of 16 into a motor vehicle, building, housetrailer,
8 or dwelling place for a lawful purpose in prosecutions
9 under subsection (b), paragraph (10).

10 (d) A person convicted of Child ~~child~~ abduction under this
11 Section is guilty of a Class 4 felony. A person convicted of a
12 second or subsequent violation of subsection (b) (10) paragraph
13 ~~(10) of subsection (b)~~ of this Section is guilty of a Class 3
14 felony. It shall be a factor in aggravation under subsections
15 (b) (1) through (b) (10) of this Section for which a court may
16 impose a more severe sentence under Section 5-8-1 of the
17 Unified Code of Corrections, if upon sentencing the court finds
18 evidence of any of the following aggravating factors:

19 (1) that the defendant abused or neglected the child
20 following the concealment, detention or removal of the
21 child; or

22 (2) that the defendant inflicted or threatened to
23 inflict physical harm on a parent or lawful custodian of
24 the child or on the child with intent to cause such parent
25 or lawful custodian to discontinue criminal prosecution of
26 the defendant under this Section; or

1 (3) that the defendant demanded payment in exchange for
2 return of the child or demanded that he or she be relieved
3 of the financial or legal obligation to support the child
4 in exchange for return of the child; or

5 (4) that the defendant has previously been convicted of
6 child abduction; or

7 (5) that the defendant committed the abduction while
8 armed with a deadly weapon or the taking of the child
9 resulted in serious bodily injury to another; or

10 (6) that the defendant committed the abduction while in
11 a school, regardless of the time of day or time of year; in
12 a playground; on any conveyance owned, leased, or
13 contracted by a school to transport students to or from
14 school or a school related activity; on the real property
15 of a school; or on a public way within 1,000 feet of the
16 real property comprising any school or playground. For
17 purposes of this paragraph (6), "playground" means a piece
18 of land owned or controlled by a unit of local government
19 that is designated by the unit of local government for use
20 solely or primarily for children's recreation; and
21 "school" means a public or private elementary or secondary
22 school, community college, college, or university.

23 (e) The court may order the child to be returned to the
24 parent or lawful custodian from whom the child was concealed,
25 detained or removed. In addition to any sentence imposed, the
26 court may assess any reasonable expense incurred in searching

1 for or returning the child against any person convicted of
2 violating this Section.

3 (f) Nothing contained in this Section shall be construed to
4 limit the court's contempt power.

5 (g) Every law enforcement officer investigating an alleged
6 incident of child abduction shall make a written police report
7 of any bona fide allegation and the disposition of such
8 investigation. Every police report completed pursuant to this
9 Section shall be compiled and recorded within the meaning of
10 Section 5.1 of "An Act in relation to criminal identification
11 and investigation", approved July 2, 1931, as now or hereafter
12 amended.

13 (h) Whenever a law enforcement officer has reasons to
14 believe a child abduction has occurred, he shall provide the
15 lawful custodian a summary of her or his rights under this Act,
16 including the procedures and relief available to her or him.

17 (i) If during the course of an investigation under this
18 Section the child is found in the physical custody of the
19 defendant or another, the law enforcement officer shall return
20 the child to the parent or lawful custodian from whom the child
21 was concealed, detained or removed, unless there is good cause
22 for the law enforcement officer or the Department of Children
23 and Family Services to retain temporary protective custody of
24 the child pursuant to the Abused and Neglected Child Reporting
25 Act, as now or hereafter amended.

26 (Source: P.A. 92-434, eff. 1-1-02.)

1 (720 ILCS 5/10-5.5)

2 Sec. 10-5.5. Unlawful visitation interference.

3 (a) As used in this Section, the terms "child", "detain",
4 and "lawful custodian" shall have the meanings ascribed to them
5 in Section 10-5 of this Code.

6 (b) Every person who, in violation of the visitation
7 provisions of a court order relating to child custody, detains
8 or conceals a child with the intent to deprive another person
9 of his or her rights to visitation shall be guilty of unlawful
10 visitation interference.

11 (c) A person committing unlawful visitation interference
12 is guilty of a petty offense. However, any person violating
13 this Section after 2 prior convictions of unlawful visitation
14 interference is guilty of a Class A misdemeanor.

15 (d) Any law enforcement officer who has probable cause to
16 believe that a person has committed or is committing an act in
17 violation of this Section shall issue to that person a notice
18 to appear.

19 (e) The notice shall:

20 (1) be in writing;

21 (2) state the name of the person and his address, if
22 known;

23 (3) set forth the nature of the offense;

24 (4) be signed by the officer issuing the notice; and

25 (5) request the person to appear before a court at a

1 certain time and place.

2 (f) Upon failure of the person to appear, a summons or
3 warrant of arrest may be issued.

4 (g) It is an affirmative defense that:

5 (1) a person or lawful custodian committed the act to
6 protect the child from imminent physical harm, provided
7 that the defendant's belief that there was physical harm
8 imminent was reasonable and that the defendant's conduct in
9 withholding visitation rights was a reasonable response to
10 the harm believed imminent;

11 (2) the act was committed with the mutual consent of
12 all parties having a right to custody and visitation of the
13 child; or

14 (3) the act was otherwise authorized by law.

15 ~~(h) A person convicted of unlawful visitation interference~~
16 ~~shall not be subject to a civil contempt citation for the same~~
17 ~~conduct for violating visitation provisions of a court order~~
18 ~~issued under the Illinois Marriage and Dissolution of Marriage~~
19 ~~Act.~~

20 (Source: P.A. 88-96.)

21 (720 ILCS 5/10-9 new)

22 Sec. 10-9. Trafficking in persons and involuntary
23 servitude related offenses.

24 (a) Definitions. For purposes of this Section, these words
25 have the following meanings:

1 "Intimidation" has the meaning prescribed in Section 12-6.

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

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

8 "Forced labor or services" means labor or services that are
9 performed or provided by another person and are obtained or
10 maintained through:

11 (1) any scheme, plan, or pattern intending to cause or
12 threatening to cause serious harm to any person;

13 (2) an actor's physically restraining or threatening
14 to physically restrain another person;

15 (3) an actor's abusing or threatening to abuse the law
16 or legal process;

17 (4) an actor's knowingly destroying, concealing,
18 removing, confiscating, or possessing any actual or
19 purported passport or other immigration document, or any
20 other actual or purported government identification
21 document, of another person;

22 (5) an actor's blackmail; or

23 (6) an actor's causing or threatening to cause
24 financial harm to or exerting financial control over any
25 person.

26 "Labor" means work of economic or financial value.

1 "Maintain" means, in relation to labor or services, to
2 secure continued performance thereof, regardless of any
3 initial agreement on the part of the victim to perform such
4 type of service.

5 "Obtain" means, in relation to labor or services, to secure
6 performance thereof.

7 "Services" means a relationship between a person and the
8 actor in which the person performs activities under the
9 supervision of or for the benefit of the actor. Commercial
10 sexual activity and sexually-explicit performances are forms
11 of "services" under this Section. Nothing in this provision
12 should be construed to legitimize or legalize prostitution.

13 "Sexually-explicit performance" means a live, recorded,
14 broadcast (including over the Internet) or public act or show
15 intended to arouse or satisfy the sexual desires or appeal to
16 the prurient interests of patrons.

17 "Trafficking victim" means a person subjected to the
18 practices set forth in involuntary servitude sexual servitude
19 of a minor, or trafficking of persons for forced labor or
20 services.

21 (b) Involuntary servitude. A person commits the offense of
22 involuntary servitude when he or she knowingly subjects,
23 attempts to subject, or engages in a conspiracy to subject
24 another person to forced labor or services and (1) uses
25 intimidation, or using or threatening to cause financial harm
26 to or by exerting financial control over any person; or (2)

1 knowingly destroys, conceals, removes, confiscates or
2 possesses any actual or purported passport or other immigration
3 document, or any other actual or purported government
4 identification document, of another person; or (3) abuses or
5 threatens to abuse the law or legal process; or (4) physically
6 restrains or threatens to physically restrain another person;
7 or (5) causes or threatens to cause physical harm to any
8 person.

9 (c) Sentence. A violation of subsection: (b) (1) is a Class
10 4 felony; (b) (2) is a Class 3 felony; (b) (3) is a Class 2
11 felony; (b) (4) is a Class 1 felony; (b) (5) is a Class X felony.

12 (d) Involuntary sexual servitude of a minor. A person
13 commits the offense of involuntary sexual servitude of a minor
14 when he or she knowingly recruits, entices, harbors,
15 transports, provides, or obtains by any means, or attempts to
16 recruit, entice, harbor, provide, or obtain by any means,
17 another person under 18 years of age, knowing that the minor
18 will engage in commercial sexual activity, a sexually-explicit
19 performance, or the production of pornography, or causes or
20 attempts to cause a minor to engage in such activities.

21 (e) Sentence. A violation of subsection (d) which does not
22 involve overt force or threat, if the minor is 17 or 18 years
23 old, is a Class 1 felony. If the minor is under 17 years old a
24 violation is a Class X felony. A violation of subsection (d)
25 which involves overt force or threat is a Class X felony.

26 (f) Trafficking in persons for forced labor or services. A

1 person commits the offense of trafficking in persons for forced
2 labor or services when he or she knowingly: (1) recruits,
3 entices, harbors, transports, provides, or obtains by any
4 means, or attempts to recruit, entice, harbor, transport,
5 provide, or obtain by any means, another person, intending or
6 knowing that the person will be subjected to forced labor or
7 services; or (2) benefits, financially or by receiving anything
8 of value, from participation in a venture which has engaged in
9 an act of Involuntary servitude or Sexual involuntary servitude
10 of a minor.

11 (g) Sentence. A violation of subsection (f) is a Class 1
12 felony.

13 (h) Aggravating factors. A violation of this Section
14 involving kidnapping or an attempt to kidnap, aggravated
15 criminal sexual assault or the attempt to commit aggravated
16 criminal sexual assault, or an attempt to commit first degree
17 murder is a Class X felony.

18 (i) Sentencing considerations for courts.

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

1 was held for more than one year.

2 (2) Number of victims. In determining sentences within
3 statutory maximums, the sentencing court should take into
4 account the number of victims, and may provide for
5 substantially-increased sentences in cases involving more
6 than 10 victims.

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

15 (k) 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 10-9.

20 (l) Certification. The Attorney General, State's
21 Attorneys, 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 (720 ILCS 5/11-0.5 new)

10 Sec. 11-0.5. Definitions. Unless expressly provided
11 otherwise, the definitions contained in this Section apply to
12 this Article 11.

13 "Accused". For the purposes of Sections 11-25, 11-30,
14 11-35, 11-40, and 11-45, "accused" means a person accused of an
15 offense prohibited by Section 11-25, 11-30, or 11-35 of this
16 Code or a person for whose conduct the accused is legally
17 responsible under Article 5 of this Code.

18 "Actual knowledge". For purposes of Section 11-6.15,
19 Permitting sexual abuse of a child, "actual knowledge" includes
20 credible allegations made by the child.

21 "Adult obscenity or child pornography Internet site." For
22 the purposes of Section 11-6.125, "adult obscenity or child
23 pornography Internet site" means a site on the Internet that
24 contains material that is obscene as defined in this Section or
25 that is child pornography as defined in this Section.

1 "Arranges". For the purposes of Section 11-6.5, "arranges"
2 includes but is not limited to oral or written communication
3 and communication by telephone, computer, or other electronic
4 means.

5 "Bodily harm". For the purposes of Sections 11-6.35 through
6 11-6.45, "bodily harm" means physical harm, and includes, but
7 is not limited to, sexually transmitted disease, pregnancy, and
8 impotence.

9 "Child". For the purposes of Section 11-6.10, "child" means
10 a person under 17 years of age.

11 "Child pornography". For the purposes of Section 11-6.115,
12 "child pornography" includes a film, videotape, photograph, or
13 other similar visual medium or reproduction or depiction by
14 computer that is, or appears to be, that of a person, either in
15 part, or in total, under the age of 18, regardless of the
16 method by which the film, videotape, photograph, or other
17 similar visual medium or reproduction or depiction by computer
18 is created, adopted, or modified to appear as such. "Child
19 pornography" also includes a film, videotape, photograph, or
20 other similar visual medium or reproduction or depiction by
21 computer that is advertised, promoted, presented, described,
22 or distributed in such a manner that conveys the impression
23 that the film, videotape, photograph, or other similar visual
24 medium or reproduction or depiction by computer is of a person
25 under the age of 18.

26 "Computer"; "computer program"; "data". For the purposes

1 of Section 11-6.115, "computer", "computer program", and
2 "data" have the meanings ascribed to them in Section 15-0.5 of
3 this Code.

4 "Conditional release". "Conditional release" means a
5 program of treatment and services, vocational services, and
6 alcohol or other drug abuse treatment provided to any person
7 civilly committed and conditionally released to the community
8 under the Sexually Violent Persons Commitment Act.

9 "Consent". For the purposes of Section 11-6.55, "consent"
10 means a freely given agreement to the act of sexual penetration
11 or sexual conduct in question. Lack of verbal or physical
12 resistance or submission by the victim resulting from the use
13 of force or threat of force by the accused shall not constitute
14 consent. The manner of dress of the victim at the time of the
15 offense shall not constitute consent.

16 "Custody". "Custody" means:

17 (a) pretrial incarceration or detention;

18 (b) incarceration or detention under a sentence or
19 commitment to a State or local penal institution;

20 (c) parole or mandatory supervised release;

21 (d) electronic home detention;

22 (e) probation;

23 (f) detention or civil commitment either in secure care
24 or in the community under the Sexually Violent Persons
25 Commitment Act.

26 "Depict by computer". For the purposes of Section 11-6.115,

1 "depict by computer" means to generate or create, or cause to
2 be created or generated, a computer program or data that, after
3 being processed by a computer either alone or in conjunction
4 with one or more computer programs, results in a visual
5 depiction on a computer monitor, screen, or display.

6 "Depiction by computer". For the purposes of Section
7 11-6.115, "depiction by computer" means a computer program or
8 data that, after being processed by a computer either alone or
9 in conjunction with one or more computer programs, results in a
10 visual depiction on a computer monitor, screen, or display.

11 "Disseminate". For the purposes of Sections 11-6.110 and
12 11-6.115, "disseminate" means (i) to sell, distribute,
13 exchange, or transfer possession, whether with or without
14 consideration, or (ii) to make a depiction by computer
15 available for distribution or downloading through the
16 facilities of any telecommunications network or through any
17 other means of transferring computer programs or data to a
18 computer.

19 "Distribute". For the purposes of Section 11-6.120,
20 "distribute" means to transfer possession of, whether with or
21 without consideration.

22 "Employee". For the purpose of Section 11-6.65, Custodial
23 sexual misconduct, "employee" means:

24 (a) an employee of any governmental agency of this
25 State or any county or municipal corporation that has by
26 statute, ordinance, or court order the responsibility for

1 the care, control, or supervision of pretrial or sentenced
2 persons in a penal system or persons detained or civil
3 committed under the Sexually Violent Persons Commitment
4 Act;

5 (b) a contractual employee of a penal system as defined
6 in this Section who works in a penal institution as defined
7 in Section 2-14 of this Code;

8 (c) a contractual employee of a "treatment and
9 detention facility" as defined in this Section or a
10 contractual employee of the Department of Human Services
11 who provides supervision of persons serving a term of
12 conditional release as defined in this Section.

13 "Family member". For the purposes of Sections 11-6.35
14 through 11-6.45, "family member" means a parent, grandparent,
15 or child, whether by whole blood, half-blood, or adoption, and
16 includes a step-grandparent, step-parent, or step-child.
17 "Family member" also means, where the victim is a child under
18 18 years of age, an accused who has resided in the household
19 with such child continuously for at least one year.

20 "Force or threat of force". For the purposes of Sections
21 11-6.35 through 11-6.45, "force or threat of force" means the
22 use of force or violence, or the threat of force or violence,
23 including, but not limited to, the following situations:

24 (1) when the accused threatens to use force or violence
25 on the victim or on any other person, and the victim under
26 the circumstances reasonably believes that the accused has

1 the ability to execute that threat; or

2 (2) when the accused has overcome the victim by use of
3 superior strength or size, physical restraint, or physical
4 confinement.

5 "Harmful to minors". For the purposes of Section 11-6.120,
6 "harmful to minors" means that quality of any description or
7 representation, in whatever form, of nudity, sexual conduct,
8 sexual excitement, or sado-masochistic abuse, when, taken as a
9 whole, it:

10 (1) predominately appeals to the prurient interest in
11 sex of minors;

12 (2) is patently offensive to prevailing standards in
13 the adult community in the State as a whole with respect to
14 what is suitable material for minors; and

15 (3) lacks serious literary, artistic, political, or
16 scientific value for minors.

17 "HIV". "HIV" means the human immunodeficiency virus or any
18 other identified causative agent of acquired immunodeficiency
19 syndrome.

20 "Internet". "Internet" means an interactive computer
21 service or system or an information service, system, or access
22 software provider that provides or enables computer access by
23 multiple users to a computer server, and includes, but is not
24 limited to, an information service, system, or access software
25 provider that provides access to a network system commonly
26 known as the Internet, or any comparable system or service and

1 also includes, but is not limited to, a World Wide Web page,
2 newsgroup, message board, mailing list, or chat area on any
3 interactive computer service or system or other online service.

4 "Intimate contact with another". "Intimate contact with
5 another" means the exposure of the body of one person to a
6 bodily fluid of another person in a manner that could result in
7 the transmission of HIV.

8 "Intravenous or intramuscular drug paraphernalia".
9 "Intravenous or intramuscular drug paraphernalia" means any
10 equipment, product, or material of any kind which is peculiar
11 to and marketed for use in injecting a substance into the human
12 body.

13 "Knowingly". For the purposes of Section 11-6.120,
14 "knowingly" means having knowledge of the contents of the
15 subject matter, or recklessly failing to exercise reasonable
16 inspection which would have disclosed the contents.

17 "Material". For the purposes of Section 11-6.120,
18 "material" means (i) any picture, photograph, drawing,
19 sculpture, film, video game, computer game, video, or similar
20 visual depiction, including any such representation or image
21 which is stored electronically, or (ii) any book, magazine,
22 printed matter however reproduced, or recorded audio of any
23 sort.

24 "Minor". For the purposes of Section 11-6.120, "minor"
25 means any person under the age of 18.

26 "Nudity". For the purposes of Section 11-6.120, "nudity" means

1 the showing of the human male or female genitals, pubic area,
2 or buttocks with less than a fully opaque covering, or the
3 showing of the female breast with less than a fully opaque
4 covering of any portion below the top of the nipple, or the
5 depiction of covered male genitals in a discernibly turgid
6 state.

7 "Obscene". Any material or performance is "obscene" if:

8 (1) the average person, applying contemporary adult
9 community standards, would find that, taken as a whole, it
10 appeals to the prurient interest; and

11 (2) the average person, applying contemporary adult
12 community standards, would find that it depicts or
13 describes, in a patently offensive way, ultimate sexual
14 acts or sado-masochistic sexual acts, whether normal or
15 perverted, actual or simulated, or masturbation, excretory
16 functions, or lewd exhibition of the genitals; and

17 (3) taken as a whole, it lacks serious literary,
18 artistic, political, or scientific value.

19 "Penal system." "Penal system" means any system which
20 includes institutions as defined in Section 2-14 of this Code
21 or a county shelter care or detention home established under
22 Section 1 of the County Shelter Care and Detention Home Act.

23 "Person responsible for the child's welfare". "Person
24 responsible for the child's welfare" means the child's parent,
25 step-parent, legal guardian, or other person having custody of
26 a child, who is responsible for the child's care at the time of

1 the alleged sexual abuse.

2 "Probation officer". "Probation officer" means any person
3 employed in a probation or court services department as defined
4 in Section 9b of the Probation and Probation Officers Act.

5 "Produce". For the purposes of Section 11-6.115, "produce"
6 means to direct, promote, advertise, publish, manufacture,
7 issue, present, or show.

8 "Reproduce". For the purposes of Section 11-6.115,
9 "reproduce" means to make a duplication or copy.

10 "Sado-masochistic abuse". For the purposes of Section
11 11-6.120, "sado-masochistic abuse" means flagellation or
12 torture by or upon a person clad in undergarments, a mask or
13 bizarre costume, or the condition of being fettered, bound, or
14 otherwise physically restrained on the part of one clothed for
15 sexual gratification or stimulation.

16 "Sex offense". For the purposes of Section 11-6.10, "sex
17 offense" means any violation of Article 11 of this Code or a
18 violation of Section 12-6.50 of this Code.

19 "Sexual abuse". For purposes of Section 11-6.15,
20 Permitting sexual abuse of a child, "sexual abuse" includes
21 Criminal sexual assault, Aggravated criminal sexual assault,
22 Predatory sexual assault of a child, Criminal sexual abuse or
23 Aggravated criminal sexual abuse.

24 "Sexual act". For the purposes of Section 11-6.10, "sexual
25 act" means masturbation, sexual conduct or sexual penetration
26 as defined in this Section.

1 "Sexual conduct".

2 (a) For the purposes of Section 11-6.120, "sexual
3 conduct" means acts of masturbation, sexual intercourse,
4 or physical contact with a person's clothed or unclothed
5 genitals, pubic area, buttocks or, if such person be a
6 female, breast.

7 (b) For the purposes of Sections 11-6.35 through
8 11-6.45, "sexual conduct" means any knowing touching or
9 fondling by the victim or the accused, either directly or
10 through clothing, of the sex organs, anus, or breast of the
11 victim or the accused, or any part of the body of a child
12 under 13 years of age, or any transfer or transmission of
13 semen by the accused upon any part of the clothed or
14 unclothed body of the victim, for the purpose of sexual
15 gratification or arousal of the victim or the accused.

16 "Sexual excitement". For the purposes of Section 11-6.120,
17 "sexual excitement" means the condition of human male or female
18 genitals when in a state of sexual stimulation or arousal.

19 "Sexual penetration". For the purposes of Sections 11-6.35
20 through 11-6.45, "sexual penetration" means any contact,
21 however slight, between the sex organ or anus of one person by
22 an object or the sex organ, mouth, or anus of another person,
23 or any intrusion, however slight, of any part of the body of
24 one person or of any animal or object into the sex organ or
25 anus of another person, including but not limited to
26 cunnilingus, fellatio, or anal penetration. Evidence of

1 emission of semen is not required to prove sexual penetration.

2 "Solicit". For the purposes of Section 11-6, Indecent
3 solicitation of a child, "solicit" means to command, authorize,
4 urge, incite, request, or advise another to perform an act by
5 any means including, but not limited to, in person, over the
6 phone, in writing, by computer, or by advertisement of any
7 kind.

8 "Supervising officer". "Supervising officer" means any
9 person employed to supervise persons placed on parole or
10 mandatory supervised release with the duties described in
11 Section 3-14-2 of the Unified Code of Corrections.

12 "Surveillance agent". "Surveillance agent" means any
13 person employed or contracted to supervise persons placed on
14 conditional release in the community under the Sexually Violent
15 Persons Commitment Act.

16 "Treatment and detention facility". "Treatment and
17 detention facility" means any Department of Human Services
18 facility established for the detention or civil commitment of
19 persons under the Sexually Violent Persons Commitment Act.

20 "Victim". For the purposes of Sections 11-6.35 through
21 11-6.45, "victim" means a person alleging to have been
22 subjected to an offense prohibited by Section 11-6.35 or
23 11-6.45 of this Code.

24 (720 ILCS 5/11-6) (from Ch. 38, par. 11-6)

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

1 (a) A person of the age of 17 years and upwards commits the
2 offense of indecent solicitation of a child if the person, with
3 the intent that the offense of aggravated criminal sexual
4 assault, criminal sexual assault, predatory criminal sexual
5 assault of a child, or aggravated criminal sexual abuse be
6 committed, knowingly solicits a child or one whom he or she
7 believes to be a child to perform an act of sexual penetration
8 or sexual conduct as defined in Section 12-12 of this Code.

9 (b) ~~Definitions. As used in this Section:~~

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

14 ~~"Child" means a person under 17 years of age.~~

15 ~~(c)~~ Sentence. Indecent solicitation of a child is:

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

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

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

23 (Source: P.A. 91-226, eff. 7-22-99.)

24 (720 ILCS 5/11-6.5)

25 Sec. 11-6.5. Indecent solicitation of an adult.

1 (a) A person commits indecent solicitation of an adult if
2 the person knowingly:

3 (1) Arranges for a person 17 years of age or over to
4 commit an act of sexual penetration as defined in Section
5 11-0.5 ~~12-12~~ with a person:

6 (i) Under the age of 13 years; or

7 (ii) Thirteen years of age or over but under the
8 age of 17 years; or

9 (2) Arranges for a person 17 years of age or over to
10 commit an act of sexual conduct as defined in Section
11 11-0.5 ~~12-12~~ with a person:

12 (i) Under the age of 13 years; or

13 (ii) Thirteen years of age or older but under the
14 age of 17 years.

15 (b) Sentence.

16 (1) Violation of paragraph (a)(1)(i) is a Class X
17 felony.

18 (2) Violation of paragraph (a)(1)(ii) is a Class 1
19 felony.

20 (3) Violation of paragraph (a)(2)(i) is a Class 2
21 felony.

22 (4) Violation of paragraph (a)(2)(ii) is a Class A
23 misdemeanor.

24 (c) (Blank). ~~For the purposes of this Section, "arranges"~~
25 ~~includes but is not limited to oral or written communication~~
26 ~~and communication by telephone, computer, or other electronic~~

1 ~~means. "Computer" has the meaning ascribed to it in Section~~
2 ~~16D-2 of this Code.~~

3 (Source: P.A. 88-165; 89-203, eff. 7-21-95.)

4 (720 ILCS 5/11-6.10) (was 720 ILCS 5/11-9.1)

5 Sec. 11-6.10 ~~11-9.1~~. Sexual exploitation of a child.

6 (a) Any person commits sexual exploitation of a child if in
7 the presence of a child and with ~~intent or~~ knowledge that a
8 child would view his or her acts, that person:

9 (1) engages in a sexual act; or

10 (2) exposes his or her sex organs, anus or breast for
11 the purpose of sexual arousal or gratification of such
12 person or the child.

13 (a-5) A person commits sexual exploitation of a child who
14 knowingly entices, coerces, or persuades a child to remove the
15 child's clothing for the purpose of sexual arousal or
16 gratification of the person or the child, or both.

17 (b) (Blank). ~~Definitions. As used in this Section:~~

18 ~~"Sexual act" means masturbation, sexual conduct or sexual~~
19 ~~penetration as defined in Section 12-12 of this Code.~~

20 ~~"Sex offense" means any violation of Article 11 of this~~
21 ~~Code or a violation of Section 12-13, 12-14, 12-14.1, 12-15,~~
22 ~~12-16, or 12-16.2 of this Code.~~

23 ~~"Child" means a person under 17 years of age.~~

24 (c) Sentence.

25 (1) Sexual exploitation of a child is a Class A

1 misdemeanor. A second or subsequent violation of this
2 Section or a substantially similar law of another state is
3 a Class 4 felony.

4 (2) Sexual exploitation of a child is a Class 4 felony
5 if the person has been previously convicted of a sex
6 offense.

7 (3) Sexual exploitation of a child is a Class 4 felony
8 if the victim was under 13 years of age at the time of the
9 commission of the offense.

10 (Source: P.A. 94-140, eff. 7-7-05.)

11 (720 ILCS 5/11-6.15 new)

12 Sec. 11-6.15. Permitting sexual abuse of a child.

13 (a) A person responsible for a child's welfare commits the
14 offense of Permitting sexual abuse of a child if he or she has
15 actual knowledge of and permits an act of sexual abuse upon the
16 child, or permits the child to engage in prostitution as
17 defined in Section 11-14 of the Criminal Code of 1961.

18 (b) This Section does not apply to a person responsible for
19 the child's welfare who, having reason to believe that sexual
20 abuse has occurred, makes timely and reasonable efforts to stop
21 the sexual abuse by reporting the sexual abuse in conformance
22 with the Abused and Neglected Child Reporting Act or by
23 reporting the sexual abuse, or causing a report to be made, to
24 medical or law enforcement authorities or anyone who is a
25 mandated reporter under Section 4 of the Abused and Neglected

1 Child Reporting Act.

2 (c) Whenever a law enforcement officer has reason to
3 believe that the child or the person responsible for the
4 child's welfare has been abused by a family or household member
5 as defined by the Illinois Domestic Violence Act of 1986, the
6 officer shall immediately use all reasonable means to prevent
7 further abuse under Section 112A-30 of the Code of Criminal
8 Procedure of 1963.

9 (d) An order of protection under Section 111-8 of the Code
10 of Criminal Procedure of 1963 shall be sought in all cases
11 where there is reason to believe that a child has been sexually
12 abused by a family or household member. In considering
13 appropriate available remedies, it shall be presumed that
14 awarding physical care or custody to the abuser is not in the
15 child's best interest.

16 (e) A person may not be charged with the offense of
17 Permitting sexual abuse of a child under this Section until the
18 person who committed the offense is charged with Criminal
19 sexual assault, Aggravated criminal sexual assault, Predatory
20 criminal sexual assault of a child, Criminal sexual abuse,
21 Aggravated criminal sexual abuse, or Prostitution.

22 (f) A person convicted of permitting the sexual abuse of a
23 child is guilty of a Class 1 felony. As a condition of any
24 sentence of supervision, probation, conditional discharge, or
25 mandatory supervised release, any person convicted under this
26 Section shall be ordered to undergo child sexual abuse,

1 domestic violence, or other appropriate counseling for a
2 specified duration with a qualified social or mental health
3 worker.

4 (g) It is an affirmative defense to a charge of permitting
5 sexual abuse of a child under this Section that the person
6 responsible for the child's welfare had a reasonable
7 apprehension that timely action to stop the abuse or
8 prostitution would result in the imminent infliction of death,
9 great bodily harm, permanent disfigurement, or permanent
10 disability to that person or another in retaliation for
11 reporting.

12 (720 ILCS 5/11-6.20) (was 720 ILCS 5/11-9)

13 Sec. 11-6.20 ~~11-9~~. Public indecency.

14 (a) Any person of the age of 17 years and upwards who
15 performs any of the following acts in a public place commits a
16 public indecency:

17 (1) An act of sexual penetration or sexual conduct as
18 defined in Section 12-12 of this Code; or

19 (2) A lewd exposure of the body done with intent to
20 arouse or to satisfy the sexual desire of the person.

21 Breast-feeding of infants is not an act of public
22 indecency.

23 (b) "Public place" for purposes of this Section means any
24 place where the conduct may reasonably be expected to be viewed
25 by others.

1 (c) Sentence.

2 Public indecency is a Class A misdemeanor. A person
3 convicted of a third or subsequent violation for public
4 indecency is guilty of a Class 4 felony.

5 (Source: P.A. 91-115, eff. 1-1-00.)

6 (720 ILCS 5/11-6.25 new)

7 Sec. 11-6.25. Bigamy and Marrying a bigamist.

8 (a) Bigamy. A person commits the offense of Bigamy when
9 that person has a husband or wife and subsequently knowingly
10 marries another.

11 (b) Marrying a bigamist. A person commits the offense of
12 Marrying a bigamist when an unmarried person knowingly marries
13 another under circumstances known to him or her which would
14 render the other person guilty of bigamy under the laws of this
15 State.

16 (c) Sentence. Bigamy is a Class 4 felony. Marrying a
17 bigamist is a Class A misdemeanor.

18 (d) It shall be an affirmative defense to Bigamy and
19 Marrying a bigamist that:

20 (1) The prior marriage was dissolved or declared
21 invalid; or

22 (2) The accused reasonably believed the prior spouse to
23 be dead; or

24 (3) The prior spouse had been continually absent for a
25 period of 5 years during which time the accused did not

1 know the prior spouse to be alive; or
2 (4) The accused reasonably believed that he or she, or
3 the person he or she marries, was legally eligible to be
4 married.

5 (720 ILCS 5/11-6.30) (was 720 ILCS 5/11-11)

6 Sec. 11-6.30 ~~11-11~~. Sexual Relations Within Families. (a) A
7 person commits sexual relations within families if he or she:

8 (1) Commits an act of sexual penetration as defined in
9 Section 12-12 of this Code; and

10 (2) The person knows that he or she is related to the other
11 person as follows: (i) Brother or sister, either of the whole
12 blood or the half blood; or (ii) Father or mother, when the
13 child, regardless of legitimacy and regardless of whether the
14 child was of the whole blood or half-blood or was adopted, was
15 18 years of age or over when the act was committed; or (iii)
16 Stepfather or stepmother, when the stepchild was 18 years of
17 age or over when the act was committed.

18 (b) Sentence. Sexual relations within families is a Class 3
19 felony.

20 (Source: P.A. 84-1280.)

21 (720 ILCS 5/11-6.35 new)

22 Sec. 11-6.35. Criminal sexual assault and aggravated
23 criminal sexual assault.

24 (a) Criminal sexual assault. A person commits the offense

1 of Criminal sexual assault if he or she:

2 (1) commits an act of sexual penetration by the use of
3 force or threat of force; or

4 (2) commits an act of sexual penetration and the
5 accused knew that the victim was unable to understand the
6 nature of the act or was unable to give knowing consent; or

7 (3) commits an act of sexual penetration with a victim
8 who was under 18 years of age when the act was committed
9 and the accused was a family member; or

10 (4) commits an act of sexual penetration with a victim
11 who was at least 13 years of age but under 18 years of age
12 when the act was committed and the accused was 17 years of
13 age or over and held a position of trust, authority or
14 supervision in relation to the victim.

15 (b) Aggravated criminal sexual assault.

16 (1) A person commits the offense of Aggravated criminal
17 sexual assault if he or she commits criminal sexual assault
18 and any of the following aggravating circumstances existed
19 during, or for the purposes of paragraph (G) of this
20 subsection (b) (1) as part of the same course of conduct as,
21 the commission of the offense:

22 (A) he or she displayed, threatened to use, or used
23 a dangerous weapon, other than a firearm, or any object
24 fashioned or utilized in such a manner as to lead the
25 victim under the circumstances reasonably to believe
26 it to be a dangerous weapon; or

1 (B) he or she caused bodily harm, except as
2 provided in subparagraph (b) (1) (J), to the victim; or

3 (C) he or she acted in such a manner as to threaten
4 or endanger the life of the victim or any other person;
5 or

6 (D) the criminal sexual assault was perpetrated
7 during the course of the commission or attempted
8 commission of any other felony by the accused; or

9 (E) the victim was 60 years of age or over when the
10 offense was committed; or

11 (F) the victim was a physically handicapped
12 person; or

13 (G) he or she delivered (by injection, inhalation,
14 ingestion, transfer of possession, or any other means)
15 to the victim without his or her consent, or by threat
16 or deception, and for other than medical purposes, any
17 controlled substance; or

18 (H) he or she was armed with a firearm; or

19 (I) he or she personally discharged a firearm
20 during the commission of the offense; or

21 (J) he or she, during the commission of the
22 offense, personally discharged a firearm that
23 proximately caused great bodily harm, permanent
24 disability, permanent disfigurement, or death to
25 another person.

26 (2) A person commits the offense of Aggravated criminal

1 sexual assault if he or she is under 17 years of age at the
2 time of the offense and (i) commits an act of sexual
3 penetration with a victim who is under 9 years of age when
4 the act is committed or (ii) commits an act of sexual
5 penetration with a victim who is at least 9 years of age
6 but under 13 years of age when the act is committed and the
7 accused uses force or threat of force to commit the act.

8 (3) A person commits the offense of Aggravated criminal
9 sexual assault if he or she commits an act of sexual
10 penetration with a victim who is a severely or profoundly
11 mentally retarded person at the time the act is committed.

12 (c) Sentence.

13 (1) Criminal sexual assault. Criminal sexual assault
14 is a Class 1 felony; however:

15 (A) A person who is convicted of the offense of
16 Criminal sexual assault as defined in paragraph (a) (1)
17 or (a) (2) after having previously been convicted of the
18 offense of Criminal sexual assault, or who is convicted
19 of the offense of Criminal sexual assault as defined in
20 paragraph (a) (1) or (a) (2) after having previously
21 been convicted under the laws of this State or any
22 other state of an offense that is substantially
23 equivalent to the offense of Criminal sexual assault,
24 commits a Class X felony for which the person shall be
25 sentenced to a term of imprisonment of not less than 30
26 years and not more than 60 years. The commission of the

1 second or subsequent offense is required to have been
2 after the initial conviction for this paragraph (2) to
3 apply.

4 (B) A person who is convicted of the offense of
5 Criminal sexual assault as defined in paragraph (a) (1)
6 or (a) (2) after having previously been convicted of the
7 offense of Aggravated criminal sexual assault or the
8 offense of Predatory criminal sexual assault of a
9 child, or who is convicted of the offense of Criminal
10 sexual assault as defined in paragraph (a) (1) or (a) (2)
11 after having previously been convicted under the laws
12 of this State or any other state of an offense that is
13 substantially equivalent to the offense of Aggravated
14 criminal sexual assault or the offense of Predatory
15 criminal sexual assault of a child shall be sentenced
16 to a term of natural life imprisonment. The commission
17 of the second or subsequent offense is required to have
18 been after the initial conviction for this paragraph
19 (c) (1) (B) to apply.

20 (C) A second or subsequent conviction for a
21 violation of paragraph (a) (3) or (a) (4) or under any
22 similar statute of this State or any other state for
23 any offense involving Criminal sexual assault that is
24 substantially equivalent to or more serious than the
25 sexual assault prohibited under paragraph (a) (3) or
26 (a) (4) is a Class X felony.

1 (2) Aggravated criminal sexual assault.

2 (A) Aggravated criminal sexual assault in
3 violation of any one of paragraphs (b)(1)(B) through
4 (b)(1)(G) or in violation of paragraph (b)(2) or (b)(3)
5 is a Class X felony. A violation of paragraph (b)(1)(A)
6 is a Class X felony for which 10 years shall be added
7 to the term of imprisonment imposed by the court. A
8 violation of subsection (b)(1)(H) is a Class X felony
9 for which 15 years shall be added to the term of
10 imprisonment imposed by the court. A violation of
11 paragraph (b)(1)(I) is a Class X felony for which 20
12 years shall be added to the term of imprisonment
13 imposed by the court. A violation of paragraph
14 (b)(1)(J) is a Class X felony for which 25 years or up
15 to a term of natural life imprisonment shall be added
16 to the term of imprisonment imposed by the court.

17 (B) A person who is convicted of a second or
18 subsequent offense of Aggravated criminal sexual
19 assault, or who is convicted of the offense of
20 Aggravated criminal sexual assault after having
21 previously been convicted of the offense of Criminal
22 sexual assault or the offense of Predatory criminal
23 sexual assault of a child, or who is convicted of the
24 offense of Aggravated criminal sexual assault after
25 having previously been convicted under the laws of this
26 State or any other state of an offense that is

1 substantially equivalent to the offense of Criminal
2 sexual assault, the offense of Aggravated criminal
3 sexual assault or the offense of Predatory criminal
4 sexual assault of a child, shall be sentenced to a term
5 of natural life imprisonment. The commission of the
6 second or subsequent offense is required to have been
7 after the initial conviction for this paragraph
8 (c) (2) (B) to apply.

9 (720 ILCS 5/11-6.40) (was 720 ILCS 5/12-14.1)

10 Sec. 11-6.40 ~~12-14.1~~. Predatory criminal sexual assault of
11 a child.

12 (a) The accused commits predatory criminal sexual assault
13 of a child if:

14 (1) the accused was 17 years of age or over and commits
15 an act of sexual penetration with a victim who was under 13
16 years of age when the act was committed; or

17 (1.1) the accused was 17 years of age or over and,
18 while armed with a firearm, commits an act of sexual
19 penetration with a victim who was under 13 years of age
20 when the act was committed; or

21 (1.2) the accused was 17 years of age or over and
22 commits an act of sexual penetration with a victim who was
23 under 13 years of age when the act was committed and,
24 during the commission of the offense, the accused
25 personally discharged a firearm; or

1 (2) the accused was 17 years of age or over and commits
2 an act of sexual penetration with a victim who was under 13
3 years of age when the act was committed and the accused
4 caused great bodily harm to the victim that:

5 (A) resulted in permanent disability; or

6 (B) was life threatening; or

7 (3) the accused was 17 years of age or over and commits
8 an act of sexual penetration with a victim who was under 13
9 years of age when the act was committed and the accused
10 delivered (by injection, inhalation, ingestion, transfer
11 of possession, or any other means) to the victim without
12 his or her consent, or by threat or deception, and for
13 other than medical purposes, any controlled substance.

14 (b) Sentence.

15 (1) A person convicted of a violation of subsection
16 (a)(1) commits a Class X felony. A person convicted of a
17 violation of subsection (a)(1.1) commits a Class X felony
18 for which 15 years shall be added to the term of
19 imprisonment imposed by the court. A person convicted of a
20 violation of subsection (a)(1.2) commits a Class X felony
21 for which 20 years shall be added to the term of
22 imprisonment imposed by the court. A person convicted of a
23 violation of subsection (a)(2) commits a Class X felony for
24 which the person shall be sentenced to a term of
25 imprisonment of not less than 50 years or up to a term of
26 natural life imprisonment.

1 (1.1) A person convicted of a violation of subsection
2 (a) (3) commits a Class X felony for which the person shall
3 be sentenced to a term of imprisonment of not less than 50
4 years and not more than 60 years.

5 (1.2) A person convicted of predatory criminal sexual
6 assault of a child committed against 2 or more persons
7 regardless of whether the offenses occurred as the result
8 of the same act or of several related or unrelated acts
9 shall be sentenced to a term of natural life imprisonment.

10 (2) A person who is convicted of a second or subsequent
11 offense of predatory criminal sexual assault of a child, or
12 who is convicted of the offense of predatory criminal
13 sexual assault of a child after having previously been
14 convicted of the offense of criminal sexual assault or the
15 offense of aggravated criminal sexual assault, or who is
16 convicted of the offense of predatory criminal sexual
17 assault of a child after having previously been convicted
18 under the laws of this State or any other state of an
19 offense that is substantially equivalent to the offense of
20 predatory criminal sexual assault of a child, the offense
21 of aggravated criminal sexual assault or the offense of
22 criminal sexual assault, shall be sentenced to a term of
23 natural life imprisonment. The commission of the second or
24 subsequent offense is required to have been after the
25 initial conviction for this paragraph (2) to apply.

26 (Source: P.A. 91-238, eff. 1-1-00; 91-404, eff. 1-1-00; 92-16,

1 eff. 6-28-01.)

2 (720 ILCS 5/11-6.45 new)

3 Sec. 11-6.45. Criminal sexual abuse and Aggravated
4 criminal sexual abuse.

5 (a) Criminal sexual abuse.

6 (1) A person commits the offense of Criminal sexual
7 abuse if he or she:

8 (A) commits an act of sexual conduct by the use of
9 force or threat of force; or

10 (B) commits an act of sexual conduct and the
11 accused knew that the victim was unable to understand
12 the nature of the act or was unable to give knowing
13 consent.

14 (2) A person commits the offense of Criminal sexual
15 abuse if he or she was under 17 years of age and commits an
16 act of sexual penetration or sexual conduct with a victim
17 who was at least 9 years of age but under 17 years of age
18 when the act was committed.

19 (3) A person commits the offense of Criminal sexual
20 abuse if he or she commits an act of sexual penetration or
21 sexual conduct with a victim who was at least 13 years of
22 age but under 17 years of age and the accused was less than
23 5 years older than the victim.

24 (b) Aggravated criminal sexual abuse.

25 (1) A person commits the offense of Aggravated criminal

1 sexual abuse if he or she commits criminal sexual abuse as
2 defined in subsection (a) of this Section and any of the
3 following aggravating circumstances existed during, or for
4 the purposes of paragraph (G) of this paragraph (b) (1) as
5 part of the same course of conduct as, the commission of
6 the offense:

7 (A) he or she displayed, threatened to use or used
8 a dangerous weapon or any object fashioned or utilized
9 in such a manner as to lead the victim under the
10 circumstances reasonably to believe it to be a
11 dangerous weapon; or

12 (B) he or she caused bodily harm to the victim; or

13 (C) the victim was 60 years of age or over when the
14 offense was committed; or

15 (D) the victim was a physically handicapped
16 person; or

17 (E) he or she acted in such a manner as to threaten
18 or endanger the life of the victim or any other person;
19 or

20 (F) the criminal sexual abuse was perpetrated
21 during the course of the commission or attempted
22 commission of any other felony by the accused; or

23 (G) he or she delivered (by injection, inhalation,
24 ingestion, transfer of possession, or any other means)
25 to the victim without his or her consent, or by threat
26 or deception, and for other than medical purposes, any

1 controlled substance.

2 (2) A person commits the offense of Aggravated criminal
3 sexual abuse if he or she commits an act of sexual conduct
4 with a victim who is under 18 years of age when the act is
5 committed and the accused is a family member.

6 (3) A person commits the offense of Aggravated criminal
7 sexual abuse if: (A) he or she is 17 years of age or over at
8 the time of the offense and (i) commits an act of sexual
9 conduct with a victim who is under 13 years of age when the
10 act is committed or (ii) commits an act of sexual conduct
11 with a victim who is at least 13 years of age but under 17
12 years of age when the act is committed and the accused uses
13 force or threat of force to commit the act; or (B) he or
14 she is under 17 years of age at the time of the offense and
15 (i) commits an act of sexual conduct with a victim who is
16 under 9 years of age when the act is committed or (ii)
17 commits an act of sexual conduct with a victim who is at
18 least 9 years of age but under 17 years of age when the act
19 is committed and the accused uses force or threat of force
20 to commit the act.

21 (4) A person commits the offense of Aggravated criminal
22 sexual abuse if he or she commits an act of sexual
23 penetration or sexual conduct with a victim who is at least
24 13 years of age but under 17 years of age when the act is
25 committed and the accused is at least 5 years older than
26 the victim when the act is committed.

1 (5) A person commits the offense of Aggravated criminal
2 sexual abuse if he or she commits an act of sexual conduct
3 with a victim who is a severely or profoundly mentally
4 retarded person at the time the act is committed.

5 (6) A person commits the offense of Aggravated criminal
6 sexual abuse if he or she commits an act of sexual conduct
7 with a victim who is at least 13 years of age but under 18
8 years of age when the act is committed and the accused is
9 17 years of age or over when the act is committed and holds
10 a position of trust, authority or supervision in relation
11 to the victim.

12 (c) Sentence.

13 (1) Criminal sexual abuse. Criminal sexual abuse for a
14 violation of paragraph (a) (2) or (a) (3) of this Section is
15 a Class A misdemeanor. Criminal sexual abuse for a
16 violation of paragraph (a) (1) (A) or (a) (1) (B) of this
17 Section is a Class 4 felony. A second or subsequent
18 conviction for a violation of paragraph (a) (1) of this
19 Section is a Class 2 felony. For purposes of this Section,
20 it is a second or subsequent conviction if the accused has
21 at any time been convicted under this Section or under any
22 similar statute of this State or any other state for any
23 offense involving sexual abuse or sexual assault that is
24 substantially equivalent to or more serious than the sexual
25 abuse prohibited under this Section.

26 (2) Aggravated criminal sexual abuse. Aggravated

1 criminal sexual abuse is a Class 2 felony.

2 (720 ILCS 5/11-6.50) (was 720 ILCS 5/12-16.2)

3 Sec. 11-6.50 ~~12-16.2~~. Criminal Transmission of HIV. (a) A
4 person commits criminal transmission of HIV when he or she,
5 knowing that he or she is infected with HIV:

6 (1) engages in intimate contact with another;

7 (2) transfers, donates, or provides his or her blood,
8 tissue, semen, organs, or other potentially infectious body
9 fluids for transfusion, transplantation, insemination, or
10 other administration to another; or

11 (3) dispenses, delivers, exchanges, sells, or in any other
12 way transfers to another any nonsterile intravenous or
13 intramuscular drug paraphernalia.

14 (b) (Blank). ~~For purposes of this Section:~~

15 ~~"HIV" means the human immunodeficiency virus or any other~~
16 ~~identified causative agent of acquired immunodeficiency~~
17 ~~syndrome.~~

18 ~~"Intimate contact with another" means the exposure of the~~
19 ~~body of one person to a bodily fluid of another person in a~~
20 ~~manner that could result in the transmission of HIV.~~

21 ~~"Intravenous or intramuscular drug paraphernalia" means~~
22 ~~any equipment, product, or material of any kind which is~~
23 ~~peculiar to and marketed for use in injecting a substance into~~
24 ~~the human body.~~

25 (c) Nothing in this Section shall be construed to require

1 that an infection with HIV has occurred in order for a person
2 to have committed criminal transmission of HIV.

3 (d) It shall be an affirmative defense that the person
4 exposed knew that the infected person was infected with HIV,
5 knew that the action could result in infection with HIV, and
6 consented to the action with that knowledge.

7 (e) A person who commits criminal transmission of HIV
8 commits a Class 2 felony.

9 (Source: P.A. 86-897.)

10 (720 ILCS 5/11-6.55) (was 720 ILCS 5/12-17)

11 Sec. 11-6.55 ~~12-17~~. Defenses.

12 (a) It shall be a defense to any offense under Section
13 12-13 through 12-16 of this Code where force or threat of force
14 is an element of the offense that the victim consented.
15 ~~"Consent" means a freely given agreement to the act of sexual~~
16 ~~penetration or sexual conduct in question. Lack of verbal or~~
17 ~~physical resistance or submission by the victim resulting from~~
18 ~~the use of force or threat of force by the accused shall not~~
19 ~~constitute consent. The manner of dress of the victim at the~~
20 ~~time of the offense shall not constitute consent.~~

21 (b) It shall be a defense under subsection (b) and
22 subsection (c) of Section 12-15 and subsection (d) of Section
23 12-16 of this Code that the accused reasonably believed the
24 person to be 17 years of age or over.

25 (c) A person who initially consents to sexual penetration

1 or sexual conduct is not deemed to have consented to any sexual
2 penetration or sexual conduct that occurs after he or she
3 withdraws consent during the course of that sexual penetration
4 or sexual conduct.

5 (Source: P.A. 93-389, eff. 7-25-03.)

6 (720 ILCS 5/11-6.60) (was 720 ILCS 5/12-18)

7 Sec. 11-6.60 ~~12-18~~. General Provisions.

8 (a) No person accused of violating Sections 11-6.35 through
9 11-6.45 ~~12-13, 12-14, 12-15 or 12-16~~ of this Code shall be
10 presumed to be incapable of committing an offense prohibited by
11 Sections 11-6.35 through 11-6.45 ~~12-13, 12-14, 12-14.1, 12-15~~
12 ~~or 12-16~~ of this Code because of age, physical condition or
13 relationship to the victim, except as otherwise provided in
14 subsection (c) of this Section. Nothing in this Section shall
15 be construed to modify or abrogate the affirmative defense of
16 infancy under Section 6-1 of this Code or the provisions of
17 Section 5-805 of the Juvenile Court Act of 1987.

18 (b) Any medical examination or procedure which is conducted
19 by a physician, nurse, medical or hospital personnel, parent,
20 or caretaker for purposes and in a manner consistent with
21 reasonable medical standards is not an offense under Sections
22 12-13, 12-14, 12-14.1, 12-15 and 12-16 of this Code.

23 (c) (Blank).

24 (d) (Blank).

25 (e) After a finding at a preliminary hearing that there is

1 probable cause to believe that an accused has committed a
2 violation of Section 12-13, 12-14, or 12-14.1 of this Code, or
3 after an indictment is returned charging an accused with a
4 violation of Section 12-13, 12-14, or 12-14.1 of this Code, or
5 after a finding that a defendant charged with a violation of
6 Section 12-13, 12-14, or 12-14.1 of this Code is unfit to stand
7 trial pursuant to Section 104-16 of the Code of Criminal
8 Procedure of 1963 where the finding is made prior to
9 preliminary hearing, at the request of the person who was the
10 victim of the violation of Section 12-13, 12-14, or 12-14.1,
11 the prosecuting State's attorney shall seek an order from the
12 court to compel the accused to be tested for any sexually
13 transmissible disease, including a test for infection with
14 human immunodeficiency virus (HIV). The medical tests shall be
15 performed only by appropriately licensed medical
16 practitioners. The test for infection with human
17 immunodeficiency virus (HIV) shall consist of an enzyme-linked
18 immunosorbent assay (ELISA) test, or such other test as may be
19 approved by the Illinois Department of Public Health; in the
20 event of a positive result, the Western Blot Assay or a more
21 reliable confirmatory test shall be administered. The results
22 of the tests shall be kept strictly confidential by all medical
23 personnel involved in the testing and must be personally
24 delivered in a sealed envelope to the victim and to the judge
25 who entered the order, for the judge's inspection in camera.
26 Acting in accordance with the best interests of the victim and

1 the public, the judge shall have the discretion to determine to
2 whom, if anyone, the result of the testing may be revealed;
3 however, in no case shall the identity of the victim be
4 disclosed. The court shall order that the cost of the tests
5 shall be paid by the county, and may be taxed as costs against
6 the accused if convicted.

7 (f) Whenever any law enforcement officer has reasonable
8 cause to believe that a person has been delivered a controlled
9 substance without his or her consent, the law enforcement
10 officer shall advise the victim about seeking medical treatment
11 and preserving evidence.

12 (g) Every hospital providing emergency hospital services
13 to an alleged sexual assault survivor, when there is reasonable
14 cause to believe that a person has been delivered a controlled
15 substance without his or her consent, shall designate personnel
16 to provide:

17 (1) An explanation to the victim about the nature and
18 effects of commonly used controlled substances and how such
19 controlled substances are administered.

20 (2) An offer to the victim of testing for the presence
21 of such controlled substances.

22 (3) A disclosure to the victim that all controlled
23 substances or alcohol ingested by the victim will be
24 disclosed by the test.

25 (4) A statement that the test is completely voluntary.

26 (5) A form for written authorization for sample

1 analysis of all controlled substances and alcohol ingested
2 by the victim.

3 A physician licensed to practice medicine in all its
4 branches may agree to be a designated person under this
5 subsection.

6 No sample analysis may be performed unless the victim
7 returns a signed written authorization within 30 days after the
8 sample was collected.

9 Any medical treatment or care under this subsection shall
10 be only in accordance with the order of a physician licensed to
11 practice medicine in all of its branches. Any testing under
12 this subsection shall be only in accordance with the order of a
13 licensed individual authorized to order the testing.

14 (Source: P.A. 93-958, eff. 8-20-04; 94-397, eff. 1-1-06.)

15 (720 ILCS 5/11-6.65) (was 720 ILCS 5/11-9.2)

16 Sec. 11-6.65 ~~11-9.2~~. Custodial sexual misconduct.

17 (a) A person commits the offense of custodial sexual
18 misconduct when: (1) he or she is an employee of a penal system
19 and engages in sexual conduct or sexual penetration with a
20 person who is in the custody of that penal system or (2) he or
21 she is an employee of a treatment and detention facility and
22 engages in sexual conduct or sexual penetration with a person
23 who is in the custody of that treatment and detention facility.

24 (b) A probation or supervising officer or surveillance
25 agent commits the offense of custodial sexual misconduct when

1 the probation or supervising officer or surveillance agent
2 engages in sexual conduct or sexual penetration with a
3 probationer, parolee, or releasee or person serving a term of
4 conditional release who is under the supervisory,
5 disciplinary, or custodial authority of the officer or agent so
6 engaging in the sexual conduct or sexual penetration.

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

8 (d) Any person convicted of violating this Section
9 immediately shall forfeit his or her employment with a penal
10 system, treatment and detention facility, or conditional
11 release program.

12 (e) For purposes of this Section, the consent of the
13 probationer, parolee, releasee, or inmate in custody of the
14 penal system or person detained or civilly committed under the
15 Sexually Violent Persons Commitment Act shall not be a defense
16 to a prosecution under this Section. A person is deemed
17 incapable of consent, for purposes of this Section, when he or
18 she is a probationer, parolee, releasee, or inmate in custody
19 of a penal system or person detained or civilly committed under
20 the Sexually Violent Persons Commitment Act.

21 (f) This Section does not apply to:

22 (1) Any employee, probation or supervising officer, or
23 surveillance agent who is lawfully married to a person in
24 custody if the marriage occurred before the date of
25 custody.

26 (2) Any employee, probation or supervising officer, or

1 surveillance agent who has no knowledge, and would have no
2 reason to believe, that the person with whom he or she
3 engaged in custodial sexual misconduct was a person in
4 custody.

5 ~~(g) In this Section:~~

6 ~~(1) "Custody" means:~~

7 ~~(i) pretrial incarceration or detention;~~

8 ~~(ii) incarceration or detention under a sentence
9 or commitment to a State or local penal institution;~~

10 ~~(iii) parole or mandatory supervised release;~~

11 ~~(iv) electronic home detention;~~

12 ~~(v) probation;~~

13 ~~(vi) detention or civil commitment either in
14 secure care or in the community under the Sexually
15 Violent Persons Commitment Act.~~

16 ~~(2) "Penal system" means any system which includes
17 institutions as defined in Section 2-14 of this Code or a
18 county shelter care or detention home established under
19 Section 1 of the County Shelter Care and Detention Home
20 Act.~~

21 ~~(2.1) "Treatment and detention facility" means any
22 Department of Human Services facility established for the
23 detention or civil commitment of persons under the Sexually
24 Violent Persons Commitment Act.~~

25 ~~(2.2) "Conditional release" means a program of
26 treatment and services, vocational services, and alcohol~~

1 ~~or other drug abuse treatment provided to any person~~
2 ~~civilly committed and conditionally released to the~~
3 ~~community under the Sexually Violent Persons Commitment~~
4 ~~Act;~~

5 ~~(3) "Employee" means:~~

6 ~~(i) an employee of any governmental agency of this~~
7 ~~State or any county or municipal corporation that has~~
8 ~~by statute, ordinance, or court order the~~
9 ~~responsibility for the care, control, or supervision~~
10 ~~of pretrial or sentenced persons in a penal system or~~
11 ~~persons detained or civilly committed under the~~
12 ~~Sexually Violent Persons Commitment Act;~~

13 ~~(ii) a contractual employee of a penal system as~~
14 ~~defined in paragraph (g) (2) of this Section who works~~
15 ~~in a penal institution as defined in Section 2-14 of~~
16 ~~this Code;~~

17 ~~(iii) a contractual employee of a "treatment and~~
18 ~~detention facility" as defined in paragraph (g) (2.1)~~
19 ~~of this Code or a contractual employee of the~~
20 ~~Department of Human Services who provides supervision~~
21 ~~of persons serving a term of conditional release as~~
22 ~~defined in paragraph (g) (2.2) of this Code.~~

23 ~~(4) "Sexual conduct" or "sexual penetration" means any~~
24 ~~act of sexual conduct or sexual penetration as defined in~~
25 ~~Section 12-12 of this Code.~~

26 ~~(5) "Probation officer" means any person employed in a~~

1 ~~probation or court services department as defined in~~
2 ~~Section 9b of the Probation and Probation Officers Act.~~

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

7 ~~(7) "Surveillance agent" means any person employed or~~
8 ~~contracted to supervise persons placed on conditional~~
9 ~~release in the community under the Sexually Violent Persons~~
10 ~~Commitment Act.~~

11 (Source: P.A. 92-415, eff. 8-17-01.)

12 (720 ILCS 5/11-6.70) (was 720 ILCS 5/11-14)

13 Sec. 11-6.70 ~~11-14~~. Prostitution.

14 (a) Any person who knowingly performs, offers or agrees to
15 perform any act of sexual penetration as defined in Section
16 12-12 of this Code for ~~any money, property, token, object, or~~
17 ~~article or~~ anything of value, or any touching or fondling of
18 the sex organs of one person by another person, for any money,
19 property, token, object, or article or anything of value, for
20 the purpose of sexual arousal or gratification commits an act
21 of prostitution.

22 (b) Sentence.

23 A violation of this Section ~~Prostitution~~ is a Class A
24 misdemeanor. ~~A person convicted of a second or subsequent~~
25 ~~violation of this Section, or of any combination of such number~~

1 ~~of convictions under this Section and Sections 11-15, 11-17,~~
2 ~~11-18, 11-18.1 and 11-19 of this Code is guilty of a Class 4~~
3 ~~felony. When a person has one or more prior convictions, the~~
4 ~~information or indictment charging that person shall state such~~
5 ~~prior conviction so as to give notice of the State's intention~~
6 ~~to treat the charge as a felony. The fact of such prior~~
7 ~~conviction is not an element of the offense and may not be~~
8 ~~disclosed to the jury during trial unless otherwise permitted~~
9 ~~by issues properly raised during such trial. A second or~~
10 ~~subsequent violation of this Section, Section 11-6.75~~
11 ~~(Promoting prostitution), or Section 11-6.85 (Patronizing a~~
12 ~~prostitute) is a Class 4 felony. A violation of subsection (a)~~
13 ~~is a Class 4 felony if it is committed within 1,000 feet of a~~
14 ~~school.~~

15 ~~(c) A person who violates this Section within 1,000 feet of~~
16 ~~real property comprising a school commits a Class 4 felony.~~

17 (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 91-696,
18 eff. 4-13-00.)

19 (720 ILCS 5/11-6.75 new)

20 Sec. 11-6.75. Promoting prostitution.

21 (a) A person commits promoting prostitution when he or she
22 knowingly:

23 (1) advances prostitution;

24 (2) (i) profits from prostitution by any means; (ii)
25 profits from prostitution by compelling a person to become

1 a prostitute; or (iii) profits from prostitution by
2 arranging or offering to arrange a situation in which a
3 person may practice prostitution.

4 (b) Sentencing.

5 (1) A violation of subsections (a)(1) is a Class A
6 misdemeanor. A second or subsequent violation of this
7 subsection is a Class 4 felony. A violation of subsection
8 (a)(1) is a Class 4 felony if it is committed within 1,000
9 feet of a school.

10 (2) A violation of subsection (a)(2)(i) is a Class A
11 misdemeanor. A second or subsequent violation of this
12 subsection is a Class 4 felony.

13 (3) A violation of subsection (a)(2)(i) or (a)(2)(ii)
14 is a Class 4 felony, unless it is committed within 1,000
15 feet of real property comprising a school, in which case it
16 is a Class 3 felony.

17 (c) For purposes of this Section and Section 11-6.80,
18 Promoting Juvenile Prostitution, "profit from prostitution"
19 occurs when a person, acting other than as a prostitute
20 receiving anything of value for personally rendered
21 prostitution services, receives anything of value from a
22 prostitute, not for lawful consideration, knowing it was earned
23 in whole or in part from the practice of prostitution.

24 (d) For purposes of this Section, a person "advances
25 prostitution" when he or she, acting other than as a prostitute
26 or as a patron thereof, :

- 1 (1) solicits another for the purpose of prostitution,
2 (2) arranges or offers to arrange a meeting of persons
3 for the purpose of prostitution; or
4 (3) directs another to a place knowing such direction
5 is for the purpose of prostitution; or
6 (4) has or exercises control over the use of any place
7 which could offer seclusion or shelter for the practice of
8 prostitution who performs any of the following acts:
9 (i) knowingly grants or permits the use of such
10 place for the purpose of prostitution; or
11 (ii) grants or permits the use of such place under
12 circumstances from which he could reasonably know that
13 the place is used or is to be used for purposes of
14 prostitution; or
15 (iii) permits the continued use of a place after
16 becoming aware of facts or circumstances from which he
17 should reasonably know that the place is being used for
18 purposes of prostitution.

19 (720 ILCS 5/11-6.80 new)

20 Sec. 11-6.80. Promoting Juvenile Prostitution.

21 (a) A person commits Promoting Juvenile Prostitution when
22 he or she knowingly:

- 23 (1) advances prostitution, where the prostitute, or a
24 prostitute in the place, was less than 16 years of age or a
25 severely or profoundly mentally retarded person at the time

1 of the act giving rise to the charge;

2 (2) profits from prostitution by any means where the
3 prostitute was less than 16 years of age;

4 (3) with respect to a child less than 16 years of age
5 or a severely or profoundly mentally retarded person:

6 (i) confines the child or severely or profoundly
7 mentally retarded person against his or her will by the
8 infliction or threat of imminent infliction of great
9 bodily harm, permanent disability or disfigurement, or
10 by administering to the child or a severely or
11 profoundly mentally retarded person without his or her
12 consent or by threat or deception and for other than
13 medical purposes, any alcoholic intoxicant or a drug as
14 defined in the Illinois Controlled Substances Act or
15 the Cannabis Control Act or methamphetamine as defined
16 in the Methamphetamine Control and Community
17 Protection Act; and

18 (ii) (A) compels the child or severely or
19 profoundly mentally retarded person to become a
20 prostitute; or (B) arranges a situation in which the
21 child or severely or profoundly mentally retarded
22 person may practice prostitution; or (C) violates
23 subsection (a) (2).

24 (b) Sentencing.

25 (1) A violation of subsection (a) (1) is a Class 1
26 felony. A second or subsequent violation is a Class X

1 felony.

2 (2) A violation of subsection (a)(2) is a Class 1
3 felony. A violation of subsection (a)(4) is a Class X
4 felony where the prostitute was less than 13 years of age
5 at the time of the act giving rise to the charge.

6 (3) A violation of subsection (a)(3) is a Class X
7 felony.

8 (c) It is an affirmative defense to subsections (a)(1) and
9 (a)(2) that the accused reasonably believed the person was of
10 the age of 16 years or over or was not a severely or profoundly
11 mentally retarded person at the time of the act giving rise to
12 the charge.

13 (d) For purposes of subsection (a)(3), administering drugs
14 or an alcoholic intoxicant to a child under the age of 13 or a
15 severely or profoundly mentally retarded person shall be deemed
16 to be without consent if such administering is done without the
17 consent of the parents or legal guardian.

18 (e) A person convicted under subsection (a)(3) is subject
19 to the forfeiture provisions of Section 11-20.1A.

20 (720 ILCS 5/11-6.85) (was 720 ILCS 5/11-18)

21 Sec. 11-6.85 ~~11-18~~. Patronizing a prostitute.

22 (a) Any person who knowingly performs any of the following
23 acts with a person not his or her spouse commits the offense of
24 patronizing a prostitute:

25 (1) Engages in an act of sexual penetration as defined

1 in Section 12-12 of this Code with a prostitute or any
2 touching or fondling with the prostitute of the sex organs
3 of one person by the other person, with the intent to
4 achieve sexual arousal or gratification; or

5 (2) Enters or remains in a place of prostitution with
6 intent to engage in an act of sexual penetration as defined
7 in Section 12-12 of this Code.

8 (b) Sentence.

9 A violation of this Section Patronizing a prostitute is a
10 Class A misdemeanor. A second or subsequent violation of this
11 Section, Section 11-6.70 (Prostitution), or Section 11-6.75
12 (Promoting prostitution) is a Class 4 felony. A violation of
13 subsection (a) is a Class 4 felony if it is committed within
14 1,000 feet of a school. A person convicted of a second or
15 subsequent violation of this Section, or of any combination of
16 such number of convictions under this Section and Sections
17 11 14, 11 15, 11 17, 11 18.1 and 11 19 of this Code, is guilty
18 of a Class 4 felony. When a person has one or more prior
19 convictions, the information or indictment charging that
20 person shall state such prior convictions so as to give notice
21 of the State's intention to treat the charge as a felony. The
22 fact of such conviction is not an element of the offense and
23 may not be disclosed to the jury during trial unless otherwise
24 permitted by issues properly raised during such trial.

25 ~~(c) A person who violates this Section within 1,000 feet of~~
26 ~~real property comprising a school commits a Class 4 felony.~~

1 (Source: P.A. 91-274, eff. 1-1-00; 91-498, eff. 1-1-00; 92-16,
2 eff. 6-28-01.)

3 (720 ILCS 5/11-6.90) (was 720 ILCS 5/11-18.1)

4 Sec. 11-6.90 ~~11-18.1~~. Patronizing a juvenile prostitute.

5 (a) Any person who engages in an act of sexual penetration as
6 defined in Section 12-12 of this Code with a prostitute under
7 17 years of age or any touching or fondling with the prostitute
8 of the sex organs of one person by the other person, for the
9 purpose of sexual arousal or gratification with a prostitute
10 under 17 years of age commits the offense of patronizing a
11 juvenile prostitute.

12 (b) It is an affirmative defense to the charge of
13 patronizing a juvenile prostitute that the accused reasonably
14 believed that the person was of the age of 17 years or over at
15 the time of the act giving rise to the charge.

16 (c) Sentence. A person who commits patronizing a juvenile
17 prostitute is guilty of a Class 4 felony.

18 (Source: P.A. 85-1447.)

19 (720 ILCS 5/11-6.95) (was 720 ILCS 5/11-9.3)

20 Sec. 11-6.95 ~~11-9.3~~. Presence within school zone by child
21 sex offenders prohibited.

22 (a) It is unlawful for a child sex offender to knowingly be
23 present in any school building, on real property comprising any
24 school, or in any conveyance owned, leased, or contracted by a

1 school to transport students to or from school or a school
2 related activity when persons under the age of 18 are present
3 in the building, on the grounds or in the conveyance, unless
4 the offender is a parent or guardian of a student attending the
5 school and the parent or guardian is: (i) attending a
6 conference at the school with school personnel to discuss the
7 progress of his or her child academically or socially, (ii)
8 participating in child review conferences in which evaluation
9 and placement decisions may be made with respect to his or her
10 child regarding special education services, or (iii) attending
11 conferences to discuss other student issues concerning his or
12 her child such as retention and promotion and notifies the
13 principal of the school of his or her presence at the school or
14 unless the offender has permission to be present from the
15 superintendent or the school board or in the case of a private
16 school from the principal. In the case of a public school, if
17 permission is granted, the superintendent or school board
18 president must inform the principal of the school where the sex
19 offender will be present. Notification includes the nature of
20 the sex offender's visit and the hours in which the sex
21 offender will be present in the school. The sex offender is
22 responsible for notifying the principal's office when he or she
23 arrives on school property and when he or she departs from
24 school property. If the sex offender is to be present in the
25 vicinity of children, the sex offender has the duty to remain
26 under the direct supervision of a school official. A child sex

1 offender who violates this provision is guilty of a Class 4
2 felony.

3 Nothing in this Section shall be construed to infringe upon
4 the constitutional right of a child sex offender to be present
5 in a school building that is used as a polling place for the
6 purpose of voting.

7 ~~(1) (Blank; or)~~

8 ~~(2) (Blank.)~~

9 (b) It is unlawful for a child sex offender to knowingly
10 loiter within 500 feet of a school building or real property
11 comprising any school while persons under the age of 18 are
12 present in the building or on the grounds, unless the offender
13 is a parent or guardian of a student attending the school and
14 the parent or guardian is: (i) attending a conference at the
15 school with school personnel to discuss the progress of his or
16 her child academically or socially, (ii) participating in child
17 review conferences in which evaluation and placement decisions
18 may be made with respect to his or her child regarding special
19 education services, or (iii) attending conferences to discuss
20 other student issues concerning his or her child such as
21 retention and promotion and notifies the principal of the
22 school of his or her presence at the school or has permission
23 to be present from the superintendent or the school board or in
24 the case of a private school from the principal. In the case of
25 a public school, if permission is granted, the superintendent
26 or school board president must inform the principal of the

1 school where the sex offender will be present. Notification
2 includes the nature of the sex offender's visit and the hours
3 in which the sex offender will be present in the school. The
4 sex offender is responsible for notifying the principal's
5 office when he or she arrives on school property and when he or
6 she departs from school property. If the sex offender is to be
7 present in the vicinity of children, the sex offender has the
8 duty to remain under the direct supervision of a school
9 official. A child sex offender who violates this provision is
10 guilty of a Class 4 felony.

11 ~~(1) (Blank; or)~~

12 ~~(2) (Blank.)~~

13 (b-5) It is unlawful for a child sex offender to knowingly
14 reside within 500 feet of a school building or the real
15 property comprising any school that persons under the age of 18
16 attend. Nothing in this subsection (b-5) prohibits a child sex
17 offender from residing within 500 feet of a school building or
18 the real property comprising any school that persons under 18
19 attend if the property is owned by the child sex offender and
20 was purchased before the effective date of this amendatory Act
21 of the 91st General Assembly.

22 (c) Definitions. In this Section:

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

24 (i) has been charged under Illinois law, or any
25 substantially similar federal law or law of another
26 state, with a sex offense set forth in paragraph (2) of

1 this subsection (c) or the attempt to commit an
2 included sex offense, and:

3 (A) is convicted of such offense or an attempt
4 to commit such offense; or

5 (B) is found not guilty by reason of insanity
6 of such offense or an attempt to commit such
7 offense; or

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

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

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

25 (F) is the subject of a finding not resulting
26 in an acquittal at a hearing conducted pursuant to

1 a federal law or the law of another state
2 substantially similar to subsection (a) of Section
3 104-25 of the Code of Criminal Procedure of 1963
4 for the alleged violation or attempted commission
5 of such offense; or

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

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

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

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

22 (i) A violation of any of the following Sections of
23 the Criminal Code of 1961: 10-7 (aiding and abetting
24 child abduction under Section 10-5(b)(10)),
25 10-5(b)(10) (child luring), 11-6 (indecent
26 solicitation of a child), 11-6.5 (indecent

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

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

26 (iii) A violation of any of the following Sections

1 of the Criminal Code of 1961, when the victim is a
2 person under 18 years of age and the defendant is not a
3 parent of the victim:

4 10-1 (kidnapping),
5 10-2 (aggravated kidnapping),
6 10-3 (unlawful restraint),
7 10-3.1 (aggravated unlawful restraint).

8 An attempt to commit any of these offenses.

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

12 (2.5) For the purposes of subsection (b-5) only, a sex
13 offense means:

14 (i) A violation of any of the following Sections of
15 the Criminal Code of 1961:

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

1 a child). An attempt to commit any of these
2 offenses.

3 (ii) A violation of any of the following Sections
4 of the Criminal Code of 1961, when the victim is a
5 person under 18 years of age: 12-13 (criminal sexual
6 assault), 12-14 (aggravated criminal sexual assault),
7 12-16 (aggravated criminal sexual abuse), and
8 subsection (a) of Section 12-15 (criminal sexual
9 abuse). An attempt to commit any of these offenses.

10 (iii) A violation of any of the following Sections
11 of the Criminal Code of 1961, when the victim is a
12 person under 18 years of age and the defendant is not a
13 parent of the victim:

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

22 (3) A conviction for an offense of federal law or the
23 law of another state that is substantially equivalent to
24 any offense listed in paragraph (2) of subsection (c) of
25 this Section shall constitute a conviction for the purpose
26 of this Article. A finding or adjudication as a sexually

1 dangerous person under any federal law or law of another
2 state that is substantially equivalent to the Sexually
3 Dangerous Persons Act shall constitute an adjudication for
4 the purposes of this Section.

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

7 (5) "Loiter" means:

8 (i) Standing, sitting idly, whether or not the
9 person is in a vehicle or remaining in or around school
10 property.

11 (ii) Standing, sitting idly, whether or not the
12 person is in a vehicle or remaining in or around school
13 property, for the purpose of committing or attempting
14 to commit a sex offense.

15 (iii) Entering or remaining in a building in or
16 around school property, other than the offender's
17 residence.

18 (6) "School official" means the principal, a teacher,
19 or any other certified employee of the school, the
20 superintendent of schools or a member of the school board.

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

23 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
24 94-170, eff. 7-11-05; revised 9-15-06.)

25 (720 ILCS 5/11-6.100) (was 720 ILCS 5/11-9.4)

1 Sec. 11-6.100 ~~11-9.4~~. Approaching, contacting, residing,
2 or communicating with a child within certain places by child
3 sex offenders prohibited.

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

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

19 (b-5) It is unlawful for a child sex offender to knowingly
20 reside within 500 feet of a playground, child care institution,
21 day care center, part day child care facility, or a facility
22 providing programs or services exclusively directed toward
23 persons under 18 years of age. Nothing in this subsection (b-5)
24 prohibits a child sex offender from residing within 500 feet of
25 a playground or a facility providing programs or services
26 exclusively directed toward persons under 18 years of age if

1 the property is owned by the child sex offender and was
2 purchased before the effective date of this amendatory Act of
3 the 91st General Assembly. Nothing in this subsection (b-5)
4 prohibits a child sex offender from residing within 500 feet of
5 a child care institution, day care center, or part day child
6 care facility if the property is owned by the child sex
7 offender and was purchased before the effective date of this
8 amendatory Act of the 94th General Assembly.

9 (b-6) It is unlawful for a child sex offender to knowingly
10 reside within 500 feet of the victim of the sex offense.
11 Nothing in this subsection (b-6) prohibits a child sex offender
12 from residing within 500 feet of the victim if the property in
13 which the child sex offender resides is owned by the child sex
14 offender and was purchased before the effective date of this
15 amendatory Act of the 92nd General Assembly.

16 This subsection (b-6) does not apply if the victim of the
17 sex offense is 21 years of age or older.

18 (c) It is unlawful for a child sex offender to knowingly
19 operate, manage, be employed by, volunteer at, be associated
20 with, or knowingly be present at any: (i) facility providing
21 programs or services exclusively directed towards persons
22 under the age of 18; (ii) day care center; (iii) part day child
23 care facility; (iv) child care institution, or (v) school
24 providing before and after school programs for children under
25 18 years of age. This does not prohibit a child sex offender
26 from owning the real property upon which the programs or

1 services are offered or upon which the day care center, part
2 day child care facility, child care institution, or school
3 providing before and after school programs for children under
4 18 years of age is located, provided the child sex offender
5 refrains from being present on the premises for the hours
6 during which: (1) the programs or services are being offered or
7 (2) the day care center, part day child care facility, child
8 care institution, or school providing before and after school
9 programs for children under 18 years of age is operated.

10 (d) Definitions. In this Section:

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

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

17 (A) is convicted of such offense or an attempt
18 to commit such offense; or

19 (B) is found not guilty by reason of insanity
20 of such offense or an attempt to commit such
21 offense; or

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

26 (D) is the subject of a finding not resulting

1 in an acquittal at a hearing conducted pursuant to
2 subsection (a) of Section 104-25 of the Code of
3 Criminal Procedure of 1963 for the alleged
4 commission or attempted commission of such
5 offense; or

6 (E) is found not guilty by reason of insanity
7 following a hearing conducted pursuant to a
8 federal law or the law of another state
9 substantially similar to subsection (c) of Section
10 104-25 of the Code of Criminal Procedure of 1963 of
11 such offense or of the attempted commission of such
12 offense; or

13 (F) is the subject of a finding not resulting
14 in an acquittal at a hearing conducted pursuant to
15 a federal law or the law of another state
16 substantially similar to subsection (a) of Section
17 104-25 of the Code of Criminal Procedure of 1963
18 for the alleged violation or attempted commission
19 of such offense; or

20 (ii) is certified as a sexually dangerous person
21 pursuant to the Illinois Sexually Dangerous Persons
22 Act, or any substantially similar federal law or the
23 law of another state, when any conduct giving rise to
24 such certification is committed or attempted against a
25 person less than 18 years of age; or

26 (iii) is subject to the provisions of Section 2 of

1 the Interstate Agreements on Sexually Dangerous
2 Persons Act.

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

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

10 (i) A violation of any of the following Sections of
11 the Criminal Code of 1961: 10-7 (aiding and abetting
12 child abduction under Section 10-5(b)(10)),
13 10-5(b)(10) (child luring), 11-6 (indecent
14 solicitation of a child), 11-6.5 (indecent
15 solicitation of an adult), 11-9 (public indecency when
16 committed in a school, on the real property comprising
17 a school, on a conveyance owned, leased, or contracted
18 by a school to transport students to or from school or
19 a school related activity, or in a public park), 11-9.1
20 (sexual exploitation of a child), 11-15.1 (soliciting
21 for a juvenile prostitute), 11-17.1 (keeping a place of
22 juvenile prostitution), 11-18.1 (patronizing a
23 juvenile prostitute), 11-19.1 (juvenile pimping),
24 11-19.2 (exploitation of a child), 11-20.1 (child
25 pornography), 11-21 (harmful material), 12-14.1
26 (predatory criminal sexual assault of a child), 12-33

1 (ritualized abuse of a child), 11-20 (obscenity) (when
2 that offense was committed in any school, on real
3 property comprising any school, on any conveyance
4 owned, leased, or contracted by a school to transport
5 students to or from school or a school related
6 activity, or in a public park). An attempt to commit
7 any of these offenses.

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

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

- 19 10-1 (kidnapping),
20 10-2 (aggravated kidnapping),
21 10-3 (unlawful restraint),
22 10-3.1 (aggravated unlawful restraint).

23 An attempt to commit any of these offenses.

24 (iv) A violation of any former law of this State
25 substantially equivalent to any offense listed in
26 clause (2)(i) of this subsection (d).

1 (2.5) For the purposes of subsection (b-5) only, a sex
2 offense means:

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

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

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

25 (iii) A violation of any of the following Sections
26 of the Criminal Code of 1961, when the victim is a

1 person under 18 years of age and the defendant is not a
2 parent of the victim:

3 10-1 (kidnapping),
4 10-2 (aggravated kidnapping),
5 10-3 (unlawful restraint),
6 10-3.1 (aggravated unlawful restraint).

7 An attempt to commit any of these offenses.

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

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

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

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

1 (6) "Loiter" means:

2 (i) Standing, sitting idly, whether or not the
3 person is in a vehicle or remaining in or around public
4 park property.

5 (ii) Standing, sitting idly, whether or not the
6 person is in a vehicle or remaining in or around public
7 park property, for the purpose of committing or
8 attempting to commit a sex offense.

9 (7) "Playground" means a piece of land owned or
10 controlled by a unit of local government that is designated
11 by the unit of local government for use solely or primarily
12 for children's recreation.

13 (8) "Child care institution" has the meaning ascribed
14 to it in Section 2.06 of the Child Care Act of 1969.

15 (9) "Day care center" has the meaning ascribed to it in
16 Section 2.09 of the Child Care Act of 1969.

17 (10) "Part day child care facility" has the meaning
18 ascribed to it in Section 2.10 of the Child Care Act of
19 1969.

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

22 (Source: P.A. 94-925, eff. 6-26-06.)

23 (720 ILCS 5/11-6.105) (was 720 ILCS 5/11-24)

24 Sec. 11-6.105 ~~11-24~~. Child photography by sex offender.

25 (a) In this Section:

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

2 ~~"Child sex offender" has the meaning ascribed to it in~~
3 ~~Section 11-9.3 of this Code.~~

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

5 (1) conduct or operate any type of business in which he
6 or she photographs, videotapes, or takes a digital image of
7 a child; or

8 (2) conduct or operate any type of business in which he
9 or she instructs or directs another person to photograph,
10 videotape, or take a digital image of a child.

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

13 (Source: P.A. 93-905, eff. 1-1-05.)

14 (720 ILCS 5/11-6.110) (was 720 ILCS 5/11-20)

15 Sec. 11-6.110 ~~11-20~~. Obscenity. (a) Elements of the
16 Offense. A person commits obscenity when, with knowledge of the
17 nature or content thereof, or recklessly failing to exercise
18 reasonable inspection which would have disclosed the nature or
19 content thereof, he:

20 (1) Sells, delivers or provides, or offers or agrees to
21 sell, deliver or provide any obscene writing, picture, record
22 or other representation or embodiment of the obscene; or

23 (2) Presents or directs an obscene play, dance or other
24 performance or participates directly in that portion thereof
25 which makes it obscene; or

1 (3) Publishes, exhibits or otherwise makes available
2 anything obscene; or

3 (4) Performs an obscene act or otherwise presents an
4 obscene exhibition of his or her body for gain; or

5 (5) Creates, buys, procures or possesses obscene matter or
6 material with intent to disseminate it in violation of this
7 Section, or of the penal laws or regulations of any other
8 jurisdiction; or

9 (6) Advertises or otherwise promotes the sale of material
10 represented or held out by him or her to be obscene, whether or
11 not it is obscene.

12 (b) (Blank.) ~~Obscene Defined.~~

13 ~~Any material or performance is obscene if: (1) the average~~
14 ~~person, applying contemporary adult community standards, would~~
15 ~~find that, taken as a whole, it appeals to the prurient~~
16 ~~interest; and (2) the average person, applying contemporary~~
17 ~~adult community standards, would find that it depicts or~~
18 ~~describes, in a patently offensive way, ultimate sexual acts or~~
19 ~~sadomasochistic sexual acts, whether normal or perverted,~~
20 ~~actual or simulated, or masturbation, excretory functions or~~
21 ~~lewd exhibition of the genitals; and (3) taken as a whole, it~~
22 ~~lacks serious literary, artistic, political or scientific~~
23 ~~value.~~

24 (c) Interpretation of Evidence.

25 Obscenity shall be judged with reference to ordinary
26 adults, except that it shall be judged with reference to

1 children or other specially susceptible audiences if it appears
2 from the character of the material or the circumstances of its
3 dissemination to be specially designed for or directed to such
4 an audience.

5 Where circumstances of production, presentation, sale,
6 dissemination, distribution, or publicity indicate that
7 material is being commercially exploited for the sake of its
8 prurient appeal, such evidence is probative with respect to the
9 nature of the matter and can justify the conclusion that the
10 matter is lacking in serious literary, artistic, political or
11 scientific value.

12 In any prosecution for an offense under this Section
13 evidence shall be admissible to show:

14 (1) The character of the audience for which the material
15 was designed or to which it was directed;

16 (2) What the predominant appeal of the material would be
17 for ordinary adults or a special audience, and what effect, if
18 any, it would probably have on the behavior of such people;

19 (3) The artistic, literary, scientific, educational or
20 other merits of the material, or absence thereof;

21 (4) The degree, if any, of public acceptance of the
22 material in this State;

23 (5) Appeal to prurient interest, or absence thereof, in
24 advertising or other promotion of the material;

25 (6) Purpose of the author, creator, publisher or
26 disseminator.

1 (d) Sentence.

2 Obscenity is a Class A misdemeanor. A second or subsequent
3 offense is a Class 4 felony.

4 (e) Permissive inference ~~Prima Facie Evidence~~.

5 The trier of fact may infer an intent to disseminate from
6 the ~~The~~ creation, purchase, procurement or possession of a
7 mold, engraved plate or other embodiment of obscenity specially
8 adapted for reproducing multiple copies, or the possession of
9 more than 3 copies of obscene material ~~shall be prima facie~~
10 ~~evidence of an intent to disseminate.~~

11 (f) Affirmative Defenses.

12 It shall be an affirmative defense to obscenity that the
13 dissemination:

14 (1) Was not for gain and was made to personal associates
15 other than children under 18 years of age;

16 (2) Was to institutions or individuals having scientific or
17 other special justification for possession of such material.

18 ~~(g) Forfeiture of property:~~

19 ~~(1) Legislative Declaration. Obscenity is a far reaching~~
20 ~~and extremely profitable crime. This crime persists despite the~~
21 ~~threat of prosecution and successful prosecution because~~
22 ~~existing sanctions do not effectively reach the money and other~~
23 ~~assets generated by it. It is therefore necessary to supplement~~
24 ~~existing sanctions by mandating forfeiture of money and other~~
25 ~~assets generated by this crime. Forfeiture diminishes the~~
26 ~~financial incentives which encourage and sustain obscenity and~~

1 ~~secures for the State, local government and prosecutors a~~
2 ~~resource for prosecuting these crimes.~~

3 ~~(2) Definitions.~~

4 ~~(i) "Person" means an individual, partnership, private~~
5 ~~corporation, public, municipal, governmental or~~
6 ~~quasi municipal corporation, unincorporated association,~~
7 ~~trustee or receiver.~~

8 ~~(ii) "Property" means:~~

9 ~~(a) real estate, including things growing on, affixed to~~
10 ~~and found in land, and any kind of interest therein; and~~

11 ~~(b) tangible and intangible personal property, including~~
12 ~~rights, privileges, interests, claims and securities.~~

13 ~~(3) Forfeiture of Property. Any person who has been~~
14 ~~convicted previously of the offense of obscenity and who shall~~
15 ~~be convicted of a second or subsequent offense of obscenity~~
16 ~~shall forfeit to the State of Illinois:~~

17 ~~(i) Any property constituting or derived from any proceeds~~
18 ~~such person obtained, directly or indirectly, as a result of~~
19 ~~such offense; and~~

20 ~~(ii) Any of the person's property used in any manner,~~
21 ~~wholly or in part, to commit such offense.~~

22 ~~(4) Forfeiture Hearing. At any time following a second or~~
23 ~~subsequent conviction for obscenity, the court shall, upon~~
24 ~~petition by the Attorney General or the State's Attorney,~~
25 ~~conduct a hearing to determine whether there is any property~~
26 ~~that is subject to forfeiture as provided hereunder. At the~~

1 ~~forfeiture hearing the People shall have the burden of~~
2 ~~establishing by preponderance of the evidence that such~~
3 ~~property is subject to forfeiture.~~

4 ~~(5) Prior Restraint.~~

5 ~~Nothing in this subsection shall be construed as~~
6 ~~authorizing the prior restraint of any showing, performance or~~
7 ~~exhibition of allegedly obscene films, plays or other~~
8 ~~presentations or of any sale or distribution of allegedly~~
9 ~~obscene materials.~~

10 ~~(6) Seizure, Sale and Distribution of the Property.~~

11 ~~(i) Upon a determination under subparagraph (4) that there~~
12 ~~is property subject to forfeiture, the court shall authorize~~
13 ~~the Attorney General or the State's Attorney, except as~~
14 ~~provided in this Section, to seize all property declared~~
15 ~~forfeited upon terms and conditions as the court shall deem~~
16 ~~proper.~~

17 ~~(ii) The Attorney General or State's Attorney is authorized~~
18 ~~to sell all property forfeited and seized pursuant to this~~
19 ~~Article, and, after the deduction of all requisite expenses of~~
20 ~~administration and sale, shall distribute the proceeds of such~~
21 ~~sale, along with any moneys forfeited or seized, in accordance~~
22 ~~with subparagraph (iii) hereof. If the Attorney General or~~
23 ~~State's Attorney believes any such property describes, depicts~~
24 ~~or portrays any of the acts or activities described in~~
25 ~~subsection (b) of this Section, he shall apply to the court for~~
26 ~~an order to destroy such property, and if the court determines~~

1 ~~the property describes, depicts or portrays such acts it shall~~
2 ~~order the Attorney General or State's Attorney to destroy such~~
3 ~~property.~~

4 ~~(iii) All monies and the sale proceeds of all other~~
5 ~~property forfeited and seized pursuant hereto shall be~~
6 ~~distributed as follows:~~

7 ~~(a) Fifty percent shall be distributed to the unit of local~~
8 ~~government whose officers or employees conducted the~~
9 ~~investigation into and caused the arrest or arrests and~~
10 ~~prosecution leading to the forfeiture, or, if the~~
11 ~~investigations, arrest or arrests and prosecution leading to~~
12 ~~the forfeiture were undertaken by the sheriff, this portion~~
13 ~~shall be distributed to the county for deposit in a special~~
14 ~~fund in the county treasury appropriated to the sheriff.~~
15 ~~Amounts distributed to the county for the sheriff or to the~~
16 ~~units of local government hereunder shall be used for~~
17 ~~enforcement of laws or ordinances governing obscenity and child~~
18 ~~pornography. In the event, however, that the investigation,~~
19 ~~arrest or arrests and prosecution leading to the forfeiture~~
20 ~~were undertaken solely by a State agency, the portion provided~~
21 ~~hereunder shall be paid into the State treasury to be used for~~
22 ~~enforcement of laws governing obscenity and child pornography.~~

23 ~~(b) Twenty five percent shall be distributed to the county~~
24 ~~in which the prosecution resulting in the forfeiture was~~
25 ~~instituted, deposited in a special fund in the county treasury~~
26 ~~and appropriated to the State's Attorney for use in the~~

1 ~~enforcement of laws governing obscenity and child pornography.~~

2 ~~(c) Twenty five percent shall be distributed to the Office~~
3 ~~of the State's Attorneys Appellate Prosecutor and deposited in~~
4 ~~the Obscenity Profits Forfeiture Fund, which is hereby created~~
5 ~~in the State Treasury, to be used by the Office of the State's~~
6 ~~Attorneys Appellate Prosecutor for additional expenses~~
7 ~~incurred in prosecuting appeals arising under Sections 11-20~~
8 ~~and 11-20.1 of the Criminal Code of 1961. Any amounts remaining~~
9 ~~in the Fund after all additional expenses have been paid shall~~
10 ~~be used by the Office to reduce the participating county~~
11 ~~contributions to the Office on a pro-rated basis as determined~~
12 ~~by the board of governors of the Office of the State's~~
13 ~~Attorneys Appellate Prosecutor based on the populations of the~~
14 ~~participating counties.~~

15 ~~(7) Construction of subsection (g).~~

16 ~~It shall be the intent of the General Assembly that this~~
17 ~~subsection be liberally construed so as to effect its purposes.~~
18 ~~The forfeiture of property and other remedies hereunder shall~~
19 ~~be considered to be in addition, and not exclusive of any~~
20 ~~sentence or other remedy provided by law. Subsection (g) of~~
21 ~~this Section shall not apply to any property of a public~~
22 ~~library or any property of a library operated by an institution~~
23 ~~accredited by a generally recognized accrediting agency.~~

24 (Source: P.A. 85-1014.)

25 (720 ILCS 5/11-6.115) (was 720 ILCS 5/11-20.1)

1 Sec. 11-6.115 ~~11-20.1~~. Child pornography.

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

3 (1) films, videotapes, photographs, or otherwise
4 depicts or portrays by means of any similar visual medium
5 or reproduction or depicts by computer any child whom he or
6 she knows or reasonably should know to be under the age of
7 18 or any severely or profoundly mentally retarded person
8 where such child or severely or profoundly mentally
9 retarded person is:

10 (i) actually or by simulation engaged in any act of
11 sexual penetration or sexual conduct with any person or
12 animal; or

13 (ii) actually or by simulation engaged in any act
14 of sexual penetration or sexual conduct involving the
15 sex organs of the child or severely or profoundly
16 mentally retarded person and the mouth, anus, or sex
17 organs of another person or animal; or which involves
18 the mouth, anus or sex organs of the child or severely
19 or profoundly mentally retarded person and the sex
20 organs of another person or animal; or

21 (iii) actually or by simulation engaged in any act
22 of masturbation; or

23 (iv) actually or by simulation portrayed as being
24 the object of, or otherwise engaged in, any act of lewd
25 fondling, touching, or caressing involving another
26 person or animal; or

1 (v) actually or by simulation engaged in any act of
2 excretion or urination within a sexual context; or

3 (vi) actually or by simulation portrayed or
4 depicted as bound, fettered, or subject to sadistic,
5 masochistic, or sadomasochistic abuse in any sexual
6 context; or

7 (vii) depicted or portrayed in any pose, posture or
8 setting involving a lewd exhibition of the unclothed or
9 transparently clothed genitals, pubic area, buttocks,
10 or, if such person is female, a fully or partially
11 developed breast of the child or other person; or

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

22 (3) with knowledge of the subject matter or theme
23 thereof, produces any stage play, live performance, film,
24 videotape or other similar visual portrayal or depiction by
25 computer which includes a child whom the person knows or
26 reasonably should know to be under the age of 18 or a

1 severely or profoundly mentally retarded person engaged in
2 any activity described in subparagraphs (i) through (vii)
3 of paragraph (1) of this subsection; or

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

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

25 (6) with knowledge of the nature or content thereof,
26 possesses any film, videotape, photograph or other similar

1 visual reproduction or depiction by computer of any child
2 or severely or profoundly mentally retarded person whom the
3 person knows or reasonably should know to be under the age
4 of 18 or to be a severely or profoundly mentally retarded
5 person, engaged in any activity described in subparagraphs
6 (i) through (vii) of paragraph (1) of this subsection; or

7 (7) solicits, or knowingly uses, persuades, induces,
8 entices, or coerces a person to provide a child under the
9 age of 18 or a severely or profoundly mentally retarded
10 person to appear in any videotape, photograph, film, stage
11 play, live presentation, or other similar visual
12 reproduction or depiction by computer in which the child or
13 severely or profoundly mentally retarded person will be
14 depicted, actually or by simulation, in any act, pose, or
15 setting described in subparagraphs (i) through (vii) of
16 paragraph (1) of this subsection.

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

1 her reliance upon the information so obtained was clearly
2 reasonable.

3 (2) (Blank).

4 (3) The charge of child pornography shall not apply to
5 the performance of official duties by law enforcement or
6 prosecuting officers or persons employed by law
7 enforcement or prosecuting agencies, court personnel or
8 attorneys, nor to bonafide treatment or professional
9 education programs conducted by licensed physicians,
10 psychologists or social workers.

11 (4) If the defendant possessed ~~Possession by the~~
12 ~~defendant of~~ more than 3 ~~one~~ of the same film, videotape or
13 visual reproduction or depiction by computer in which child
14 pornography is depicted, then the trier of fact may infer
15 that shall raise a rebuttable presumption that the
16 defendant possessed such materials with the intent to
17 disseminate them.

18 (5) The charge of child pornography does not apply to a
19 person who does not voluntarily possess a film, videotape,
20 or visual reproduction or depiction by computer in which
21 child pornography is depicted. Possession is voluntary if
22 the defendant knowingly procures or receives a film,
23 videotape, or visual reproduction or depiction for a
24 sufficient time to be able to terminate his or her
25 possession.

26 (c) Violation of paragraph (1), (4), (5), or (7) of

1 subsection (a) is a Class 1 felony with a mandatory minimum
2 fine of \$2,000 and a maximum fine of \$100,000. Violation of
3 paragraph (3) of subsection (a) is a Class 1 felony with a
4 mandatory minimum fine of \$1500 and a maximum fine of \$100,000.
5 Violation of paragraph (2) of subsection (a) is a Class 1
6 felony with a mandatory minimum fine of \$1000 and a maximum
7 fine of \$100,000. Violation of paragraph (6) of subsection (a)
8 is a Class 3 felony with a mandatory minimum fine of \$1000 and
9 a maximum fine of \$100,000.

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

15 (e) Any film, videotape, photograph or other similar visual
16 reproduction or depiction by computer which includes a child
17 under the age of 18 or a severely or profoundly mentally
18 retarded person engaged in any activity described in
19 subparagraphs (i) through (vii) or paragraph 1 of subsection
20 (a), and any material or equipment used or intended for use in
21 photographing, filming, printing, producing, reproducing,
22 manufacturing, projecting, exhibiting, depiction by computer,
23 or disseminating such material shall be seized and forfeited in
24 the manner, method and procedure provided by Section 36-1 of
25 this Code for the seizure and forfeiture of vessels, vehicles
26 and aircraft.

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

12 (f) (Blank). ~~Definitions. For the purposes of this Section:~~

13 ~~(1) "Disseminate" means (i) to sell, distribute,~~
14 ~~exchange or transfer possession, whether with or without~~
15 ~~consideration or (ii) to make a depiction by computer~~
16 ~~available for distribution or downloading through the~~
17 ~~facilities of any telecommunications network or through~~
18 ~~any other means of transferring computer programs or data~~
19 ~~to a computer.~~

20 ~~(2) "Produce" means to direct, promote, advertise,~~
21 ~~publish, manufacture, issue, present or show.~~

22 ~~(3) "Reproduce" means to make a duplication or copy.~~

23 ~~(4) "Depict by computer" means to generate or create,~~
24 ~~or cause to be created or generated, a computer program or~~
25 ~~data that, after being processed by a computer either alone~~
26 ~~or in conjunction with one or more computer programs,~~

1 ~~results in a visual depiction on a computer monitor,~~
2 ~~screen, or display.~~

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

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

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

26 ~~(8) "Sexual penetration" and "sexual conduct" have the~~

1 ~~meanings ascribed to them in Section 12-12 of this Code.~~

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

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

4 (i) Section 50-5 of Public Act 88-680, effective
5 January 1, 1995, contained provisions amending the
6 child pornography statute, Section 11-20.1 of the
7 Criminal Code of 1961. Section 50-5 also contained
8 other provisions.

9 (ii) In addition, Public Act 88-680 was entitled
10 "AN ACT to create a Safe Neighborhoods Law". (A)
11 Article 5 was entitled JUVENILE JUSTICE and amended the
12 Juvenile Court Act of 1987. (B) Article 15 was entitled
13 GANGS and amended various provisions of the Criminal
14 Code of 1961 and the Unified Code of Corrections. (C)
15 Article 20 was entitled ALCOHOL ABUSE and amended
16 various provisions of the Illinois Vehicle Code. (D)
17 Article 25 was entitled DRUG ABUSE and amended the
18 Cannabis Control Act and the Illinois Controlled
19 Substances Act. (E) Article 30 was entitled FIREARMS
20 and amended the Criminal Code of 1961 and the Code of
21 Criminal Procedure of 1963. (F) Article 35 amended the
22 Criminal Code of 1961, the Rights of Crime Victims and
23 Witnesses Act, and the Unified Code of Corrections. (G)
24 Article 40 amended the Criminal Code of 1961 to
25 increase the penalty for compelling organization
26 membership of persons. (H) Article 45 created the

1 Secure Residential Youth Care Facility Licensing Act
2 and amended the State Finance Act, the Juvenile Court
3 Act of 1987, the Unified Code of Corrections, and the
4 Private Correctional Facility Moratorium Act. (I)
5 Article 50 amended the WIC Vendor Management Act, the
6 Firearm Owners Identification Card Act, the Juvenile
7 Court Act of 1987, the Criminal Code of 1961, the
8 Wrongs to Children Act, and the Unified Code of
9 Corrections.

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

18 (iv) Child pornography is a vital concern to the
19 people of this State and the validity of future
20 prosecutions under the child pornography statute of
21 the Criminal Code of 1961 is in grave doubt.

22 (2) It is the purpose of this amendatory Act of 1999 to
23 prevent or minimize any problems relating to prosecutions
24 for child pornography that may result from challenges to
25 the constitutional validity of Public Act 88-680 by
26 re-enacting the Section relating to child pornography that

1 was included in Public Act 88-680.

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

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

19 (Source: P.A. 94-366, eff. 7-29-05.)

20 (720 ILCS 5/11-6.120) (was 720 ILCS 5/11-21)

21 Sec. 11-6.120 ~~11-21~~. Harmful material.

22 (a) (Blank). ~~As used in this Section:~~

23 ~~"Distribute" means transfer possession of, whether~~
24 ~~with or without consideration.~~

25 ~~"Harmful to minors" means that quality of any~~

1 ~~description or representation, in whatever form, of~~
2 ~~nudity, sexual conduct, sexual excitement, or~~
3 ~~sado-masochistic abuse, when, taken as a whole, it (i)~~
4 ~~predominately appeals to the prurient interest in sex of~~
5 ~~minors, (ii) is patently offensive to prevailing standards~~
6 ~~in the adult community in the State as a whole with respect~~
7 ~~to what is suitable material for minors, and (iii) lacks~~
8 ~~serious literary, artistic, political, or scientific value~~
9 ~~for minors.~~

10 ~~"Knowingly" means having knowledge of the contents of~~
11 ~~the subject matter, or recklessly failing to exercise~~
12 ~~reasonable inspection which would have disclosed the~~
13 ~~contents.~~

14 ~~"Material" means (i) any picture, photograph, drawing,~~
15 ~~sculpture, film, video game, computer game, video or~~
16 ~~similar visual depiction, including any such~~
17 ~~representation or image which is stored electronically, or~~
18 ~~(ii) any book, magazine, printed matter however~~
19 ~~reproduced, or recorded audio of any sort.~~

20 ~~"Minor" means any person under the age of 18.~~

21 ~~"Nudity" means the showing of the human male or female~~
22 ~~genitals, pubic area or buttocks with less than a full~~
23 ~~opaque covering, or the showing of the female breast with~~
24 ~~less than a fully opaque covering of any portion below the~~
25 ~~top of the nipple, or the depiction of covered male~~
26 ~~genitals in a discernably turgid state.~~

1 ~~"Sado-masochistic abuse" means flagellation or torture~~
2 ~~by or upon a person clad in undergarments, a mask or~~
3 ~~bizarre costume, or the condition of being fettered, bound~~
4 ~~or otherwise physically restrained on the part of one~~
5 ~~clothed for sexual gratification or stimulation.~~

6 ~~"Sexual conduct" means acts of masturbation, sexual~~
7 ~~intercourse, or physical contact with a person's clothed or~~
8 ~~unclothed genitals, pubic area, buttocks or, if such person~~
9 ~~be a female, breast.~~

10 ~~"Sexual excitement" means the condition of human male~~
11 ~~or female genitals when in a state of sexual stimulation or~~
12 ~~arousal.~~

13 (b) A person is guilty of distributing harmful material to
14 a minor when he or she:

15 (1) knowingly sells, lends, distributes, or gives away
16 to a minor, knowing that the minor is under the age of 18
17 or failing to exercise reasonable care in ascertaining the
18 person's true age:

19 (A) any material which depicts nudity, sexual
20 conduct or sado-masochistic abuse, or which contains
21 explicit and detailed verbal descriptions or narrative
22 accounts of sexual excitement, sexual conduct or
23 sado-masochistic abuse, and which taken as a whole is
24 harmful to minors;

25 (B) a motion picture, show, or other presentation
26 which depicts nudity, sexual conduct or

1 sado-masochistic abuse and is harmful to minors; or

2 (C) an admission ticket or pass to premises where
3 there is exhibited or to be exhibited such a motion
4 picture, show, or other presentation; or

5 (2) admits a minor to premises where there is exhibited
6 or to be exhibited such a motion picture, show, or other
7 presentation, knowing that the minor is a person under the
8 age of 18 or failing to exercise reasonable care in
9 ascertaining the person's true age.

10 (c) In any prosecution arising under this Section, it is an
11 affirmative defense:

12 (1) that the minor as to whom the offense is alleged to
13 have been committed exhibited to the accused a draft card,
14 driver's license, birth certificate or other official or
15 apparently official document purporting to establish that
16 the minor was 18 years of age or older, which was relied
17 upon by the accused;

18 (2) that the defendant was in a parental or
19 guardianship relationship with the minor or that the minor
20 was accompanied by a parent or legal guardian;

21 (3) that the defendant was a bona fide school, museum,
22 or public library, or was a person acting in the course of
23 his or her employment as an employee or official of such
24 organization or retail outlet affiliated with and serving
25 the educational purpose of such organization;

26 (4) that the act charged was committed in aid of

1 legitimate scientific or educational purposes; or

2 (5) that an advertisement of harmful material as
3 defined in this Section culminated in the sale or
4 distribution of such harmful material to a child under
5 circumstances where there was no personal confrontation of
6 the child by the defendant, his or her employees, or
7 agents, as where the order or request for such harmful
8 material was transmitted by mail, telephone, Internet or
9 similar means of communication, and delivery of such
10 harmful material to the child was by mail, freight,
11 Internet or similar means of transport, which
12 advertisement contained the following statement, or a
13 substantially similar statement, and that the defendant
14 required the purchaser to certify that he or she was not
15 under the age of 18 and that the purchaser falsely stated
16 that he or she was not under the age of 18: "NOTICE: It is
17 unlawful for any person under the age of 18 to purchase the
18 matter advertised. Any person under the age of 18 that
19 falsely states that he or she is not under the age of 18
20 for the purpose of obtaining the material advertised is
21 guilty of a Class B misdemeanor under the laws of the
22 State."

23 (d) The predominant appeal to prurient interest of the
24 material shall be judged with reference to average children of
25 the same general age of the child to whom such material was
26 sold, lent, distributed or given, unless it appears from the

1 nature of the matter or the circumstances of its dissemination
2 or distribution that it is designed for specially susceptible
3 groups, in which case the predominant appeal of the material
4 shall be judged with reference to its intended or probable
5 recipient group.

6 (e) Distribution of harmful material in violation of this
7 Section is a Class A misdemeanor. A second or subsequent
8 offense is a Class 4 felony.

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

17 (Source: P.A. 94-315, eff. 1-1-06.)

18 (720 ILCS 5/11-6.125) (was 720 ILCS 5/11-23)

19 Sec. 11-6.125 ~~11-23~~. Posting of identifying information on
20 a pornographic internet ~~Internet~~ site.

21 (a) A person at least 17 years of age who knowingly
22 discloses on an adult obscenity or child pornography internet
23 ~~Internet~~ site the name, address, telephone number, or e-mail
24 address of a person under 17 years of age at the time of the
25 commission of the offense or of a person at least 17 years of

1 age without the consent of the person at least 17 years of age
2 is guilty of the offense of posting of identifying information
3 on a pornographic internet ~~Internet~~ site.

4 (b) Sentence. A person who violates this Section is guilty
5 of a Class 4 felony if the victim is at least 17 years of age at
6 the time of the offense and a Class 3 felony if the victim is
7 under 17 years of age at the time of the offense.

8 (c) ~~(Blank). Definitions. For purposes of this Section:~~

9 ~~(1) "Adult obscenity or child pornography Internet~~
10 ~~site" means a site on the Internet that contains material~~
11 ~~that is obscene as defined in Section 11-20 of this Code or~~
12 ~~that is child pornography as defined in Section 11-20.1 of~~
13 ~~this Code.~~

14 ~~(2) "Internet" includes the World Wide Web, electronic~~
15 ~~mail, a news group posting, or Internet file transfer.~~

16 (Source: P.A. 91-222, eff. 7-22-99.)

17 (720 ILCS 5/11-6.130) (was 720 ILCS 5/11-20.2)

18 Sec. 11-6.130 ~~11-20.2~~. Duty of commercial film and
19 photographic print processors to report sexual depictions of
20 children. Any commercial film and photographic print processor
21 who has knowledge of or observes, within the scope of his
22 professional capacity or employment, any film, photograph,
23 videotape, negative or slide which depicts a child whom the
24 processor knows or reasonably should know to be under the age
25 of 18 where such child is:

1 (i) actually or by simulation engaged in any act of sexual
2 intercourse with any person or animal; or

3 (ii) actually or by simulation engaged in any act of sexual
4 contact involving the sex organs of the child and the mouth,
5 anus, or sex organs of another person or animal; or which
6 involves the mouth, anus or sex organs of the child and the sex
7 organs of another person or animal; or

8 (iii) actually or by simulation engaged in any act of
9 masturbation; or

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

13 (v) actually or by simulation engaged in any act of
14 excretion or urination within a sexual context; or

15 (vi) actually or by simulation portrayed or depicted as
16 bound, fettered, or subject to sadistic, masochistic, or
17 sadomasochistic abuse in any sexual context; shall report such
18 instance to a peace officer immediately or as soon as possible.
19 Failure to make such report shall be a business offense with a
20 fine of \$1,000.

21 (Source: P.A. 84-1280.)

22 (720 ILCS 5/11-6.135) (was 720 ILCS 5/11-22)

23 Sec. 11-6.135 ~~11-22~~. Tie-in sales of obscene publications
24 to distributors.

25 Any person, firm or corporation, or any agent, officer or

1 employee thereof, engaged in the business of distributing
2 books, magazines, periodicals, comic books or other
3 publications to retail dealers, who shall refuse to furnish to
4 any retail dealer such quantity of books, magazines,
5 periodicals, comic books or other publications as such retail
6 dealer normally sells because the retail dealer refuses to
7 sell, or offer for sale, any books, magazines, periodicals,
8 comic books or other publications which are obscene, lewd,
9 lascivious, filthy or indecent is guilty of a petty offense.
10 Each publication sold or delivered in violation of this Act
11 shall constitute a separate petty offense.

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

13 (720 ILCS 5/11-6.140) (was 720 ILCS 5/12B-1)

14 Sec. 11-6.140 ~~12B-1~~. Short title. Sections 11-6.140
15 through 11-6.175 ~~This Article~~ may be cited as the Sexually
16 Explicit Video Games Law.

17 (Source: P.A. 94-315, eff. 1-1-06.)

18 (720 ILCS 5/11-6.145) (was 720 ILCS 5/12B-5)

19 Sec. 11-6.145 ~~12B-5~~. Findings. The General Assembly finds
20 sexually explicit video games inappropriate for minors and that
21 the State has a compelling interest in assisting parents in
22 protecting their minor children from sexually explicit video
23 games.

24 (Source: P.A. 94-315, eff. 1-1-06.)

1 (720 ILCS 5/11-6.150) (was 720 ILCS 5/12B-10)

2 Sec. 11-6.150 ~~12B-10~~. Definitions. For the purposes of
3 Sections 11-6.140 through 11-6.175 ~~this Article~~, the following
4 terms have the following meanings:

5 (a) "Video game retailer" means a person who sells or rents
6 video games to the public.

7 (b) "Video game" means an object or device that stores
8 recorded data or instructions, receives data or instructions
9 generated by a person who uses it, and, by processing the data
10 or instructions, creates an interactive game capable of being
11 played, viewed, or experienced on or through a computer, gaming
12 system, console, or other technology.

13 (c) "Minor" means a person under 18 years of age.

14 (d) "Person" includes but is not limited to an individual,
15 corporation, partnership, and association.

16 (e) "Sexually explicit" video games include those that the
17 average person, applying contemporary community standards
18 would find, with respect to minors, is designed to appeal or
19 pander to the prurient interest and depict or represent in a
20 manner patently offensive with respect to minors, an actual or
21 simulated sexual act or sexual contact, an actual or simulated
22 normal or perverted sexual act or a lewd exhibition of the
23 genitals or post-pubescent female breast.

24 (Source: P.A. 94-315, eff. 1-1-06.)

1 (720 ILCS 5/11-6.155) (was 720 ILCS 5/12B-15)

2 Sec. 11-6.155 ~~12B-15~~. Restricted sale or rental of sexually
3 explicit video games.

4 (a) A person who sells, rents, or permits to be sold or
5 rented, any sexually explicit video game to any minor, commits
6 a petty offense for which a fine of \$1,000 may be imposed.

7 (b) A person who sells, rents, or permits to be sold or
8 rented any sexually explicit video game via electronic scanner
9 must program the electronic scanner to prompt sales clerks to
10 check identification before the sale or rental transaction is
11 completed. A person who violates this subsection (b) commits a
12 petty offense for which a fine of \$1,000 may be imposed.

13 (c) A person may not sell or rent, or permit to be sold or
14 rented, any sexually explicit video game through a
15 self-scanning checkout mechanism. A person who violates this
16 subsection (c) commits a petty offense for which a fine of
17 \$1,000 may be imposed.

18 (d) A retail sales clerk shall not be found in violation of
19 this Section unless he or she has complete knowledge that the
20 party to whom he or she sold or rented a sexually explicit
21 video game was a minor and the clerk sold or rented the video
22 game to the minor with the specific intent to do so.

23 (Source: P.A. 94-315, eff. 1-1-06.)

24 (720 ILCS 5/11-6.160) (was 720 ILCS 5/12B-20)

25 Sec. 11-6.160 ~~12B-20~~. Affirmative defenses. In any

1 prosecution arising under Sections 11-6.140 through 11-6.175
2 ~~this Article~~, it is an affirmative defense:

3 (1) that the defendant was a family member of the minor
4 for whom the video game was purchased. "Family member" for
5 the purpose of this Section, includes a parent, sibling,
6 grandparent, aunt, uncle, or first cousin;

7 (2) that the minor who purchased the video game
8 exhibited a draft card, driver's license, birth
9 certificate or other official or apparently official
10 document purporting to establish that the minor was 18
11 years of age or older, which the defendant reasonably
12 relied on and reasonably believed to be authentic;

13 (3) for the video game retailer, if the retail sales
14 clerk had complete knowledge that the party to whom he or
15 she sold or rented a violent video game was a minor and the
16 clerk sold or rented the video game to the minor with the
17 specific intent to do so; or

18 (4) that the video game sold or rented was pre-packaged
19 and rated EC, E10+, E, or T by the Entertainment Software
20 Ratings Board.

21 (Source: P.A. 94-315, eff. 1-1-06.)

22 (720 ILCS 5/11-6.165) (was 720 ILCS 5/12B-25)
23 Sec. 11-6.165 ~~12B-25~~. Labeling of sexually explicit video
24 games.

25 (a) Video game retailers shall label all sexually explicit

1 video games as defined in Sections 11-6.140 through 11-6.175
2 ~~this Act~~, with a solid white "18" outlined in black. The "18"
3 shall have dimensions of no less than 2 inches by 2 inches. The
4 "18" shall be displayed on the front face of the video game
5 package.

6 (b) A retailer who fails to comply with this Section is
7 guilty of a petty offense punishable by a fine of \$500 for the
8 first 3 violations, and \$1,000 for every subsequent violation.
9 (Source: P.A. 94-315, eff. 1-1-06.)

10 (720 ILCS 5/11-6.170) (was 720 ILCS 5/12B-30)

11 Sec. 11-6.170 ~~12B-30~~. Posting notification of video games
12 rating system.

13 (a) A retailer who sells or rents video games shall post a
14 sign that notifies customers that a video game rating system,
15 created by the Entertainment Software Ratings Board, is
16 available to aid in the selection of a game. The sign shall be
17 prominently posted in, or within 5 feet of, the area in which
18 games are displayed for sale or rental, at the information desk
19 if one exists, and at the point of purchase.

20 (b) The lettering of each sign shall be printed, at a
21 minimum, in 36-point type and shall be in black ink against a
22 light colored background, with dimensions of no less than 18 by
23 24 inches.

24 (c) A retailer's failure to comply with this Section is a
25 petty offense punishable by a fine of \$500 for the first 3

1 violations, and \$1,000 for every subsequent violation.

2 (Source: P.A. 94-315, eff. 1-1-06.)

3 (720 ILCS 5/11-6.175) (was 720 ILCS 5/12B-35)

4 Sec. 11-6.175 ~~12B-35~~. Availability of brochure describing
5 rating system.

6 (a) A video game retailer shall make available upon request
7 a brochure to customers that explains the Entertainment
8 Software Ratings Board ratings system.

9 (b) A retailer who fails to comply with this Section shall
10 receive the punishment described in subsection (b) of Section
11 11-6.165 ~~12B-25~~.

12 (Source: P.A. 94-315, eff. 1-1-06.)

13 (720 ILCS 5/12-0.5 new)

14 Sec. 12-0.5. Definitions. The definitions included in this
15 Section shall apply to this Article 12 of this Code.

16 "Abandon". For purposes of the offense of abuse or neglect
17 of an elderly person or person with a disability, "abandon"
18 means to knowingly desert or knowingly forsake an elderly
19 person or person with a disability under circumstances in which
20 a reasonable person would continue to provide care and custody.

21 "Abuse". For purposes of the offense of domestic battery
22 and related offenses, "abuse" has the meaning ascribed to it in
23 Section 103 of the Illinois Domestic Violence Act of 1986.

24 "Caregiver". For purposes of the offenses of abuse or

1 neglect of a long term care facility resident and abuse or
2 neglect of an elderly person or person with a disability,
3 "caregiver" means a person who has a duty to provide for an
4 elderly person's or person with a disability's health and
5 personal care, at such person's place of residence, including
6 but not limited to, food and nutrition, shelter, hygiene,
7 prescribed medication and medical care and treatment.
8 "Caregiver" shall include: a parent, spouse, adult child or
9 other relative by blood or marriage who resides with or resides
10 in the same building with or regularly visits the elderly
11 person or person with a disability, knows or reasonably should
12 know of such person's physical or mental impairment and knows
13 or reasonably should know that such person is unable to
14 adequately provide for his or her own health and personal care;
15 a person who is employed by the elderly person or person with a
16 disability or by another to reside with or regularly visit the
17 elderly person or person with a disability and provide for such
18 person's health and personal care; a person who has agreed for
19 consideration to reside with or regularly visit the elderly
20 person or person with a disability and provide for such
21 person's health and personal care; and a person who has been
22 appointed by a private or public agency or by a court of
23 competent jurisdiction to provide for the elderly person's or
24 person with a disability's health and personal care.
25 "Caregiver" shall not include a long term care facility
26 licensed or certified under the Nursing Home Care Act or any

1 administrative, medical or other personnel of such a facility,
2 or a health care provider who is licensed under the Medical
3 Practice Act of 1987 and renders care in the ordinary course of
4 his or her profession.

5 "Coach". For purposes of the offense of aggravated assault,
6 "coach" means a person recognized as a coach by the sanctioning
7 authority that conducted the athletic contest.

8 "Correctional employee". For purposes of the offense of
9 aggravated battery, "correctional employee" means a person who
10 is employed by a penal institution.

11 "Domestic violence". For purposes of the offense of
12 domestic battery and related offenses, "domestic violence"
13 means physical abuse, harassment, intimidation of a dependent,
14 interference with personal liberty, or willful deprivation but
15 does not include reasonable direction of a minor child by a
16 parent or person in loco parentis.

17 "Domestic violence shelter". For purposes of the offense of
18 aggravated battery, "domestic violence shelter" means any
19 building or other structure known to the offender to be used to
20 provide shelter or other services to victims or to the
21 dependent children of victims of domestic violence pursuant to
22 the Illinois Domestic Violence Act of 1986 or the Domestic
23 Violence Shelters Act, and, with respect to the person
24 battered, includes the area within 500 feet of such a building
25 or other structure while going to or from such a building or
26 other structure. "Building or other structure used to provide

1 shelter" has the meaning ascribed to "shelter" in Section 1 of
2 the Domestic Violence Shelters Act.

3 "Designated victim". For purposes of the offense of
4 aggravated battery, a "designated victim" means a peace
5 officer, a community policing volunteer, a correctional
6 institution employee, or a fire fighter while such officer,
7 volunteer, employee, or fire fighter is engaged in the
8 execution of any official duties, including arrest or attempted
9 arrest, or an officer, volunteer, employee, or fire fighter who
10 is battered to prevent the officer, volunteer, employee, or
11 fire fighter from performing official duties, or is battered in
12 retaliation for the officer, volunteer, employee, or fire
13 fighter performing official duties.

14 "Elderly person". For purposes of the offense of abuse or
15 neglect of a long term care facility resident, elderly person
16 or person with a disability, "elderly person" means a person 60
17 years of age or older who is incapable of adequately providing
18 for his or her own health and personal care.

19 "Emergency medical technician". For purposes of the
20 offense of aggravated assault and aggravated battery,
21 "emergency medical technician" shall include paramedic,
22 ambulance driver, or other medical assistance or first aid
23 personnel, employed by a municipality or other governmental
24 unit.

25 "Exploitation". For purposes of the offense of domestic
26 battery and related offenses, "exploitation" has the meaning

1 ascribed to it in Section 103 of the Illinois Domestic Violence
2 Act of 1986.

3 "Facility" or "long term care facility". For purposes of
4 the offense of abuse or neglect of a long term care facility
5 resident, elderly person or person with a disability,
6 "facility" or "long term care facility" means a private home,
7 institution, building, residence, or any other place, whether
8 operated for profit or not, or a county home for the infirm and
9 chronically ill operated pursuant to Division 5-21 or 5-22 of
10 the Counties Code, or any similar institution operated by the
11 State of Illinois or a political subdivision thereof, which
12 provides, through its ownership or management, personal care,
13 sheltered care or nursing for 3 or more persons not related to
14 the owner by blood or marriage. The term also includes skilled
15 nursing facilities and intermediate care facilities as defined
16 in Title XVIII and Title XIX of the federal Social Security Act
17 and assisted living establishments and shared housing
18 establishments licensed under the Assisted Living and Shared
19 Housing Act.

20 "Family or household members". For purposes of the offense
21 of domestic battery and related offenses, "family or household
22 members" means spouses, former spouses, parents, children,
23 stepchildren and other persons related by blood or by present
24 or prior marriage, persons who share or formerly shared a
25 common dwelling, persons who have or allegedly have a child in
26 common, persons who share or allegedly share a blood

1 relationship through a child, persons who have or have had a
2 dating or engagement relationship, persons with a disability
3 and their personal assistants, and caregivers. For purposes of
4 this paragraph, neither a casual acquaintanceship nor ordinary
5 fraternization between 2 individuals in business or social
6 contexts shall be deemed to constitute a dating relationship.

7 "High-risk adult with a disability". For purposes of the
8 offense of domestic battery and related offenses, "high-risk
9 adult with a disability" means a person aged 18 or over whose
10 physical or mental disability impairs his or her ability to
11 seek or obtain protection from abuse, neglect, or exploitation.

12 "Immediate family". For purposes of the offense of
13 threatening public officials, "immediate family" means a
14 public official's spouse or child or children.

15 "In the presence of a child". For purposes of the offense
16 of domestic battery and related offenses, "in the presence of a
17 child" means in the physical presence of a child or knowing or
18 having reason to know that a child is present and may see or
19 hear an act constituting domestic battery or a related offense.

20 "Licensee". For purposes of the offense of abuse or neglect
21 of a long term care facility resident, elderly person or person
22 with a disability, "licensee" means the individual or entity
23 licensed to operate a facility under the Nursing Home Care Act
24 or the Assisted Living and Shared Housing Act.

25 "Machine gun". For purposes of the offense of aggravated
26 battery, "machine gun" has the meaning ascribed to it in clause

1 (i) of paragraph (7) of subsection (a) of Section 24-1 of this
2 Code.

3 "Neglect". For purposes of the offense of abuse or neglect
4 of a long term care facility resident, elderly person or person
5 with a disability, "neglect" means negligently failing to
6 provide adequate medical or personal care or maintenance, which
7 failure results in physical or mental injury or the
8 deterioration of a physical or mental condition.

9 "Owner". For purposes of the offense of abuse or neglect of
10 a long term care facility resident, elderly person or person
11 with a disability, "owner" means the person who owns a long
12 term care facility as provided under the Nursing Home Care Act
13 or an assisted living or shared housing establishment under the
14 Assisted Living and Shared Housing Act.

15 "Park district employee". For purposes of the offense of
16 aggravated assault, "park district employee" means a
17 supervisor, director, instructor or other person employed in
18 any park district.

19 "Person with a disability". For purposes of the offense of
20 abuse or neglect of a long term care facility resident, elderly
21 person or person with a disability, "person with a disability"
22 means a person who suffers from a permanent physical or mental
23 impairment, resulting from disease, injury, functional
24 disorder or congenital condition, which renders such person
25 incapable of adequately providing for his or her own health and
26 personal care.

1 "Public aid employee". For purposes of the offense of
2 aggravated assault, "public aid employee" means a caseworker,
3 investigator, or other person employed by the Illinois
4 Department of Healthcare and Family Services (acting as
5 successor to the Illinois Department of Public Aid under the
6 Illinois Public Aid Code), a County Department of Public Aid,
7 or the Department of Human Services (acting as successor to the
8 Illinois Department of Public Aid under the Department of Human
9 Services Act) where such caseworker, investigator, or other
10 person is upon the grounds of a public aid office or grounds
11 adjacent thereto, or is in any part of a building used for
12 public aid purposes, or upon the grounds of a home of a public
13 aid applicant or recipient or any other person being
14 interviewed or investigated in the employee's discharge of his
15 or her duties, or on grounds adjacent thereto, or is in any
16 part of a building in which the applicant, recipient, or other
17 such person resides or is located.

18 "Public official". For purposes of the offense of
19 threatening public officials, "public official" means a person
20 who is elected to office in accordance with a statute or who is
21 appointed to an office which is established, and the
22 qualifications and duties of which are prescribed, by statute,
23 to discharge a public duty for the State or any of its
24 political subdivisions or in the case of an elective office any
25 person who has filed the required documents for nomination or
26 election to such office. "Public official" includes a duly

1 appointed assistant State's Attorney, Assistant Attorney
2 General, and Appellate Prosecutor.

3 "Resident". For purposes of the offense of abuse or neglect
4 of a long term care facility resident, elderly person or person
5 with a disability, "resident" means a person residing in a long
6 term care facility.

7 "School grounds". For purposes of the offense of criminal
8 street gang recruitment on school grounds or public property
9 adjacent to school grounds, "school grounds" means the building
10 or buildings or real property comprising a public or private
11 elementary or secondary school, community college, college, or
12 university and includes a school yard, school playing field,
13 and school playground.

14 "Sexual orientation". For purposes of the offense of hate
15 crime, "sexual orientation" means heterosexuality,
16 homosexuality, or bisexuality.

17 "Sporting venue". For purposes of the offenses of
18 aggravated battery and aggravated assault, "sporting venue"
19 means a publicly or privately owned sports or entertainment
20 arena, stadium, community or convention hall, special event
21 center, amusement facility, or a special event center in a
22 public park, when a professional sporting event, National
23 Collegiate Athletic Association (NCAA)-sanctioned sporting
24 event, United States Olympic Committee-sanctioned sporting
25 event, or International Olympic Committee-sanctioned sporting
26 event is taking place in this venue, or within 12 hours before

1 or after the event.

2 "Sports official". For purposes of the offense of
3 aggravated assault, "sports official" means a person at an
4 athletic contest who enforces the rules of the contest, such as
5 an umpire or referee.

6 "Streetgang", "streetgang member", "organized gang". For
7 purposes of the offense of aggravated intimidation, and Section
8 12-113, Criminal street gang recruitment on school grounds or
9 public property adjacent to school grounds, "streetgang",
10 "streetgang member", and "organized gang" have the meanings
11 ascribed to them in Section 10 of the Illinois Streetgang
12 Terrorism Omnibus Prevention Act.

13 "Teacher or school employee". For purposes of the offenses
14 of aggravated battery and aggravated assault, "teacher or
15 school employee" means a teacher or other person employed in
16 any school where such teacher or other employee is upon the
17 grounds of a school or grounds adjacent thereto, or is in any
18 part of a building used for school purposes.

19 "Tongue splitting". "Tongue splitting" means the cutting
20 of a human tongue into 2 or more parts.

21 "Transit employee or passenger". For purposes of the
22 offenses of aggravated assault and aggravated battery,
23 "transit employee or passenger" means a driver, operator,
24 employee or passenger of any transportation facility or system
25 engaged in the business of transportation of the public for
26 hire, or a passenger or using any area of any description

1 designated by the transportation facility or system as a
2 vehicle boarding, departure, or transfer location.

3 "Willful deprivation". For purposes of the offense of abuse
4 or neglect of a long term care facility resident, elderly
5 person or person with a disability, "willful deprivation" has
6 the meaning ascribed to it in paragraph (15) of Section 103 of
7 the Illinois Domestic Violence Act of 1986.

8 (720 ILCS 5/12-101) (was 720 ILCS 5/12-1)

9 Sec. 12-101 ~~12-1~~. Assault.

10 (a) A person commits an assault when, without lawful
11 authority, he or she knowingly engages in conduct which places
12 another in reasonable apprehension of receiving a battery.

13 (b) Sentence. Assault is a Class C misdemeanor.

14 (c) In addition to any other sentence that may be imposed,
15 a court shall order any person convicted of assault to perform
16 community service for not less than 30 and not more than 120
17 hours, if community service is available in the jurisdiction
18 and is funded and approved by the county board of the county
19 where the offense was committed. In addition, whenever any
20 person is placed on supervision for an alleged offense under
21 this Section, the supervision shall be conditioned upon the
22 performance of the community service.

23 This subsection does not apply when the court imposes a
24 sentence of incarceration.

25 (Source: P.A. 88-558, eff. 1-1-95; 89-8, eff. 3-21-95.)

1 (720 ILCS 5/12-102 new)

2 Sec. 12-102. Aggravated assault.

3 (a) Location of conduct. A person commits aggravated
4 assault when in committing an assault, the individual assaulted
5 is, or the defendant is, on or about a public way, public
6 property, a public place of accommodation or amusement, or a
7 sporting venue, as defined in this Article 12.

8 (b) Status of a victim. A person commits aggravated assault
9 when, in committing an assault, he or she knows the individual
10 assaulted to be:

11 (1) a physically handicapped person or a person who is
12 60 years of age or older;

13 (2) a teacher or school employee, public aid employee,
14 park district employee, transit employee or passenger, or
15 sports official or coach as defined in this Article 12;

16 (3) an employee of the State of Illinois, a municipal
17 corporation therein or a political subdivision thereof,
18 engaged in the performance of his or her authorized duties
19 as such employee;

20 (4) a peace officer, community policing volunteer,
21 fireman, emergency medical technician, emergency
22 management worker, or employee of a police or sheriff's
23 department, who is engaged in the execution of any of his
24 or her official duties, who is assaulted to prevent that
25 person from performing his or her official duties, or who

1 is assaulted in retaliation for performing his or her
2 official duties, and a firearm is used, but not discharged,
3 in the assault; or

4 (5) a correctional officer, a correctional employee,
5 or an employee of the Department of Human Services
6 supervising or controlling sexually dangerous persons or
7 sexually violent persons, while that person is engaged in
8 the execution of any of his or her official duties, or to
9 prevent the officer or employee from performing his or her
10 official duties, or in retaliation for the officer or
11 employee performing his or her official duties.

12 (c) Conduct of a defendant. A person commits aggravated
13 assault when, in committing an assault, he or she:

14 (1) Uses a deadly weapon or any device manufactured and
15 designed to be substantially similar in appearance to a
16 firearm, other than by discharging a firearm, or using a
17 firearm against persons designated in paragraph (b) (4).

18 (2) Wears a hood, robe, or mask, or otherwise conceals
19 his or her identity.

20 (3) Knowingly and without lawful justification shines
21 or flashes a laser gunsight or other laser device that is
22 attached or affixed to a firearm, or used in concert with a
23 firearm, so that the laser beam strikes near or in the
24 immediate vicinity of any person.

25 (4) Discharges a firearm.

26 (d) Sentence. Aggravated assault as defined in subsection

1 (a) or paragraph (b) (1), (b) (2), (b) (3), (c) (1), or (c) (2) is a
2 Class A misdemeanor. Aggravated assault as defined in paragraph
3 (b) (4), (b) (5), (c) (3), or (c) (4) is a Class 4 felony.

4 (720 ILCS 5/12-103) (was 720 ILCS 5/12-3)

5 Sec. 12-103 ~~12-3~~. Battery.

6 (a) A person commits battery if he or she ~~intentionally or~~
7 knowingly without legal justification and by any means, (1)
8 causes bodily harm to an individual or (2) makes physical
9 contact of an insulting or provoking nature with an individual.

10 (b) Sentence.

11 Battery is a Class A misdemeanor.

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

13 (720 ILCS 5/12-104) (was 720 ILCS 5/12-3.1)

14 Sec. 12-104 ~~12-3.1~~. Battery of an Unborn Child and
15 aggravated battery of an unborn child.

16 (a) Battery of unborn child. A person commits battery of an
17 unborn child if he or she ~~intentionally or~~ knowingly without
18 legal justification and by any means causes bodily harm to an
19 unborn child.

20 (b) Aggravated battery of an unborn child. A person who, in
21 committing battery of an unborn child, knowingly causes great
22 bodily harm or permanent disability or disfigurement commits
23 aggravated battery of an unborn child.

24 (c) For purposes of this Section, (1) "unborn child" shall

1 mean any individual of the human species from fertilization
2 until birth, and (2) "person" shall not include the pregnant
3 woman whose unborn child is harmed.

4 (d) ~~(e)~~ Sentence. Battery of an unborn child is a Class A
5 misdemeanor. Aggravated battery of an unborn child is a Class 2
6 felony.

7 (e) ~~(d)~~ This Section shall not apply to acts which cause
8 bodily harm to an unborn child if those acts were committed
9 during any abortion, as defined in Section 2 of the Illinois
10 Abortion Law of 1975, as amended, to which the pregnant woman
11 has consented. This Section shall not apply to acts which were
12 committed pursuant to usual and customary standards of medical
13 practice during diagnostic testing or therapeutic treatment.

14 (Source: P.A. 84-1414.)

15 (720 ILCS 5/12-105 new)

16 Sec. 12-105. Aggravated battery.

17 (a) Injury. A person commits aggravated battery when, other
18 than by the discharge of a firearm, in committing a battery, he
19 or she:

20 (1) knowingly causes great bodily harm, or permanent
21 disability or disfigurement; or

22 (2) knowingly causes severe and permanent disability,
23 great bodily harm or disfigurement by means of a caustic or
24 flammable substance, a poisonous gas, a deadly biological
25 or chemical contaminant or agent, a radioactive substance,

1 or a bomb or explosive compound.

2 (b) Location of the conduct. A person commits aggravated
3 battery when, in committing a battery, other than by discharge
4 of a firearm, he or she is, or the person battered is, on or
5 about a public way, public property, a public place of
6 accommodation or amusement, a sporting venue, or a domestic
7 violence shelter as defined in this Article.

8 (c) Status of the victim. A person commits aggravated
9 battery when, other than by discharge of a firearm, he or she:

10 (1) commits a battery and knows the individual battered
11 to be:

12 (i) an officer or employee of the State of
13 Illinois, a unit of local government, or a school
14 district, or a teacher or school employee as defined in
15 this Article, engaged in the performance of his or her
16 authorized duties;

17 (ii) an emergency medical technician, emergency
18 management worker, or community policing volunteer,
19 who is engaged in the performance of his or her
20 official duties, who is battered to prevent the
21 technician, worker, or volunteer from performing
22 official duties, or who is battered in retaliation for
23 performing official duties;

24 (iii) a judge whom the person intended to harm as a
25 result of the judge's performance of his or her
26 official duties as a judge;

- 1 (iv) an individual of 60 years or older;
2 (v) a person who is pregnant or physically
3 handicapped; or
4 (vi) a transit employee or passenger; or
5 (2) without legal justification and by any means causes
6 bodily harm to a merchant who detains the person for an
7 alleged commission of retail theft under Section 16-201 of
8 this Code.
9 (d) Conduct of the defendant. A person commits aggravated
10 battery when he or she:
11 (1) in committing a battery, uses a deadly weapon other
12 than by the discharge of a firearm; or
13 (2) in committing a battery, by means of the
14 discharging of a firearm, causes any injury to:
15 (i) another person; or
16 (ii) a person he or she knows to be a designated
17 victim, a teacher or school employee, an emergency
18 management worker, or an emergency medical technician
19 as defined in this Article 12; or
20 (3) in committing a battery and other than by discharge
21 of a firearm, is hooded, robed or masked, in such manner as
22 to conceal his or her identity; or
23 (4) other than by discharge of a firearm, knowingly and
24 without lawful justification shines or flashes a laser
25 gunsight or other laser device that is attached or affixed
26 to a firearm, or used in concert with a firearm, so that

1 the laser beam strikes upon or against the person of
2 another.

3 (e) Miscellaneous. A person commits aggravated battery
4 when he or she, other than by discharge of a firearm:

5 (1) violates Section 401 of the Illinois Controlled
6 Substances Act by unlawfully delivering a controlled
7 substance to another if any user experiences great bodily
8 harm or permanent disability as a result of the injection,
9 inhalation or ingestion of any amount of that controlled
10 substance;

11 (2) knowingly administers to an individual or causes
12 him or her to take, without his or her consent or by threat
13 or deception, and for other than medical purposes, any
14 intoxicating, poisonous, stupefying, narcotic, anesthetic,
15 or controlled substance, or gives to another person any
16 food containing any substance or object intended to cause
17 physical injury if eaten; or

18 (3) knowingly causes or attempts to cause a
19 correctional employee or an employee of the Department of
20 Human Services to come into contact with blood, seminal
21 fluid, urine, or feces, by throwing, tossing, or expelling
22 that fluid or material and the person is an inmate of a
23 penal institution or a sexually dangerous person or a
24 sexually violent person in the custody of the Department of
25 Human Services.

26 (f) Sentence.

1 (1) Aggravated battery is a Class 3 felony, except as
2 otherwise provided in paragraphs (2), (3), and (4) of this
3 subsection (f).

4 (2) Aggravated battery is a Class 2 felony when:

5 (i) the defendant commits aggravated battery that
6 does not cause great bodily harm or permanent
7 disability or disfigurement and the person knows the
8 individual battered is a designated victim, as defined
9 in Section 12-0.5, or an employee of the Department of
10 Human Services supervising or controlling sexually
11 violent persons or sexually dangerous persons, other
12 than by the discharge of a firearm; or

13 (ii) the defendant violates subsection (c)(1)(iv)
14 where, in committing the battery, he or she knowingly
15 causes great bodily harm or permanent disability or
16 disfigurement.

17 (3) Aggravated battery is a Class 1 felony when:

18 (i) the defendant violates subsection (e)(1); or

19 (ii) the defendant commits aggravated battery that
20 causes great bodily harm or permanent disability or
21 disfigurement and the person knows the individual
22 battered is a designated victim, as defined in Section
23 12-0.5, or an employee of the Department of Human
24 Services supervising or controlling sexually dangerous
25 persons or sexually violent persons and the battery is
26 committed other than by the discharge of a firearm.

1 (4) Aggravated battery is a Class X felony when:

2 (i) the defendant violates paragraph (a)(1) and he
3 or she is of the age 18 years and upwards and the
4 person battered is a child under the age of 13 years or
5 any severely or profoundly mentally retarded person,
6 except that:

7 (A) if the person committed the offense while
8 armed with a firearm, 15 years shall be added to
9 the term of imprisonment imposed by the court;

10 (B) if, during the commission of the offense,
11 the person personally discharged a firearm, 20
12 years shall be added to the term of imprisonment
13 imposed by the court; and

14 (C) if, during the commission of the offense,
15 the person personally discharged a firearm that
16 proximately caused great bodily harm, permanent
17 disability, permanent disfigurement, or death to
18 another person, 25 years or up to a term of natural
19 life shall be added to the term of imprisonment
20 imposed by the court;

21 (ii) the defendant violates paragraph (d)(2)(i) of
22 this Section; a violation of paragraph (d)(2)(ii) is a
23 Class X felony for which the sentence shall be a term
24 of imprisonment of no less than 15 years and no more
25 than 60 years;

26 (iii) the defendant violates paragraph (d)(2)(i),

1 where the firearm discharged is a machine gun or a
2 firearm equipped with any device or attachment
3 designed or used for silencing the report of a firearm,
4 and the person shall be sentenced to a term of
5 imprisonment of no less than 12 years and no more than
6 45 years; a violation of paragraph (d) (2) (ii), where
7 the firearm discharged is a machine gun or a firearm
8 equipped with any device or attachment designed or used
9 for silencing the report of a firearm is a Class X
10 felony for which the sentence shall be a term of
11 imprisonment of no less than 20 years and no more than
12 60 years; or

13 (iv) the defendant violates paragraph (a) (2), and
14 the person shall be sentenced to a term of imprisonment
15 of no less than 6 years and no more than 45 years.

16 (720 ILCS 5/12-106 new)

17 Sec. 12-106. Domestic battery and aggravated domestic
18 battery.

19 (a) A person commits domestic battery if he or she
20 knowingly without legal justification by any means:

21 (1) causes bodily harm to any family or household
22 member as defined in subsection (3) of Section 112A-3 of
23 the Code of Criminal Procedure of 1963; or

24 (2) makes physical contact of an insulting or provoking
25 nature with any family or household member.

1 (b) A person who, in committing a domestic battery,
2 knowingly causes great bodily harm, or permanent disability or
3 disfigurement commits aggravated domestic battery.

4 (c) Sentence.

5 (1) Except as provided in paragraph (3), domestic
6 battery is a Class A misdemeanor. Domestic battery is a
7 Class 4 felony if the defendant has any prior conviction
8 under this Code for domestic battery, or violation of an
9 order of protection, or any prior conviction under the law
10 of another jurisdiction for an offense which is
11 substantially similar to these. In addition to any other
12 sentencing alternatives, for any second or subsequent
13 conviction of domestic battery, the offender shall be
14 mandatorily sentenced to a minimum of 72 consecutive hours
15 of imprisonment. The imprisonment shall not be subject to
16 suspension, nor shall the person be eligible for probation
17 in order to reduce the sentence.

18 (2) Aggravated domestic battery is a Class 2 felony.
19 Any order of probation or conditional discharge entered
20 following a conviction must include, in addition to any
21 other condition of probation or conditional discharge, a
22 condition that the offender serve a mandatory term of
23 imprisonment of not less than 60 consecutive days. A person
24 convicted of a second or subsequent violation must be
25 sentenced to a mandatory term of imprisonment of not less
26 than 3 years and not more than 7 years or an extended term

1 of imprisonment of not less than 7 years and not more than
2 14 years.

3 (3) Domestic battery in violation of subsection (a) is
4 a Class 4 felony if the defendant has any prior conviction
5 under this Code for first degree murder (Section 9-1),
6 attempt to commit first degree murder (Section 8-4),
7 aggravated domestic battery (subsection (b) of this
8 Section), aggravated battery (Section 12-105), the former
9 offense of heinous battery (Section 12-4.1), the former
10 offense of aggravated battery with a firearm (Section
11 12-4.2), the former offense of aggravated battery of a
12 child (Section 12-4.3), aggravated battery of an unborn
13 child (subsection (b) of Section 12-104), the former
14 offense of aggravated battery of a senior citizen (Section
15 12-4.6), stalking (subsections (a) and (b) of Section
16 12-116), aggravated stalking (subsection (c) of Section
17 12-116), criminal sexual assault (subsection (a) of
18 Section 11-6.35), aggravated criminal sexual assault
19 (subsection (b) of Section 11-6.35), kidnapping
20 (subsection (a) of Section 10-1), aggravated kidnapping
21 (subsection (b) of Section 10-1), predatory criminal
22 sexual assault of a child (Section 11-6.40), aggravated
23 criminal sexual abuse (subsection (b) of Section 11-6.45),
24 unlawful restraint (subsection (a) of Section 10-3),
25 aggravated unlawful restraint (subsection (b) of Section
26 10-3), aggravated arson (Section 20-1.1), or aggravated

1 discharge of a firearm (subsection (a) of Section 24-18) or
2 any prior conviction under the law of another jurisdiction
3 for any offense that is substantially similar to the
4 offenses listed in this paragraph, when any of these
5 offenses have been committed against a family or household
6 member.

7 (4) If a felony domestic battery, aggravated domestic
8 battery, aggravated battery, unlawful restraint, or
9 aggravated unlawful restraint, as defined in this Code, is
10 committed against a family or household member in the
11 presence of a child, the defendant shall be required to
12 serve a mandatory minimum imprisonment of 10 days or
13 perform 300 hours of community service, or both. The
14 defendant shall further be liable for the cost of any
15 counseling required for the child at the discretion of the
16 court in accordance with subsection (b) of Section 5-5-6 of
17 the Unified Code of Corrections.

18 (720 ILCS 5/12-107 new)

19 Sec. 12-107. Interfering with the reporting of domestic
20 violence and Disclosure of location of domestic violence
21 victim.

22 (a) A person commits the offense of interfering with the
23 reporting of domestic violence when, after having committed an
24 act of domestic violence, he or she knowingly prevents or
25 attempts to prevent the victim of or a witness to the act of

1 domestic violence from calling a 9-1-1 emergency telephone
2 system, obtaining medical assistance, or making a report to any
3 law enforcement official.

4 (b) A person commits the offense of disclosure of location
5 of domestic violence victim when he or she publishes,
6 disseminates or otherwise discloses the location of any
7 domestic violence victim without that person's authorization,
8 knowing the disclosure will result in, or has the substantial
9 likelihood of resulting in, the threat of bodily harm.

10 (1) Nothing in this subsection shall apply to
11 confidential communications between an attorney and his or
12 her client.

13 (c) Sentence. Interfering with the reporting of domestic
14 violence is a Class A misdemeanor. Disclosure of location of
15 domestic violence victim is a Class A misdemeanor.

16 (720 ILCS 5/12-108 new)

17 Sec. 12-108. Violation of an order of protection.

18 (a) A person commits violation of an order of protection
19 if:

20 (1) He or she knowingly commits an act which was
21 prohibited by a court or fails to commit an act which was
22 ordered by a court in violation of:

23 (A) a remedy in a valid order of protection
24 authorized under paragraphs (1), (2), (3), (14), or
25 (14.5) of subsection (b) of Section 214 of the Illinois

1 Domestic Violence Act of 1986.

2 (B) a remedy, which is substantially similar to the
3 remedies authorized under paragraphs (1), (2), (3),
4 (14) or (14.5) of subsection (b) of Section 214 of the
5 Illinois Domestic Violence Act of 1986, in a valid
6 order of protection, which is authorized under the laws
7 of another state, tribe or United States territory.

8 (C) any other remedy when the act constitutes a
9 crime against the protected parties as the term
10 protected parties is defined in Section 112A-4 of the
11 Code of Criminal Procedure of 1963; and

12 (2) Such violation occurs after the offender has been
13 served notice of the contents of the order, pursuant to the
14 Illinois Domestic Violence Act of 1986 or any substantially
15 similar statute of another state, tribe or United States
16 territory, or otherwise has acquired actual knowledge of
17 the contents of the order.

18 (3) An order of protection issued by a state, tribal or
19 territorial court related to domestic or family violence
20 shall be deemed valid if the issuing court had jurisdiction
21 over the parties and matter under the law of the state,
22 tribe or territory. There shall be a presumption of
23 validity where an order is certified and appears authentic
24 on its face. For purposes of this subsection, an "order of
25 protection" may have been issued in a criminal or civil
26 proceeding.

1 (4) Nothing in this subsection shall be construed to
2 diminish the inherent authority of the courts to enforce
3 their lawful orders through civil or criminal contempt
4 proceedings.

5 (5) Failure to provide reasonable notice and
6 opportunity to be heard shall be an affirmative defense to
7 any charge or process filed seeking enforcement of a
8 foreign order of protection.

9 (6) The limitations placed on law enforcement
10 liability by Section 305 of the Illinois Domestic Violence
11 Act of 1986 apply to actions taken under this subsection.

12 (b) Sentence.

13 (1) Violation of an order of protection is a Class A
14 misdemeanor. Violation of an order of protection is a Class
15 4 felony if the defendant has any prior conviction under
16 this Code for Domestic battery or Violation of an order of
17 protection. Violation of an order of protection is a Class
18 4 felony if the defendant has any prior conviction under
19 this Code for first degree murder (Section 9-1), attempt to
20 commit first degree murder (Section 8-4), aggravated
21 domestic battery (subsection (b) of 12-106), aggravated
22 battery (Section 12-105), the former offense of heinous
23 battery (Section 12-4.1), the former offense of aggravated
24 battery with a firearm (Section 12-4.2), the former offense
25 of aggravated battery of a child (Section 12-4.3),
26 aggravated battery of an unborn child (subsection (b) of

1 Section 12-104), the former offense of aggravated battery
2 of a senior citizen (Section 12-4.6), stalking
3 (subsections (a) and (b) of Section 12-116), aggravated
4 stalking (subsection (c) of Section 12-116), criminal
5 sexual assault (subsection (a) of Section 11-6.35),
6 aggravated criminal sexual assault (subsection (b) of
7 Section 11-6.35), kidnapping (subsection (a) of Section
8 10-1), aggravated kidnapping (subsection (b) of Section
9 10-1), predatory criminal sexual assault of a child
10 (Section 11-6.40), aggravated criminal sexual abuse
11 (subsection (b) of Section 11-6.45), unlawful restraint
12 (subsection (a) of Section 10-3), aggravated unlawful
13 restraint (subsection (b) of Section 10-3), aggravated
14 arson (Section 20-1.1), or aggravated discharge of a
15 firearm (subsection (a) of Section 24-18) or any prior
16 conviction under the law of another jurisdiction for any
17 offense that is substantially similar to the offenses
18 listed in this Section, when any of these offenses have
19 been committed against a family or household member as
20 defined in Section 112A-3 of the Code of Criminal Procedure
21 of 1963.

22 (2) The court shall impose a minimum penalty of 24
23 hours imprisonment for defendant's second or subsequent
24 violation of any order of protection; unless the court
25 explicitly finds that an increased penalty or such period
26 of imprisonment would be manifestly unjust. In addition to

1 any other penalties, the court may order the defendant to
2 pay a fine as authorized under Section 5-9-1 of the Unified
3 Code of Corrections or to make restitution to the victim
4 under Section 5-5-6 of the Unified Code of Corrections. In
5 addition to any other penalties, including those imposed by
6 Section 5-9-1.5 of the Unified Code of Corrections, the
7 court shall impose an additional fine of \$20 as authorized
8 by Section 5-9-1.11 of the Unified Code of Corrections upon
9 any person convicted of or placed on supervision for a
10 violation of this Section. The additional fine shall be
11 imposed for each violation.

12 (720 ILCS 5/12-109 new)

13 Sec. 12-109. Abuse or neglect of a long term care facility
14 resident, elderly person or person with a disability.

15 (a) Abuse or neglect of a long term care facility resident.

16 A person commits the offense of abuse or neglect of a long term
17 care facility resident when he or she:

18 (1) knowingly causes any physical or mental injury to,
19 or commits any sexual offense in this Code against, a long
20 term care facility resident; or

21 (2) recklessly (i) performs acts that cause a long term
22 care facility resident's life to be endangered, health to
23 be injured, or pre-existing physical or mental condition to
24 deteriorate, or (ii) fails to perform acts that he or she
25 knows or reasonably should know are necessary to maintain

1 or preserve the life or health of a long term care facility
2 resident, and that failure causes the long term care
3 facility resident's life to be endangered, health to be
4 injured, or pre-existing physical or mental condition to
5 deteriorate, or (iii) abandons a long term care facility
6 resident.

7 (b) Notwithstanding the penalties for violations of
8 subsections (a) and (c) and in addition thereto, if a licensee
9 or owner of a long term care facility or his or her employee
10 has caused neglect of a resident, the licensee or owner is
11 guilty of a petty offense. Subsection (b) applies only if the
12 owner or licensee failed to exercise reasonable care in the
13 hiring, training, supervising or providing of staff or other
14 related routine administrative responsibilities.

15 (c) Notwithstanding the penalties for violations of
16 subsections (a) and (b) and in addition thereto, if a licensee
17 or owner of a long term care facility or his or her employee
18 has caused gross neglect of a resident, the licensee or owner
19 is guilty of a business offense for which a fine of at least
20 \$1,001 but not more than \$10,000 may be imposed. An owner or
21 licensee is guilty under this subsection (c) only if the owner
22 or licensee failed to exercise reasonable care in the hiring,
23 training, supervising, or providing of staff or other related
24 routine administrative responsibilities.

25 (d) Nothing in this offense shall apply to a physician
26 licensed to practice medicine in all its branches or a duly

1 licensed nurse providing care within the scope of his or her
2 professional judgment and within the accepted standards of care
3 within the community, or to the medical supervision,
4 regulation, or control of the remedial care or treatment of
5 residents in a facility conducted for those who rely upon
6 treatment by prayer or spiritual means in accordance with the
7 creed or tenets of any well-recognized church or religious
8 denomination and which is licensed in accordance with Section
9 3-803 of the Nursing Home Care Act.

10 (e) Abuse or neglect of an elderly person or person with a
11 disability. A person commits the offense of abuse or neglect of
12 an elderly person or person with a disability when he or she is
13 a caregiver and he or she knowingly:

14 (1) performs acts that cause the elderly person or
15 person with a disability's life to be endangered, health to
16 be injured, or pre-existing physical or mental condition to
17 deteriorate; or

18 (2) fails to perform acts that he or she knows or
19 reasonably should know are necessary to maintain or
20 preserve the life or health of the elderly person or person
21 with a disability and such failure causes the elderly
22 person or person with a disability's life to be endangered,
23 health to be injured, or pre-existing physical or mental
24 condition to deteriorate; or

25 (3) abandons the elderly person or person with a
26 disability; or

1 (4) physically abuses, harasses, intimidates, or
2 interferes with the personal liberty of the elderly person
3 or person with a disability or exposes the elderly person
4 or person with a disability to willful deprivation.

5 (f) Nothing in subsection (e) shall be construed to:

6 (1) limit the remedies available to the victim under
7 the Illinois Domestic Violence Act of 1986; or

8 (2) impose criminal liability on a person who has made
9 a good faith effort to provide for the health and personal
10 care of an elderly person or person with a disability, but
11 through no fault of his or her own has been unable to
12 provide such care; or

13 (3) prohibit a person from providing treatment by
14 spiritual means through prayer alone and care consistent
15 therewith in lieu of medical care and treatment in
16 accordance with the tenets and practices of any church or
17 religious denomination of which the elderly person or
18 person with a disability is a member; or

19 (4) create a defense that the accused reasonably
20 believed that the victim was not an elderly person or
21 person with a disability.

22 (g) Sentence. Abuse of a long term care facility resident
23 in violation of subsection (a)(1) is a Class 3 felony. Neglect
24 of a long term care facility resident in violation of
25 subsection (a)(2) is a Class 4 felony. If a violation of
26 subsection (a)(2) results in the resident's death, it is a

1 Class 3 felony. Abuse or neglect of an elderly person or person
2 with a disability is a Class 3 felony, and if death results it
3 is a Class 2 felony. If death results and a prison sentence is
4 given, a defendant shall be sentenced to a term of not less
5 than 3 years and not more than 14 years.

6 (720 ILCS 5/12-110) (was 720 ILCS 5/12-6)

7 Sec. 12-110 ~~12-6~~. Intimidation; aggravated intimidation.

8 (a) Intimidation. A person commits intimidation when, with
9 intent to cause another to perform or to omit the performance
10 of any act, he or she communicates to another, directly or
11 indirectly by any means ~~whether in person, by telephone or by~~
12 ~~mail~~, a threat to perform without lawful authority any of the
13 following acts:

14 (1) Inflict physical harm on the person threatened or
15 any other person or on property; or

16 (2) Subject any person to physical confinement or
17 restraint; or

18 (3) Commit a felony or Class A misdemeanor ~~any criminal~~
19 ~~offense~~; or

20 (4) Accuse any person of an offense; or

21 (5) Expose any person to hatred, contempt or ridicule;

22 or

23 (6) Take action as a public official against anyone or
24 anything, or withhold official action, or cause such action
25 or withholding; or

1 (7) Bring about or continue a strike, boycott or other
2 collective action.

3 (b) Aggravated intimidation. A person commits aggravated
4 intimidation when he or she violates subsection (a) and:

5 (1) the person committed the offense in furtherance of
6 the activities of an organized gang or because of the
7 person's membership in or allegiance to an organized gang;
8 or

9 (2) the offense is committed with the intent to prevent
10 any person from becoming a community policing volunteer; or

11 (3) the following conditions are met:

12 (i) the person knew that the victim was a peace
13 officer, a correctional institution employee, a
14 fireman, or a community policing volunteer; and

15 (ii) the offense was committed while the victim was
16 engaged in the execution of his or her official duties,
17 to prevent the victim from performing his or her
18 official duties, in retaliation for the victim's
19 performance of his or her official duties, or by reason
20 of any person's activity as a community policing
21 volunteer.

22 (c) ~~(b)~~ Sentence.

23 (1) Intimidation as defined in subsection (a) is a
24 Class 3 felony for which an offender may be sentenced to a
25 term of imprisonment of not less than 2 years and not more
26 than 10 years.

1 (2) Aggravated intimidation as defined in paragraph
2 (b) (2) or (b) (3) is a Class 2 felony for which the offender
3 may be sentenced to a term of imprisonment of not less than
4 3 years nor more than 14 years. Aggravated intimidation in
5 violation of paragraph (b) (1) is a Class 1 felony.

6 (Source: P.A. 91-696, eff. 4-13-00.)

7 (720 ILCS 5/12-111) (was 720 ILCS 5/12-6.1)

8 Sec. 12-111 ~~12-6.1~~. Compelling organization membership of
9 persons. A person who knowingly, expressly or impliedly,
10 threatens to do bodily harm or does bodily harm to an
11 individual or to that individual's family or uses any other
12 criminally unlawful means to solicit or cause any person to
13 join, or deter any person from leaving, any organization or
14 association regardless of the nature of such organization or
15 association, is guilty of a Class 2 felony.

16 Any person of the age of 18 years or older who expressly or
17 impliedly threatens to do bodily harm or does bodily harm to a
18 person under 18 years of age or uses any other criminally
19 unlawful means to solicit or cause any person under 18 years of
20 age to join, or deter any person under 18 years of age from
21 leaving, any organization or association regardless of the
22 nature of such organization or association is guilty of a Class
23 1 felony.

24 A person convicted of an offense under this Section shall
25 not be eligible to receive a sentence of probation, conditional

1 discharge, or periodic imprisonment.

2 (Source: P.A. 91-696, eff. 4-13-00.)

3 (720 ILCS 5/12-112) (was 720 ILCS 5/12-7)

4 Sec. 12-112 ~~12-7~~. Compelling confession or information by
5 force or threat.

6 (a) A person who, with intent to obtain a confession,
7 statement or information regarding any offense, inflicts or
8 threatens to inflict physical harm upon the person threatened
9 or upon any other person commits the offense of compelling a
10 confession or information by force or threat.

11 (b) Sentence.

12 Compelling a confession or information is a Class 4 felony.

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

14 (720 ILCS 5/12-113) (was 270 ILCS 5/12-6.4)

15 Sec. 12-113 ~~12-6.4~~. Criminal street gang recruitment on
16 school grounds or public property adjacent to school grounds.

17 (a) A person commits the offense of criminal street gang
18 recruitment on school grounds or public property adjacent to
19 school grounds when on school grounds or public property
20 adjacent to school grounds, he or she knowingly threatens the
21 use of physical force to coerce, solicit, recruit, or induce
22 another person to join or remain a member of a criminal street
23 gang, or conspires to do so.

24 (b) Sentence. Criminal street gang recruitment on school

1 grounds or public property adjacent to school grounds is a
2 Class 1 felony.

3 ~~(c) In this Section, "criminal street gang" has the meaning~~
4 ~~ascribed to it in Section 10 of the Illinois Streetgang~~
5 ~~Terrorism Omnibus Prevention Act and "school grounds" means the~~
6 ~~building or buildings or real property comprising a public or~~
7 ~~private elementary or secondary school, community college,~~
8 ~~college, or university and includes a school yard, school~~
9 ~~playing field, or school playground.~~

10 (Source: P.A. 93-938, eff. 1-1-05.)

11 (720 ILCS 5/12-114) (was 720 ILCS 5/12-9)

12 Sec. 12-114 ~~12-9~~. Threatening public officials.

13 (a) A person commits the offense of threatening a public
14 official when:

15 (1) that person knowingly ~~and willfully~~ delivers or
16 conveys, directly or indirectly, to a public official by
17 any means a communication:

18 (i) containing a threat that would place the public
19 official or a member of his or her immediate family in
20 reasonable apprehension of immediate or future bodily
21 harm, sexual assault, confinement, or restraint; or

22 (ii) containing a threat that would place the
23 public official or a member of his or her immediate
24 family in reasonable apprehension that damage will
25 occur to property in the custody, care, or control of

1 the public official or his or her immediate family; and

2 (2) the threat was conveyed because of the performance
3 or nonperformance of some public duty, because of hostility
4 of the person making the threat toward the status or
5 position of the public official, or because of any other
6 factor related to the official's public existence.

7 (b) (Blank). ~~For purposes of this Section:~~

8 ~~(1) "Public official" means a person who is elected to~~
9 ~~office in accordance with a statute or who is appointed to~~
10 ~~an office which is established, and the qualifications and~~
11 ~~duties of which are prescribed, by statute, to discharge a~~
12 ~~public duty for the State or any of its political~~
13 ~~subdivisions or in the case of an elective office any~~
14 ~~person who has filed the required documents for nomination~~
15 ~~or election to such office. "Public official" includes a~~
16 ~~duly appointed assistant State's Attorney.~~

17 ~~(2) "Immediate family" means a public official's~~
18 ~~spouse or child or children.~~

19 (c) Threatening a public official is a Class 3 felony for a
20 first offense and a Class 2 felony for a second or subsequent
21 offense.

22 (Source: P.A. 91-335, eff. 1-1-00; 91-387, eff. 1-1-00; 92-16,
23 eff. 6-28-01.)

24 (720 ILCS 5/12-115) (was 720 ILCS 5/12-7.2)

25 Sec. 12-115 ~~12-7.2~~. Educational intimidation. (a) A person

1 commits educational intimidation when he knowingly interferes
2 with the right of any child who is or is believed to be
3 afflicted with a chronic infectious disease to attend or
4 participate in the activities of an elementary or secondary
5 school in this State:

6 (1) by actual or threatened physical harm to the person or
7 property of the child or the child's family; or

8 (2) by impeding or obstructing the child's right of ingress
9 to, egress from, or freedom of movement at school facilities or
10 activities; or

11 (3) by exposing or threatening to expose the child, or the
12 family or friends of the child, to public hatred, contempt or
13 ridicule.

14 (b) Subsection (a) does not apply to the actions of school
15 officials or the school's infectious disease review team who
16 are acting within the course of their professional duties and
17 in accordance with applicable law.

18 (c) Educational intimidation is a Class C misdemeanor,
19 except that a second or subsequent offense shall be a Class A
20 misdemeanor.

21 (d) Independent of any criminal prosecution or the result
22 thereof, any person suffering injury to his person or damage to
23 his property as a result of educational intimidation may bring
24 a civil action for damages, injunction or other appropriate
25 relief. The court may award actual damages, including damages
26 for emotional distress, or punitive damages. A judgment may

1 include attorney's fees and costs. The parents or legal
2 guardians of an unemancipated minor, other than guardians
3 appointed pursuant to the Juvenile Court Act or the Juvenile
4 Court Act of 1987, shall be liable for the amount of any
5 judgment for actual damages awarded against such minor under
6 this subsection (d) in any amount not exceeding the amount
7 provided under Section of the Parental Responsibility Law.

8 (Source: P.A. 86-890.)

9 (720 ILCS 5/12-116 new)

10 Sec. 12-116. Stalking, aggravated stalking, and
11 cyberstalking.

12 (a) A person commits stalking when he or she, knowingly and
13 without lawful justification, on at least 2 separate occasions
14 follows another person or places the person under surveillance
15 or any combination thereof and:

16 (1) at any time transmits a threat of immediate or
17 future bodily harm, sexual assault, confinement or
18 restraint and the threat is directed towards that person or
19 a family member of that person; or

20 (2) places that person in reasonable apprehension of
21 immediate or future bodily harm, sexual assault,
22 confinement or restraint to that person or a family member
23 of that person.

24 (b) Stalking also occurs when a person has previously been
25 convicted of stalking another person and knowingly and without

1 lawful justification on one occasion:

2 (1) follows that same person or places that same person
3 under surveillance; and

4 (2) transmits a threat of immediate or future bodily
5 harm, sexual assault, confinement or restraint to that
6 person or that person's family member.

7 (c) A person commits aggravated stalking if he or she
8 commits stalking and: (1) causes bodily harm, or confines or
9 restrains the victim or (2) violates a temporary restraining
10 order, an order of protection, or an injunction prohibiting the
11 behavior described in subsection (b) (1) of Section 214 of the
12 Illinois Domestic Violence Act of 1986.

13 (d) A person commits cyberstalking when he or she,
14 knowingly and without lawful justification, on at least 2
15 separate occasions, harasses another person through the use of
16 electronic communication and commits the actions stated in
17 paragraph (a) (1) or paragraph (a) (2).

18 (e) Sentence. Stalking is a Class 4 felony; a second or
19 subsequent conviction for stalking is a Class 3 felony.
20 Aggravated stalking is a Class 3 felony; a second or subsequent
21 conviction is a Class 2 felony. Cyberstalking is a Class 4
22 felony; a second or subsequent conviction is a Class 3 felony.

23 (f) Exemptions and inclusions.

24 (1) This Section does not apply to picketing occurring
25 at the workplace that is otherwise lawful and arises out of
26 a bona fide labor dispute, or any exercise of the right of

1 free speech or assembly that is otherwise lawful.

2 (2) This Section does apply to incarcerated persons,
3 and incarceration is not a bar to prosecution.

4 (g) Definitions. In this Section:

5 (1) "Bona fide labor dispute" means any controversy
6 concerning wages, salaries, hours, working conditions, or
7 benefits, including health and welfare, sick leave,
8 insurance, and pension or retirement provisions, the
9 making or maintaining of collective bargaining agreements,
10 and the terms to be included in those agreements.

11 (2) "Electronic communication" means any transfer of
12 signs, signals, writings, sounds, data, or intelligence of
13 any nature transmitted in whole or in part by a wire,
14 radio, electromagnetic, photoelectric, or photo-optical
15 system, and includes transmissions by a computer through
16 the Internet to another computer.

17 (3) "Family member" means a parent, grandparent,
18 brother, sister, or child, whether by whole blood,
19 half-blood, or adoption, and includes a step-grandparent,
20 step-parent, step-brother, step-sister or step-child, and
21 any other person who regularly resides in the household, or
22 who, within the prior 6 months, regularly resided in the
23 household.

24 (4) "Follow another person" means (i) to move in
25 relative proximity to a person as that person moves from
26 place to place or (ii) to remain in relative proximity to a

1 person who is stationary or whose movements are confined to
2 a small area. "Follow another person" does not include a
3 following within the residence of the defendant.

4 (5) "Harass" means to engage in a knowing course of
5 conduct directed at a specific person that alarms,
6 torments, or terrorizes that person.

7 (6) "Place a person under surveillance" means to remain
8 present outside the person's school, place of employment,
9 vehicle, other place occupied by the person, or residence
10 other than the residence of the defendant.

11 (7) "Transmit a threat" means to express a threat
12 verbally or in writing, to imply a threat by a pattern of
13 conduct, or to express or imply a threat by a combination
14 of verbal or written statements or conduct.

15 (720 ILCS 5/12-117) (was 720 ILCS 5/12-7.1)

16 Sec. 12-117 ~~12-7.1~~. Hate crime.

17 (a) A person commits hate crime when, by reason of the
18 actual or perceived race, color, creed, religion, ancestry,
19 gender, sexual orientation, physical or mental disability, or
20 national origin of another individual or group of individuals,
21 regardless of the existence of any other motivating factor or
22 factors, he commits assault, battery, aggravated assault,
23 misdemeanor theft, criminal trespass to residence, misdemeanor
24 criminal damage to property, criminal trespass to vehicle,
25 criminal trespass to real property, mob action or disorderly

1 conduct as these crimes are defined in Sections 12-1, 12-2,
2 12-3, 16-1, 19-4, 21-1, 21-2, 21-3, 25-1, and 26-1 of this
3 Code, respectively, or harassment by telephone as defined in
4 Section 1-1 of the Harassing and Obscene Communications Act, or
5 harassment through electronic communications as defined in
6 clauses (a) (2) and (a) (4) of Section 1-2 of the Harassing and
7 Obscene Communications Act.

8 (b) Except as provided in subsection (b-5), hate crime is a
9 Class 4 felony for a first offense and a Class 2 felony for a
10 second or subsequent offense.

11 (b-5) Hate crime is a Class 3 felony for a first offense
12 and a Class 2 felony for a second or subsequent offense if
13 committed:

14 (1) in a church, synagogue, mosque, or other building,
15 structure, or place used for religious worship or other
16 religious purpose;

17 (2) in a cemetery, mortuary, or other facility used for
18 the purpose of burial or memorializing the dead;

19 (3) in a school or other educational facility,
20 including an administrative facility or public or private
21 dormitory facility of or associated with the school or
22 other educational facility;

23 (4) in a public park or an ethnic or religious
24 community center;

25 (5) on the real property comprising any location
26 specified in clauses (1) through (4) of this subsection

1 (b-5); or

2 (6) on a public way within 1,000 feet of the real
3 property comprising any location specified in clauses (1)
4 through (4) of this subsection (b-5).

5 (b-10) Upon imposition of any sentence, the trial court
6 shall also either order restitution paid to the victim or
7 impose a fine up to \$1,000. In addition, any order of probation
8 or conditional discharge entered following a conviction or an
9 adjudication of delinquency shall include a condition that the
10 offender perform public or community service of no less than
11 200 hours if that service is established in the county where
12 the offender was convicted of hate crime. The court may also
13 impose any other condition of probation or conditional
14 discharge under this Section.

15 (c) Independent of any criminal prosecution or the result
16 thereof, any person suffering injury to his person or damage to
17 his property as a result of hate crime may bring a civil action
18 for damages, injunction or other appropriate relief. The court
19 may award actual damages, including damages for emotional
20 distress, or punitive damages. A judgment may include
21 attorney's fees and costs. The parents or legal guardians,
22 other than guardians appointed pursuant to the Juvenile Court
23 Act or the Juvenile Court Act of 1987, of an unemancipated
24 minor shall be liable for the amount of any judgment for actual
25 damages rendered against such minor under this subsection (c)
26 in any amount not exceeding the amount provided under Section 5

1 of the Parental Responsibility Law.

2 ~~(d) "Sexual orientation" means heterosexuality,~~
3 ~~homosexuality, or bisexuality.~~

4 (Source: P.A. 93-463, eff. 8-8-03; 93-765, eff. 7-19-04; 94-80,
5 eff. 6-27-05.)

6 (720 ILCS 5/12-118) (was 720 ILCS 5/12-7.6)

7 Sec. 12-118 ~~12-7.6~~. Cross burning.

8 (a) A person commits the offense of cross burning who, with
9 the intent to intimidate any other person or group of persons,
10 burns or causes to be burned a cross.

11 (b) Sentence. Cross burning is a Class A misdemeanor for a
12 first offense and a Class 4 felony for a second or subsequent
13 offense.

14 (c) For the purposes of this Section, a person acts with
15 the "intent to intimidate" when he or she intentionally places
16 or attempts to place another person in fear of physical injury
17 or fear of damage to that other person's property.

18 (Source: P.A. 93-764, eff. 1-1-05.)

19 (720 ILCS 5/12-119 new)

20 Sec. 12-119. Reckless conduct.

21 (a) A person commits the offense of Reckless conduct when
22 he or she, by any means lawful or unlawful, recklessly performs
23 acts which

24 (1) cause bodily harm or endanger safety of another, or

1 (2) cause great bodily harm or permanent disability or
2 disfigurement.

3 (b) Sentence. Reckless conduct under subsection (a) (1) is a
4 Class A misdemeanor. Reckless conduct under subsection (a) (2)
5 is a Class 4 felony.

6 (720 ILCS 5/12-120 new)

7 Sec. 12-120. Vehicular endangerment.

8 (a) A person commits the offense of Vehicular endangerment
9 when he or she strikes a motor vehicle by causing an object to
10 fall from an overpass in the direction of a moving motor
11 vehicle with the intent to strike a motor vehicle while it is
12 traveling upon the highway in this State.

13 (b) Sentence. Vehicular endangerment is a Class 2 felony.
14 If death results, vehicular endangerment is a Class 1 felony.

15 (c) Definitions.

16 "Object" means any object or substance that by its size,
17 weight, or consistency is likely to cause great bodily harm to
18 any occupant of a motor vehicle.

19 "Overpass" means any structure that passes over a highway.

20 "Motor vehicle" and "highway" have the meanings as defined
21 in the Illinois Vehicle Code.

22 (720 ILCS 5/12-121 new)

23 Sec. 12-121. Criminal housing management and aggravated
24 criminal housing management.

1 (a) A person commits the offense of criminal housing
2 management when, having personal management or control of
3 residential real estate, whether as a legal or equitable owner
4 or as a managing agent or otherwise, he or she recklessly
5 permits the physical condition or facilities of the residential
6 real estate to become or remain in any condition which
7 endangers the health or safety of any person other than the
8 defendant.

9 (b) A person commits the offense of aggravated criminal
10 housing management when he or she commits the offense of
11 criminal housing management and:

12 (1) the condition endangering the health or safety of a
13 person other than the defendant is determined to be a
14 contributing factor in the death of that person; and

15 (2) the person recklessly conceals or attempts to
16 conceal the condition that endangered the health or safety
17 of the person other than the defendant that is found to be
18 a contributing factor in that death.

19 (c) Sentence. Criminal housing management is a Class A
20 misdemeanor, and a subsequent conviction is a Class 4 felony.
21 Aggravated criminal housing management is a Class 4 felony.

22 (d) Injunction.

23 (1) In addition to any other remedies, the State's
24 Attorney of the county where the residential property which
25 endangers the health or safety of any person exists is
26 authorized to file a complaint and apply to the circuit

1 court for a temporary restraining order, and such circuit
2 court shall upon hearing grant a temporary restraining
3 order or a preliminary or permanent injunction, without
4 bond, restraining any person who owns, manages, or has any
5 equitable interest in the property, from collecting,
6 receiving or benefiting from any rents or other monies
7 available from the property, so long as the property
8 remains in a condition which endangers the health or safety
9 of any person.

10 (2) The court may order any rents or other monies owed
11 to be paid into an escrow account. The funds are to be paid
12 out of the escrow account only to satisfy the reasonable
13 cost of necessary repairs of the property which had been
14 incurred or will be incurred in ameliorating the condition
15 of the property as described in subsection (a), payment of
16 delinquent real estate taxes on the property or payment of
17 other legal debts relating to the property. The court may
18 order that funds remain in escrow for a reasonable time
19 after the completion of all necessary repairs to assure
20 continued upkeep of the property and satisfaction of other
21 outstanding legal debts of the property.

22 (3) The owner shall be responsible for contracting to
23 have necessary repairs completed and shall be required to
24 submit all bills, together with certificates of
25 completion, to the manager of the escrow account within 30
26 days after their receipt by the owner.

1 (4) In contracting for any repairs required pursuant to
2 this subsection the owner of the property shall enter into
3 a contract only after receiving bids from at least 3
4 independent contractors capable of making the necessary
5 repairs. If the owner does not contract for the repairs
6 with the lowest bidder, he or she shall file an affidavit
7 with the court explaining why the lowest bid was not
8 acceptable. At no time, under the provisions of this
9 subsection, shall the owner contract with anyone who is not
10 a licensed contractor, except that a contractor need not be
11 licensed if neither the State nor the county, township, or
12 municipality where the residential real estate is located
13 requires that the contractor be licensed. For purposes of
14 this subsection, "licensed contractor" means: (i) a
15 contractor licensed by the State, if the State requires the
16 licensure of such a contractor; or (ii) a contractor
17 licensed by the county, township, or municipality where the
18 residential real estate is located, if that local
19 jurisdiction requires the licensure of such a contractor.
20 The court may order release of those funds in the escrow
21 account that are in excess of the monies that the court
22 determines to its satisfaction are needed to correct the
23 condition of the property as described in subsection (a).

24 (5) The Clerk of the Circuit Court shall maintain a
25 separate trust account entitled "Property Improvement
26 Trust Account", which shall serve as the depository for the

1 escrowed funds prescribed by this subsection. The Clerk of
2 the Circuit Court shall be responsible for the receipt,
3 disbursement, monitoring and maintenance of all funds
4 entrusted to this account, and shall provide to the court a
5 quarterly accounting of the activities for any property,
6 with funds in such account, unless the court orders
7 accountings on a more frequent basis. The Clerk of the
8 Circuit Court shall promulgate rules and procedures to
9 administer the provisions of this subsection.

10 (6) Nothing in this subsection shall in any way be
11 construed to limit or alter any existing liability
12 incurred, or to be incurred, by the owner or manager except
13 as expressly provided in this subsection. Nor shall
14 anything in this subsection be construed to create any
15 liability on behalf of the Clerk of the Circuit Court's
16 Office, the State's Attorney's office, or any other
17 governmental agency involved in this action. Nor shall
18 anything in this subsection be construed to authorize
19 tenants to refrain from paying rent.

20 (7) As part of the costs of an action under this
21 subsection, the court shall assess a reasonable fee against
22 the defendant to be paid to the Clerk of the Circuit Court.
23 This amount is to be used solely for the maintenance of the
24 Property Improvement Trust Account. No money obtained
25 directly or indirectly from the property subject to the
26 case may be used to satisfy this cost.

1 (8) The municipal building department or other entity
2 responsible for inspection of property and the enforcement
3 of such local requirements shall, within 5 business days of
4 a request by the State's Attorney, provide all documents
5 requested, which shall include, but not be limited to, all
6 records of inspections, permits and other information
7 relating to any property.

8 (720 ILCS 5/12-122 new)

9 Sec. 12-122. Common carriers recklessness.

10 (a) A person commits the offense of Common carriers
11 recklessness when he or she having personal management or
12 control of or over a public conveyance used for the common
13 carriage of persons, recklessly endangers the safety of others.

14 (b) Sentence. Common carriers recklessness is a Class 4
15 felony.

16 (720 ILCS 5/12-123) (was 720 ILCS 5/12-20)

17 Sec. 12-123 ~~12-20~~. Sale of body parts.

18 (a) Except as provided in subsection (b), any person who
19 knowingly buys or sells, or offers to buy or sell, a human body
20 or any part of a human body, is guilty of a Class A misdemeanor
21 for the first conviction and a Class 4 felony for subsequent
22 convictions.

23 (b) This Section does not prohibit:

24 (1) An anatomical gift made in accordance with the

1 Illinois Anatomical Gift Act.

2 (2) (Blank). ~~The removal and use of a human cornea in~~
3 ~~accordance with the Illinois Anatomical Gift Act.~~

4 (3) Reimbursement of actual expenses incurred by a
5 living person in donating an organ, tissue or other body
6 part or fluid for transplantation, implantation, infusion,
7 injection, or other medical or scientific purpose,
8 including medical costs, loss of income, and travel
9 expenses.

10 (4) Payments provided under a plan of insurance or
11 other health care coverage.

12 (5) Reimbursement of reasonable costs associated with
13 the removal, storage or transportation of a human body or
14 part thereof donated for medical or scientific purposes.

15 (6) Purchase or sale of blood, plasma, blood products
16 or derivatives, other body fluids, or human hair.

17 (7) Purchase or sale of drugs, reagents or other
18 substances made from human bodies or body parts, for use in
19 medical or scientific research, treatment or diagnosis.

20 (Source: P.A. 93-794, eff. 7-22-04.)

21 (720 ILCS 5/12-124) (was 720 ILCS 5/12-20.5)

22 Sec. 12-124 ~~12-20.5~~. Dismembering a human body.

23 (a) A person commits the offense of dismembering a human
24 body when he or she knowingly dismembers, severs, separates,
25 dissects, or mutilates any body part of a deceased's body.

1 (b) This Section does not apply to:

2 (1) an anatomical gift made in accordance with the
3 Illinois ~~Uniform~~ Anatomical Gift Act;

4 (2) (blank); ~~the removal and use of a human cornea in~~
5 ~~accordance with the Illinois Corneal Transplant Act;~~

6 (3) the purchase or sale of drugs, reagents, or other
7 substances made from human body parts, for the use in
8 medical or scientific research, treatment, or diagnosis;

9 (4) persons employed by a county medical examiner's
10 office or coroner's office acting within the scope of their
11 employment while performing an autopsy;

12 (5) the acts of a licensed funeral director or embalmer
13 while performing acts authorized by the Funeral Directors
14 and Embalmers Licensing Code;

15 (6) the acts of emergency medical personnel or
16 physicians performed in good faith and according to the
17 usual and customary standards of medical practice in an
18 attempt to resuscitate a life; or

19 (7) physicians licensed to practice medicine in all of
20 its branches or holding a visiting professor, physician, or
21 resident permit under the Medical Practice Act of 1987,
22 performing acts in accordance with usual and customary
23 standards of medical practice, or a currently enrolled
24 student in an accredited medical school in furtherance of
25 his or her education at the accredited medical school.

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

1 the decedent died due to natural, accidental, or suicidal
2 causes.

3 (d) Sentence. Dismembering a human body is a Class X
4 felony.

5 (Source: P.A. 93-339, eff. 7-24-03; revised 11-15-04.)

6 (720 ILCS 5/12-125) (was 270 ILCS 5/12-31)

7 Sec. 12-125 ~~12-31~~. Inducement to Commit Suicide.

8 (a) A person commits the offense of inducement to commit
9 suicide when he or she does either of the following:

10 (1) Knowingly coerces ~~Coerces~~ another to commit
11 suicide and the other person commits or attempts to commit
12 suicide as a direct result of the coercion, and he or she
13 exercises substantial control over the other person
14 through (i) control of the other person's physical location
15 or circumstances; (ii) use of psychological pressure; or
16 (iii) use of actual or ostensible religious, political,
17 social, philosophical or other principles.

18 (2) With knowledge that another person intends to
19 commit or attempt to commit suicide, intentionally (i)
20 offers and provides the physical means by which another
21 person commits or attempts to commit suicide, or (ii)
22 participates in a physical act by which another person
23 commits or attempts to commit suicide.

24 For the purposes of this Section, "attempts to commit
25 suicide" means any act done with the intent to commit suicide

1 and which constitutes a substantial step toward commission of
2 suicide.

3 (b) Sentence. Inducement to commit suicide under paragraph
4 (a)(1) when the other person commits suicide as a direct result
5 of the coercion is a Class 2 felony. Inducement to commit
6 suicide under paragraph (a)(2) when the other person commits
7 suicide as a direct result of the assistance provided is a
8 Class 4 felony. Inducement to commit suicide under paragraph
9 (a)(1) when the other person attempts to commit suicide as a
10 direct result of the coercion is a Class 3 felony. Inducement
11 to commit suicide under paragraph (a)(2) when the other person
12 attempts to commit suicide as a direct result of the assistance
13 provided is a Class A misdemeanor.

14 (c) The lawful compliance or a good-faith attempt at lawful
15 compliance with the Illinois Living Will Act, the Health Care
16 Surrogate Act, or the Powers of Attorney for Health Care Law is
17 not inducement to commit suicide under paragraph (a)(2) of this
18 Section.

19 (Source: P.A. 87-1167; 88-392.)

20 (720 ILCS 5/12-126) (was 720 ILCS 5/12-32)

21 Sec. 12-126 ~~12-32~~. Ritual Mutilation.

22 (a) A person commits the offense of ritual mutilation, when
23 he or she knowingly mutilates, dismembers or tortures another
24 person as part of a ceremony, rite, initiation, observance,
25 performance or practice, and the victim did not consent or

1 under such circumstances that the defendant knew or should have
2 known that the victim was unable to render effective consent.

3 (b) (Blank). ~~Sentence. Ritual mutilation is a Class 2~~
4 ~~felony.~~

5 (c) The offense ritual mutilation does not include the
6 practice of male circumcision or a ceremony, rite, initiation,
7 observance, or performance related thereto.

8 (d) Sentence. Ritual mutilation is a Class 2 felony.

9 (Source: P.A. 90-88, eff. 1-1-98.)

10 (720 ILCS 5/12-127) (was 270 ILCS 5/12-33)

11 Sec. 12-127 ~~12-33~~. Ritualized abuse of a child.

12 (a) A person is guilty of ritualized abuse of a child when
13 he or she knowingly commits any of the following acts with,
14 upon, or in the presence of a child as part of a ceremony, rite
15 or any similar observance:

16 (1) actually or in simulation, tortures, mutilates, or
17 sacrifices any warm-blooded animal or human being;

18 (2) forces ingestion, injection or other application
19 of any narcotic, drug, hallucinogen or anaesthetic for the
20 purpose of dulling sensitivity, cognition, recollection
21 of, or resistance to any criminal activity;

22 (3) forces ingestion, or external application, of
23 human or animal urine, feces, flesh, blood, bones, body
24 secretions, nonprescribed drugs or chemical compounds;

25 (4) involves the child in a mock, unauthorized or

1 unlawful marriage ceremony with another person or
2 representation of any force or deity, followed by sexual
3 contact with the child;

4 (5) places a living child into a coffin or open grave
5 containing a human corpse or remains;

6 (6) threatens death or serious harm to a child, his or
7 her parents, family, pets, or friends that instills a
8 well-founded fear in the child that the threat will be
9 carried out; or

10 (7) unlawfully dissects, mutilates, or incinerates a
11 human corpse.

12 (b) The provisions of this Section shall not be construed
13 to apply to:

14 (1) lawful agricultural, animal husbandry, food
15 preparation, or wild game hunting and fishing practices and
16 specifically the branding or identification of livestock;

17 (2) the lawful medical practice of male circumcision or
18 any ceremony related to male circumcision;

19 (3) any state or federally approved, licensed, or
20 funded research project; or

21 (4) the ingestion of animal flesh or blood in the
22 performance of a religious service or ceremony.

23 (b-5) For the purposes of this Section, "child" means any
24 person under 18 years of age.

25 (c) Ritualized abuse of a child is a Class 1 felony for a
26 first offense. A second or subsequent conviction for ritualized

1 abuse of a child is a Class X felony for which the offender may
2 be sentenced to a term of natural life imprisonment.

3 (d) (Blank). ~~For the purposes of this Section, "child"~~
4 ~~means any person under 18 years of age.~~

5 (Source: P.A. 90-88, eff. 1-1-98.)

6 (720 ILCS 5/12-128) (was 720 ILCS 5/12-34)

7 Sec. 12-128 ~~12-34~~. Female genital mutilation.

8 (a) Except as otherwise permitted in subsection (b),
9 whoever knowingly circumcises, excises, or infibulates, in
10 whole or in part, the labia majora, labia minora, or clitoris
11 of another commits the offense of female genital mutilation.
12 Consent to the procedure by a minor on whom it is performed or
13 by the minor's parent or guardian is not a defense to a
14 violation of this Section.

15 (b) A surgical procedure is not a violation of subsection
16 (a) if the procedure is performed by a physician licensed to
17 practice medicine in all of its branches and:

18 (1) is necessary to the health of the person on whom it
19 is performed ~~and is performed by a physician licensed to~~
20 ~~practice medicine in all of its branches;~~ or

21 (2) is performed on a person who is in labor or who has
22 just given birth and is performed for medical purposes
23 connected with that labor or birth ~~by a physician licensed~~
24 ~~to practice medicine in all of its branches.~~

25 (c) Sentence. Female genital mutilation is a Class X

1 felony.

2 (Source: P.A. 90-88, eff. 1-1-98.)

3 (720 ILCS 5/12-129) (was 720 ILCS 5/12-35)

4 Sec. 12-129 ~~12-35~~. Sexual conduct ~~or sexual contact~~ with an
5 animal.

6 (a) A person may not knowingly engage in any sexual conduct
7 ~~or sexual contact~~ with an animal.

8 (b) (Blank). ~~A person may not knowingly cause, aid, or abet~~
9 ~~another person to engage in any sexual conduct or sexual~~
10 ~~contact with an animal.~~

11 (c) (Blank). ~~A person may not knowingly permit any sexual~~
12 ~~conduct or sexual contact with an animal to be conducted on any~~
13 ~~premises under his or her charge or control.~~

14 (d) (Blank). ~~A person may not knowingly engage in, promote,~~
15 ~~aid, or abet any activity involving any sexual conduct or~~
16 ~~sexual contact with an animal for a commercial or recreational~~
17 ~~purpose.~~

18 (e) Sentence. A person who violates this Section is guilty
19 of a Class 4 felony. A person who violates this Section in the
20 presence of a person under 18 years of age or causes the animal
21 serious physical injury or death is guilty of a Class 3 felony.

22 (f) In addition to the penalty imposed in subsection (e),
23 the court may order that the defendant do any of the following:

24 (1) Not harbor animals or reside in any household where
25 animals are present for a reasonable period of time or

1 permanently, if necessary.

2 (2) Relinquish and permanently forfeit all animals
3 residing in the household to a recognized or duly organized
4 animal shelter or humane society.

5 (3) Undergo a psychological evaluation and counseling
6 at defendant's expense.

7 (4) Reimburse the animal shelter or humane society for
8 any reasonable costs incurred for the care and maintenance
9 of the animal involved in the sexual conduct or sexual
10 contact in addition to any animals relinquished to the
11 animal shelter or humane society.

12 (g) Nothing in this Section shall be construed to prohibit
13 accepted animal husbandry practices or accepted veterinary
14 medical practices by a licensed veterinarian or certified
15 veterinary technician.

16 (h) If the court has reasonable grounds to believe that a
17 violation of this Section has occurred, the court may order the
18 seizure of all animals involved in the alleged violation as a
19 condition of bond of a person charged with a violation of this
20 Section.

21 (i) In this Section:

22 "Animal" means every creature, either alive or dead, other
23 than a human being.

24 "Sexual conduct" means any knowing touching or fondling by
25 a person, either directly or through clothing, of the sex
26 organs, mouth, or anus of an animal or any transfer or

1 transmission of semen by the person upon any part of the
2 animal, for the purpose of sexual gratification or arousal of
3 the person.

4 ~~"Sexual contact" means any contact, however slight,~~
5 ~~between the sex organ or anus of a person and the sex organ,~~
6 ~~mouth, or anus of an animal, or any intrusion, however slight,~~
7 ~~of any part of the body of the person into the sex organ or anus~~
8 ~~of an animal, for the purpose of sexual gratification or~~
9 ~~arousal of the person. Evidence of emission of semen is not~~
10 ~~required to prove sexual contact.~~

11 (Source: P.A. 92-721, eff. 1-1-03.)

12 (720 ILCS 5/12-130) (was 720 ILCS 5/12-10.2)

13 Sec. 12-130 ~~12-10.2~~. Tongue splitting.

14 (a) (Blank). ~~In this Section, "tongue splitting" means the~~
15 ~~cutting of a human tongue into 2 or more parts.~~

16 (b) A person may not knowingly perform tongue splitting on
17 another person unless the person performing the tongue
18 splitting is licensed to practice medicine in all its branches
19 under the Medical Practice Act of 1987 or licensed under the
20 Illinois Dental Practice Act.

21 (c) Sentence. Tongue splitting performed in violation of
22 this Section is a Class A misdemeanor for a first offense and a
23 Class 4 felony for a second or subsequent offense.

24 (Source: P.A. 93-449, eff. 1-1-04.)

1 (720 ILCS 5/12-131 new)

2 Sec. 12-131. Abandonment of children by school bus driver.
3 A person commits the offense of Abandonment of children by
4 school bus driver when he or she knowingly abandons the school
5 bus while it contains any children who are without other adult
6 supervision, except in an emergency where the driver is seeking
7 help or otherwise acting in the best interests of the children.
8 Any person convicted under this Section shall for the first
9 offense be guilty of a Class A misdemeanor, and for a second or
10 any subsequent offense shall be guilty of a Class 4 felony.

11 (720 ILCS 5/12-132) (was 720 ILCS 5/12A-1)

12 Sec. 12-132 ~~12A-1~~. Short title. Sections 12-132 through
13 12-137 ~~This Article~~ may be cited as the Violent Video Games
14 Law.

15 (Source: P.A. 94-315, eff. 1-1-06.)

16 (720 ILCS 5/12-133) (was 720 ILCS 5/12A-5)

17 Sec. 12-133 ~~12A-5~~. Findings.

18 (a) The General Assembly finds that minors who play violent
19 video games are more likely to:

20 (1) Exhibit violent, asocial, or aggressive behavior.

21 (2) Experience feelings of aggression.

22 (3) Experience a reduction of activity in the frontal
23 lobes of the brain which is responsible for controlling
24 behavior.

1 (b) While the video game industry has adopted its own
2 voluntary standards describing which games are appropriate for
3 minors, those standards are not adequately enforced.

4 (c) Minors are capable of purchasing and do purchase
5 violent video games.

6 (d) The State has a compelling interest in assisting
7 parents in protecting their minor children from violent video
8 games.

9 (e) The State has a compelling interest in preventing
10 violent, aggressive, and asocial behavior.

11 (f) The State has a compelling interest in preventing
12 psychological harm to minors who play violent video games.

13 (g) The State has a compelling interest in eliminating any
14 societal factors that may inhibit the physiological and
15 neurological development of its youth.

16 (h) The State has a compelling interest in facilitating the
17 maturation of Illinois' children into law-abiding, productive
18 adults.

19 (Source: P.A. 94-315, eff. 1-1-06.)

20 (720 ILCS 5/12-134) (was 720 ILCS 5/12A-10)

21 Sec. 12-134 ~~12A-10~~. Definitions. For the purposes of
22 Sections 12-132 through 12-137 ~~this Article~~, the following
23 terms have the following meanings:

24 (a) "Video game retailer" means a person who sells or rents
25 video games to the public.

1 (b) "Video game" means an object or device that stores
2 recorded data or instructions, receives data or instructions
3 generated by a person who uses it, and, by processing the data
4 or instructions, creates an interactive game capable of being
5 played, viewed, or experienced on or through a computer, gaming
6 system, console, or other technology.

7 (c) "Minor" means a person under 18 years of age.

8 (d) "Person" includes but is not limited to an individual,
9 corporation, partnership, and association.

10 (e) "Violent" video games include depictions of or
11 simulations of human-on-human violence in which the player
12 kills or otherwise causes serious physical harm to another
13 human. "Serious physical harm" includes depictions of death,
14 dismemberment, amputation, decapitation, maiming,
15 disfigurement, mutilation of body parts, or rape.

16 (Source: P.A. 94-315, eff. 1-1-06.)

17 (720 ILCS 5/12-135) (was 720 ILCS 5/12A-15)

18 Sec. 12-135 ~~12A-15~~. Restricted sale or rental of violent
19 video games.

20 (a) A person who sells, rents, or permits to be sold or
21 rented, any violent video game to any minor, commits a petty
22 offense for which a fine of \$1,000 may be imposed.

23 (b) A person who sells, rents, or permits to be sold or
24 rented any violent video game via electronic scanner must
25 program the electronic scanner to prompt sales clerks to check

1 identification before the sale or rental transaction is
2 completed. A person who violates this subsection (b) commits a
3 petty offense for which a fine of \$1,000 may be imposed.

4 (c) A person may not sell or rent, or permit to be sold or
5 rented, any violent video game through a self-scanning checkout
6 mechanism. A person who violates this subsection (c) commits a
7 petty offense for which a fine of \$1,000 may be imposed.

8 (d) A retail sales clerk shall not be found in violation of
9 this Section unless he or she has complete knowledge that the
10 party to whom he or she sold or rented a violent video game was
11 a minor and the clerk sold or rented the video game to the
12 minor with the specific intent to do so.

13 (Source: P.A. 94-315, eff. 1-1-06.)

14 (720 ILCS 5/12-136) (was 720 ILCS 5/12A-20)

15 Sec. 12-136 ~~12A-20~~. Affirmative defenses. In any
16 prosecution arising under Sections 12-132 through 12-137 ~~this~~
17 ~~Article~~, it is an affirmative defense:

18 (1) that the defendant was a family member of the minor
19 for whom the video game was purchased. "Family member" for
20 the purpose of this Section, includes a parent, sibling,
21 grandparent, aunt, uncle, or first cousin;

22 (2) that the minor who purchased the video game
23 exhibited a draft card, driver's license, birth
24 certificate or other official or apparently official
25 document purporting to establish that the minor was 18

1 years of age or older, which the defendant reasonably
2 relied on and reasonably believed to be authentic;

3 (3) for the video game retailer, if the retail sales
4 clerk had complete knowledge that the party to whom he or
5 she sold or rented a violent video game was a minor and the
6 clerk sold or rented the video game to the minor with the
7 specific intent to do so; or

8 (4) that the video game sold or rented was pre-packaged
9 and rated EC, E10+, E, or T by the Entertainment Software
10 Ratings Board.

11 (Source: P.A. 94-315, eff. 1-1-06.)

12 (720 ILCS 5/12-137) (was 720 ILCS 5/12A-25)

13 Sec. 12-137 ~~12A-25~~. Labeling of violent video games.

14 (a) Video game retailers shall label all violent video
15 games as defined in Section 12-134 ~~this Article~~, with a solid
16 white "18" outlined in black. The "18" shall have dimensions of
17 no less than 2 inches by 2 inches. The "18" shall be displayed
18 on the front face of the video game package.

19 (b) A retailer's failure to comply with this Section is a
20 petty offense punishable by a fine of \$500 for the first 3
21 violations, and \$1,000 for every subsequent violation.

22 (Source: P.A. 94-315, eff. 1-1-06.)

23 (720 ILCS 5/Art. 13 heading new)

24 ARTICLE 13. TERRORISM

1 (720 ILCS 5/13-1) (was 720 ILCS 5/29D-5)

2 Sec. 13-1 ~~29D-5~~. Legislative findings. The devastating
3 consequences of the barbaric attacks on the World Trade Center
4 and the Pentagon on September 11, 2001 underscore the
5 compelling need for legislation that is specifically designed
6 to combat the evils of terrorism. Terrorism is inconsistent
7 with civilized society and cannot be tolerated.

8 A comprehensive State law is urgently needed to complement
9 federal laws in the fight against terrorism and to better
10 protect all citizens against terrorist acts. Accordingly, the
11 legislature finds that our laws must be strengthened to ensure
12 that terrorists, as well as those who solicit or provide
13 financial and other support to terrorists, are prosecuted and
14 punished in State courts with appropriate severity. The
15 legislature further finds that due to the grave nature and
16 global reach of terrorism that a comprehensive law encompassing
17 State criminal statutes and strong civil remedies is needed.

18 An investigation may not be initiated or continued for
19 activities protected by the First Amendment to the United
20 States Constitution, including expressions of support or the
21 provision of financial support for the nonviolent political,
22 religious, philosophical, or ideological goals or beliefs of
23 any person or group.

24 (Source: P.A. 92-854, eff. 12-5-02.)

1 (720 ILCS 5/13-2) (was 720 ILCS 5/29D-10)

2 Sec. 13-2 ~~29D-10~~. Definitions. As used in this Article,
3 where not otherwise distinctly expressed or manifestly
4 incompatible with the intent of this Article:

5 ~~(a)~~ "Computer network" means a set of related, remotely
6 connected devices and any communications facilities including
7 more than one computer with the capability to transmit data
8 among them through communication facilities.

9 ~~(b)~~ "Computer" means a device that accepts, processes,
10 stores, retrieves, or outputs data, and includes, but is not
11 limited to, auxiliary storage and telecommunications devices.

12 ~~(c)~~ "Computer program" means a series of coded instruction
13 or statements in a form acceptable to a computer which causes
14 the computer to process data and supply the results of data
15 processing.

16 ~~(d)~~ "Data" means representations of information,
17 knowledge, facts, concepts or instructions, including program
18 documentation, that are prepared in a formalized manner and are
19 stored or processed in or transmitted by a computer. Data may
20 be in any form, including but not limited to magnetic or
21 optical storage media, punch cards, or data stored internally
22 in the memory of a computer.

23 ~~(e)~~ "Biological products used in or in connection with
24 agricultural production" includes, but is not limited to,
25 seeds, plants, and DNA of plants or animals altered for use in
26 crop or livestock breeding or production or which are sold,

1 intended, designed, or produced for use in crop production or
2 livestock breeding or production.

3 ~~(f)~~ "Agricultural products" means crops and livestock.

4 ~~(g)~~ "Agricultural production" means the breeding and
5 growing of livestock and crops.

6 ~~(g-5)~~ "Animal feed" means an article that is intended for
7 use for food for animals other than humans and that is intended
8 for use as a substantial source of nutrients in the diet of the
9 animal, and is not limited to a mixture intended to be the sole
10 ration of the animal.

11 ~~(g-10)~~ "Contagious or infectious disease" means a specific
12 disease designated by the Illinois Department of Agriculture as
13 contagious or infectious under rules pertaining to the Illinois
14 Diseased Animals Act.

15 ~~(g-15)~~ "Processed food" means any food other than a raw
16 agricultural commodity and includes any raw agricultural
17 commodity that has been subject to processing, such as canning,
18 cooking, freezing, dehydration, or milling.

19 ~~(g-20)~~ "Raw agricultural commodity" means any food in its
20 raw or natural state, including all fruits that are washed,
21 colored, or otherwise treated in their unpeeled natural form
22 prior to marketing.

23 ~~(g-25)~~ "Endangering the food supply" means to knowingly:

24 (1) bring into this State any domestic animal that is
25 affected with any contagious or infectious disease or any
26 animal that has been exposed to any contagious or

1 infectious disease;

2 (2) expose any animal in this State to any contagious
3 or infectious disease;

4 (3) deliver any poultry that is infected with any
5 contagious or infectious disease to any poultry producer
6 pursuant to a production contract;

7 (4) except as permitted under the Insect Pest and Plant
8 Disease Act, bring or release into this State any insect
9 pest or expose any plant to an insect pest; or

10 (5) expose any raw agricultural commodity, animal
11 feed, or processed food to any contaminant or contagious or
12 infectious disease.

13 "Endangering the food supply" does not include bona fide
14 experiments and actions related to those experiments carried on
15 by commonly recognized research facilities or actions by
16 agricultural producers and animal health professionals who may
17 inadvertently contribute to the spread of detrimental
18 biological agents while employing generally acceptable
19 management practices.

20 ~~(g-30)~~ "Endangering the water supply" means to knowingly
21 contaminate a public or private water well or water reservoir
22 or any water supply of a public utility or tamper with the
23 production of bottled or packaged water or tamper with bottled
24 or packaged water at a retail or wholesale mercantile
25 establishment. "Endangering the water supply" does not include
26 contamination of a public or private well or water reservoir or

1 any water supply of a public utility that may occur
2 inadvertently as part of the operation of a public utility or
3 electrical generating station.

4 ~~(h)~~ "Livestock" means animals bred or raised for human
5 consumption.

6 ~~(i)~~ "Crops" means plants raised for: (1) human consumption,
7 (2) fruits that are intended for human consumption, (3)
8 consumption by livestock, and (4) fruits that are intended for
9 consumption by livestock.

10 ~~(j)~~ "Communications systems" means any works, property, or
11 material of any radio, telegraph, telephone, microwave, or
12 cable line, station, or system.

13 ~~(k)~~ "Substantial damage" means monetary damage greater
14 than \$100,000.

15 ~~(l)~~ "Terrorist act" or "act of terrorism" means: (1) any
16 act that is intended to cause or create a risk and does cause
17 or create a risk of death or great bodily harm to one or more
18 persons; (2) any act that disables or destroys the usefulness
19 or operation of any communications system; (3) any act or any
20 series of 2 or more acts committed in furtherance of a single
21 intention, scheme, or design that disables or destroys the
22 usefulness or operation of a computer network, computers,
23 computer programs, or data used by any industry, by any class
24 of business, or by 5 or more businesses or by the federal
25 government, State government, any unit of local government, a
26 public utility, a manufacturer of pharmaceuticals, a national

1 defense contractor, or a manufacturer of chemical or biological
2 products used in or in connection with agricultural production;
3 (4) any act that disables or causes substantial damage to or
4 destruction of any structure or facility used in or used in
5 connection with ground, air, or water transportation; the
6 production or distribution of electricity, gas, oil, or other
7 fuel (except for acts that occur inadvertently and as the
8 result of operation of the facility that produces or
9 distributes electricity, gas, oil, or other fuel); the
10 treatment of sewage or the treatment or distribution of water;
11 or controlling the flow of any body of water; (5) any act that
12 causes substantial damage to or destruction of livestock or to
13 crops or a series of 2 or more acts committed in furtherance of
14 a single intention, scheme, or design which, in the aggregate,
15 causes substantial damage to or destruction of livestock or
16 crops; (6) any act that causes substantial damage to or
17 destruction of any hospital or any building or facility used by
18 the federal government, State government, any unit of local
19 government or by a national defense contractor or by a public
20 utility, a manufacturer of pharmaceuticals, a manufacturer of
21 chemical or biological products used in or in connection with
22 agricultural production or the storage or processing of
23 agricultural products or the preparation of agricultural
24 products for food or food products intended for resale or for
25 feed for livestock; (7) any act that causes substantial damage
26 to any building containing 5 or more businesses of any type or

1 to any building in which 10 or more people reside; (8)
2 endangering the food supply; or (9) endangering the water
3 supply.

4 ~~(m)~~ "Terrorist" and "terrorist organization" means any
5 person who engages or is about to engage in a terrorist act
6 with the intent to intimidate or coerce a significant portion
7 of a civilian population.

8 ~~(n)~~ "Material support or resources" means currency or other
9 financial securities, financial services, lodging, training,
10 safe houses, false documentation or identification,
11 communications equipment, facilities, weapons, lethal
12 substances, explosives, personnel, transportation, any other
13 kind of physical assets or intangible property, and expert
14 services or expert assistance.

15 ~~(o)~~ "Person" has the meaning given in Section 2-15 of this
16 Code and, in addition to that meaning, includes, without
17 limitation, any charitable organization, whether incorporated
18 or unincorporated, any professional fund raiser, professional
19 solicitor, limited liability company, association, joint stock
20 company, association, trust, trustee, or any group of people
21 formally or informally affiliated or associated for a common
22 purpose, and any officer, director, partner, member, or agent
23 of any person.

24 ~~(p)~~ "Render criminal assistance" means to do any of the
25 following with the intent to prevent, hinder, or delay the
26 discovery or apprehension of, or the lodging of a criminal

1 charge against, a person who he or she knows or believes has
2 committed an offense under this Article or is being sought by
3 law enforcement officials for the commission of an offense
4 under this Article, or with the intent to assist a person in
5 profiting or benefiting from the commission of an offense under
6 this Article:

7 (1) harbor or conceal the person;

8 (2) warn the person of impending discovery or
9 apprehension;

10 (3) provide the person with money, transportation, a
11 weapon, a disguise, false identification documents, or any
12 other means of avoiding discovery or apprehension;

13 (4) prevent or obstruct, by means of force,
14 intimidation, or deception, anyone from performing an act
15 that might aid in the discovery or apprehension of the
16 person or in the lodging of a criminal charge against the
17 person;

18 (5) suppress, by any act of concealment, alteration, or
19 destruction, any physical evidence that might aid in the
20 discovery or apprehension of the person or in the lodging
21 of a criminal charge against the person;

22 (6) aid the person to protect or expeditiously profit
23 from an advantage derived from the crime; or

24 (7) provide expert services or expert assistance to the
25 person. Providing expert services or expert assistance
26 shall not be construed to apply to: (1) a licensed attorney

1 who discusses with a client the legal consequences of a
2 proposed course of conduct or advises a client of legal or
3 constitutional rights and (2) a licensed medical doctor who
4 provides emergency medical treatment to a person whom he or
5 she believes has committed an offense under this Article
6 if, as soon as reasonably practicable either before or
7 after providing such treatment, he or she notifies a law
8 enforcement agency.

9 (Source: P.A. 94-68, eff. 6-22-05.)

10 (720 ILCS 5/13-3) (was 720 ILCS 5/29D-15)

11 Sec. 13-3 ~~29D-15~~. Material Soliciting material support for
12 terrorism; ~~providing material support for a terrorist act.~~

13 (a) A person is guilty of soliciting or providing material
14 support for terrorism if he or she knowingly raises, solicits,
15 ~~or~~ collects, or provides material support or resources knowing
16 that the material support or resources will be used, in whole
17 or in part, to plan, prepare, carry out, facilitate, or avoid
18 apprehension for committing terrorism as defined in Section
19 13-6 ~~29D-30~~ or causing a catastrophe as defined in Section 13-7
20 ~~20.5-5~~ (720 ILCS 5/20.5-5) of this Code, or who knows and
21 intends that the material support or resources so raised,
22 solicited, ~~or~~ collected, or provided will be used in the
23 commission of a terrorist act as defined in Section 13-2(1)
24 ~~29D-10(1)~~ of this Code by an organization designated under 8
25 U.S.C. 1189, as amended. It is not an element of the offense

1 that the defendant actually knows that an organization has been
2 designated under 8 U.S.C. 1189, as amended.

3 ~~(b) A person is guilty of providing material support for~~
4 ~~terrorism if he or she knowingly provides material support or~~
5 ~~resources to a person knowing that the person will use that~~
6 ~~support or those resources in whole or in part to plan,~~
7 ~~prepare, carry out, facilitate, or to avoid apprehension for~~
8 ~~committing terrorism as defined in Section 29D-30 or to cause a~~
9 ~~catastrophe as defined in Section 20.5-5 (720 ILCS 5/20.5-5) of~~
10 ~~this Code.~~

11 (b) ~~(e)~~ Sentence. Soliciting or providing material support
12 for terrorism is a Class X felony for which the sentence shall
13 be a term of imprisonment of no less than 9 years and no more
14 than 40 years. ~~Providing material support for a terrorist act~~
15 ~~is a Class X felony for which the sentence shall be a term of~~
16 ~~imprisonment of no less than 9 years and no more than 40 years.~~

17 (Source: P.A. 92-854, eff. 12-5-02.)

18 (720 ILCS 5/13-4) (was 720 ILCS 5/29D-20)

19 Sec. 13-4 ~~29D-20~~. Making a terrorist threat.

20 (a) A person is guilty of making a terrorist threat when,
21 with the intent to intimidate or coerce a significant portion
22 of a civilian population, he or she in any manner knowingly
23 threatens to commit or threatens to cause the commission of a
24 terrorist act as defined in Section 13-2(1) ~~29D-10(1)~~ and
25 thereby causes a reasonable expectation or fear of the imminent

1 commission of a terrorist act as defined in Section 13-2(1)
2 ~~29D-10(1)~~ or of another terrorist act as defined in Section
3 13-2(1) ~~29D-10(1)~~.

4 (b) It is not a defense to a prosecution under this Section
5 that at the time the defendant made the terrorist threat,
6 unknown to the defendant, it was impossible to carry out the
7 threat, nor is it a defense that the threat was not made to a
8 person who was a subject or intended victim of the threatened
9 act.

10 (c) Sentence. Making a terrorist threat is a Class X
11 felony.

12 (Source: P.A. 92-854, eff. 12-5-02.)

13 (720 ILCS 5/13-5) (was 720 ILCS 5/29D-25)

14 Sec. 13-5 ~~29D-25~~. Falsely making a terrorist threat.

15 (a) A person is guilty of falsely making a terrorist threat
16 when in any manner he or she knowingly makes a threat to commit
17 or cause to be committed a terrorist act as defined in Section
18 13-2(1) ~~29D-10(1)~~ or otherwise knowingly creates the
19 impression or belief that a terrorist act is about to be or has
20 been committed, or in any manner knowingly makes a threat to
21 commit or cause to be committed a catastrophe as defined in
22 Section 13-7 ~~20.5-5 (720 ILCS 5/20.5-5)~~ of this Code which he
23 or she knows is false.

24 (b) Sentence. Falsely making a terrorist threat is a Class
25 1 felony.

1 (Source: P.A. 92-854, eff. 12-5-02.)

2 (720 ILCS 5/13-6) (was 720 ILCS 5/29D-30)

3 Sec. 13-6 ~~29D-30~~. Terrorism.

4 (a) A person is guilty of terrorism when, with the intent
5 to intimidate or coerce a significant portion of a civilian
6 population:

7 (1) he or she knowingly commits a terrorist act as
8 defined in Section 13-2(1) ~~29D-10(1)~~ of this Code within
9 this State; or

10 (2) he or she, while outside this State, knowingly
11 commits a terrorist act as defined in Section 13-2(1)
12 ~~29D-10(1)~~ of this Code that takes effect within this State
13 or produces substantial detrimental effects within this
14 State.

15 (b) Sentence. Terrorism is a Class X felony. If no deaths
16 are caused by the terrorist act, the sentence shall be a term
17 of 20 years to natural life imprisonment; however, if the
18 terrorist act caused the death of one or more persons, a
19 mandatory term of natural life imprisonment shall be the
20 sentence in the event the death penalty is not imposed.

21 (Source: P.A. 92-854, eff. 12-5-02.)

22 (720 ILCS 5/13-7) (was 720 ILCS 5/20.5-5)

23 Sec. 13-7 ~~20.5-5~~. Causing a catastrophe.

24 (a) A person commits the offense of causing a catastrophe

1 if he or she knowingly causes a catastrophe by explosion, fire,
2 flood, collapse of a building, release of poison, radioactive
3 material, bacteria, virus, or other dangerous and difficult to
4 confine force or substance.

5 (b) As used in this Section, "catastrophe" means serious
6 physical injury to 5 or more persons or substantial damage to 5
7 or more buildings or inhabitable structures or substantial
8 damage to a vital public facility that seriously impairs its
9 usefulness or operation; and "vital public facility" means a
10 facility that is necessary to ensure or protect the public
11 health, safety, or welfare, including but not limited to, a
12 hospital, law enforcement agency, fire department, private or
13 public utility company, national defense contractor, a
14 facility of the armed forces, or emergency services agency.

15 (c) Sentence. Causing a catastrophe is a Class X felony.
16 (Source: P.A. 90-669, eff. 7-31-98.)

17 (720 ILCS 5/13-8) (was 720 ILCS 5/20.5-6)

18 Sec. 13-8 ~~20.5-6~~. Possession of a deadly substance.

19 (a) A person commits the offense of possession of a deadly
20 substance when he or she possesses, manufactures or transports
21 any poisonous gas, deadly biological or chemical contaminant or
22 agent, or radioactive substance either with the intent to use
23 such gas, biological or chemical contaminant or agent, or
24 radioactive substance to commit a felony or with the knowledge
25 that another person intends to use such gas, biological or

1 chemical contaminant or agent, or radioactive substance to
2 commit a felony.

3 (b) Sentence. Possession of a deadly substance is a Class 1
4 felony for which a person, if sentenced to a term of
5 imprisonment, shall be sentenced to a term of not less than 4
6 years and not more than 30 years.

7 (Source: P.A. 91-121, eff. 7-15-99.)

8 (720 ILCS 5/13-9 new)

9 Sec. 13-9. Boarding or attempting to board an aircraft with
10 weapon.

11 (a) It is unlawful for any person to board or attempt to
12 board any commercial or charter aircraft, knowingly having in
13 his possession any firearm, explosive of any type or other
14 lethal or dangerous weapon.

15 (b) This Section does not apply to any person authorized by
16 either the Federal government or any State government to carry
17 firearms but such person so exempted from the provisions of
18 this Section shall notify the commander of any aircraft he is
19 about to board that he does possess a firearm and show
20 identification satisfactory to the aircraft commander that he
21 is authorized to carry such firearm.

22 (c) Any person purchasing a ticket to board any commercial
23 or charter aircraft shall by such purchase consent to a search
24 of his person or personal belongings by the company selling the
25 ticket to him. Such person may refuse to submit to a search of

1 his person or personal belongings by the aircraft company but
2 the person refusing may be denied the right to board such
3 commercial or charter aircraft at the discretion of the
4 carrier. Such refusal shall create no inference of unlawful
5 conduct.

6 (d) Any evidence of criminal activity found during a search
7 made pursuant to this Section shall be admissible in legal
8 proceedings for the sole purpose of supporting a charge of
9 violation of this Section and is inadmissible as evidence in
10 any legal proceeding for any other purpose, except in the
11 prosecution of offenses related to weapons as set out in
12 Article 24 of the Criminal Code of 1961.

13 (e) No action may be brought against any commercial or
14 charter airline company operating in this State, for the
15 refusal of such company to permit a person to board any
16 aircraft where such person refused to be searched as set out in
17 subsection (c) of this Section.

18 (f) Violation of this Section is a Class 4 felony.

19 (720 ILCS 5/13-10) (was 720 ILCS 5/29D-35)

20 Sec. 13-10 ~~29D-35~~. Hindering prosecution of terrorism.

21 (a) A person is guilty of hindering prosecution of
22 terrorism when he or she renders criminal assistance to a
23 person who has committed terrorism as defined in Section 13-6
24 ~~29D-30~~ or caused a catastrophe, as defined in Section 13-7
25 ~~20.5-5~~ of this Code when he or she knows that the person to

1 whom he or she rendered criminal assistance engaged in an act
2 of terrorism or caused a catastrophe.

3 (b) Hindering prosecution of terrorism is a Class X felony,
4 the sentence for which shall be a term of 20 years to natural
5 life imprisonment if no death was caused by the act of
6 terrorism committed by the person to whom the defendant
7 rendered criminal assistance and a mandatory term of natural
8 life imprisonment if death was caused by the act of terrorism
9 committed by the person to whom the defendant rendered criminal
10 assistance.

11 (Source: P.A. 92-854, eff. 12-5-02.)

12 (720 ILCS 5/13-11) (was 720 ILCS 5/29D-40)

13 Sec. 13-11 ~~29D-40~~. Restitution. In addition to any other
14 penalty that may be imposed, a court shall sentence any person
15 convicted of any violation of this Article to pay all expenses
16 incurred by the federal government, State government, or any
17 unit of local government in responding to any violation and
18 cleaning up following any violation.

19 (Source: P.A. 92-854, eff. 12-5-02.)

20 (720 ILCS 5/13-12) (was 720 ILCS 5/29D-45)

21 Sec. 13-12 ~~29D-45~~. Limitations. A prosecution for any
22 offense in this Article may be commenced at any time.

23 (Source: P.A. 92-854, eff. 12-5-02.)

1 (720 ILCS 5/13-13) (was 720 ILCS 5/29D-60)

2 Sec. 13-13 ~~29D-60~~. Injunctive relief. Whenever it appears
3 to the Attorney General or any State's Attorney that any person
4 is engaged in, or is about to engage in, any act that
5 constitutes or would constitute a violation of this Article,
6 the Attorney General or any State's Attorney may initiate a
7 civil action in the circuit court to enjoin the violation.

8 (Source: P.A. 92-854, eff. 12-5-02.)

9 (720 ILCS 5/13-14) (was 720 ILCS 5/29D-70)

10 Sec. 13-14 ~~29D-70~~. Severability. If any clause, sentence,
11 Section, provision, or part of this Article or the application
12 thereof to any person or circumstance shall be adjudged to be
13 unconstitutional, the remainder of this Article or its
14 application to persons or circumstances other than those to
15 which it is held invalid, shall not be affected thereby.

16 (Source: P.A. 92-854, eff. 12-5-02.)

17 (720 ILCS 5/14-10 new)

18 Sec. 14-10. Communications company privacy violation.

19 (a) "Communications Company" means any person or
20 organization which owns, controls, operates or manages any
21 company which provides information or entertainment
22 electronically to a household, including but not limited to a
23 cable or community antenna television system.

24 (b) A person commits the offense of Communications company

1 privacy violation when he or she:

2 (1) installs and uses any equipment which would allow a
3 communications company to visually observe or listen to
4 what is occurring in an individual subscriber's household
5 without the knowledge or permission of the subscriber;

6 (2) provides any person or public or private
7 organization with a list containing the name of a
8 subscriber, unless the communications company gives notice
9 thereof to the subscriber;

10 (3) discloses the television viewing habits of any
11 individual subscriber without the subscriber's consent; or

12 (4) installs or maintains a home-protection scanning
13 device in a dwelling as part of a communication service
14 without the express written consent of the occupant.

15 (c) Sentence. A violation of subsection (b) is a business
16 offense, punishable by a fine not to exceed \$10,000.

17 (d) Civil damages. A person who has been injured by a
18 violation of subsection (b) may commence an action in the
19 circuit court for damages against any communications company
20 which has committed a violation. If the court awards damages,
21 the plaintiff shall be awarded costs.

22 (720 ILCS 5/14-11 new)

23 Sec. 14-11. Unauthorized video recording and live video
24 transmission.

25 (a) A person violates this Section when he or she knowingly

1 makes a video record or transmits a live video of another
2 person without that person's consent in a restroom, tanning
3 bed, tanning salon, locker room, changing room, or hotel
4 bedroom.

5 (a-5) A person violates this Section when he or she
6 knowingly makes a video record or transmits live video of
7 another person in that other person's residence without that
8 person's consent.

9 (a-10) A person violates this Section when he or she
10 knowingly makes a video record or transmits live video of
11 another person under or through the clothing worn by that other
12 person for the purpose of viewing the body of or the
13 undergarments worn by that other person without that person's
14 consent.

15 (a-15) A person violates this Section when he or she places
16 or causes to be placed a device that makes a video record or
17 transmits a live video in a restroom, tanning bed, tanning
18 salon, locker room, changing room, or hotel bedroom with the
19 intent to make a video record or transmit live video of another
20 person without that person's consent.

21 (a-20) A person violates this Section when he or she places
22 or causes to be placed a device that makes a video record or
23 transmits a live video with the intent to make a video record
24 or transmit live video of another person in that other person's
25 residence without that person's consent.

26 (a-25) A person violates this Section when he or she, by

1 any means, knowingly disseminates, or permits to be
2 disseminated, a video record or live video that he or she knows
3 to have been made or transmitted in violation of (a), (a-5),
4 (a-10), (a-15), or (a-20).

5 (b) Exemptions. The following activities shall be exempt
6 from the provisions of this Section:

7 (1) The making of a video record or transmission of
8 live video by law enforcement officers pursuant to a
9 criminal investigation, which is otherwise lawful;

10 (2) The making of a video record or transmission of
11 live video by correctional officials for security reasons
12 or for investigation of alleged misconduct involving a
13 person committed to the Department of Corrections.

14 (3) The making of a video record or transmission of
15 live video in a locker room by a reporter or news medium,
16 as those terms are defined in Section 8-902 of the Code of
17 Civil Procedure, where the reporter or news medium has been
18 granted access to the locker room by an appropriate
19 authority for the purpose of conducting interviews.

20 (c) The provisions of this Section do not apply to any
21 sound recording or transmission of an oral conversation made as
22 the result of the making of a video record or transmission of
23 live video, and to which this Article applies.

24 (d) Sentence.

25 (1) A violation of subsection (a), (a-10), (a-15), or
26 (a-20) is a Class A misdemeanor.

1 (2) A violation of subsection (a-5) is a Class 4
2 felony.

3 (3) A violation of subsection (a-25) is a Class 3
4 felony.

5 (4) A violation of subsection (a), (a-5), (a-10),
6 (a-15) or (a-20) is a Class 3 felony if the victim is a
7 person under 18 years of age or if the violation is
8 committed by an individual who is required to register as a
9 sex offender under the Sex Offender Registration Act.

10 (5) A violation of subsection (a-25) is a Class 2
11 felony if the victim is a person under 18 years of age or
12 if the violation is committed by an individual who is
13 required to register as a sex offender under the Sex
14 Offender Registration Act.

15 (e) For purposes of this Section, "video record" means and
16 includes any videotape, photograph, film, or other electronic
17 or digital recording of a still or moving visual image; and
18 "live video" means and includes any real-time or
19 contemporaneous electronic or digital transmission of a still
20 or moving visual image.

21 (720 ILCS 5/15-0.5 new)

22 Sec. 15-0.5. Definitions. Each definition in this Article
23 15, unless otherwise stated, applies to Part C of this Code.

24 Access. "Access" means to use, instruct, communicate with,
25 store data in, retrieve or intercept data from, or otherwise

1 utilize any services of a computer.

2 Account holder. "Account holder" means any person having a
3 checking account or savings account in a financial institution.

4 Altered credit or debit card. "Altered credit or debit
5 card" for the purpose of credit and debit card fraud means any
6 instrument or device, whether known as a credit card or debit
7 card, which has been changed in any respect by addition or
8 deletion of any material, except for the signature by the
9 person to whom the card is issued.

10 Cardholder. "Cardholder" for the purpose of credit card and
11 debit card fraud means the person or organization named on the
12 face of a credit card or debit card to whom or for whose
13 benefit the credit card or debit card is issued by an issuer.

14 Coin-operated machine. "Coin-operated machine" shall
15 include any automatic vending machine or any part thereof,
16 parking meter, coin telephone, coin laundry machine, coin dry
17 cleaning machine, coin-operated transit turnstile or transit
18 fare box, amusement machine, music machine, vending machine
19 dispensing goods or services, or money changer.

20 Communication device. "Communication device" means any
21 type of instrument, device, machine, or equipment which is
22 capable of transmitting, acquiring, decrypting, or receiving
23 any telephonic, electronic, data, Internet access, audio,
24 video, microwave, or radio transmissions, signals,
25 communications, or services, including the receipt,
26 acquisition, transmission, or decryption of all such

1 communications, transmissions, signals, or services provided
2 by or through any cable television, fiber optic, telephone,
3 satellite, microwave, radio, Internet-based, data
4 transmission, or wireless distribution network, system or
5 facility; or any part, accessory, or component thereof,
6 including any computer circuit, security module, smart card,
7 software, computer chip, electronic mechanism or other
8 component, accessory or part of any communication device which
9 is capable of facilitating the transmission, decryption,
10 acquisition or reception of all such communications,
11 transmissions, signals, or services.

12 Communication service. "Communication service" means any
13 service lawfully provided for a charge or compensation to
14 facilitate the lawful origination, transmission, emission, or
15 reception of signs, signals, data, writings, images, and sounds
16 or intelligence of any nature by telephone, including cellular
17 telephones or a wire, wireless, radio, electromagnetic,
18 photo-electronic or photo-optical system; and also any service
19 lawfully provided by any radio, telephone, cable television,
20 fiber optic, satellite, microwave, Internet-based or wireless
21 distribution network, system, facility or technology,
22 including, but not limited to, any electronic, data, video,
23 audio, Internet access, telephonic, microwave and radio
24 communications, transmissions, signals and services, and any
25 such communications, transmissions, signals, and services
26 lawfully provided directly or indirectly by or through any of

1 those networks, systems, facilities, or technologies.

2 Communication service provider. "Communication service
3 provider" means: (1) any person or entity providing any
4 communication service, whether directly or indirectly, as a
5 reseller, including, but not limited to, a cellular, paging or
6 other wireless communications company or other person or entity
7 which, for a fee, supplies the facility, cell site, mobile
8 telephone switching office, or other equipment or
9 communication service; (2) any person or entity owning or
10 operating any cable television, fiber optic, satellite,
11 telephone, wireless, microwave, radio, data transmission or
12 Internet-based distribution network, system, or facility; and
13 (3) any person or entity providing any communication service
14 directly or indirectly by or through any such distribution
15 system, network, or facility.

16 Compensated debt. "Compensated debt" means a debt incurred
17 by or on behalf of a crime victim and approved for payment by
18 the Court of Claims under the Crime Victims Compensation Act.

19 Computer. "Computer" means a device that accepts,
20 processes, stores, retrieves, or outputs data, and includes but
21 is not limited to auxiliary storage and telecommunications
22 devices connected to computers.

23 Computer network. "Computer network" means a set of
24 related, remotely connected devices and any communications
25 facilities including more than one computer with the capability
26 to transmit data among them through the communications

1 facilities.

2 Computer program or program. "Computer program" or
3 "program" means a series of coded instructions or statements in
4 a form acceptable to a computer which causes the computer to
5 process data and supply the results of the data processing.

6 Computer services. "Computer services" means computer time
7 or services, including data processing services, Internet
8 services, electronic mail services, electronic message
9 services, or information or data stored in connection
10 therewith.

11 Conceal. "Conceal" for the purpose of retail theft means
12 that, although there may be some notice of its presence, that
13 merchandise is not visible through ordinary observation.

14 Counterfeit. "Counterfeit" for the purpose of credit card
15 and debit card fraud means to manufacture, produce, or create,
16 by any means, a credit card or debit card without the purported
17 issuer's consent or authorization.

18 Credit card. "Credit card" for the purpose of credit card
19 and debit card fraud means any instrument or device, whether
20 known as a credit card, credit plate, charge plate, or any
21 other name, issued with or without fee by an issuer for the use
22 of the cardholder in obtaining money, goods, services, or
23 anything else of value on credit or in consideration or an
24 undertaking or guaranty by the issuer of the payment of a check
25 drawn by the cardholder.

26 Crime victim. "Crime victim" means a victim of a violent

1 crime or applicant as defined in the Crime Victims Compensation
2 Act.

3 Data. "Data" means a representation of information,
4 knowledge, facts, concepts, or instructions, including program
5 documentation, which is prepared in a formalized manner and is
6 stored or processed in or transmitted by a computer. Data shall
7 be considered property and may be in any form including but not
8 limited to printouts, magnetic or optical storage media, punch
9 cards, or data stored internally in the memory of the computer.

10 Debit card. "Debit card" for the purpose of credit and
11 debit card fraud means any instrument or device, known by any
12 name, issued with or without fee by an issuer for the use of
13 the cardholder in obtaining money, goods, services, and
14 anything else of value, payment of which is made against funds
15 previously deposited by the cardholder. A debit card which also
16 can be used to obtain money, goods, services, and anything else
17 of value on credit shall not be considered a debit card when it
18 is being used to obtain money, goods, services, or anything
19 else of value on credit.

20 Deception. "Deception" means knowingly to:

21 (a) Create or confirm another's impression which is
22 false and which the offender does not believe to be true;

23 or

24 (b) Fail to correct a false impression which the
25 offender previously has created or confirmed; or

26 (c) Prevent another from acquiring information

1 pertinent to the disposition of the property involved; or

2 (d) Sell or otherwise transfer or encumber property,
3 failing to disclose a lien, adverse claim, or other legal
4 impediment to the enjoyment of the property, whether such
5 impediment is or is not valid, or is or is not a matter of
6 official record; or

7 (e) Promise performance which the offender does not
8 intend to perform or knows will not be performed. Failure
9 to perform standing alone is not evidence that the offender
10 did not intend to perform; or

11 (f) Misrepresent or conceal a material fact relating to
12 the terms of a contract or agreement entered into with an
13 elderly person or person with a disability or to the
14 existing or pre-existing condition of any of the property
15 involved in such contract or agreement; or use or employ
16 any misrepresentation, false pretense, or false promise in
17 order to induce, encourage, or solicit an elderly person or
18 person with a disability to enter into a contract or
19 agreement.

20 Document. "Document" for the purpose of forgery includes,
21 but is not limited to, any document, representation, or image
22 produced manually, electronically, or by computer, and any
23 false academic degree, any universal price code label, or any
24 coin.

25 Document apparently capable of defrauding another.

26 "Document apparently capable of defrauding another" for the

1 purpose of forgery includes, but is not limited to, one by
2 which any right, obligation, or power with reference to any
3 person or property may be created, transferred, altered, or
4 terminated. A document includes any record or electronic record
5 as those terms are defined in the Electronic Commerce Security
6 Act.

7 Document-making implement. "Document-making implement" for
8 the purpose of forgery means any implement, impression,
9 template, computer file, computer disc, electronic device,
10 computer hardware, computer software, instrument, or device
11 that is used to make a real or fictitious or fraudulent
12 personal identification document.

13 Drug or alcohol screening test. "Drug or alcohol screening
14 test" includes, but is not limited to, urine testing, hair
15 follicle testing, perspiration testing, saliva testing, blood
16 testing, fingernail testing, and eye drug testing.

17 Elderly person. "Elderly person" for the purpose of
18 financial exploitation of an elderly person means a person 60
19 years of age or older.

20 Electronic funds transfer system. "Electronic funds
21 transfer system", hereinafter referred to as "EFT System", for
22 the purpose of credit card and debit card fraud means that
23 system whereby funds are transferred electronically from a
24 cardholder's account to any other account.

25 Electronic funds transfer terminal. "Electronic fund
26 transfer terminal" for the purpose of credit card and debit

1 card fraud means any machine or device that, when properly
2 activated, will perform any of the following services:

3 (a) Dispense money as a debit to the cardholder's
4 account; or

5 (b) Print the cardholder's account balances on a
6 statement; or

7 (c) Transfer funds between a cardholder's accounts; or

8 (d) Accept payments on a cardholder's loan; or

9 (e) Dispense cash advances on an open end credit or a
10 revolving charge agreement; or

11 (f) Accept deposits to a customer's account; or

12 (g) Receive inquiries of verification of checks and
13 dispense information that verifies that funds are
14 available to cover such checks; or

15 (h) Cause money to be transferred electronically from a
16 cardholder's account to an account held by any business,
17 firm, retail merchant, corporation, or any other
18 organization.

19 Electronic mail service provider. "Electronic mail service
20 provider" means any person who (1) is an intermediary in
21 sending or receiving electronic mail and (2) provides to
22 end-users of electronic mail services the ability to send or
23 receive electronic mail.

24 Expired credit card or debit card. "Expired credit card or
25 debit card" for the purpose of credit card and debit card fraud
26 means a credit card or debit card which is no longer valid

1 because the term on it has elapsed.

2 False academic degree. "False academic degree" means a
3 certificate, diploma, transcript, or other document purporting
4 to be issued by an institution of higher learning or purporting
5 to indicate that a person has completed an organized academic
6 program of study at an institution of higher learning when the
7 person has not completed the organized academic program of
8 study indicated on the certificate, diploma, transcript, or
9 other document.

10 False claim. "False claim" for the purpose of fraud on a
11 private or government entity means any statement made to any
12 insurer, purported insurer, servicing corporation, insurance
13 broker, or insurance agent, or any agent or employee of the
14 entities, and made as part of, or in support of, a claim for
15 payment or other benefit under a policy of insurance, or as
16 part of, or in support of, an application for the issuance of,
17 or the rating of, any insurance policy, when the statement
18 contains any false, incomplete, or misleading information
19 concerning any fact or thing material to the claim, or conceals
20 the occurrence of an event that is material to any person's
21 initial or continued right or entitlement to any insurance
22 benefit or payment, or the amount of any benefit or payment to
23 which the person is entitled.

24 False statement. "False statement" means any false
25 statement representing identity, address, or employment, or
26 the identity, address, or employment of any person, firm, or

1 corporation.

2 Financial crime. "Financial crime" means the commission of
3 misappropriation of financial institution property, commercial
4 bribery involving a financial institution, financial
5 institution and loan fraud, concealment of collateral, or
6 financial institution robbery.

7 Financial institution. "Financial institution" means any
8 bank, savings bank, savings and loan association, credit union,
9 trust company, currency exchange, or a depository of money, or
10 medium of savings and collective investment and lender of money
11 for compensation, whether direct or indirect, whose loans are
12 or are intended to be secured by real property including but
13 not limited to mortgage underwriters, and originators of loans
14 for such lenders, including but not limited to mortgage
15 brokers.

16 Financial transaction device. "Financial transaction
17 device" for the purpose of identity theft means any of the
18 following:

19 (1) An electronic funds transfer card.

20 (2) A credit card.

21 (3) A debit card.

22 (4) A point-of-sale card.

23 (5) Any instrument, device, card, plate, code, account
24 number, personal identification number, or a record or copy
25 of a code, account number, or personal identification
26 number or other means of access to a credit account or

1 deposit account, or a driver's license or state
2 identification card used to access a proprietary account,
3 other than access originated solely by a paper instrument,
4 that can be used alone or in conjunction with another
5 access device, for any of the following purposes:

6 (A) Obtaining money, cash refund or credit
7 account, credit, goods, services, or any other thing of
8 value.

9 (B) Certifying or guaranteeing to a person or
10 business the availability to the device holder of funds
11 on deposit to honor a draft or check payable to the
12 order of that person or business.

13 (C) Providing the device holder access to a deposit
14 account for the purpose of making deposits,
15 withdrawing funds, transferring funds between deposit
16 accounts, obtaining information pertaining to a
17 deposit account, or making an electronic funds
18 transfer.

19 Full retail value. "Full retail value" means the merchant's
20 stated or advertised price of the merchandise.

21 Governmental entity. "Governmental entity" for the purpose
22 of fraud on a private or government entity means each officer,
23 board, commission, and agency created by the Constitution,
24 whether in the executive, legislative, or judicial branch of
25 State government; each officer, department, board, commission,
26 agency, institution, authority, university, and body politic

1 and corporate of the State; each administrative unit or
2 corporate outgrowth of State government that is created by or
3 pursuant to statute, including units of local government and
4 their officers, school districts, and boards of election
5 commissioners; and each administrative unit or corporate
6 outgrowth of the above and as may be created by executive order
7 of the Governor.

8 Governmental property. "Governmental property" means funds
9 or other property owned by the State, a unit of local
10 government, or a school district.

11 Identification document. "Identification document" for the
12 purpose of WIC fraud includes, but is not limited to, an
13 authorization to participate in the Illinois Department of
14 Public Health or Department of Human Services Special
15 Supplemental Food Program for Women, Infants and Children (WIC)
16 or a card or other document that identifies a person as being
17 entitled to benefits in the Illinois Department of Public
18 Health or Department of Human Services Special Supplemental
19 Food Program for Women, Infants and Children (WIC).

20 Incomplete credit card or debit card. "Incomplete credit
21 card or debit card" for the purpose of credit card and debit
22 card fraud means a credit card or debit card which is missing
23 part of the matter, other than the signature of the cardholder,
24 which an issuer requires to appear on the credit card or debit
25 card before it can be used by a cardholder, and this includes
26 credit cards or debit cards which have not been stamped,

1 embossed, imprinted, or written on.

2 Institution of higher learning. "Institution of higher
3 learning" for the purpose of forgery related offenses means a
4 public or private college, university, or community college
5 located in the State of Illinois that is authorized by the
6 Board of Higher Education or the Illinois Community College
7 Board to issue post-secondary degrees, or a public or private
8 college, university, or community college located anywhere in
9 the United States that is or has been legally constituted to
10 offer degrees and instruction in its state of origin or
11 incorporation.

12 Insurance company. "Insurance company" for the purpose of
13 fraud on a private or government entity means "company" as
14 defined under Section 2 of the Illinois Insurance Code.

15 Intent to defraud. "Intent to defraud" for the purpose of
16 credit card and debit card fraud, deception, and forgery
17 related offenses means to act with the specific intent to
18 deceive or mislead, for the purpose of wrongfully causing
19 another to assume, create, transfer, alter, or terminate any
20 right, obligation, or power with reference to any person or
21 property, causing financial loss to another, or bringing some
22 financial gain to oneself. It is not necessary to establish
23 that any person was actually defrauded or deceived.

24 Intimidation. "Intimidation" for the purpose of financial
25 exploitation of an elderly person means the communication to an
26 elderly person or a person with a disability that he or she

1 shall be deprived of food and nutrition, shelter, prescribed
2 medication, or medical care and treatment.

3 Internet. "Internet" means an interactive computer service
4 or system or an information service, system, or access software
5 provider that provides or enables computer access by multiple
6 users to a computer server, and includes, but is not limited
7 to, an information service, system, or access software provider
8 that provides access to a network system commonly known as the
9 Internet, or any comparable system or service and also
10 includes, but is not limited to, a World Wide Web page,
11 newsgroup, message board, mailing list, or chat area on any
12 interactive computer service or system or other online service.

13 Issuer. "Issuer" for the purpose of credit card and debit
14 card fraud means the business organization or financial
15 institution which issues a credit card or debit card, or its
16 duly authorized agent.

17 Item or items of value. "Item or items of value" shall
18 include money, goods, property, services or anything else of
19 value.

20 Key or device. "Key or device" for the purpose of
21 coin-operated machines means a key, a tool, an instrument, an
22 explosive, a device, a substance, or a drawing, print, or mold
23 of a key, a tool, an instrument, an explosive, a device, or a
24 substance designed to open, break into, tamper with, or damage
25 a coin-operated machine.

26 Library facility. "Library facility" includes any public

1 library or museum, or any library or museum of an educational,
2 historical, or eleemosynary institution, organization, or
3 society.

4 Library material. "Library material" includes any book,
5 plate, picture, photograph, engraving, painting, sculpture,
6 statue, artifact, drawing, map, newspaper, pamphlet,
7 broadside, magazine, manuscript, document, letter, microfilm,
8 sound recording, audiovisual material, magnetic or other tape,
9 electronic data processing record, or other documentary,
10 written, or printed material regardless of physical form or
11 characteristics, or any part thereof, belonging to, or on loan
12 to or otherwise in the custody of a library facility.

13 Manufacture or assembly of an unlawful communication
14 device. "Manufacture or assembly of an unlawful communication
15 device" means to make, produce, or assemble an unlawful
16 communication device or to modify, alter, program, or reprogram
17 a communication device to be capable of acquiring, disrupting,
18 receiving, transmitting, decrypting, or facilitating the
19 acquisition, disruption, receipt, transmission, or decryption
20 of, a communication service without the express consent or
21 express authorization of the communication service provider,
22 or to knowingly assist others in those activities.

23 Manufacturer. "Manufacturer" for the purpose of unlawful
24 use of sounds or images means the person who actually makes or
25 causes to be made a sound or audio visual recording.

26 Master sound recording. "Master sound recording" means the

1 original physical object on which a given set of sounds were
2 first recorded and which the original object from which all
3 subsequent sound recordings embodying the same set of sounds
4 are directly or indirectly derived.

5 Merchandise. "Merchandise" for the purpose of retail theft
6 means any item of tangible personal property.

7 Merchant. "Merchant" means an owner or operator of any
8 retail mercantile establishment or any agent, employee,
9 lessee, consignee, officer, director, franchisee, or
10 independent contractor of the owner or operator. "Merchant"
11 also means a person who receives from an authorized user of a
12 payment card, or someone the person believes to be an
13 authorized user, a payment card or information from a payment
14 card, or what the person believes to be a payment card or
15 information from a payment card, as the instrument for
16 obtaining, purchasing, or receiving goods, services, money, or
17 anything else of value from the person.

18 Minor. "Minor" for the purpose of retail theft means a
19 person who is less than 18 years of age, is unemancipated and
20 resides with his or her parents or legal guardian.

21 Obtain. "Obtain" means (a) in relation to property, to
22 bring about a transfer of interest or possession, whether to
23 the offender or to another, and (b) in relation to labor or
24 services, to secure the performance thereof.

25 Obtains or exerts control. "Obtains or exerts control" over
26 property includes but is not limited to the taking, carrying

1 away, or the sale, conveyance, or transfer of title to, or
2 interest in, or possession of property.

3 Online. "Online" means the use of any electronic or
4 wireless device to access the Internet.

5 Owner. "Owner" means a person, other than the offender, who
6 has possession of or any other interest in the property
7 involved, even though such interest or possession is unlawful,
8 and without whose consent the offender has no authority to
9 exert control over the property. For the purpose of unlawful
10 use of sounds or images, "owner" means the person who owns the
11 master sound recording on which sound is recorded and from
12 which the transferred recorded sounds are directly or
13 indirectly derived, or the person who owns the rights to record
14 or authorize the recording of a live performance.

15 Payment card. "Payment card" for the purpose of using
16 scanning devices or reencoders means a credit card, charge
17 card, debit card, or any other card that is issued to an
18 authorized card user and that allows the user to obtain,
19 purchase, or receive goods, services, money, or anything else
20 of value from a merchant.

21 Permanently deprive. "Permanently deprive" means to:

22 (a) defeat all recovery of the property by the owner;

23 or

24 (b) deprive the owner permanently of the beneficial use
25 of the property; or

26 (c) retain the property with intent to restore it to

1 the owner only if the owner purchases or leases it back, or
2 pays a reward or other compensation for its return; or

3 (d) sell, give, pledge, or otherwise transfer any
4 interest in the property or subject it to the claim of a
5 person other than the owner.

6 Person. "Person" means any individual, corporation,
7 government, governmental subdivision or agency, business
8 trust, estate, trust, partnership or association or any other
9 entity, or in the context of retail theft, any natural person
10 or individual.

11 Person with a disability. "Person with a disability" for
12 the purpose of financial exploitation of an elderly person or a
13 person with a disability and identity theft means a person who
14 suffers from a permanent physical or mental impairment
15 resulting from disease, injury, functional disorder, or
16 congenital condition that impairs the individual's mental or
17 physical ability to independently manage his or her property or
18 financial resources, or both.

19 Personal identification document. "Personal identification
20 document" means a birth certificate, a drivers license, a State
21 identification card, a public, government, or private
22 employment identification card, a social security card, a
23 firearm owner's identification card, a credit card, a debit
24 card, or a passport issued to or on behalf of a person other
25 than the offender, or any document made or issued, or falsely
26 purported to have been made or issued, by or under the

1 authority of the United States Government, the State of
2 Illinois, or any other State political subdivision of any
3 state, or any other governmental or quasi-governmental
4 organization that is of a type intended for the purpose of
5 identification of an individual, or any such document made or
6 altered in a manner that it falsely purports to have been made
7 on behalf of or issued to another person or by the authority of
8 one who did not give that authority.

9 Personal identifying information. "Personal identifying
10 information" means any of the following information:

11 (1) A person's name;

12 (2) A person's address;

13 (2.5) A person's date of birth;

14 (3) A person's telephone number;

15 (4) A person's drivers license number or State of
16 Illinois identification card as assigned by the Secretary
17 of State of the State of Illinois or a similar agency of
18 another state;

19 (5) A person's Social Security number;

20 (6) A person's public, private, or government
21 employer, place of employment, or employment
22 identification number;

23 (7) The maiden name of a person's mother;

24 (8) The number assigned to a person's depository
25 account, savings account, or brokerage account;

26 (9) The number assigned to a person's credit or debit

1 card, commonly known as a "Visa Card", "Master Card",
2 "American Express Card", "Discover Card", or other similar
3 cards whether issued by a financial institution,
4 corporation, or business entity;

5 (10) Personal identification numbers;

6 (11) Electronic identification numbers;

7 (12) Digital signals;

8 (13) Any other numbers or information which can be used
9 to access a person's financial resources, or to identify a
10 specific individual.

11 Premises of a retail mercantile establishment. "Premises
12 of a retail mercantile establishment" includes, but is not
13 limited to, the retail mercantile establishment; any common use
14 areas in shopping centers and all parking areas set aside by a
15 merchant or on behalf of a merchant for the parking of vehicles
16 for the convenience of the patrons of such retail mercantile
17 establishment.

18 Property. "Property" means anything of value. "Property"
19 includes real estate, money, commercial instruments, admission
20 or transportation tickets, written instruments representing or
21 embodying rights concerning anything of value, labor, or
22 services, or otherwise of value to the owner; things growing
23 on, affixed to, or found on land, or part of or affixed to any
24 building; electricity, gas, and water; telecommunications
25 services; birds, animals, and fish, which ordinarily are kept
26 in a state of confinement; food and drink; samples, cultures,

1 microorganisms, specimens, records, recordings, documents,
2 blueprints, drawings, maps, and whole or partial copies,
3 descriptions, photographs, computer programs or data,
4 prototypes or models thereof, or any other articles, materials,
5 devices, substances, and whole or partial copies,
6 descriptions, photographs, prototypes, or models thereof which
7 constitute, represent, evidence, reflect or record a secret
8 scientific, technical, merchandising, production or management
9 information, design, process, procedure, formula, invention,
10 or improvement. "Property" also includes (1) electronic
11 impulses; (2) electronically produced data; (3) confidential,
12 copyrighted, or proprietary information; (4) private
13 identification codes or numbers which permit access to a
14 computer by authorized computer users or generate billings to
15 consumers for purchase of goods and services, including but not
16 limited to credit card transactions and telecommunications
17 services or permit electronic fund transfers; (5) software or
18 programs in either machine or human readable form; or (6) any
19 other tangible or intangible item relating to a computer or any
20 part thereof.

21 Public safety personnel. "Public safety personnel" for the
22 purpose of false personation includes police officers, peace
23 officers, firemen, fire fighters, emergency medical
24 technicians - ambulance, emergency medical technicians -
25 intermediate, emergency medical technicians - paramedic,
26 ambulance drivers, and other medical assistance or first aid

1 personnel.

2 Public safety personnel organization. "Public safety
3 personnel organization" for the purpose of false personation
4 means any person that uses any of the words "officer",
5 "police", "policeman", "policemen", "trooper", "deputy,
6 "deputy sheriff", "sheriff", "law enforcement", "fireman",
7 "firemen", "peace officer", "paramedic", or similar words in
8 its name or in conjunction with solicitations, or in the title
9 or name of a magazine, newspaper, periodical, advertisement
10 book, or any other medium of electronic or print publication,
11 and is not a governmental entity. No organization may be a
12 public safety personnel organization unless 80% or more of its
13 voting members or trustees are active, retired, or disabled
14 police officers, peace officers, firemen, fire fighters,
15 emergency medical technicians - ambulance, emergency medical
16 technicians - intermediate, emergency medical technicians -
17 paramedic, ambulance drivers, or other medical assistance or
18 first aid personnel.

19 Public water, gas, or power supply, or other public
20 service. "Public water, gas, or power supply, or other public
21 service" means any service subject to regulation by the
22 Illinois Commerce Commission; any service furnished by a public
23 utility that is owned and operated by any political
24 subdivision, public institution of higher education, or
25 municipal corporation of this State; any service furnished by
26 any public utility that is owned by such political subdivision,

1 public institution of higher education, or municipal
2 corporation and operated by any of its lessees or operating
3 agents; and any service furnished by an electric cooperative as
4 defined in Section 3.4 of the Electric Supplier Act. This
5 definition shall not apply to telecommunications service.

6 Publish. "Publish" means the communication or
7 dissemination of information to any one or more persons, either
8 orally, in person, or by telephone, radio, or television or in
9 writing of any kind, including, without limitation, a letter or
10 memorandum, circular or handbill, newspaper or magazine
11 article or book.

12 Receives or receiving. "Receives or receiving" for the
13 purpose of credit card and debit card fraud means acquiring
14 possession or control.

15 Record of charge form. "Record of charge form" means any
16 document submitted or intended to be submitted to an issuer as
17 evidence of a credit transaction for which the issuer has
18 agreed to reimburse persons providing money, goods, property,
19 services or other things of value.

20 Reencoder. "Reencoder" means an electronic device that
21 places encoded information from the magnetic strip or stripe of
22 a payment card onto the magnetic strip or stripe of a different
23 payment card.

24 Retail mercantile establishment. "Retail mercantile
25 establishment" means any place where merchandise is displayed,
26 held, stored, or offered for sale to the public.

1 Revoked credit card or debit card. "Revoked credit card or
2 debit card" for the purpose of credit card and debit card fraud
3 means a credit card or debit card which is no longer valid
4 because permission to use it has been suspended or terminated
5 by the issuer.

6 Sale. "Sale" for the purpose of credit card and debit card
7 fraud means any delivery for value.

8 Scanning device. "Scanning device" means a scanner,
9 reader, or any other electronic device that is used to access,
10 read, scan, obtain, memorize, or store, temporarily or
11 permanently, information encoded on the magnetic strip or
12 stripe of a payment card.

13 Scheme or artifice to defraud. "Scheme or artifice to
14 defraud" for the purposes of mail and wire fraud and financial
15 crimes includes, but is not limited to, a scheme or artifice to
16 deprive another, including a financial institution, of the
17 intangible right to honest services.

18 Self-insured entity. "Self-insured entity" for the purpose
19 of fraud on a private or government entity means any person,
20 business, partnership, corporation, or organization that sets
21 aside funds to meet his, her, or its losses or to absorb
22 fluctuations in the amount of loss, the losses being charged
23 against the funds set aside or accumulated.

24 Services. "Services" includes but is not limited to
25 computer time, data manipulation, or storage functions.

26 Shopping cart. "Shopping cart" means those push carts of

1 the type or types which are commonly provided by grocery
2 stores, drug stores, or other retail mercantile establishments
3 for the use of the public in transporting commodities in stores
4 and markets and, incidentally, from the store to a place
5 outside the store.

6 Sound or audio visual recording. "Sound or audio visual
7 recording" means any sound or audio visual phonograph record,
8 disc, pre-recorded tape, film, wire, magnetic tape, or other
9 object, device, or medium, now known or hereafter invented, by
10 which sounds or images may be reproduced with or without the
11 use of any additional machine, equipment, or device.

12 Statement. "Statement" for the purpose of fraud on a
13 private or government entity means any assertion, oral,
14 written, or otherwise, and includes, but is not limited to, any
15 notice, letter, or memorandum; proof of loss; bill of lading;
16 receipt for payment; invoice, account, or other financial
17 statement; estimate of property damage; bill for services;
18 diagnosis or prognosis; prescription; hospital, medical, or
19 dental chart or other record, x-ray, photograph, videotape, or
20 movie film; test result; other evidence of loss, injury, or
21 expense; computer-generated document; and data in any form.

22 Stolen property. "Stolen property" means property over
23 which control has been obtained by theft.

24 Substance. "Substance" for the purpose of coin-operated
25 machines means a corrosive or acidic liquid or solid but does
26 not include items purchased through a coin-operated machine at

1 the location or acquired as condiments at the location of the
2 coin-operated machine.

3 Theft detection shielding device. "Theft detection
4 shielding device" means any laminated or coated bag or device
5 designed and intended to shield merchandise from detection by
6 an electronic or magnetic theft alarm sensor.

7 Theft detection device remover. "Theft detection device
8 remover" means any tool or device specifically designed and
9 intended to be used to remove any theft detection device from
10 any merchandise.

11 Threat. "Threat" means a menace, however communicated, to:

12 (a) Inflict physical harm on the person threatened or
13 any other person or on property; or

14 (b) Subject any person to physical confinement or
15 restraint; or

16 (c) Commit any criminal offense; or

17 (d) Accuse any person of a criminal offense; or

18 (e) Expose any person to hatred, contempt or ridicule;

19 or

20 (f) Harm the credit or business repute of any person;

21 or

22 (g) Reveal any information sought to be concealed by
23 the person threatened; or

24 (h) Take action as an official against anyone or
25 anything, or withhold official action, or cause such action
26 or withholding; or

1 (i) Bring about or continue a strike, boycott or other
2 similar collective action if the property is not demanded
3 or received for the benefit of the group which he or she
4 purports to represent; or

5 (j) Testify or provide information or withhold
6 testimony or information with respect to another's legal
7 claim or defense; or

8 (k) Inflict any other harm which would not benefit the
9 offender.

10 Under-ring. "Under-ring" means to cause the cash register
11 or other sales recording device to reflect less than the full
12 retail value of the merchandise.

13 Unidentified sound or audio visual recording.
14 "Unidentified sound or audio visual recording" means a sound or
15 audio visual recording without the actual name and full and
16 correct street address of the manufacturer and the name of the
17 actual performers or groups prominently and legibly printed on
18 the outside cover or jacket and on the label of such sound or
19 audio visual recording.

20 Universal price code label. "Universal price code label"
21 means a unique symbol that consists of a machine readable code
22 and human readable numbers.

23 Unlawful access device. "Unlawful access device" means any
24 type of instrument, device, machine, equipment, technology, or
25 software which is primarily possessed, used, designed,
26 assembled, manufactured, sold, distributed or offered,

1 promoted, or advertised for the purpose of defeating or
2 circumventing any technology, device, or software, or any
3 component or part thereof used by the provider, owner, or
4 licensee of any communication service or of any data, audio or
5 video programs or transmissions to protect any such
6 communication, audio or video services, programs, or
7 transmissions from unauthorized access, acquisition, receipt,
8 decryption, disclosure, communication, transmission, or
9 re-transmission.

10 Unlawful communication device. "Unlawful communication
11 device" means any electronic serial number, mobile
12 identification number, personal identification number, or any
13 communication device that is capable of acquiring or
14 facilitating the acquisition of a communication service
15 without the express consent or express authorization of the
16 communication service provider, or that has been altered,
17 modified, programmed, or reprogrammed, alone or in conjunction
18 with another communication device or other equipment, to so
19 acquire or facilitate the unauthorized acquisition of a
20 communication service. "Unlawful communication device" also
21 means: (1) any phone altered to obtain service without the
22 express consent or express authorization of the communication
23 service provider, tumbler phone, counterfeit or clone phone,
24 tumbler microchip, counterfeit or clone microchip or other
25 instrument capable of disguising its identity or location or of
26 gaining unauthorized access to a communications system

1 operated by a communication service provider; and (2) any
2 communication device which is capable of, or has been altered,
3 designed, modified, programmed, or reprogrammed, alone or in
4 conjunction with another communication device or devices, so as
5 to be capable of facilitating the disruption, acquisition,
6 receipt, transmission, or decryption of a communication
7 service without the express consent or express authorization of
8 the communication service provider, including, but not limited
9 to, any device, technology, product, service, equipment,
10 computer software, or component or part thereof, primarily
11 distributed, sold, designed, assembled, manufactured,
12 modified, programmed, reprogrammed, or used for the purpose of
13 providing the unauthorized receipt of, transmission of,
14 disruption of, decryption of, access to or acquisition of any
15 communication service provided by any communication service
16 provider.

17 Value. "Value" of property consisting of any commercial
18 instrument or any written instrument representing or embodying
19 rights concerning anything of value, labor, or services or
20 otherwise of value to the owner shall be:

21 (a) The "market value" of such instrument if such
22 instrument is negotiable and has a market value; and

23 (b) The "actual value" of such instrument if such
24 instrument is not negotiable or is otherwise without a
25 market value. For the purpose of establishing such "actual
26 value", the interest of any owner or owners entitled to

1 part or all of the property represented by such instrument,
2 by reason of such instrument, may be shown, even if another
3 "owner" may be named in the complaint, information or
4 indictment.

5 Veteran. "Veteran" for the purpose of false personation
6 means a person who has served in the armed forces or reserved
7 forces of the United States.

8 Vital services or operations. "Vital services or
9 operations" means those services or operations required to
10 provide, operate, maintain, and repair network cabling,
11 transmission, distribution, or computer facilities necessary
12 to ensure or protect the public health, safety, or welfare.
13 "Public health", "safety", or "welfare" include, but are not
14 limited to, services provided by medical personnel or
15 institutions, fire departments, emergency services agencies,
16 national defense contractors, armed forces or militia
17 personnel, private and public utility companies, or law
18 enforcement agencies.

19 (720 ILCS 5/Art. 16, Div. I heading new)

20 DIVISION I. GENERAL THEFT PROVISIONS

21 (720 ILCS 5/16-1) (from Ch. 38, par. 16-1)

22 Sec. 16-1. Theft.

23 (a) A person commits theft when he or she knowingly:

24 (1) Obtains or exerts unauthorized control over

1 property of the owner; or

2 (2) Obtains by deception control over property of the
3 owner; or

4 (3) Obtains by threat control over property of the
5 owner; or

6 (4) Obtains control over stolen property knowing the
7 property to have been stolen or under such circumstances as
8 would reasonably induce him or her to believe that the
9 property was stolen; or

10 (5) Obtains or exerts control over property in the
11 custody of any law enforcement agency which is explicitly
12 represented to him or her by any law enforcement officer or
13 any individual acting in behalf of a law enforcement agency
14 as being stolen, and

15 (A) Intends to deprive the owner permanently of the
16 use or benefit of the property; or

17 (B) Knowingly uses, conceals or abandons the
18 property in such manner as to deprive the owner
19 permanently of such use or benefit; or

20 (C) Uses, conceals, or abandons the property
21 knowing such use, concealment or abandonment probably
22 will deprive the owner permanently of such use or
23 benefit; or-

24 (6) Misappropriation of financial institution
25 property. A person commits theft by misappropriation of
26 financial institution property when he or she obtains or

1 exerts control over any of the moneys, funds or credits of
2 a financial institution, or any moneys, funds, assets or
3 securities entrusted to the custody or care of such
4 financial institution, or to the custody or care of any
5 agent, officer, director, or employee of such financial
6 institution.

7 (a-5) Theft of lost or mislaid property. A person who
8 obtains control over lost or mislaid property commits theft
9 when he or she:

10 (1) Knows or learns the identity of the owner or knows,
11 or is aware of, or learns of a reasonable method of
12 identifying the owner, and

13 (2) Fails to take reasonable measures to restore the
14 property to the owner, and

15 (3) Intends to deprive the owner permanently of the use
16 or benefit of the property.

17 (b) Sentence.

18 (1) The penalties for theft of property under
19 subsection (a) are as follows:

20 (A) ~~(1)~~ Theft of property not from the person and
21 not exceeding \$500 ~~\$300~~ in value is a Class A
22 misdemeanor.

23 (B) ~~(1.1)~~ Theft of property not from the person
24 and not exceeding \$500 ~~\$300~~ in value is a Class 4
25 felony if the theft was committed in a school or place
26 of worship or if the theft was of governmental

1 property.

2 (C) ~~(2)~~ A person who has been convicted of theft
3 of property not from the person and not exceeding \$500
4 ~~\$300~~ in value who has been previously convicted of any
5 type of theft, robbery, armed robbery, burglary,
6 residential burglary, possession of burglary tools,
7 home invasion, forgery, a violation of Section 4-103,
8 4-103.1, 4-103.2, or 4-103.3 of the Illinois Vehicle
9 Code relating to the possession of a stolen or
10 converted motor vehicle, or a violation of Section 8 of
11 the Illinois Credit Card and Debit Card Act is guilty
12 of a Class 4 felony. When a person has any such prior
13 conviction, the information or indictment charging
14 that person shall state such prior conviction so as to
15 give notice of the State's intention to treat the
16 charge as a felony. The fact of such prior conviction
17 is not an element of the offense and may not be
18 disclosed to the jury during trial unless otherwise
19 permitted by issues properly raised during such trial.

20 ~~(3) (Blank).~~

21 (D) ~~(4)~~ Theft of property from the person not
22 exceeding \$500 ~~\$300~~ in value, or theft of property
23 exceeding \$500 ~~\$300~~ and not exceeding \$10,000 in value,
24 is a Class 3 felony.

25 (E) ~~(4.1)~~ Theft of property from the person not
26 exceeding \$500 ~~\$300~~ in value, or theft of property

1 exceeding \$500 ~~\$300~~ and not exceeding \$10,000 in value,
2 is a Class 2 felony if the theft was committed in a
3 school or place of worship or if the theft was of
4 governmental property.

5 (F) ~~(5)~~ Theft of property exceeding \$10,000 and not
6 exceeding \$100,000 in value is a Class 2 felony.

7 (G) ~~(5.1)~~ Theft of property exceeding \$10,000 and
8 not exceeding \$100,000 in value is a Class 1 felony if
9 the theft was committed in a school or place of worship
10 or if the theft was of governmental property.

11 (H) ~~(6)~~ Theft of property exceeding \$100,000 and
12 not exceeding \$500,000 in value is a Class 1 felony.

13 (I) ~~(6.1)~~ Theft of property exceeding \$100,000 in
14 value is a Class X felony if the theft was committed in
15 a school or place of worship or if the theft was of
16 governmental property.

17 (J) ~~(6.2)~~ Theft of property exceeding \$500,000 in
18 value is a Class 1 non-probationable felony.

19 (K) ~~(7)~~ Theft by deception, as described by
20 paragraph (2) of subsection (a) of this Section, in
21 which the offender obtained money or property valued at
22 \$5,000 or more from a victim 60 years of age or older
23 is a Class 2 felony.

24 (2) Theft of lost or mislaid property where:

25 (A) the value does not exceed \$500, is a Class B
26 misdemeanor;

1 (B) the value exceeds \$500, and does not exceed
2 \$10,000, is a Class A misdemeanor; and

3 (C) the value exceeds \$10,000, is a Class 4 felony.

4 (c) When a charge of theft of property exceeding a
5 specified value is brought, the value of the property involved
6 is an element of the offense to be resolved by the trier of
7 fact as either exceeding or not exceeding the specified value.

8 (d) Permissive inference evidence of intent that a person
9 obtains by deception control over property. The trier of fact
10 may infer that a person knowingly obtains by deception control
11 over property of the owner when he or she fails to return,
12 within 45 days after written demand from the owner, the
13 downpayment and any additional payments accepted under a
14 promise, oral or in writing, to perform services for the owner
15 for consideration of \$3,000 or more, and the promisor knowingly
16 without good cause failed to substantially perform pursuant to
17 the agreement after taking a downpayment of 10% or more of the
18 agreed upon consideration. This provision shall not apply where
19 the owner initiated the suspension of performance under the
20 agreement, or where the promisor responds to the notice within
21 the 45-day notice period. A notice in writing, addressed and
22 mailed, by registered mail, to the promisor at the last known
23 address of the promisor, shall constitute proper demand.

24 (e) (1) It is no defense to a charge of theft of property
25 that the offender has an interest therein, when the owner also
26 has an interest to which the offender is not entitled.

1 (2) Where the property involved is that of the offender's
2 spouse, no prosecution for theft may be maintained unless the
3 parties were not living together as man and wife and were
4 living in separate abodes at the time of the alleged theft.

5 (Source: P.A. 93-520, eff. 8-6-03; 94-134, eff. 1-1-06.)

6 (720 ILCS 5/16-101 new)

7 Sec. 16-101. Theft of labor or services or use of property.

8 (a) A person commits theft when he or she knowingly obtains
9 the temporary use of property, labor, or services of another
10 which are available only for hire, by means of threat or
11 deception or knowing that such use is without the consent of
12 the person providing the property, labor, or services.

13 (b) A person commits theft when after renting or leasing a
14 motor vehicle, obtaining a motor vehicle through a "driveaway"
15 service mode of transportation or renting or leasing any other
16 type of personal property exceeding \$500 in value, under an
17 agreement in writing which provides for the return of the
18 vehicle or other personal property to a particular place at a
19 particular time, he or she without good cause knowingly fails
20 to return the vehicle or other personal property to that place
21 within the time specified, and is thereafter served or sent a
22 written demand mailed to the last known address, made by
23 certified mail, return receipt requested, to return such
24 vehicle or other personal property within 3 days from the
25 mailing of the written demand, and who without good cause

1 knowingly fails to return the vehicle or any other personal
2 property to any place of business of the lessor within such
3 period.

4 (c) For the purposes of subsection (a) of this Section,
5 library materials are available for hire.

6 (d) Sentence. A person convicted of theft under subsection
7 (a) of this Section is guilty of a Class A misdemeanor. A
8 person convicted of theft under subsection (b) of this Section
9 is guilty of a Class 4 felony.

10 (e) Permissive inference. For the purposes of subsection
11 (a) of this Section, the trier of fact may infer that a person
12 knowingly obtains the temporary use of property, labor, or
13 services of another:

14 (1) if a lessee of the personal property of another
15 fails to return it to the owner within 10 days after
16 written demand from the owner for its return; or

17 (2) if a lessee of the personal property of another
18 fails to return it to the owner within 24 hours after
19 written demand from the owner for its return and the lessee
20 had presented identification to the owner that contained a
21 materially fictitious name, address, or telephone number.
22 A notice in writing, given after the expiration of the
23 leasing agreement, addressed and mailed, by registered
24 mail, to the lessee at the address given by him or her and
25 shown on the leasing agreement shall constitute proper
26 demand.

1 (720 ILCS 5/16-102 new)

2 Sec. 16-102. Unlawful use of recorded sounds or images.

3 (a) A person commits unlawful use of recorded sounds or
4 images when he or she knowingly or recklessly:

5 (1) transfers or causes to be transferred, without the
6 consent of the owner, any sounds or images recorded on any
7 sound or audio visual recording with the intent of selling
8 or causing to be sold, or using or causing to be used for
9 profit, the article to which such sounds or recordings of
10 sound are transferred;

11 (2) sells, offers for sale, advertises for sale, uses,
12 or causes to be used for profit any such article described
13 in this subsection (a) without consent of the owner;

14 (3) offers or makes available for a fee, rental, or any
15 other form of compensation, directly or indirectly, any
16 equipment or machinery with the intent that it be used by
17 another to reproduce or transfer, without the consent of
18 the owner, any sounds or images recorded on any sound or
19 audio visual recording to another sound or audio visual
20 recording or with the intent that it be used by another to
21 manufacture any sound or audio visual recording in
22 violation of subsection (b) of this Section; or

23 (4) transfers or causes to be transferred, without the
24 consent of the owner, any live performance with the intent
25 of selling or causing to be sold, or using or causing to be

1 used for profit, the sound or audio visual recording to
2 which the performance is transferred.

3 (b) A person commits unlawful use of unidentified sound or
4 audio visual recordings when he or she knowingly, recklessly,
5 or negligently for profit manufactures, sells, distributes,
6 vends, circulates, performs, leases, or otherwise deals in and
7 with unidentified sound or audio visual recordings or causes
8 the manufacture, sale, distribution, vending, circulation,
9 performance, lease, or other dealing in and with unidentified
10 sound or audio visual recordings.

11 (c) Sentence. Unlawful use of recorded sounds or images or
12 unidentified sound or audio visual recordings is a Class 4
13 felony; however:

14 (1) If the offense involves more than 100 but not
15 exceeding 1,000 unidentified sound recordings or more than
16 7 but not exceeding 65 unidentified audio visual recordings
17 during any 180-day period the authorized fine is up to
18 \$100,000; and

19 (2) If the offense involves more than 1,000
20 unidentified sound recordings or more than 65 unidentified
21 audio visual recordings during any 180-day period the
22 authorized fine is up to \$250,000.

23 (d) Subsection (a) of this Section shall neither enlarge
24 nor diminish the rights of parties in private litigation.

25 (e) Subsection (a) of this Section does not apply to any
26 person engaged in the business of radio or television

1 broadcasting who transfers, or causes to be transferred, any
2 sounds (other than from the sound track of a motion picture)
3 solely for the purpose of broadcast transmission.

4 (f) If any provision or item of this Section or the
5 application thereof is held invalid, such invalidity shall not
6 affect other provisions, items, or applications of this Section
7 which can be given effect without the invalid provisions,
8 items, or applications and to this end the provisions of this
9 Section are hereby declared severable.

10 (g) Each individual manufacture, distribution, or sale or
11 transfer for a consideration of such recorded devices in
12 contravention of this Section constitutes a separate violation
13 of this Section. Each individual manufacture, sale,
14 distribution, vending, circulation, performance, lease, or
15 other dealing in and with an unidentified sound or audio visual
16 recording constitutes a separate violation of this Section.

17 (h) Any sound or audio visual recordings containing
18 transferred sounds or a performance whose transfer was not
19 authorized by the owner of the master sound recording or
20 performance, or any unidentified sound or audio visual
21 recording used in violation of this Section, or in the attempt
22 to commit such violation as defined in Section 8-4, or in a
23 conspiracy to commit such violation as defined in Section 8-2,
24 or in a solicitation to commit such offense as defined in
25 Section 8-1, may be confiscated and destroyed upon conclusion
26 of the case or cases to which they are relevant, except that

1 the court may enter an order preserving them as evidence for
2 use in other cases or pending the final determination of an
3 appeal.

4 (i) It is an affirmative defense to any charge of unlawful
5 use of recorded sounds or images that the recorded sounds or
6 images so used are public domain material. For purposes of this
7 Section, recorded sounds are deemed to be in the public domain
8 if the recorded sounds were copyrighted pursuant to the
9 copyright laws of the United States, as the same may be amended
10 from time to time, and the term of the copyright and any
11 extensions or renewals thereof has expired.

12 (720 ILCS 5/16-103 new)

13 Sec. 16-103. Theft from coin-operated device or machine.

14 (a) Theft from a coin-operated device. A person commits
15 theft from a coin-operated device when he or she knowingly
16 obtains or receives the use or enjoyment of any coin box
17 telephone, coin-operated transit turnstile, or transit fare
18 box without depositing in and surrendering to the device lawful
19 coin of the United States of America to the amount required by
20 the owner of the device.

21 (b) A person commits theft from a coin-operated machine
22 when he or she knowingly and without authority opens, breaks
23 into, tampers with, or damages a coin-operated machine either:

24 (1) to operate a coin-operated machine; or

25 (2) with the intent to commit a theft from such

1 machine.

2 (c) Sentence.

3 (1) A person convicted of violating subsection (a) or
4 paragraph (b) (1) of this Section is guilty of a Class B
5 misdemeanor.

6 (2) A person convicted of violating paragraph (b) (2) of
7 this Section is guilty of a Class A misdemeanor.

8 A person who has been convicted of theft from a
9 coin-operated machine and who has been previously convicted of
10 any type of theft, robbery, armed robbery, burglary,
11 residential burglary, possession of burglary tools, or home
12 invasion is guilty of a Class 4 felony.

13 (720 ILCS 5/16-104 new)

14 Sec. 16-104. Theft of utility services.

15 (a) Unlawful interference with public utility services. A
16 person commits the offense of theft of utility services when he
17 or she knowingly, without authority, interferes with any public
18 water, gas, or power supply, or other public services, or
19 installs any device with the intent to interfere with a meter,
20 register, or other counting device so as to obtain or utilize
21 the gas, water, or electric current without the authority of
22 the owner or entity furnishing or transmitting such product.

23 (b) Sentence.

24 (1) A violation of this Section is a Class B
25 misdemeanor unless the offense was committed for

1 remuneration, in which case it is a Class 4 felony.

2 (2) A second or subsequent violation of this Section is
3 a Class 4 felony.

4 (c) This Section does not apply to the theft of
5 telecommunication services.

6 (720 ILCS 5/16-105 new)

7 Sec. 16-105. Tampering with communication services.

8 (a) Injury to wires or obtaining service with intent to
9 defraud. A person commits the offense of injury to wires and
10 obtaining service with intent to defraud when he or she
11 knowingly:

12 (1) displaces, removes, injures, or destroys any
13 telegraph or telephone line, wire, cable, pole, or conduit,
14 belonging to another, or the material or property
15 appurtenant thereto; or

16 (2) cuts, breaks, taps, or makes any connection with
17 any telegraph or telephone line, wire, cable, or instrument
18 belonging to another; or

19 (3) reads, takes, or copies any message,
20 communication, or report intended for another passing over
21 any such telegraph line, wire, or cable in this State; or

22 (4) prevents, obstructs or delays by any means or
23 contrivance whatsoever, the sending, transmission,
24 conveyance, or delivery in this State of any message,
25 communication, or report by or through any telegraph or

1 telephone line, wire, or cable; or

2 (5) uses any apparatus to unlawfully do or cause to be
3 done any of the acts described in subdivisions (a)(1)
4 through (a)(4) of this Section; or

5 (6) with intent to defraud any individual,
6 corporation, or other person, of the lawful charge, in
7 whole or in part, for any telecommunications service,
8 obtains, or attempts to obtain, any telecommunications
9 service:

10 (A) by charging such service to an existing
11 telephone number without the authority of the
12 subscriber thereto; or

13 (B) by charging such service to a nonexistent,
14 false, fictitious, or counterfeit telephone number or
15 to a suspended, terminated, expired, cancelled, or
16 revoked telephone number; or

17 (C) by use of a code, prearranged scheme, or other
18 similar stratagem or device whereby said person, in
19 effect, sends or receives information; or

20 (D) by publishing the number or code of an
21 existing, canceled, revoked, or nonexistent telephone
22 number, credit number, or other credit device or method
23 of numbering or coding which is employed in the
24 issuance of telephone numbers, credit numbers or other
25 credit devices which may be used to avoid the payment
26 of any lawful telephone toll charge; or

1 (E) by any other trick, stratagem, impersonation,
2 false pretense, false representation, false statement,
3 contrivance, device, or means.

4 (b) Theft of communication services. A person commits the
5 offense of theft of communication services if he or she
6 knowingly:

7 (1) obtains or uses a communication service without the
8 authorization of, or compensation paid to, the
9 communication service provider, with intent to defraud the
10 communication service provider;

11 (2) possesses, uses, manufactures, assembles,
12 distributes, leases, transfers, or sells, or offers,
13 promotes or advertises for sale, lease, use, or
14 distribution an unlawful communication device:

15 (A) for the commission of a theft of a
16 communication service or to receive, disrupt,
17 transmit, decrypt, or acquire, or facilitate the
18 receipt, disruption, transmission, decryption, or
19 acquisition, of any communication service without the
20 express consent or express authorization of the
21 communication service provider; or

22 (B) to conceal or to assist another to conceal from
23 any communication service provider or from any lawful
24 authority the existence or place of origin or
25 destination of any communication;

26 (3) modifies, alters, programs or reprograms a

1 communication device for the purposes described in
2 subdivision (2) (A) or (2) (B);

3 (4) possesses, uses, manufactures, assembles, leases,
4 distributes, sells, or transfers, or offers, promotes, or
5 advertises for sale, use, or distribution, any unlawful
6 access device; or

7 (5) possesses, uses, prepares, distributes, gives, or
8 otherwise transfers to another or offers, promotes, or
9 advertises for sale, use, or distribution any:

10 (A) plans or instructions for making or assembling
11 an unlawful communication or access device, with the
12 intent to use or employ the unlawful communication or
13 access device, or to allow the same to be used or
14 employed, for a purpose prohibited by this Section, or
15 knowing or having reason to know that the plans or
16 instructions are intended to be used for manufacturing
17 or assembling the unlawful communication or access
18 device for a purpose prohibited by this Section; or

19 (B) material, including hardware, cables, tools,
20 data, computer software, or other information or
21 equipment, knowing that the purchaser or a third person
22 intends to use the material in the manufacture or
23 assembly of an unlawful communication or access device
24 for a purpose prohibited by this Section.

25 (c) Sentence.

26 (1) A violation of subsection (a) is a Class A

1 misdemeanor; provided, however, that:

2 (A) a second conviction of an offense under this
3 Section, or

4 (B) an offense committed for remuneration, or

5 (C) an offense involving damage or destruction of
6 property in an amount in excess of \$500,
7 is a Class 4 felony.

8 (2) A violation of subsection (b) is a Class A
9 misdemeanor, except that:

10 (A) A violation of subsection (b) is a Class 4
11 felony if:

12 (i) the defendant has been convicted
13 previously for an offense under subsection (b) of
14 this Section or for any other type of theft,
15 robbery, armed robbery, burglary, residential
16 burglary, possession of burglary tools, home
17 invasion, or fraud, including violations of the
18 Cable Communications Policy Act of 1984 in this or
19 any federal or other state jurisdiction; or

20 (ii) the violation of subsection (b) of this
21 Section involves at least 10, but not more than 50,
22 unlawful communication or access devices; or

23 (iii) the defendant engages in conduct
24 identified in subdivision (b)(3) of this Section
25 with the intention of substantially disrupting and
26 impairing the ability of a communication service

1 provider to deliver communication services to its
2 lawful customers or subscribers; or

3 (iv) the aggregate value of the service
4 obtained is \$500 or more.

5 (B) A violation of subsection (b) is a Class 3
6 felony if:

7 (i) the defendant has been convicted
8 previously on 2 or more occasions for offenses
9 under subsection (b) of this Section or for any
10 other type of theft, robbery, armed robbery,
11 burglary, residential burglary, possession of
12 burglary tools, home invasion, or fraud, including
13 violations of the Cable Communications Policy Act
14 of 1984 in this or any federal or other state
15 jurisdiction; or

16 (ii) the violation of subsection (b) of this
17 Section involves more than 50 unlawful
18 communication or access devices.

19 (d) Grading of offense based on prior convictions. For
20 purposes of grading an offense based upon a prior conviction
21 for an offense under subsection (b) of this Section or for any
22 other type of theft, robbery, armed robbery, burglary,
23 residential burglary, possession of burglary tools, home
24 invasion, or fraud, including violations of the Cable
25 Communications Policy Act of 1984 in this or any federal or
26 other state jurisdiction under subdivisions (c)(2)(a)(i) and

1 (c) (2) (b) (i) of this Section, a prior conviction shall consist
2 of convictions upon separate indictments or criminal
3 complaints for offenses under subsection (b) of this Section or
4 for any other type of theft, robbery, armed robbery, burglary,
5 residential burglary, possession of burglary tools, home
6 invasion, or fraud, including violations of the Cable
7 Communications Policy Act of 1984 in this or any federal or
8 other state jurisdiction.

9 (e) Separate offenses. For purposes of all criminal
10 penalties or fines established for violations of subsection (b)
11 of this Section, the prohibited activity established in
12 subsection (b) of this Section as it applies to each unlawful
13 communication or access device shall be deemed a separate
14 offense.

15 (f) Forfeiture of unlawful communication or access
16 devices. Upon conviction of a defendant under subsection (b) of
17 this Section, the court may, in addition to any other sentence
18 authorized by law, direct that the defendant forfeit any
19 unlawful communication or access devices in the defendant's
20 possession or control which were involved in the violation for
21 which the defendant was convicted.

22 (g) Venue. An offense under subsection (b) of this Section
23 may be deemed to have been committed at either the place where
24 the defendant manufactured or assembled an unlawful
25 communication or access device, or assisted others in doing so,
26 or the place where the unlawful communication or access device

1 was sold or delivered to a purchaser or recipient. It is not a
2 defense to a violation of subsection (b) of this Section that
3 some of the acts constituting the offense occurred outside of
4 the State of Illinois.

5 (h) Civil action. For purposes of subsection (b) of this
6 Section:

7 (1) Bringing a civil action. Any person aggrieved by a
8 violation may bring a civil action in any court of
9 competent jurisdiction.

10 (2) Powers of the court. The court may:

11 (A) grant preliminary and final injunctions to
12 prevent or restrain violations without a showing by the
13 plaintiff of special damages, irreparable harm or
14 inadequacy of other legal remedies;

15 (B) at any time while an action is pending, order
16 the impounding, on such terms as it deems reasonable,
17 of any unlawful communication or access device that is
18 in the custody or control of the violator and that the
19 court has reasonable cause to believe was involved in
20 the alleged violation;

21 (C) award damages as described in subsection
22 (h) (3);

23 (D) in its discretion, award reasonable attorney's
24 fees and costs, including, but not limited to, costs
25 for investigation, testing and expert witness fees, to
26 an aggrieved party who prevails; and

1 (E) as part of a final judgment or decree finding a
2 violation, order the remedial modification or
3 destruction of any unlawful communication or access
4 device involved in the violation that is in the custody
5 or control of the violator or has been impounded under
6 subdivision (B) of this paragraph (h) (2).

7 (3) Types of damages recoverable. Damages awarded by a
8 court under this Section shall be computed as either of the
9 following:

10 (A) Upon his or her election of such damages at any
11 time before final judgment is entered, the complaining
12 party may recover the actual damages suffered by him or
13 her as a result of the violation and any profits of the
14 violator that are attributable to the violation and are
15 not taken into account in computing the actual damages;
16 in determining the violator's profits, the complaining
17 party shall be required to prove only the violator's
18 gross revenue, and the violator shall be required to
19 prove his or her deductible expenses and the elements
20 of profit attributable to factors other than the
21 violation; or

22 (B) Upon election by the complaining party at any
23 time before final judgment is entered, that party may
24 recover in lieu of actual damages an award of statutory
25 damages of not less than \$250 and not more than \$10,000
26 for each unlawful communication or access device

1 involved in the action, with the amount of statutory
2 damages to be determined by the court, as the court
3 considers just. In any case, if the court finds that
4 any of the violations were committed with the intent to
5 obtain commercial advantage or private financial gain,
6 the court in its discretion may increase the award of
7 statutory damages by an amount of not more than \$50,000
8 for each unlawful communication or access device
9 involved in the action.

10 (4) Separate violations. For purposes of all civil
11 remedies established for violations, the prohibited
12 activity established in this Section applies to each
13 unlawful communication or access device and shall be deemed
14 a separate violation.

15 (720 ILCS 5/16-106 new)

16 Sec. 16-106. Theft-related devices.

17 (a)(1) A person commits the offense of unlawful possession
18 of a key or device for a coin-operated machine when he or she
19 possesses a key or device designed to open, break into, tamper
20 with, or damage a coin-operated machine, with intent to commit
21 a theft from the machine.

22 (2) A person commits the offense of unlawful use of a key
23 or device for a coin-operated machine when he or she with the
24 intent to commit a theft from a coin-operated machine causes
25 damage or loss to the coin-operated machine of more than \$300.

1 (b) (1) A person commits the offense of unlawful use of a
2 theft detection shielding device when he or she knowingly
3 manufactures, sells, offers for sale or distributes any theft
4 detection shielding device.

5 (2) A person commits the offense of unlawful possession of
6 a theft detection shielding device when he or she knowingly
7 possesses a theft detection shielding device with the intent to
8 commit theft or retail theft.

9 (3) A person commits the offense of unlawful possession of
10 a theft detection device remover when he or she knowingly
11 possesses a theft detection device remover with the intent to
12 use such tool to remove any theft detection device from any
13 merchandise without the permission of the merchant or person
14 owning or holding said merchandise.

15 (c) A person commits the offense of using a scanning device
16 or reencoder to defraud when that person uses:

17 (1) a scanning device to access, read, obtain,
18 memorize, or store, temporarily or permanently,
19 information encoded on the magnetic strip or stripe of a
20 payment card without the permission of the authorized user
21 of the payment card and with the intent to defraud the
22 authorized user, the issuer of the authorized user's
23 payment card, or a merchant; or

24 (2) a reencoder to place information encoded on the
25 magnetic strip or stripe of a payment card onto the
26 magnetic strip or stripe of a different card without the

1 permission of the authorized user of the card from which
2 the information is being reencoded and with the intent to
3 defraud the authorized user, the issuer of the authorized
4 user's payment card, or a merchant.

5 (d) Sentence. A violation of paragraph (a) (1), (b) (1),
6 (b) (2), or (b) (3) is a Class A misdemeanor. A second or
7 subsequent violation of paragraph (b) (1), (b) (2), or (b) (3) is
8 a Class 4 felony. A violation of paragraph (a) (2), (c) (1), or
9 (c) (2) is a Class 4 felony. A second or subsequent violation of
10 paragraph (c) (1) or (c) (2) is a Class 3 felony.

11 (e) The owner of a coin-operated machine may maintain a
12 civil action against a person engaged in the activities covered
13 in paragraphs (a) (1) and (a) (2), and may recover treble actual
14 damages, reasonable attorney's fees, and costs.

15 (720 ILCS 5/Art. 16, Div. II heading new)

16 DIVISION II. SPECIAL THEFT PROVISIONS

17 (720 ILCS 5/16-201 new)

18 Sec. 16-201. Retail theft.

19 (a) Retail theft. A person commits the offense of retail
20 theft when he or she knowingly:

21 (1) Takes possession of, carries away, transfers or
22 causes to be carried away or transferred any merchandise
23 displayed, held, stored, or offered for sale in a retail
24 mercantile establishment with the intention of retaining

1 such merchandise or with the intention of depriving the
2 merchant permanently of the possession, use, or benefit of
3 such merchandise without paying the full retail value of
4 such merchandise; or

5 (2) Alters, transfers, or removes any label, price tag,
6 marking, indicia of value, or any other markings which aid
7 in determining value affixed to any merchandise displayed,
8 held, stored, or offered for sale in a retail mercantile
9 establishment and attempts to purchase such merchandise at
10 less than the full retail value with the intention of
11 depriving the merchant of the full retail value of such
12 merchandise; or

13 (3) Transfers any merchandise displayed, held, stored,
14 or offered for sale in a retail mercantile establishment
15 from the container in or on which such merchandise is
16 displayed to any other container with the intention of
17 depriving the merchant of the full retail value of such
18 merchandise; or

19 (4) Under-rings with the intention of depriving the
20 merchant of the full retail value of the merchandise; or

21 (5) Removes a shopping cart from the premises of a
22 retail mercantile establishment without the consent of the
23 merchant given at the time of such removal with the
24 intention of depriving the merchant permanently of the
25 possession, use or benefit of such cart; or

26 (6) Represents to a merchant that he or she or another

1 is the lawful owner of property, knowing that such
2 representation is false, and conveys or attempts to convey
3 that property to a merchant who is the owner of the
4 property in exchange for money, merchandise credit or other
5 property of the merchant; or

6 (7) Uses or possesses any theft detection shielding
7 device or theft detection device remover with the intention
8 of using such device to deprive the merchant permanently of
9 the possession, use or benefit of any merchandise
10 displayed, held, stored, or offered for sale in a retail
11 mercantile establishment without paying the full retail
12 value of such merchandise; or

13 (8) Obtains or exerts unauthorized control over
14 property of the owner and thereby intends to deprive the
15 owner permanently of the use or benefit of the property
16 when a lessee of the personal property of another fails to
17 return it to the owner, or if the lessee fails to pay the
18 full retail value of such property to the lessor in
19 satisfaction of any contractual provision requiring such,
20 within 10 days after written demand from the owner for its
21 return. A notice in writing, given after the expiration of
22 the leasing agreement, by registered mail, to the lessee at
23 the address given by the lessee and shown on the leasing
24 agreement shall constitute proper demand.

25 (a-5) Theft by emergency exit. A person commits the offense
26 of theft by emergency exit when he or she commits a retail

1 theft as defined in paragraphs (a)(1) through (a)(8) of this
2 Section and to facilitate the theft he or she leaves the retail
3 mercantile establishment by use of a designated emergency exit.

4 (b) Permissive inference. If any person:

5 (1) conceals upon his or her person or among his or her
6 belongings, unpurchased merchandise displayed, held,
7 stored, or offered for sale in a retail mercantile
8 establishment; and

9 (2) removes that merchandise beyond the last known
10 station for receiving payments for that merchandise in that
11 retail mercantile establishment;

12 the trier of fact may infer that such person possessed, carried
13 away, or transferred such merchandise with the intention of
14 retaining it or with the intention of depriving the merchant
15 permanently of the possession, use, or benefit of such
16 merchandise without paying the full retail value of such
17 merchandise.

18 (c) Sentence.

19 (1) For purposes of paragraphs (a)(1) through (a)(6) of
20 this Section, retail theft of property, the full retail
21 value of which does not exceed \$300, is a Class A
22 misdemeanor. A violation of paragraph (a)(7) of this
23 Section is a Class A misdemeanor for a first offense and a
24 Class 4 felony for a second or subsequent offense. Theft by
25 emergency exit of property, the full retail value of which
26 does not exceed \$300, is a Class 4 felony.

1 (2) A person who has been convicted of retail theft
2 under paragraphs (a)(1) through (a)(6) of this Section of
3 property, the full retail value of which does not exceed
4 \$300, and who has been previously convicted of any type of
5 theft, robbery, armed robbery, burglary, residential
6 burglary, possession of burglary tools, home invasion,
7 unlawful use of a credit card, or forgery is guilty of a
8 Class 4 felony. A person who has been convicted of theft by
9 emergency exit of property, the full retail value of which
10 does not exceed \$300, and who has been previously convicted
11 of any type of theft, robbery, armed robbery, burglary,
12 residential burglary, possession of burglary tools, home
13 invasion, unlawful use of a credit card, or forgery is
14 guilty of a Class 3 felony. When a person has any such
15 prior conviction, the information or indictment charging
16 that person shall state such prior conviction so as to give
17 notice of the State's intention to treat the charge of
18 retail theft as a felony. The fact of such prior conviction
19 is not an element of the offense and may not be disclosed
20 to the jury during trial unless otherwise permitted by
21 issues properly raised during such trial.

22 (3) Any retail theft under paragraphs (a)(1) through
23 (a)(6) of this Section of property, the full retail value
24 of which exceeds \$300, is a Class 3 felony. Theft by
25 emergency exit of property, the full retail value of which
26 exceeds \$300, is a Class 2 felony. When a charge of retail

1 theft of property or theft by emergency exit of property,
2 the full value of which exceeds \$300, is brought, the value
3 of the property involved is an element of the offense to be
4 resolved by the trier of fact as either exceeding or not
5 exceeding \$300.

6 (d) Detention. Any merchant who has reasonable grounds to
7 believe that a person has committed retail theft may detain
8 such person, on or off the premises of a retail mercantile
9 establishment, in a reasonable manner and for a reasonable
10 length of time, for all or any of the following purposes:

11 (1) To request identification;

12 (2) To verify such identification;

13 (3) To make reasonable inquiry as to whether the person
14 has in his or her possession unpurchased merchandise and,
15 to make reasonable investigation of the ownership of such
16 merchandise;

17 (4) To inform a peace officer of the detention of the
18 person and surrender that person to the custody of a peace
19 officer;

20 (5) In the case of a minor, to immediately make a
21 reasonable attempt to inform the parents, guardian, or
22 other private person interested in the welfare of that
23 minor and, at the merchant's discretion, a peace officer,
24 of this detention and to surrender custody of such minor to
25 such person.

26 A merchant may make a detention as permitted in this

1 subsection (d) off the premises of a retail mercantile
2 establishment only if such detention is pursuant to an
3 immediate pursuit of such person.

4 A merchant shall be deemed to have reasonable grounds to
5 make a detention for the purposes of this Section if the
6 merchant detains a person because such person has in his or her
7 possession either a theft detection shielding device or a theft
8 detection device remover.

9 (e) Affirmative defense. A detention as permitted in this
10 Article does not constitute an arrest or an unlawful restraint,
11 as defined in Section 10-3 of this Code, nor shall it render
12 the merchant liable to the person so detained.

13 (f) Civil liability.

14 (1) A person who commits the offense of retail theft,
15 as defined in paragraph (a) (1), (a) (2), (a) (3), or (a) (8)
16 of this Section, shall be civilly liable to the merchant of
17 the merchandise in an amount consisting of:

18 (A) actual damages equal to the full retail value
19 of the merchandise; plus

20 (B) an amount not less than \$100 nor more than
21 \$1,000; plus

22 (C) attorney's fees and court costs.

23 (2) If a minor commits the offense of retail theft, the
24 parents or guardian of said minor shall be civilly liable
25 as provided in this Section; however, a guardian appointed
26 pursuant to the Juvenile Court Act or the Juvenile Court

1 Act of 1987 shall not be liable under this Section. Total
2 recovery under this Section shall not exceed the maximum
3 recovery permitted under Section 5 of the Parental
4 Responsibility Law.

5 (3) A conviction or a plea of guilty to the offense of
6 retail theft is not a prerequisite to the bringing of a
7 civil suit hereunder.

8 (4) Judgments arising under this Section may be
9 assigned.

10 (720 ILCS 5/16-202 new)

11 Sec. 16-202. Identity theft.

12 (a) Transmission of personal identifying information
13 prohibited. A person who is not a party to a transaction that
14 involves the use of a financial transaction device may not
15 secretly or surreptitiously photograph, or otherwise capture
16 or record, electronically or by any other means, or distribute,
17 disseminate, or transmit, electronically or by any other means,
18 personal identifying information from the transaction
19 knowingly without the consent of the person whose information
20 is photographed, or otherwise captured, recorded, distributed,
21 disseminated, or transmitted. A person who violates this
22 subsection commits the offense of transmission of personal
23 identifying information.

24 (a-5) Subsection (a) does not:

25 (A) prohibit the capture or transmission of personal

1 identifying information in the ordinary and lawful course
2 of business;

3 (B) apply to a peace officer of this State, or of the
4 federal government, or the officer's agent, while in the
5 lawful performance of the officer's duties;

6 (C) prohibit a person from being charged with,
7 convicted of, or punished for any other violation of law
8 committed by that person while violating or attempting to
9 violate this Section.

10 (a-10) Sentence. Transmission of personal identifying
11 information is a Class A misdemeanor.

12 (b) Identity theft. A person commits the offense of
13 identity theft when he or she knowingly:

14 (1) uses any personal identifying information or
15 personal identification document of another person to
16 fraudulently obtain credit, money, goods, services, or
17 other property; or

18 (2) uses any personal identification information or
19 personal identification document of another with intent to
20 commit any felony theft or other felony violation of State
21 law not set forth in paragraph (1) of this subsection (b);
22 or

23 (3) obtains, records, possesses, sells, transfers,
24 purchases, or manufactures any personal identification
25 information or personal identification document of another
26 with intent to commit any felony; or

1 (4) uses, obtains, records, possesses, sells,
2 transfers, purchases, or manufactures any personal
3 identification information or personal identification
4 document of another knowing that such personal
5 identification information or personal identification
6 documents were stolen or produced without lawful
7 authority; or

8 (5) uses, transfers, or possesses document-making
9 implements to produce false identification or false
10 documents with knowledge that they will be used by the
11 person or another to commit any felony.

12 When a charge of identity theft of credit, money, goods,
13 services, or other property exceeding a specified value is
14 brought, the value of the credit, money, goods, services, or
15 other property is an element of the offense to be resolved by
16 the trier of fact as either exceeding or not exceeding the
17 specified value.

18 (b-5) Sentence.

19 (1) A person convicted of identity theft in violation
20 of paragraph (1) of subsection (b) shall be sentenced as
21 follows:

22 (i) Identity theft of credit, money, goods,
23 services, or other property not exceeding \$300 in value
24 is a Class 4 felony. A person who has been previously
25 convicted of identity theft of less than \$300 who is
26 convicted of a second or subsequent offense of identity

1 theft of less than \$300 is guilty of a Class 3 felony.
2 A person who has been convicted of identity theft of
3 less than \$300 who has been previously convicted of any
4 type of theft, robbery, armed robbery, burglary,
5 residential burglary, possession of burglary tools,
6 home invasion, home repair fraud, aggravated home
7 repair fraud, or financial exploitation of an elderly
8 or a person with a disability is guilty of a Class 3
9 felony.

10 (ii) Identity theft of credit, money, goods,
11 services, or other property exceeding \$300 and not
12 exceeding \$10,000 in value is a Class 3 felony.

13 (iii) Identity theft of credit, money, goods,
14 services, or other property exceeding \$10,000 and not
15 exceeding \$100,000 in value is a Class 2 felony.

16 (iv) Identity theft of credit, money, goods,
17 services, or other property exceeding \$100,000 in
18 value is a Class 1 felony.

19 (2) A person convicted of any offense enumerated in
20 paragraphs (2) through (5) of subsection (b) is guilty of a
21 Class 3 felony.

22 (3) A person convicted of any offense enumerated in
23 paragraphs (2) through (5) of subsection (b) a second or
24 subsequent time is guilty of a Class 2 felony.

25 (4) A person who, within a 12-month period, is
26 convicted of any offense enumerated in paragraphs (2)

1 through (5) of subsection (b) with respect to the
2 identifiers of 3 or more separate individuals, at the same
3 time or consecutively, is guilty of a Class 2 felony.

4 (c) Aggravated identity theft. A person commits the offense
5 of aggravated identity theft when he or she commits the offense
6 of identity theft as set forth in subsection (b) of this
7 Section against a person 60 years of age or older or a person
8 with a disability as defined in Section 15-0.5 of this Code.

9 When a charge of aggravated identity theft of credit,
10 money, goods, services, or other property exceeding a specified
11 value is brought, the value of the credit, money, goods,
12 services, or other property is an element of the offense to be
13 resolved by the trier of fact as either exceeding or not
14 exceeding the specified value.

15 A defense to aggravated identity theft does not exist
16 merely because the accused reasonably believed the victim to be
17 a person less than 60 years of age.

18 (c-5) Sentence.

19 (1) A person convicted of aggravated identity theft
20 shall be sentenced as follows:

21 (i) Aggravated identity theft of credit, money,
22 goods, services, or other property not exceeding \$300
23 in value is a Class 3 felony.

24 (ii) Aggravated identity theft of credit, money,
25 goods, services, or other property exceeding \$300 and
26 not exceeding \$10,000 in value is a Class 2 felony.

1 (iii) Aggravated identity theft of credit, money,
2 goods, services, or other property exceeding \$10,000
3 in value and not exceeding \$100,000 in value is a Class
4 1 felony.

5 (iv) Aggravated identity theft of credit, money,
6 goods, services, or other property exceeding \$100,000
7 in value is a Class X felony.

8 (c-6) A person who has been previously convicted of
9 aggravated identity theft regardless of the value of the
10 property involved who is convicted of a second or subsequent
11 offense of aggravated identity theft regardless of the value of
12 the property involved is guilty of a Class X felony.

13 (d) Civil remedies. A person who is convicted of identity
14 theft or aggravated identity theft is liable in a civil action
15 to the person who suffered damages as a result of the
16 violation. The person suffering damages may recover court
17 costs, attorney's fees, lost wages, and actual damages.

18 (e) Offender's interest in the property. It is no defense
19 to a charge of aggravated identity theft or identity theft that
20 the offender has an interest in the credit, money, goods,
21 services, or other property.

22 (f) Mandating law enforcement agencies to accept and
23 provide reports; judicial factual determination. A person who
24 has learned or reasonably suspects that his or her personal
25 identifying information has been unlawfully used by another may
26 initiate a law enforcement investigation by contacting the

1 local law enforcement agency that has jurisdiction over his or
2 her actual residence, which shall take a police report of the
3 matter, provide the complainant with a copy of that report, and
4 begin an investigation of the facts or, if the suspected crime
5 was committed in a different jurisdiction, refer the matter to
6 the law enforcement agency where the suspected crime was
7 committed for an investigation of the facts.

8 A person who reasonably believes that he or she is the
9 victim of financial identity theft may petition a court, or
10 upon application of the prosecuting attorney or on its own
11 motion, the court may grant an expedited judicial determination
12 of his or her factual innocence, where the perpetrator of the
13 financial identity theft was arrested for, cited for, or
14 convicted of a crime under the victim's identity, or where a
15 criminal complaint has been filed against the perpetrator in
16 the victim's name, or where the victim's identity has been
17 mistakenly associated with a criminal conviction. Any judicial
18 determination of factual innocence made pursuant to this
19 subsection may be heard and determined upon declarations,
20 affidavits, police reports, or other material, relevant, and
21 reliable information submitted by the parties or ordered to be
22 part of the record by the court. If the court determines that
23 the petition or motion is meritorious and that there is no
24 reasonable cause to believe that the victim committed the
25 offense for which the perpetrator of the identity theft was
26 arrested, cited, convicted, or subject to a criminal complaint

1 in the victim's name, or that the victim's identity has been
2 mistakenly associated with a record of criminal conviction, the
3 court shall find the victim factually innocent of that offense.
4 If the victim is found factually innocent, the court shall
5 issue an order certifying this determination.

6 After a court has issued a determination of factual
7 innocence under this Section, the court may order the name and
8 associated personal identifying information contained in the
9 court records, files, and indexes accessible by the public
10 sealed, deleted, or labeled to show that the data is
11 impersonated and does not reflect the defendant's identity.

12 A court that has issued a determination of factual
13 innocence under this Section may at any time vacate that
14 determination if the petition, or any information submitted in
15 support of the petition, is found to contain any material
16 misrepresentation or fraud.

17 (720 ILCS 5/16-204 new)

18 Sec. 16-204. Internet offenses.

19 (a) Online sale of stolen property. A person commits the
20 offense of online sale of stolen property when he or she uses
21 or accesses the Internet with the intent of selling property
22 gained through unlawful means.

23 (b) Online deceptive practices. A person commits the
24 offense of online deceptive practices when he or she uses the
25 Internet to purchase or attempt to purchase property from a

1 seller with a mode of payment that he or she knows is
2 fictitious, stolen, or lacking the consent of the valid account
3 holder.

4 (c) Electronic fencing. A person commits the offense of
5 electronic fencing when he or she sells stolen property using
6 the Internet, knowing that the property was stolen. A person
7 who unknowingly purchases stolen property over the Internet
8 does not violate this Section.

9 (d) Sentence. A violation of this Section is a Class 4
10 felony if the full retail value of the stolen property or
11 property obtained by deception does not exceed \$300. A
12 violation of this Section is a Class 2 felony if the full
13 retail value of the stolen property or property obtained by
14 deception exceeds \$300.

15 (720 ILCS 5/Art. 17, Div. I heading new)

16 DIVISION I. GENERAL FRAUD PROVISIONS

17 (720 ILCS 5/17-1) (from Ch. 38, par. 17-1)

18 Sec. 17-1. Deceptive practices.

19 ~~(A) Definitions.~~

20 ~~As used in this Section:~~

21 ~~(i) "Financial institution" means any bank, savings~~
22 ~~and loan association, credit union, or other depository of~~
23 ~~money, or medium of savings and collective investment.~~

24 ~~(ii) An "account holder" is any person having a~~

1 ~~checking account or savings account in a financial~~
2 ~~institution.~~

3 ~~(iii) To act with the "intent to defraud" means to act~~
4 ~~wilfully, and with the specific intent to deceive or cheat,~~
5 ~~for the purpose of causing financial loss to another, or to~~
6 ~~bring some financial gain to oneself. It is not necessary~~
7 ~~to establish that any person was actually defrauded or~~
8 ~~deceived.~~

9 (A) ~~(B)~~ General Deception.

10 A person commits a deceptive practice when, with intent to
11 defraud, the person does any of the following:

12 (1) ~~(a)~~ He or she knowingly causes another, by
13 deception or threat, to execute a document disposing of
14 property or a document by which a pecuniary obligation is
15 incurred.

16 (2) ~~(b)~~ Being an officer, manager or other person
17 participating in the direction of a financial institution,
18 he or she knowingly receives or permits the receipt of a
19 deposit or other investment, knowing that the institution
20 is insolvent.

21 (3) ~~(c)~~ He or she knowingly makes ~~or directs another to~~
22 ~~make~~ a false or deceptive statement addressed to the public
23 for the purpose of promoting the sale of property or
24 services.

25 (B) Bad checks.

26 A person commits a deceptive practice when:

1 (1) ~~(d)~~ With intent to obtain control over property or
2 to pay for property, labor or services of another, or in
3 satisfaction of an obligation for payment of tax under the
4 Retailers' Occupation Tax Act or any other tax due to the
5 State of Illinois, he or she issues or delivers a check or
6 other order upon a real or fictitious depository for the
7 payment of money, knowing that it will not be paid by the
8 depository. The trier of fact may infer that the defendant
9 knows that the check or other order will not be paid by the
10 depository and that the defendant has the intent to defraud
11 when the defendant fails ~~Failure~~ to have sufficient funds
12 or credit with the depository when the check or other order
13 is issued or delivered, or when such check or other order
14 is presented for payment and dishonored on each of 2
15 occasions at least 7 days apart, ~~is prima facie evidence~~
16 ~~that the offender knows that it will not be paid by the~~
17 ~~depository, and that he or she has the intent to defraud.~~
18 In this paragraph (1) ~~(d)~~, "property" includes rental
19 property (real or personal).

20 (2) ~~(e)~~ He or she issues or delivers a check or other
21 order upon a real or fictitious depository in an amount
22 exceeding \$300 ~~\$150~~ in payment of an amount owed on any
23 credit transaction for property, labor or services, or in
24 payment of the entire amount owed on any credit transaction
25 for property, labor or services, knowing that it will not
26 be paid by the depository, and thereafter fails to provide

1 funds or credit with the depository in the face amount of
2 the check or order within 7 days of receiving actual notice
3 from the depository or payee of the dishonor of the check
4 or order.

5 ~~Sentence.~~

6 ~~A person convicted of a deceptive practice under paragraph~~
7 ~~(a), (b), (c), (d), or (e) of this subsection (B), except as~~
8 ~~otherwise provided by this Section, is guilty of a Class A~~
9 ~~misdemeanor.~~

10 ~~A person convicted of a deceptive practice in violation of~~
11 ~~paragraph (d) a second or subsequent time shall be guilty of a~~
12 ~~Class 4 felony.~~

13 ~~A person convicted of deceptive practices in violation of~~
14 ~~paragraph (d), when the value of the property so obtained, in a~~
15 ~~single transaction, or in separate transactions within a 90 day~~
16 ~~period, exceeds \$150, shall be guilty of a Class 4 felony. In~~
17 ~~the case of a prosecution for separate transactions totaling~~
18 ~~more than \$150 within a 90 day period, such separate~~
19 ~~transactions shall be alleged in a single charge and provided~~
20 ~~in a single prosecution.~~

21 (C) Bank-related Fraud ~~Deception on a Bank or Other~~
22 ~~Financial Institution.~~

23 (1) False statement. ~~A person commits false statement~~
24 bank fraud if he or she, ~~Statements. Any person who,~~ with
25 the intent to defraud, makes or causes to be made any false
26 statement in writing in order to obtain an account with a

1 bank or other financial institution, or to obtain credit
2 from a bank or other financial institution, or to obtain
3 services from a currency exchange, knowing such writing to
4 be false, and with the intent that it be relied upon,~~is~~
5 ~~guilty of a Class A misdemeanor.~~

6 For purposes of this subsection (C), a false statement
7 shall mean any false statement representing identity,
8 address, or employment, or the identity, address or
9 employment of any person, firm or corporation.

10 (2) Possession of Stolen or Fraudulently Obtained
11 Checks. A person commits possession of stolen or
12 fraudulently obtained checks when he or she ~~Any person who~~
13 possesses, with the intent to obtain access to funds of
14 another person held in a real or fictitious deposit account
15 at a financial institution, makes a false statement or a
16 misrepresentation to the financial institution, or
17 possesses, transfers, negotiates, or presents for payment
18 a check, draft, or other item purported to direct the
19 financial institution to withdraw or pay funds out of the
20 account holder's deposit account with knowledge that such
21 possession, transfer, negotiation, or presentment is not
22 authorized by the account holder or the issuing financial
23 institution. ~~is guilty of a Class A misdemeanor. A person~~
24 ~~shall be deemed to have been authorized to possess,~~
25 ~~transfer, negotiate, or present for payment such item if~~
26 ~~the person was otherwise entitled by law to withdraw or~~

1 ~~recover funds from the account in question and followed the~~
2 ~~requisite procedures under the law. In the event that the~~
3 ~~account holder, upon discovery of the withdrawal or~~
4 ~~payment, claims that the withdrawal or payment was not~~
5 ~~authorized, the financial institution may require the~~
6 ~~account holder to submit an affidavit to that effect on a~~
7 ~~form satisfactory to the financial institution before the~~
8 ~~financial institution may be required to credit the account~~
9 ~~in an amount equal to the amount or amounts that were~~
10 ~~withdrawn or paid without authorization.~~

11 ~~Any person who, within any 12 month period, violates~~
12 ~~this Section with respect to 3 or more checks or orders for~~
13 ~~the payment of money at the same time or consecutively,~~
14 ~~each the property of a different account holder or~~
15 ~~financial institution, is guilty of a Class 4 felony.~~

16 (3) Possession of Implements of Check Fraud. A person
17 commits possession of implements of check fraud when he or
18 she ~~Any person who possesses, with the intent to defraud~~
19 ~~and without the authority of the account holder or~~
20 ~~financial institution, any check imprinter, signature~~
21 ~~imprinter, or "certified" stamp is guilty of a Class A~~
22 ~~misdemeanor.~~

23 ~~A person who within any 12 month period violates this~~
24 ~~subsection (C) as to possession of 3 or more such devices~~
25 ~~at the same time or consecutively, is guilty of a Class 4~~
26 ~~felony.~~

~~(4) Possession of Identification Card.~~

~~Any person who, with the intent to defraud, possesses any check guarantee card or key card or identification card for cash dispensing machines without the authority of the account holder or financial institution is guilty of a Class A misdemeanor.~~

~~A person who, within any 12 month period, violates this Section at the same time or consecutively with respect to 3 or more cards, each the property of different account holders, is guilty of a Class 4 felony.~~

~~A person convicted under this Section, when the value of property so obtained, in a single transaction, or in separate transactions within any 90 day period, exceeds \$150 shall be guilty of a Class 4 felony.~~

(D) Sentence.

(1) The commission of a deceptive practice in violation of this Section, except as otherwise provided by this subsection (D), is a Class A misdemeanor.

(2) For purposes of paragraph (B) (1):

(a) The commission of a deceptive practice in violation of paragraph (B) (1) a second or subsequent time is a Class 4 felony.

(b) The commission of a deceptive practice in violation of paragraph (B) (1), when the value of the property so obtained, in a single transaction, or in separate transactions within a 90-day period, exceeds

1 \$300, is a Class 4 felony. In the case of a prosecution
2 for separate transactions totaling more than \$300
3 within a 90-day period, such separate transactions
4 shall be alleged in a single charge and prosecuted in a
5 single prosecution.

6 (c) A person who issues a check or order to a payee
7 in violation of paragraph (B)(1) and who fails to pay
8 the amount of the check or order to the payee within 30
9 days following either delivery and acceptance by the
10 addressee of a written demand by both certified mail
11 and by first class mail to the person's last known
12 address or attempted delivery of a written demand sent
13 by both certified mail and by first class mail to the
14 person's last known address and the demand by certified
15 mail is returned to the sender with a notation that
16 delivery was refused or unclaimed shall be liable to
17 the payee or a person subrogated to the rights of the
18 payee for, in addition to the amount owing upon such
19 check or order, damages of treble the amount so owing,
20 but in no case less than \$100 nor more than \$1,500,
21 plus attorney's fees and court costs. An action under
22 this Section may be brought in small claims court or in
23 any other appropriate court. As part of the written
24 demand required by this Section, the plaintiff shall
25 provide written notice to the defendant of the fact
26 that prior to the hearing of any action under this

1 Section, the defendant may tender to the plaintiff and
2 the plaintiff shall accept as satisfaction of the
3 claim, an amount of money equal to the sum of the
4 amount of the check and the incurred court costs,
5 including the cost of service of process, and
6 attorney's fees.

7 (3) For purposes of paragraph (C) (2):

8 (a) A person shall be deemed to have been
9 authorized to possess, transfer, negotiate, or present
10 for payment such item if the person was otherwise
11 entitled by law to withdraw or recover funds from the
12 account in question and followed the requisite
13 procedures under the law. In the event that the account
14 holder, upon discovery of the withdrawal or payment,
15 claims that the withdrawal or payment was not
16 authorized, the financial institution may require the
17 account holder to submit an affidavit to that effect on
18 a form satisfactory to the financial institution
19 before the financial institution may be required to
20 credit the account in an amount equal to the amount or
21 amounts that were withdrawn or paid without
22 authorization.

23 (b) A person who, within any 12-month period,
24 violates paragraph (C) (3) with respect to 3 or more
25 checks or orders for the payment of money at the same
26 time or consecutively, each the property of a different

1 account holder or financial institution, is guilty of a
2 Class 4 felony.

3 (4) For purposes of paragraph (C)(3), a person who
4 within any 12-month period violates paragraph (C)(3) as to
5 possession of 3 or more such devices at the same time or
6 consecutively, is guilty of a Class 4 felony.

7 (Source: P.A. 94-872, eff. 6-16-06.)

8 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)

9 Sec. 17-2. False personation; solicitation.

10 (a) False personation; ~~use of title; solicitation; certain~~
11 entities.

12 (1) ~~(a)~~ A person commits a false personation when he or
13 she knowingly and falsely represents himself or herself to
14 be a member or representative of any veterans' or public
15 safety personnel organization or a representative of any
16 charitable organization, or when any person knowingly
17 exhibits or uses in any manner any decal, badge or insignia
18 of any charitable, public safety personnel, or veterans'
19 organization when not authorized to do so by the
20 charitable, public safety personnel, or veterans'
21 organization. ~~"Public safety personnel organization" has~~
22 ~~the meaning ascribed to that term in Section 1 of the~~
23 ~~Solicitation for Charity Act.~~

24 (2) ~~(a-5)~~ A person commits a false personation when he
25 or she knowingly and falsely represents himself or herself

1 to be a veteran in seeking employment or public office. ~~In~~
2 ~~this subsection, "veteran" means a person who has served in~~
3 ~~the Armed Services or Reserved Forces of the United States.~~

4 ~~(a-6) A person commits a false personation when he or she~~
5 ~~falsely represents himself or herself to be a recipient of, or~~
6 ~~wears on his or her person, any of the following medals if that~~
7 ~~medal was not awarded to that person by the United States~~
8 ~~government, irrespective of branch of service: the~~
9 ~~Congressional Medal of Honor, the Distinguished Service Cross,~~
10 ~~the Navy Cross, the Air Force Cross, the Silver Star, the~~
11 ~~Bronze Star, or the Purple Heart.~~

12 ~~It is a defense to a prosecution under this subsection~~
13 ~~(a-6) that the medal is used, or is intended to be used,~~
14 ~~exclusively:~~

15 ~~(1) for a dramatic presentation, such as a theatrical,~~
16 ~~film, or television production, or a historical~~
17 ~~re-enactment; or~~

18 ~~(2) for a costume worn, or intended to be worn, by a~~
19 ~~person under 18 years of age.~~

20 (3) ~~(b)~~ No person shall knowingly: use the words
21 ~~"Chicago Police," "Chicago Police Department," "Chicago~~
22 ~~Patrolman," "Chicago Sergeant," "Chicago Lieutenant,"~~
23 ~~"Chicago Peace Officer," "Sheriff's Police," "Sheriff,"~~
24 "Officer," "Law Enforcement," "Trooper," "Deputy," "State
25 Police," or any other words to the same effect (i) in the
26 title of any organization, magazine, or other publication

1 without the express approval of the named public safety
2 personnel organization's governing board or (ii) in
3 combination with the name of any State agency, public
4 university, or unit of local government without the express
5 written authorization of that State, State agency, or unit
6 of local government ~~Chicago Police Board.~~

7 ~~(b 5) No person shall use the words "Cook County~~
8 ~~Sheriff's Police" or "Cook County Sheriff" or any other~~
9 ~~words to the same effect in the title of any organization,~~
10 ~~magazine, or other publication without the express~~
11 ~~approval of the office of the Cook County Sheriff's Merit~~
12 ~~Board. The references to names and titles in this Section~~
13 ~~may not be construed as authorizing use of the names and~~
14 ~~titles of other organizations or public safety personnel~~
15 ~~organizations otherwise prohibited by this Section or the~~
16 ~~Solicitation for Charity Act.~~

17 ~~(b 10) No person may use, in the title of any~~
18 ~~organization, magazine, or other publication, the words~~
19 ~~"officer", "peace officer", "police", "law enforcement",~~
20 ~~"trooper", "sheriff", "deputy", "deputy sheriff", or~~
21 ~~"state police" in combination with the name of any state,~~
22 ~~state agency, public university, or unit of local~~
23 ~~government without the express written authorization of~~
24 ~~that state, state agency, or unit of local government.~~

25 ~~(c) (Blank).~~

26 (4) ~~(c 1)~~ No person may knowingly claim or represent

1 that he or she is acting on behalf of any public safety
2 personnel organization ~~police department, chief of a~~
3 ~~police department, fire department, chief of a fire~~
4 ~~department, sheriff's department, or sheriff~~ when
5 soliciting financial contributions or selling or
6 delivering or offering to sell or deliver any merchandise,
7 goods, services, memberships, or advertisements unless the
8 chief of the police department, fire department, and the
9 corporate or municipal authority thereof, or the sheriff
10 has first entered into a written agreement with the person
11 or with an organization with which the person is affiliated
12 and the agreement permits the activity and specifies and
13 states clearly and fully the purposes for which the
14 proceeds of the solicitation, contribution, or sale will be
15 used.

16 (5) ~~(e-2)~~ No person, when soliciting financial
17 contributions or selling or delivering or offering to sell
18 or deliver any merchandise, goods, services, memberships,
19 or advertisements may claim or represent that he or she is
20 representing or acting on behalf of any nongovernmental
21 organization by any name which includes "officer", "peace
22 officer", "police", "law enforcement", "trooper",
23 "sheriff", "deputy", "deputy sheriff", "State police", or
24 any other word or words which would reasonably be
25 understood to imply that the organization is composed of
26 law enforcement personnel unless the person is actually

1 representing or acting on behalf of the nongovernmental
2 organization, and the nongovernmental organization is
3 controlled by and governed by a membership of and
4 represents a group or association of active duty peace
5 officers, retired peace officers, or injured peace
6 officers and before commencing the solicitation or the sale
7 or the offers to sell any merchandise, goods, services,
8 memberships, or advertisements, a written contract between
9 the soliciting or selling person and the nongovernmental
10 organization has been entered into.

11 ~~(e-3) No person may solicit financial contributions or~~
12 ~~sell or deliver or offer to sell or deliver any~~
13 ~~merchandise, goods, services, memberships, or~~
14 ~~advertisements on behalf of a police, sheriff, or other law~~
15 ~~enforcement department unless that person is actually~~
16 ~~representing or acting on behalf of the department or~~
17 ~~governmental organization and has entered into a written~~
18 ~~contract with the police chief, or head of the law~~
19 ~~enforcement department, and the corporate or municipal~~
20 ~~authority thereof, or the sheriff, which specifies and~~
21 ~~states clearly and fully the purposes for which the~~
22 ~~proceeds of the solicitation, contribution, or sale will be~~
23 ~~used.~~

24 (6) ~~(e-4)~~ No person, when soliciting financial
25 contributions or selling or delivering or offering to sell
26 or deliver any merchandise, goods, services, memberships,

1 or advertisements, may knowingly claim or represent that he
2 or she is representing or acting on behalf of any
3 nongovernmental organization by any name which includes
4 the term "fireman", "fire fighter", "paramedic", or any
5 other word or words which would reasonably be understood to
6 imply that the organization is composed of fire fighter or
7 paramedic personnel unless the person is actually
8 representing or acting on behalf of the nongovernmental
9 organization, and the nongovernmental organization is
10 controlled by and governed by a membership of and
11 represents a group or association of active duty, retired,
12 or injured fire fighters (for the purposes of this Section,
13 "fire fighter" has the meaning ascribed to that term in
14 Section 2 of the Illinois Fire Protection Training Act) or
15 active duty, retired, or injured emergency medical
16 technicians - ambulance, emergency medical technicians -
17 intermediate, emergency medical technicians - paramedic,
18 ambulance drivers, or other medical assistance or first aid
19 personnel, and before commencing the solicitation or the
20 sale or delivery or the offers to sell or deliver any
21 merchandise, goods, services, memberships, or
22 advertisements, a written contract between the soliciting
23 or selling person and the nongovernmental organization has
24 been entered into.

25 ~~(c-5) No person may solicit financial contributions or~~
26 ~~sell or deliver or offer to sell or deliver any~~

1 ~~merchandise, goods, services, memberships, or~~
2 ~~advertisements on behalf of a department or departments of~~
3 ~~fire fighters unless that person is actually representing~~
4 ~~or acting on behalf of the department or departments and~~
5 ~~has entered into a written contract with the department~~
6 ~~chief and corporate or municipal authority thereof which~~
7 ~~specifies and states clearly and fully the purposes for~~
8 ~~which the proceeds of the solicitation, contribution, or~~
9 ~~sale will be used.~~

10 (7) (e-6) No person may knowingly claim or represent
11 that he or she is an airman, airline employee, airport
12 employee, or contractor at an airport in order to obtain
13 the uniform, identification card, license, or other
14 identification paraphernalia of an airman, airline
15 employee, airport employee, or contractor at an airport.

16 (b) False personation; judicial process. A person commits a
17 false personation if he or she knowingly and falsely represents
18 himself or herself to be:

19 (1) An attorney authorized to practice law for purposes
20 of compensation or consideration; this subsection (b)(1)
21 does not apply to a person who unintentionally fails to pay
22 attorney registration fees established by Supreme Court
23 Rule;

24 (2) A public officer or a public employee or an
25 official or employee of the Federal government;

26 (3) A peace officer;

- 1 (4) A peace officer while carrying a deadly weapon;
2 (5) A peace officer in attempting or committing a
3 felony;
4 (6) A peace officer in attempting or committing a
5 forcible felony;
6 (7) The parent, legal guardian or other relation of a
7 minor child to any public official, public employee, or
8 elementary or secondary school employee or administrator;
9 (8) A fire fighter;
10 (9) A fire fighter while carrying a deadly weapon;
11 (10) A fire fighter in attempting or committing a
12 felony;
13 (11) An emergency management worker of any
14 jurisdiction in this State; or
15 (12) An emergency management worker of any
16 jurisdiction in this State in attempting or committing a
17 felony.
18 (c) Fraudulent advertisement of a corporate name.
19 (1) The offense of fraudulent advertisement of a
20 corporate name is committed when a company, association, or
21 person puts forth a sign or advertisement and assumes, for
22 the purpose of soliciting business, a corporate name, not
23 being incorporated.
24 (2) Nothing contained in this Section prohibits a
25 corporation, company, association, or person from using a
26 divisional designation or trade name in conjunction with

1 its corporate name or assumed name under Section 4.05 of
2 the Business Corporation Act of 1983 or, if it is a member
3 of a partnership or joint venture, from doing partnership
4 or joint venture business under the partnership or joint
5 venture name. The name under which the joint venture or
6 partnership does business may differ from the names of the
7 members. Business may not be conducted or transacted under
8 that joint venture or partnership name, however, unless all
9 provisions of the Assumed Business Name Act have been
10 complied with. Nothing in this Section permits a foreign
11 corporation to do business in this State without complying
12 with all Illinois laws regulating the doing of business by
13 foreign corporations. No foreign corporation may conduct
14 or transact business in this State as a member of a
15 partnership or joint venture that violates any Illinois law
16 regulating or pertaining to the doing of business by
17 foreign corporations in Illinois.

18 (3) The provisions of this Section do not apply to
19 limited partnerships formed under the Revised Uniform
20 Limited Partnership Act or under the Uniform Limited
21 Partnership Act (2001).

22 (d) False law enforcement badges.

23 (1) A person commits the offense of false law
24 enforcement badges if he or she knowingly produces, sells,
25 or distributes a law enforcement badge without the express
26 written consent of the law enforcement agency represented

1 on the badge, or in case of a reorganized or defunct law
2 enforcement agency, its successor law enforcement agency.

3 (2) It is a defense to the offense of false law
4 enforcement badges that the law enforcement badge is used
5 or is intended to be used exclusively: (i) as a memento, or
6 in a collection or exhibit; (ii) for decorative purposes;
7 or (iii) for a dramatic presentation, such as a theatrical,
8 film, or television production.

9 (e) False medals.

10 (1) A person commits false personation if he or she
11 knowingly and falsely represents himself or herself to be a
12 recipient of, or wears on his or her person, any of the
13 following medals if that medal was not awarded to that
14 person by the United States Government, irrespective of
15 branch of service: The Congressional Medal of Honor, The
16 Distinguished Service Cross, The Navy Cross, The Air Force
17 Cross, The Silver Star, The Bronze Star, or the Purple
18 Heart.

19 (2) It is a defense to a prosecution under this
20 paragraph (e)(1) that the medal is used, or is intended to
21 be used, exclusively:

22 (i) for a dramatic presentation, such as a
23 theatrical, film, or television production, or a
24 historical re-enactment; or

25 (ii) for a costume worn, or intended to be worn, by
26 a person under 18 years of age.

1 ~~(f) (d) Sentence. False personation, unapproved use of a~~
2 ~~name or title, or solicitation in~~

3 (1) A violation of paragraph (c)(1) is a petty offense,
4 and the company association or person commits an additional
5 petty offense for each day he, she, or it continues to so
6 violate. A violation of subsection (e) is a petty offense
7 for which the offender shall be fined at least \$100 and not
8 exceeding \$200.

9 (2) A violation of paragraph (a)(1) or (a)(3)
10 ~~subsection (a), (b), (b 5), or (b 10) of this Section is a~~
11 ~~Class C misdemeanor. False personation in~~

12 (3) A violation of subsection (b)(2) is a Class B
13 misdemeanor.

14 (4) A violation of paragraph subsections (a)(2),
15 (a)(7), or (b)(7) or subsection (d) (a-5) and (e-6) is a
16 Class A misdemeanor. A second or subsequent violation of
17 subsection (d) is a Class 3 felony.

18 ~~False personation in violation of subsection (a 6) of this~~
19 ~~Section is a petty offense for which the offender shall be~~
20 ~~fined at least \$100 and not exceeding \$200.~~

21 (5) Engaging in any activity in A violation of
22 paragraph subsection (a)(4), (a)(5), (a)(6), (b)(1),
23 (b)(3), (b)(8), or (b)(11) (e-1), (e-2), (e-3), (e-4), or
24 ~~(e-5) of this Section is a Class 4 felony.~~

25 (6) A violation of paragraph (b)(4), (b)(9), or (b)(12)
26 is a Class 3 felony.

1 (7) A violation of paragraph (b) (5) or (b) (10) is a
2 Class 2 felony.

3 (8) A violation of paragraph (b) (6) is a Class 1
4 felony.

5 (Source: P.A. 94-548, eff. 8-11-05; 94-755, eff. 1-1-07;
6 94-984, eff. 6-30-06; revised 8-3-06.)

7 (720 ILCS 5/17-3) (from Ch. 38, par. 17-3)
8 Sec. 17-3. Forgery.

9 (a) A person commits forgery when, with intent to defraud,
10 he or she knowingly:

11 (1) makes or alters any document apparently capable of
12 defrauding another in such manner that it purports to have
13 been made by another or at another time, or with different
14 provisions, or by authority of one who did not give such
15 authority; or

16 (2) issues or delivers such document knowing it to have
17 been thus made or altered; or

18 (3) possesses, with intent to issue or deliver, any
19 such document knowing it to have been thus made or altered;
20 or

21 (4) unlawfully uses the digital signature, as defined
22 in the Financial Institutions Electronic Documents and
23 Digital Signature Act, of another; or

24 (5) unlawfully uses the signature device of another to
25 create an electronic signature of that other person, as

1 those terms are defined in the Electronic Commerce Security
2 Act.

3 (b) (Blank). ~~An intent to defraud means an intention to~~
4 ~~cause another to assume, create, transfer, alter or terminate~~
5 ~~any right, obligation or power with reference to any person or~~
6 ~~property. As used in this Section, "document" includes, but is~~
7 ~~not limited to, any document, representation, or image produced~~
8 ~~manually, electronically, or by computer.~~

9 (c) A document apparently capable of defrauding another
10 includes, but is not limited to, one by which any right,
11 obligation or power with reference to any person or property
12 may be created, transferred, altered or terminated. A document
13 includes any record or electronic record as those terms are
14 defined in the Electronic Commerce Security Act.

15 (d) Sentence.

16 Forgery is a Class 3 felony. Forgery is a Class 4 felony
17 when only one universal price code label is forged. Forgery is
18 a Class A misdemeanor when an academic degree or coin is
19 forged.

20 (Source: P.A. 94-458, eff. 8-4-05.)

21 (720 ILCS 5/Art. 17, Div. II heading new)

22 DIVISION II. FRAUDULENT TAMPERING

23 (720 ILCS 5/17-201 new)

24 Sec. 17-201. Fraud in transfers of real and personal

1 property.

2 (a) Conditional sales; sale without the consent of the
3 title holder. No person purchasing personal property under a
4 conditional sales contract shall, during the existence of such
5 conditional sales contract and before the conditions thereof
6 have been fulfilled, knowingly sell, transfer, conceal, or in
7 any manner dispose of such property, or cause or allow the same
8 to be done without the written consent of the holder of title.

9 (b) Acknowledgment of fraudulent conveyance. No officer
10 authorized to take the proof and acknowledgement of a
11 conveyance of real or personal property, or other instrument,
12 shall knowingly certify that the conveyance or other instrument
13 was duly proven or acknowledged by a party to the conveyance or
14 other instrument, when no such acknowledgement or proof was
15 made, or was not made at the time it was certified to have been
16 made, with intent to injure or defraud, or to enable any other
17 person to injure or defraud.

18 (c) Fraudulent land sales. No person, after once selling,
19 bartering, or disposing of a tract or tracts of land or a town
20 lot or lots, or executing a bond or agreement for the sale of
21 lands or a town lot or lots, shall knowingly and with intent to
22 defraud sell, barter, or dispose of the same tract or tracts of
23 land, or town lot or lots, or any part of those tracts of land
24 or town lot or lots, or shall knowingly and with intent to
25 defraud execute a bond or agreement to sell, barter, or dispose
26 of the same land, lot or lots, or any part of that land, lot or

1 lots, to any other person for a valuable consideration.

2 (d) Sentence. A violation of subsection (a) of this Section
3 is a Class A misdemeanor; a violation of subsection (b) of this
4 Section is a Class 4 felony; a violation of subsection (c) of
5 this Section is a Class 3 felony.

6 (720 ILCS 5/17-202 new)

7 Sec. 17-202. Fraud in stock transactions.

8 (a) No officer, director, or agent of a bank, railroad, or
9 other corporation, nor any other person, shall knowingly and
10 with intent to defraud, issue, sell, transfer, assign, or
11 pledge, or cause or procure to be issued, sold, transferred,
12 assigned, or pledged, any false, fraudulent, or simulated
13 certificate or other evidence of ownership of a share or shares
14 of the capital stock of a bank, railroad, or other corporation.

15 (b) No officer, director, or other agent of a bank,
16 railroad, or other corporation shall knowingly sign, with
17 intent to issue, sell, pledge, or cause to be issued, sold, or
18 pledged, any false, fraudulent, or simulated certificate or
19 other evidence of the ownership or transfer of a share or
20 shares of the capital stock of that corporation, or an
21 instrument purporting to be a certificate or other evidence of
22 the ownership or transfer, the signing, issuing, selling, or
23 pledging of which by the officer, director, or other agent, is
24 not authorized by law.

25 (c) A violation of this Section is a Class 3 felony.

1 (720 ILCS 5/17-203) (was 720 ILCS 5/17-26)

2 Sec. 17-203 ~~17-26~~. Misconduct by a corporate official.

3 (a) A person commits the offense of misconduct by a
4 corporate official ~~is guilty of a crime~~ when:

5 (1) being a director of a corporation, he or she
6 knowingly with the intent ~~a purpose~~ to defraud, concurs in
7 any vote or act of the directors of the corporation, or any
8 of them, which has the purpose of:

9 (A) making a dividend except in the manner provided
10 by law;

11 (B) dividing, withdrawing or in any manner paying
12 any stockholder any part of the capital stock of the
13 corporation except in the manner provided by law;

14 (C) discounting or receiving any note or other
15 evidence of debt in payment of an installment of
16 capital stock actually called in and required to be
17 paid, or with purpose of providing the means of making
18 such payment;

19 (D) receiving or discounting any note or other
20 evidence of debt with the purpose of enabling any
21 stockholder to withdraw any part of the money paid in
22 by him or her on his or her stock; or

23 (E) applying any portion of the funds of such
24 corporation, directly or indirectly, to the purchase
25 of shares of its own stock, except in the manner

1 provided by law; or

2 (2) being a director or officer of a corporation, he or
3 she, with the intent ~~purpose~~ to defraud:

4 (A) issues, participates in issuing, or concurs in
5 a vote to issue any increase of its capital stock
6 beyond the amount of the capital stock thereof, duly
7 authorized by or in pursuance of law;

8 (B) sells, or agrees to sell, or is directly
9 interested in the sale of any share of stock of such
10 corporation, or in any agreement to sell such stock,
11 unless at the time of the sale or agreement he or she
12 is an actual owner of such share, provided that the
13 foregoing shall not apply to a sale by or on behalf of
14 an underwriter or dealer in connection with a bona fide
15 public offering of shares of stock of such corporation;

16 (C) executes a scheme or attempts to execute a
17 scheme to obtain any share of stock of such corporation
18 by means of false representation; or

19 (3) being a director or officer of a corporation, he or
20 she with the intent ~~purpose~~ to defraud or evade a financial
21 disclosure reporting requirement of this State or of
22 Section 13(A) or 15(D) of the Securities Exchange Act of
23 1934, as amended, 15 U. S. C. 78M(A) or 78O(D), he or she:

24 (A) causes or attempts to cause a corporation or
25 accounting firm representing the corporation or any
26 other individual or entity to fail to file a financial

1 disclosure report as required by State or federal law;
2 or

3 (B) causes or attempts to cause a corporation or
4 accounting firm representing the corporation or any
5 other individual or entity to file a financial
6 disclosure report, as required by State or federal law,
7 that contains a material omission or misstatement of
8 fact.

9 (b) If the benefit derived from a violation of this Section
10 is \$500,000 or more, the offender is guilty of a Class 2
11 felony. If the benefit derived from a violation of this Section
12 is less than \$500,000, the offender is guilty of a Class 3
13 felony.

14 (Source: P.A. 93-496, eff. 1-1-04.)

15 (720 ILCS 5/17-204 new)

16 Sec. 17-204. Fraudulent collection practices.

17 (a) Deceptive collection practice. A collection agency as
18 defined in the Collection Agency Act or any employee of such
19 collection agency commits the offense of deceptive collection
20 practice when, with the intent to collect a debt owed to a
21 person, corporation, or other entity, he or she:

22 (1) represents falsely that he or she is an attorney, a
23 policeman, a sheriff or deputy sheriff, a bailiff, a county
24 clerk or employee of a county clerk's office, or any other
25 person who by statute is authorized to enforce the law or

1 any order of a court; or

2 (2) while attempting to collect an alleged debt,
3 misrepresents to the alleged debtor or to his or her
4 immediate family the corporate, partnership, or
5 proprietary name or other trade or business name under
6 which the debt collector is engaging in debt collections
7 and which he or she is legally authorized to use; or

8 (3) while attempting to collect an alleged debt, adds
9 to the debt any service charge, interest, or penalty which
10 he or she is not entitled by law to add; or

11 (4) threatens to ruin, destroy, or otherwise adversely
12 affect an alleged debtor's credit rating unless, at the
13 same time, a disclosure is made in accordance with federal
14 law that the alleged debtor has a right to inspect his or
15 her credit rating; or

16 (5) accepts from an alleged debtor a payment which he
17 or she knows is not owed.

18 (b) Unlawful attempt to collect compensated debt against a
19 crime victim. A person or a vendor commits the offense of
20 unlawful attempt to collect a compensated debt against a crime
21 victim when, with intent to collect funds for a debt incurred
22 by or on behalf of a crime victim, which debt has been approved
23 for payment by the Court of Claims under the Crime Victims
24 Compensation Act, but the funds are involuntarily withheld from
25 the person or vendor by the Comptroller by virtue of an
26 outstanding obligation owed by the person or vendor to the

1 State under the Uncollected State Claims Act, the person or
2 vendor:

3 (1) communicates with, harasses, or intimidates the
4 crime victim for payment;

5 (2) contacts or distributes information to affect the
6 compensated crime victim's credit rating as a result of the
7 compensated debt; or

8 (3) takes any other action adverse to the crime victim
9 or his or her family on account of the compensated debt.

10 (c) Sentence.

11 (1) The commission of a deceptive collection practice
12 as defined in subsection (a) of this Section is a business
13 offense punishable by a fine not to exceed \$3,000.

14 (2) The commission of an unlawful attempt to collect a
15 compensated debt against a crime victim as defined in
16 subsection (b) of this Section is a Class A misdemeanor.

17 (d) Nothing in subsection (b) prevents the attempt to
18 collect an uncompensated debt or an uncompensated portion of a
19 compensated debt incurred by or on behalf of a crime victim and
20 not covered under the Crime Victims Compensation Act.

21 (720 ILCS 5/17-205 new)

22 Sec. 17-205. Financial institution fraud and loan fraud.

23 (a) Financial institution fraud. A person commits the
24 offense of financial institution fraud when the person
25 knowingly executes or attempts to execute a scheme or artifice:

1 (1) to defraud a financial institution; or (2) to obtain any of
2 the moneys, funds, credits, assets, securities, or other
3 property owned by or under the custody or control of a
4 financial institution, by means of pretenses, representations,
5 or promises he or she knows to be false.

6 (b) Loan fraud. A person commits the offense of loan fraud
7 when the person knowingly, with intent to defraud, makes any
8 false statement or report, or overvalues any land, property, or
9 security, with the intent to influence in any way the action of
10 a financial institution to act upon any application, advance,
11 discount, purchase, purchase agreement, repurchase agreement,
12 commitment, or loan, or any change or extension of any of the
13 same, by renewal, deferment of action, or otherwise, or the
14 acceptance, release, or substitution of security.

15 (c) Sentence. A violation of this Section which: (i) does
16 not exceed \$500 is a Class A misdemeanor; (ii) exceeds \$500 but
17 does not exceed \$10,000 is a Class 3 felony; (iii) exceeds
18 \$10,000 but does not exceed \$100,000 is a Class 2 felony; (iv)
19 exceeds \$100,000 is a Class 1 felony; or (v) is loan fraud in
20 connection with a loan secured by residential real estate is a
21 Class 4 felony. A person who violates this Section and takes
22 less than \$500, but has been previously convicted of any type
23 of theft, fraud, robbery, armed robbery, burglary, residential
24 burglary, possession of burglary tools, or home invasion, is
25 guilty of a Class 4 felony.

1 (720 ILCS 5/17-206 new)

2 Sec. 17-206. Fraud on creditors.

3 (a) Fraud in insolvency. A person commits the offense of
4 fraud in insolvency when, knowing that proceedings have or are
5 about to be instituted for the appointment of a receiver or
6 other person entitled to administer property for the benefit of
7 creditors, or that any other composition or liquidation for the
8 benefit of creditors has been or is about to be made, he or
9 she:

10 (1) destroys, removes, conceals, encumbers, transfers,
11 or otherwise deals with any property or obtains any
12 substantial part of or interest in the debtor's estate with
13 intent to defeat or obstruct the claim of any creditor, or
14 otherwise to obstruct the operation of any law relating to
15 administration of property for the benefit of creditors;

16 (2) knowingly falsifies any writing or record relating
17 to the property; or

18 (3) knowingly misrepresents or refuses to disclose to a
19 receiver or other person entitled to administer property
20 for the benefit of creditors, the existence, amount, or
21 location of the property, or any other information which
22 the actor could be legally required to furnish in relation
23 to such administration.

24 A violation of this subsection where the benefit derived
25 from the violation is less than \$500,000 is a Class 3 felony; a
26 violation of this subsection where the benefit derived from the

1 violation is \$500,000 or more is a Class 2 felony.

2 (b) Fraud in property transfer. A person commits the
3 offense of fraud in property transfer when he or she
4 fraudulently transfers or conveys any interest in property with
5 the intent to defeat, hinder or delay his or her creditors. A
6 violation of this subsection (b) is a petty offense.

7 (c) Concealment of collateral. A person commits the offense
8 of concealment of collateral when the person, with intent to
9 defraud, knowingly conceals, removes, disposes of, or converts
10 to the person's own use or to that of another, any property
11 mortgaged or pledged to or held by a financial institution.

12 A violation of this subsection which: (i) does not exceed
13 \$500 is a Class A misdemeanor; (ii) exceeds \$500 but does not
14 exceed \$10,000 is a Class 3 felony; (iii) exceeds \$10,000 but
15 does not exceed \$100,000 is a Class 2 felony; or (iv) exceeds
16 \$100,000 is a Class 1 felony. A person who violates this
17 subsection and takes under \$500, but has been previously
18 convicted of any type of theft, fraud, robbery, armed robbery,
19 burglary, residential burglary, possession of burglary tools,
20 or home invasion, is guilty of a Class 4 felony.

21 (720 ILCS 5/17-207) (was 720 ILCS 5/17-24)

22 Sec. 17-207 ~~17-24~~. Mail and wire fraud ~~Fraudulent schemes~~
23 ~~and artifices.~~

24 ~~(a) Fraud by wire, radio, or television.~~

25 ~~(1) A person commits wire fraud when he or she:~~

1 ~~(A) devises or intends to devise a scheme or~~
2 ~~artifice to defraud or to obtain money or property by~~
3 ~~means of false pretenses, representations, or~~
4 ~~promises; and~~

5 ~~(B) (i) transmits or causes to be transmitted from~~
6 ~~within this State; or~~

7 ~~(ii) transmits or causes to be transmitted so~~
8 ~~that it is received by a person within this State;~~
9 ~~or~~

10 ~~(iii) transmits or causes to be transmitted so~~
11 ~~that it is reasonably foreseeable that it will be~~
12 ~~accessed by a person within this State:~~

13 ~~any writings, signals, pictures, sounds, or electronic or~~
14 ~~electric impulses by means of wire, radio, or television~~
15 ~~communications for the purpose of executing the scheme or~~
16 ~~artifice.~~

17 ~~(2) A scheme or artifice to defraud using electronic~~
18 ~~transmissions is deemed to occur in the county from which a~~
19 ~~transmission is sent, if the transmission is sent from~~
20 ~~within this State, the county in which a person within this~~
21 ~~State receives the transmission, and the county in which a~~
22 ~~person who is within this State is located when the person~~
23 ~~accesses a transmission.~~

24 ~~(3) Wire fraud is a Class 3 felony.~~

25 (a) ~~(b)~~ Mail fraud. ~~(1)~~ A person commits mail fraud when he
26 or she:

1 (A) devises or intends to devise any scheme or
2 artifice to defraud or to obtain money or property by means
3 of false or fraudulent pretenses, representations or
4 promises, or to sell, dispose of, loan, exchange, alter,
5 give away, distribute, supply, or furnish or procure for
6 unlawful use any counterfeit obligation, security, or
7 other article, or anything represented to be or intimidated
8 or held out to be such counterfeit or spurious article; and

9 (B) with intent to execute ~~for the purpose of~~
10 ~~executing~~ such scheme or artifice or attempt ~~attempting~~ so
11 to do, places in any post office or authorized depository
12 for mail matter within this State, any matter or thing
13 whatever to be delivered by the Postal Service, or deposits
14 or causes to be deposited in this State any matter or thing
15 to be sent or delivered by mail or by private or commercial
16 carrier, or takes or receives therefrom, any such matter or
17 thing, or knowingly causes to be delivered by mail or such
18 commercial carrier according to the direction on the matter
19 or thing, or at the place at which it is directed to be
20 delivered by the person to whom it is addressed, any such
21 matter or thing.

22 (b) Wire fraud. A person commits wire fraud when he or she:

23 (A) devises or intends to devise a scheme or artifice
24 to defraud or to obtain money or property by means of false
25 pretenses, representations, or promises; and

26 (B) (i) transmits or causes to be transmitted from

1 within this State; or

2 (ii) transmits or causes to be transmitted so that it
3 is received by a person within this State; or

4 (iii) transmits or causes to be transmitted so that the
5 transmission may be accessed by a person within this State;
6 any writings, signals, pictures, sounds, or electronic or
7 electric impulses by means of wire, radio, or television
8 communications for the purpose of executing the scheme or
9 artifice.

10 (c) Jurisdiction.

11 (1) Mail fraud ~~(2) A scheme or artifice to defraud~~
12 using a government or private carrier occurs ~~is deemed to~~
13 ~~occur~~ in the county in which mail or other matter is
14 deposited with the Postal Service or a private commercial
15 carrier for delivery, if deposited with the Postal Service
16 or a private or commercial carrier within this State and
17 the county in which a person within this State receives the
18 mail or other matter from the Postal Service or a private
19 or commercial carrier.

20 (2) Wire fraud occurs in the county from which a
21 transmission is sent, if the transmission is sent from
22 within this State, the county in which a person within this
23 State receives the transmission, and the county in which a
24 person who is within this State is located when the person
25 accesses a transmission.

26 (d) Sentence. A violation of this Section ~~(3) Mail fraud~~

1 is a Class 3 felony.

2 ~~(c) (Blank).~~

3 (e) ~~(d)~~ The period of limitations for prosecution of any
4 offense defined in this Section begins at the time when the
5 last act in furtherance of the scheme or artifice is committed.

6 ~~(c) In this Section:~~

7 ~~(1) "Scheme or artifice to defraud" includes a scheme~~
8 ~~or artifice to deprive another of the intangible right to~~
9 ~~honest services.~~

10 ~~(2) (Blank).~~

11 (Source: P.A. 92-16, eff. 6-28-01; 93-440, eff. 8-5-03.)

12 (720 ILCS 5/Art. 17, Div. III heading new)

13 DIVISION III. CREDIT AND DEBIT CARD FRAUD

14 (720 ILCS 5/17-301 new)

15 Sec. 17-301. False statement to procure credit or debit
16 card. A person who makes or causes to be made, either directly
17 or indirectly, any false statement in writing, knowing it to be
18 false and with intent that it be relied on, respecting his or
19 her identity, his or her address, or his or her employment, or
20 that of any other person, firm, or corporation, with intent to
21 procure the issuance of a credit card or debit card, is guilty
22 of a Class 4 felony.

23 (720 ILCS 5/17-302 new)

1 Sec. 17-302. Possession of another's credit, debit, or
2 identification card.

3 (a) Possession of another's identification card. A person
4 commits possession of another's identification card if he or
5 she, with the intent to defraud, possesses any check guarantee
6 card or key card or identification card for cash dispensing
7 machines without the authority of the account holder or
8 financial institution.

9 (b) Possession of another's credit or debit card. A person
10 commits the offense of possession of another's credit or debit
11 card if he or she receives a credit card or debit card from the
12 person, possession, custody, or control of another without the
13 cardholder's consent or who, with knowledge that it has been so
14 acquired, receives the credit card or debit card, with intent
15 to use it or to sell it, or to transfer it to a person other
16 than the issuer or the cardholder. The trier of fact may infer
17 that a person who has in his or her possession or under his or
18 her control 2 or more such credit cards or debit cards each
19 issued to a cardholder other than himself or herself has
20 violated this Section.

21 (c) Sentence.

22 (1) A violation of subsection (a) is a Class A
23 misdemeanor. A person who, within any 12-month period,
24 violates subsection (a) at the same time or consecutively
25 with respect to 3 or more cards, each the property of
26 different account holders, is guilty of a Class 4 felony. A

1 person convicted under this Section, when the value of
2 property so obtained, in a single transaction, or in
3 separate transactions within any 90-day period, exceeds
4 \$150 shall be guilty of a Class 4 felony.

5 (2) A violation of subsection (b) is a Class 4 felony.
6 A person who, in any 12-month period, violates subsection
7 (b) with respect to 3 or more credit cards or debit cards
8 each issued to a cardholder other than himself or herself
9 is guilty of a Class 3 felony.

10 (720 ILCS 5/17-303 new)

11 Sec. 17-303. Possession of lost or mislaid credit or debit
12 card. A person who receives a credit card or debit card that he
13 or she knows to have been lost or mislaid and who retains
14 possession with intent to use it or to sell it or to transfer
15 it to a person other than the issuer or the cardholder is
16 guilty of a Class 4 felony.

17 A person who, in a single transaction, violates this
18 Section with respect to 3 or more credit cards or debit cards
19 each issued to a cardholder other than himself or herself is
20 guilty of a Class 3 felony.

21 (720 ILCS 5/17-304 new)

22 Sec. 17-304. Sale of credit or debit card. A person other
23 than the issuer who knowingly sells a credit card or debit
24 card, without the consent of the issuer, is guilty of a Class 4

1 felony.

2 A person who knowingly purchases a credit card or debit
3 card from a person other than the issuer, without the consent
4 of the issuer, is guilty of a Class 4 felony.

5 A person who, in a single transaction, knowingly makes a
6 sale or purchase prohibited by this Section with respect to 3
7 or more credit cards or debit cards each issued to a cardholder
8 other than himself or herself is guilty of a Class 3 felony.

9 (720 ILCS 5/17-305 new)

10 Sec. 17-305. Using credit or debit card as security for
11 debt. A person who, with intent to defraud either the issuer,
12 or a person providing an item or items of value, or any other
13 person, obtains control over a credit card or debit card as
14 security for debt or transfers, conveys or gives control over a
15 credit card or debit card as security for debt, is guilty of a
16 Class 4 felony.

17 (720 ILCS 5/17-306 new)

18 Sec. 17-306. Use of counterfeited, forged, expired,
19 revoked, or unissued credit or debit card. A person who, with
20 intent to defraud either the issuer, or a person providing an
21 item or items of value, or any other person, (i) uses, with
22 intent to obtain an item or items of value a credit card or
23 debit card obtained or retained in violation of this Code or
24 without the cardholder's consent, or a credit card or debit

1 card which he or she knows is counterfeited, or forged, or
2 expired, or revoked, or (ii) obtains or attempts to obtain an
3 item or items of value by representing without the consent of
4 the cardholder that he or she is the holder of a specified card
5 or by representing that he is the holder of a card and such
6 card has not in fact been issued, is guilty of a Class 4 felony
7 if the value of all item or items of value obtained or sought
8 in violation of this Section does not exceed \$300 in any
9 6-month period; and is guilty of a Class 3 felony if such value
10 exceeds \$300 in any 6-month period. The trier of fact may infer
11 that knowledge of revocation has been received by a cardholder
12 4 days after it has been mailed to him or her at the address set
13 forth on the credit card or debit card or at his or her last
14 known address by registered or certified mail, return receipt
15 requested, and, if the address is more than 500 miles from the
16 place of mailing, by air mail. If the address is located
17 outside the United States, Puerto Rico, the Virgin Islands, the
18 Canal Zone, and Canada, notice shall be presumed to have been
19 received 10 days after mailing by registered or certified mail.

20 (720 ILCS 5/17-307 new)

21 Sec. 17-307. Use of card with intent to defraud. A
22 cardholder who uses a credit card or debit card issued to him
23 or her or allows another person to use a credit card or debit
24 card issued to him or her with intent to defraud the issuer, or
25 a person providing an item or items of value, or any other

1 person, is guilty of a Class A misdemeanor if the value of all
2 item or items of value does not exceed \$150 in any 6-month
3 period; and is guilty of a Class 4 felony if the value exceeds
4 \$150 in any 6-month period.

5 (720 ILCS 5/17-308 new)

6 Sec. 17-308. Use of account number or code with intent to
7 defraud; possession of record of charge forms. A person who,
8 with intent to defraud either an issuer, or a person providing
9 an item or items of value, or any other person, utilizes an
10 account number or code or enters information on a record of
11 charge form with intent to obtain an item or items of value is
12 guilty of a Class 4 felony if the value of the item or of value
13 obtained does not exceed \$150 in any 6-month period; and is
14 guilty of a Class 3 felony if such value exceeds \$150 in any
15 6-month period.

16 A person who, with intent to defraud either an issuer or a
17 person providing an item or items of value, or any other
18 person, possesses, without the consent of the issuer or
19 purported issuer, record of charge forms bearing the printed
20 impression of a credit card or debit card, is guilty of a Class
21 4 felony. The trier of fact may infer intent to defraud from
22 the possession of such record of charge forms by a person other
23 than the issuer or a person authorized by the issuer to possess
24 record of charge forms.

1 (720 ILCS 5/17-309 new)

2 Sec. 17-309. Receipt of goods or services. A person who
3 receives an item or items of value obtained in violation of
4 this Code, knowing that it was so obtained or under such
5 circumstances as would reasonably induce him or her to believe
6 that it was so obtained is guilty of a Class A misdemeanor if
7 the value of all item or items of value obtained does not
8 exceed \$150 in any 6-month period; and is guilty of a Class 4
9 felony if the value exceeds \$150 in any 6-month period.

10 (720 ILCS 5/17-310 new)

11 Sec. 17-310. Signing another's card with intent to defraud.
12 A person other than the cardholder or a person authorized by
13 him or her who, with intent to defraud either the issuer, or a
14 person providing an item or items of value, or any other
15 person, signs a credit card or debit card is guilty of a Class
16 A misdemeanor.

17 (720 ILCS 5/17-311 new)

18 Sec. 17-311. Altered or counterfeited card.

19 (a) A person who, with intent to defraud either a purported
20 issuer, or a person providing item or items of value, or any
21 other person, commits an offense under this Section if he or
22 she (1) alters a credit card or debit card or a purported
23 credit card or debit card, or possesses a credit card or debit
24 card or a purported credit card or debit card with knowledge

1 that the same has been altered; or (2) counterfeits a purported
2 credit card or debit card or possesses a purported credit card
3 or debit card with knowledge that the card has been
4 counterfeited.

5 (b) Sentence. A violation of paragraph (a) (2) is a Class 4
6 felony. A violation of paragraph (a) (1) is a Class 3 felony.
7 The trier of fact may infer that the possession by a person
8 other than the issuer of 2 or more credit cards or debit cards
9 in violation of subsection (a) is evidence that the person
10 intended to defraud or that he or she knew the credit cards or
11 debit cards to have so altered or counterfeited.

12 (720 ILCS 5/17-312 new)

13 Sec. 17-312. Possession of incomplete card. A person other
14 than the cardholder possessing an incomplete credit card or
15 debit card, with intent to complete it without the consent of
16 the issuer or a person possessing, with knowledge of its
17 character, machinery, plates or any other contrivance designed
18 to reproduce instruments purporting to be credit cards or debit
19 cards of an issuer who has not consented to the preparation of
20 such credit cards or debit cards, is guilty of a Class 3
21 felony. The trier of fact may infer that a person other than
22 the cardholder or issuer who possesses 2 or more incomplete
23 credit cards or debit cards possesses those cards without the
24 consent of the issuer.

1 (720 ILCS 5/17-313 new)

2 Sec. 17-313. Prohibited deposits.

3 (a) A person who, with intent to defraud the issuer or any
4 person providing value or any other person, deposits into his
5 or her account or any account, via an electronic fund transfer
6 terminal, a check, draft, money order, or any other such
7 document, knowing such document to be false, fictitious,
8 forged, altered, counterfeit, or not his or her lawful or legal
9 property, is guilty of a Class 4 felony.

10 (b) A person who receives value as a result of a false,
11 fictitious, forged, altered, or counterfeit check, draft,
12 money order, or any other such document having been deposited
13 into an account via an electronic fund transfer terminal,
14 knowing at the time of receipt of the value that the document
15 so deposited was false, fictitious, forged, altered,
16 counterfeit or not his or her lawful or legal property, is
17 guilty of a Class 4 felony.

18 (720 ILCS 5/17-314 new)

19 Sec. 17-314. Fraudulent use of electronic transmission.

20 (a) Any person who, with intent to defraud the issuer, the
21 cardholder, or any other person, intercepts, taps, or alters
22 electronic information between an electronic fund transfer
23 terminal and the issuer, or originates electronic information
24 to an electronic fund transfer terminal or to the issuer, via
25 any line, wire, or any other means of electronic transmission,

1 at any junction, terminal, or device, or at any location within
2 the EFT System, with intent to obtain value, is guilty of a
3 Class 4 felony.

4 (b) Any person who, with intent to defraud the issuer, the
5 cardholder, or any other person, intercepts, taps, or alters
6 electronic information between an electronic fund transfer
7 terminal and the issuer, or originates electronic information
8 to an electronic fund transfer terminal or to the issuer, via
9 any line, wire, or other means of electronic transmission, at
10 any junction, terminal, or device, or at any location within
11 the EFT System, and thereby causes funds to be transferred from
12 one account to any other account, violates this subsection (b)
13 and is guilty of a Class 4 felony.

14 (720 ILCS 5/17-315 new)

15 Sec. 17-315. Payment of charges without the furnishing of
16 an item of value.

17 (a) No person shall process, deposit, negotiate, or obtain
18 payment of a credit card charge through a retail seller's
19 account with a financial institution or through a retail
20 seller's agreement with a financial institution, card issuer,
21 or organization of financial institutions or card issuers if
22 that retail seller did not furnish or agree to furnish the item
23 or items of value that are the subject of the credit card
24 charge.

25 (b) No retail seller shall permit any person to process,

1 deposit, negotiate, or obtain payment of a credit card charge
2 through the retail seller's account with a financial
3 institution or the retail seller's agreement with a financial
4 institution, card issuer, or organization of financial
5 institutions or card issuers if that retail seller did not
6 furnish or agree to furnish the item or items of value that are
7 the subject of the credit card charge.

8 (c) Subsections (a) and (b) do not apply to any of the
9 following:

10 (1) A person who furnishes goods or services on the
11 business premises of a general merchandise retail seller
12 and who processes, deposits, negotiates, or obtains
13 payment of a credit card charge through that general
14 merchandise retail seller's account or agreement.

15 (2) A general merchandise retail seller who permits a
16 person described in paragraph (1) to process, deposit,
17 negotiate, or obtain payment of a credit card charge
18 through that general merchandise retail seller's account
19 or agreement.

20 (3) A franchisee who furnishes the cardholder with an
21 item or items of value that is provided in whole or in part
22 by the franchisor and who processes, deposits, negotiates,
23 or obtains payment of a credit card charge through that
24 franchisor's account or agreement.

25 (4) A franchisor who permits a franchisee described in
26 paragraph (3) to process, deposit, negotiate, or obtain

1 payment of a credit card charge through that franchisor's
2 account or agreement.

3 (5) The credit card issuer or a financial institution
4 or a parent, subsidiary, or affiliate of the card issuer or
5 financial institution.

6 (6) A person who processes, deposits, negotiates, or
7 obtains payment of less than \$500 of credit card charges in
8 any one year period through a retail seller's account or
9 agreement. The person shall have the burden of producing
10 evidence that the person transacted less than \$500 in
11 credit card charges during any one year period.

12 (7) A telecommunications carrier that includes charges
13 of other parties in its billings to its subscribers and
14 those other parties whose charges are included in the
15 billings of the telecommunications carrier to its
16 subscribers.

17 (d) Any person injured by a violation of this Section may
18 bring an action for the recovery of damages, equitable relief,
19 and reasonable attorney's fees and costs.

20 (e) Any person who violates this Section is guilty of a
21 business offense and shall be fined \$10,000 for each offense.
22 Each occurrence in which a person processes, deposits,
23 negotiates, or otherwise seeks to obtain payment of a credit
24 card charge in violation of subsection (a) constitutes a
25 separate offense.

26 (f) The penalties and remedies provided in this Section are

1 in addition to any other remedies or penalties provided by law.

2 (g) As used in this Section:

3 (1) "Retail seller" has the same meaning as in Section
4 2.4 of the Retail Installment Sales Act.

5 (2) "Franchisor" and "franchisee" have the same
6 meanings as in Section 3 of the Franchise Disclosure Act of
7 1987.

8 (3) "Telecommunications carrier" has the same meaning
9 as in Section 13-202 of the Public Utilities Act.

10 (720 ILCS 5/17-316 new)

11 Sec. 17-316. Repeat offenses. Any person convicted of a
12 second or subsequent offense under this Division III is guilty
13 of a Class 3 felony.

14 For purposes of this Section, an offense is considered a
15 second or subsequent offense if, prior to his or her conviction
16 of the offense, the offender has at any time been convicted
17 under this Division III, or any prior Act, or under any law of
18 the United States or of any state relating to credit card or
19 debit card offenses.

20 (720 ILCS 5/17-317 new)

21 Sec. 17-317. If any provision of this Division III or its
22 application to any person or circumstances is held invalid, the
23 invalidity shall not affect other provisions or applications of
24 this Division III which can be given effect without the invalid

1 provision or application, and to this end the provisions of
2 this Division III are declared to be severable.

3 (Source: P.A. 78-777.)

4 (720 ILCS 5/17-318 new)

5 Sec. 17-318. Telephone Charge Fraud Act unaffected.
6 Nothing contained in this Division III shall be construed to
7 repeal, amend, or otherwise affect the Telephone Charge Fraud
8 Act.

9 (720 ILCS 5/Art. 17, Div. IV heading new)

10 DIVISION IV. FRAUD ON A PRIVATE ENTITY

11 (720 ILCS 5/17-401 new)

12 Sec. 17-401. Insurance claims for excessive charges.

13 (a) A person who sells goods or services commits the
14 offense of insurance claims for excessive charges if:

15 (1) the person knowingly advertises or promises to
16 provide the goods or services and to pay:

17 (A) all or part of any applicable insurance
18 deductible; or

19 (B) a rebate in an amount equal to all or part of
20 any applicable insurance deductible;

21 (2) the goods or services are paid for by the consumer
22 from proceeds of a property or casualty insurance policy;
23 and

1 (3) the person knowingly charges an amount for the
2 goods or services that exceeds the usual and customary
3 charge by the person for the goods or services by an amount
4 equal to or greater than all or part of the applicable
5 insurance deductible paid by the person to an insurer on
6 behalf of an insured or remitted to an insured by the
7 person as a rebate.

8 (b) A person who is insured under a property or casualty
9 insurance policy commits the offense of insurance claims for
10 excessive charges if the person knowingly:

11 (1) submits a claim under the policy based on charges
12 that are in violation of subsection (a) of this Section; or

13 (2) knowingly allows a claim in violation of subsection
14 (a) of this Section to be submitted, unless the person
15 promptly notifies the insurer of the excessive charges.

16 (c) Penalty. A violation of this Section is a Class A
17 misdemeanor.

18 (720 ILCS 5/17-402 new)

19 Sec. 17-402. Insurance fraud.

20 (a) Insurance fraud. A person commits the offense of
21 insurance fraud when he or she knowingly obtains, attempts to
22 obtain, or causes to be obtained, by deception, control over
23 the property of an insurance company or self-insured entity by
24 the making of a false claim or by causing a false claim to be
25 made on any policy of insurance issued by an insurance company

1 or by the making of a false claim to a self-insured entity,
2 intending to deprive an insurance company or self-insured
3 entity permanently of the use and benefit of that property.

4 (b) Aggravated insurance fraud. A person commits the
5 offense of aggravated insurance fraud when he or she commits
6 insurance fraud 3 or more times within an 18-month period. If
7 aggravated insurance fraud forms the basis for charges of
8 conspiracy under Section 8-2, and a person occupies a position
9 of organizer, supervisor, financier, or other position of
10 management, the person or persons with whom the accused is
11 alleged to have agreed to commit the 3 or more violations of
12 this Section need not be the same person or persons for each
13 violation, as long as the accused occupied a position of
14 organizer, supervisor, financier, or other position of
15 management in each of the 3 or more alleged violations.

16 (c) Sentence.

17 (1) A violation of subsection (a) that involves only
18 health care benefits obtained, attempted to be obtained, or
19 caused to be obtained from a provider of such benefits
20 other than a governmental unit or agency, regardless of the
21 value of those benefits, is a Class A misdemeanor.

22 (2) A violation of subsection (a) in which the value of
23 the property, other than health care benefits, obtained,
24 attempted to be obtained, or caused to be obtained is \$300
25 or less is a Class A misdemeanor.

26 (3) A violation of subsection (a) in which the value of

1 the property, other than health care benefits, obtained,
2 attempted to be obtained, or caused to be obtained is more
3 than \$300 but not more than \$10,000 is a Class 3 felony.

4 (4) A violation of subsection (a) in which the value of
5 the property, other than health care benefits, obtained,
6 attempted to be obtained, or caused to be obtained is more
7 than \$10,000 but not more than \$100,000 is a Class 2
8 felony.

9 (5) A violation of subsection (a) in which the value of
10 the property, other than health care benefits, obtained,
11 attempted to be obtained, or caused to be obtained is more
12 than \$100,000 is a Class 1 felony.

13 (6) A violation of subsection (b) is a Class 1 felony,
14 regardless of the value of the property obtained, attempted
15 to be obtained, or caused to be obtained.

16 (7) A person convicted of insurance fraud, vendor
17 fraud, or a federal criminal violation associated with
18 defrauding the Medicaid program shall be ordered to pay
19 monetary restitution to the insurance company or
20 self-insured entity or any other person for any financial
21 loss sustained as a result of a violation of this Section,
22 including any court costs and attorney's fees. An order of
23 restitution also includes expenses incurred and paid by the
24 State of Illinois or an insurance company or self-insured
25 entity in connection with any medical evaluation or
26 treatment services.

1 (8) Notwithstanding Section 8-5 of this Code, a person
2 may be convicted and sentenced both for the offense of
3 conspiracy to commit insurance fraud and for any other
4 offense that is the object of the conspiracy.

5 (d) Civil damages for insurance fraud.

6 (1) A person who knowingly obtains, attempts to obtain,
7 or causes to be obtained, by deception, control over the
8 property of any insurance company by the making of a false
9 claim or by causing a false claim to be made on a policy of
10 insurance issued by an insurance company, or by the making
11 of a false claim or by causing a false claim to be made to a
12 self-insured entity intending to deprive an insurance
13 company or self-insured entity permanently of the use and
14 benefit of that property, shall be civilly liable to the
15 insurance company or self-insured entity that paid the
16 claim or against whom the claim was made or to the subrogee
17 of that insurance company or self-insured entity in an
18 amount equal to either 3 times the value of the property
19 wrongfully obtained or, if no property was wrongfully
20 obtained, twice the value of the property attempted to be
21 obtained, whichever amount is greater, plus reasonable
22 attorney's fees.

23 (2) An insurance company or self-insured entity that
24 brings an action against a person under paragraph (1) of
25 this subsection (d) in bad faith shall be liable to that
26 person for twice the value of the property claimed, plus

1 reasonable attorney's fees. In determining whether an
2 insurance company or self-insured entity acted in bad
3 faith, the court shall relax the rules of evidence to allow
4 for the introduction of any facts or other information on
5 which the insurance company or self-insured entity may have
6 relied in bringing an action under paragraph (1) of this
7 subsection (d) of this Section.

8 (3) For the purposes of this Section, if the exact
9 value of the property attempted to be obtained is either
10 not alleged by the claimant or not specifically set by the
11 terms of a policy of insurance, the value of the property
12 shall be the fair market replacement value of the property
13 claimed to be lost, the reasonable costs of reimbursing a
14 vendor or other claimant for services to be rendered, or
15 both.

16 (e) Actions by State licensing agencies.

17 (1) All State licensing agencies, the Illinois State
18 Police, and the Department of Financial and Professional
19 Regulation shall coordinate enforcement efforts relating
20 to acts of insurance fraud.

21 (2) If a person who is licensed or registered under the
22 laws of the State of Illinois to engage in a business or
23 profession is convicted of or pleads guilty to engaging in
24 an act of insurance fraud, the Illinois State Police must
25 forward to each State agency by which the person is
26 licensed or registered a copy of the conviction or plea and

1 all supporting evidence.

2 (3) Any agency that receives information under this
3 Section shall, not later than 6 months after the date on
4 which it receives the information, publicly report the
5 final action taken against the convicted person, including
6 but not limited to the revocation or suspension of the
7 license or any other disciplinary action taken.

8 (720 ILCS 5/Art. 17, Div. V heading new)

9 DIVISION V. FRAUD ON A GOVERNMENTAL ENTITY

10 (720 ILCS 5/17-501 new)

11 Sec. 17-501. State benefits fraud.

12 (a) Any person who obtains or attempts to obtain money or
13 benefits from the State of Illinois, from any political
14 subdivision thereof, or from any program funded or administered
15 in whole or in part by the State of Illinois or any political
16 subdivision thereof through the knowing use of false
17 identification documents or through the knowing
18 misrepresentation of his or her age, place of residence, number
19 of dependents, marital or family status, employment status,
20 financial status, or any other material fact upon which his or
21 her eligibility for or degree of participation in any benefit
22 program might be based, commits the offense of State benefits
23 fraud.

24 (b) Notwithstanding any provision of State law to the

1 contrary, every application or other document submitted to an
2 agency or department of the State of Illinois or any political
3 subdivision thereof to establish or determine eligibility for
4 money or benefits from the State of Illinois or from any
5 political subdivision thereof, or from any program funded or
6 administered in whole or in part by the State of Illinois or
7 any political subdivision thereof, shall be made available upon
8 request to any law enforcement agency for use in the
9 investigation or prosecution of State benefits fraud or for use
10 in the investigation or prosecution of any other crime arising
11 out of the same transaction or occurrence. Except as otherwise
12 permitted by law, information disclosed pursuant to this
13 subsection shall be used and disclosed only for the purposes
14 provided herein. The provisions of this Section shall be
15 operative only to the extent that they do not conflict with any
16 federal law or regulation governing federal grants to this
17 State.

18 (c) Any employee of the State of Illinois or any agency or
19 political subdivision thereof may seize as evidence any false
20 or fraudulent document presented to him or her in connection
21 with an application for or receipt of money or benefits from
22 the State of Illinois, from any political subdivision thereof,
23 or from any program funded or administered in whole or in part
24 by the State of Illinois or any political subdivision thereof.

25 (d) (1) State benefits fraud is a Class 4 felony except when
26 more than \$300 is obtained, in which case State benefits fraud

1 is a Class 3 felony.

2 (2) If a person knowingly misrepresents oneself as a
3 veteran or as a dependent of a veteran with the intent of
4 obtaining benefits or privileges provided by the State or its
5 political subdivisions to veterans or their dependents, then
6 State benefits fraud is a Class 3 felony when \$300 or less is
7 obtained and a Class 2 felony when more than \$300 is obtained.
8 For the purposes of this paragraph (2), benefits and privileges
9 include, but are not limited to, those benefits and privileges
10 available under the Veterans' Employment Act, the Vietnam
11 Veterans Compensation Act, the Prisoner of War Bonus Act, the
12 War Bonus Extension Act, the Military Veterans Assistance Act,
13 the Veterans' Employment Representative Act, the Veterans
14 Preference Act, the Service Member's Employment Tenure Act, the
15 Disabled Veterans Housing Act, the Under Age Veterans Benefits
16 Act, the Survivors Compensation Act, the Children of Deceased
17 Veterans Act, the Veterans Burial Places Act, the Higher
18 Education Student Assistance Act, or any other loans,
19 assistance in employment, monetary payments, or tax exemptions
20 offered by the State or its political subdivisions for veterans
21 or their dependents.

22 (720 ILCS 5/17-502 new)

23 Sec. 17-502. WIC fraud.

24 (a) For purposes of this Section, the Illinois Department
25 of Human Services Special Supplemental Food Program for Women,

1 Infants and Children shall be referred to as "WIC".

2 (b) A person commits the offense of WIC fraud if he or she
3 knowingly (1) uses, acquires, possesses, or transfers WIC Food
4 Instruments or authorizations to participate in WIC in any
5 manner not authorized by law or the rules of the Illinois
6 Department of Public Health or Department of Human Services or
7 (2) uses, acquires, possesses, or transfers altered WIC Food
8 Instruments or authorizations to participate in WIC.

9 (c) Administrative malfeasance.

10 (1) A person commits the offense of administrative
11 malfeasance if he or she knowingly or recklessly
12 misappropriates, misuses, or unlawfully withholds or
13 converts to his or her own use or to the use of another any
14 public funds made available for WIC.

15 (2) An official or employee of a State or a unit of
16 local government who knowingly aids, abets, assists, or
17 participates in a known violation of this subsection is
18 subject to disciplinary proceedings under the rules of the
19 applicable Illinois Department or unit of local
20 government.

21 (d) Unauthorized possession of an identification document.

22 A person commits the offense of unauthorized possession of an
23 identification document if he or she knowingly possesses, with
24 intent to commit a misdemeanor or a felony, another person's
25 identification document issued by the Illinois Department of
26 Public Health or Department of Human Services.

1 (e) Penalties.

2 (1) If a person, firm, corporation, association,
3 agency, institution, or other legal entity is found by a
4 court to have engaged in an act, practice, or course of
5 conduct declared unlawful under paragraphs (a) through (c)
6 and:

7 (i) the total amount of money involved in the
8 violation, including the monetary value of the WIC Food
9 Instruments and the value of commodities, is less than
10 \$150, the violation is a Class A misdemeanor, and a
11 second or subsequent violation is a Class 4 felony;

12 (ii) the total amount of money involved in the
13 violation, including the monetary value of the WIC Food
14 Instruments and the value of commodities, is \$150 or
15 more but less than \$1,000, the violation is a Class 4
16 felony, and a second or subsequent violation is a Class
17 3 felony;

18 (iii) the total amount of money involved in the
19 violation, including the monetary value of the WIC Food
20 Instruments and the value of commodities, is \$1,000 or
21 more but less than \$5,000, the violation is a Class 3
22 felony, and a second or subsequent violation is a Class
23 2 felony;

24 (iv) the total amount of money involved in the
25 violation, including the monetary value of the WIC Food
26 Instruments and the value of commodities is \$5,000 or

1 more but less than \$10,000, the violation is a Class 2
2 felony, and a second or subsequent violation is a Class
3 1 felony; or

4 (v) the total amount of money involved in the
5 violation, including the monetary value of WIC Food
6 Instruments and the value of commodities is \$10,000 or
7 more, the violation is a Class 1 felony and the
8 defendant shall be permanently ineligible to
9 participate in WIC.

10 (2) A violation of paragraph (d) is a Class 4 felony.

11 (3) The State's Attorney of the county in which the
12 violation of this Section occurred or the Attorney General
13 shall bring actions arising under this Section in the name
14 of the People of the State of Illinois.

15 (4) For purposes of determining the classification of
16 an offense under this Section, all of the money received as
17 a result of the unlawful act, practice, or course of
18 conduct, including the value of any WIC Food Instruments,
19 shall be aggregated.

20 (f) Future participation in the WIC program. A person who
21 has been convicted of a felony violation of this Section shall
22 be prohibited from participating as a WIC vendor for a minimum
23 period of 3 years following conviction and until the total
24 amount of money involved in the violation, including the value
25 of WIC Food Instruments, is repaid to the WIC program. This
26 prohibition shall extend to any person with management

1 responsibility in a firm, corporation, association, agency,
2 institution, or other legal entity that has been convicted of a
3 violation of this Section and to an officer or person owning,
4 directly or indirectly, 5% or more of the shares of stock or
5 other evidences of ownership in a corporate vendor.

6 (720 ILCS 5/17-503 new)

7 Sec. 17-503. Persons under deportation order; ineligible
8 for benefits.

9 (a) An individual against whom a United States Immigration
10 Judge has issued an order of deportation which has been
11 affirmed by the Board of Immigration Review, as well as an
12 individual who appeals such an order pending appeal, under
13 paragraph 19 of Section 241(a) of the Immigration and
14 Nationality Act relating to persecution of others on account of
15 race, religion, national origin or political opinion under the
16 direction of or in association with the Nazi government of
17 Germany or its allies, shall be ineligible for the following
18 benefits authorized by State law:

19 (1) The homestead exemptions and homestead improvement
20 exemption under Sections 15-170, 15-175, 15-176, and
21 15-180 of the Property Tax Code.

22 (2) Grants under the Senior Citizens and Disabled
23 Persons Property Tax Relief and Pharmaceutical Assistance
24 Act.

25 (3) The double income tax exemption conferred upon

1 persons 65 years of age or older by Section 204 of the
2 Illinois Income Tax Act.

3 (4) Grants provided by the Department on Aging.

4 (5) Reductions in vehicle registration fees under
5 Section 3-806.3 of the Illinois Vehicle Code.

6 (6) Free fishing and reduced fishing license fees under
7 Sections 20-5 and 20-40 of the Fish and Aquatic Life Code.

8 (7) Tuition free courses for senior citizens under the
9 Senior Citizen Courses Act.

10 (8) Any benefits under the Illinois Public Aid Code.

11 (b) Any person who has been found by a court to have
12 knowingly received benefits in violation of paragraph (a)
13 where:

14 (1) the total monetary value of the benefits involved
15 in the violation is less than \$150, shall be guilty of a
16 Class A misdemeanor, and a subsequent violation is a Class
17 4 felony;

18 (2) the total monetary value of the benefits involved
19 in the violation is \$150 or more but less than \$1,000,
20 shall be guilty of a Class 4 felony, and a subsequent
21 violation is a Class 3 felony;

22 (3) the total monetary value of the benefits involved
23 in the violation is \$1,000 or more but less than \$5,000,
24 shall be guilty of a Class 3 felony, and a subsequent
25 violation is a Class 2 felony;

26 (4) the total monetary value of the benefits involved

1 in the violation is \$5,000 or more but less than \$10,000,
2 shall be guilty of a Class 2 felony, and a subsequent
3 violation is a Class 1 felony; or

4 (5) the total monetary value of the benefits involved
5 in the violation is \$10,000 or more, shall be guilty of a
6 Class 1 felony.

7 (c) For purposes of determining the classification of an
8 offense under this Section, all of the monetary value of the
9 benefits received as a result of the unlawful act, practice, or
10 course of conduct may be accumulated.

11 (d) Any grants awarded to persons described in paragraph
12 (a) of this Section may be recovered by the State of Illinois
13 in a civil action commenced by the Attorney General in the
14 circuit court of Sangamon County or the State's Attorney of the
15 county of residence of the person described in paragraph (a) of
16 this Section.

17 (e) An individual described in paragraph (a) who has been
18 deported shall be restored to any benefits which that
19 individual has been denied under State law pursuant to
20 paragraph (a) if (1) the Attorney General of the United States
21 has issued an order cancelling deportation and has adjusted the
22 status of the individual to that of an alien lawfully admitted
23 for permanent residence in the United States or (2) the country
24 to which the individual has been deported adjudicates or
25 exonerates the individual in a judicial or administrative
26 proceeding as not being guilty of the persecution of others on

1 account of race, religion, national origin, or political
2 opinion under the direction of or in association with the Nazi
3 government of Germany or its allies.

4 (720 ILCS 5/17-504 new)

5 Sec. 17-504. Public aid wire and mail fraud.

6 (a) Whoever knowingly (i) makes or transmits any
7 communication by means of telephone, wire, radio, or
8 television, or (ii) places any communication with the United
9 States Postal Service, or with any private or other mail,
10 package, or delivery service or system, such communication
11 being made, transmitted, or received within the State of
12 Illinois, intending that such communication be made or
13 transmitted in furtherance of any plan, scheme or design to
14 obtain, unlawfully, any benefit or payment under the Illinois
15 Public Aid Code commits the offense of public aid wire and mail
16 fraud.

17 (b) Whoever knowingly directs or causes any communication
18 to be (i) made or transmitted by means of telephone, wire,
19 radio or television, or (ii) placed with the United States
20 Postal Service, or with any private or other mail, package or
21 delivery service or system, intending that such communication
22 be made or transmitted in furtherance of any plan, scheme or
23 design to obtain, unlawfully, any benefit or payment under the
24 Illinois Public Aid Code commits the offense of public aid wire
25 and mail fraud.

1 (c) Penalty. A violation of this Section is a Class 4
2 felony.

3 (720 ILCS 5/17-505 new)

4 Sec. 17-505. False information on an application for
5 employment with certain public or private agencies.

6 (a) It is unlawful for an applicant for employment with a
7 public or private agency that provides State-funded services to
8 persons with mental illness or developmental disabilities to
9 knowingly furnish false information regarding professional
10 certification, licensing, criminal background, or employment
11 history for the 5 years immediately preceding the date of
12 application on an application for employment with the agency if
13 the position of employment requires or provides opportunity for
14 contact with persons with mental illness or developmental
15 disabilities.

16 (b) Sentence. A violation of this Section is a Class A
17 misdemeanor.

18 (720 ILCS 5/17-506 new)

19 Sec. 17-506. Insurance fraud on a governmental entity.

20 (a) Insurance fraud on a governmental entity. A person
21 commits the offense of fraud on a governmental entity when he
22 or she knowingly obtains, attempts to obtain, or causes to be
23 obtained, by deception, control over the property of any
24 governmental entity by the making of a false claim of bodily

1 injury or of damage to or loss or theft of property or by
2 causing a false claim of bodily injury or of damage to or loss
3 or theft of property to be made against the governmental
4 entity, intending to deprive the governmental entity
5 permanently of the use and benefit of that property.

6 (b) Aggravated insurance fraud on a governmental entity. A
7 person commits the offense of aggravated insurance fraud on a
8 governmental entity when he or she commits governmental entity
9 insurance fraud 3 or more times within an 18-month period. If
10 aggravated insurance fraud on a governmental entity forms the
11 basis for charges of conspiracy under Section 8-2, and a person
12 occupies a position of organizer, supervisor, financier, or
13 other position of management, the person or persons with whom
14 the accused is alleged to have agreed to commit the 3 or more
15 violations of this Section need not be the same person or
16 persons for each violation, as long as the accused occupied a
17 position of organizer, supervisor, financier, or other position
18 of management in each of the 3 or more alleged violations.

19 (c) Sentence.

20 (1) A violation of subsection (a) in which the value of
21 the property obtained or attempted to be obtained is \$300
22 or less is a Class A misdemeanor.

23 (2) A violation of subsection (a) in which the value of
24 the property obtained or attempted to be obtained is more
25 than \$300 but not more than \$10,000 is a Class 3 felony.

26 (3) A violation of subsection (a) in which the value of

1 the property obtained or attempted to be obtained is more
2 than \$10,000 but not more than \$100,000 is a Class 2
3 felony.

4 (4) A violation of subsection (a) in which the value of
5 the property obtained or attempted to be obtained is more
6 than \$100,000 is a Class 1 felony.

7 (5) A violation of subsection (b) is a Class 1 felony
8 regardless of the value of the property obtained, attempted
9 to be obtained, or caused to be obtained.

10 (6) A person convicted of insurance fraud, vendor
11 fraud, or a federal criminal violation associated with
12 defrauding the Medicaid program shall be ordered to pay
13 monetary restitution to the insurance company or
14 self-insured entity or any other person for any financial
15 loss sustained as a result of a violation of this Section,
16 including any court costs and attorney's fees. An order of
17 restitution also includes expenses incurred and paid by the
18 State of Illinois or an insurance company or self-insured
19 entity in connection with any medical evaluation or
20 treatment services.

21 (7) Notwithstanding Section 8-5 of this Code, a person
22 may be convicted and sentenced both for the offense of
23 conspiracy to commit governmental entity insurance fraud
24 and for any other offense that is the object of the
25 conspiracy.

26 (d) Civil damages for insurance fraud on a governmental

1 entity.

2 (1) A person who knowingly obtains, attempts to obtain,
3 or causes to be obtained, by deception, control over the
4 property of a governmental entity by the making of a false
5 claim of bodily injury or of damage to or loss or theft of
6 property, intending to deprive the governmental entity
7 permanently of the use and benefit of that property, shall
8 be civilly liable to the governmental entity that paid the
9 claim or against whom the claim was made or to the subrogee
10 of the governmental entity in an amount equal to either 3
11 times the value of the property wrongfully obtained or, if
12 property was not wrongfully obtained, twice the value of
13 the property attempted to be obtained, whichever amount is
14 greater, plus reasonable attorney's fees.

15 (2) For the purposes of this Section, if the exact
16 value of the property attempted to be obtained is either
17 not alleged by the claimant or not specifically set by the
18 terms of a policy of insurance, the value of the property
19 shall be the fair market replacement value of the property
20 claimed to be lost, the reasonable costs of reimbursing a
21 vendor or other claimant for services to be rendered, or
22 both.

23 (e) Actions by State licensing agencies.

24 (1) All State licensing agencies, the Illinois State
25 Police, and the Department of Financial and Professional
26 Regulation shall coordinate enforcement efforts relating

1 to acts of insurance fraud.

2 (2) If a person who is licensed or registered under the
3 laws of the State of Illinois to engage in a business or
4 profession is convicted of or pleads guilty to engaging in
5 an act of insurance fraud on a governmental entity, the
6 Illinois State Police must forward to each State agency by
7 which the person is licensed or registered a copy of the
8 conviction or plea and all supporting evidence.

9 (3) Any agency that receives information under this
10 Section shall, not later than 6 months after the date on
11 which it receives the information, publicly report the
12 final action taken against the convicted person, including
13 but not limited to the revocation or suspension of the
14 license or any other disciplinary action taken.

15 (720 ILCS 5/Art. 17, Div. VI heading new)

16 DIVISION VI. MISCELLANEOUS SPECIAL FRAUD PRACTICES

17 (720 ILCS 5/17-601 new)

18 Sec. 17-601. Computer fraud.

19 (a) Computer tampering. A person commits the offense of
20 computer tampering when he or she knowingly without the
21 authorization of a computer's owner, or in excess of the
22 authority granted to him or her:

23 (1) Accesses or causes to be accessed a computer or any
24 part thereof, or a program or data;

1 (2) Accesses or causes to be accessed a computer or any
2 part thereof, or a program or data, and obtains data or
3 services;

4 (3) Accesses or causes to be accessed a computer or any
5 part thereof, or a program or data, and damages or destroys
6 the computer or alters, deletes, or removes a computer
7 program or data;

8 (4) Inserts or attempts to insert a program into a
9 computer or computer program knowing or having reason to
10 know that such program contains information or commands
11 that will or may damage or destroy that computer, or any
12 other computer subsequently accessing or being accessed by
13 that computer, or that will or may alter, delete, or remove
14 a computer program or data from that computer, or any other
15 computer program or data in a computer subsequently
16 accessing or being accessed by that computer, or that will
17 or may cause loss to the users of that computer or the
18 users of a computer which accesses or which is accessed by
19 such program;

20 (5) Falsifies or forges electronic mail transmission
21 information or other routing information in any manner in
22 connection with the transmission of unsolicited bulk
23 electronic mail through or into the computer network of an
24 electronic mail service provider or its subscribers;

25 (a-5) Distributing software to falsify routing
26 information. It shall be unlawful for any person knowingly to

1 sell, give, or otherwise distribute or possess with the intent
2 to sell, give, or distribute software which (1) is primarily
3 designed or produced for the purpose of facilitating or
4 enabling the falsification of electronic mail transmission
5 information or other routing information; (2) has only a
6 limited commercially significant purpose or use other than to
7 facilitate or enable the falsification of electronic mail
8 transmission information or other routing information; or (3)
9 is marketed by that person or another acting in concert with
10 that person with that person's knowledge for use in
11 facilitating or enabling the falsification of electronic mail
12 transmission information or other routing information.

13 (b) Aggravated computer tampering. A person commits
14 aggravated computer tampering when he or she commits the
15 offense of computer tampering as set forth in paragraph (a) (3)
16 of this Section and he or she knowingly:

17 (1) causes disruption of or interference with vital
18 services or operations of State or local government or a
19 public utility; or

20 (2) creates a strong probability of death or great
21 bodily harm to one or more individuals.

22 (c) Computer fraud.

23 (1) A person commits the offense of computer fraud when
24 he or she knowingly:

25 (A) Accesses or causes to be accessed a computer or
26 any part thereof, or a program or data, with the intent

1 of devising or executing any scheme, artifice to
2 defraud, or as part of a deception;

3 (B) Obtains use of, damages, or destroys a computer
4 or any part thereof, or alters, deletes, or removes any
5 program or data contained therein, in connection with
6 any scheme, artifice to defraud, or as part of a
7 deception; or

8 (C) Accesses or causes to be accessed a computer or
9 any part thereof, or a program or data, and obtains
10 money or control over any such money, property, or
11 services of another in connection with any scheme,
12 artifice to defraud, or as part of a deception.

13 (d) Sentence.

14 (1) Sentence for computer tampering in violation of
15 subsections (a) and (a-5) of this Section.

16 (A) A person who commits the offense of computer
17 tampering as set forth in paragraph (a) (1) or (a) (5) or
18 subsection (a-5) of this Section is guilty of a Class B
19 misdemeanor.

20 (B) A person who commits the offense of computer
21 tampering as set forth in paragraph (a) (2) of this
22 Section is guilty of a Class A misdemeanor and a Class
23 4 felony for the second or subsequent offense.

24 (C) A person who commits the offense of computer
25 tampering as set forth in paragraph (a) (3) or paragraph
26 (a) (4) of this Section is guilty of a Class 4 felony

1 and a Class 3 felony for the second or subsequent
2 offense.

3 (D) If an injury arises from the transmission of
4 unsolicited bulk electronic mail, the injured person,
5 other than an electronic mail service provider, may
6 also recover attorney's fees and costs, and may elect,
7 in lieu of actual damages, to recover the lesser of \$10
8 for each and every unsolicited bulk electronic mail
9 message transmitted in violation of subsection (a) or
10 (a-5) of this Section, or \$25,000 per day. The injured
11 person shall not have a cause of action against the
12 electronic mail service provider that merely transmits
13 the unsolicited bulk electronic mail over its computer
14 network.

15 (E) If an injury arises from the transmission of
16 unsolicited bulk electronic mail, an injured
17 electronic mail service provider may also recover
18 attorney's fees and costs, and may elect, in lieu of
19 actual damages, to recover the greater of \$10 for each
20 and every unsolicited electronic mail advertisement
21 transmitted in violation of subsection (a) or (a-5) of
22 this Section, or \$25,000 per day.

23 (F) The provisions of subsections (a) and (a-5) of
24 this Section shall not be construed to limit any
25 person's right to pursue any additional civil remedy
26 otherwise allowed by law.

1 (G) Whoever suffers loss by reason of a violation
2 of paragraph (a)(4) of this Section may, in a civil
3 action against the violator, obtain appropriate
4 relief. In a civil action under this Section, the court
5 may award to the prevailing party reasonable
6 attorney's fees and other litigation expenses.

7 (2) Sentence for aggravated computer tampering in
8 violation of subsection (b) of this Section.

9 (A) A person who commits the offense of aggravated
10 computer tampering as set forth in paragraph (b)(1) of
11 this Section is guilty of a Class 3 felony.

12 (B) A person who commits the offense of aggravated
13 computer tampering as set forth in paragraph (b)(2) of
14 this Section is guilty of a Class 2 felony.

15 (3) Sentence for computer fraud in subsection (c) of
16 this Section.

17 (A) A person who commits the offense of computer
18 fraud as set forth in paragraph (c)(1) of this Section
19 is guilty of a Class 4 felony.

20 (B) A person who commits the offense of computer
21 fraud as set forth in paragraph (c)(2) of this Section
22 is guilty of a Class 3 felony.

23 (C) A person who commits the offense of computer
24 fraud as set forth in paragraph (c)(3) of this Section:

25 (i) is guilty of a Class 4 felony if the value
26 of the money, property or services is \$1,000 or

1 less; or
2 (ii) is guilty of a Class 3 felony if the value
3 of the money, property or services is more than
4 \$1,000 but less than \$50,000; or
5 (iii) is guilty of a Class 2 felony if the
6 value of the money, property or services is \$50,000
7 or more.

8 (e) Permissive inference. The trier of fact may infer that
9 the computer was accessed without the authorization of its
10 owner or in excess of the authority granted in the event that a
11 person accesses or causes to be accessed a computer, which
12 access requires a confidential or proprietary code which has
13 not been issued to or authorized for use by that person.

14 (720 ILCS 5/17-602 new)

15 Sec. 17-602. Defrauding drug and alcohol screening tests.

16 (a) It is unlawful for a person to:

17 (1) manufacture, sell, give away, distribute, or
18 market synthetic or human substances or other products in
19 this State or transport urine into this State with the
20 intent of using the synthetic or human substances or other
21 products to defraud a drug or alcohol screening test;

22 (2) substitute or spike a sample or advertise a sample
23 substitution or other spiking device or measure, with the
24 intent of attempting to foil or defeat a drug or alcohol
25 screening test;

1 (3) adulterate synthetic or human substances with the
2 intent to defraud a drug or alcohol screening test; or

3 (4) manufacture, sell, or possess adulterants that are
4 intended to be used to adulterate synthetic or human
5 substances with the intent of defrauding a drug or alcohol
6 screening test.

7 (b) The trier of fact may infer intent if a heating element
8 or any other device used to thwart a drug or alcohol screening
9 test accompanies the sale, giving, distribution, or marketing
10 of synthetic or human substances or other products or
11 instructions that provide a method for thwarting a drug or
12 alcohol screening test accompany the sale, giving,
13 distribution, or marketing of synthetic or human substances or
14 other products.

15 (c) Sentence. A violation of this Section is a Class 4
16 felony for which the court shall impose a minimum fine of
17 \$1,000.

18 (720 ILCS 5/17-603 new)

19 Sec. 17-603. Financial exploitation of an elderly person or
20 a person with a disability.

21 (a) Financial exploitation of an elderly person or a person
22 with a disability. A person commits the offense of financial
23 exploitation of an elderly person or a person with a disability
24 when he or she stands in a position of trust or confidence with
25 the elderly person or the person with a disability and he or

1 she knowingly and by deception or intimidation obtains control
2 over the property of the elderly person or the person with a
3 disability or illegally uses the assets or resources of the
4 elderly person or the person with a disability.

5 (b) Sentence. Financial exploitation of an elderly person
6 or a person with a disability is:

7 (1) a Class 4 felony if the value of the property is
8 \$300 or less,

9 (2) a Class 3 felony if the value of the property is
10 more than \$300 but less than \$5,000,

11 (3) a Class 2 felony if the value of the property is
12 \$5,000 or more but less than \$100,000, and

13 (4) a Class 1 felony if the value of the property is
14 \$100,000 or more or if the elderly person is over 70 years
15 of age but less than 80 years of age and the value of the
16 property is \$15,000 or more or if the elderly person is 80
17 years of age or older and the value of the property is
18 \$5,000 or more.

19 (c) Definitions. For purposes of this Section:

20 (1) A person stands in a position of trust or
21 confidence with an elderly person or person with a
22 disability when he or she (1) is a parent, spouse, adult
23 child or other relative by blood or marriage of the elderly
24 person or person with a disability, (2) is a joint tenant
25 or tenant in common with the elderly person or person with
26 a disability, (3) has a legal or fiduciary relationship

1 with the elderly person or person with a disability, or (4)
2 is a financial planning or investment professional.

3 (2) The illegal use of the assets or resources of an
4 elderly person or a person with a disability includes, but
5 is not limited to, the misappropriation of those assets or
6 resources by undue influence, breach of a fiduciary
7 relationship, fraud, deception, extortion, or use of the
8 assets or resources contrary to law.

9 (d) Limitations. Nothing in this Section shall be construed
10 to limit the remedies available to the victim under the
11 Illinois Domestic Violence Act of 1986.

12 (e) Good faith efforts. Nothing in this Section shall be
13 construed to impose criminal liability on a person who has made
14 a good faith effort to assist the elderly person or person with
15 a disability in the management of his or her property, but
16 through no fault of his or her own has been unable to provide
17 such assistance.

18 (f) Not a defense. It shall not be a defense to financial
19 exploitation of an elderly person or person with a disability
20 that the accused reasonably believed that the victim was not an
21 elderly person or person with a disability.

22 (g) Civil liability. A person who is charged by information
23 or indictment with the offense of financial exploitation of an
24 elderly person or a person with a disability and who fails or
25 refuses to return the victim's property within 60 days
26 following a written demand from the victim or the victim's

1 legal representative shall be liable to the victim or to the
2 estate of the victim in damages of treble the amount of the
3 value of the property obtained, plus reasonable attorney's fees
4 and court costs. The burden of proof that the defendant
5 unlawfully obtained the victim's property shall be by a
6 preponderance of the evidence. This subsection (g) shall be
7 operative whether or not the defendant has been convicted of
8 the offense.

9 (720 ILCS 5/17-604 new)

10 Sec. 17-604. Fraudulent production of infant. A person who
11 fraudulently produces an infant, falsely pretending it to have
12 been born of parents whose child would be entitled to a share
13 of a personal estate, or to inherit real estate, with the
14 intent of intercepting the inheritance of the real estate, or
15 the distribution of the personal property from a person
16 lawfully entitled to the personal property, is guilty of a
17 Class 3 felony.

18 (720 ILCS 5/17-605) (was 720 ILCS 5/39-1)

19 Sec. 17-605 ~~39-1~~. Criminal Usury.

20 (a) Any person commits criminal usury when, in exchange for
21 either a loan of money or other property or forbearance from
22 the collection of such a loan, he or she knowingly contracts
23 for or receives from an individual, directly or indirectly,
24 interest, discount or other consideration at a rate greater

1 than 20% per annum either before or after the maturity of the
2 loan.

3 (b) When a person has in his or her personal or
4 constructive possession records, memoranda, or other
5 documentary record of usurious loans, the trier of fact may
6 infer it shall be prima facie evidence that he or she has
7 violated subsection (a) ~~Subsection 39-1(a)~~ hereof.

8 (c) Criminal usury is a Class 4 felony.

9 (d) This Section does not apply to any loan authorized to
10 be made by any person licensed under the Consumer Installment
11 Loan Act or to any loan permitted by Sections 4, 4.2, and 4a of
12 the Interest Act.

13 (Source: P.A. 76-1879.)

14 (720 ILCS 5/17-606 new)

15 Sec. 17-606. Conspiracy to commit a financial crime.

16 (a) A person commits the offense of a conspiracy to commit
17 a financial crime when, with the intent that any violation of
18 misappropriation of financial institution property, commercial
19 bribery involving a financial institution, financial
20 institution and loan fraud, concealment of collateral, or
21 financial institution robbery be committed, the person agrees
22 with another person to the commission of that offense.

23 (b) No person may be convicted of conspiracy to commit a
24 financial crime unless an overt act or acts in furtherance of
25 the agreement is alleged and proved to have been committed by

1 that person or by a co-conspirator and the accused is a part of
2 a common scheme or plan to engage in the unlawful activity.

3 (c) It shall not be a defense to the offense of a
4 conspiracy to commit a financial crime that the person or
5 persons with whom the accused is alleged to have conspired:

6 (1) has not been prosecuted or convicted,

7 (2) has been convicted of a different offense,

8 (3) is not amenable to justice,

9 (4) has been acquitted, or

10 (5) lacked the capacity to commit the offense.

11 (720 ILCS 5/17-607 new)

12 Sec. 17-607. Continuing financial crimes enterprise.

13 (a) Continuing financial crimes enterprise. A person
14 commits the offense of a continuing financial crimes enterprise
15 when the person knowingly, within an 18-month period, commits 3
16 or more separate offenses of misappropriation of financial
17 institution property, commercial bribery involving a financial
18 institution, financial institution and loan fraud, concealment
19 of collateral, or financial institution robbery, or, if
20 involving a financial institution, any other felony offenses
21 established under this Code.

22 (b) A financial crime which is a continuing financial
23 crimes enterprise is a Class 1 felony.

24 (720 ILCS 5/17-608 new)

1 Sec. 17-608. Organizer of a continuing financial crimes
2 enterprise.

3 (a) A person commits the offense of being an organizer of a
4 continuing financial crimes enterprise when the person:

5 (1) with the intent to commit any of the offenses of
6 misappropriation of financial institution property,
7 commercial bribery involving a financial institution,
8 financial institution and loan fraud, concealment of
9 collateral, or financial institution robbery or, if
10 involving a financial institution, any other felony
11 offense established under this Code, agrees with another
12 person to the commission of that offense on 3 or more
13 separate occasions within an 18-month period, and

14 (2) with respect to the other persons within the
15 conspiracy, occupies a position of organizer, supervisor,
16 or financier or other position of management.

17 (b) The person with whom the accused agreed to commit the 3
18 or more offenses of misappropriation of financial institution
19 property, commercial bribery involving a financial
20 institution, financial institution and loan fraud, concealment
21 of collateral, or financial institution robbery, or if
22 involving a financial institution, any other felony offenses
23 established under this Code, need not be the same person or
24 persons for each offense, as long as the accused was a part of
25 the common scheme or plan to engage in each of the 3 or more
26 alleged offenses.

1 (c) Sentence. The offense of being an organizer of a
2 continuing financial crimes enterprise is a Class X felony.

3 (720 ILCS 5/18-1) (from Ch. 38, par. 18-1)

4 Sec. 18-1. Robbery and aggravated robbery.

5 (a) Robbery. A person commits the offense of robbery when
6 he or she knowingly takes property, except a motor vehicle
7 covered by Section 18-3 ~~or 18-4~~, from the person or presence of
8 another by the use of force or by threatening the imminent use
9 of force.

10 (b) Aggravated robbery.

11 (1) A person commits the offense of aggravated robbery
12 when he or she violates subsection (a) while indicating
13 verbally or by his or her actions to the victim that he or
14 she is presently armed with a firearm or other dangerous
15 weapon, including a knife, club, ax, or bludgeon. This
16 subsection shall be applicable even though it is later
17 determined that he or she had no firearm or other dangerous
18 weapon, including a knife, club, ax, or bludgeon, in his or
19 her possession when he or she committed the robbery.

20 (2) A person commits the offense of aggravated robbery
21 when he or she knowingly takes property from the person or
22 presence of another by delivering (by injection,
23 inhalation, ingestion, transfer of possession, or any
24 other means) to the victim without his or her consent, or
25 by threat or deception, and for other than medical

1 purposes, any controlled substance.

2 (c) ~~(b)~~ Sentence.

3 A violation of subsection (a) ~~Robbery~~ is a Class 2 felony.
4 A violation of subsection (b) is a Class 1 felony. A violation
5 of subsection (a) is a Class 1 felony ~~However,~~ if the victim is
6 60 years of age or over or is a physically handicapped person,
7 or if the robbery is committed in a school or place of worship
8 or in a financial institution, ~~robbery is a Class 1 felony.~~

9 (d) As used in this Section, "financial institution" means
10 any bank, savings bank, savings and loan association, credit
11 union, trust company, or other depository of money, or medium
12 of savings and collective investment and lender of money for
13 compensation, whether direct or indirect, whose loans are or
14 are intended to be secured by real property including but not
15 limited to mortgage underwriters, and originators of loans for
16 such lenders, including but not limited to mortgage brokers.

17 (Source: P.A. 91-360, eff. 7-29-99.)

18 (720 ILCS 5/18-3)

19 Sec. 18-3. Vehicular hijacking and aggravated vehicular
20 hijacking.

21 (a) Vehicular hijacking. A person commits the offense of
22 vehicular hijacking when he or she knowingly takes a motor
23 vehicle from the person or the immediate presence of another by
24 the use of force or by threatening the imminent use of force.

25 (b) Aggravated vehicular hijacking. A person commits the

1 offense of aggravated vehicular hijacking when he or she
2 violates subsection (a); and

3 (1) the person from whose immediate presence the motor
4 vehicle is taken is a physically handicapped person or a
5 person 60 years of age or over; or

6 (2) a person under 16 years of age is a passenger in
7 the motor vehicle at the time of the offense; or

8 (3) he or she carries on or about his or her person, or
9 is otherwise armed with a dangerous weapon, other than a
10 firearm; or

11 (4) he or she carries on or about his or her person or
12 is otherwise armed with a firearm; or

13 (5) he or she, during the commission of the offense,
14 personally discharges a firearm; or

15 (6) he or she, during the commission of the offense,
16 personally discharges a firearm that proximately causes
17 great bodily harm, permanent disability, permanent
18 disfigurement, or death to another person.

19 (c) ~~(b)~~ For the purposes of this Article, the term "motor
20 vehicle" shall have the meaning ascribed to it in the Illinois
21 Vehicle Code.

22 (d) ~~(e)~~ Sentence. Vehicular hijacking is a Class 1 felony.
23 A violation of paragraph (b) (1) or (b) (2) is a Class X felony.
24 A violation of paragraph (b) (3) is a Class X felony for which a
25 term of imprisonment of not less than 7 years shall be imposed.
26 A violation of paragraph (b) (4) is a Class X felony for which

1 15 years shall be added to the term of imprisonment imposed by
2 the court. A violation of paragraph (b) (5) is a Class X felony
3 for which 20 years shall be added to the term of imprisonment
4 imposed by the court. A violation of paragraph (b) (6) is a
5 Class X felony for which 25 years or up to a term of natural
6 life shall be added to the term of imprisonment imposed by the
7 court.

8 (Source: P.A. 88-351; 88-670, eff. 12-2-94.)

9 (720 ILCS 5/18-6) (was 720 ILCS 5/12-11.1)

10 Sec. 18-6 ~~12-11.1~~. Vehicular invasion.

11 (a) A person commits vehicular invasion who knowingly, by
12 force and without lawful justification, enters or reaches into
13 the interior of a motor vehicle as defined in The Illinois
14 Vehicle Code while such motor vehicle is occupied by another
15 person or persons, with the intent to commit therein a theft or
16 felony.

17 (b) Sentence. Vehicular invasion is a Class 1 felony.

18 (Source: P.A. 86-1392.)

19 (720 ILCS 5/19-1) (from Ch. 38, par. 19-1)

20 Sec. 19-1. Burglary.

21 (a) A person commits the offense of Burglary ~~burglary~~ when
22 without authority he or she knowingly enters or without
23 authority remains within a building, housetrailer, watercraft,
24 aircraft, motor vehicle as defined in the Illinois Vehicle

1 Code, railroad car, or any part thereof, with intent to commit
2 therein a felony or theft. This offense shall not include the
3 offenses set out in Section 4-102 of the Illinois Vehicle Code.

4 (b) Sentence.

5 Burglary is a Class 2 felony. A burglary committed in a
6 school or place of worship is a Class 1 felony.

7 (Source: P.A. 91-360, eff. 7-29-99; 91-928, eff. 6-1-01.)

8 (720 ILCS 5/19-2) (from Ch. 38, par. 19-2)

9 Sec. 19-2. Criminal trespass to a residence. ~~Possession of~~
10 ~~burglary tools.~~ (a) (1) A person commits the offense of Criminal
11 trespass to a residence when, without authority, he or she
12 knowingly enters or remains within any residence, including a
13 house trailer that is the dwelling of another.

14 (2) A person commits the offense of Criminal trespass to a
15 residence when, without authority, he or she knowingly enters
16 the residence of another and knows or has reason to know that
17 one or more persons is present or he or she knowingly enters
18 the residence of another and remains in the residence after he
19 or she knows or has reason to know that one or more persons is
20 present.

21 (3) For purposes of this Section, in the case of a
22 multi-unit residential building or complex, "residence" shall
23 include only the portion of the building or complex which is
24 the actual dwelling place of any person and shall not include
25 such places as common recreational areas or lobbies.

1 (b) Sentence.

2 (1) Criminal trespass to a residence under paragraph
3 (1) of subsection (a) is a Class A misdemeanor.

4 (2) Criminal trespass to a residence under paragraph
5 (2) of subsection (a) is a Class 4 felony.

6 ~~(a) A person commits the offense of possession of burglary~~
7 ~~tools when he possesses any key, tool, instrument, device, or~~
8 ~~any explosive, suitable for use in breaking into a building,~~
9 ~~housetrailer, watercraft, aircraft, motor vehicle as defined~~
10 ~~in The Illinois Vehicle Code, railroad car, or any depository~~
11 ~~designed for the safekeeping of property, or any part thereof,~~
12 ~~with intent to enter any such place and with intent to commit~~
13 ~~therein a felony or theft.~~

14 ~~(b) Sentence.~~

15 ~~Possession of burglary tools in violation of this Section~~
16 ~~is a Class 4 felony.~~

17 (Source: P.A. 78-255.)

18 (720 ILCS 5/19-3) (from Ch. 38, par. 19-3)

19 Sec. 19-3. Residential burglary.

20 (a) A person commits the offense of Residential ~~residential~~
21 burglary when he or she ~~who~~ knowingly and without authority
22 enters or knowingly and without authority remains within the
23 dwelling place of another, or any part thereof, with the intent
24 to commit therein a felony or theft. This offense includes the
25 offense of burglary as defined in Section 19-1.

1 (b) Sentence. Residential burglary is a Class 1 felony.

2 (Source: P.A. 91-928, eff. 6-1-01.)

3 (720 ILCS 5/19-4) (from Ch. 38, par. 19-4)

4 Sec. 19-4. Possession of burglary tools. ~~Criminal trespass~~
5 ~~to a residence.~~ (a) A person commits the offense of Possession
6 of burglary tools when he or she possesses any key, tool,
7 instrument, device, or any explosive, suitable for use in
8 breaking into a building, housetrailer, watercraft, aircraft,
9 motor vehicle as defined in The Illinois Vehicle Code, railroad
10 car, or any depository designed for the safekeeping of
11 property, or any part thereof, with intent to enter any such
12 place and with intent to commit therein a felony or theft.

13 (b) Sentence. Possession of burglary tools in violation of
14 this Section is a Class 4 felony.

15 ~~(a) (1) A person commits the offense of criminal trespass~~
16 ~~to a residence when, without authority, he knowingly enters or~~
17 ~~remains within any residence, including a house trailer.~~

18 ~~(2) A person commits the offense of criminal trespass to a~~
19 ~~residence when, without authority, he or she knowingly enters~~
20 ~~the residence of another and knows or has reason to know that~~
21 ~~one or more persons is present or he or she knowingly enters~~
22 ~~the residence of another and remains in the residence after he~~
23 ~~or she knows or has reason to know that one or more persons is~~
24 ~~present.~~

25 ~~(3) For purposes of this Section, in the case of a~~

1 ~~multi-unit residential building or complex, "residence" shall~~
2 ~~only include the portion of the building or complex which is~~
3 ~~the actual dwelling place of any person and shall not include~~
4 ~~such places as common recreational areas or lobbies.~~

5 ~~(b) Sentence.~~

6 ~~(1) Criminal trespass to a residence under paragraph~~
7 ~~(1) of subsection (a) is a Class A misdemeanor.~~

8 ~~(2) Criminal trespass to a residence under paragraph~~
9 ~~(2) of subsection (a) is a Class 4 felony.~~

10 (Source: P.A. 91-895, eff. 7-6-00.)

11 (720 ILCS 5/19-6) (was 720 ILCS 5/12-11)

12 Sec. 19-6 ~~12-11~~. Home Invasion.

13 (a) A person who is not a peace officer acting in the line
14 of duty commits home invasion when without authority he or she
15 knowingly enters the dwelling place of another when he or she
16 knows or has reason to know that one or more persons is present
17 or he or she knowingly enters the dwelling place of another and
18 remains in such dwelling place until he or she knows or has
19 reason to know that one or more persons is present and

20 (1) While armed with a dangerous weapon, other than a
21 firearm, uses force or threatens the imminent use of force
22 upon any person or persons within such dwelling place
23 whether or not injury occurs, or

24 (2) Intentionally causes any injury, except as
25 provided in subsection (a)(5), to any person or persons

1 within such dwelling place, or

2 (3) While armed with a firearm uses force or threatens
3 the imminent use of force upon any person or persons within
4 such dwelling place whether or not injury occurs, or

5 (4) Uses force or threatens the imminent use of force
6 upon any person or persons within such dwelling place
7 whether or not injury occurs and during the commission of
8 the offense personally discharges a firearm, or

9 (5) Personally discharges a firearm that proximately
10 causes great bodily harm, permanent disability, permanent
11 disfigurement, or death to another person within such
12 dwelling place, or

13 (6) Commits, against any person or persons within that
14 dwelling place, a violation of Section 12-13, 12-14,
15 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961.

16 (b) It is an affirmative defense to a charge of home
17 invasion that the accused who knowingly enters the dwelling
18 place of another and remains in such dwelling place until he or
19 she knows or has reason to know that one or more persons is
20 present either immediately leaves such premises or surrenders
21 to the person or persons lawfully present therein without
22 either attempting to cause or causing serious bodily injury to
23 any person present therein.

24 (c) Sentence. Home invasion in violation of subsection
25 (a) (1), (a) (2) or (a) (6) is a Class X felony. A violation of
26 subsection (a) (3) is a Class X felony for which 15 years shall

1 be added to the term of imprisonment imposed by the court. A
2 violation of subsection (a) (4) is a Class X felony for which 20
3 years shall be added to the term of imprisonment imposed by the
4 court. A violation of subsection (a) (5) is a Class X felony for
5 which 25 years or up to a term of natural life shall be added to
6 the term of imprisonment imposed by the court.

7 (d) For purposes of this Section, "dwelling place of
8 another" includes a dwelling place where the defendant
9 maintains a tenancy interest but from which the defendant has
10 been barred by a divorce decree, judgment of dissolution of
11 marriage, order of protection, or other court order.

12 (Source: P.A. 90-787, eff. 8-14-98; 91-404, eff. 1-1-00;
13 91-928, eff. 6-1-01.)

14 (720 ILCS 5/20-1) (from Ch. 38, par. 20-1)

15 Sec. 20-1. Arson, residential arson, and place of worship
16 arson.

17 (a) A person commits the offense of arson when, by means of
18 fire or explosive, he or she knowingly:

19 (1) ~~(a)~~ Damages any real property, or any personal
20 property having a value of \$300 ~~\$150~~ or more, of another
21 without his or her consent; or

22 (2) ~~(b)~~ With intent to defraud an insurer, damages any
23 property or any personal property having a value of \$300
24 ~~\$150~~ or more.

25 Property "of another" means a building or other property,

1 whether real or personal, in which a person other than the
2 offender has an interest which the offender has no authority to
3 defeat or impair, even though the offender may also have an
4 interest in the building or property.

5 (b) ~~(e)~~ Sentence.

6 Arson is a Class 2 felony.

7 (c) Residential arson or place of worship arson. A person
8 commits the offense of residential arson or place of worship
9 arson when he or she, in the course of committing an arson,
10 knowingly damages, partially or totally, any building or
11 structure that is the dwelling place of another or any place of
12 worship.

13 (d) Residential arson or place of worship arson is a Class
14 1 felony.

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

16 (720 ILCS 5/20-3) (was 720 ILCS 5/12-2.6)

17 Sec. 20-3 ~~12-2.6~~. Creation of a dangerous or incendiary
18 place or device. Use of a dangerous place for the commission of
19 a controlled substance or cannabis offense.

20 (a) A person commits the offense of Creation of a dangerous
21 or incendiary place or device ~~use of a dangerous place for the~~
22 ~~commission of a controlled substance or cannabis offense~~ when
23 that person knowingly exercises control over any place with the
24 intent to use that place to manufacture, produce, deliver, or
25 possess with intent to deliver a controlled or counterfeit

1 substance or controlled substance analog in violation of
2 Section 401 of the Illinois Controlled Substances Act or to
3 manufacture, produce, deliver, or possess with intent to
4 deliver cannabis in violation of Section 5, 5.1, 5.2, 7, or 8
5 of the Cannabis Control Act and:

6 (1) the place, by virtue of the presence of the
7 substance or substances used or intended to be used to
8 manufacture a controlled or counterfeit substance,
9 controlled substance analog, or cannabis, presents a
10 substantial risk of injury to any person from fire,
11 explosion, or exposure to toxic or noxious chemicals or
12 gas; or

13 (2) the place used or intended to be used to
14 manufacture, produce, deliver, or possess with intent to
15 deliver a controlled or counterfeit substance, controlled
16 substance analog, or cannabis has located within it or
17 surrounding it devices, weapons, chemicals, or explosives
18 designed, hidden, or arranged in a manner that would cause
19 a person to be exposed to a substantial risk of great
20 bodily harm.

21 (b) It may be inferred that a place was intended to be used
22 to manufacture a controlled or counterfeit substance or
23 controlled substance analog if a substance containing a
24 controlled or counterfeit substance or controlled substance
25 analog or a substance containing a chemical important to the
26 manufacture of a controlled or counterfeit substance or

1 controlled substance analog is found at the place of the
2 alleged illegal controlled substance manufacturing in close
3 proximity to equipment or a chemical used for facilitating the
4 manufacture of the controlled or counterfeit substance or
5 controlled substance analog that is alleged to have been
6 intended to be manufactured.

7 (c) As used in this Section, "place" means a premises,
8 conveyance, or location that offers seclusion, shelter, means,
9 or facilitation for manufacturing, producing, possessing, or
10 possessing with intent to deliver a controlled or counterfeit
11 substance, controlled substance analog, or cannabis.

12 (d) Creation of a dangerous or incendiary place or device
13 ~~Use of a dangerous place for the commission of a controlled~~
14 ~~substance or cannabis offense~~ is a Class 1 felony.

15 (Source: P.A. 93-516, eff. 1-1-04; 94-743, eff. 5-8-06.)

16 (720 ILCS 5/Art. 21, Div. I heading new)

17 DIVISION I. DAMAGE TO PROPERTY

18 (720 ILCS 5/21-1) (from Ch. 38, par. 21-1)

19 Sec. 21-1. Criminal damage to property.

20 (1) A person commits the offense of Criminal damage to
21 property ~~an illegal act~~ when he or she:

22 (a) knowingly defaces any property of another without
23 his or her consent.

24 (b) ~~(a)~~ knowingly damages any property of another

1 without his consent; or

2 (c) ~~(b)~~ recklessly by means of fire or explosive
3 damages property of another; or

4 (d) ~~(e)~~ knowingly starts a fire on the land of another
5 without his consent; or

6 (e) ~~(d)~~ knowingly injures a domestic animal of another
7 without his consent; or

8 (f) ~~(e)~~ knowingly deposits on the land or in the
9 building of another, without his consent, any stink bomb or
10 any offensive smelling compound and thereby intends to
11 interfere with the use by another of the land or building;
12 or

13 (g) ~~(f)~~ damages any property, other than as described
14 in subsection (b) of Section 20-1, with intent to defraud
15 an insurer; or

16 (h) ~~(g)~~ knowingly shoots a firearm at any portion of a
17 railroad train.

18 (i) knowingly damages or tampers with any fire hydrant,
19 or any public or private fire firefighting equipment, or
20 any apparatus appertaining to such equipment or
21 intentionally opens any fire hydrant without proper
22 authorization.

23 When the charge of Criminal ~~criminal~~ damage to property
24 exceeding a specified value is brought, the extent of the
25 damage is an element of the offense to be resolved by the trier
26 of fact as either exceeding or not exceeding the specified

1 value.

2 (2) "Defacement" shall mean damaging property by use of
3 paint or any similar substance, or by the use of a writing
4 instrument, etching tool, or any other similar device. The acts
5 described in subsection (a) shall be punished in accordance
6 with Section 3, except when a "defacement" is in excess of
7 \$300, or if a person is charged with a subsequent violation of
8 subsection (a), it shall be a Class 4 felony. If a school or
9 house of worship is defaced in violation of subsection (a), and
10 the damage caused is in excess of \$300, it shall be a Class 3
11 felony. If a person is found to have committed a felony under
12 subsection (a), that person shall be subject to a minimum fine
13 of \$500 plus the actual costs of the property owner to
14 remediate, abate, repair or remove the defacement. To the
15 extent permitted by law, reimbursement for the costs of
16 abatement, remediation, repair or removal shall be payable to
17 the person who incurred the costs. If community service is a
18 part of any sentence it shall include, but need not be limited
19 to, the cleanup repair of the defacement, or similar defacement
20 to property located in the municipality or county in which the
21 offense occurred.

22 (3) ~~(2)~~ The acts described in items (a), (b), (c), (e), ~~and~~
23 (f), ~~and~~ (g) are Class A misdemeanors if the damage to property
24 does not exceed \$300. The acts described in items (a), (b),
25 (c), (e), ~~and~~ (f), ~~and~~ (g) are Class 4 felonies if the damage
26 to property does not exceed \$300 if the damage occurs to

1 property of a school or place of worship or to farm equipment
2 or immovable items of agricultural production, including but
3 not limited to grain elevators, grain bins, and barns. The act
4 described in item (e) ~~(d)~~ is a Class 4 felony if the damage to
5 property does not exceed \$10,000. The act described in item (h)
6 ~~(g)~~ is a Class 4 felony. The acts described in items ~~(a)~~, (b),
7 (c), (e), ~~and~~ (f), and (g) are Class 4 felonies if the damage
8 to property exceeds \$300 but does not exceed \$10,000. The acts
9 described in items (b) ~~(a)~~ through (g) ~~(f)~~ are Class 3 felonies
10 if the damage to property exceeds \$300 but does not exceed
11 \$10,000 if the damage occurs to property of a school or place
12 of worship or to farm equipment or immovable items of
13 agricultural production, including but not limited to grain
14 elevators, grain bins, and barns. The acts described in items
15 (b) ~~(a)~~ through (g) ~~(f)~~ are Class 3 felonies if the damage to
16 property exceeds \$10,000 but does not exceed \$100,000. The acts
17 described in items (b) ~~(a)~~ through (g) ~~(f)~~ are Class 2 felonies
18 if the damage to property exceeds \$10,000 but does not exceed
19 \$100,000 if the damage occurs to property of a school or place
20 of worship or to farm equipment or immovable items of
21 agricultural production, including but not limited to grain
22 elevators, grain bins, and barns. The acts described in items
23 (b) ~~(a)~~ through (g) ~~(f)~~ are Class 2 felonies if the damage to
24 property exceeds \$100,000. The acts described in items (b) ~~(a)~~
25 through (g) ~~(f)~~ are Class 1 felonies if the damage to property
26 exceeds \$100,000 and the damage occurs to property of a school

1 or place of worship or to farm equipment or immovable items of
2 agricultural production, including but not limited to grain
3 elevators, grain bins, and barns. If the damage to property
4 exceeds \$10,000, the court shall impose upon the offender a
5 fine equal to the value of the damages to the property. The act
6 described in item (i) is a Class B misdemeanor.

7 For the purposes of this subsection (2), "farm equipment"
8 means machinery or other equipment used in farming.

9 (4) ~~(3)~~ In addition to any other sentence that may be
10 imposed, a court shall order any person convicted of Criminal
11 ~~criminal~~ damage to property to perform community service for
12 not less than 30 and not more than 120 hours, if community
13 service is available in the jurisdiction and is funded and
14 approved by the county board of the county where the offense
15 was committed. In addition, whenever any person is placed on
16 supervision for an alleged offense under this Section, the
17 supervision shall be conditioned upon the performance of the
18 community service.

19 This subsection does not apply when the court imposes a
20 sentence of incarceration.

21 (Source: P.A. 94-509, eff. 8-9-05.)

22 (720 ILCS 5/21-1.2) (from Ch. 38, par. 21-1.2)

23 Sec. 21-1.2. Institutional vandalism.

24 (a) A person commits the offense of Institutional
25 ~~institutional~~ vandalism when, by reason of the actual or

1 perceived race, color, creed, religion or national origin of
2 another individual or group of individuals, regardless of the
3 existence of any other motivating factor or factors, he or she
4 knowingly and without consent inflicts damage to any of the
5 following properties:

6 (1) A church, synagogue, mosque, or other building,
7 structure or place used for religious worship or other
8 religious purpose;

9 (2) A cemetery, mortuary, or other facility used for
10 the purpose of burial or memorializing the dead;

11 (3) A school, educational facility or community
12 center;

13 (4) The grounds adjacent to, and owned or rented by,
14 any institution, facility, building, structure or place
15 described in paragraphs (1), (2) or (3) of this subsection
16 (a); or

17 (5) Any personal property contained in any
18 institution, facility, building, structure or place
19 described in paragraphs (1), (2) or (3) of this subsection
20 (a).

21 (b) Institutional vandalism is a Class 3 felony if the
22 damage to the property does not exceed \$300. Institutional
23 vandalism is a Class 2 felony if the damage to the property
24 exceeds \$300. Institutional vandalism is a Class 2 felony for
25 any second or subsequent offense.

26 (b-5) Upon imposition of any sentence, the trial court

1 shall also either order restitution paid to the victim or
2 impose a fine up to \$1,000. In addition, any order of probation
3 or conditional discharge entered following a conviction or an
4 adjudication of delinquency shall include a condition that the
5 offender perform public or community service of no less than
6 200 hours if that service is established in the county where
7 the offender was convicted of institutional vandalism. The
8 court may also impose any other condition of probation or
9 conditional discharge under this Section.

10 (c) Independent of any criminal prosecution or the result
11 of that prosecution, a person suffering damage to property or
12 injury to his or her person as a result of Institutional
13 ~~institutional~~ vandalism may bring a civil action for damages,
14 injunction or other appropriate relief. The court may award
15 actual damages, including damages for emotional distress, or
16 punitive damages. A judgment may include attorney's fees and
17 costs. The parents or legal guardians of an unemancipated
18 minor, other than guardians appointed under the Juvenile Court
19 Act or the Juvenile Court Act of 1987, shall be liable for the
20 amount of any judgment for actual damages rendered against the
21 minor under this subsection in an amount not exceeding the
22 amount provided under Section 5 of the Parental Responsibility
23 Law.

24 (Source: P.A. 92-830, eff. 1-1-03.)

1 Sec. 21-1.6 ~~21-4~~. Criminal Damage to Government Supported
2 Property.

3 (1) A person commits the offense of Criminal damage to
4 government supported property when he or she: ~~Any of the~~
5 ~~following acts is a Class 4 felony when the damage to property~~
6 ~~is \$500 or less, and any such act is a Class 3 felony when the~~
7 ~~damage to property exceeds \$500 but does not exceed \$10,000; a~~
8 ~~Class 2 felony when the damage to property exceeds \$10,000 but~~
9 ~~does not exceed \$100,000 and a Class 1 felony when the damage~~
10 ~~to property exceeds \$100,000.~~

11 (a) Knowingly damages any government supported
12 ~~property supported in whole or in part with State funds,~~
13 ~~funds of a unit of local government or school district, or~~
14 ~~Federal funds administered or granted through State~~
15 ~~agencies~~ without the consent of the State; or

16 (b) Knowingly, by means of fire or explosive damages
17 government supported ~~property supported in whole or in part~~
18 ~~with State funds, funds of a unit of local government or~~
19 ~~school district, or Federal funds administered or granted~~
20 ~~through State agencies; or~~

21 (c) Knowingly starts a fire on government supported
22 ~~property supported in whole or in part with State funds,~~
23 ~~funds of a unit of local government or school district, or~~
24 ~~Federal funds administered or granted through State~~
25 ~~agencies~~ without the consent of the State; or

26 (d) Knowingly deposits on land or in a government

1 supported building ~~supported in whole or in part with State~~
2 ~~funds, funds of a unit of local government or school~~
3 ~~district, or Federal funds administered or granted through~~
4 ~~State agencies~~ without the consent of the State, any stink
5 bomb or any offensive smelling compound and thereby intends
6 to interfere with the use by another of the land or
7 building.

8 (2) For purposes of this Section, "government supported
9 property" means any property supported in whole or in part with
10 State funds, funds of a unit of local government or school
11 district, or Federal funds administered or granted through
12 State agencies.

13 (3) When the charge of Criminal damage to government
14 supported property exceeding a specified value is brought, the
15 extent of the damage is an element of the offense to be
16 resolved by the trier of fact as either exceeding or not
17 exceeding the specified value.

18 (4) Sentence. When the damage to property is \$500 or less,
19 a violation of subparagraphs (1)(a) through (1)(d) is a Class 4
20 felony. When the damage to property exceeds \$500 but does not
21 exceed \$10,000, the violation is a Class 3 felony. When the
22 damage to property exceeds \$10,000 but does not exceed
23 \$100,000, the violation is a Class 2 felony. When the damage to
24 property exceeds \$100,000, the violation is a Class 1 felony.

25 (5) Fine. ~~(2)~~ When the damage to property exceeds \$10,000,
26 the court shall impose upon the offender a fine equal to the

1 value of the damages to the property.

2 (Source: P.A. 89-30, eff. 1-1-96.)

3 (720 ILCS 5/Art. 21, Div. II heading new)

4 DIVISION II. TRESPASS

5 (720 ILCS 5/21-2) (from Ch. 38, par. 21-2)

6 Sec. 21-2. Criminal trespass to vehicles.

7 (a) A person commits the offense of Criminal trespass to
8 vehicles when he or she ~~whoever~~ knowingly and without authority
9 enters any part of or operates any vehicle, aircraft,
10 watercraft or snowmobile ~~commits a Class A misdemeanor.~~

11 (b) Sentence. Criminal trespass to vehicles is a Class A
12 misdemeanor.

13 (Source: P.A. 83-488.)

14 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

15 Sec. 21-3. Criminal trespass to real property.

16 (a) A person commits the offense of Criminal trespass to
17 real property when he or she ~~Except as provided in subsection~~
18 ~~(a-5), whoever:~~

19 (1) knowingly and without lawful authority enters or
20 remains within or on a building; or

21 (2) enters upon the land of another, after receiving,
22 prior to such entry, notice from the owner or occupant that
23 such entry is forbidden; or

1 (3) remains upon the land of another, after receiving
2 notice from the owner or occupant to depart; or

3 (4) ~~(3.5)~~ presents false documents or falsely
4 represents his or her identity orally to the owner or
5 occupant of a building or land in order to obtain
6 permission from the owner or occupant to enter or remain in
7 the building or on the land;

8 commits a Class B misdemeanor.

9 For purposes of item (1) of this subsection, this Section
10 shall not apply to being in a building which is open to the
11 public while the building is open to the public during its
12 normal hours of operation; nor shall this Section apply to a
13 person who enters a public building under the reasonable belief
14 that the building is still open to the public.

15 (a-5) Except as otherwise provided in this subsection,
16 whoever enters upon any of the following areas in or on a motor
17 vehicle (including an off-road vehicle, motorcycle, moped, or
18 any other powered two-wheel vehicle) after receiving, prior to
19 that entry, notice from the owner or occupant that the entry is
20 forbidden or remains upon or in the area after receiving notice
21 from the owner or occupant to depart commits a Class A
22 misdemeanor:

23 (1) A field that is used for growing crops or that is
24 capable of being used for growing crops.

25 (2) An enclosed area containing livestock.

26 (3) An orchard.

1 (4) A barn or other agricultural building containing
2 livestock.

3 (b) A person has received notice from the owner or occupant
4 within the meaning of Subsection (a) if he has been notified
5 personally, either orally or in writing including a valid court
6 order as defined by subsection (7) of Section 112A-3 of the
7 Code of Criminal Procedure of 1963 granting remedy (2) of
8 subsection (b) of Section 112A-14 of that Code, or if a printed
9 or written notice forbidding such entry has been conspicuously
10 posted or exhibited at the main entrance to such land or the
11 forbidden part thereof.

12 (c) This Section does not apply to any person, whether a
13 migrant worker or otherwise, living on the land with permission
14 of the owner or of his agent having apparent authority to hire
15 workers on such land and assign them living quarters or a place
16 of accommodations for living thereon, nor to anyone living on
17 such land at the request of, or by occupancy, leasing or other
18 agreement or arrangement with the owner or his agent, nor to
19 anyone invited by such migrant worker or other person so living
20 on such land to visit him at the place he is so living upon the
21 land.

22 (d) A person shall be exempt from prosecution under this
23 Section if he beautifies unoccupied and abandoned residential
24 and industrial properties located within any municipality. For
25 the purpose of this subsection, "unoccupied and abandoned
26 residential and industrial property" means any real estate (1)

1 in which the taxes have not been paid for a period of at least 2
2 years; and (2) which has been left unoccupied and abandoned for
3 a period of at least one year; and "beautifies" means to
4 landscape, clean up litter, or to repair dilapidated conditions
5 on or to board up windows and doors.

6 (e) No person shall be liable in any civil action for money
7 damages to the owner of unoccupied and abandoned residential
8 and industrial property which that person beautifies pursuant
9 to subsection (d) of this Section.

10 (f) This Section does not prohibit a person from entering a
11 building or upon the land of another for emergency purposes.
12 For purposes of this subsection (f), "emergency" means a
13 condition or circumstance in which an individual is or is
14 reasonably believed by the person to be in imminent danger of
15 serious bodily harm or in which property is or is reasonably
16 believed to be in imminent danger of damage or destruction.

17 (g) Paragraph (4) ~~(3.5)~~ of subsection (a) does not apply to
18 a peace officer or other official of a unit of government who
19 enters a building or land in the performance of his or her
20 official duties.

21 (h) ~~(g)~~ A person may be liable in any civil action for
22 money damages to the owner of the land he or she entered upon
23 with a motor vehicle as prohibited under subsection (a-5)
24 ~~paragraph (4) of subsection (a)~~ of this Section. A person may
25 also be liable to the owner for court costs and reasonable
26 attorney's fees. The measure of damages shall be: (i) the

1 actual damages, but not less than \$250, if the vehicle is
2 operated in a nature preserve or registered area as defined in
3 Sections 3.11 and 3.14 of the Illinois Natural Areas
4 Preservation Act; (ii) twice the actual damages if the owner
5 has previously notified the person to cease trespassing; or
6 (iii) in any other case, the actual damages, but not less than
7 \$50. If the person operating the vehicle is under the age of
8 16, the owner of the vehicle and the parent or legal guardian
9 of the minor are jointly and severally liable. For the purposes
10 of this subsection (h) ~~(g)~~:

11 "Land" includes, but is not limited to, land used for
12 crop land, fallow land, orchard, pasture, feed lot, timber
13 land, prairie land, mine spoil nature preserves and
14 registered areas. "Land" does not include driveways or
15 private roadways upon which the owner allows the public to
16 drive.

17 "Owner" means the person who has the right to
18 possession of the land, including the owner, operator or
19 tenant.

20 "Vehicle" has the same meaning as provided under
21 Section 1-217 of the Illinois Vehicle Code.

22 (Source: P.A. 94-263, eff. 1-1-06; 94-509, eff. 8-9-05; 94-512,
23 eff. 1-1-06; revised 8-19-05.)

24 (720 ILCS 5/21-3.1) (was 720 ILCS 5/21.1-2)

25 Sec. 21-3.1 ~~21.1-2~~. Residential picketing.

1 (a) A person commits the offense of Residential picketing
2 when he or she pickets ~~It is unlawful to picket~~ before or about
3 the residence or dwelling of any person, except when the
4 residence or dwelling is used as a place of business. However,
5 this Section ~~Article~~ does not apply to a person peacefully
6 picketing his own residence or dwelling and does not prohibit
7 the peaceful picketing of the place of holding a meeting or
8 assembly on premises commonly used to discuss subjects of
9 general public interest.

10 (b) Sentence. Residential picketing is a Class B
11 misdemeanor.

12 (Source: P.A. 81-1270.)

13 (720 ILCS 5/21-5) (from Ch. 38, par. 21-5)

14 Sec. 21-5. Criminal Trespass to State Supported Land.

15 (a) A person commits the offense of Criminal trespass to
16 State supported land when he or she ~~Whoever~~ enters upon land
17 supported in whole or in part with State funds, or Federal
18 funds administered or granted through State agencies or any
19 building on such land, after receiving, prior to such entry,
20 notice from the State or its representative that such entry is
21 forbidden, or remains upon such land or in such building after
22 receiving notice from the State or its representative to
23 depart, and who thereby interferes with another person's lawful
24 use or enjoyment of such building or land, ~~commits a Class A~~
25 misdemeanor.

1 (b) Sentence. Criminal trespass to State supported land is
2 a Class A misdemeanor.

3 (c) ~~(b)~~ A person has received notice from the State within
4 the meaning of subsection (a) if he has been notified
5 personally, either orally or in writing, or if a printed or
6 written notice forbidding such entry to him or a group of which
7 he is a part, has been conspicuously posted or exhibited at the
8 main entrance to such land or the forbidden part thereof.

9 (d) ~~(e)~~ Whoever enters upon land supported in whole or in
10 part with State funds, or federal funds administered or granted
11 through State agencies or any building on such land by
12 presenting false documents or falsely representing his or her
13 identity orally to the State or its representative in order to
14 obtain permission from the State or its representative to enter
15 the building or land; or remains upon such land or in such
16 building by presenting false documents or falsely representing
17 his or her identity orally to the State or its representative
18 in order to remain upon such land or in such building, and who
19 thereby interferes with another person's lawful use or
20 enjoyment of such building or land, commits a Class A
21 misdemeanor.

22 Subsection (d) ~~(e)~~ does not apply to a peace officer or
23 other official of a unit of government who enters upon land
24 supported in whole or in part with State funds, or federal
25 funds administered or granted through State agencies or any
26 building on such land in the performance of his or her official

1 duties.

2 (Source: P.A. 94-263, eff. 1-1-06.)

3 (720 ILCS 5/21-5.1) (was 720 ILCS 5/21.2-2, 21.2-3,
4 21.2-4, and 21.2-5)

5 Sec. 21-5.1 ~~21.2-2~~. Interference with a public institution
6 of higher education.

7 (a) A person commits the offense of Interference
8 ~~interference~~ with a public institution of higher education
9 when, on the campus of a public institution of higher
10 education, or at or in any building or other facility owned,
11 operated or controlled by the institution, without authority
12 from the institution he or she, through force or violence,
13 actual or threatened:

14 (1) knowingly ~~(a) willfully~~ denies to a trustee,
15 employee, student or invitee of the institution:

16 (A) ~~(1)~~ Freedom of movement at such place; or

17 (B) ~~(2)~~ Use of the property or facilities of the
18 institution; or

19 (C) ~~(3)~~ The right of ingress or egress to the
20 property or facilities of the institution; or

21 (2) knowingly ~~(b) willfully~~ impedes, obstructs,
22 interferes with or disrupts:

23 (A) ~~(1)~~ the performance of institutional duties by
24 a trustee or employee of the institution; or

25 (B) ~~(2)~~ the pursuit of educational activities, as

1 determined or prescribed by the institution, by a
2 trustee, employee, student or invitee of the
3 institution; or

4 (3) ~~(e)~~ knowingly occupies or remains in or at any
5 building, property or other facility owned, operated or
6 controlled by the institution after due notice to depart.

7 (b) ~~Sec. 21.2-4.~~ Sentence. A person convicted of a
8 violation of this Section Article commits a Class C misdemeanor
9 for the first offense and for a second or subsequent offense
10 commits a Class B misdemeanor.

11 (c) ~~Sec. 21.2-3.~~ Nothing in this Section Article prevents
12 lawful assembly of the trustees, employees, students or
13 invitees of a public institution of higher education, or
14 prevents orderly petition for redress of grievances.

15 (d) Definitions. ~~Sec. 21.2-5.~~ For the purposes of this
16 Section Article the words and phrases described in this Section
17 have the meanings designated in this Section, except when a
18 particular context clearly requires a different meaning.

19 "Public institution of higher education" means an
20 educational organization located in this State which provides
21 an organized post-high school educational program, and which is
22 supported in whole or in part by appropriations of the General
23 Assembly.

24 A person has received "due notice" if he, or the group of
25 which he is a part, has been given oral or written notice from
26 an authorized representative of the public institution of

1 higher education in a manner reasonably designated to inform
2 him, or the group of which he is a part, that he or they should
3 cease such action or depart from such premises. The notice may
4 also be given by a printed or written notice forbidding entry
5 conspicuously posted or exhibited at the main entrance of the
6 building or other facility, or the forbidden part thereof.

7 "Force or violence" includes, but is not limited to, use of
8 one's person, individually or in concert with others, to impede
9 access to or movement within or otherwise to interfere with the
10 conduct of the authorized activities of the public institution
11 of higher education, its trustees, employees, students or
12 invitees.

13 (Source: P.A. 76-1582; 77-2638.)

14 (720 ILCS 5/21-7) (from Ch. 38, par 21-7)

15 Sec. 21-7. Criminal trespass to restricted areas and
16 restricted landing areas at airports; aggravated criminal
17 trespass to restricted areas and restricted landing areas at
18 airports.

19 (a) A person commits the offense of Criminal trespass to
20 restricted areas and restricted landing areas at airports when
21 he or she ~~Whoever~~ enters upon, or remains in, any restricted
22 area or restricted landing area used in connection with an
23 airport facility, or part thereof, in this State, after such
24 person has received notice from the airport authority that such
25 entry is forbidden commits a Class 4 felony.

1 (b) Whoever enters upon, or remains in, any restricted area
2 or restricted landing area used in connection with an airport
3 facility, or part thereof, in this State, while in possession
4 of a weapon, replica of a weapon, or ammunition, after the
5 person has received notice from the airport authority that the
6 entry is forbidden commits a Class 3 felony.

7 (c) Notice that the area is "restricted" and entry thereto
8 "forbidden", for purposes of this Section, means that the
9 person or persons have been notified personally, either orally
10 or in writing, or by a printed or written notice forbidding
11 such entry to him or a group or an organization of which he is a
12 member, which has been conspicuously posted or exhibited at
13 every usable entrance to such area or the forbidden part
14 thereof.

15 (d) ~~(b)~~ Whoever enters upon, or remains in, any restricted
16 area or restricted landing area used in connection with an
17 airport facility, or part thereof, in this State by presenting
18 false documents or falsely representing his or her identity
19 orally to the airport authority commits a Class A misdemeanor.

20 (e) ~~(b)~~ Whoever enters upon, or remains in, any restricted
21 area or restricted landing area as prohibited in subsection (a)
22 of this Section, while dressed in the uniform of, improperly
23 wearing the identification of, presenting false credentials
24 of, or otherwise physically impersonating an airman, employee
25 of an airline, employee of an airport, or contractor at an
26 airport commits a Class 4 felony.

1 (f) ~~(e)~~ The terms "Restricted area" or "Restricted landing
2 area" in this Section are defined to incorporate the meaning
3 ascribed to those terms in Section 8 of the "Illinois
4 Aeronautics Act", approved July 24, 1945, as amended, and also
5 include any other area of the airport that has been designated
6 such by the airport authority.

7 The terms "airman" and "airport" in this Section are
8 defined to incorporate the meaning ascribed to those terms in
9 Sections 6 and 12 of the Illinois Aeronautics Act.

10 (g) ~~(d)~~ Subsection (d) ~~(b)~~ does not apply to a peace
11 officer or other official of a unit of government who enters a
12 restricted area or a restricted landing area used in connection
13 with an airport facility, or part thereof, in the performance
14 of his or her official duties.

15 (Source: P.A. 94-263, eff. 1-1-06; 94-547, eff. 1-1-06; 94-548,
16 eff. 8-11-05; revised 10-5-05.)

17 (720 ILCS 5/21-8)

18 Sec. 21-8. Criminal trespass to a nuclear facility.

19 (a) A person commits the offense of Criminal ~~criminal~~
20 trespass to a nuclear facility when ~~if~~ he or she knowingly and
21 without lawful authority:

22 (1) enters or remains within a nuclear facility or on
23 the grounds of a nuclear facility, after receiving notice
24 before entry that entry to the nuclear facility is
25 forbidden; or

1 (2) remains within the facility or on the grounds of
2 the facility after receiving notice from the owner or
3 manager of the facility or other person authorized by the
4 owner or manager of the facility to give that notice to
5 depart from the facility or grounds of the facility; or

6 (3) enters or remains within a nuclear facility or on
7 the grounds of a nuclear facility, by presenting false
8 documents or falsely representing his or her identity
9 orally to the owner or manager of the facility. This
10 paragraph (3) does not apply to a peace officer or other
11 official of a unit of government who enters or remains in
12 the facility in the performance of his or her official
13 duties.

14 (b) A person has received notice from the owner or manager
15 of the facility or other person authorized by the owner or
16 manager of the facility within the meaning of paragraphs (1)
17 and (2) of subsection (a) if he or she has been notified
18 personally, either orally or in writing, or if a printed or
19 written notice forbidding the entry has been conspicuously
20 posted or exhibited at the main entrance to the facility or
21 grounds of the facility or the forbidden part of the facility.

22 (c) In this Section, "nuclear facility" has the meaning
23 ascribed to it in Section 3 of the Illinois Nuclear Safety
24 Preparedness Act.

25 (d) Sentence. Criminal trespass to a nuclear facility is a
26 Class 4 felony.

1 (Source: P.A. 94-263, eff. 1-1-06.)

2 (720 ILCS 5/21-9)

3 Sec. 21-9. Criminal trespass to a place of public
4 amusement.

5 (a) A person commits the offense of Criminal ~~criminal~~
6 trespass to a place of public amusement when ~~if~~ he or she
7 knowingly and without lawful authority enters or remains on any
8 portion of a place of public amusement after having received
9 notice that the general public is restricted from access to
10 that portion of the place of public amusement. Such areas may
11 include, but are not limited to: a playing field, an athletic
12 surface, a stage, a locker room, or a dressing room located at
13 the place of public amusement.

14 (a-5) A person commits the offense of criminal trespass to
15 a place of public amusement if he or she knowingly and without
16 lawful authority gains access to or remains on any portion of a
17 place of public amusement by presenting false documents or
18 falsely representing his or her identity orally to the property
19 owner, a lessee, an agent of either the owner or lessee, or a
20 performer or participant. This subsection (a-5) does not apply
21 to a peace officer or other official of a unit of government
22 who enters or remains in the place of public amusement in the
23 performance of his or her official duties.

24 (b) A property owner, a lessee, an agent of either the
25 owner or lessee, or a performer or participant may use

1 reasonable force to restrain a trespasser and remove him or her
2 from the restricted area; however, any use of force beyond
3 reasonable force may subject that person to any applicable
4 criminal penalty.

5 (c) A person has received notice within the meaning of
6 subsection (a) if he or she has been notified personally,
7 either orally or in writing, or if a printed or written notice
8 forbidding such entry has been conspicuously posted or
9 exhibited at the entrance to the portion of the place of public
10 amusement that is restricted or an oral warning has been
11 broadcast over the public address system of the place of public
12 amusement.

13 (d) In this Section, "place of public amusement" means a
14 stadium, a theater, or any other facility of any kind, whether
15 licensed or not, where a live performance, a sporting event, or
16 any other activity takes place for other entertainment and
17 where access to the facility is made available to the public,
18 regardless of whether admission is charged.

19 (e) Sentence. Criminal trespass to a place of public
20 amusement is a Class 4 felony. Upon imposition of any sentence,
21 the court shall also impose a fine of not less than \$1,000. In
22 addition, any order of probation or conditional discharge
23 entered following a conviction shall include a condition that
24 the offender perform public or community service of not less
25 than 30 and not more than 120 hours, if community service is
26 available in the jurisdiction and is funded and approved by the

1 county board of the county where the offender was convicted.
2 The court may also impose any other condition of probation or
3 conditional discharge under this Section.

4 (Source: P.A. 93-407, eff. 1-1-04; 94-263, eff. 1-1-06.)

5 (720 ILCS 5/Art. 21, Div. III heading new)

6 DIVISION III. MISCELLANEOUS PROVISIONS

7 (720 ILCS 5/21-10)

8 Sec. 21-10. Criminal use of a motion picture exhibition
9 facility.

10 (a) A person commits the offense of Criminal use of a
11 motion picture exhibition facility, when he or she, ~~Any person,~~
12 where a motion picture is being exhibited, ~~who~~ knowingly
13 operates an audiovisual recording function of a device without
14 the consent of the owner or lessee of that exhibition facility
15 and of the licensor of the motion picture being exhibited is
16 guilty of criminal use of a motion picture exhibition facility.

17 (b) Sentence. Criminal use of a motion picture exhibition
18 facility is a Class 4 felony.

19 (c) The owner or lessee of a facility where a motion
20 picture is being exhibited, the authorized agent or employee of
21 that owner or lessee, or the licensor of the motion picture
22 being exhibited or his or her agent or employee, who alerts law
23 enforcement authorities of an alleged violation of this Section
24 is not liable in any civil action arising out of measures taken

1 by that owner, lessee, licensor, agent, or employee in the
2 course of subsequently detaining a person that the owner,
3 lessee, licensor, agent, or employee, in good faith believed to
4 have violated this Section while awaiting the arrival of law
5 enforcement authorities, unless the plaintiff in such an action
6 shows by clear and convincing evidence that such measures were
7 manifestly unreasonable or the period of detention was
8 unreasonably long.

9 (d) This Section does not prevent any lawfully authorized
10 investigative, law enforcement, protective, or intelligence
11 gathering employee or agent of the State or federal government
12 from operating any audiovisual recording device in any facility
13 where a motion picture is being exhibited as part of lawfully
14 authorized investigative, protective, law enforcement, or
15 intelligence gathering activities.

16 (e) This Section does not apply to a person who operates an
17 audiovisual recording function of a device in a retail
18 establishment solely to demonstrate the use of that device for
19 sales and display purposes.

20 (f) Nothing in this Section prevents the prosecution for
21 conduct that constitutes a violation of this Section under any
22 other provision of law providing for a greater penalty.

23 (g) In this Section, "audiovisual recording function"
24 means the capability of a device to record or transmit a motion
25 picture or any part of a motion picture by means of any
26 technology now known or later developed and "facility" does not

1 include a personal residence.

2 (Source: P.A. 93-804, eff. 7-24-04.)

3 (720 ILCS 5/21-11) (was 720 ILCS 5/21.3-5)

4 Sec. 21-11 ~~21.3-5~~. Distributing or delivering written or
5 printed solicitation on school property.

6 (a) A person commits the offense of distributing
7 ~~Distributing~~ or delivering written or printed solicitation on
8 school property when he or she distributes or delivers written
9 or printed solicitation on school property or within 1,000 feet
10 of school property, for the purpose of inviting students to any
11 event when a significant purpose of the event is to commit
12 illegal acts or to solicit attendees to commit illegal acts, or
13 to be held in or around abandoned buildings, ~~is prohibited~~.

14 (b) Sentence. A violation of this Section is a Class C
15 misdemeanor.

16 (c) For the purposes of this Section, "school property" is
17 defined as the buildings or grounds of any public or private
18 elementary or secondary school.

19 (d) The provisions of this Section are severable under
20 Section 1.31 of the Statute on Statutes.

21 (Source: P.A. 88-357.)

22 (720 ILCS 5/21-15) (was 720 ILCS 5/16-22)

23 Sec. 21-15 ~~16-22~~. Tampering with a security, fire, or life
24 safety system.

1 (a) A person commits the offense of tampering with a
2 security, fire, or life safety system when he or she knowingly
3 damages, sabotages, destroys, or causes a permanent or
4 temporary malfunction in any physical or electronic security,
5 fire, or life safety system or any component part of any of
6 those systems including, but not limited to, card readers,
7 magnetic stripe readers, Wiegand card readers, smart card
8 readers, proximity card readers, digital keypads, keypad
9 access controls, digital locks, electromagnetic locks,
10 electric strikes, electronic exit hardware, exit alarm
11 systems, delayed egress systems, biometric access control
12 equipment, intrusion detection systems and sensors, burglar
13 alarm systems, wireless burglar alarms, silent alarms, duress
14 alarms, hold-up alarms, glass break detectors, motion
15 detectors, seismic detectors, glass shock sensors, magnetic
16 contacts, closed circuit television (CCTV), security cameras,
17 digital cameras, dome cameras, covert cameras, spy cameras,
18 hidden cameras, wireless cameras, network cameras, IP
19 addressable cameras, CCTV camera lenses, video cassette
20 recorders, CCTV monitors, CCTV consoles, CCTV housings and
21 enclosures, CCTV pan-and-tilt devices, CCTV transmission and
22 signal equipment, wireless video transmitters, wireless video
23 receivers, radio frequency (RF) or microwave components, or
24 both, infrared illuminators, video motion detectors, video
25 recorders, time lapse CCTV recorders, digital video recorders
26 (DVRs), digital image storage systems, video converters, video

1 distribution amplifiers, video time-date generators,
2 multiplexers, switchers, splitters, fire alarms, smoke alarm
3 systems, smoke detectors, flame detectors, fire detection
4 systems and sensors, fire sprinklers, fire suppression
5 systems, fire extinguishing systems, public address systems,
6 intercoms, emergency telephones, emergency call boxes,
7 emergency pull stations, telephone entry systems, video entry
8 equipment, annunciators, sirens, lights, sounders, control
9 panels and components, and all associated computer hardware,
10 computer software, control panels, wires, cables, connectors,
11 electromechanical components, electronic modules, fiber
12 optics, filters, passive components, and power sources
13 including batteries and back-up power supplies.

14 (b) Sentence. A violation of this Section is a Class 4
15 felony.

16 (Source: P.A. 94-707, eff. 6-1-06.)

17 (720 ILCS 5/Art. 22 heading new)

18 ARTICLE 22. ARMED OFFENSES

19 (720 ILCS 5/22-2) (was 720 ILCS 5/33A-2)

20 Sec. 22-2 ~~33A-2~~. Armed offense; ~~violence~~ Elements of the
21 offense.

22 (a) A person commits an armed offense ~~violence~~ when, while
23 armed with a dangerous weapon, he commits any felony defined by
24 Illinois Law, except first degree murder, second degree murder,

1 involuntary manslaughter, reckless homicide or any offenses
2 which make the possession or use of a dangerous weapon either
3 an element of the base offense, an aggravated or enhanced
4 version of the offense, or a mandatory sentencing factor which
5 increases the sentencing range ~~first degree murder, attempted~~
6 ~~first degree murder, intentional homicide of an unborn child,~~
7 ~~predatory criminal sexual assault of a child, aggravated~~
8 ~~criminal sexual assault, aggravated kidnaping, aggravated~~
9 ~~battery of a child, home invasion, armed robbery, or aggravated~~
10 ~~vehicular hijacking.~~

11 (b) A person commits an armed offense ~~violence~~ when he or
12 she personally discharges a firearm that is a Category I or
13 Category II weapon while committing any felony defined by
14 Illinois law, except first degree murder, second degree murder,
15 involuntary manslaughter, reckless homicide or any offenses
16 which make the possession or use of a dangerous weapon either
17 an element of the base offense, an aggravated or enhanced
18 version of the offense, or a mandatory sentencing factor which
19 increases the sentencing range ~~first degree murder, attempted~~
20 ~~first degree murder, intentional homicide of an unborn child,~~
21 ~~predatory criminal sexual assault of a child, aggravated~~
22 ~~criminal sexual assault, aggravated kidnaping, aggravated~~
23 ~~battery of a child, home invasion, armed robbery, or aggravated~~
24 ~~vehicular hijacking.~~

25 (c) A person commits an armed offense ~~violence~~ when he or
26 she personally discharges a firearm that is a Category I or

1 Category II weapon that proximately causes great bodily harm,
2 permanent disability, or permanent disfigurement or death to
3 another person while committing any felony defined by Illinois
4 law, except first degree murder, second degree murder,
5 involuntary manslaughter, reckless homicide or any offenses
6 which make the possession or use of a dangerous weapon either
7 an element of the base offense, an aggravated or enhanced
8 version of the offense, or a mandatory sentencing factor which
9 increases the sentencing range ~~first degree murder, attempted~~
10 ~~first degree murder, intentional homicide of an unborn child,~~
11 ~~predatory criminal sexual assault of a child, aggravated~~
12 ~~criminal sexual assault, aggravated kidnaping, aggravated~~
13 ~~battery of a child, home invasion, armed robbery, or aggravated~~
14 ~~vehicular hijacking.~~

15 (d) This Section does not apply to violations of the Fish
16 and Aquatic Life Code or the Wildlife Code.

17 (Source: P.A. 91-404, eff. 1-1-00.)

18 (720 ILCS 5/Art. 23 heading new)

19 ARTICLE 23. HARMS TO CHILDREN AND STUDENTS

20 (720 ILCS 5/23-1) (was 720 ILCS 5/12-21.5)

21 Sec. 23-1 ~~12-21.5~~. Child Abandonment.

22 (a) A person commits the offense of child abandonment when
23 he or she, as a parent, guardian, or other person having
24 physical custody or control of a child, without regard for the

1 mental or physical health, safety, or welfare of that child,
2 knowingly leaves that child who is under the age of 13 without
3 supervision by a responsible person over the age of 14 for a
4 period of 24 hours or more, except that a person does not
5 commit the offense of child abandonment when he or she
6 relinquishes a child in accordance with the Abandoned Newborn
7 Infant Protection Act.

8 (b) For the purposes of determining whether the child was
9 left without regard for the mental or physical health, safety,
10 or welfare of that child, the trier of fact shall consider the
11 following factors:

12 (1) the age of the child;

13 (2) the number of children left at the location;

14 (3) special needs of the child, including whether the
15 child is physically or mentally handicapped, or otherwise
16 in need of ongoing prescribed medical treatment such as
17 periodic doses of insulin or other medications;

18 (4) the duration of time in which the child was left
19 without supervision;

20 (5) the condition and location of the place where the
21 child was left without supervision;

22 (6) the time of day or night when the child was left
23 without supervision;

24 (7) the weather conditions, including whether the
25 child was left in a location with adequate protection from
26 the natural elements such as adequate heat or light;

1 (8) the location of the parent, guardian, or other
2 person having physical custody or control of the child at
3 the time the child was left without supervision, the
4 physical distance the child was from the parent, guardian,
5 or other person having physical custody or control of the
6 child at the time the child was without supervision;

7 (9) whether the child's movement was restricted, or the
8 child was otherwise locked within a room or other
9 structure;

10 (10) whether the child was given a phone number of a
11 person or location to call in the event of an emergency and
12 whether the child was capable of making an emergency call;

13 (11) whether there was food and other provision left
14 for the child;

15 (12) whether any of the conduct is attributable to
16 economic hardship or illness and the parent, guardian or
17 other person having physical custody or control of the
18 child made a good faith effort to provide for the health
19 and safety of the child;

20 (13) the age and physical and mental capabilities of
21 the person or persons who provided supervision for the
22 child;

23 (14) any other factor that would endanger the health or
24 safety of that particular child;

25 (15) whether the child was left under the supervision
26 of another person.

1 (d) Child abandonment is a Class 4 felony. A second or
2 subsequent offense after a prior conviction is a Class 3
3 felony.

4 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01.)

5 (720 ILCS 5/23-2) (was 720 ILCS 5/12-21.6)

6 Sec. 23-2 ~~12-21.6~~. Endangering the life or health of a
7 child.

8 (a) It is unlawful for any person to willfully cause or
9 permit the life or health of a child under the age of 18 to be
10 endangered or to knowingly ~~willfully~~ cause or permit a child to
11 be placed in circumstances that endanger the child's life or
12 health, except that it is not unlawful for a person to
13 relinquish a child in accordance with the Abandoned Newborn
14 Infant Protection Act.

15 (b) A trier of fact may infer that ~~There is a rebuttable~~
16 ~~presumption that a person committed the offense if he or she~~
17 ~~left~~ a child 6 years of age or younger is unattended if that
18 child is left in a motor vehicle for more than 10 minutes.

19 (c) "Unattended" means either: (i) not accompanied by a
20 person 14 years of age or older; or (ii) if accompanied by a
21 person 14 years of age or older, out of sight of that person.

22 (d) A violation of this Section is a Class A misdemeanor. A
23 second or subsequent violation of this Section is a Class 3
24 felony. A violation of this Section that is a proximate cause
25 of the death of the child is a Class 3 felony for which a

1 person, if sentenced to a term of imprisonment, shall be
2 sentenced to a term of not less than 2 years and not more than
3 10 years.

4 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
5 92-515, eff. 6-1-02; 92-651, eff. 7-11-02.)

6 (720 ILCS 5/23-3) (was 720 ILCS 5/12-22)

7 Sec. 23-3 ~~12-22~~. Child offense probation ~~Probation~~.

8 (a) Whenever a parent of a child as determined by the court
9 on the facts before it, pleads guilty to or is found guilty of,
10 with respect to his or her child, child abandonment under
11 Section 23-1 ~~12-21.5~~ of the Criminal Code of 1961 or
12 endangering the life or health of a child under Section 23-2
13 ~~12-21.6~~ of the Criminal Code of 1961, the court may, without
14 entering a judgment of guilt and with the consent of the
15 person, defer further proceedings and place the person upon
16 probation upon the reasonable terms and conditions as the court
17 may require. At least one term of the probation shall require
18 the person to cooperate with the Department of Children and
19 Family Services at the times and in the programs that the
20 Department of Children and Family Services may require.

21 (b) Upon fulfillment of the terms and conditions imposed
22 under subsection (a), the court shall discharge the person and
23 dismiss the proceedings. Discharge and dismissal under this
24 Section shall be without court adjudication of guilt and shall
25 not be considered a conviction for purposes of disqualification

1 or disabilities imposed by law upon conviction of a crime.
2 However, a record of the disposition shall be reported by the
3 clerk of the circuit court to the Department of State Police
4 under Section 2.1 of the Criminal Identification Act, and the
5 record shall be maintained and provided to any civil authority
6 in connection with a determination of whether the person is an
7 acceptable candidate for the care, custody and supervision of
8 children.

9 (c) Discharge and dismissal under this Section may occur
10 only once.

11 (d) Probation under this Section may not be for a period of
12 less than 2 years.

13 (e) If the child dies of the injuries alleged, this Section
14 shall be inapplicable.

15 (Source: P.A. 88-479.)

16 (720 ILCS 5/23-4 new)

17 Sec. 23-4. Contributing to the delinquency of a minor.

18 (a) Contributing to the delinquency of a minor. A person
19 commits the offense of contributing to the delinquency of a
20 minor when he or she knowingly causes, aids or encourages any
21 boy or girl to be or to become a delinquent child, or knowingly
22 does acts which directly tend to render any such minor so
23 delinquent.

24 (b) Contributing to the criminal delinquency of a minor. A
25 person of the age of 21 years and upwards commits the offense

1 of contributing to the criminal delinquency of a minor, when he
2 or she, with the intent to promote or facilitate the commission
3 of an offense that is either a felony or misdemeanor, solicits,
4 compels or directs any person under the age of 17 years in the
5 commission of the offense.

6 (c) Sentence.

7 (1) Any person who violates subsection (b) of this
8 Section is guilty of a Class A misdemeanor.

9 (2) Any person of the age of 21 years and upwards who
10 violates subsection (b) of this Section commits a
11 misdemeanor one grade higher than the offense committed, if
12 the offense committed is a misdemeanor, except when the
13 offense committed is a Class A misdemeanor. If the offense
14 committed is a Class A misdemeanor, the penalty for
15 contributing to the criminal delinquency of a minor is a
16 Class 4 felony. If the offense committed is a felony, the
17 penalty for contributing to the criminal delinquency of a
18 minor is a felony one grade higher than the offense
19 committed, except when the offense committed is first
20 degree murder or a Class X felony. When the offense
21 committed is first degree murder or a Class X felony, the
22 penalty for contributing to the criminal delinquency of a
23 minor is the same as the penalty for first degree murder or
24 a Class X felony, respectively.

25 (d) The husband or wife of the defendant shall be a
26 competent witness to testify in any case brought under

1 subsection (a) of this Section and to any and all matters
2 relevant thereto.

3 (e) Definition. For the purposes of this Section, a
4 delinquent minor is any minor who prior to his 17th birthday
5 has violated or attempted to violate, regardless of where the
6 act occurred, any federal or State law or municipal ordinance.

7 (720 ILCS 5/23-5 new)

8 Sec. 23-5. Contributing to the dependency or neglect of a
9 minor.

10 (a) Contributing to the dependency or neglect of a minor.
11 Any parent, legal guardian or person having the custody of a
12 child under the age of 18 years, commits the offense of
13 contributing to the dependency or neglect of a minor when he or
14 she knowingly causes, aids or encourages such child to be or to
15 become a dependent and neglected minor, knowingly does acts
16 which directly tend to render any such child so dependent and
17 neglected, or knowingly fails to do that which will directly
18 tend to prevent such state of dependency and neglect. It is not
19 a violation of this Section for a person to relinquish a child
20 in accordance with the Abandoned Newborn Infant Protection Act.

21 (b) Sentence. Any person who commits the offense of
22 contributing to the dependency or neglect of a minor is guilty
23 of a Class A misdemeanor.

24 (c) The husband or wife of the defendant shall be a
25 competent witness to testify in any case brought under this

1 Section and to any and all matters relevant thereto.

2 (d) Definition. For the purposes of this Section a
3 dependent and neglected minor shall mean any child who while
4 under the age of 18 years, for any reason is destitute,
5 homeless or abandoned; or dependent upon the public for
6 support; or has not proper parental care or guardianship; or
7 habitually begs or receives alms; or is found living in any
8 house of ill fame or with any vicious or disreputable person;
9 or has a home which by reason of neglect, cruelty or depravity
10 on the part of its parents, guardian or any other person in
11 whose care it may be is an unfit place for such child; and any
12 child who while under the age of 10 years is found begging,
13 peddling or selling any articles or singing or playing any
14 musical instrument for gain upon the street or giving any
15 public entertainments or accompanies or is used in aid of any
16 person so doing.

17 (720 ILCS 5/23-6 new)

18 Sec. 23-6. Unlawful transfer of communications device to
19 minor.

20 (a) Definition. As used in this Section,
21 "telecommunications device" or "device" means a device which is
22 portable or which may be installed in a motor vehicle, boat or
23 other means of transportation, and which is capable of
24 receiving or transmitting speech, data, signals or other
25 information, including but not limited to paging devices,

1 cellular and mobile telephones, and radio transceivers,
2 transmitters and receivers, but not including radios designed
3 to receive only standard AM and FM broadcasts.

4 (b) Unlawful transfer of communications device to minor. A
5 person commits unlawful transfer of a telecommunications
6 device to a minor when he gives, sells or otherwise transfers
7 possession of a telecommunications device to a person under 18
8 years of age with the intent that the device be used to commit
9 any offense under this Code, the Cannabis Control Act, the
10 Illinois Controlled Substances Act, or the Methamphetamine
11 Control and Community Protection Act.

12 (c) A violation of subsection (b) of this Section is a
13 Class A misdemeanor.

14 (720 ILCS 5/23-7 new)

15 Sec. 23-7. Hazing.

16 (a) A person commits the offense of hazing when he or she
17 knowingly requires the performance of any act by a student or
18 other person in a school, college, university, or other
19 educational institution of this State, for the purpose of
20 induction or admission into any group, organization, or society
21 associated or connected with that institution if:

22 (1) the act is not sanctioned or authorized by that
23 educational institution; and

24 (2) the act results in bodily harm to any person.

25 (b) Sentence. Hazing is a Class A misdemeanor, except

1 hazing that results in death or great bodily harm is a Class 4
2 felony.

3 (720 ILCS 5/23-8 new)

4 Sec. 23-8. Unlawful employment and exhibition, and
5 required employment of single parent.

6 (a) Unlawful employment and exhibition. A person having the
7 care, custody or control of any child under the age of 14
8 years, commits the offense of unlawful employment and
9 exhibition when he or she to knowingly or recklessly takes,
10 receives, hires, exhibits, uses or employs, or in any manner,
11 or under any pretense, sells, apprentices, gives away, lets
12 out, or otherwise disposes of any such child to any person in
13 or for the vocation or occupation, service or purpose of
14 singing, playing on musical instruments, rope or wire walking,
15 dancing, begging, or peddling, or as a gymnast, contortionist,
16 rider or acrobat in any place whatsoever, or for any obscene,
17 indecent or immoral purpose, exhibition or practice
18 whatsoever, or for, or in any business, exhibition or vocation
19 injurious to the health or dangerous to the life or limb of
20 such child, or cause, procure or encourage any such child to
21 engage therein. Nothing in this Section contained shall apply
22 to or affect the employment or use of any such child as a
23 singer or musician in any church, school or academy (or at any
24 respectable entertainment), or the teaching or learning the
25 science or practice of music.

1 (b) Required employment of single parent. No agency of the
2 State or unit of local government shall knowingly or recklessly
3 require a single parent or other person having the care,
4 custody or control of any child under the age of 6 to accept
5 employment that would unreasonably interfere with such
6 responsibilities to the child. A person commits the offense of
7 required employment of single parent when he or she acts under
8 color of law to require or to attempt to require such
9 employment of a parent or other person having the care, custody
10 or control of such a child.

11 (c) When upon examination before any court it appears that
12 any child within the age previously mentioned in this Section
13 was engaged or used for or in any business, exhibition,
14 vocation, or purpose prohibited in this Section; and when upon
15 the conviction of any person of a criminal assault upon a child
16 in his custody, the court before whom such conviction is had,
17 shall deem it desirable for the welfare of such child, that the
18 person so convicted should be deprived of its custody;
19 thereafter such child shall be deemed to be in the custody of
20 court, and such court may in its discretion, make such order as
21 to the custody thereof as now is, or hereafter may be, provided
22 by law in cases of vagrant, truant, disorderly, pauper, or
23 destitute children.

24 (d) Sentence. Any person convicted under the provisions of
25 this Section shall for the first offense be guilty of a Class A
26 misdemeanor; and for a second or any subsequent offense shall

1 be guilty of a Class 4 felony.

2 (720 ILCS 5/23-9 new)

3 Sec. 23-9. Curfew.

4 (a) Definitions. In this Section:

5 "Curfew hours" means:

6 (1) Between 12:01 a.m. and 6:00 a.m. Saturday;

7 (2) Between 12:01 a.m. and 6:00 a.m. on Sunday; and

8 (3) Between 11:00 p.m. on Sunday to Thursday,
9 inclusive, and 6:00 a.m. on the following day.

10 "Emergency" means an unforeseen combination of
11 circumstances or the resulting state that calls for immediate
12 action. The term includes, but is not limited to a fire, a
13 natural disaster, an automobile accident, or any situation
14 requiring immediate action to prevent serious bodily injury or
15 loss of life.

16 "Establishment" means any privately-owned place of
17 business operated for a profit to which the public is invited
18 including but not limited to any place of amusement or
19 entertainment.

20 "Guardian" means:

21 (1) a person who, under court order, is the guardian of
22 the person of a minor; or

23 (2) a public or private agency with whom a minor has
24 been placed by a court.

25 "Minor" means any person under 17 years of age.

1 "Parent" means a person who is:

2 (1) a natural parent, adoptive parent, or step-parent
3 of another person; or

4 (2) at least 18 years of age and authorized by a parent
5 or guardian to have the care and custody of a minor.

6 "Public Place" means any place to which the public or a
7 substantial group of the public has access and includes but is
8 not limited to streets, highways, and the common areas of
9 schools, hospitals, apartment houses, office buildings,
10 transport facilities, and shops.

11 "Remain" means to:

12 (1) linger or stay; or

13 (2) fail to leave premises when requested to do so by a
14 police officer or the owner, operator, or other person in
15 control of the premises.

16 "Serious bodily injury" means bodily injury that creates a
17 substantial risk of death or that causes death, serious
18 permanent disfigurement, or protracted loss or impairment of
19 the function of any bodily member or organ.

20 (b) Curfew.

21 (1) A minor commits the offense of Curfew when he or
22 she remains in any public place or on the premises of any
23 establishment during curfew hours.

24 (2) A parent or guardian of a minor or other person in
25 custody or control of a minor commits the offense of Curfew
26 when he or she knowingly permits the minor to remain in any

1 public place or on the premises of any establishment during
2 curfew hours.

3 (c) Defenses. It is a defense to prosecution under
4 subsection (b) that the minor was:

5 (1) accompanied by the minor's parent or guardian or
6 other person in custody or control of the minor;

7 (2) on an errand at the direction of the minor's parent
8 or guardian, without any detour or stop;

9 (3) in a motor vehicle involved in interstate travel;

10 (4) engaged in an employment activity or going to or
11 returning home from an employment activity, without any
12 detour or stop;

13 (5) involved in an emergency;

14 (6) on the sidewalk abutting the minor's residence or
15 abutting the residence of a next-door neighbor if the
16 neighbor did not complain to the police department about
17 the minor's presence;

18 (7) attending an official school, religious, or other
19 recreational activity supervised by adults and sponsored
20 by a government or governmental agency, a civic
21 organization, or another similar entity that takes
22 responsibility for the minor, or going to or returning home
23 from, without any detour or stop, an official school,
24 religious, or other recreational activity supervised by
25 adults and sponsored by a government or governmental
26 agency, a civic organization, or another similar entity

1 that takes responsibility for the minor;

2 (8) exercising First Amendment rights protected by the
3 United States Constitution, such as the free exercise of
4 religion, freedom of speech, and the right of assembly; or

5 (9) married or had been married or is an emancipated
6 minor under the Emancipation of Minors Act.

7 (d) Enforcement. Before taking any enforcement action
8 under this Section, a law enforcement officer shall ask the
9 apparent offender's age and reason for being in the public
10 place. The officer shall not issue a citation or make an arrest
11 under this Section unless the officer reasonably believes that
12 an offense has occurred and that, based on any response and
13 other circumstances, no defense in subsection (c) is present.

14 (e) Sentence. A person convicted of a violation of any
15 provision of this Section shall be guilty of a petty offense
16 and shall be fined not less than \$10 nor more than \$500, except
17 that neither a person who has been made a ward of the court
18 under the Juvenile Court Act of 1987, nor that person's legal
19 guardian, shall be subject to any fine. In addition to or
20 instead of the fine imposed by this Section, the court may
21 order a parent, legal guardian, or other person convicted of a
22 violation of subsection (b) of this Section to perform
23 community service as determined by the court, except that the
24 legal guardian of a person who has been made a ward of the
25 court under the Juvenile Court Act of 1987 may not be ordered
26 to perform community service. The dates and times established

1 for the performance of community service by the parent, legal
2 guardian, or other person convicted of a violation of
3 subsection (b) of this Section shall not conflict with the
4 dates and times that the person is employed in his or her
5 regular occupation.

6 (f) County, municipal and other local boards and bodies
7 authorized to adopt local police laws and regulations under the
8 constitution and laws of this State may exercise legislative or
9 regulatory authority over this subject matter by ordinance or
10 resolution incorporating the substance of this Section or
11 increasing the requirements thereof or otherwise not in
12 conflict with this Section.

13 (720 ILCS 5/23-10 new)

14 Sec. 23-10. Tattooing or piercing the body of a minor.

15 (a) Definitions.

16 (1) As used in this Section, to "tattoo" means to
17 insert pigment under the surface of the skin of a human
18 being, by pricking with a needle or otherwise, so as to
19 produce an indelible mark or figure visible through the
20 skin.

21 (2) As used in this Section, to "pierce" means to make
22 a hole in the body or oral cavity in order to insert or
23 allow the insertion of any ring, hoop, stud, or other
24 object for the purpose of ornamentation of the body.
25 "Piercing" does not include tongue splitting as defined in

1 Section 12-10.2.

2 (b) Tattooing the body of a minor.

3 (1) A person, other than a person licensed to practice
4 medicine in all its branches, commits the offense of
5 Tattooing the body of a minor when he or she knowingly or
6 recklessly tattoos or offers to tattoo a person under the
7 age of 18.

8 (2) A person who is an owner or employee of a business
9 that performs tattooing, other than a person licensed to
10 practice medicine in all its branches, commits the offense
11 of Tattooing the body of a minor when he or she knowingly
12 or recklessly permits a person under 18 years of age to
13 enter or remain on the premises where tattooing is being
14 performed unless the person under 18 years of age is
15 accompanied by his or her parent or legal guardian.

16 (c) Piercing the body of a minor.

17 (1) A person commits the offense of Piercing the body
18 of a minor when he or she knowingly or recklessly pierces
19 the body of a person under 18 years of age without written
20 consent of a parent or legal guardian of that person.
21 Before the oral cavity of a person under 18 may be pierced,
22 the written consent form signed by the parent or legal
23 guardian must contain a provision describing the health
24 risks of body piercing in substantially the following form:
25 "I understand that the oral piercing of the tongue, lips,
26 cheeks, or any other area of the oral cavity carries

1 serious risk of infection or damage to the mouth and teeth,
2 or both infection and damage to those areas, that could
3 result but is not limited to nerve damage, numbness, and
4 life threatening blood clots."

5 (2) A person who is an owner or employee of a business
6 that performs body piercing commits the offense of Piercing
7 the body of a minor when he or she knowingly or recklessly
8 permits a person under 18 years of age to enter or remain
9 on the premises where body piercing is being performed
10 unless the person under 18 years of age is accompanied by
11 his or her parent or legal guardian.

12 (d) Exceptions.

13 (1) Subsection (a) (1) of this Section does not apply to
14 a person under 18 years of age who tattoos or offers to
15 tattoo another person under 18 years of age away from the
16 premises of any business at which tattooing is performed.

17 (2) Subsection (b) of this Section:

18 (i) may not be construed in any way to prohibit any
19 injection, incision, acupuncture, or similar medical
20 or dental procedure performed by a licensed health care
21 professional or other person authorized to perform
22 that procedure or the presence on the premises where
23 that procedure is being performed by a health care
24 professional or other person authorized to perform
25 that procedure of a person under 18 years of age who is
26 not accompanied by a parent or legal guardian;

1 (ii) does not prohibit ear piercing;

2 (iii) does not apply to a minor emancipated under
3 the Juvenile Court Act of 1987 or the Emancipation of
4 Minors Act or by marriage; and

5 (iv) does not apply to a person under 18 years of
6 age who pierces the body or oral cavity of another
7 person under 18 years of age away from the premises of
8 any business at which body piercing or oral cavity
9 piercing is performed.

10 (e) Sentence. A violation of this Section is a Class A
11 misdemeanor.

12 (720 ILCS 5/23-11 new)

13 Sec. 23-11. Distribution of a drug to a child athlete.

14 (a) Any person who knowingly distributes to or encourages
15 the ingestion of a drug by a person under the age of 18 with the
16 intent that the person under the age of 18 ingest the drug for
17 the purpose of a quick weight gain or loss in connection with
18 participation in athletics is guilty of the offense of drug
19 induced infliction of aggravated battery of a child athlete.
20 This Section does not apply to care under usual and customary
21 standards of medical practice by a physician licensed to
22 practice medicine in all its branches nor to the sale of drugs
23 or products by a retail merchant.

24 (b) Distribution of a drug to a child athlete is a Class A
25 misdemeanor. A second or subsequent violation is a Class 4

1 felony.

2 (720 ILCS 5/23-12 new)

3 Sec. 23-12. Adoption compensation prohibition.

4 (a) "Placing out" defined. As used in this Section, the
5 term "placing out" means to arrange for the free care of a
6 child in a family other than that of the child's parent,
7 stepparent, grandparent, brother, sister, uncle or aunt or
8 legal guardian, for the purpose of adoption or for the purpose
9 of providing care.

10 (b) Receipt of compensation for placing out prohibited;
11 exception. No person and no agency, association, corporation,
12 institution, society, or other organization, except a child
13 welfare agency as defined by the Child Care Act of 1969, as now
14 or hereafter amended, shall knowingly request, receive or
15 accept any compensation or thing of value, directly or
16 indirectly, for placing out of a child.

17 (c) Payment of compensation for placing out prohibited. No
18 person shall knowingly pay or give any compensation or thing of
19 value, directly or indirectly, for placing out of a child to
20 any person or to any agency, association, corporation,
21 institution, society, or other organization except a child
22 welfare agency as defined by the Child Care Act of 1969, as now
23 or hereafter amended.

24 (d) Certain payments of salaries and medical expenses not
25 prevented. The provisions of this Section shall not be

1 construed to prevent the payment of salaries or other
2 compensation by a licensed child welfare agency, as that term
3 is defined by the Child Care Act of 1969, as now or hereafter
4 amended, to the officers or employees thereof; nor shall it be
5 construed to prevent the payment by a person with whom a child
6 has been placed out of reasonable and actual medical fees or
7 hospital charges for services rendered in connection with the
8 birth of such child, if such payment is made to the physician
9 or hospital who or which rendered the services or to the
10 natural mother of the child or to prevent the receipt of such
11 payment by such physician, hospital, or mother.

12 (e) Payment of certain expenses.

13 (1) A person or persons who have filed or intend to
14 file a petition to adopt a child under the Adoption Act
15 shall be permitted to pay the reasonable living expenses of
16 the biological parents of the child sought to be adopted,
17 in addition to those expenses set forth in subsection (d)
18 of this Section only in accordance with the provisions of
19 this Section. "Reasonable living expenses" means the
20 reasonable costs of lodging, food, and clothing for the
21 biological parents during the period of the biological
22 mother's pregnancy and for no more than 30 days after the
23 birth of the child. The term does not include expenses for
24 lost wages, gifts, educational expenses, or other similar
25 expenses of the biological parents.

26 (2) The petitioners may seek leave of the court to pay

1 the reasonable living expenses of the biological parents.
2 They shall be permitted to pay the reasonable living
3 expenses of the biological parents only upon prior order of
4 the circuit court where the petition for adoption will be
5 filed, or if the petition for adoption has been filed in
6 the circuit court where the petition is pending.

7 (3) Payments under this subsection (e) shall be
8 permitted only in those circumstances where there is a
9 demonstrated need for the payment of such expenses to
10 protect the health of the biological parents or the health
11 of the child sought to be adopted.

12 (4) Payment of their reasonable living expenses, as
13 provided in this subsection (e), shall not obligate the
14 biological parents to place the child for adoption. In the
15 event the biological parents choose not to place the child
16 for adoption, the petitioners shall have no right to seek
17 reimbursement of moneys paid to the biological parents
18 pursuant to a court order under this subsection (e).

19 (5) No person or entity shall offer, provide, or
20 co-sign a loan or any other credit accommodation, directly
21 or indirectly, with a biological parent or a relative of a
22 biological parent based on the contingency of a surrender
23 or placement of a child for adoption.

24 (6) Within 14 days after the completion of all payments
25 for reasonable living expenses of the biological parents
26 under this subsection (e), the petitioners shall present a

1 final accounting of all those expenses to the court. The
2 accounting shall include vouchers for all moneys expended,
3 copies of all checks written, and receipts for all cash
4 payments. The accounting shall also include the verified
5 statements of the petitioners, each attorney of record, and
6 the biological parents or parents to whom or on whose
7 behalf the payments were made attesting to the accuracy of
8 the accounting.

9 (7) If the placement of a child for adoption is made in
10 accordance with the Interstate Compact on the Placement of
11 Children and if the sending state permits the payment of
12 any expenses of biological parents that are not permitted
13 under this Section, then the payment of those expenses
14 shall not be a violation of this Section. In that event,
15 the petitioners shall file an accounting of all payments of
16 the expenses of the biological parent or parents with the
17 court in which the petition for adoption is filed or is to
18 be filed. The accounting shall include a copy of the
19 statutory provisions of the sending state that permit
20 payments in addition to those permitted by this Section and
21 a copy of all orders entered in the sending state that
22 relate to expenses of the biological parents paid by the
23 petitioners in the sending state.

24 (8) The petitioners shall be permitted to pay the
25 reasonable attorney's fees of the biological parents'
26 attorney in connection with proceedings under this Section

1 or in connection with proceedings for the adoption of the
2 child. The attorney's fees shall be paid only after a
3 petition seeking leave to pay those fees is filed with the
4 court in which the adoption proceeding is filed or to be
5 filed. The court shall review the petition for leave to pay
6 attorney's fees, and if the court determines that the fees
7 requested are reasonable, the court shall permit the
8 petitioners to pay them. If the court determines that the
9 fees requested are not reasonable, the court shall
10 determine and set the reasonable attorney's fees of the
11 biological parents' attorney which may be paid by the
12 petitioners.

13 (9) The court may appoint a guardian ad litem for an
14 unborn child to represent the interests of the child in
15 proceedings under this subsection (e).

16 (10) The provisions of this subsection (e) apply to a
17 person who has filed or intends to file a petition to adopt
18 a child under the Adoption Act. This Section does not apply
19 to a licensed child welfare agency, as that term is defined
20 in the Child Care Act of 1969, whose payments are governed
21 by the Child Care Act of 1969 and the Department rules
22 adopted thereunder.

23 (f) Injunctive relief.

24 (1) Whenever it appears that any person, agency,
25 association, corporation, institution, society, or other
26 organization is engaged or about to engage in any acts or

1 practices that constitute or will constitute a violation of
2 this Section, the Department shall inform the Attorney
3 General and the State's Attorney of the appropriate county.
4 Under such circumstances, the Attorney General or the
5 State's Attorney may initiate injunction proceedings. Upon
6 a proper showing, any circuit court may enter a permanent
7 or preliminary injunction or temporary restraining order
8 without bond to enforce this Section or any rule adopted
9 under this Section in addition to any other penalties and
10 other remedies provided in this Section.

11 (2) Whenever it appears that any person, agency,
12 association, corporation, institution, society, or other
13 organization is engaged or is about to engage in any act or
14 practice that constitutes or will constitute a violation of
15 any rule adopted under the authority of this Section, the
16 Department may inform the Attorney General and the State's
17 Attorney of the appropriate county. Under such
18 circumstances, the Attorney General or the State's
19 Attorney may initiate injunction proceedings. Upon a
20 proper showing, any circuit court may enter a permanent or
21 preliminary injunction or a temporary restraining order
22 without bond to enforce this Section or any rule adopted
23 under this Section, in addition to any other penalties and
24 remedies provided in this Section.

25 (g) Violations. Any person, agency, association,
26 corporation, institution, society, or other organization

1 violating the provisions of this Section shall be guilty of
2 illegal placement of children and upon first conviction for an
3 offense under this Section shall be guilty of a Class 4 felony;
4 and upon conviction for any subsequent offense under this
5 Section shall be guilty of a Class 3 felony.

6 (720 ILCS 5/24-0.5 new)

7 Sec. 24-0.5. Definitions. In this Article, unless the
8 context otherwise requires:

9 "Armor piercing bullet" means any handgun bullet or handgun
10 ammunition with projectiles or projectile cores constructed
11 entirely (excluding the presence of traces of other substances)
12 from tungsten alloys, steel, iron, brass, bronze, beryllium
13 copper or depleted uranium, or fully jacketed bullets larger
14 than 22 caliber designed and intended for use in a handgun and
15 whose jacket has a weight of more than 25% of the total weight
16 of the projectile, and excluding those handgun projectiles
17 whose cores are composed of soft materials such as lead or lead
18 alloys, zinc or zinc alloys, frangible projectiles designed
19 primarily for sporting purposes, and any other projectiles or
20 projectile cores that the U. S. Secretary of the Treasury finds
21 to be primarily intended to be used for sporting purposes or
22 industrial purposes or that otherwise does not constitute
23 "armor piercing ammunition" as that term is defined by federal
24 law.

25 The definition contained herein shall not be construed to

1 include shotgun shells.

2 "Bolo shell" means any shell that can be fired in a firearm
3 and expels as projectiles 2 or more metal balls connected by
4 solid metal wire.

5 "Cartridge" means a tubular metal case having a projectile
6 affixed at the front thereof and a cap or primer at the rear
7 end thereof, with the propellant contained in such tube between
8 the projectile and the cap.

9 "Courthouse" means any building that is used by the Court
10 of Claims, or Circuit, Appellate, or Supreme Court of this
11 State or a Federal Court for the conduct of official business.

12 "Dragon's breath shotgun shell" means any shotgun shell
13 that contains exothermic pyrophoric mesh metal as the
14 projectile and is designed for the purpose of throwing or
15 spewing a flame or fireball to simulate a flame-thrower.

16 "Explosive bullet" means the projectile portion of an
17 ammunition cartridge which contains or carries an explosive
18 charge which will explode upon contact with the flesh of a
19 human or an animal.

20 "Firearm" has the meaning ascribed to it in Section 1.1 of
21 the Firearm Owners Identification Card Act.

22 "Flechette shell" means any shell that can be fired in a
23 firearm and expels 2 or more pieces of fin-stabilized solid
24 metal wire or 2 or more solid dart-type projectiles.

25 "Handgun" is defined as a firearm designed to be held and
26 fired by the use of a single hand, and includes a combination

1 of parts from which such a firearm can be assembled.

2 "Machine gun" means any weapon, which shoots, is designed
3 to shoot, or can be readily restored to shoot, automatically
4 more than one shot without manually reloading by a single
5 function of the trigger, including the frame or receiver of any
6 such weapon.

7 "Medical assistance or first aid provider" means an
8 emergency medical technician-ambulance, emergency medical
9 technician-intermediate, emergency medical
10 technician-paramedic, ambulance driver, or other medical
11 assistance or first aid personnel, employed by a municipality
12 or other governmental unit.

13 "Prohibited place" means any school, regardless of the time
14 of day or the time of year, in residential property owned,
15 operated or managed by a public housing agency or leased by a
16 public housing agency as part of a scattered site or
17 mixed-income development, in a public park, in a courthouse, on
18 the real property comprising any school, regardless of the time
19 of day or the time of year, on residential property owned,
20 operated or managed by a public housing agency or leased by a
21 public housing agency as part of a scattered site or
22 mixed-income development, on the real property comprising any
23 public park, on the real property comprising any courthouse, in
24 any conveyance owned, leased or contracted by a school to
25 transport students to or from school or a school related
26 activity, or on any public way within 1,000 feet of the real

1 property comprising any school, public park, courthouse, or
2 residential property owned, operated, or managed by a public
3 housing agency or leased by a public housing agency as part of
4 a scattered site or mixed-income development.

5 "School" means any public or private elementary or
6 secondary school, community college, college, or university.

7 "School related activity" means any sporting, social,
8 academic, or other activity for which students' attendance or
9 participation is sponsored, organized, or funded in whole or in
10 part by a school or school district.

11 "Stun gun or taser" means any device which is powered by
12 electrical charging units, such as, batteries, and which fires
13 one or several barbs attached to a length of wire and which,
14 upon hitting a human, can send out a current capable of
15 disrupting the person's nervous system in such a manner as to
16 render him incapable of normal functioning or (ii) any device
17 which is powered by electrical charging units, such as
18 batteries, and which, upon contact with a human or clothing
19 worn by a human, can send out current capable of disrupting the
20 person's nervous system in such a manner as to render him
21 incapable of normal functioning.

22 (720 ILCS 5/Art. 24, Div. I heading new)

23 DIVISION I. USE, POSSESSION, AND DISCHARGE OFFENSES

24 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

1 Sec. 24-1. Unlawful ~~use~~ Use of ~~weapons~~ Weapons.

2 (a) Unlawful use of weapons. A person commits the offense
3 of unlawful use of weapons when he knowingly:

4 (1) Sells, manufactures, purchases, possesses or
5 carries any bludgeon, black-jack, slung-shot, sand-club,
6 sand-bag, metal knuckles, throwing star, or any knife,
7 commonly referred to as a switchblade knife, which has a
8 blade that opens automatically by hand pressure applied to
9 a button, spring or other device in the handle of the
10 knife, or a ballistic knife, which is a device that propels
11 a knifelike blade as a projectile by means of a coil
12 spring, elastic material or compressed gas; or

13 (2) Carries or possesses with intent to use the same
14 unlawfully against another, a dagger, dirk, billy,
15 dangerous knife, razor, stiletto, broken bottle or other
16 piece of glass, stun gun or taser or any other dangerous or
17 deadly weapon or instrument of like character; or

18 (3) Carries on or about his person or in any vehicle, a
19 tear gas gun projector or bomb or any object containing
20 noxious liquid gas or substance, other than an object
21 containing a non-lethal noxious liquid gas or substance
22 designed solely for personal defense carried by a person 18
23 years of age or older; or

24 (4) Carries or possesses in any vehicle or concealed on
25 or about his person except when on his land or in his own
26 abode or fixed place of business any pistol, revolver, stun

1 gun or taser or other firearm, except that this subsection
2 (a) (4) does not apply to or affect transportation of
3 weapons that meet one of the following conditions:

4 (i) are broken down in a non-functioning state; or

5 (ii) are not immediately accessible; or

6 (iii) are unloaded and enclosed in a case, firearm
7 carrying box, shipping box, or other container by a
8 person who has been issued a currently valid Firearm
9 Owner's Identification Card; or

10 (5) Sets a spring gun; or

11 (6) Possesses any device or attachment of any kind
12 designed, used or intended for use in silencing the report
13 of any firearm; or

14 (7) Sells, manufactures, purchases, possesses or
15 carries:

16 (i) a machine gun, ~~which shall be defined for the~~
17 ~~purposes of this subsection as any weapon, which~~
18 ~~shoots, is designed to shoot, or can be readily~~
19 ~~restored to shoot, automatically more than one shot~~
20 ~~without manually reloading by a single function of the~~
21 ~~trigger, including the frame or receiver of any such~~
22 ~~weapon,~~ or sells, manufactures, purchases, possesses,
23 or carries any combination of parts designed or
24 intended for use in converting any weapon into a
25 machine gun, or any combination or parts from which a
26 machine gun can be assembled if such parts are in the

1 possession or under the control of a person;

2 (ii) any rifle having one or more barrels less than
3 16 inches in length or a shotgun having one or more
4 barrels less than 18 inches in length or any weapon
5 made from a rifle or shotgun, whether by alteration,
6 modification, or otherwise, if such a weapon as
7 modified has an overall length of less than 26 inches;
8 or

9 (iii) any bomb, bomb-shell, grenade, bottle or
10 other container containing an explosive substance of
11 over one-quarter ounce for like purposes, such as, but
12 not limited to, black powder bombs and Molotov
13 cocktails or artillery projectiles; or

14 (iv) any firearm shaped or designed to appear like
15 a wireless telephone, meaning a device that is capable
16 of transmitting or receiving telephonic communications
17 without a wire connecting the device to the telephone
18 network; or

19 (8) Carries or possesses any firearm, stun gun or taser
20 or other deadly weapon in any place which is licensed to
21 sell intoxicating beverages, or at any public gathering
22 held pursuant to a license issued by any governmental body
23 or any public gathering at which an admission is charged,
24 excluding a place where a showing, demonstration or lecture
25 involving the exhibition of unloaded firearms is
26 conducted.

1 This subsection (a) (8) does not apply to any auction or
2 raffle of a firearm held pursuant to a license or permit
3 issued by a governmental body, nor does it apply to persons
4 engaged in firearm safety training courses; or

5 (9) Carries or possesses in a vehicle or on or about
6 his person any pistol, revolver, stun gun or taser or
7 firearm or ballistic knife, when he is hooded, robed or
8 masked in such manner as to conceal his identity; or

9 (10) Carries or possesses on or about his person, upon
10 any public street, alley, or other public lands within the
11 corporate limits of a city, village or incorporated town,
12 except when an invitee thereon or therein, for the purpose
13 of the display of such weapon or the lawful commerce in
14 weapons, or except when on his land or in his own abode or
15 fixed place of business, any pistol, revolver, stun gun or
16 taser or other firearm, except that this subsection (a)
17 (10) does not apply to or affect transportation of weapons
18 that meet one of the following conditions:

19 (i) are broken down in a non-functioning state; or

20 (ii) are not immediately accessible; or

21 (iii) are unloaded and enclosed in a case, firearm
22 carrying box, shipping box, or other container by a
23 person who has been issued a currently valid Firearm
24 Owner's Identification Card.

25 ~~A "stun gun or taser", as used in this paragraph (a)~~
26 ~~means (i) any device which is powered by electrical~~

1 ~~charging units, such as, batteries, and which fires one or~~
2 ~~several barbs attached to a length of wire and which, upon~~
3 ~~hitting a human, can send out a current capable of~~
4 ~~disrupting the person's nervous system in such a manner as~~
5 ~~to render him incapable of normal functioning or (ii) any~~
6 ~~device which is powered by electrical charging units, such~~
7 ~~as batteries, and which, upon contact with a human or~~
8 ~~clothing worn by a human, can send out current capable of~~
9 ~~disrupting the person's nervous system in such a manner as~~
10 ~~to render him incapable of normal functioning; or~~

11 (11) Sells, manufactures or purchases any explosive
12 bullet. ~~For purposes of this paragraph (a) "explosive~~
13 ~~bullet" means the projectile portion of an ammunition~~
14 ~~cartridge which contains or carries an explosive charge~~
15 ~~which will explode upon contact with the flesh of a human~~
16 ~~or an animal. "Cartridge" means a tubular metal case having~~
17 ~~a projectile affixed at the front thereof and a cap or~~
18 ~~primer at the rear end thereof, with the propellant~~
19 ~~contained in such tube between the projectile and the cap;~~

20 ~~or~~

21 (12) (Blank).

22 (b) Sentence. A person convicted of a violation of
23 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or
24 subsection 24-1(a)(11) commits a Class A misdemeanor. A person
25 convicted of a violation of subsection 24-1(a)(7)(iv),
26 24-1(a)(8) or 24-1(a)(9) commits a Class 4 felony; a person

1 convicted of a violation of subsection 24-1(a)(6) or
2 24-1(a)(7)(ii) or (iii) commits a Class 3 felony. A person
3 convicted of a violation of subsection 24-1(a)(7)(i) commits a
4 Class 2 felony and shall be sentenced to a term of imprisonment
5 of not less than 3 years and not more than 7 years, unless the
6 weapon is possessed in the passenger compartment of a motor
7 vehicle as defined in Section 1-146 of the Illinois Vehicle
8 Code, or on the person, while the weapon is loaded, in which
9 case it shall be a Class X felony. A person convicted of a
10 second or subsequent violation of subsection 24-1(a)(4),
11 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a Class 3
12 felony. The possession of each weapon in violation of this
13 Section constitutes a single and separate violation.

14 (c) Violations in specific places.

15 (1) A person who violates subsection 24-1(a)(6) or
16 24-1(a)(7) in a prohibited place ~~any school, regardless of~~
17 ~~the time of day or the time of year, in residential~~
18 ~~property owned, operated or managed by a public housing~~
19 ~~agency or leased by a public housing agency as part of a~~
20 ~~scattered site or mixed-income development, in a public~~
21 ~~park, in a courthouse, on the real property comprising any~~
22 ~~school, regardless of the time of day or the time of year,~~
23 ~~on residential property owned, operated or managed by a~~
24 ~~public housing agency or leased by a public housing agency~~
25 ~~as part of a scattered site or mixed-income development, on~~
26 ~~the real property comprising any public park, on the real~~

1 ~~property comprising any courthouse, in any conveyance~~
2 ~~owned, leased or contracted by a school to transport~~
3 ~~students to or from school or a school related activity, or~~
4 ~~on any public way within 1,000 feet of the real property~~
5 ~~comprising any school, public park, courthouse, or~~
6 ~~residential property owned, operated, or managed by a~~
7 ~~public housing agency or leased by a public housing agency~~
8 ~~as part of a scattered site or mixed income development~~
9 ~~commits a Class 2 felony and shall be sentenced to a term~~
10 ~~of imprisonment of not less than 3 years and not more than~~
11 ~~7 years.~~

12 (1.5) A person who violates subsection 24-1(a)(4),
13 24-1(a)(9), or 24-1(a)(10) in a prohibited place ~~any~~
14 ~~school, regardless of the time of day or the time of year,~~
15 ~~in residential property owned, operated, or managed by a~~
16 ~~public housing agency or leased by a public housing agency~~
17 ~~as part of a scattered site or mixed income development, in~~
18 ~~a public park, in a courthouse, on the real property~~
19 ~~comprising any school, regardless of the time of day or the~~
20 ~~time of year, on residential property owned, operated, or~~
21 ~~managed by a public housing agency or leased by a public~~
22 ~~housing agency as part of a scattered site or mixed income~~
23 ~~development, on the real property comprising any public~~
24 ~~park, on the real property comprising any courthouse, in~~
25 ~~any conveyance owned, leased, or contracted by a school to~~
26 ~~transport students to or from school or a school related~~

1 ~~activity, or on any public way within 1,000 feet of the~~
2 ~~real property comprising any school, public park,~~
3 ~~courthouse, or residential property owned, operated, or~~
4 ~~managed by a public housing agency or leased by a public~~
5 ~~housing agency as part of a scattered site or mixed income~~
6 ~~development~~ commits a Class 3 felony.

7 (2) A person who violates subsection 24-1(a)(1),
8 24-1(a)(2), or 24-1(a)(3) in a prohibited place ~~any school,~~
9 ~~regardless of the time of day or the time of year, in~~
10 ~~residential property owned, operated or managed by a public~~
11 ~~housing agency or leased by a public housing agency as part~~
12 ~~of a scattered site or mixed income development, in a~~
13 ~~public park, in a courthouse, on the real property~~
14 ~~comprising any school, regardless of the time of day or the~~
15 ~~time of year, on residential property owned, operated or~~
16 ~~managed by a public housing agency or leased by a public~~
17 ~~housing agency as part of a scattered site or mixed income~~
18 ~~development, on the real property comprising any public~~
19 ~~park, on the real property comprising any courthouse, in~~
20 ~~any conveyance owned, leased or contracted by a school to~~
21 ~~transport students to or from school or a school related~~
22 ~~activity, or on any public way within 1,000 feet of the~~
23 ~~real property comprising any school, public park,~~
24 ~~courthouse, or residential property owned, operated, or~~
25 ~~managed by a public housing agency or leased by a public~~
26 ~~housing agency as part of a scattered site or mixed income~~

1 ~~development~~ commits a Class 4 felony. ~~"Courthouse" means~~
2 ~~any building that is used by the Circuit, Appellate, or~~
3 ~~Supreme Court of this State for the conduct of official~~
4 ~~business.~~

5 (3) Paragraphs (1), (1.5), and (2) of this subsection
6 (c) shall not apply to law enforcement officers or security
7 officers of such school, college, or university or to
8 students carrying or possessing firearms for use in
9 training courses, parades, hunting, target shooting on
10 school ranges, or otherwise with the consent of school
11 authorities and which firearms are transported unloaded
12 enclosed in a suitable case, box, or transportation
13 package.

14 ~~(4) For the purposes of this subsection (c), "school"~~
15 ~~means any public or private elementary or secondary school,~~
16 ~~community college, college, or university.~~

17 (d) The trier of fact may infer that any weapon, instrument
18 or substance referred to in subsection (a)(7) present ~~The~~
19 ~~presence~~ in an automobile other than a public omnibus ~~of any~~
20 ~~weapon, instrument or substance referred to in subsection~~
21 ~~(a)(7) is prima facie evidence that it~~ is in the possession of,
22 and is being carried by, all persons occupying such automobile
23 at the time such weapon, instrument or substance is found,
24 except under the following circumstances: (i) if such weapon,
25 instrument or instrumentality is found upon the person of one
26 of the occupants therein; or (ii) if such weapon, instrument or

1 substance is found in an automobile operated for hire by a duly
2 licensed driver in the due, lawful and proper pursuit of his
3 trade, then such presumption shall not apply to the driver.

4 (e) Exemptions. Crossbows, Common or Compound bows and
5 Underwater Spearguns are exempted from the definition of
6 ballistic knife as defined in paragraph (1) of subsection (a)
7 of this Section.

8 (Source: P.A. 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; revised
9 8-19-05.)

10 (720 ILCS 5/24-11) (was 720 ILCS 5/24-1.1)

11 Sec. 24-11 ~~24-1.1~~. Unlawful use ~~Use~~ or possession
12 ~~Possession~~ of weapons ~~Weapons~~ by felons ~~Felons~~ or persons
13 ~~Persons~~ in the custody ~~Custody~~ of the department ~~Department~~ of
14 corrections facilities ~~Corrections Facilities~~.

15 (a) Unlawful use or possession of weapons by felons or
16 persons in the custody of the department of corrections
17 facilities. A person violates this Section when he or she ~~It is~~
18 ~~unlawful for a person to~~ knowingly possesses ~~possess~~ on or
19 about his person or on his land or in his own abode or fixed
20 place of business any weapon prohibited under Section 24-1 of
21 this Act or any firearm or any firearm ammunition if the person
22 has been convicted of a felony under the laws of this State or
23 any other jurisdiction. This Section shall not apply if the
24 person has been granted relief by the Director of the
25 Department of State Police under Section 10 of the Firearm

1 Owners Identification Card Act.

2 (b) Unlawful use or possession of weapons by felons or
3 persons in the custody of the department of corrections
4 facilities. A person violates this Section when he or she is ~~It~~
5 ~~is unlawful for any person~~ confined in a penal institution,
6 which is a facility of the Illinois Department of Corrections,
7 ~~to~~ and possesses ~~possess~~ any weapon prohibited under Section
8 24-1 of this Code or any firearm or firearm ammunition,
9 regardless of the intent with which he possesses it.

10 (c) It shall be an affirmative defense to a violation of
11 subsection (b), that such possession was specifically
12 authorized by rule, regulation, or directive of the Illinois
13 Department of Corrections or order issued pursuant thereto.

14 (d) The defense of necessity is not available to a person
15 who is charged with a violation of subsection (b) of this
16 Section.

17 (e) Sentence. Violation of this Section by a person not
18 confined in a penal institution shall be a Class 3 felony for
19 which the person, if sentenced to a term of imprisonment, shall
20 be sentenced to no less than 2 years and no more than 10 years
21 and any second or subsequent violation shall be a Class 2
22 felony for which the person shall be sentenced to a term of
23 imprisonment of not less than 3 years and not more than 14
24 years. Violation of this Section by a person not confined in a
25 penal institution who has been convicted of a forcible felony,
26 a felony violation of Article 24 of this Code or of the Firearm

1 Owners Identification Card Act, stalking or aggravated
2 stalking, or a Class 2 or greater felony under the Illinois
3 Controlled Substances Act, the Cannabis Control Act, or the
4 Methamphetamine Control and Community Protection Act is a Class
5 2 felony for which the person shall be sentenced to not less
6 than 3 years and not more than 14 years. Violation of this
7 Section by a person who is on parole or mandatory supervised
8 release is a Class 2 felony for which the person, if sentenced
9 to a term of imprisonment, shall be sentenced to not less than
10 3 years and not more than 14 years. Violation of this Section
11 by a person not confined in a penal institution is a Class X
12 felony when the firearm possessed is a machine gun. Any person
13 who violates this Section while confined in a penal
14 institution, which is a facility of the Illinois Department of
15 Corrections, is guilty of a Class 1 felony, if he possesses any
16 weapon prohibited under Section 24-1 of this Code regardless of
17 the intent with which he possesses it, a Class X felony if he
18 possesses any firearm, firearm ammunition or explosive, and a
19 Class X felony for which the offender shall be sentenced to not
20 less than 12 years and not more than 50 years when the firearm
21 possessed is a machine gun. A violation of this Section while
22 wearing or in possession of body armor as defined in Section
23 24-45 ~~33F-1~~ is a Class X felony punishable by a term of
24 imprisonment of not less than 10 years and not more than 40
25 years. The possession of each firearm or firearm ammunition in
26 violation of this Section constitutes a single and separate

1 violation.

2 (Source: P.A. 93-906, eff. 8-11-04; 94-72, eff. 1-1-06; 94-284,
3 eff. 7-21-05; 94-556, eff. 9-11-05; revised 8-19-05.)

4 (720 ILCS 5/24-12) (was 720 ILCS 5/24-1.6)

5 Sec. 24-12 ~~24-1.6~~. Aggravated unlawful use of a weapon.

6 (a) Aggravated unlawful use of a weapon. A person commits
7 the offense of Aggravated ~~aggravated~~ unlawful use of a weapon
8 when he or she knowingly:

9 (1) Carries on or about his or her person or in any
10 vehicle or concealed on or about his or her person except
11 when on his or her land or in his or her abode or fixed
12 place of business any pistol, revolver, stun gun or taser
13 or other firearm; or

14 (2) Carries or possesses on or about his or her person,
15 upon any public street, alley, or other public lands within
16 the corporate limits of a city, village or incorporated
17 town, except when an invitee thereon or therein, for the
18 purpose of the display of such weapon or the lawful
19 commerce in weapons, or except when on his or her own land
20 or in his or her own abode or fixed place of business, any
21 pistol, revolver, stun gun or taser or other firearm; and

22 (3) One of the following factors is present:

23 (A) the firearm possessed was uncased, loaded and
24 immediately accessible at the time of the offense; or

25 (B) the firearm possessed was uncased, unloaded

1 and the ammunition for the weapon was immediately
2 accessible at the time of the offense; or

3 (C) the person possessing the firearm has not been
4 issued a currently valid Firearm Owner's
5 Identification Card; or

6 (D) the person possessing the weapon was
7 previously adjudicated a delinquent minor under the
8 Juvenile Court Act of 1987 for an act that if committed
9 by an adult would be a felony; or

10 (E) the person possessing the weapon was engaged in
11 a misdemeanor violation of the Cannabis Control Act, in
12 a misdemeanor violation of the Illinois Controlled
13 Substances Act, or in a misdemeanor violation of the
14 Methamphetamine Control and Community Protection Act;
15 or

16 (F) the person possessing the weapon is a member of
17 a street gang or is engaged in street gang related
18 activity, as defined in Section 10 of the Illinois
19 Streetgang Terrorism Omnibus Prevention Act; or

20 (G) the person possessing the weapon had a order of
21 protection issued against him or her within the
22 previous 2 years; or

23 (H) the person possessing the weapon was engaged in
24 the commission or attempted commission of a
25 misdemeanor involving the use or threat of violence
26 against the person or property of another; or

1 (I) the person possessing the weapon was under 21
2 years of age and in possession of a handgun ~~as defined~~
3 ~~in Section 24-3~~, unless the person under 21 is engaged
4 in lawful activities under the Wildlife Code or
5 described in subsection 24-13(b)(1), ~~24-2(b)(1)~~,
6 (b)(3), or 24-13(f) ~~24-2(f)~~.

7 (b) ~~"Stun gun or taser" as used in this Section has the~~
8 ~~same definition given to it in Section 24-1 of this Code.~~

9 ~~(e)~~ This Section does not apply to or affect the
10 transportation or possession of weapons that:

11 (i) are broken down in a non-functioning state; or

12 (ii) are not immediately accessible; or

13 (iii) are unloaded and enclosed in a case, firearm
14 carrying box, shipping box, or other container by a
15 person who has been issued a currently valid Firearm
16 Owner's Identification Card.

17 (c) ~~(d)~~ Sentence. Aggravated unlawful use of a weapon is a
18 Class 4 felony; a second or subsequent offense is a Class 2
19 felony for which the person shall be sentenced to a term of
20 imprisonment of not less than 3 years and not more than 7
21 years. Aggravated unlawful use of a weapon by a person who has
22 been previously convicted of a felony in this State or another
23 jurisdiction is a Class 2 felony for which the person shall be
24 sentenced to a term of imprisonment of not less than 3 years
25 and not more than 7 years. Aggravated unlawful use of a weapon
26 while wearing or in possession of body armor as defined in

1 Section 24-45 ~~33F-1~~ by a person who has not been issued a valid
2 Firearms Owner's Identification Card in accordance with
3 Section 5 of the Firearm Owners Identification Card Act is a
4 Class X felony. The possession of each firearm in violation of
5 this Section constitutes a single and separate violation.

6 (Source: P.A. 93-906, eff. 8-11-04; 94-72, eff. 1-1-06; 94-284,
7 eff. 7-21-05; 94-556, eff. 9-11-05; revised 8-19-05.)

8 (720 ILCS 5/24-13) (was 720 ILCS 5/24-2)

9 Sec. 24-13 ~~24-2~~. Unlawful use exemptions ~~Exemptions~~.

10 (a) Subsections 24-1(a) (3), 24-1(a) (4) and 24-1(a) (10) and
11 Section 24-12 ~~24-1.6~~ do not apply to or affect any of the
12 following:

13 (1) Peace officers, and any person summoned by a peace
14 officer to assist in making arrests or preserving the
15 peace, while actually engaged in assisting such officer.

16 (2) Wardens, superintendents and keepers of prisons,
17 penitentiaries, jails and other institutions for the
18 detention of persons accused or convicted of an offense,
19 while in the performance of their official duty, or while
20 commuting between their homes and places of employment.

21 (3) Members of the Armed Services or Reserve Forces of
22 the United States or the Illinois National Guard or the
23 Reserve Officers Training Corps, while in the performance
24 of their official duty.

25 (4) Special agents employed by a railroad or a public

1 utility to perform police functions, and guards of armored
2 car companies, while actually engaged in the performance of
3 the duties of their employment or commuting between their
4 homes and places of employment; and watchmen while actually
5 engaged in the performance of the duties of their
6 employment.

7 (5) Persons licensed as private security contractors,
8 private detectives, or private alarm contractors, or
9 employed by an agency certified by the Department of
10 Professional Regulation, if their duties include the
11 carrying of a weapon under the provisions of the Private
12 Detective, Private Alarm, Private Security, and Locksmith
13 Act of 2004, while actually engaged in the performance of
14 the duties of their employment or commuting between their
15 homes and places of employment, provided that such
16 commuting is accomplished within one hour from departure
17 from home or place of employment, as the case may be.
18 Persons exempted under this subdivision (a)(5) shall be
19 required to have completed a course of study in firearms
20 handling and training approved and supervised by the
21 Department of Professional Regulation as prescribed by
22 Section 28 of the Private Detective, Private Alarm, Private
23 Security, and Locksmith Act of 2004, prior to becoming
24 eligible for this exemption. The Department of
25 Professional Regulation shall provide suitable
26 documentation demonstrating the successful completion of

1 the prescribed firearms training. Such documentation shall
2 be carried at all times when such persons are in possession
3 of a concealable weapon.

4 (6) Any person regularly employed in a commercial or
5 industrial operation as a security guard for the protection
6 of persons employed and private property related to such
7 commercial or industrial operation, while actually engaged
8 in the performance of his or her duty or traveling between
9 sites or properties belonging to the employer, and who, as
10 a security guard, is a member of a security force of at
11 least 5 persons registered with the Department of
12 Professional Regulation; provided that such security guard
13 has successfully completed a course of study, approved by
14 and supervised by the Department of Professional
15 Regulation, consisting of not less than 40 hours of
16 training that includes the theory of law enforcement,
17 liability for acts, and the handling of weapons. A person
18 shall be considered eligible for this exemption if he or
19 she has completed the required 20 hours of training for a
20 security officer and 20 hours of required firearm training,
21 and has been issued a firearm authorization card by the
22 Department of Professional Regulation. Conditions for the
23 renewal of firearm authorization cards issued under the
24 provisions of this Section shall be the same as for those
25 cards issued under the provisions of the Private Detective,
26 Private Alarm, Private Security, and Locksmith Act of 2004.

1 Such firearm authorization card shall be carried by the
2 security guard at all times when he or she is in possession
3 of a concealable weapon.

4 (7) Agents and investigators of the Illinois
5 Legislative Investigating Commission authorized by the
6 Commission to carry the weapons specified in subsections
7 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
8 any investigation for the Commission.

9 (8) Persons employed by a financial institution for the
10 protection of other employees and property related to such
11 financial institution, while actually engaged in the
12 performance of their duties, commuting between their homes
13 and places of employment, or traveling between sites or
14 properties owned or operated by such financial
15 institution, provided that any person so employed has
16 successfully completed a course of study, approved by and
17 supervised by the Department of Professional Regulation,
18 consisting of not less than 40 hours of training which
19 includes theory of law enforcement, liability for acts, and
20 the handling of weapons. A person shall be considered to be
21 eligible for this exemption if he or she has completed the
22 required 20 hours of training for a security officer and 20
23 hours of required firearm training, and has been issued a
24 firearm authorization card by the Department of
25 Professional Regulation. Conditions for renewal of firearm
26 authorization cards issued under the provisions of this

1 Section shall be the same as for those issued under the
2 provisions of the Private Detective, Private Alarm,
3 Private Security, and Locksmith Act of 2004. Such firearm
4 authorization card shall be carried by the person so
5 trained at all times when such person is in possession of a
6 concealable weapon. For purposes of this subsection,
7 "financial institution" means a bank, savings and loan
8 association, credit union or company providing armored car
9 services.

10 (9) Any person employed by an armored car company to
11 drive an armored car, while actually engaged in the
12 performance of his duties.

13 (10) Persons who have been classified as peace officers
14 pursuant to the Peace Officer Fire Investigation Act.

15 (11) Investigators of the Office of the State's
16 Attorneys Appellate Prosecutor authorized by the board of
17 governors of the Office of the State's Attorneys Appellate
18 Prosecutor to carry weapons pursuant to Section 7.06 of the
19 State's Attorneys Appellate Prosecutor's Act.

20 (12) Special investigators appointed by a State's
21 Attorney under Section 3-9005 of the Counties Code.

22 (12.5) Probation officers while in the performance of
23 their duties, or while commuting between their homes,
24 places of employment or specific locations that are part of
25 their assigned duties, with the consent of the chief judge
26 of the circuit for which they are employed.

1 (13) Court Security Officers while in the performance
2 of their official duties, or while commuting between their
3 homes and places of employment, with the consent of the
4 Sheriff.

5 (13.5) A person employed as an armed security guard at
6 a nuclear energy, storage, weapons or development site or
7 facility regulated by the Nuclear Regulatory Commission
8 who has completed the background screening and training
9 mandated by the rules and regulations of the Nuclear
10 Regulatory Commission.

11 (14) Manufacture, transportation, or sale of weapons
12 to persons authorized under subdivisions (1) through
13 (13.5) of this subsection to possess those weapons.

14 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
15 24-12 ~~24-1.6~~ do not apply to or affect any of the following:

16 (1) Members of any club or organization organized for
17 the purpose of practicing shooting at targets upon
18 established target ranges, whether public or private, and
19 patrons of such ranges, while such members or patrons are
20 using their firearms on those target ranges.

21 (2) Duly authorized military or civil organizations
22 while parading, with the special permission of the
23 Governor.

24 (3) Hunters, trappers or fishermen with a license or
25 permit while engaged in hunting, trapping or fishing.

26 (4) Transportation of weapons that are broken down in a

1 non-functioning state or are not immediately accessible.

2 (c) Subsection 24-1(a)(7) does not apply to or affect any
3 of the following:

4 (1) Peace officers while in performance of their
5 official duties.

6 (2) Wardens, superintendents and keepers of prisons,
7 penitentiaries, jails and other institutions for the
8 detention of persons accused or convicted of an offense.

9 (3) Members of the Armed Services or Reserve Forces of
10 the United States or the Illinois National Guard, while in
11 the performance of their official duty.

12 (4) Manufacture, transportation, or sale of machine
13 guns to persons authorized under subdivisions (1) through
14 (3) of this subsection to possess machine guns, if the
15 machine guns are broken down in a non-functioning state or
16 are not immediately accessible.

17 (5) Persons licensed under federal law to manufacture
18 any weapon from which 8 or more shots or bullets can be
19 discharged by a single function of the firing device, or
20 ammunition for such weapons, and actually engaged in the
21 business of manufacturing such weapons or ammunition, but
22 only with respect to activities which are within the lawful
23 scope of such business, such as the manufacture,
24 transportation, or testing of such weapons or ammunition.
25 This exemption does not authorize the general private
26 possession of any weapon from which 8 or more shots or

1 bullets can be discharged by a single function of the
2 firing device, but only such possession and activities as
3 are within the lawful scope of a licensed manufacturing
4 business described in this paragraph.

5 During transportation, such weapons shall be broken
6 down in a non-functioning state or not immediately
7 accessible.

8 (6) The manufacture, transport, testing, delivery,
9 transfer or sale, and all lawful commercial or experimental
10 activities necessary thereto, of rifles, shotguns, and
11 weapons made from rifles or shotguns, or ammunition for
12 such rifles, shotguns or weapons, where engaged in by a
13 person operating as a contractor or subcontractor pursuant
14 to a contract or subcontract for the development and supply
15 of such rifles, shotguns, weapons or ammunition to the
16 United States government or any branch of the Armed Forces
17 of the United States, when such activities are necessary
18 and incident to fulfilling the terms of such contract.

19 The exemption granted under this subdivision (c)(6)
20 shall also apply to any authorized agent of any such
21 contractor or subcontractor who is operating within the
22 scope of his employment, where such activities involving
23 such weapon, weapons or ammunition are necessary and
24 incident to fulfilling the terms of such contract.

25 During transportation, any such weapon shall be broken
26 down in a non-functioning state, or not immediately

1 accessible.

2 (d) Subsection 24-1(a)(1) does not apply to the purchase,
3 possession or carrying of a black-jack or slung-shot by a peace
4 officer.

5 (e) Subsection 24-1(a)(8) does not apply to any owner,
6 manager or authorized employee of any place specified in that
7 subsection nor to any law enforcement officer.

8 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
9 Section 24-12 ~~24-1.6~~ do not apply to members of any club or
10 organization organized for the purpose of practicing shooting
11 at targets upon established target ranges, whether public or
12 private, while using their firearms on those target ranges.

13 (g) Subsections 24-1(a)(11) and 24-15(a)(6) ~~24-3.1(a)(6)~~
14 do not apply to:

15 (1) Members of the Armed Services or Reserve Forces of
16 the United States or the Illinois National Guard, while in
17 the performance of their official duty.

18 (2) Bonafide collectors of antique or surplus military
19 ordinance.

20 (3) Laboratories having a department of forensic
21 ballistics, or specializing in the development of
22 ammunition or explosive ordinance.

23 (4) Commerce, preparation, assembly or possession of
24 explosive bullets by manufacturers of ammunition licensed
25 by the federal government, in connection with the supply of
26 those organizations and persons exempted by subdivision

1 (g) (1) of this Section, or like organizations and persons
2 outside this State, or the transportation of explosive
3 bullets to any organization or person exempted in this
4 Section by a common carrier or by a vehicle owned or leased
5 by an exempted manufacturer.

6 (g-5) Subsection 24-1(a)(6) does not apply to or affect
7 persons licensed under federal law to manufacture any device or
8 attachment of any kind designed, used, or intended for use in
9 silencing the report of any firearm, firearms, or ammunition
10 for those firearms equipped with those devices, and actually
11 engaged in the business of manufacturing those devices,
12 firearms, or ammunition, but only with respect to activities
13 that are within the lawful scope of that business, such as the
14 manufacture, transportation, or testing of those devices,
15 firearms, or ammunition. This exemption does not authorize the
16 general private possession of any device or attachment of any
17 kind designed, used, or intended for use in silencing the
18 report of any firearm, but only such possession and activities
19 as are within the lawful scope of a licensed manufacturing
20 business described in this subsection (g-5). During
21 transportation, those devices shall be detached from any weapon
22 or not immediately accessible.

23 (h) An information or indictment based upon a violation of
24 any subsection of this Article need not negative any exemptions
25 contained in this Article. The defendant shall have the burden
26 of proving such an exemption.

1 (i) Nothing in this Article shall prohibit, apply to, or
2 affect the transportation, carrying, or possession, of any
3 pistol or revolver, stun gun, taser, or other firearm consigned
4 to a common carrier operating under license of the State of
5 Illinois or the federal government, where such transportation,
6 carrying, or possession is incident to the lawful
7 transportation in which such common carrier is engaged; and
8 nothing in this Article shall prohibit, apply to, or affect the
9 transportation, carrying, or possession of any pistol,
10 revolver, stun gun, taser, or other firearm, not the subject of
11 and regulated by subsection 24-1(a)(7) or subsection 24-13(c)
12 ~~24-2(e)~~ of this Article, which is unloaded and enclosed in a
13 case, firearm carrying box, shipping box, or other container,
14 by the possessor of a valid Firearm Owners Identification Card.
15 (Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439,
16 eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)

17 (720 ILCS 5/24-14) (was 720 ILCS 5/24-2.1)

18 Sec. 24-14 ~~24-2.1~~. Unlawful use of firearm projectiles.

19 (a) Unlawful use of firearm projectiles. A person commits
20 the offense of Unlawful ~~unlawful~~ use of firearm projectiles
21 when he or she knowingly manufactures, sells, purchases,
22 possesses, or carries any armor piercing bullet, dragon's
23 breath shotgun shell, bolo shell, or flechette shell.

24 ~~For the purposes of this Section:~~

25 ~~"Armor piercing bullet" means any handgun bullet or handgun~~

1 ~~ammunition with projectiles or projectile cores constructed~~
2 ~~entirely (excluding the presence of traces of other substances)~~
3 ~~from tungsten alloys, steel, iron, brass, bronze, beryllium~~
4 ~~copper or depleted uranium, or fully jacketed bullets larger~~
5 ~~than 22 caliber designed and intended for use in a handgun and~~
6 ~~whose jacket has a weight of more than 25% of the total weight~~
7 ~~of the projectile, and excluding those handgun projectiles~~
8 ~~whose cores are composed of soft materials such as lead or lead~~
9 ~~alloys, zinc or zinc alloys, frangible projectiles designed~~
10 ~~primarily for sporting purposes, and any other projectiles or~~
11 ~~projectile cores that the U. S. Secretary of the Treasury finds~~
12 ~~to be primarily intended to be used for sporting purposes or~~
13 ~~industrial purposes or that otherwise does not constitute~~
14 ~~"armor piercing ammunition" as that term is defined by federal~~
15 ~~law.~~

16 ~~The definition contained herein shall not be construed to~~
17 ~~include shotgun shells.~~

18 ~~"Dragon's breath shotgun shell" means any shotgun shell~~
19 ~~that contains exothermic pyrophoric mesh metal as the~~
20 ~~projectile and is designed for the purpose of throwing or~~
21 ~~spewing a flame or fireball to simulate a flame thrower.~~

22 ~~"Bolo shell" means any shell that can be fired in a firearm~~
23 ~~and expels as projectiles 2 or more metal balls connected by~~
24 ~~solid metal wire.~~

25 ~~"Flechette shell" means any shell that can be fired in a~~
26 ~~firearm and expels 2 or more pieces of fin stabilized solid~~

1 ~~metal wire or 2 or more solid dart type projectiles.~~

2 (b) Exemptions. This Section does not apply to or affect
3 any of the following:

4 (1) Peace officers.

5 (2) Wardens, superintendents and keepers of prisons,
6 penitentiaries, jails and other institutions for the
7 detention of persons accused or convicted of an offense.

8 (3) Members of the Armed Services or Reserve Forces of
9 the United States or the Illinois National Guard while in
10 the performance of their official duties.

11 (4) Federal officials required to carry firearms,
12 while engaged in the performance of their official duties.

13 (5) United States Marshals, while engaged in the
14 performance of their official duties.

15 (6) Persons licensed under federal law to manufacture,
16 import, or sell firearms and firearm ammunition, and
17 actually engaged in any such business, but only with
18 respect to activities which are within the lawful scope of
19 such business, such as the manufacture, transportation, or
20 testing of such bullets or ammunition.

21 This exemption does not authorize the general private
22 possession of any armor piercing bullet, dragon's breath
23 shotgun shell, bolo shell, or flechette shell, but only
24 such possession and activities which are within the lawful
25 scope of a licensed business described in this paragraph.

26 (7) Laboratories having a department of forensic

1 ballistics or specializing in the development of
2 ammunition or explosive ordnance.

3 (8) Manufacture, transportation, or sale of armor
4 piercing bullets, dragon's breath shotgun shells, bolo
5 shells, or flechette shells to persons specifically
6 authorized under paragraphs (1) through (7) of this
7 subsection to possess such bullets or shells.

8 (c) An information or indictment based upon a violation of
9 this Section need not negate any exemption herein contained.
10 The defendant shall have the burden of proving such an
11 exemption.

12 (d) Sentence. A person convicted of Unlawful ~~unlawful~~ use
13 of armor piercing bullets shall be guilty of a Class 3 felony.
14 (Source: P.A. 92-423, eff. 1-1-02.)

15 (720 ILCS 5/24-15) (was 720 ILCS 5/24-3.1)

16 Sec. 24-15 ~~24-3.1~~. Unlawful possession of firearms and
17 firearm ammunition.

18 (a) Unlawful possession of firearms and firearm
19 ammunition. A person commits the offense of Unlawful ~~unlawful~~
20 possession of firearms or firearm ammunition when he or she:

21 (1) ~~He~~ is under 18 years of age and knowingly has in
22 his possession any firearm of a size which may be concealed
23 upon the person; or

24 (2) ~~He~~ is under 21 years of age, has been convicted of
25 a misdemeanor other than a traffic offense or adjudged

1 delinquent and knowingly has any firearms or firearm
2 ammunition in his possession; or

3 (3) ~~He~~ is a narcotic addict and knowingly has any
4 firearms or firearm ammunition in his possession; or

5 (4) ~~He~~ has been a patient in a mental hospital within
6 the past 5 years and knowingly has any firearms or firearm
7 ammunition in his possession; or

8 (5) ~~He~~ is mentally retarded and knowingly has any
9 firearms or firearm ammunition in his possession; or

10 (6) ~~He~~ knowingly has in his possession any explosive
11 bullet.

12 ~~For purposes of this paragraph "explosive bullet" means the~~
13 ~~projectile portion of an ammunition cartridge which contains or~~
14 ~~carries an explosive charge which will explode upon contact~~
15 ~~with the flesh of a human or an animal. "Cartridge" means a~~
16 ~~tubular metal case having a projectile affixed at the front~~
17 ~~thereof and a cap or primer at the rear end thereof, with the~~
18 ~~propellant contained in such tube between the projectile and~~
19 ~~the cap; or~~

20 (b) Sentence.

21 Unlawful possession of firearms, other than handguns, and
22 firearm ammunition is a Class A misdemeanor. Unlawful
23 possession of handguns is a Class 4 felony. The possession of
24 each firearm or firearm ammunition in violation of this Section
25 constitutes a single and separate violation.

26 (c) Nothing in paragraph (1) of subsection (a) of this

1 Section prohibits a person under 18 years of age from
2 participating in any lawful recreational activity with a
3 firearm such as, but not limited to, practice shooting at
4 targets upon established public or private target ranges or
5 hunting, trapping, or fishing in accordance with the Wildlife
6 Code or the Fish and Aquatic Life Code.

7 (Source: P.A. 94-284, eff. 7-21-05; revised 8-23-05.)

8 (720 ILCS 5/24-16) (was 720 ILCS 5/24-5)

9 Sec. 24-16 ~~24-5~~. Defacing identification marks of
10 firearms.

11 (a) Defacing identification marks of firearms. A person
12 commits the offense of Defacing identification marks of
13 firearms when he or she ~~Any person who shall~~ knowingly ~~or~~
14 ~~intentionally~~ changes ~~change~~, alters ~~alter~~, removes ~~remove~~ or
15 obliterates ~~obliterate~~ the name of the importer's or
16 manufacturer's serial number of any firearm ~~commits a Class 2~~
17 ~~felony~~.

18 (b) Defacing identification marks of firearms. A person ~~who~~
19 commits the offense of Defacing identification marks of
20 firearms when he or she knowingly possesses any firearm upon
21 which any such importer's or manufacturer's serial number has
22 been changed, altered, removed or obliterated ~~commits a Class 3~~
23 ~~felony~~.

24 (c) Sentence. A violation of subsection (a) of this Section
25 is a Class 2 felony. A violation of subsection (b) of this

1 Section is a Class 3 felony.

2 (d) ~~(e)~~ Nothing in this Section shall prevent a person from
3 making repairs, replacement of parts, or other changes to a
4 firearm if those repairs, replacement of parts, or changes
5 cause the removal of the name of the maker, model, or other
6 marks of identification other than the serial number on the
7 firearm's frame or receiver.

8 (e) ~~(d)~~ A prosecution for a violation of this Section may
9 be commenced within 6 years after the commission of the
10 offense.

11 (Source: P.A. 93-906, eff. 8-11-04.)

12 (720 ILCS 5/24-17) (was 720 ILCS 5/24-1.5)

13 Sec. 24-17 ~~24-1.5~~. Reckless discharge of a firearm.

14 (a) Reckless discharge of a firearm. A person commits the
15 offense of Reckless ~~reckless~~ discharge of a firearm when he or
16 she discharges ~~by discharging~~ a firearm in a reckless manner
17 which endangers the bodily safety of an individual.

18 (b) If the conduct described in subsection (a) is committed
19 by a passenger of a moving motor vehicle with the knowledge and
20 consent of the driver of the motor vehicle the driver is
21 accountable for such conduct.

22 (c) Sentence. Reckless discharge of a firearm is a Class 4
23 felony.

24 (d) This Section does not apply to a peace officer while in
25 the performance of his or her official duties.

1 (Source: P.A. 88-217.)

2 (720 ILCS 5/24-18) (was 720 ILCS 5/24-1.2)

3 Sec. 24-18 ~~24-1.2~~. Aggravated discharge of a firearm and
4 aggravated discharge of a machine gun or a firearm equipped
5 with a device designed or used for silencing the report of a
6 firearm.

7 (a) Aggravated discharge of a firearm. A person commits the
8 offense of aggravated discharge of a firearm when he or she
9 knowingly ~~or intentionally~~:

10 (1) Discharges a firearm at or into a building he or
11 she knows or reasonably should know to be occupied and the
12 firearm is discharged from a place or position outside that
13 building;

14 (2) Discharges a firearm in the direction of another
15 person or in the direction of a vehicle he or she knows or
16 reasonably should know to be occupied by a person;

17 (3) Discharges a firearm in the direction of a person
18 he or she knows to be a peace officer, a community policing
19 volunteer, a correctional institution employee, or a
20 fireman while the officer, volunteer, employee or fireman
21 is engaged in the execution of any of his or her official
22 duties, or to prevent the officer, volunteer, employee or
23 fireman from performing his or her official duties, or in
24 retaliation for the officer, volunteer, employee or
25 fireman performing his or her official duties;

1 (4) Discharges a firearm in the direction of a vehicle
2 he or she knows to be occupied by a peace officer, a person
3 summoned or directed by a peace officer, a correctional
4 institution employee or a fireman while the officer,
5 employee or fireman is engaged in the execution of any of
6 his or her official duties, or to prevent the officer,
7 employee or fireman from performing his or her official
8 duties, or in retaliation for the officer, employee or
9 fireman performing his or her official duties;

10 (5) Discharges a firearm in the direction of a person
11 he or she knows to be a medical assistance or first aid
12 provider ~~an emergency medical technician — ambulance,~~
13 ~~emergency medical technician — intermediate, emergency~~
14 ~~medical technician — paramedic, ambulance driver, or other~~
15 ~~medical assistance or first aid personnel, employed by a~~
16 ~~municipality or other governmental unit,~~ while the medical
17 assistance or first aid provider ~~emergency medical~~
18 ~~technician — ambulance, emergency medical technician —~~
19 ~~intermediate, emergency medical technician — paramedic,~~
20 ~~ambulance driver, or other medical assistance or first aid~~
21 ~~personnel~~ is engaged in the execution of any of his or her
22 official duties, or to prevent the ~~emergency medical~~
23 ~~technician — ambulance, emergency medical technician —~~
24 ~~intermediate, emergency medical technician — paramedic,~~
25 ~~ambulance driver, or other~~ medical assistance or first aid
26 provider ~~personnel~~ from performing his or her official

1 duties, or in retaliation for the medical assistance or
2 first aid provider ~~emergency medical technician~~
3 ~~ambulance, emergency medical technician~~ ~~intermediate,~~
4 ~~emergency medical technician~~ ~~paramedic, ambulance~~
5 ~~driver, or other medical assistance or first aid personnel~~
6 performing his or her official duties;

7 (6) Discharges a firearm in the direction of a vehicle
8 he or she knows to be occupied by a medical assistance or
9 first aid provider ~~an emergency medical technician~~
10 ~~ambulance, emergency medical technician~~ ~~intermediate,~~
11 ~~emergency medical technician~~ ~~paramedic, ambulance~~
12 ~~driver, or other medical assistance or first aid personnel,~~
13 ~~employed by a municipality or other governmental unit,~~
14 while the medical assistance or first aid provider
15 ~~emergency medical technician~~ ~~ambulance, emergency~~
16 ~~medical technician~~ ~~intermediate, emergency medical~~
17 ~~technician~~ ~~paramedic, ambulance driver, or other medical~~
18 ~~assistance or first aid personnel~~ is engaged in the
19 execution of any of his or her official duties, or to
20 prevent the medical assistance or first aid provider
21 ~~emergency medical technician~~ ~~ambulance, emergency~~
22 ~~medical technician~~ ~~intermediate, emergency medical~~
23 ~~technician~~ ~~paramedic, ambulance driver, or other medical~~
24 ~~assistance or first aid personnel~~ from performing his or
25 her official duties, or in retaliation for the medical
26 assistance or first aid provider ~~emergency medical~~

1 ~~technician ambulance, emergency medical technician~~
2 ~~intermediate, emergency medical technician paramedic,~~
3 ~~ambulance driver, or other medical assistance or first aid~~
4 ~~personnel~~ performing his or her official duties;

5 (7) Discharges a firearm in the direction of a person
6 he or she knows to be a teacher or other person employed in
7 any school and the teacher or other employee is upon the
8 grounds of a school or grounds adjacent to a school, or is
9 in any part of a building used for school purposes;

10 (8) Discharges a firearm in the direction of a person
11 he or she knows to be an emergency management worker while
12 the emergency management worker is engaged in the execution
13 of any of his or her official duties, or to prevent the
14 emergency management worker from performing his or her
15 official duties, or in retaliation for the emergency
16 management worker performing his or her official duties; or

17 (9) Discharges a firearm in the direction of a vehicle
18 he or she knows to be occupied by an emergency management
19 worker while the emergency management worker is engaged in
20 the execution of any of his or her official duties, or to
21 prevent the emergency management worker from performing
22 his or her official duties, or in retaliation for the
23 emergency management worker performing his or her official
24 duties.

25 (b) Sentence.

26 (1) A violation of subsection (a)(1) or subsection

1 (a) (2) of this Section is a Class 1 felony. A violation of
2 subsection (a) (1) or (a) (2) of this Section committed in a
3 school, on the real property comprising a school, within
4 1,000 feet of the real property comprising a school, at a
5 school related activity or on or within 1,000 feet of any
6 conveyance owned, leased, or contracted by a school to
7 transport students to or from school or a school related
8 activity, regardless of the time of day or time of year
9 that the offense was committed is a Class X felony. A
10 violation of subsection (a) (3), (a) (4), (a) (5), (a) (6),
11 (a) (7), (a) (8), or (a) (9) of this Section is a Class X
12 felony for which the sentence shall be a term of
13 imprisonment of no less than 10 years and not more than 45
14 years.

15 (2) ~~(e)~~ Aggravated discharge of a machine gun or a
16 firearm equipped with a device designed or used for
17 silencing the report of a firearm. A violation of
18 subsection (a) (1) or (a) (2) of this Section when a person
19 discharges a machine gun or firearm equipped with a device
20 designed or used for silencing the report of a firearm is a
21 Class X felony. A violation of subsection (a) (3), (a) (4),
22 (a) (5), or (a) (6) of this Section when a person discharges
23 a machine gun or firearm equipped with a device designed or
24 used for silencing the report of a firearm is a Class X
25 felony for which the sentence shall be a term of
26 imprisonment of no less than 12 years and no more than 50

1 ~~years. For purposes of this Section:~~

2 ~~"School" means a public or private elementary or~~
3 ~~secondary school, community college, college, or~~
4 ~~university.~~

5 ~~"School related activity" means any sporting, social,~~
6 ~~academic, or other activity for which students' attendance~~
7 ~~or participation is sponsored, organized, or funded in~~
8 ~~whole or in part by a school or school district.~~

9 (Source: P.A. 94-243, eff. 1-1-06.)

10 (720 ILCS 5/24-19) (was 720 ILCS 5/24-3.2)

11 Sec. 24-19 ~~24-3.2~~. Unlawful discharge of firearm
12 projectiles.

13 (a) A person commits the offense of Unlawful ~~unlawful~~
14 discharge of firearm projectiles when he or she knowingly or
15 recklessly uses an armor piercing bullet, dragon's breath
16 shotgun shell, bolo shell, or flechette shell in violation of
17 this Section.

18 ~~For purposes of this Section:~~

19 ~~"Armor piercing bullet" means any handgun bullet or handgun~~
20 ~~ammunition with projectiles or projectile cores constructed~~
21 ~~entirely (excluding the presence of traces of other substances)~~
22 ~~from tungsten alloys, steel, iron, brass, bronze, beryllium~~
23 ~~copper or depleted uranium, or fully jacketed bullets larger~~
24 ~~than 22 caliber whose jacket has a weight of more than 25% of~~
25 ~~the total weight of the projectile, and excluding those handgun~~

1 ~~projectiles whose cores are composed of soft materials such as~~
2 ~~lead or lead alloys, zinc or zinc alloys, frangible projectiles~~
3 ~~designed primarily for sporting purposes, and any other~~
4 ~~projectiles or projectile cores that the U. S. Secretary of the~~
5 ~~Treasury finds to be primarily intended to be used for sporting~~
6 ~~purposes or industrial purposes or that otherwise does not~~
7 ~~constitute "armor piercing ammunition" as that term is defined~~
8 ~~by federal law.~~

9 ~~"Dragon's breath shotgun shell" means any shotgun shell~~
10 ~~that contains exothermic pyrophoric mesh metal as the~~
11 ~~projectile and is designed for the purpose of throwing or~~
12 ~~spewing a flame or fireball to simulate a flame thrower.~~

13 ~~"Bolo shell" means any shell that can be fired in a firearm~~
14 ~~and expels as projectiles 2 or more metal balls connected by~~
15 ~~solid metal wire.~~

16 ~~"Flechette shell" means any shell that can be fired in a~~
17 ~~firearm and expels 2 or more pieces of fin stabilized solid~~
18 ~~metal wire or 2 or more solid dart type projectiles.~~

19 (b) A person commits a Class X felony when he or she,
20 knowing that a firearm, ~~as defined in Section 1.1 of the~~
21 ~~Firearm Owners Identification Card Act,~~ is loaded with an armor
22 piercing bullet, dragon's breath shotgun shell, bolo shell, or
23 flechette shell, intentionally or recklessly discharges such
24 firearm and such bullet or shell strikes any other person.

25 (c) Any person who knowingly possesses, concealed on or
26 about his or her person, an armor piercing bullet, dragon's

1 breath shotgun shell, bolo shell, or flechette shell and a
2 firearm suitable for the discharge thereof is guilty of a Class
3 2 felony.

4 (d) This Section does not apply to or affect any of the
5 following:

6 (1) Peace officers;

7 (2) Wardens, superintendents and keepers of prisons,
8 penitentiaries, jails and other institutions for the
9 detention of persons accused or convicted of an offense;

10 (3) Members of the Armed Services or Reserve Forces of
11 the United States or the Illinois National Guard while in
12 the performance of their official duties;

13 (4) Federal officials required to carry firearms,
14 while engaged in the performance of their official duties;

15 (5) United States Marshals, while engaged in the
16 performance of their official duties.

17 (Source: P.A. 92-423, eff. 1-1-02.)

18 (720 ILCS 5/Art. 24, Div. II heading new)

19 DIVISION II. SALE, TRANSFER, AND MANUFACTURE OFFENSES

20 (720 ILCS 5/24-21) (was 720 ILCS 5/24-2.2)

21 Sec. 24-21 ~~24-2.2~~. Manufacture, sale or transfer of bullets
22 or shells represented to be armor piercing bullets, dragon's
23 breath shotgun shells, bolo shells, or flechette shells.

24 (a) Except as provided in subsection (b) of this Section, a

1 person violates this Section when he or she ~~it is unlawful for~~
2 ~~any person to~~ knowingly manufactures, sells, offers to sell, or
3 transfers ~~manufacture, sell, offer to sell, or transfer~~ any
4 bullet or shell which is represented to be an armor piercing
5 bullet, a dragon's breath shotgun shell, a bolo shell, or a
6 flechette shell ~~as defined in Section 24-2.1 of this Code.~~

7 (b) Exemptions. This Section does not apply to or affect
8 any person authorized under Section 24-14 ~~24-2.1~~ to
9 manufacture, sell, purchase, possess, or carry any armor
10 piercing bullet or any dragon's breath shotgun shell, bolo
11 shell, or flechette shell with respect to activities which are
12 within the lawful scope of the exemption therein granted.

13 (c) An information or indictment based upon a violation of
14 this Section need not negate any exemption herein contained.
15 The defendant shall have the burden of proving such an
16 exemption and that the activities forming the basis of any
17 criminal charge brought pursuant to this Section were within
18 the lawful scope of such exemption.

19 (d) Sentence. A violation of this Section is a Class 4
20 felony.

21 (Source: P.A. 92-423, eff. 1-1-02.)

22 (720 ILCS 5/24-22) (was 720 ILCS 5/24-3.4)

23 Sec. 24-22 ~~24-3.4~~. Unlawful sale of firearms by liquor
24 licensee.

25 (a) A person who holds a license to sell at retail any

1 alcoholic liquor issued by the Illinois Liquor Control
2 Commission or local liquor control commissioner under the
3 Liquor Control Act of 1934 or an agent or employee of the
4 licensee commits the offense of Unlawful sale of firearms by
5 liquor licensee when he or she knowingly or recklessly sells or
6 delivers ~~It shall be unlawful for any person who holds a~~
7 ~~license to sell at retail any alcoholic liquor issued by the~~
8 ~~Illinois Liquor Control Commission or local liquor control~~
9 ~~commissioner under the Liquor Control Act of 1934 or an agent~~
10 ~~or employee of the licensee to sell or deliver to any other~~
11 person a firearm in or on the real property of the
12 establishment where the licensee is licensed to sell alcoholic
13 liquors unless the sale or delivery of the firearm is otherwise
14 lawful under this Article and under the Firearm Owners
15 Identification Card Act.

16 (b) Sentence. A violation of subsection (a) of this Section
17 is a Class 4 felony.

18 (Source: P.A. 87-591.)

19 (720 ILCS 5/24-23) (was 720 ILCS 5/24-3.3)

20 Sec. 24-23 ~~24-3.3~~. Unlawful sale ~~sale~~ or delivery ~~Delivery~~
21 of firearms ~~Firearms~~ on the premises ~~Premises~~ of any school ~~Any~~
22 ~~School~~, regardless of the time of day or the time of year, or
23 any conveyance owned, leased or contracted by a school to
24 transport students to or from school or a school related
25 activity, or residential property owned, operated or managed by

1 a public housing agency.

2 (a) A ~~Any~~ person 18 years of age or older violates this
3 Section when he or she knowingly or recklessly ~~who~~ sells, gives
4 or delivers any firearm to any person under 18 years of age in
5 any school, regardless of the time of day or the time of year
6 or residential property owned, operated or managed by a public
7 housing agency or leased by a public housing agency as part of
8 a scattered site or mixed-income development, on the real
9 property comprising any school, regardless of the time of day
10 or the time of year or residential property owned, operated or
11 managed by a public housing agency or leased by a public
12 housing agency as part of a scattered site or mixed-income
13 development ~~commits a Class 3 felony. School is defined, for~~
14 ~~the purposes of this Section, as any public or private~~
15 ~~elementary or secondary school, community college, college or~~
16 ~~university.~~

17 (b) Sentence. A violation of this Section is a Class 3
18 felony.

19 (c) This does not apply to peace officers or to students
20 carrying or possessing firearms for use in school training
21 courses, parades, target shooting on school ranges, or
22 otherwise with the consent of school authorities and which
23 firearms are transported unloaded and enclosed in a suitable
24 case, box or transportation package.

25 (Source: P.A. 91-673, eff. 12-22-99.)

1 (720 ILCS 5/24-24) (was 720 ILCS 5/24-3)

2 Sec. 24-24 ~~24-3~~. Unlawful Sale of Firearms; Gunrunning.

3 (A) Unlawful sale of firearms. A person commits the offense
4 of Unlawful ~~unlawful~~ sale of firearms when he or she knowingly
5 does any of the following:

6 (a) Sells or gives any firearm of a size which may be
7 concealed upon the person to any person under 18 years of
8 age.

9 (b) Sells or gives any firearm to a person under 21
10 years of age who has been convicted of a misdemeanor other
11 than a traffic offense or adjudged delinquent.

12 (c) Sells or gives any firearm to any narcotic addict.

13 (d) Sells or gives any firearm to any person who has
14 been convicted of a felony under the laws of this or any
15 other jurisdiction.

16 (e) Sells or gives any firearm to any person who has
17 been a patient in a mental hospital within the past 5
18 years.

19 (f) Sells or gives any firearms to any person who is
20 mentally retarded.

21 (g) Delivers any firearm of a size which may be
22 concealed upon the person, incidental to a sale, without
23 withholding delivery of such firearm for at least 72 hours
24 after application for its purchase has been made, or
25 delivers any rifle, shotgun or other long gun, or a stun
26 gun or taser, incidental to a sale, without withholding

1 delivery of such rifle, shotgun or other long gun, or a
2 stun gun or taser for at least 24 hours after application
3 for its purchase has been made. However, this paragraph (g)
4 does not apply to: (1) the sale of a firearm to a law
5 enforcement officer if the seller of the firearm knows that
6 the person to whom he or she is selling the firearm is a
7 law enforcement officer or the sale of a firearm to a
8 person who desires to purchase a firearm for use in
9 promoting the public interest incident to his or her
10 employment as a bank guard, armed truck guard, or other
11 similar employment; (2) a mail order sale of a firearm to a
12 nonresident of Illinois under which the firearm is mailed
13 to a point outside the boundaries of Illinois; (3) the sale
14 of a firearm to a nonresident of Illinois while at a
15 firearm showing or display recognized by the Illinois
16 Department of State Police; or (4) the sale of a firearm to
17 a dealer licensed as a federal firearms dealer under
18 Section 923 of the federal Gun Control Act of 1968 (18
19 U.S.C. 923). For purposes of this paragraph (g),
20 "application" means when the buyer and seller reach an
21 agreement to purchase a firearm.

22 (h) While holding any license as a dealer, importer,
23 manufacturer or pawnbroker under the federal Gun Control
24 Act of 1968, manufactures, sells or delivers to any
25 unlicensed person a handgun having a barrel, slide, frame
26 or receiver which is a die casting of zinc alloy or any

1 other nonhomogeneous metal which will melt or deform at a
2 temperature of less than 800 degrees Fahrenheit. ~~For~~
3 ~~purposes of this paragraph, (1) "firearm" is defined as in~~
4 ~~the Firearm Owners Identification Card Act; and (2)~~
5 ~~"handgun" is defined as a firearm designed to be held and~~
6 ~~fired by the use of a single hand, and includes a~~
7 ~~combination of parts from which such a firearm can be~~
8 ~~assembled.~~

9 (i) Sells or gives a firearm of any size to any person
10 under 18 years of age who does not possess a valid Firearm
11 Owner's Identification Card.

12 (j) Sells or gives a firearm while engaged in the
13 business of selling firearms at wholesale or retail without
14 being licensed as a federal firearms dealer under Section
15 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
16 In this paragraph (j):

17 A person "engaged in the business" means a person who
18 devotes time, attention, and labor to engaging in the
19 activity as a regular course of trade or business with the
20 principal objective of livelihood and profit, but does not
21 include a person who makes occasional repairs of firearms
22 or who occasionally fits special barrels, stocks, or
23 trigger mechanisms to firearms.

24 "With the principal objective of livelihood and
25 profit" means that the intent underlying the sale or
26 disposition of firearms is predominantly one of obtaining

1 livelihood and pecuniary gain, as opposed to other intents,
2 such as improving or liquidating a personal firearms
3 collection; however, proof of profit shall not be required
4 as to a person who engages in the regular and repetitive
5 purchase and disposition of firearms for criminal purposes
6 or terrorism.

7 (k) Sells or transfers ownership of a firearm to a
8 person who does not display to the seller or transferor of
9 the firearm a currently valid Firearm Owner's
10 Identification Card that has previously been issued in the
11 transferee's name by the Department of State Police under
12 the provisions of the Firearm Owners Identification Card
13 Act. This paragraph (k) does not apply to the transfer of a
14 firearm to a person who is exempt from the requirement of
15 possessing a Firearm Owner's Identification Card under
16 Section 2 of the Firearm Owners Identification Card Act.
17 For the purposes of this Section, a currently valid Firearm
18 Owner's Identification Card means (i) a Firearm Owner's
19 Identification Card that has not expired or (ii) if the
20 transferor is licensed as a federal firearms dealer under
21 Section 923 of the federal Gun Control Act of 1968 (18
22 U.S.C. 923), an approval number issued in accordance with
23 Section 3.1 of the Firearm Owners Identification Card Act
24 shall be proof that the Firearm Owner's Identification Card
25 was valid.

26 (B) Paragraph (h) of subsection (A) does not include

1 firearms sold within 6 months after enactment of Public Act
2 78-355 (approved August 21, 1973, effective October 1, 1973),
3 nor is any firearm legally owned or possessed by any citizen or
4 purchased by any citizen within 6 months after the enactment of
5 Public Act 78-355 subject to confiscation or seizure under the
6 provisions of that Public Act. Nothing in Public Act 78-355
7 shall be construed to prohibit the gift or trade of any firearm
8 if that firearm was legally held or acquired within 6 months
9 after the enactment of that Public Act.

10 (C) Sentence.

11 (1) Any person convicted of unlawful sale of firearms
12 in violation of any of paragraphs (c) through (h) of
13 subsection (A) commits a Class 4 felony.

14 (2) Any person convicted of unlawful sale of firearms
15 in violation of paragraph (b) or (i) of subsection (A)
16 commits a Class 3 felony.

17 (3) Any person convicted of unlawful sale of firearms
18 in violation of paragraph (a) of subsection (A) commits a
19 Class 2 felony.

20 (4) Any person convicted of unlawful sale of firearms
21 in violation of paragraph (a), (b), or (i) of subsection
22 (A) in any school, on the real property comprising a
23 school, within 1,000 feet of the real property comprising a
24 school, at a school related activity, or on or within 1,000
25 feet of any conveyance owned, leased, or contracted by a
26 school or school district to transport students to or from

1 school or a school related activity, regardless of the time
2 of day or time of year at which the offense was committed,
3 commits a Class 1 felony. Any person convicted of a second
4 or subsequent violation of unlawful sale of firearms in
5 violation of paragraph (a), (b), or (i) of subsection (A)
6 in any school, on the real property comprising a school,
7 within 1,000 feet of the real property comprising a school,
8 at a school related activity, or on or within 1,000 feet of
9 any conveyance owned, leased, or contracted by a school or
10 school district to transport students to or from school or
11 a school related activity, regardless of the time of day or
12 time of year at which the offense was committed, commits a
13 Class 1 felony for which the sentence shall be a term of
14 imprisonment of no less than 5 years and no more than 15
15 years.

16 (5) Any person convicted of unlawful sale of firearms
17 in violation of paragraph (a) or (i) of subsection (A) in
18 residential property owned, operated, or managed by a
19 public housing agency or leased by a public housing agency
20 as part of a scattered site or mixed-income development, in
21 a public park, in a courthouse, on residential property
22 owned, operated, or managed by a public housing agency or
23 leased by a public housing agency as part of a scattered
24 site or mixed-income development, on the real property
25 comprising any public park, on the real property comprising
26 any courthouse, or on any public way within 1,000 feet of

1 the real property comprising any public park, courthouse,
2 or residential property owned, operated, or managed by a
3 public housing agency or leased by a public housing agency
4 as part of a scattered site or mixed-income development
5 commits a Class 2 felony.

6 (6) Any person convicted of unlawful sale of firearms
7 in violation of paragraph (j) of subsection (A) commits a
8 Class A misdemeanor. A second or subsequent violation is a
9 Class 4 felony.

10 (7) Any person convicted of unlawful sale of firearms
11 in violation of paragraph (k) of subsection (A) commits a
12 Class 4 felony. A third or subsequent conviction for a
13 violation of paragraph (k) of subsection (A) is a Class 1
14 felony.

15 (8) Gunrunning. A violation of this Section when a
16 person transfers:

17 (a) 3 or more firearms is a Class 1 felony;

18 (b) 3 or more firearms to a person who, at the time
19 of the commission of the offense, is under 18 years of
20 age is a Class X felony;

21 (c) not less than 11 firearms and not more than 20
22 firearms is a Class X felony for which the sentence
23 shall be a term of imprisonment of not less than 8
24 years and not more than 40 years;

25 (d) more than 20 firearms is a Class X felony for
26 which the sentence shall be a term of imprisonment of

1 not less than 10 years and not more than 50 years;

2 (D) ~~For purposes of this Section:~~

3 ~~"School" means a public or private elementary or secondary~~
4 ~~school, community college, college, or university.~~

5 ~~"School related activity" means any sporting, social,~~
6 ~~academic, or other activity for which students' attendance or~~
7 ~~participation is sponsored, organized, or funded in whole or in~~
8 ~~part by a school or school district.~~

9 ~~(E)~~ A prosecution for a violation of paragraph (k) of
10 subsection (A) of this Section may be commenced within 6 years
11 after the commission of the offense. A prosecution for a
12 violation of this Section other than paragraph (g) of
13 subsection (A) of this Section may be commenced within 5 years
14 after the commission of the offense defined in the particular
15 paragraph.

16 (Source: P.A. 93-162, eff. 7-10-03; 93-906, eff. 8-11-04; 94-6,
17 eff. 1-1-06; 94-284, eff. 7-21-05; revised 8-19-05.)

18 (720 ILCS 5/24-25) (was 720 ILCS 5/24-3.5)

19 Sec. 24-25 ~~24-3.5~~. Unlawful purchase of a firearm.

20 (a) Definitions. For purposes of this Section, "firearms
21 transaction record form" means a form:

22 (1) executed by a transferee of a firearm stating: (i)
23 the transferee's name and address (including county or
24 similar political subdivision); (ii) whether the
25 transferee is a citizen of the United States; (iii) the

1 transferee's State of residence; and (iv) the date and
2 place of birth, height, weight, and race of the transferee;
3 and

4 (2) on which the transferee certifies that he or she is
5 not prohibited by federal law from transporting or shipping
6 a firearm in interstate or foreign commerce or receiving a
7 firearm that has been shipped or transported in interstate
8 or foreign commerce or possessing a firearm in or affecting
9 commerce.

10 (b) A person commits the offense of Unlawful ~~unlawful~~
11 purchase of a firearm when he or she ~~who~~ knowingly purchases or
12 attempts to purchase a firearm with the intent to deliver that
13 firearm to another person who is prohibited by federal or State
14 law from possessing a firearm.

15 (c) A person commits the offense of Unlawful ~~unlawful~~
16 purchase of a firearm when he or she, in purchasing or
17 attempting to purchase a firearm, intentionally provides false
18 or misleading information on a United States Department of the
19 Treasury, Bureau of Alcohol, Tobacco and Firearms firearms
20 transaction record form.

21 (d) Exemption. It is not a violation of subsection (b) of
22 this Section for a person to make a gift or loan of a firearm to
23 a person who is not prohibited by federal or State law from
24 possessing a firearm if the transfer of the firearm is made in
25 accordance with Section 3 of the Firearm Owners Identification
26 Card Act.

1 (e) Sentence.

2 (1) A person who commits the offense of Unlawful
3 ~~unlawful~~ purchase of a firearm:

4 (A) is guilty of a Class 4 felony for purchasing or
5 attempting to purchase one firearm;

6 (B) is guilty of a Class 3 felony for purchasing or
7 attempting to purchase not less than 2 firearms and not
8 more than 5 firearms at the same time or within a one
9 year period;

10 (C) is guilty of a Class 2 felony for purchasing or
11 attempting to purchase not less than 6 firearms and not
12 more than 10 firearms at the same time or within a 2
13 year period;

14 (D) is guilty of a Class 1 felony for purchasing or
15 attempting to purchase not less than 11 firearms and
16 not more than 20 firearms at the same time or within a
17 3 year period;

18 (E) is guilty of a Class X felony for which the
19 person shall be sentenced to a term of imprisonment of
20 not less than 6 years and not more than 30 years for
21 purchasing or attempting to purchase not less than 21
22 firearms and not more than 30 firearms at the same time
23 or within a 4 year period;

24 (F) is guilty of a Class X felony for which the
25 person shall be sentenced to a term of imprisonment of
26 not less than 6 years and not more than 40 years for

1 purchasing or attempting to purchase not less than 31
2 firearms and not more than 40 firearms at the same time
3 or within a 5 year period;

4 (G) is guilty of a Class X felony for which the
5 person shall be sentenced to a term of imprisonment of
6 not less than 6 years and not more than 50 years for
7 purchasing or attempting to purchase more than 40
8 firearms at the same time or within a 6 year period.

9 (2) In addition to any other penalty that may be
10 imposed for a violation of this Section, the court may
11 sentence a person convicted of a violation of subsection
12 (c) of this Section to a fine not to exceed \$250,000 for
13 each violation.

14 (f) A prosecution for unlawful purchase of a firearm may be
15 commenced within 6 years after the commission of the offense.

16 (Source: P.A. 93-451, eff. 8-7-03; 93-906, eff. 8-11-04.)

17 (720 ILCS 5/24-26) (was 720 ILCS 5/24-1.7)

18 Sec. 24-26 ~~24-1.7~~. Armed habitual criminal.

19 (a) A person commits the offense of being an armed habitual
20 criminal if he or she knowingly receives, sells, possesses, or
21 transfers any firearm after having been convicted a total of 2
22 or more times of any combination of the following offenses:

23 (1) a forcible felony as defined in Section 2-8 of this
24 Code;

25 (2) unlawful use of a weapon by a felon; aggravated

1 unlawful use of a weapon; aggravated discharge of a
2 firearm; vehicular hijacking; aggravated vehicular
3 hijacking; aggravated battery of a child; intimidation;
4 aggravated intimidation; gunrunning; home invasion; or
5 aggravated battery with a firearm; or

6 (3) any violation of the Illinois Controlled
7 Substances Act or the Cannabis Control Act that is
8 punishable as a Class 3 felony or higher.

9 (b) Sentence. Being an armed habitual criminal is a Class X
10 felony.

11 (Source: P.A. 94-398, eff. 8-2-05.)

12 (720 ILCS 5/Art. 24, Div. III heading new)

13 DIVISION III. PROCEDURAL AND REGULATORY OFFENSES

14 (720 ILCS 5/24-31) (was 720 ILCS 5/24-4)

15 Sec. 24-31 ~~24-4~~. Register of sales by dealer.

16 (a) A ~~Any~~ seller of firearms of a size which may be
17 concealed upon the person, other than a manufacturer selling to
18 a bona fide wholesaler or retailer or a wholesaler selling to a
19 bona fide retailer, commits the offense of Register of sales by
20 dealer when he or she fails to ~~shall keep a~~ register ~~of~~ all
21 firearms sold or given away.

22 (b) Such register shall contain the date of the sale or
23 gift, the name, address, age and occupation of the person to
24 whom the weapon is sold or given, the price of the weapon, the

1 kind, description and number of the weapon, and the purpose for
2 which it is purchased and obtained.

3 (c) Such seller on demand of a peace officer shall produce
4 for inspection the register and allow such peace officer to
5 inspect such register and all stock on hand.

6 (d) Sentence.

7 Violation of this Section is a Class B misdemeanor.

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

9 (720 ILCS 5/24-32) (was 720 ILCS 5/24-6)

10 Sec. 24-32 ~~24-6~~. Confiscation and disposition of weapons.

11 (a) Upon conviction of an offense in which a weapon was
12 used or possessed by the offender, any weapon seized shall be
13 confiscated by the trial court.

14 (b) Any stolen weapon so confiscated, when no longer needed
15 for evidentiary purposes, shall be returned to the person
16 entitled to possession, if known. After the disposition of a
17 criminal case or in any criminal case where a final judgment in
18 the case was not entered due to the death of the defendant, and
19 when a confiscated weapon is no longer needed for evidentiary
20 purposes, and when in due course no legitimate claim has been
21 made for the weapon, the court may transfer the weapon to the
22 sheriff of the county who may proceed to destroy it, or may in
23 its discretion order the weapon preserved as property of the
24 governmental body whose police agency seized the weapon, or may
25 in its discretion order the weapon to be transferred to the

1 Department of State Police for use by the crime laboratory
2 system, for training purposes, or for any other application as
3 deemed appropriate by the Department. If, after the disposition
4 of a criminal case, a need still exists for the use of the
5 confiscated weapon for evidentiary purposes, the court may
6 transfer the weapon to the custody of the State Department of
7 Corrections for preservation. The court may not order the
8 transfer of the weapon to any private individual or private
9 organization other than to return a stolen weapon to its
10 rightful owner.

11 The provisions of this Section shall not apply to
12 violations of the Fish and Aquatic Life Code or the Wildlife
13 Code. Confiscation of weapons for Fish and Aquatic Life Code
14 and Wildlife Code violations shall be only as provided in those
15 Codes.

16 (c) Any mental hospital that admits a person as an
17 inpatient pursuant to any of the provisions of the Mental
18 Health and Developmental Disabilities Code shall confiscate
19 any firearms in the possession of that person at the time of
20 admission, or at any time the firearms are discovered in the
21 person's possession during the course of hospitalization. The
22 hospital shall, as soon as possible following confiscation,
23 transfer custody of the firearms to the appropriate law
24 enforcement agency. The hospital shall give written notice to
25 the person from whom the firearm was confiscated of the
26 identity and address of the law enforcement agency to which it

1 has given the firearm.

2 The law enforcement agency shall maintain possession of any
3 firearm it obtains pursuant to this subsection for a minimum of
4 90 days. Thereafter, the firearm may be disposed of pursuant to
5 the provisions of subsection (b) of this Section.

6 (Source: P.A. 91-696, eff. 4-13-00.)

7 (720 ILCS 5/24-33) (was 720 ILCS 5/24-7)

8 Sec. 24-33 ~~24-7~~. Weapons offenses; ~~community service~~. In
9 addition to any other sentence that may be imposed, a court
10 shall order any person convicted of a violation of this Article
11 to perform community service for not less than 30 and not more
12 than 120 hours, if community service is available in the
13 jurisdiction and is funded and approved by the county board of
14 the county where the offense was committed. In addition,
15 whenever any person is placed on supervision for an alleged
16 offense under this Article, the supervision shall be
17 conditioned upon the performance of the community service.

18 This Section does not apply when the court imposes a
19 sentence of incarceration.

20 (Source: P.A. 88-558, eff. 1-1-95; 89-8, eff. 3-21-95.)

21 (720 ILCS 5/24-34) (was 720 ILCS 5/24-8)

22 Sec. 24-34 ~~24-8~~. Firearm tracing.

23 (a) Upon recovering a firearm from the possession of anyone
24 who is not permitted by federal or State law to possess a

1 firearm, a local law enforcement agency shall use the best
2 available information, including a firearms trace when
3 necessary, to determine how and from whom the person gained
4 possession of the firearm. Upon recovering a firearm that was
5 used in the commission of any offense classified as a felony or
6 upon recovering a firearm that appears to have been lost,
7 mislaid, stolen, or otherwise unclaimed, a local law
8 enforcement agency shall use the best available information,
9 including a firearms trace when necessary, to determine prior
10 ownership of the firearm.

11 (b) Local law enforcement shall, when appropriate, use the
12 National Tracing Center of the Federal Bureau of Alcohol,
13 Tobacco and Firearms in complying with subsection (a) of this
14 Section.

15 (c) Local law enforcement agencies shall use the Illinois
16 Department of State Police Law Enforcement Agencies Data System
17 (LEADS) Gun File to enter all stolen, seized, or recovered
18 firearms as prescribed by LEADS regulations and policies.

19 (Source: P.A. 91-364, eff. 1-1-00; 92-300, eff. 1-1-02.)

20 (720 ILCS 5/24-35) (was 720 ILCS 5/24-9)

21 Sec. 24-35 ~~24-9~~. Firearms and Child Protection.

22 (a) Firearms and child protection. Except as provided in
23 subsection (c), a person commits the offense of Firearms and
24 child protection when he or she stores or leaves ~~it is unlawful~~
25 ~~for any person to store or leave~~, within premises under his or

1 her control, a firearm if he or she ~~the person~~ knows or has
2 reason to know ~~believe~~ that a minor under the age of 14 years
3 who does not have a Firearm Owners Identification Card is
4 likely to gain access to the firearm without the lawful
5 permission of the minor's parent, guardian, or person having
6 charge of the minor, and the minor causes death or great bodily
7 harm with the firearm, unless the firearm is:

8 (1) secured by a device or mechanism, other than the
9 firearm safety, designed to render a firearm temporarily
10 inoperable; or

11 (2) placed in a securely locked box or container; or

12 (3) placed in some other location that a reasonable
13 person would believe to be secure from a minor under the
14 age of 14 years.

15 (b) Sentence. A person who violates this Section is guilty
16 of a Class C misdemeanor and shall be fined not less than
17 \$1,000. A second or subsequent violation of this Section is a
18 Class A misdemeanor.

19 (c) Subsection (a) does not apply:

20 (1) if the minor under 14 years of age gains access to
21 a firearm and uses it in a lawful act of self-defense or
22 defense of another; or

23 (2) to any firearm obtained by a minor under the age of
24 14 because of an unlawful entry of the premises by the
25 minor or another person.

26 ~~(d) For the purposes of this Section, "firearm" has the~~

1 ~~meaning ascribed to it in Section 1.1 of the Firearm Owners~~
2 ~~Identification Card Act.~~

3 (Source: P.A. 91-18, eff. 1-1-00.)

4 (720 ILCS 5/24-36) (was 720 ILCS 5/24-10)

5 Sec. 24-36 ~~24-10~~. Affirmative defense to a violation of a
6 municipal ~~Municipal~~ ordinance regulating firearms; ~~affirmative~~
7 ~~defense to a violation~~. It is an affirmative defense to a
8 violation of a municipal ordinance that prohibits, regulates,
9 or restricts the private ownership of firearms if the
10 individual who is charged with the violation used the firearm
11 in an act of self-defense or defense of another as defined in
12 Sections 7-1 and 7-2 of this Code when on his or her land or in
13 his or her abode or fixed place of business.

14 (Source: P.A. 93-1048, eff. 11-16-04.)

15 (720 ILCS 5/Art. 24, Div. IV heading new)

16 DIVISION IV. MISCELLANEOUS

17 (720 ILCS 5/24-41 new)

18 Sec. 24-41. Jackrocks.

19 (a) A person who knowingly sells, gives away, manufactures,
20 purchases, or possesses a jackrock or who knowingly places,
21 tosses, or throws a jackrock on public or private property
22 commits a Class A misdemeanor.

23 (b) As used in this Section, "jackrock" means a caltrop or

1 other object manufactured with one or more rounded or sharpened
2 points, which when placed or thrown present at least one point
3 at such an angle that it is peculiar to and designed for use in
4 puncturing or damaging vehicle tires. It does not include a
5 device designed to puncture or damage the tires of a vehicle
6 driven over it in a particular direction, if a conspicuous and
7 clearly visible warning is posted at the device's location,
8 alerting persons to its presence.

9 (c) This Section does not apply to the possession,
10 transfer, or use of jackrocks by any law enforcement officer in
11 the course of his or her official duties.

12 (720 ILCS 5/24-42 new)

13 Sec. 24-42. Unauthorized possession or storage of weapons.

14 (a) A person commits the offense of unauthorized possession
15 or storage of weapons when he or she possesses or stores any
16 weapon enumerated in Section 33A-1 in any building or on land
17 supported in whole or in part with public funds or in any
18 building on such land without prior written permission from the
19 chief security officer for such land or building.

20 (b) Unauthorized possession or storage of weapons is a
21 Class A misdemeanor.

22 (c) The chief security officer must grant any reasonable
23 request for permission under paragraph (a).

24 (720 ILCS 5/24-43 new)

1 Sec. 24-43. Possession of a stolen firearm.

2 (a) A person commits the offense of possession of a stolen
3 firearm when he or she, not being entitled to the possession of
4 a firearm, possesses or delivers the firearm, knowing it to
5 have been stolen or converted. It may be inferred that a person
6 who possesses a firearm with knowledge that its serial number
7 has been removed or altered has knowledge that the firearm is
8 stolen or converted.

9 (b) Possession of a stolen firearm is a Class 2 felony.

10 (720 ILCS 5/24-44 new)

11 Sec. 24-44. Aggravated possession of a stolen firearm.

12 (a) A person commits the offense of aggravated possession
13 of a stolen firearm when he or she:

14 (1) Not being entitled to the possession of not less
15 than 2 and not more than 5 firearms, possesses or delivers
16 those firearms at the same time or within a one year
17 period, knowing the firearms to have been stolen or
18 converted.

19 (2) Not being entitled to the possession of not less
20 than 6 and not more than 10 firearms, possesses or delivers
21 those firearms at the same time or within a 2 year period,
22 knowing the firearms to have been stolen or converted.

23 (3) Not being entitled to the possession of not less
24 than 11 and not more than 20 firearms, possesses or
25 delivers those firearms at the same time or within a 3 year

1 period, knowing the firearms to have been stolen or
2 converted.

3 (4) Not being entitled to the possession of not less
4 than 21 and not more than 30 firearms, possesses or
5 delivers those firearms at the same time or within a 4 year
6 period, knowing the firearms to have been stolen or
7 converted.

8 (5) Not being entitled to the possession of more than
9 31 firearms, possesses or delivers those firearms at the
10 same time or within a 5 year period, knowing the firearms
11 to have been stolen or converted.

12 (b) The trier of fact may infer that a person who possesses
13 a firearm with knowledge that its serial number has been
14 removed or altered has knowledge that the firearm is stolen or
15 converted.

16 (c) Sentence.

17 (1) A person who violates paragraph (1) of subsection
18 (a) of this Section commits a Class 1 felony.

19 (2) A person who violates paragraph (2) of subsection
20 (a) of this Section commits a Class X felony for which he
21 or she shall be sentenced to a term of imprisonment of not
22 less than 6 years and not more than 30 years.

23 (3) A person who violates paragraph (3) of subsection
24 (a) of this Section commits a Class X felony for which he
25 or she shall be sentenced to a term of imprisonment of not
26 less than 6 years and not more than 40 years.

1 (4) A person who violates paragraph (4) of subsection
2 (a) of this Section commits a Class X felony for which he
3 or she shall be sentenced to a term of imprisonment of not
4 less than 6 years and not more than 50 years.

5 (5) A person who violates paragraph (5) of subsection
6 (a) of this Section commits a Class X felony for which he
7 or she shall be sentenced to a term of imprisonment of not
8 less than 6 years and not more than 60 years.

9 (720 ILCS 5/24-45 new)

10 Sec. 24-45. Unlawful use of body armor.

11 (a) Definitions. For purposes of this Section:

12 (1) "Body armor" means any one of the following:

13 (A) A military style flak or tactical assault vest
14 which is made of Kevlar or any other similar material
15 or metal, fiberglass, plastic, and nylon plates and
16 designed to be worn over one's clothing for the
17 intended purpose of stopping not only missile
18 fragmentation from mines, grenades, mortar shells, and
19 artillery fire but also fire from rifles, machine guns,
20 and small arms.

21 (B) Soft body armor which is made of Kevlar or any
22 other similar material or metal or any other type of
23 insert and which is lightweight and pliable and which
24 can be easily concealed under a shirt.

25 (C) A military style recon/surveillance vest which

1 is made of Kevlar or any other similar material and
2 which is lightweight and designed to be worn over one's
3 clothing.

4 (D) Protective casual clothing which is made of
5 Kevlar or any other similar material and which was
6 originally intended to be used by undercover law
7 enforcement officers or dignitaries and is designed to
8 look like jackets, coats, raincoats, quilted or three
9 piece suit vests.

10 (2) "Dangerous weapon" means a Category I, Category II,
11 or Category III weapon as defined in Section 33A-1 of this
12 Code.

13 (b) Unlawful use of body armor. A person commits the
14 offense of unlawful use of body armor when he knowingly wears
15 body armor and is in possession of a dangerous weapon, other
16 than a firearm, in the commission or attempted commission of
17 any offense.

18 (c) Sentence. A person convicted of unlawful use of body
19 armor for a first offense shall be guilty of a Class A
20 misdemeanor and for a second or subsequent offense shall be
21 guilty of a Class 4 felony.

22 (720 ILCS 5/25-1) (from Ch. 38, par. 25-1)

23 Sec. 25-1. Mob action.

24 (a) A person commits the offense of mob ~~Mob~~ action when he
25 or she engages in ~~consists of~~ any of the following:

1 (1) The knowing or reckless use of force or violence
2 disturbing the public peace by 2 or more persons acting
3 together and without authority of law; or

4 (2) The knowing assembly of 2 or more persons with the
5 intent to commit or facilitate the commission of a felony
6 or misdemeanor ~~to do an unlawful act~~; or

7 (3) The knowing assembly of 2 or more persons, without
8 authority of law, for the purpose of doing violence to the
9 person or property of any one supposed to have been guilty
10 of a violation of the law, or for the purpose of exercising
11 correctional powers or regulative powers over any person by
12 violence.

13 (b) Mob action as defined in paragraph (1) of subsection
14 (a) is a Class 4 felony.

15 (c) Mob action as defined in paragraphs (2) and (3) of
16 subsection (a) is a Class C misdemeanor.

17 (d) Any participant in a mob action which shall by violence
18 inflict injury to the person or property of another commits a
19 Class 4 felony.

20 (e) Any participant in a mob action who does not withdraw
21 on being commanded to do so by any peace officer commits a
22 Class A misdemeanor.

23 (f) In addition to any other sentence that may be imposed,
24 a court shall order any person convicted of mob action to
25 perform community service for not less than 30 and not more
26 than 120 hours, if community service is available in the

1 jurisdiction and is funded and approved by the county board of
2 the county where the offense was committed. In addition,
3 whenever any person is placed on supervision for an alleged
4 offense under this Section, the supervision shall be
5 conditioned upon the performance of the community service.

6 This subsection does not apply when the court imposes a
7 sentence of incarceration.

8 (Source: P.A. 88-558, eff. 1-1-95; 89-8, eff. 3-21-95.)

9 (720 ILCS 5/25-4 new)

10 Sec. 25-4. Looting by individuals.

11 (a) A person commits looting when he knowingly without
12 authority of law or the owner enters any home or dwelling or
13 upon any premises of another, or enters any commercial,
14 mercantile, business or industrial building, plant or
15 establishment, in which normal security of property is not
16 present by virtue of a hurricane, fire or vis major of any kind
17 or by virtue of a riot, mob, or other human agency and obtains
18 or exerts control over property of the owner.

19 (b) Sentence. Looting is a Class 4 felony. In addition to
20 any other penalty imposed, the Court shall impose a sentence of
21 at least 100 hours of community service as determined by the
22 Court and shall require the defendant to make restitution to
23 the owner of the property looted pursuant to Section 5-5-6 of
24 the Unified Code of Corrections.

1 (720 ILCS 5/25-5) (was 720 ILCS 5/25-1.1)

2 Sec. 25-5 ~~25-1.1~~. Unlawful contact with streetgang
3 members.

4 (a) A person commits the offense of unlawful contact with
5 streetgang members when:

6 (1) He or she knowingly has direct or indirect contact
7 with a streetgang member as defined in Section 10 of the
8 Illinois Streetgang Terrorism Omnibus Prevention Act after
9 having been sentenced to probation, conditional discharge,
10 or supervision for a criminal offense with a condition of
11 such sentence being to refrain from direct or indirect
12 contact with a streetgang member or members; or

13 (2) He or she knowingly has direct or indirect contact
14 with a streetgang member as defined in Section 10 of the
15 Illinois Streetgang Terrorism Omnibus Prevention Act after
16 having been released on bond for any criminal offense with
17 a condition of such bond being to refrain from direct or
18 indirect contact with a streetgang member or members.

19 (b) Unlawful contact with streetgang members is a Class A
20 misdemeanor.

21 (c) This Section does not apply to a person when the only
22 streetgang member or members he or she is with is a family or
23 household member or members as defined in paragraph (3) of
24 Section 112A-3 of the Code of Criminal Procedure of 1963 and
25 the streetgang members are not engaged in any streetgang
26 related activity.

1 (Source: P.A. 90-795, eff. 8-14-98; 91-357, eff. 7-29-99.)

2 (720 ILCS 5/25-6) (was 720 ILCS 5/25-2)

3 Sec. 25-6 ~~25-2~~. Removal of chief of police or sheriff for
4 allowing a person in his or her custody to be lynched.

5 (a) If a prisoner is taken from the custody of any
6 policeman or chief of police of any city, town or village and
7 lynched, it shall be prima facie evidence of wrong-doing on the
8 part of such chief of police and he shall be suspended. The
9 mayor or chief executive of such city, town or village shall
10 appoint an acting chief of police until he has ascertained
11 whether the suspended chief of police has done all in his power
12 to protect the life of the prisoner. If, upon hearing all
13 evidence and argument, the mayor or chief executive finds that
14 the chief of police has done his utmost to protect the
15 prisoner, he may reinstate the chief of police; but, if he
16 finds the chief of police guilty of not properly protecting the
17 prisoner, a new chief of police shall be appointed. Any chief
18 of police replaced shall not be eligible to serve again in such
19 office.

20 (b) If a prisoner is taken from the custody of any sheriff
21 or his deputy and lynched, it shall be prima facie evidence of
22 wrong-doing on the part of such sheriff and he shall be
23 suspended. The governor shall appoint an acting sheriff until
24 he has ascertained whether the suspended sheriff has done all
25 in his power to protect the life of the prisoner. If, upon

1 hearing all evidence and argument, the governor finds that the
2 sheriff has done his utmost to protect the prisoner, he shall
3 reinstate the sheriff; but, if he finds the sheriff guilty of
4 not properly protecting the prisoner, a new sheriff shall be
5 duly elected or appointed, pursuant to the existing law
6 provided for the filling of vacancies in such office. Any
7 sheriff replaced shall not be eligible to serve again in such
8 office.

9 (Source: Laws 1961, p. 1983.)

10 (720 ILCS 5/26-1) (from Ch. 38, par. 26-1)

11 Sec. 26-1. Disorderly conduct ~~Elements of the Offense.~~

12 (a) Disorderly conduct. A person commits the offense of
13 disorderly conduct when he knowingly:

14 (1) Does any act in such unreasonable manner as to
15 alarm or disturb another and to provoke a breach of the
16 peace; or

17 (2) Enters upon the property of another and for a lewd
18 or unlawful purpose deliberately looks into a dwelling on
19 the property through any window or other opening in it; or

20 (3) While acting as a collection agency as defined in
21 the Collection Agency Act or as an employee of such
22 collection agency, and while attempting to collect an
23 alleged debt, makes a telephone call to the alleged debtor
24 which is designed to harass, annoy or intimidate the
25 alleged debtor; or

1 ~~(2) Transmits or causes to be transmitted in any manner~~
2 ~~to the fire department of any city, town, village or fire~~
3 ~~protection district a false alarm of fire, knowing at the~~
4 ~~time of such transmission that there is no reasonable~~
5 ~~ground for believing that such fire exists; or~~

6 ~~(3) Transmits or causes to be transmitted in any manner~~
7 ~~to another a false alarm to the effect that a bomb or other~~
8 ~~explosive of any nature or a container holding poison gas,~~
9 ~~a deadly biological or chemical contaminant, or~~
10 ~~radioactive substance is concealed in such place that its~~
11 ~~explosion or release would endanger human life, knowing at~~
12 ~~the time of such transmission that there is no reasonable~~
13 ~~ground for believing that such bomb, explosive or a~~
14 ~~container holding poison gas, a deadly biological or~~
15 ~~chemical contaminant, or radioactive substance is~~
16 ~~concealed in such place; or~~

17 (4) Transmits or causes to be transmitted in any manner
18 to any peace officer, public officer, ~~or~~ public employee ~~a~~
19 ~~report to the effect that an offense will be committed, is~~
20 ~~being committed, or has been committed, or police~~
21 department, including a false report to the Department of
22 Children and Family Services under Section 4 of the Abused
23 and Neglected Child Reporting Act, fire department of any
24 city, town, village or fire protection district, any
25 privately owned and operated ambulance service, or any
26 other public agency any false alarm, report or request for

1 assistance knowing at the time of such transmission ~~that~~
2 there is no reasonable ground for believing that such
3 circumstances exist or that such assistance is required; or
4 to the effect that an offense will be committed, is being
5 committed, or has been committed; or

6 (4.5) Transmits or causes to be transmitted a false
7 report to the Department of Public Health under the Nursing
8 Home Care Act; or

9 (5) Transmits or causes to be transmitted a false
10 report to any public safety agency or calls the number
11 "911" for the purpose of making or transmitting a false
12 alarm or complaint and reporting information when, at the
13 time the call or transmission is made, the person knows
14 there is no reasonable ground for making the call or
15 transmission and further knows that the call or
16 transmission could result in the emergency response of any
17 public safety agency.

18 (6) Transmits or causes to be transmitted in any manner
19 to another a false alarm to the effect that a bomb or other
20 explosive of any nature or a container holding poison gas,
21 a deadly biological or chemical contaminant, or
22 radioactive substance is concealed in such place that its
23 explosion or release would endanger human life, knowing at
24 the time of such transmission that there is no reasonable
25 ground for believing that such bomb, explosive or a
26 container holding poison gas, a deadly biological or

1 chemical contaminant, or radioactive substance is
2 concealed in such place.

3 (7) Makes a false report of a theft, destruction,
4 damage or conversion of any property to a law enforcement
5 agency or other governmental agency with the intent to
6 defraud an insurer.

7 (b) Sentence. Sentences shall be imposed as follows for
8 violations of subsection (a): subsection (a)(1) is a Class C
9 misdemeanor; subsection (a)(2) is a Class A misdemeanor; a
10 third or subsequent violation of subsection (a)(2) is a Class 4
11 felony; subsection (a)(3) is a Business Offense and shall be
12 punished by a fine not to exceed \$3,000; subsection (a)(4) is a
13 Class 4 felony; subsection (a)(4.5) is a Class B misdemeanor;
14 subsection (a)(5) is a Class A misdemeanor; a second or
15 subsequent violation of subsection (a)(5) is a Class 4 felony;
16 subsection (a)(6) is a Class 3 felony, for which a fine of not
17 less than \$3,000 and no more than \$10,000 shall be assessed in
18 addition to any other penalty imposed; subsection (a)(7) is a
19 Class A misdemeanor; a second or subsequent violation of
20 subsection (a)(7) is a Class 4 felony.

21 ~~(5) Enters upon the property of another and for a lewd~~
22 ~~or unlawful purpose deliberately looks into a dwelling on~~
23 ~~the property through any window or other opening in it; or~~

24 ~~(6) While acting as a collection agency as defined in~~
25 ~~the "Collection Agency Act" or as an employee of such~~
26 ~~collection agency, and while attempting to collect an~~

1 ~~alleged debt, makes a telephone call to the alleged debtor~~
2 ~~which is designed to harass, annoy or intimidate the~~
3 ~~alleged debtor; or~~

4 ~~(7) Transmits or causes to be transmitted a false~~
5 ~~report to the Department of Children and Family Services~~
6 ~~under Section 4 of the "Abused and Neglected Child~~
7 ~~Reporting Act"; or~~

8 ~~(8) Transmits or causes to be transmitted a false~~
9 ~~report to the Department of Public Health under the Nursing~~
10 ~~Home Care Act; or~~

11 ~~(9) Transmits or causes to be transmitted in any manner~~
12 ~~to the police department or fire department of any~~
13 ~~municipality or fire protection district, or any privately~~
14 ~~owned and operated ambulance service, a false request for~~
15 ~~an ambulance, emergency medical technician ambulance or~~
16 ~~emergency medical technician paramedic knowing at the time~~
17 ~~there is no reasonable ground for believing that such~~
18 ~~assistance is required; or~~

19 ~~(10) Transmits or causes to be transmitted a false~~
20 ~~report under Article II of "An Act in relation to victims~~
21 ~~of violence and abuse", approved September 16, 1984, as~~
22 ~~amended; or~~

23 ~~(11) Transmits or causes to be transmitted a false~~
24 ~~report to any public safety agency without the reasonable~~
25 ~~grounds necessary to believe that transmitting such a~~
26 ~~report is necessary for the safety and welfare of the~~

1 ~~public; or~~

2 ~~(12) Calls the number "911" for the purpose of making~~
3 ~~or transmitting a false alarm or complaint and reporting~~
4 ~~information when, at the time the call or transmission is~~
5 ~~made, the person knows there is no reasonable ground for~~
6 ~~making the call or transmission and further knows that the~~
7 ~~call or transmission could result in the emergency response~~
8 ~~of any public safety agency.~~

9 ~~(b) Sentence. A violation of subsection (a) (1) of this~~
10 ~~Section is a Class C misdemeanor. A violation of subsection~~
11 ~~(a) (5), (a) (11), or (a) (12) of this Section is a Class A~~
12 ~~misdemeanor. A violation of subsection (a) (8) or (a) (10) of~~
13 ~~this Section is a Class B misdemeanor. A violation of~~
14 ~~subsection (a) (2), (a) (4), (a) (7), or (a) (9) of this Section is~~
15 ~~a Class 4 felony. A violation of subsection (a) (3) of this~~
16 ~~Section is a Class 3 felony, for which a fine of not less than~~
17 ~~\$3,000 and no more than \$10,000 shall be assessed in addition~~
18 ~~to any other penalty imposed.~~

19 ~~A violation of subsection (a) (6) of this Section is a~~
20 ~~Business Offense and shall be punished by a fine not to exceed~~
21 ~~\$3,000. A second or subsequent violation of subsection (a) (7),~~
22 ~~(a) (11), or (a) (12) of this Section is a Class 4 felony. A~~
23 ~~third or subsequent violation of subsection (a) (5) of this~~
24 ~~Section is a Class 4 felony.~~

25 (c) In addition to any other sentence that may be imposed,
26 a court shall order any person convicted of disorderly conduct

1 to perform community service for not less than 30 and not more
2 than 120 hours, if community service is available in the
3 jurisdiction and is funded and approved by the county board of
4 the county where the offense was committed. In addition,
5 whenever any person is placed on supervision for an alleged
6 offense under this Section, the supervision shall be
7 conditioned upon the performance of the community service.

8 This subsection does not apply when the court imposes a
9 sentence of incarceration.

10 (Source: P.A. 92-16, eff. 6-28-01; 92-502, eff. 12-19-01;
11 93-431, eff. 8-5-03.)

12 (720 ILCS 5/26-2) (from Ch. 38, par. 26-2)

13 Sec. 26-2. Interference with emergency communication.

14 (a) A person commits the offense of interference with
15 emergency communication when he or she knowingly,
16 intentionally and without lawful justification interrupts,
17 disrupts, impedes, or otherwise interferes with the
18 transmission of a communication over a citizens band radio
19 channel, the purpose of which communication is to inform or
20 inquire about an emergency.

21 (b) For the purpose of this Section, "emergency" means a
22 condition or circumstance in which an individual is or is
23 reasonably believed by the person transmitting the
24 communication to be in imminent danger of serious bodily injury
25 or in which property is or is reasonably believed by the person

1 transmitting the communication to be in imminent danger of
2 damage or destruction.

3 (c) Sentence.

4 (1) Interference with emergency communication is a
5 Class B misdemeanor, except as otherwise provided in
6 paragraph (2).

7 (2) Interference with emergency communication, where
8 serious bodily injury or property loss in excess of \$1,000
9 results, is a Class A misdemeanor.

10 (Source: P.A. 82-418.)

11 (720 ILCS 5/26-3) (from Ch. 38, par. 26-3)

12 Sec. 26-3. Use of a facsimile machine in unsolicited
13 advertising or fund-raising.

14 (a) Definitions:

15 (1) "Facsimile machine" means a device which is capable of
16 sending or receiving facsimiles of documents through
17 connection with a telecommunications network.

18 (2) "Person" means an individual, public or private
19 corporation, unit of government, partnership or unincorporated
20 association.

21 (b) A person commits the offense of use of a facsimile
22 machine in unsolicited advertising or fund-raising when he or
23 she ~~No person shall~~ knowingly uses ~~use~~ a facsimile machine to
24 send or cause to be sent to another person a facsimile of a
25 document containing unsolicited advertising or fund-raising

1 material, except to a person which the sender knows or under
2 all of the circumstances reasonably believes has given the
3 sender permission, either on a case by case or continuing
4 basis, for the sending of such material.

5 (c) Sentence. Any person who violates subsection (b) is
6 guilty of a petty offense and shall be fined an amount not to
7 exceed \$500.

8 (Source: P.A. 86-555.)

9 (720 ILCS 5/26-4) (from Ch. 38, par. 26-4)

10 Sec. 26-4. Aiming a laser pointer at a peace officer.
11 ~~Unauthorized video recording and live video transmission.~~

12 (a) Definitions. For purposes of this Section, "Laser
13 pointer" means a hand-held device when operating that emits
14 light amplified by the stimulated emission of radiation that is
15 visible to the human eye. "Laser sight" means a laser pointer
16 that can be attached to a firearm and can be used to improve
17 the accuracy of the firearm.

18 (b) A person commits the offense of Aiming a laser pointer
19 at a peace officer when he or she knowingly aims an operating
20 laser pointer at a person he or she knows or reasonably should
21 know to be a peace officer.

22 (c) Sentence. Aiming a laser pointer at a peace officer is
23 a Class A misdemeanor.

24 ~~(a) It is unlawful for any person to knowingly make a video~~
25 ~~record or transmit live video of another person without that~~

1 ~~person's consent in a restroom, tanning bed, tanning salon,~~
2 ~~locker room, changing room, or hotel bedroom.~~

3 ~~(a-5) It is unlawful for any person to knowingly make a~~
4 ~~video record or transmit live video of another person in that~~
5 ~~other person's residence without that person's consent.~~

6 ~~(a-10) It is unlawful for any person to knowingly make a~~
7 ~~video record or transmit live video of another person under or~~
8 ~~through the clothing worn by that other person for the purpose~~
9 ~~of viewing the body of or the undergarments worn by that other~~
10 ~~person without that person's consent.~~

11 ~~(a-15) It is unlawful for any person to place or cause to~~
12 ~~be placed a device that makes a video record or transmits a~~
13 ~~live video in a restroom, tanning bed, tanning salon, locker~~
14 ~~room, changing room, or hotel bedroom with the intent to make a~~
15 ~~video record or transmit live video of another person without~~
16 ~~that person's consent.~~

17 ~~(a-20) It is unlawful for any person to place or cause to~~
18 ~~be placed a device that makes a video record or transmits a~~
19 ~~live video with the intent to make a video record or transmit~~
20 ~~live video of another person in that other person's residence~~
21 ~~without that person's consent.~~

22 ~~(a-25) It is unlawful for any person to, by any means,~~
23 ~~knowingly disseminate, or permit to be disseminated, a video~~
24 ~~record or live video that he or she knows to have been made or~~
25 ~~transmitted in violation of (a), (a-5), (a-10), (a-15), or~~
26 ~~(a-20).~~

1 ~~(b) Exemptions. The following activities shall be exempt~~
2 ~~from the provisions of this Section.~~

3 ~~(1) The making of a video record or transmission of~~
4 ~~live video by law enforcement officers pursuant to a~~
5 ~~criminal investigation, which is otherwise lawful,~~

6 ~~(2) The making of a video record or transmission of~~
7 ~~live video by correctional officials for security reasons~~
8 ~~or for investigation of alleged misconduct involving a~~
9 ~~person committed to the Department of Corrections.~~

10 ~~(3) The making of a video record or transmission of~~
11 ~~live video in a locker room by a reporter or news medium,~~
12 ~~as those terms are defined in Section 8-902 of the Code of~~
13 ~~Civil Procedure, where the reporter or news medium has been~~
14 ~~granted access to the locker room by an appropriate~~
15 ~~authority for the purpose of conducting interviews.~~

16 ~~(c) The provisions of this Section do not apply to any~~
17 ~~sound recording or transmission of an oral conversation made as~~
18 ~~the result of the making of a video record or transmission of~~
19 ~~live video, and to which Article 14 of this Code applies.~~

20 ~~(d) Sentence.~~

21 ~~(1) A violation of subsection (a), (a-10), (a-15), or~~
22 ~~(a-20) is a Class A misdemeanor.~~

23 ~~(2) A violation of subsection (a-5) is a Class 4~~
24 ~~felony.~~

25 ~~(3) A violation of subsection (a-25) is a Class 3~~
26 ~~felony.~~

1 ~~(4) A violation of subsection (a), (a-5), (a-10),~~
2 ~~(a-15) or (a-20) is a Class 3 felony if the victim is a~~
3 ~~person under 18 years of age or if the violation is~~
4 ~~committed by an individual who is required to register as a~~
5 ~~sex offender under the Sex Offender Registration Act.~~

6 ~~(5) A violation of subsection (a-25) is a Class 2~~
7 ~~felony if the victim is a person under 18 years of age or~~
8 ~~if the violation is committed by an individual who is~~
9 ~~required to register as a sex offender under the Sex~~
10 ~~Offender Registration Act.~~

11 ~~(c) For purposes of this Section, "video record" means and~~
12 ~~includes any videotape, photograph, film, or other electronic~~
13 ~~or digital recording of a still or moving visual image; and~~
14 ~~"live video" means and includes any real-time or~~
15 ~~contemporaneous electronic or digital transmission of a still~~
16 ~~or moving visual image.~~

17 (Source: P.A. 92-86, eff. 7-12-01; 93-851, eff. 1-1-05.)

18 (720 ILCS 5/26-5)

19 Sec. 26-5. Selling, renting, or transferring air rifles to
20 children, and carrying or discharging air rifles on public
21 streets. Dog fighting.

22 (a) Definitions. As used in this Section:

23 (1) "Air rifle" means and includes any air gun, air
24 pistol, spring gun, spring pistol, B-B gun, paint ball gun,
25 pellet gun or any implement that is not a firearm which

1 impels a breakable paint ball containing washable marking
2 colors or a pellet constructed of hard plastic, steel, lead
3 or other hard materials with a force that reasonably is
4 expected to cause bodily harm.

5 (2) "Municipalities" include cities, villages,
6 incorporated towns and townships.

7 (3) "Dealer" means any person, copartnership,
8 association or corporation engaged in the business of
9 selling at retail or renting any of the articles included
10 in the definition of "air rifle".

11 (b) Selling, renting or transferring air rifles to
12 children. A dealer commits the offense of Selling, renting or
13 transferring air rifles to children when he or she sells,
14 lends, rents, gives or otherwise transfers an air rifle to any
15 person under the age of 13 years where the dealer knows or has
16 cause to believe the person to be under 13 years of age or
17 where such dealer has failed to make reasonable inquiry
18 relative to the age of such person and such person is under 13
19 years of age.

20 A person commits the offense of Selling, renting or
21 transferring air rifles to children when he or she sells,
22 gives, lends or otherwise transfers any air rifle to any person
23 under 13 years of age except where the relationship of parent
24 and child, guardian and ward or adult instructor and pupil
25 exists between such person and the person under 13 years of
26 age, or where such person stands in loco parentis to the person

1 under 13 years of age.

2 (c) Carrying or discharging air rifles on public streets. A
3 person under 13 years of age commits the offense of Carrying or
4 discharging air rifles on public streets when he or she carries
5 any air rifle on the public streets, roads, highways or public
6 lands within this State, unless such person under 13 years of
7 age carries such rifle unloaded.

8 A person commits the offense of Carrying or discharging air
9 rifles on public streets when he or she discharges any air
10 rifle from or across any street, sidewalk, road, highway or
11 public land or any public place except on a safely constructed
12 target range.

13 (d) Permissive possession. Notwithstanding any provision
14 of this Section, it is lawful for any person under 13 years of
15 age to have in his possession any air rifle if it is:

16 (1) Kept within his house of residence or other private
17 enclosure;

18 (2) Used by the person under 13 years of age and he is
19 a duly enrolled member of any club, team or society
20 organized for educational purposes and maintaining as part
21 of its facilities or having written permission to use an
22 indoor or outdoor rifle range under the supervision
23 guidance and instruction of a responsible adult and then
24 only if said air rifle is actually being used in connection
25 with the activities of said club team or society under the
26 supervision of a responsible adult; or

1 (3) Used in or on any private grounds or residence
2 under circumstances when such air rifle is fired,
3 discharged or operated in such a manner as not to endanger
4 persons or property and then only if it is used in such
5 manner as to prevent the projectile from passing over any
6 grounds or space outside the limits of such grounds or
7 residence.

8 (e) Permissive sales. The provisions of this Section do not
9 prohibit sales of air rifles:

10 (1) By wholesale dealers or jobbers; or

11 (2) To be shipped out of the State; or

12 (3) To be used at a target range operated in accordance
13 with subsection (b) of this Section or by members of the
14 Armed Services of the United States or Veterans'
15 organizations.

16 (f) Seizure and removal. The State Police or any sheriff or
17 police officer shall seize, take, remove or cause to be removed
18 at the expense of the owner, any air rifle sold or used in any
19 manner in violation of this Section.

20 (g) Sentence. Any dealer violating any provision of
21 subsection (b) of this Section commits a petty offense. Any
22 person violating any other provision of this Section commits a
23 petty offense and shall pay a fine not to exceed \$50.

24 (h) Municipal regulations. The provisions of any ordinance
25 enacted by any municipality which impose greater restrictions
26 or limitations in respect to such sale and purchase, use or

1 possession of air rifles as herein defined than are imposed by
2 this Section, are not invalidated nor affected by this Section.

3 ~~(For other provisions that may apply to dog fighting, see the~~
4 ~~Humane Care for Animals Act. For provisions similar to this~~
5 ~~Section that apply to animals other than dogs, see in~~
6 ~~particular Section 4.01 of the Humane Care for Animals Act.)~~

7 ~~(a) No person may own, capture, breed, train, or lease any~~
8 ~~dog which he or she knows is intended for use in any show,~~
9 ~~exhibition, program, or other activity featuring or otherwise~~
10 ~~involving a fight between the dog and any other animal or~~
11 ~~human, or the intentional killing of any dog for the purpose of~~
12 ~~sport, wagering, or entertainment.~~

13 ~~(b) No person may promote, conduct, carry on, advertise,~~
14 ~~collect money for or in any other manner assist or aid in the~~
15 ~~presentation for purposes of sport, wagering, or entertainment~~
16 ~~of any show, exhibition, program, or other activity involving a~~
17 ~~fight between 2 or more dogs or any dog and human, or the~~
18 ~~intentional killing of any dog.~~

19 ~~(c) No person may sell or offer for sale, ship, transport,~~
20 ~~or otherwise move, or deliver or receive any dog which he or~~
21 ~~she knows has been captured, bred, or trained, or will be used,~~
22 ~~to fight another dog or human or be intentionally killed for~~
23 ~~purposes of sport, wagering, or entertainment.~~

24 ~~(e-5) No person may solicit a minor to violate this~~
25 ~~Section.~~

26 ~~(d) No person may manufacture for sale, shipment,~~

1 ~~transportation, or delivery any device or equipment which he or~~
2 ~~she knows or should know is intended for use in any show,~~
3 ~~exhibition, program, or other activity featuring or otherwise~~
4 ~~involving a fight between 2 or more dogs, or any human and dog,~~
5 ~~or the intentional killing of any dog for purposes of sport,~~
6 ~~wagering, or entertainment.~~

7 ~~(e) No person may own, possess, sell or offer for sale,~~
8 ~~ship, transport, or otherwise move any equipment or device~~
9 ~~which he or she knows or should know is intended for use in~~
10 ~~connection with any show, exhibition, program, or activity~~
11 ~~featuring or otherwise involving a fight between 2 or more~~
12 ~~dogs, or any dog and human, or the intentional killing of any~~
13 ~~dog for purposes of sport, wagering or entertainment.~~

14 ~~(f) No person may knowingly make available any site,~~
15 ~~structure, or facility, whether enclosed or not, that he or she~~
16 ~~knows is intended to be used for the purpose of conducting any~~
17 ~~show, exhibition, program, or other activity involving a fight~~
18 ~~between 2 or more dogs, or any dog and human, or the~~
19 ~~intentional killing of any dog or knowingly manufacture,~~
20 ~~distribute, or deliver fittings to be used in a fight between 2~~
21 ~~or more dogs or a dog and human.~~

22 ~~(g) No person may attend or otherwise patronize any show,~~
23 ~~exhibition, program, or other activity featuring or otherwise~~
24 ~~involving a fight between 2 or more dogs, or any dog and human,~~
25 ~~or the intentional killing of any dog for purposes of sport,~~
26 ~~wagering, or entertainment.~~

1 ~~(h) No person may tie or attach or fasten any live animal~~
2 ~~to any machine or device propelled by any power for the purpose~~
3 ~~of causing the animal to be pursued by a dog or dogs. This~~
4 ~~subsection (h) applies only when the dog is intended to be used~~
5 ~~in a dog fight.~~

6 ~~(i) Penalties for violations of this Section shall be as~~
7 ~~follows:~~

8 ~~(1) Any person convicted of violating subsection (a),~~
9 ~~(b), or (c) of this Section is guilty of a Class 4 felony~~
10 ~~for a first violation and a Class 3 felony for a second or~~
11 ~~subsequent violation, and may be fined an amount not to~~
12 ~~exceed \$50,000.~~

13 ~~(1.5) A person who knowingly owns a dog for fighting~~
14 ~~purposes or for producing a fight between 2 or more dogs or~~
15 ~~a dog and human or who knowingly offers for sale or sells a~~
16 ~~dog bred for fighting is guilty of a Class 3 felony and may~~
17 ~~be fined an amount not to exceed \$50,000, if the dog~~
18 ~~participates in a dogfight and any of the following factors~~
19 ~~is present:~~

20 ~~(i) the dogfight is performed in the presence of a~~
21 ~~person under 18 years of age;~~

22 ~~(ii) the dogfight is performed for the purpose of~~
23 ~~or in the presence of illegal wagering activity; or~~

24 ~~(iii) the dogfight is performed in furtherance of~~
25 ~~streetgang related activity as defined in Section 10 of~~
26 ~~the Illinois Streetgang Terrorism Omnibus Prevention~~

1 ~~Act.~~

2 ~~(1.7) A person convicted of violating subsection (e-5)~~
3 ~~of this Section is guilty of a Class 4 felony.~~

4 ~~(2) Any person convicted of violating subsection (d) or~~
5 ~~(e) of this Section is guilty of a Class A misdemeanor for~~
6 ~~a first violation. A second or subsequent violation of~~
7 ~~subsection (d) or (e) of this Section is a Class 3 felony.~~

8 ~~(2.5) Any person convicted of violating subsection (f)~~
9 ~~of this Section is guilty of a Class 4 felony.~~

10 ~~(3) Any person convicted of violating subsection (g) of~~
11 ~~this Section is guilty of a Class A misdemeanor for a first~~
12 ~~violation. A second or subsequent violation of subsection~~
13 ~~(g) of this Section is a Class 4 felony. If a person under~~
14 ~~13 years of age is present at any show, exhibition,~~
15 ~~program, or other activity prohibited in subsection (g),~~
16 ~~the parent, legal guardian, or other person who is 18 years~~
17 ~~of age or older who brings that person under 13 years of~~
18 ~~age to that show, exhibition, program, or other activity is~~
19 ~~guilty of a Class 4 felony for a first violation and a~~
20 ~~Class 3 felony for a second or subsequent violation.~~

21 ~~(j) Any dog or equipment involved in a violation of this~~
22 ~~Section shall be immediately seized and impounded under Section~~
23 ~~12 of the Humane Care for Animals Act when located at any show,~~
24 ~~exhibition, program, or other activity featuring or otherwise~~
25 ~~involving a dog fight for the purposes of sport, wagering, or~~
26 ~~entertainment.~~

1 ~~(k) Any vehicle or conveyance other than a common carrier~~
2 ~~that is used in violation of this Section shall be seized,~~
3 ~~held, and offered for sale at public auction by the sheriff's~~
4 ~~department of the proper jurisdiction, and the proceeds from~~
5 ~~the sale shall be remitted to the general fund of the county~~
6 ~~where the violation took place.~~

7 ~~(l) Any veterinarian in this State who is presented with a~~
8 ~~dog for treatment of injuries or wounds resulting from fighting~~
9 ~~where there is a reasonable possibility that the dog was~~
10 ~~engaged in or utilized for a fighting event for the purposes of~~
11 ~~sport, wagering, or entertainment shall file a report with the~~
12 ~~Department of Agriculture and cooperate by furnishing the~~
13 ~~owners' names, dates, and descriptions of the dog or dogs~~
14 ~~involved. Any veterinarian who in good faith complies with the~~
15 ~~requirements of this subsection has immunity from any~~
16 ~~liability, civil, criminal, or otherwise, that may result from~~
17 ~~his or her actions. For the purposes of any proceedings, civil~~
18 ~~or criminal, the good faith of the veterinarian shall be~~
19 ~~rebuttably presumed.~~

20 ~~(m) In addition to any other penalty provided by law, upon~~
21 ~~conviction for violating this Section, the court may order that~~
22 ~~the convicted person and persons dwelling in the same household~~
23 ~~as the convicted person who conspired, aided, or abetted in the~~
24 ~~unlawful act that was the basis of the conviction, or who knew~~
25 ~~or should have known of the unlawful act, may not own, harbor,~~
26 ~~or have custody or control of any dog or other animal for a~~

1 ~~period of time that the court deems reasonable.~~

2 ~~(n) A violation of subsection (a) of this Section may be~~
3 ~~inferred from evidence that the accused possessed any device or~~
4 ~~equipment described in subsection (d), (e), or (h) of this~~
5 ~~Section, and also possessed any dog.~~

6 ~~(o) When no longer required for investigations or court~~
7 ~~proceedings relating to the events described or depicted~~
8 ~~therein, evidence relating to convictions for violations of~~
9 ~~this Section shall be retained and made available for use in~~
10 ~~training peace officers in detecting and identifying~~
11 ~~violations of this Section. Such evidence shall be made~~
12 ~~available upon request to other law enforcement agencies and to~~
13 ~~schools certified under the Illinois Police Training Act.~~

14 (Source: P.A. 94-820, eff. 1-1-07.)

15 (720 ILCS 5/26-6.5 new)

16 Sec. 26-6.5. Transmission of obscene messages.

17 (a) A person in this State commits the offense of
18 Transmission of obscene messages when he or she sends messages
19 or uses language or terms which are obscene, lewd or immoral
20 with the intent to offend by means of or while using a
21 telephone or telegraph facilities, equipment or wires of any
22 person, firm or corporation engaged in the transmission of news
23 or messages between states or within the State of Illinois.

24 (b) Transmission of obscene messages is a Class B
25 misdemeanor.

1 (c) The trier of fact may infer intent to offend from the
2 use of language or terms which are obscene, lewd or immoral.

3 (720 ILCS 5/26-7 new)

4 Sec. 26-7. Harassment by telephone. A person commits the
5 offense of Harassment by telephone when he or she uses
6 telephone communication for any of the following purposes:

7 (1) Making any comment, request, suggestion or
8 proposal which is obscene, lewd, lascivious, filthy or
9 indecent with an intent to offend; or

10 (2) Making a telephone call, whether or not
11 conversation ensues, with intent to abuse, threaten or
12 harass any person at the called number; or

13 (3) Making or causing the telephone of another
14 repeatedly to ring, with intent to harass any person at the
15 called number; or

16 (4) Making repeated telephone calls, during which
17 conversation ensues, solely with the intent to harass any
18 person at the called number; or

19 (4.1) Making a telephone call or knowingly inducing a
20 person to make a telephone call for the purpose of
21 harassing another person who is under 13 years of age,
22 regardless of whether the person under 13 years of age
23 consents to the harassment, if the defendant is at least 16
24 years of age at the time of the commission of the offense;
25 or

1 (5) Knowingly permitting any telephone under one's
2 control to be used for any of the purposes mentioned
3 herein.

4 Every telephone directory published for distribution to
5 members of the general public shall contain a notice setting
6 forth a summary of the provisions of this Section. Such notice
7 shall be printed in type which is no smaller than any other
8 type on the same page and shall be preceded by the word
9 "WARNING". All telephone companies in this State shall
10 cooperate with law enforcement agencies in using their
11 facilities and personnel to detect and prevent violations of
12 this Section.

13 (720 ILCS 5/26-8 new)

14 Sec. 26-8. Harassment through electronic communications.

15 (a) A person commits the offense of Harassment through
16 electronic communications when he or she uses electronic
17 communication for any of the following purposes:

18 (1) Making any comment, request, suggestion or
19 proposal which is obscene with an intent to offend;

20 (2) Interrupting, with the intent to harass, the
21 telephone service or the electronic communication service
22 of any person;

23 (3) Transmitting to any person, with the intent to
24 harass and regardless of whether the communication is read
25 in its entirety or at all, any file, document, or other

1 communication which prevents that person from using his or
2 her telephone service or electronic communications device;

3 (3.1) Transmitting an electronic communication or
4 knowingly inducing a person to transmit an electronic
5 communication for the purpose of harassing another person
6 who is under 13 years of age, regardless of whether the
7 person under 13 years of age consents to the harassment, if
8 the defendant is at least 16 years of age at the time of
9 the commission of the offense;

10 (4) Knowingly threatening injury to the person or to
11 the property of the person to whom an electronic
12 communication is directed or to any of his or her family or
13 household members; or

14 (5) Knowingly permitting any electronic communications
15 device to be used for any of the purposes mentioned in this
16 subsection (a).

17 (720 ILCS 5/26-9 new)

18 Sec. 26-9. Definitions. For the purposes of Sections 26-6.5
19 through 26-12:

20 "Harassment" means knowing conduct which is not necessary
21 to accomplish a purpose that is reasonable under the
22 circumstances, would cause a reasonable person emotional
23 distress and does cause emotional distress to another.

24 "Electronic communication" means any transfer of signs,
25 signals, writings, images, sounds, data or intelligence of any

1 nature transmitted in whole or in part by a wire, radio,
2 electromagnetic, photoelectric or photo-optical system.

3 "Family or household member" includes spouses, former
4 spouses, parents, children, stepchildren and other persons
5 related by blood or by present or prior marriage, persons who
6 share or formerly shared a common dwelling, persons who have or
7 allegedly share a blood relationship through a child, persons
8 who have or have had a dating or engagement relationship, and
9 persons with disabilities and their personal assistants. For
10 purposes of Sections 26-6.5 through 26-12, neither a casual
11 acquaintanceship nor ordinary fraternization between 2
12 individuals in business or social contexts shall be deemed to
13 constitute a dating relationship.

14 (720 ILCS 5/26-10 new)

15 Sec. 26-10. Evidence inference. Evidence that a defendant
16 made additional telephone calls or engaged in additional
17 electronic communications after having been requested by a
18 named complainant or by a family or household member of the
19 complainant to stop may be considered as evidence of an intent
20 to harass unless disproved by evidence to the contrary.

21 (720 ILCS 5/26-11 new)

22 Sec. 26-11. Psychiatric examination. The court may order
23 any person convicted under Sections 26-6.5 through 26-12 to
24 submit to a psychiatric examination.

1 (720 ILCS 5/26-12 new)

2 Sec. 26-12. Sentence.

3 (a) Except as provided in subsection (b), a person who
4 violates any of the provisions of Section 26-6.5, 26-7, or 26-8
5 of this Article is guilty of a Class B misdemeanor. Except as
6 provided in subsection (b), a second or subsequent violation of
7 Section 26-6.5, 26-7, or 26-8 of this Article is a Class A
8 misdemeanor, for which the court shall impose a minimum of 14
9 days in jail or, if public or community service is established
10 in the county in which the offender was convicted, 240 hours of
11 public or community service.

12 (b) In any of the following circumstances, a person who
13 violates Section 26-6.5, 26-7, or 26-8 of this Article shall be
14 guilty of a Class 4 felony:

15 (1) The person has 3 or more prior violations in the
16 last 10 years of Harassment by telephone under Section 26-7
17 of this Section, Harassment through electronic
18 communications under Section 26-8 of this Section, or any
19 similar offense of any state;

20 (2) The person has previously violated the Harassment
21 by telephone provisions of Section 26-7 of this Section or
22 the Harassment through electronic communications
23 provisions of Section 26-8 of this Article or committed any
24 similar offense in any state with the same victim or a
25 member of the victim's family or household;

1 (3) At the time of the offense, the offender was under
2 conditions of bail, probation, mandatory supervised
3 release or was the subject of an order of protection, in
4 this or any other state, prohibiting contact with the
5 victim or any member of the victim's family or household;

6 (4) In the course of the offense, the offender
7 threatened to kill the victim or any member of the victim's
8 family or household;

9 (5) The person has been convicted in the last 10 years
10 of a forcible felony as defined in Section 2-8 of the
11 Criminal Code of 1961; or

12 (6) The person violates paragraph (4.1) of Section 26-7
13 or paragraph (3.1) of subsection (a) of Section 26-8.

14 (720 ILCS 5/26-13 new)

15 Sec. 26-13. Draft card mutilation.

16 (a) A person commits the offense of Draft card mutilation
17 when he or she knowingly destroys or mutilates a valid
18 registration certificate or any other valid certificate issued
19 under the federal "Military Selective Service Act of 1967".

20 (b) Sentence. A person who violates subsection (a) commits
21 a Class 4 felony.

22 (720 ILCS 5/Art. 27 heading new)

23 ARTICLE 27. MONEY LAUNDERING

1 (720 ILCS 5/27-1 new)

2 Sec. 27-1. Money laundering.

3 (a) Definitions. For the purposes of this Section:

4 "Knowing that the property involved in financial activity
5 represents the proceeds of some form of unlawful activity"
6 means that the person knew the property involved in the
7 transaction represented proceeds from some form, though not
8 necessarily which form, of activity that constitutes a felony
9 under State, federal, or foreign law, regardless of whether or
10 not such activity is specified in the definition of "criminally
11 derived property".

12 "Financial activity" means a purchase, sale, loan, pledge,
13 gift, transfer, delivery or other disposition utilizing
14 criminally derived property, and with respect to financial
15 institutions, includes a deposit, withdrawal, transfer between
16 accounts, exchange of currency, loan, extension of credit,
17 purchase or sale of any stock, bond, certificate of deposit or
18 other monetary instrument, use of safe deposit box, or any
19 other payment, transfer or delivery by, through, or to a
20 financial institution. For purposes of clause (b)(3) of this
21 Section, the term "financial activity" also means a transaction
22 which without regard to whether the funds, monetary
23 instruments, or real or personal property involved in the
24 transaction are criminally derived, any transaction which in
25 any way or degree:

26 (1) involves the movement of funds by wire or any other

1 means;

2 (2) involves one or more monetary instruments; or

3 (3) involves the transfer of title to any real or
4 personal property.

5 The receipt by an attorney of bona fide fees for the
6 purpose of legal representation is not financial activity for
7 purposes of this Section.

8 "Financial institution" means any bank; saving and loan
9 association; trust company; agency or branch of a foreign bank
10 in the United States; currency exchange; credit union; mortgage
11 banking institution; pawnbroker; loan or finance company;
12 operator of a credit card system; issuer, redeemer or cashier
13 of travelers checks, checks or money orders; dealer in precious
14 metals, stones or jewels; broker or dealer in securities or
15 commodities; investment banker; or investment company.

16 "Monetary instrument" means United States coins and
17 currency; coins and currency of a foreign country; travelers
18 checks; personal checks, bank checks, and money orders;
19 investment securities; bearer negotiable instruments; bearer
20 investment securities; or bearer securities and certificates
21 of stock in such form that title thereto passes upon delivery.

22 "Criminally derived property" means:

23 (1) any property, real or personal, constituting or
24 derived from proceeds obtained, directly or indirectly,
25 pursuant to a violation of a felony offense, or conduct
26 which if performed in another jurisdiction would be a

1 felony offense by the laws of that jurisdiction, and which
2 conduct if performed in this State, would be a felony
3 offense under the laws of this State; or

4 (2) any property represented to be property
5 constituting or derived from proceeds obtained, directly
6 or indirectly, pursuant to a violation of a felony offense,
7 or conduct which if performed in another jurisdiction would
8 be a felony offense by the laws of that jurisdiction, and
9 which conduct if performed in this State, would be a felony
10 offense under the laws of this State.

11 "Conduct" or "conducts" includes, in addition to its
12 ordinary meaning, initiating, concluding, or participating in
13 initiating or concluding a transaction.

14 "Specified criminal activity" means any violation of
15 Section 20.5-5 (720 ILCS 5/20.5-5) and any violation of Article
16 29D of this Code.

17 "Director" means the Director of State Police or his or her
18 designated agents.

19 "Department" means the Department of State Police of the
20 State of Illinois or its successor agency.

21 "Transaction reporting requirement under State law" means
22 any violation as defined under the Currency Reporting Act.

23 (b) Money laundering. A person commits the offense of money
24 laundering:

25 (1) when, knowing that the property involved in
26 financial activity represents the proceeds of some form of

1 unlawful activity, he or she conducts or attempts to
2 conduct such financial activity which in fact involves
3 criminally derived property:

4 (A) with the intent to promote the carrying on of
5 the unlawful activity from which the criminally
6 derived property was obtained; or

7 (B) where he or she knows or reasonably should know
8 that the financial activity is designed in whole or in
9 part:

10 (i) to conceal or disguise the nature, the
11 location, the source, the ownership or the control
12 of the criminally derived property; or

13 (ii) to avoid a transaction reporting
14 requirement under State law; or

15 (2) when he or she transports, transmits, or transfers,
16 or attempts to transport, transmit, or transfer a monetary
17 instrument:

18 (A) with the intent to promote the carrying on of
19 the unlawful activity from which the criminally
20 derived property was obtained; or

21 (B) knowing, or having reason to know, that the
22 financial activity is designed in whole or in part:

23 (i) to conceal or disguise the nature, the
24 location, the source, the ownership or the control
25 of the criminally derived property; or

26 (ii) to avoid a transaction reporting

1 requirement under State law; or
2 (3) when he or she conducts or attempts to conduct
3 financial activity involving property he or she believes to
4 be the proceeds of specified criminal activity as defined
5 by subdivision (a)(7) or property used to conduct or
6 facilitate specified criminal activity as defined by
7 subdivision (a)(7):

8 (A) with the intent to promote the carrying on of a
9 specified criminal activity as defined in this
10 Article; or

11 (B) with the intent to conceal or disguise the
12 nature, location, source, ownership, or control of
13 property believed to be the proceeds of a specified
14 criminal activity as defined by subdivision (a)(7); or

15 (C) with the intent to avoid a transaction
16 reporting requirement under State law.

17 (c) Sentence.

18 (1) Laundering of criminally derived property of a
19 value not exceeding \$10,000 is a Class 3 felony.

20 (2) Laundering of criminally derived property of a
21 value exceeding \$10,000 but not exceeding \$100,000 is a
22 Class 2 felony.

23 (3) Laundering of criminally derived property of a
24 value exceeding \$100,000 but not exceeding \$500,000 is a
25 Class 1 felony.

26 (4) Laundering of criminally derived property of a

1 value exceeding \$500,000 is a Class 1 non-probationable
2 felony.

3 (5) Money laundering in violation of subsection (b) (3)
4 of this Section is a Class X felony.

5 (d) Evidence. In a prosecution under this Article, either
6 party may introduce the following evidence pertaining to the
7 issue of whether the property or proceeds were known to be some
8 form of criminally derived property or from some form of
9 unlawful activity:

10 (1) A financial transaction was conducted or
11 structured or attempted in violation of the reporting
12 requirements of any State or federal law; or

13 (2) A financial transaction was conducted or attempted
14 with the use of a false or fictitious name or a forged
15 instrument; or

16 (3) A falsely altered or completed written instrument
17 or a written instrument that contains any materially false
18 personal identifying information was made, used, offered
19 or presented, whether accepted or not, in connection with a
20 financial transaction; or

21 (4) A financial transaction was structured or
22 attempted to be structured so as to falsely report the
23 actual consideration or value of the transaction; or

24 (5) A money transmitter, a person engaged in a trade or
25 business or any employee of a money transmitter or a person
26 engaged in a trade or business, knows or reasonably should

1 know that false personal identifying information has been
2 presented and incorporates the false personal identifying
3 information into any report or record; or

4 (6) The criminally derived property is transported or
5 possessed in a fashion inconsistent with the ordinary or
6 usual means of transportation or possession of such
7 property and where the property is discovered in the
8 absence of any documentation or other indicia of legitimate
9 origin or right to such property; or

10 (7) A person pays or receives substantially less than
11 face value for one or more monetary instruments; or

12 (8) A person engages in a transaction involving one or
13 more monetary instruments, where the physical condition or
14 form of the monetary instrument or instruments makes it
15 apparent that they are not the product of bona fide
16 business or financial transactions.

17 (e) Duty to enforce this Article.

18 (1) It is the duty of the Department of State Police,
19 and its agents, officers, and investigators, to enforce all
20 provisions of this Article, except those specifically
21 delegated, and to cooperate with all agencies charged with
22 the enforcement of the laws of the United States, or of any
23 state, relating to money laundering. Only an agent,
24 officer, or investigator designated by the Director may be
25 authorized in accordance with this Section to serve seizure
26 notices, warrants, subpoenas, and summonses under the

1 authority of this State.

2 (2) Any agent, officer, investigator, or peace officer
3 designated by the Director may: (A) make seizure of
4 property pursuant to the provisions of this Article; and
5 (B) perform such other law enforcement duties as the
6 Director designates. It is the duty of all State's
7 Attorneys to prosecute violations of this Article and
8 institute legal proceedings as authorized under this
9 Article.

10 (f) Protective orders.

11 (1) Upon application of the State, the court may enter
12 a restraining order or injunction, require the execution of
13 a satisfactory performance bond, or take any other action
14 to preserve the availability of property described in
15 subsection (h) for forfeiture under this Article:

16 (A) upon the filing of an indictment, information,
17 or complaint charging a violation of this Article for
18 which forfeiture may be ordered under this Article and
19 alleging that the property with respect to which the
20 order is sought would be subject to forfeiture under
21 this Article; or

22 (B) prior to the filing of such an indictment,
23 information, or complaint, if, after notice to persons
24 appearing to have an interest in the property and
25 opportunity for a hearing, the court determines that:

26 (i) there is probable cause to believe that the

1 State will prevail on the issue of forfeiture and
2 that failure to enter the order will result in the
3 property being destroyed, removed from the
4 jurisdiction of the court, or otherwise made
5 unavailable for forfeiture; and

6 (ii) the need to preserve the availability of
7 the property through the entry of the requested
8 order outweighs the hardship on any party against
9 whom the order is to be entered.

10 Provided, however, that an order entered pursuant
11 to subparagraph (B) shall be effective for not more
12 than 90 days, unless extended by the court for good
13 cause shown or unless an indictment, information,
14 complaint, or administrative notice has been filed.

15 (2) A temporary restraining order under this
16 subsection may be entered upon application of the State
17 without notice or opportunity for a hearing when an
18 indictment, information, complaint, or administrative
19 notice has not yet been filed with respect to the property,
20 if the State demonstrates that there is probable cause to
21 believe that the property with respect to which the order
22 is sought would be subject to forfeiture under this Section
23 and that provision of notice will jeopardize the
24 availability of the property for forfeiture. Such a
25 temporary order shall expire not more than 30 days after
26 the date on which it is entered, unless extended for good

1 cause shown or unless the party against whom it is entered
2 consents to an extension for a longer period. A hearing
3 requested concerning an order entered under this paragraph
4 shall be held at the earliest possible time and prior to
5 the expiration of the temporary order.

6 (3) The court may receive and consider, at a hearing
7 held pursuant to this subsection (f), evidence and
8 information that would be inadmissible under the Illinois
9 rules of evidence.

10 (4) Order to repatriate and deposit.

11 (A) In general. Pursuant to its authority to enter
12 a pretrial restraining order under this Section, the
13 court may order a defendant to repatriate any property
14 that may be seized and forfeited and to deposit that
15 property pending trial with the Illinois State Police
16 or another law enforcement agency designated by the
17 Illinois State Police.

18 (B) Failure to comply. Failure to comply with an
19 order under this subsection (f) is punishable as a
20 civil or criminal contempt of court.

21 (g) Warrant of seizure. The State may request the issuance
22 of a warrant authorizing the seizure of property described in
23 subsection (h) in the same manner as provided for a search
24 warrant. If the court determines that there is probable cause
25 to believe that the property to be seized would be subject to
26 forfeiture, the court shall issue a warrant authorizing the

1 seizure of such property.

2 (h) Forfeiture.

3 (1) The following are subject to forfeiture:

4 (A) any property, real or personal, constituting,
5 derived from, or traceable to any proceeds the person
6 obtained directly or indirectly, as a result of a
7 violation of this Article;

8 (B) any of the person's property used, or intended
9 to be used, in any manner or part, to commit, or to
10 facilitate the commission of, a violation of this
11 Article;

12 (C) all conveyances, including aircraft, vehicles
13 or vessels, which are used, or intended for use, to
14 transport, or in any manner to facilitate the
15 transportation, sale, receipt, possession, or
16 concealment of property described in subparagraphs (A)
17 and (B), but:

18 (i) no conveyance used by any person as a
19 common carrier in the transaction of business as a
20 common carrier is subject to forfeiture under this
21 Section unless it appears that the owner or other
22 person in charge of the conveyance is a consenting
23 party or privy to a violation of this Article;

24 (ii) no conveyance is subject to forfeiture
25 under this Section by reason of any act or omission
26 which the owner proves to have been committed or

1 omitted without his or her knowledge or consent;

2 (iii) a forfeiture of a conveyance encumbered
3 by a bona fide security interest is subject to the
4 interest of the secured party if he or she neither
5 had knowledge of nor consented to the act or
6 omission;

7 (D) all real property, including any right, title,
8 and interest (including, but not limited to, any
9 leasehold interest or the beneficial interest in a land
10 trust) in the whole of any lot or tract of land and any
11 appurtenances or improvements, which is used or
12 intended to be used, in any manner or part, to commit,
13 or in any manner to facilitate the commission of, any
14 violation of this Article or that is the proceeds of
15 any violation or act that constitutes a violation of
16 this Article.

17 (2) Property subject to forfeiture under this Article
18 may be seized by the Director or any peace officer upon
19 process or seizure warrant issued by any court having
20 jurisdiction over the property. Seizure by the Director or
21 any peace officer without process may be made:

22 (A) if the seizure is incident to a seizure
23 warrant;

24 (B) if the property subject to seizure has been the
25 subject of a prior judgment in favor of the State in a
26 criminal proceeding, or in an injunction or forfeiture

1 proceeding based upon this Article;

2 (C) if there is probable cause to believe that the
3 property is directly or indirectly dangerous to health
4 or safety;

5 (D) if there is probable cause to believe that the
6 property is subject to forfeiture under this Article
7 and the property is seized under circumstances in which
8 a warrantless seizure or arrest would be reasonable; or

9 (E) in accordance with the Code of Criminal
10 Procedure of 1963.

11 (3) In the event of seizure pursuant to paragraph (2),
12 forfeiture proceedings shall be instituted in accordance
13 with subsections (i) through (r).

14 (4) Property taken or detained under this Section shall
15 not be subject to replevin, but is deemed to be in the
16 custody of the Director subject only to the order and
17 judgments of the circuit court having jurisdiction over the
18 forfeiture proceedings and the decisions of the State's
19 Attorney under this Article. When property is seized under
20 this Article, the seizing agency shall promptly conduct an
21 inventory of the seized property and estimate the
22 property's value and shall forward a copy of the inventory
23 of seized property and the estimate of the property's value
24 to the Director. Upon receiving notice of seizure, the
25 Director may:

26 (A) place the property under seal;

1 (B) remove the property to a place designated by
2 the Director;

3 (C) keep the property in the possession of the
4 seizing agency;

5 (D) remove the property to a storage area for
6 safekeeping or, if the property is a negotiable
7 instrument or money and is not needed for evidentiary
8 purposes, deposit it in an interest bearing account;

9 (E) place the property under constructive seizure
10 by posting notice of pending forfeiture on it, by
11 giving notice of pending forfeiture to its owners and
12 interest holders, or by filing notice of pending
13 forfeiture in any appropriate public record relating
14 to the property; or

15 (F) provide for another agency or custodian,
16 including an owner, secured party, or lienholder, to
17 take custody of the property upon the terms and
18 conditions set by the Director.

19 (5) When property is forfeited under this Article, the
20 Director shall sell all such property unless such property
21 is required by law to be destroyed or is harmful to the
22 public, and shall distribute the proceeds of the sale,
23 together with any moneys forfeited or seized, in accordance
24 with paragraph (6). However, upon the application of the
25 seizing agency or prosecutor who was responsible for the
26 investigation, arrest or arrests and prosecution which

1 lead to the forfeiture, the Director may return any item of
2 forfeited property to the seizing agency or prosecutor for
3 official use in the enforcement of laws, if the agency or
4 prosecutor can demonstrate that the item requested would be
5 useful to the agency or prosecutor in its enforcement
6 efforts. When any real property returned to the seizing
7 agency is sold by the agency or its unit of government, the
8 proceeds of the sale shall be delivered to the Director and
9 distributed in accordance with paragraph (6).

10 (6) All monies and the sale proceeds of all other
11 property forfeited and seized under this Article shall be
12 distributed as follows:

13 (A) 65% shall be distributed to the metropolitan
14 enforcement group, local, municipal, county, or State
15 law enforcement agency or agencies which conducted or
16 participated in the investigation resulting in the
17 forfeiture. The distribution shall bear a reasonable
18 relationship to the degree of direct participation of
19 the law enforcement agency in the effort resulting in
20 the forfeiture, taking into account the total value of
21 the property forfeited and the total law enforcement
22 effort with respect to the violation of the law upon
23 which the forfeiture is based. Amounts distributed to
24 the agency or agencies shall be used for the
25 enforcement of laws.

26 (B) (i) 12.5% shall be distributed to the Office of

1 the State's Attorney of the county in which the
2 prosecution resulting in the forfeiture was
3 instituted, deposited in a special fund in the county
4 treasury and appropriated to the State's Attorney for
5 use in the enforcement of laws. In counties over
6 3,000,000 population, 25% shall be distributed to the
7 Office of the State's Attorney for use in the
8 enforcement of laws. If the prosecution is undertaken
9 solely by the Attorney General, the portion provided
10 hereunder shall be distributed to the Attorney General
11 for use in the enforcement of laws.

12 (ii) 12.5% shall be distributed to the Office
13 of the State's Attorneys Appellate Prosecutor and
14 deposited in the Narcotics Profit Forfeiture Fund
15 of that office to be used for additional expenses
16 incurred in the investigation, prosecution and
17 appeal of cases arising under laws. The Office of
18 the State's Attorneys Appellate Prosecutor shall
19 not receive distribution from cases brought in
20 counties with over 3,000,000 population.

21 (C) 10% shall be retained by the Department of
22 State Police for expenses related to the
23 administration and sale of seized and forfeited
24 property.

25 (i) Notice to owner or interest holder.

26 (1) Whenever notice of pending forfeiture or service of

1 an in rem complaint is required under the provisions of
2 this Article, such notice or service shall be given as
3 follows:

4 (A) If the owner's or interest holder's name and
5 current address are known, then by either personal
6 service or mailing a copy of the notice by certified
7 mail, return receipt requested, to that address. For
8 purposes of notice under this Section, if a person has
9 been arrested for the conduct giving rise to the
10 forfeiture, then the address provided to the arresting
11 agency at the time of arrest shall be deemed to be that
12 person's known address. Provided, however, if an owner
13 or interest holder's address changes prior to the
14 effective date of the notice of pending forfeiture, the
15 owner or interest holder shall promptly notify the
16 seizing agency of the change in address or, if the
17 owner or interest holder's address changes subsequent
18 to the effective date of the notice of pending
19 forfeiture, the owner or interest holder shall
20 promptly notify the State's Attorney of the change in
21 address; or

22 (B) If the property seized is a conveyance, to the
23 address reflected in the office of the agency or
24 official in which title or interest to the conveyance
25 is required by law to be recorded, then by mailing a
26 copy of the notice by certified mail, return receipt

1 requested, to that address; or

2 (C) If the owner's or interest holder's address is
3 not known, and is not on record as provided in
4 paragraph (B), then by publication for 3 successive
5 weeks in a newspaper of general circulation in the
6 county in which the seizure occurred.

7 (2) Notice served under this Article is effective upon
8 personal service, the last date of publication, or the
9 mailing of written notice, whichever is earlier.

10 (j) Notice to State's Attorney. The law enforcement agency
11 seizing property for forfeiture under this Article shall,
12 within 90 days after seizure, notify the State's Attorney for
13 the county, either where an act or omission giving rise to the
14 forfeiture occurred or where the property was seized, of the
15 seizure of the property and the facts and circumstances giving
16 rise to the seizure and shall provide the State's Attorney with
17 the inventory of the property and its estimated value. When the
18 property seized for forfeiture is a vehicle, the law
19 enforcement agency seizing the property shall immediately
20 notify the Secretary of State that forfeiture proceedings are
21 pending regarding such vehicle.

22 (k) Non-judicial forfeiture. If non-real property that
23 exceeds \$20,000 in value excluding the value of any conveyance,
24 or if real property is seized under the provisions of this
25 Article, the State's Attorney shall institute judicial in rem
26 forfeiture proceedings as described in subsection (l) of this

1 Section within 45 days from receipt of notice of seizure from
2 the seizing agency under subsection (j) of this Section.
3 However, if non-real property that does not exceed \$20,000 in
4 value excluding the value of any conveyance is seized, the
5 following procedure shall be used:

6 (1) If, after review of the facts surrounding the
7 seizure, the State's Attorney is of the opinion that the
8 seized property is subject to forfeiture, then within 45
9 days after the receipt of notice of seizure from the
10 seizing agency, the State's Attorney shall cause notice of
11 pending forfeiture to be given to the owner of the property
12 and all known interest holders of the property in
13 accordance with subsection (i) of this Section.

14 (2) The notice of pending forfeiture must include a
15 description of the property, the estimated value of the
16 property, the date and place of seizure, the conduct giving
17 rise to forfeiture or the violation of law alleged, and a
18 summary of procedures and procedural rights applicable to
19 the forfeiture action.

20 (3) (A) Any person claiming an interest in property
21 which is the subject of notice under paragraph (1) of this
22 subsection (k), must, in order to preserve any rights or
23 claims to the property, within 45 days after the effective
24 date of notice as described in subsection (i) of this
25 Section, file a verified claim with the State's Attorney
26 expressing his or her interest in the property. The claim

1 must set forth:

2 (i) the caption of the proceedings as set forth on
3 the notice of pending forfeiture and the name of the
4 claimant;

5 (ii) the address at which the claimant will accept
6 mail;

7 (iii) the nature and extent of the claimant's
8 interest in the property;

9 (iv) the date, identity of the transferor, and
10 circumstances of the claimant's acquisition of the
11 interest in the property;

12 (v) the name and address of all other persons known
13 to have an interest in the property;

14 (vi) the specific provision of law relied on in
15 asserting the property is not subject to forfeiture;

16 (vii) all essential facts supporting each
17 assertion; and

18 (viii) the relief sought.

19 (B) If a claimant files the claim and deposits with the
20 State's Attorney a cost bond, in the form of a cashier's
21 check payable to the clerk of the court, in the sum of 10%
22 of the reasonable value of the property as alleged by the
23 State's Attorney or the sum of \$100, whichever is greater,
24 upon condition that, in the case of forfeiture, the
25 claimant must pay all costs and expenses of forfeiture
26 proceedings, then the State's Attorney shall institute

1 judicial in rem forfeiture proceedings and deposit the cost
2 bond with the clerk of the court as described in subsection
3 (1) of this Section within 45 days after receipt of the
4 claim and cost bond. In lieu of a cost bond, a person
5 claiming interest in the seized property may file, under
6 penalty of perjury, an indigency affidavit which has been
7 approved by a circuit court judge.

8 (C) If none of the seized property is forfeited in the
9 judicial in rem proceeding, the clerk of the court shall
10 return to the claimant, unless the court orders otherwise,
11 90% of the sum which has been deposited and shall retain as
12 costs 10% of the money deposited. If any of the seized
13 property is forfeited under the judicial forfeiture
14 proceeding, the clerk of the court shall transfer 90% of
15 the sum which has been deposited to the State's Attorney
16 prosecuting the civil forfeiture to be applied to the costs
17 of prosecution and the clerk shall retain as costs 10% of
18 the sum deposited.

19 (4) If no claim is filed or bond given within the 45
20 day period as described in paragraph (3) of this subsection
21 (k), the State's Attorney shall declare the property
22 forfeited and shall promptly notify the owner and all known
23 interest holders of the property and the Director of State
24 Police of the declaration of forfeiture and the Director
25 shall dispose of the property in accordance with law.

26 (1) Judicial in rem procedures. If property seized under

1 the provisions of this Article is non-real property that
2 exceeds \$20,000 in value excluding the value of any conveyance,
3 or is real property, or a claimant has filed a claim and a cost
4 bond under paragraph (3) of subsection (k) of this Section, the
5 following judicial in rem procedures shall apply:

6 (1) If, after a review of the facts surrounding the
7 seizure, the State's Attorney is of the opinion that the
8 seized property is subject to forfeiture, then within 45
9 days of the receipt of notice of seizure by the seizing
10 agency or the filing of the claim and cost bond, whichever
11 is later, the State's Attorney shall institute judicial
12 forfeiture proceedings by filing a verified complaint for
13 forfeiture and, if the claimant has filed a claim and cost
14 bond, by depositing the cost bond with the clerk of the
15 court. When authorized by law, a forfeiture must be ordered
16 by a court on an action in rem brought by a State's
17 Attorney under a verified complaint for forfeiture.

18 (2) During the probable cause portion of the judicial
19 in rem proceeding wherein the State presents its
20 case-in-chief, the court must receive and consider, among
21 other things, all relevant hearsay evidence and
22 information. The laws of evidence relating to civil actions
23 apply to all other portions of the judicial in rem
24 proceeding.

25 (3) Only an owner of or interest holder in the property
26 may file an answer asserting a claim against the property

1 in the action in rem. For purposes of this Section, the
2 owner or interest holder shall be referred to as claimant.
3 Upon motion of the State, the court shall first hold a
4 hearing, wherein any claimant must establish by a
5 preponderance of the evidence, that he or she has a lawful,
6 legitimate ownership interest in the property and that it
7 was obtained through a lawful source.

8 (4) The answer must be signed by the owner or interest
9 holder under penalty of perjury and must set forth:

10 (A) the caption of the proceedings as set forth on
11 the notice of pending forfeiture and the name of the
12 claimant;

13 (B) the address at which the claimant will accept
14 mail;

15 (C) the nature and extent of the claimant's
16 interest in the property;

17 (D) the date, identity of transferor, and
18 circumstances of the claimant's acquisition of the
19 interest in the property;

20 (E) the name and address of all other persons known
21 to have an interest in the property;

22 (F) all essential facts supporting each assertion;
23 and

24 (G) the precise relief sought.

25 (5) The answer must be filed with the court within 45
26 days after service of the civil in rem complaint.

1 (6) The hearing must be held within 60 days after
2 filing of the answer unless continued for good cause.

3 (7) The State shall show the existence of probable
4 cause for forfeiture of the property. If the State shows
5 probable cause, the claimant has the burden of showing by a
6 preponderance of the evidence that the claimant's interest
7 in the property is not subject to forfeiture.

8 (8) If the State does not show existence of probable
9 cause, the court shall order the interest in the property
10 returned or conveyed to the claimant and shall order all
11 other property forfeited to the State. If the State does
12 show existence of probable cause, the court shall order all
13 property forfeited to the State.

14 (9) A defendant convicted in any criminal proceeding is
15 precluded from later denying the essential allegations of
16 the criminal offense of which the defendant was convicted
17 in any proceeding under this Article regardless of the
18 pendency of an appeal from that conviction. However,
19 evidence of the pendency of an appeal is admissible.

20 (10) An acquittal or dismissal in a criminal proceeding
21 does not preclude civil proceedings under this Article;
22 however, for good cause shown, on a motion by the State's
23 Attorney, the court may stay civil forfeiture proceedings
24 during the criminal trial for a related criminal indictment
25 or information alleging a money laundering violation. Such
26 a stay shall not be available pending an appeal. Property

1 subject to forfeiture under this Article shall not be
2 subject to return or release by a court exercising
3 jurisdiction over a criminal case involving the seizure of
4 such property unless such return or release is consented to
5 by the State's Attorney.

6 (11) All property declared forfeited under this
7 Article vests in this State on the commission of the
8 conduct giving rise to forfeiture together with the
9 proceeds of the property after that time. Any such property
10 or proceeds subsequently transferred to any person remain
11 subject to forfeiture and thereafter shall be ordered
12 forfeited.

13 (12) A civil action under this Article must be
14 commenced within 5 years after the last conduct giving rise
15 to forfeiture became known or should have become known or 5
16 years after the forfeitable property is discovered,
17 whichever is later, excluding any time during which either
18 the property or claimant is out of the State or in
19 confinement or during which criminal proceedings relating
20 to the same conduct are in progress.

21 (m) Stay of time periods. If property is seized for
22 evidence and for forfeiture, the time periods for instituting
23 judicial and non-judicial forfeiture proceedings shall not
24 begin until the property is no longer necessary for evidence.

25 (n) Settlement of claims. Notwithstanding other provisions
26 of this Article, the State's Attorney and a claimant of seized

1 property may enter into an agreed-upon settlement concerning
2 the seized property in such an amount and upon such terms as
3 are set out in writing in a settlement agreement.

4 (o) Property constituting attorney fees. Nothing in this
5 Article applies to property which constitutes reasonable bona
6 fide attorney's fees paid to an attorney for services rendered
7 or to be rendered in the forfeiture proceeding or criminal
8 proceeding relating directly thereto where such property was
9 paid before its seizure, before the issuance of any seizure
10 warrant or court order prohibiting transfer of the property and
11 where the attorney, at the time he or she received the property
12 did not know that it was property subject to forfeiture under
13 this Article.

14 (p) Construction. It is the intent of the General Assembly
15 that the forfeiture provisions of this Article be liberally
16 construed so as to effect their remedial purpose. The
17 forfeiture of property and other remedies hereunder shall be
18 considered to be in addition to, and not exclusive of, any
19 sentence or other remedy provided by law.

20 (q) Judicial review. If property has been declared
21 forfeited under subsection (k) of this Section, any person who
22 has an interest in the property declared forfeited may, within
23 30 days after the effective date of the notice of the
24 declaration of forfeiture, file a claim and cost bond as
25 described in paragraph (3) of subsection (k) of this Section.
26 If a claim and cost bond is filed under this Section, then the

1 procedures described in subsection (l) of this Section apply.

2 (r) Burden of proof of exemption or exception. It is not
3 necessary for the State to negate any exemption or exception in
4 this Article in any complaint, information, indictment or other
5 pleading or in any trial, hearing, or other proceeding under
6 this Article. The burden of proof of any exemption or exception
7 is upon the person claiming it.

8 (s) Review of administrative decisions. All administrative
9 findings, rulings, final determinations, findings, and
10 conclusions of the State's Attorney's Office under this Article
11 are final and conclusive decisions of the matters involved. Any
12 person aggrieved by the decision may obtain review of the
13 decision pursuant to the provisions of the Administrative
14 Review Law and the rules adopted pursuant to that Law. Pending
15 final decision on such review, the administrative acts, orders,
16 and rulings of the State's Attorney's Office remain in full
17 force and effect unless modified or suspended by order of court
18 pending final judicial decision. Pending final decision on such
19 review, the acts, orders, and rulings of the State's Attorney's
20 Office remain in full force and effect, unless stayed by order
21 of court. However, no stay of any decision of the
22 administrative agency shall issue unless the person aggrieved
23 by the decision establishes by a preponderance of the evidence
24 that good cause exists for the stay. In determining good cause,
25 the court shall find that the aggrieved party has established a
26 substantial likelihood of prevailing on the merits and that

1 granting the stay will not have an injurious effect on the
2 general public.

3 (720 ILCS 5/28-1) (from Ch. 38, par. 28-1)

4 Sec. 28-1. Gambling.

5 (a) A person commits gambling when he or she:

6 (1) Knowingly plays ~~Plays~~ a game of chance or skill for
7 money or other thing of value, unless excepted in
8 subsection (b) of this Section; or

9 (2) Knowingly makes ~~Makes~~ a wager upon the result of
10 any game, contest, or any political nomination,
11 appointment or election; or

12 (3) Knowingly operates ~~Operates~~, keeps, owns, uses,
13 purchases, exhibits, rents, sells, bargains for the sale or
14 lease of, manufactures or distributes any gambling device;
15 or

16 (4) Contracts to have or give himself or herself or
17 another the option to buy or sell, or contracts to buy or
18 sell, at a future time, any grain or other commodity
19 whatsoever, or any stock or security of any company, where
20 it is at the time of making such contract intended by both
21 parties thereto that the contract to buy or sell, or the
22 option, whenever exercised, or the contract resulting
23 therefrom, shall be settled, not by the receipt or delivery
24 of such property, but by the payment only of differences in
25 prices thereof; however, the issuance, purchase, sale,

1 exercise, endorsement or guarantee, by or through a person
2 registered with the Secretary of State pursuant to Section
3 8 of the Illinois Securities Law of 1953, or by or through
4 a person exempt from such registration under said Section
5 8, of a put, call, or other option to buy or sell
6 securities which have been registered with the Secretary of
7 State or which are exempt from such registration under
8 Section 3 of the Illinois Securities Law of 1953 is not
9 gambling within the meaning of this paragraph (4); or

10 (5) Knowingly owns or possesses any book, instrument or
11 apparatus by means of which bets or wagers have been, or
12 are, recorded or registered, or knowingly possesses any
13 money which he or she has received in the course of a bet
14 or wager; or

15 (6) Knowingly sells ~~Sells~~ pools upon the result of any
16 game or contest of skill or chance, political nomination,
17 appointment or election; or

18 ~~(7) Sets up or promotes any lottery or sells, offers to~~
19 ~~sell or transfers any ticket or share for any lottery; or~~

20 (7) Knowingly sets ~~(8) Sets~~ up or promotes any policy
21 game or lottery, or sells, offers to sell or knowingly
22 possesses or transfers any policy ticket, slip, record,
23 document or other similar device, or any ticket or share
24 for any lottery; or

25 (8) ~~(9)~~ Knowingly drafts, prints or publishes any
26 lottery ticket or share, or any policy ticket, slip,

1 record, document or similar device, except for such
2 activity related to lotteries, bingo games and raffles
3 authorized by and conducted in accordance with the laws of
4 Illinois or any other state or foreign government; or

5 (9) ~~(10)~~ Knowingly advertises any lottery or policy
6 game, except for such activity related to lotteries, bingo
7 games and raffles authorized by and conducted in accordance
8 with the laws of Illinois or any other state; or

9 (10) ~~(11)~~ Knowingly transmits information as to
10 wagers, betting odds, or changes in betting odds by
11 telephone, telegraph, radio, semaphore or similar means;
12 or knowingly installs or maintains equipment for the
13 transmission or receipt of such information; except that
14 nothing in this subdivision (10) ~~(11)~~ prohibits
15 transmission or receipt of such information for use in news
16 reporting of sporting events or contests; or

17 (11) ~~(12)~~ Knowingly establishes, maintains, or
18 operates an Internet site that permits a person to play a
19 game of chance or skill for money or other thing of value
20 by means of the Internet or to make a wager upon the result
21 of any game, contest, political nomination, appointment,
22 or election by means of the Internet.

23 (b) Participants in any of the following activities shall
24 not be convicted of gambling therefor:

25 (1) Agreements to compensate for loss caused by the
26 happening of chance including without limitation contracts

1 of indemnity or guaranty and life or health or accident
2 insurance;

3 (2) Offers of prizes, award or compensation to the
4 actual contestants in any bona fide contest for the
5 determination of skill, speed, strength or endurance or to
6 the owners of animals or vehicles entered in such contest;

7 (3) Pari-mutuel betting as authorized by the law of
8 this State;

9 (4) Manufacture of gambling devices, including the
10 acquisition of essential parts therefor and the assembly
11 thereof, for transportation in interstate or foreign
12 commerce to any place outside this State when such
13 transportation is not prohibited by any applicable Federal
14 law;

15 (5) The game commonly known as "bingo", when conducted
16 in accordance with the Bingo License and Tax Act;

17 (6) Lotteries when conducted by the State of Illinois
18 in accordance with the Illinois Lottery Law;

19 (7) Possession of an antique slot machine that is
20 neither used nor intended to be used in the operation or
21 promotion of any unlawful gambling activity or enterprise.
22 For the purpose of this subparagraph (b)(7), an antique
23 slot machine is one manufactured 25 years ago or earlier;

24 (8) Raffles when conducted in accordance with the
25 Raffles Act;

26 (9) Charitable games when conducted in accordance with

1 the Charitable Games Act;

2 (10) Pull tabs and jar games when conducted under the
3 Illinois Pull Tabs and Jar Games Act; or

4 (11) Gambling games conducted on riverboats when
5 authorized by the Riverboat Gambling Act.

6 (c) Sentence.

7 ~~Gambling under subsection (a) (1) or (a) (2) of this Section~~
8 ~~is a Class A misdemeanor. Gambling under any of subsections~~
9 ~~(a) (3) through (a) (11) of this Section is a Class A~~
10 ~~misdemeanor.~~ A second or subsequent conviction under any of
11 subsections (a) (3) through (a) (11), is a Class 4 felony.
12 ~~Gambling under subsection (a) (12) of this Section is a Class A~~
13 ~~misdemeanor. A second or subsequent conviction under~~
14 ~~subsection (a) (12) is a Class 4 felony.~~

15 ~~(d) Circumstantial evidence.~~

16 ~~In prosecutions under subsection (a) (1) through (a) (12) of~~
17 ~~this Section circumstantial evidence shall have the same~~
18 ~~validity and weight as in any criminal prosecution.~~

19 (Source: P.A. 91-257, eff. 1-1-00.)

20 (720 ILCS 5/28-1.1) (from Ch. 38, par. 28-1.1)

21 Sec. 28-1.1. Syndicated gambling.

22 (a) Declaration of Purpose. Recognizing the close
23 relationship between professional gambling and other organized
24 crime, it is declared to be the policy of the legislature to
25 restrain persons from engaging in the business of gambling for

1 profit in this State. This Section shall be liberally construed
2 and administered with a view to carrying out this policy.

3 (b) A person commits syndicated gambling when he or she
4 operates a "policy game" or engages in the business of
5 bookmaking.

6 (c) A person "operates a policy game" when he or she
7 knowingly uses any premises or property for the purpose of
8 receiving or knowingly does receive from what is commonly
9 called "policy":

10 (1) money from a person other than the better or player
11 whose bets or plays are represented by such money; or

12 (2) written "policy game" records, made or used over
13 any period of time, from a person other than the better or
14 player whose bets or plays are represented by such written
15 record.

16 (d) A person engages in bookmaking when he or she knowingly
17 receives or accepts more than five bets or wagers upon the
18 result of any trials or contests of skill, speed or power of
19 endurance or upon any lot, chance, casualty, unknown or
20 contingent event whatsoever, which bets or wagers shall be of
21 such size that the total of the amounts of money paid or
22 promised to be paid to such bookmaker on account thereof shall
23 exceed \$2,000. Bookmaking is the receiving or accepting of such
24 bets or wagers regardless of the form or manner in which the
25 bookmaker records them.

26 (e) Participants in any of the following activities shall

1 not be convicted of syndicated gambling:

2 (1) Agreements to compensate for loss caused by the
3 happening of chance including without limitation contracts
4 of indemnity or guaranty and life or health or accident
5 insurance; and

6 (2) Offers of prizes, award or compensation to the
7 actual contestants in any bona fide contest for the
8 determination of skill, speed, strength or endurance or to
9 the owners of animals or vehicles entered in such contest;
10 and

11 (3) Pari-mutuel betting as authorized by law of this
12 State; and

13 (4) Manufacture of gambling devices, including the
14 acquisition of essential parts therefor and the assembly
15 thereof, for transportation in interstate or foreign
16 commerce to any place outside this State when such
17 transportation is not prohibited by any applicable Federal
18 law; and

19 (5) Raffles when conducted in accordance with the
20 Raffles Act; and

21 (6) Gambling games conducted on riverboats when
22 authorized by the Riverboat Gambling Act.

23 (f) Sentence. Syndicated gambling is a Class 3 felony.

24 (Source: P.A. 86-1029; 87-435.)

25 (720 ILCS 5/29-1) (was 720 ILCS 5/29-1, 5/29-2, and 5/29-3)

1 Sec. 29-1. Bribery in contests. ~~Offering a bribe.~~

2 (a) Offering a bribe in contests.

3 (1) Any person who, with intent to influence any person
4 participating in, officiating or connected with any
5 professional or amateur athletic contest, sporting event
6 or exhibition, gives, offers or promises any money, bribe
7 or other thing of value or advantage to induce such
8 participant, official or other person not to use his best
9 efforts in connection with such contest, event or
10 exhibition commits a Class 4 felony.

11 (2) ~~(b)~~ Any person who, with the intent to influence
12 the decision of any individual, offers or promises any
13 money, bribe or other thing of value or advantage to induce
14 such individual to attend, refrain from attending or
15 continue to attend a particular public or private
16 institution of secondary education or higher education for
17 the purpose of participating or not participating in
18 interscholastic athletic competition for such institution
19 commits a Class A misdemeanor. This subsection ~~Section~~ does
20 not apply to the:

21 (A) ~~(1)~~ offering or awarding to an individual any
22 type of scholarship, grant or other bona fide financial
23 aid or employment;

24 (B) ~~(2)~~ offering of any type of financial
25 assistance by such individual's family; or

26 (C) ~~(3)~~ offering of any item of de minimis value by

1 such institution's authorities if such item is of the
2 nature of an item that is commonly provided to any or
3 all students or prospective students.

4 (3) ~~(e)~~ Any person who, with intent to influence the
5 representation or attempted representation, gives any
6 money, goods or other thing of value to an individual
7 enrolled in an institution of higher education who
8 participates in interscholastic competition and represents
9 or attempts to represent such individual in future
10 negotiations for employment with any professional sports
11 team commits a Class A misdemeanor.

12 (b) ~~Sec. 29-2.~~ Accepting a bribe in contests. Any person
13 participating in, officiating or connected with any
14 professional or amateur athletic contest, sporting event or
15 exhibition who knowingly accepts or agrees to accept any money,
16 bribe or other thing of value or advantage with the ~~intent,~~
17 understanding or agreement that he will not use his best
18 efforts in connection with such contest, event or exhibition
19 commits a Class 4 felony.

20 (c) ~~Sec. 29-3.~~ Failure to report offer of bribe in
21 contests. Any person participating, officiating or connected
22 with any professional or amateur athletic contest, sporting
23 event or exhibition who fails to report forthwith to his
24 employer, the promoter of such contest, event or exhibition, a
25 peace officer, or the local State's Attorney any offer or
26 promise made to him in violation of Section 29-1 commits a

1 Class A misdemeanor.

2 (Source: P.A. 77-2638; 85-665.)

3 (720 ILCS 5/29-4) (was 720 ILCS 5/29A-1, 5/29A-2, 5/29A-3,
4 and 5/29A-4)

5 Sec. 29-4 ~~29A-1~~. Commercial bribery.

6 (a) Offering a commercial bribe. A person commits
7 commercial bribery when he confers, or offers or agrees to
8 confer, any benefit upon any employee, agent or fiduciary
9 without the consent of the latter's employer or principal, with
10 intent to influence his conduct in relation to his employer's
11 or principal's affairs.

12 (b) Commercial bribe receiving. ~~Sec. 29A-2.~~ An employee,
13 agent or fiduciary commits commercial bribe receiving when,
14 without consent of his employer or principal, he solicits, or
15 knowingly accepts or agrees to accept any benefit from another
16 person upon an agreement or understanding that such benefit
17 will influence his conduct in relation to his employer's or
18 principal's affairs.

19 (c) ~~Sec. 29A-3.~~ Sentence. ~~(a)~~ If the benefit offered,
20 conferred, or agreed to be conferred, solicited, accepted or
21 agreed to be accepted is less than \$500,000, commercial bribery
22 or commercial bribe receiving is a Class A misdemeanor and the
23 sentence shall include, but not be limited to, a fine not to
24 exceed \$5,000.

25 ~~(b)~~ If the benefit offered, conferred, or agreed to be

1 conferred, solicited, accepted, or agreed to be accepted in
2 violation of this Article is \$500,000 or more, the offender is
3 guilty of a Class 3 felony.

4 (d) ~~Sec. 29A-4.~~ Corporate Crime Fund.

5 (1) ~~(a)~~ In addition to any fines, penalties, and
6 assessments otherwise authorized under this Code, any
7 person convicted of a violation of this Section Article or
8 Section 17-26 or 17-27 of this Code shall be assessed a
9 penalty of not more than 3 times the value of all property
10 involved in the criminal activity.

11 (2) ~~(b)~~ The penalties assessed under subsection (d) (1)
12 ~~(a)~~ shall be deposited into the Corporate Crime Fund, a
13 special fund hereby created in the State treasury. Moneys
14 in the Fund shall be used to make restitution to a person
15 who has suffered property loss as a result of violations of
16 this Section Article. The court may determine the
17 reasonable amount, terms, and conditions of the
18 restitution. In determining the amount and method of
19 payment of restitution, the court shall take into account
20 all financial resources of the defendant.

21 (e) Commercial bribery involving a financial institution
22 employee, agent or fiduciary which does not exceed \$300, is a
23 Class A misdemeanor; which exceeds \$300 but does not exceed
24 \$10,000, is a Class 3 felony; which exceeds \$10,000 but does
25 not exceed \$100,000, is a Class 2 felony; which exceeds
26 \$100,000, is a Class 1 felony. A person who commits commercial

1 bribery involving a financial institution which does not exceed
2 \$300 and who has been previously convicted of any type of
3 theft, fraud, robbery, armed robbery, burglary, residential
4 burglary, possession of burglary tools, or home invasion, is
5 guilty of a Class 4 felony.

6 (f) "Financial institution" means any bank, savings bank,
7 savings and loan association, credit union, trust company, or
8 other depository of money, or medium of savings and collective
9 investment and lender of money for compensation, whether direct
10 or indirect, whose loans are or are intended to be secured by
11 real property, including but not limited to, mortgage
12 underwriters, and originators of loans for such lenders,
13 including but not limited to mortgage brokers.

14 (Source: P.A. 76-1129; 77-2638; 93-496, eff. 1-1-04.)

15 (720 ILCS 5/30-1.1) (was 720 ILCS 5/31A-1.1)

16 Sec. 30-1.1 ~~31A-1.1~~. Bringing Contraband into a Penal
17 Institution; Possessing Contraband in a Penal Institution.

18 (a) A person commits the offense of bringing contraband
19 into a penal institution when he or she knowingly and without
20 authority of any person designated or authorized to grant such
21 authority (1) brings an item of contraband into a penal
22 institution or (2) causes another to bring an item of
23 contraband into a penal institution or (3) places an item of
24 contraband in such proximity to a penal institution as to give
25 an inmate access to the contraband.

1 (b) A person commits the offense of possessing contraband
2 in a penal institution when he or she knowingly possesses
3 contraband in a penal institution, regardless of the intent
4 with which he or she possesses it.

5 (c) For the purposes of this Section, the words and phrases
6 listed below shall be defined as follows:

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

20 (2) "Item of contraband" means any of the following:

21 (i) "Alcoholic liquor" as such term is defined in
22 Section 1-3.05 of the Liquor Control Act of 1934.

23 (ii) "Cannabis" as such term is defined in
24 subsection (a) of Section 3 of the Cannabis Control
25 Act.

26 (iii) "Controlled substance" as such term is

1 defined in the Illinois Controlled Substances Act.

2 (iii-a) "Methamphetamine" as such term is defined
3 in the Illinois Controlled Substances Act or the
4 Methamphetamine Control and Community Protection Act.

5 (iv) "Hypodermic syringe" or hypodermic needle, or
6 any instrument adapted for use of controlled
7 substances or cannabis by subcutaneous injection.

8 (v) "Weapon" means any knife, dagger, dirk, billy,
9 razor, stiletto, broken bottle, or other piece of glass
10 which could be used as a dangerous weapon. Such term
11 includes any of the devices or implements designated in
12 subsections (a)(1), (a)(3) and (a)(6) of Section 24-1
13 of this Act, or any other dangerous weapon or
14 instrument of like character.

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

19 (A) any pneumatic gun, spring gun, or B-B gun
20 which expels a single globular projectile not
21 exceeding .18 inch in diameter, or;

22 (B) any device used exclusively for signaling
23 or safety and required as recommended by the United
24 States Coast Guard or the Interstate Commerce
25 Commission; or

26 (C) any device used exclusively for the firing

1 of stud cartridges, explosive rivets or industrial
2 ammunition; or

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

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

15 (A) any ammunition exclusively designed for
16 use with a device used exclusively for signaling or
17 safety and required or recommended by the United
18 States Coast Guard or the Interstate Commerce
19 Commission; or

20 (B) any ammunition designed exclusively for
21 use with a stud or rivet driver or other similar
22 industrial ammunition.

23 (viii) "Explosive" means, but is not limited to,
24 bomb, bombshell, grenade, bottle or other container
25 containing an explosive substance of over one-quarter
26 ounce for like purposes such as black powder bombs and

1 Molotov cocktails or artillery projectiles.

2 (ix) "Tool to defeat security mechanisms" means,
3 but is not limited to, handcuff or security restraint
4 key, tool designed to pick locks, or device or
5 instrument capable of unlocking handcuff or security
6 restraints, doors to cells, rooms, gates or other areas
7 of the penal institution.

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

11 (xi) "Electronic contraband" means, but is not
12 limited to, any electronic, video recording device,
13 computer, or cellular communications equipment,
14 including, but not limited to, cellular telephones,
15 cellular telephone batteries, videotape recorders,
16 pagers, computers, and computer peripheral equipment
17 brought into or possessed in a penal institution
18 without the written authorization of the Chief
19 Administrative Officer.

20 (d) Bringing alcoholic liquor into a penal institution is a
21 Class 4 felony. Possessing alcoholic liquor in a penal
22 institution is a Class 4 felony.

23 (e) Bringing cannabis into a penal institution is a Class 3
24 felony. Possessing cannabis in a penal institution is a Class 3
25 felony.

26 (f) Bringing any amount of a controlled substance

1 classified in Schedules III, IV or V of Article II of the
2 Controlled Substance Act into a penal institution is a Class 2
3 felony. Possessing any amount of a controlled substance
4 classified in Schedule III, IV, or V of Article II of the
5 Controlled Substance Act in a penal institution is a Class 2
6 felony.

7 (g) Bringing any amount of a controlled substance
8 classified in Schedules I or II of Article II of the Controlled
9 Substance Act into a penal institution is a Class 1 felony.
10 Possessing any amount of a controlled substance classified in
11 Schedules I or II of Article II of the Controlled Substance Act
12 in a penal institution is a Class 1 felony.

13 (h) Bringing an item of contraband listed in paragraph (iv)
14 of subsection (c)(2) into a penal institution is a Class 1
15 felony. Possessing an item of contraband listed in paragraph
16 (iv) of subsection (c)(2) in a penal institution is a Class 1
17 felony.

18 (i) Bringing an item of contraband listed in paragraph (v),
19 (ix), (x), or (xi) of subsection (c)(2) into a penal
20 institution is a Class 1 felony. Possessing an item of
21 contraband listed in paragraph (v), (ix), (x), or (xi) of
22 subsection (c)(2) in a penal institution is a Class 1 felony.

23 (j) Bringing an item of contraband listed in paragraphs
24 (vi), (vii) or (viii) of subsection (c)(2) in a penal
25 institution is a Class X felony. Possessing an item of
26 contraband listed in paragraphs (vi), (vii), or (viii) of

1 subsection (c) (2) in a penal institution is a Class X felony.

2 (k) It shall be an affirmative defense to subsection (b)
3 hereof, that such possession was specifically authorized by
4 rule, regulation, or directive of the governing authority of
5 the penal institution or order issued pursuant thereto.

6 (l) It shall be an affirmative defense to subsection (a) (1)
7 and subsection (b) hereof that the person bringing into or
8 possessing contraband in a penal institution had been arrested,
9 and that that person possessed such contraband at the time of
10 his or her arrest, and that such contraband was brought into or
11 possessed in the penal institution by that person as a direct
12 and immediate result of his or her arrest.

13 (m) Items confiscated may be retained for use by the
14 Department of Corrections or disposed of as deemed appropriate
15 by the Chief Administrative Officer in accordance with
16 Department rules or disposed of as required by law.

17 (Source: P.A. 94-556, eff. 9-11-05; 94-1017, eff. 7-7-06.)

18 (720 ILCS 5/30-1.2) (was 720 ILCS 5/31A-1.2)

19 Sec. 30-1.2. ~~31A-1.2.~~ Unauthorized bringing of contraband
20 into a penal institution by an employee; unauthorized
21 possessing of contraband in a penal institution by an employee;
22 unauthorized delivery of contraband in a penal institution by
23 an employee.

24 (a) A person commits the offense of unauthorized bringing
25 of contraband into a penal institution by an employee when a

1 person who is an employee knowingly and without authority or
2 any person designated or authorized to grant such authority:

3 (1) brings or attempts to bring an item of contraband
4 listed in paragraphs (i) through (viii), and (xi) ~~(iv)~~ of
5 subsection (d)(4) into a penal institution, or

6 (2) causes or permits another to bring an item of
7 contraband listed in paragraphs (i) through (viii) and (xi)
8 ~~(iv)~~ of subsection (d)(4) into a penal institution.

9 (b) A person commits the offense of unauthorized possession
10 of contraband in a penal institution by an employee when a
11 person who is an employee knowingly and without authority of
12 any person designated or authorized to grant such authority
13 possesses contraband listed in paragraphs (i) through (viii)
14 and (xi) ~~(iv)~~ of subsection (d)(4) in a penal institution,
15 regardless of the intent with which he possesses it.

16 (c) A person commits the offense of unauthorized delivery
17 of contraband in a penal institution by an employee when a
18 person who is an employee knowingly and without authority of
19 any person designated or authorized to grant such authority:

20 (1) delivers or possesses with intent to deliver an
21 item of contraband to any inmate of a penal institution, or

22 (2) conspires to deliver or solicits the delivery of an
23 item of contraband to any inmate of a penal institution, or

24 (3) causes or permits the delivery of an item of
25 contraband to any inmate of a penal institution, or

26 (4) permits another person to attempt to deliver an

1 item of contraband to any inmate of a penal institution.

2 (d) For purpose of this Section, the words and phrases
3 listed below shall be defined as follows:

4 (1) "Penal Institution" shall have the meaning
5 ascribed to it in subsection (c)(1) of Section 31A-1.1 of
6 this Code;

7 (2) "Employee" means any elected or appointed officer,
8 trustee or employee of a penal institution or of the
9 governing authority of the penal institution, or any person
10 who performs services for the penal institution pursuant to
11 contract with the penal institution or its governing
12 authority.

13 (3) "Deliver" or "delivery" means the actual,
14 constructive or attempted transfer of possession of an item
15 of contraband, with or without consideration, whether or
16 not there is an agency relationship;

17 (4) "Item of contraband" means any of the following:

18 (i) "Alcoholic liquor" as such term is defined in
19 Section 1-3.05 of the Liquor Control Act of 1934.

20 (ii) "Cannabis" as such term is defined in
21 subsection (a) of Section 3 of the Cannabis Control
22 Act.

23 (iii) "Controlled substance" as such term is
24 defined in the Illinois Controlled Substances Act.

25 (iii-a) "Methamphetamine" as such term is defined
26 in the Illinois Controlled Substances Act or the

1 Methamphetamine Control and Community Protection Act.

2 (iv) "Hypodermic syringe" or hypodermic needle, or
3 any instrument adapted for use of controlled
4 substances or cannabis by subcutaneous injection.

5 (v) "Weapon" means any knife, dagger, dirk, billy,
6 razor, stiletto, broken bottle, or other piece of glass
7 which could be used as a dangerous weapon. Such term
8 includes any of the devices or implements designated in
9 subsections (a) (1), (a) (3) and (a) (6) of Section 24-1
10 of this Act, or any other dangerous weapon or
11 instrument of like character.

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

16 (A) any pneumatic gun, spring gun, or B-B gun
17 which expels a single globular projectile not
18 exceeding .18 inch in diameter; or

19 (B) any device used exclusively for signaling
20 or safety and required or recommended by the United
21 States Coast Guard or the Interstate Commerce
22 Commission; or

23 (C) any device used exclusively for the firing
24 of stud cartridges, explosive rivets or industrial
25 ammunition; or

26 (D) any device which is powered by electrical

1 charging units, such as batteries, and which fires
2 one or several barbs attached to a length of wire
3 and which, upon hitting a human, can send out
4 current capable of disrupting the person's nervous
5 system in such a manner as to render him incapable
6 of normal functioning, commonly referred to as a
7 stun gun or taser.

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

12 (A) any ammunition exclusively designed for
13 use with a device used exclusively for signaling or
14 safety and required or recommended by the United
15 States Coast Guard or the Interstate Commerce
16 Commission; or

17 (B) any ammunition designed exclusively for
18 use with a stud or rivet driver or other similar
19 industrial ammunition.

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

25 (ix) "Tool to defeat security mechanisms" means,
26 but is not limited to, handcuff or security restraint

1 key, tool designed to pick locks, or device or
2 instrument capable of unlocking handcuff or security
3 restraints, doors to cells, rooms, gates or other areas
4 of the penal institution.

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

8 (xi) "Electronic contraband" means, but is not
9 limited to, any electronic, video recording device,
10 computer, or cellular communications equipment,
11 including, but not limited to, cellular telephones,
12 cellular telephone batteries, videotape recorders,
13 pagers, computers, and computer peripheral equipment.

14 (e) A violation of paragraphs (a) or (b) of this Section
15 involving alcohol is a Class 4 felony. A violation of paragraph
16 (a) or (b) of this Section involving cannabis is a Class 2
17 felony. A violation of paragraph (a) or (b) involving any
18 amount of a controlled substance classified in Schedules III,
19 IV or V of Article II of the Illinois Controlled Substances Act
20 is a Class 1 felony. A violation of paragraph (a) or (b) of
21 this Section involving any amount of a controlled substance
22 classified in Schedules I or II of Article II of the Illinois
23 Controlled Substances Act is a Class X felony. A violation of
24 paragraph (a) or (b) involving an item of contraband listed in
25 paragraph (iv) of subsection (d)(4) is a Class X felony. A
26 violation of paragraph (a) or (b) involving an item of

1 contraband listed in paragraph (v) or (xi) of subsection (d)(4)
2 is a Class 1 felony. A violation of paragraph (a) or (b)
3 involving an item of contraband listed in paragraphs (vi),
4 (vii) or (viii) of subsection (d)(4) is a Class X felony.

5 (f) A violation of paragraph (c) of this Section involving
6 alcoholic liquor is a Class 3 felony. A violation of paragraph
7 (c) involving cannabis is a Class 1 felony. A violation of
8 paragraph (c) involving any amount of a controlled substance
9 classified in Schedules III, IV or V of Article II of the
10 Illinois Controlled Substances Act is a Class X felony. A
11 violation of paragraph (c) involving any amount of a controlled
12 substance classified in Schedules I or II of Article II of the
13 Illinois Controlled Substances Act is a Class X felony for
14 which the minimum term of imprisonment shall be 8 years. A
15 violation of paragraph (c) involving an item of contraband
16 listed in paragraph (iv) of subsection (d)(4) is a Class X
17 felony for which the minimum term of imprisonment shall be 8
18 years. A violation of paragraph (c) involving an item of
19 contraband listed in paragraph (v), (ix), ~~or~~ (x), or (xi) of
20 subsection (d)(4) is a Class X felony for which the minimum
21 term of imprisonment shall be 10 years. A violation of
22 paragraph (c) involving an item of contraband listed in
23 paragraphs (vi), (vii) or (viii) of subsection (d)(4) is a
24 Class X felony for which the minimum term of imprisonment shall
25 be 12 years.

26 (g) Items confiscated may be retained for use by the

1 Department of Corrections or disposed of as deemed appropriate
2 by the Chief Administrative Officer in accordance with
3 Department rules or disposed of as required by law.

4 (Source: P.A. 94-556, eff. 9-11-05; 94-1017, eff. 7-7-06.)

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

6 Sec. 31-1a. Disarming a peace officer or correctional
7 institution employee. A person who, without the consent of a
8 peace officer or correctional institution employee as defined
9 in subsection (b) of Section 31-1, knowingly takes or attempts
10 to take a weapon from a person known to him or her to be a peace
11 officer or correctional institution employee, while the peace
12 officer or correctional institution employee is engaged in the
13 performance of his or her official duties or from an area
14 within the peace officer's or correctional institution
15 employee's immediate presence is guilty of a Class 2 felony.

16 (Source: P.A. 93-207, eff. 1-1-04.)

17 (720 ILCS 5/32-1) (from Ch. 38, par. 32-1)

18 Sec. 32-1. Compounding a crime.

19 (a) A person compounds a crime when he or she knowingly
20 receives or offers to another any consideration for a promise
21 not to prosecute or aid in the prosecution of an offender.

22 (b) Sentence. Compounding a crime is a petty offense.

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

1 (720 ILCS 5/32-2) (from Ch. 38, par. 32-2)

2 Sec. 32-2. Perjury.

3 (a) A person commits perjury when, under oath or
4 affirmation, in a proceeding or in any other matter where by
5 law such oath or affirmation is required, he or she makes a
6 false statement, that is material to the issue or point in
7 question, knowing that such statement is false ~~which he does~~
8 ~~not believe to be true.~~

9 (b) Proof of Falsity.

10 An indictment or information for perjury alleging that the
11 offender, under oath, has knowingly made contradictory
12 statements, material to the issue or point in question, in the
13 same or in different proceedings, where such oath or
14 affirmation is required, need not specify which statement is
15 false. At the trial, the prosecution need not establish which
16 statement is false.

17 (c) Admission of Falsity.

18 Where the contradictory statements are made in the same
19 continuous trial, hearing, deposition, or other formal
20 proceeding, an admission by the offender in that same
21 continuous proceeding ~~trial~~ of the falsity of a contradictory
22 statement shall bar prosecution therefor under any provisions
23 of this Code.

24 (d) A person shall be exempt from prosecution under
25 subsection (a) of this Section if he or she is a peace officer
26 who uses a false or fictitious name in the enforcement of the

1 criminal laws, and such use is approved in writing as provided
2 in Section 10-1 of "The Liquor Control Act of 1934", as
3 amended, Section 5 of "An Act in relation to the use of an
4 assumed name in the conduct or transaction of business in this
5 State", approved July 17, 1941, as amended, or Section 2605-200
6 of the Department of State Police Law (20 ILCS 2605/2605-200).
7 However, this exemption shall not apply to testimony in
8 judicial proceedings where the identity of the peace officer is
9 material to the issue, and he or she is ordered by the court to
10 disclose his or her identity.

11 (e) Sentence.

12 Perjury is a Class 3 felony.

13 (Source: P.A. 91-239, eff. 1-1-00.)

14 (720 ILCS 5/32-3) (from Ch. 38, par. 32-3)

15 Sec. 32-3. Subornation of perjury.

16 (a) A person commits subornation of perjury when he or she
17 knowingly procures or induces another to make a statement in
18 violation of Section 32-2 which the person knows to be false.

19 (b) Sentence.

20 Subornation of perjury is a Class 4 felony.

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

22 (720 ILCS 5/32-4b) (from Ch. 38, par. 32-4b)

23 Sec. 32-4b. Excuse of persons from jury duty; bribes. A
24 jury commissioner, or any other person acting on behalf of a

1 jury commissioner, who solicits, or knowingly requests,
2 ~~solicits~~, suggests, or accepts financial compensation or any
3 other form of consideration in exchange for a promise to excuse
4 or for excusing any person from jury duty commits a Class 3
5 felony.

6 In addition to any other penalty provided by law, any jury
7 commissioner convicted under this Section shall forfeit the
8 performance bond required by Section 1 of "An Act in relation
9 to jury commissioners and authorizing judges to appoint such
10 commissioners and to make rules concerning their powers and
11 duties", approved June 15, 1887, as amended, and shall be
12 excluded from further service as a jury commissioner.

13 (Source: P.A. 84-1428.)

14 (720 ILCS 5/32-4c)

15 Sec. 32-4c. Witnesses; prohibition on accepting payments
16 before judgment or verdict.

17 (a) A person who, after the commencement of a criminal
18 prosecution, has been identified in the criminal discovery
19 process as a person who may be called as a witness in a
20 criminal proceeding shall not knowingly accept or receive,
21 directly or indirectly, any payment or benefit in consideration
22 for providing information obtained as a result of witnessing an
23 event or occurrence or having personal knowledge of certain
24 facts in relation to the criminal proceeding.

25 (b) A violation of this Section is a Class B misdemeanor

1 for which the court may impose a fine not to exceed 3 times the
2 amount of compensation requested, accepted, or received.

3 (c) This Section remains applicable until the judgment of
4 the court in the action if the defendant is tried by the court
5 without a jury or the rendering of the verdict by the jury if
6 the defendant is tried by jury in the action.

7 (d) This Section does not apply to any of the following
8 circumstances:

9 (1) To the lawful compensation paid to expert
10 witnesses, investigators, employees, or agents by a
11 prosecutor, law enforcement agency, or an attorney
12 employed to represent a person in a criminal matter.

13 (2) To the lawful compensation or benefits provided to
14 an informant by a prosecutor or law enforcement agency.

15 (2.5) To the lawful compensation or benefits, or both,
16 provided to an informant under a local anti-crime program,
17 such as Crime Stoppers, We-Tip, and similar programs
18 designed to solve crimes or that foster the detection of
19 crime and encourage persons through the programs and
20 otherwise to come forward with information about criminal
21 activity.

22 (2.6) To the lawful compensation or benefits, or both,
23 provided by a private individual to another private
24 individual as a reward for information leading to the
25 arrest and conviction of specified offenders.

26 (3) To the lawful compensation paid to a publisher,

1 editor, reporter, writer, or other person connected with or
2 employed by a newspaper, magazine, television or radio
3 station or any other publishing or media outlet for
4 disclosing information obtained from another person
5 relating to an offense.

6 (e) For purposes of this Section, "publishing or media
7 outlet" means a news gathering organization that sells or
8 distributes news to newspapers, television, or radio stations,
9 or a cable or broadcast television or radio network that
10 disseminates news and information.

11 (f) The person referred to in subsection (a) of this
12 Section may receive written notice from counsel for either the
13 prosecution or defense of the fact that he or she has been
14 identified as a person who may be called as a witness in a
15 criminal proceeding and his or her responsibilities and
16 possible penalties under this Section. This Section shall be
17 applicable only if the person referred to in subsection (a) of
18 this Section received the written notice referred to in this
19 subsection (f).

20 (Source: P.A. 90-506, eff. 8-19-97.)

21 (720 ILCS 5/32-4d)

22 Sec. 32-4d. Payment of jurors by parties prohibited.

23 (a) After a verdict has been rendered in a civil or
24 criminal case, a person who was a plaintiff or defendant in the
25 case may not knowingly offer or pay an award or other fee to a

1 juror who was a member of the jury that rendered the verdict in
2 the case.

3 (b) After a verdict has been rendered in a civil or
4 criminal case, a member of the jury that rendered the verdict
5 may not knowingly accept an award or fee from the plaintiff or
6 defendant in that case.

7 (c) A violation of this Section is a Class A misdemeanor.

8 (d) This Section does not apply to the payment of a fee or
9 award to a person who was a juror for purposes unrelated to the
10 jury's verdict or to the outcome of the case.

11 (Source: P.A. 91-879, eff. 1-1-01.)

12 (720 ILCS 5/32-7) (from Ch. 38, par. 32-7)

13 Sec. 32-7. Simulating legal process.

14 ~~A person who issues or delivers any document which he knows~~
15 ~~falsely purports to be or simulates any civil or criminal~~
16 ~~process commits a Class B misdemeanor.~~

17 (a) A person commits the offense of Simulating legal
18 process when, with the intent to deceive the recipient, he or
19 she knowingly issues or delivers any document which he or she
20 knows falsely purports to be or simulates any civil or criminal
21 process.

22 (b) A person convicted of Simulating legal process is
23 guilty of a Class B misdemeanor.

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

1 (720 ILCS 5/32-8) (from Ch. 38, par. 32-8)

2 Sec. 32-8. Tampering with public records or public notice.

3 (a) Tampering with public records. A person who knowingly
4 and without lawful authority alters, destroys, defaces,
5 removes or conceals any public record commits a Class 4 felony.

6 (b) Tampering with public notice. A person who knowingly
7 and without lawful authority alters, destroys, defaces,
8 removes or conceals any public notice, posted according to law,
9 during the time for which the notice was to remain posted,
10 commits a petty offense.

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

12 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

13 Sec. 32-10. Violation of bail bond.

14 (a) Whoever, having been admitted to bail for appearance
15 before any court of this State, incurs a forfeiture of the bail
16 and knowingly ~~willfully~~ fails to surrender himself or herself
17 within 30 days following the date of such forfeiture, commits,
18 if the bail was given in connection with a charge of felony or
19 pending appeal or certiorari after conviction of any offense, a
20 felony of the next lower Class or a Class A misdemeanor if the
21 underlying offense was a Class 4 felony; or, if the bail was
22 given in connection with a charge of committing a misdemeanor,
23 or for appearance as a witness, commits a misdemeanor of the
24 next lower Class, but not less than a Class C misdemeanor.

25 (a-5) Any person who knowingly violates a condition of bail

1 bond by possessing a firearm in violation of his or her
2 conditions of bail commits a Class 4 felony for a first
3 violation and a Class 3 felony for a second violation.

4 (b) Whoever, having been admitted to bail for appearance
5 before any court of this State, while charged with a criminal
6 offense in which the victim is a family or household member as
7 defined in Article 112A of the Code of Criminal Procedure of
8 1963, knowingly violates a condition of that release as set
9 forth in Section 110-10, subsection (d) of the Code of Criminal
10 Procedure of 1963, commits a Class A misdemeanor.

11 (c) Whoever, having been admitted to bail for appearance
12 before any court of this State for a felony, Class A
13 misdemeanor or a criminal offense in which the victim is a
14 family or household member as defined in Article 112A of the
15 Code of Criminal Procedure of 1963, is charged with any other
16 felony, Class A misdemeanor, or a criminal offense in which the
17 victim is a family or household member as defined in Article
18 112A of the Code of Criminal Procedure of 1963 while on such
19 release, must appear before the court before bail is
20 statutorily set.

21 (d) Nothing in this Section shall interfere with or prevent
22 the exercise by any court of its power to punishment for
23 contempt. Any sentence imposed for violation of this Section
24 shall be served consecutive to the sentence imposed for the
25 charge for which bail had been granted and with respect to
26 which the defendant has been convicted.

1 (Source: P.A. 91-696, eff. 4-13-00.)

2 (720 ILCS 5/33-1) (from Ch. 38, par. 33-1)

3 Sec. 33-1. Bribery.† A person commits bribery when:

4 (a) With intent to influence the performance of any act
5 related to the employment or function of any public officer,
6 public employee, juror or witness, he promises or tenders to
7 that person any property or personal advantage which he is not
8 authorized by law to accept; or

9 (b) With intent to influence the performance of any act
10 related to the employment or function of any public officer,
11 public employee, juror or witness, he promises or tenders to
12 one whom he believes to be a public officer, public employee,
13 juror or witness, any property or personal advantage which a
14 public officer, public employee, juror or witness would not be
15 authorized by law to accept; or

16 (c) With intent to cause any person to influence the
17 performance of any act related to the employment or function of
18 any public officer, public employee, juror or witness, he
19 promises or tenders to that person any property or personal
20 advantage which he is not authorized by law to accept; or

21 (d) He receives, retains or agrees to accept any property
22 or personal advantage which he is not authorized by law to
23 accept knowing that such property or personal advantage was
24 promised or tendered with intent to cause him to influence the
25 performance of any act related to the employment or function of

1 any public officer, public employee, juror or witness; or

2 (e) He solicits, receives, retains, or agrees to accept any
3 property or personal advantage pursuant to an understanding
4 with the intent that he shall improperly to influence or
5 attempt to influence the performance of any act related to the
6 employment or function of any public officer, public employee,
7 juror or witness.

8 (f) As used in this Section, the word "tenders" shall mean:
9 any delivery or proffer made with the requisite intent.

10 (g) ~~(f)~~ Sentence.

11 Bribery is a Class 2 felony. A public officer or employee
12 convicted of violating any provision of this Section forfeits
13 his or her office or employment.

14 (Source: P.A. 84-761.)

15 (720 ILCS 5/33-3.3 new)

16 Sec. 33-3.3. Solicitation misconduct.

17 (a) An employee of an executive branch constitutional
18 officer, or chief executive officer of a local government,
19 commits solicitation misconduct when, at any time, he or she
20 knowingly solicits or receives contributions, as that term is
21 defined in Section 9-1.4 of the Election Code (10 ILCS
22 5/9-1.4), from a person engaged in a business or activity over
23 which the person has regulatory authority.

24 (b) An employee of an executive branch constitutional
25 officer, or chief executive officer of a local government,

1 including one who does not have regulatory authority, commits a
2 violation of this Section if that employee knowingly acts in
3 concert with an employee of an executive branch constitutional
4 officer, or chief executive officer of a local government, who
5 does have regulatory authority to solicit or receive
6 contributions in violation of this Section.

7 (c) Sentence. Solicitation misconduct in subsections (a)
8 and (b) is a Class A misdemeanor. An employee of an executive
9 branch constitutional officer, or chief executive officer of a
10 local government convicted of committing solicitation
11 misconduct forfeits his or her employment.

12 (d) An employee of an executive branch constitutional
13 officer, or chief executive officer of a local government, who
14 is discharged, demoted, suspended, threatened, harassed, or in
15 any other manner discriminated against in the terms and
16 conditions of employment because of lawful acts done by the
17 employee or on behalf of the employee or others in furtherance
18 of the enforcement of this Section shall be entitled to all
19 relief necessary to make the employee whole.

20 (e) Any person who knowingly makes a false report of
21 solicitation misconduct to the State Police, the Attorney
22 General, a State's Attorney, or any law enforcement official is
23 guilty of a Class C misdemeanor.

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

25 (1) "Employee of an executive branch constitutional
26 officer" means a full-time or part-time salaried employee,

1 full-time or part-time salaried appointee, or any
2 contractual employee of any office, board, commission,
3 agency, department, authority, administrative unit, or
4 corporate outgrowth under the jurisdiction of an executive
5 branch constitutional officer.

6 (2) "Chief executive officer of a local government"
7 means an executive officer of a county, township or
8 municipal government or any administrative subdivision
9 under jurisdiction of the county, township, or municipal
10 government including but not limited to: chairman or
11 president of a county board or commission, mayor or village
12 president, township supervisor, county executive,
13 municipal manager, assessor, auditor, clerk, coroner,
14 recorder, sheriff or State's Attorney; "employee of a chief
15 executive officer of a local government" means a full-time
16 or part-time salaried employee, full-time or part-time
17 salaried appointee, or any contractual employee of any
18 office, board, commission, agency, department, authority,
19 administrative unit, or corporate outgrowth under the
20 jurisdiction of a chief executive officer of a local
21 government.

22 (3) "Regulatory authority" means having the
23 responsibility to investigate, inspect, license, or
24 enforce regulatory measures necessary to the requirements
25 of any State or federal statute or regulation relating to
26 the business or activity.

1 (720 ILCS 5/33-4)

2 Sec. 33-4. Peace officer or correctional officer;
3 gang-related activity prohibited.

4 (a) It is unlawful for a peace officer or correctional
5 officer to knowingly commit any act in furtherance of
6 gang-related activities, except when acting in furtherance of
7 an undercover law enforcement investigation.

8 (b) In this Section, "gang-related" has the meaning
9 ascribed to it in Section 10 of the Illinois Streetgang
10 Terrorism Omnibus Prevention Act.

11 (c) Sentence. A violation of this Section is a Class 3
12 felony. A peace officer or correctional officer convicted of
13 violating this Section forfeits his or her office or
14 employment.

15 (Source: P.A. 90-131, eff. 1-1-98.)

16 (720 ILCS 5/33-5)

17 Sec. 33-5. Preservation of evidence.

18 (a) It is unlawful for a law enforcement agency or an agent
19 acting on behalf of the law enforcement agency to intentionally
20 fail to comply with the provisions of subsection (a) of Section
21 116-4 of the Code of Criminal Procedure of 1963.

22 (b) Sentence. A person who violates this Section is guilty
23 of a Class 4 felony. An agent acting on behalf of a law
24 enforcement agency convicted of violating this Section

1 forfeits his or her office or employment.

2 (c) For purposes of this Section, "law enforcement agency"
3 has the meaning ascribed to it in subsection (e) of Section
4 116-4 of the Code of Criminal Procedure of 1963.

5 (Source: P.A. 91-871, eff. 1-1-01; 92-459, eff. 8-22-01.)

6 (720 ILCS 5/33-6)

7 Sec. 33-6. Bribery to obtain driving privileges.

8 (a) A person commits the offense of bribery to obtain
9 driving privileges when:

10 (1) with intent to influence any act related to the
11 issuance of any driver's license or permit by an employee
12 of the Illinois Secretary of State's Office, or the owner
13 or employee of any commercial driver training school
14 licensed by the Illinois Secretary of State, or any other
15 individual authorized by the laws of this State to give
16 driving instructions or administer all or part of a
17 driver's license examination, he or she promises or tenders
18 to that person any property or personal advantage which
19 that person is not authorized by law to accept; or

20 (2) with intent to cause any person to influence any
21 act related to the issuance of any driver's license or
22 permit by an employee of the Illinois Secretary of State's
23 Office, or the owner or employee of any commercial driver
24 training school licensed by the Illinois Secretary of
25 State, or any other individual authorized by the laws of

1 this State to give driving instructions or administer all
2 or part of a driver's license examination, he or she
3 promises or tenders to that person any property or personal
4 advantage which that person is not authorized by law to
5 accept; or

6 (3) as an employee of the Illinois Secretary of State's
7 Office, or the owner or employee of any commercial driver
8 training school licensed by the Illinois Secretary of
9 State, or any other individual authorized by the laws of
10 this State to give driving instructions or administer all
11 or part of a driver's license examination, solicits,
12 receives, retains, or agrees to accept any property or
13 personal advantage that he or she is not authorized by law
14 to accept knowing that such property or personal advantage
15 was promised or tendered with intent to influence the
16 performance of any act related to the issuance of any
17 driver's license or permit; or

18 (4) as an employee of the Illinois Secretary of State's
19 Office, or the owner or employee of any commercial driver
20 training school licensed by the Illinois Secretary of
21 State, or any other individual authorized by the laws of
22 this State to give driving instructions or administer all
23 or part of a driver's license examination, solicits,
24 receives, retains, or agrees to accept any property or
25 personal advantage pursuant to an understanding that he or
26 she shall improperly influence or attempt to influence the

1 performance of any act related to the issuance of any
2 driver's license or permit.

3 (b) Sentence. Bribery to obtain driving privileges is a
4 Class 2 felony. An employee of the Illinois Secretary of
5 State's Office convicted of violating any provision of this
6 Section forfeits his or her office or employment.

7 (Source: P.A. 93-783, eff. 1-1-05.)

8 (720 ILCS 5/33-8 new)

9 Sec. 33-8. Legislative misconduct. (a) No member of the
10 General Assembly shall knowingly accept or receive, directly or
11 indirectly, any money or other valuable thing, from any
12 corporation, company or person, for any vote or influence he
13 may give or withhold on any bill, resolution or appropriation,
14 or for any other official act.

15 (b) Sentence. Violation of this Section is a Class 3
16 felony.

17 (720 ILCS 5/Art. 34 heading)

18 ARTICLE 34. PUBLIC CONTRACTS ~~CONSTRUCTION AND EFFECTIVE DATE~~

19 (720 ILCS 5/Art. 34, Div. I heading new)

20 DIVISION I. PURPOSE AND DEFINITIONS

21 (720 ILCS 5/34-5) (was 720 ILCS 5/33E-1)

22 Sec. 34-5 ~~33E-1~~. Interference with public contracting. It

1 is the finding of the General Assembly that the cost to the
2 public is increased and the quality of goods, services and
3 construction paid for by public monies is decreased when
4 contracts for such goods, services or construction are obtained
5 by any means other than through independent noncollusive
6 submission of bids or offers by individual contractors or
7 suppliers, and the evaluation of those bids or offers by the
8 governmental unit pursuant only to criteria publicly announced
9 in advance.

10 (Source: P.A. 85-1295.)

11 (720 ILCS 5/34-6) (was 720 ILCS 5/33E-2)

12 Sec. 34-6 ~~33E-2~~. Definitions. In this Act:

13 ~~(a) "Public contract" means any contract for goods,~~
14 ~~services or construction let to any person with or without bid~~
15 ~~by any unit of State or local government.~~

16 ~~(b) "Unit of State or local government" means the State,~~
17 ~~any unit of state government or agency thereof, any county or~~
18 ~~municipal government or committee or agency thereof, or any~~
19 ~~other entity which is funded by or expends tax dollars or the~~
20 ~~proceeds of publicly guaranteed bonds.~~

21 "Business owned by a person with a disability" means a
22 business concern that is at least 51% owned by one or more
23 persons with a disability and the management and daily business
24 operations of which are controlled by one or more of the
25 persons with disabilities who own it. A not-for-profit agency

1 for persons with disabilities that is exempt from taxation
2 under Section 501 of the Internal Revenue Code of 1986 is also
3 considered a "business owned by a person with a disability".

4 "Certification" means a determination made by the Council
5 or by one delegated authority from the Council to make
6 certifications, or by a State agency with statutory authority
7 to make such a certification, that a business entity is a
8 business owned by a minority, female, or person with a
9 disability for whatever purpose.

10 ~~(e)~~ "Change order" means a change in a contract term other
11 than as specifically provided for in the contract which
12 authorizes or necessitates any increase or decrease in the cost
13 of the contract or the time to completion.

14 "Disabled" means a severe physical or mental disability
15 that: (1) results from: amputation, arthritis, autism,
16 blindness, burn injury, cancer, cerebral palsy, cystic
17 fibrosis, deafness, head injury, heart disease, hemiplegia,
18 hemophilia, respiratory or pulmonary dysfunction, mental
19 retardation, mental illness, multiple sclerosis, muscular
20 dystrophy, musculoskeletal disorders, neurological disorders,
21 including stroke and epilepsy, paraplegia, quadriplegia and
22 other spinal cord conditions, sickle cell anemia, specific
23 learning disabilities, or end stage renal failure disease; and
24 (2) substantially limits one or more of the person's major life
25 activities.

26 "Female" means a person who is of the female gender.

1 "Female owned business" means a business concern that is at
2 least 51% owned by one or more females, or, in the case of a
3 corporation, at least 51% of the stock in which is owned by one
4 or more females; and the management and daily business
5 operations of which are controlled by one or more of the
6 females who own it.

7 "Governmental unit" means the State, a unit of local
8 government, or school district.

9 ~~(d) "Person" means any individual, firm, partnership,~~
10 ~~corporation, joint venture or other entity, but does not~~
11 ~~include a unit of State or local government.~~

12 ~~(e) "Person employed by any unit of State or local~~
13 ~~government" means any employee of a unit of State or local~~
14 ~~government and any person defined in subsection (d) who is~~
15 ~~authorized by such unit of State or local government to act on~~
16 ~~its behalf in relation to any public contract.~~

17 ~~(f) "Sheltered market" has the meaning ascribed to it in~~
18 ~~Section 8b of the Business Enterprise for Minorities, Females,~~
19 ~~and Persons with Disabilities Act.~~

20 ~~(g) "Kickback" means any money, fee, commission, credit,~~
21 ~~gift, gratuity, thing of value, or compensation of any kind~~
22 ~~which is provided, directly or indirectly, to any prime~~
23 ~~contractor, prime contractor employee, subcontractor, or~~
24 ~~subcontractor employee for the purpose of improperly obtaining~~
25 ~~or rewarding favorable treatment in connection with a prime~~
26 ~~contract or in connection with a subcontract relating to a~~

1 prime contract.

2 "Minority owned business" means a business concern that is
3 at least 51% owned by one or more minority persons, or in the
4 case of a corporation, at least 51% of the stock in which is
5 owned by one or more minority persons; and the management and
6 daily business operations of which are controlled by one or
7 more of the minority individuals who own it.

8 "Minority person" means a person who is: (1) African
9 American (a person having origins in any of the black racial
10 groups in Africa); (2) Hispanic (a person of Spanish or
11 Portuguese culture with origins in Mexico, South or Central
12 America, or the Caribbean Islands, regardless of race); (3)
13 Asian American (a person having origins in any of the original
14 peoples of the Far East, Southeast Asia, the Indian
15 Subcontinent or the Pacific Islands); or (4) Native American or
16 Alaskan Native (a person having origins in any of the original
17 peoples of North America).

18 "Person" means any individual, firm, partnership,
19 corporation, joint venture or other entity, but does not
20 include a unit of State or local government.

21 "Person employed by any unit of State or local government"
22 means any employee of a unit of State or local government and
23 any person defined in subsection (d) who is authorized by such
24 unit of State or local government to act on its behalf in
25 relation to any public contract.

26 "Person with a disability" means a person who is a person

1 qualifying as being disabled.

2 ~~(h)~~ "Prime contractor" means any person who has entered
3 into a public contract.

4 ~~(i)~~ "Prime contractor employee" means any officer,
5 partner, employee, or agent of a prime contractor.

6 "Public contract" means any contract for goods, services or
7 construction let to any person with or without bid by any unit
8 of State or local government.

9 "Sheltered market" has the meaning ascribed to it in
10 Section 8b of the Business Enterprise for Minorities, Females,
11 and Persons with Disabilities Act.

12 "State agencies" shall mean all departments, officers,
13 boards, commissions, institutions and bodies politic and
14 corporate of the State, but does not include the Board of
15 Trustees of the University of Illinois, the Board of Trustees
16 of Southern Illinois University, the Board of Trustees of
17 Chicago State University, the Board of Trustees of Eastern
18 Illinois University, the Board of Trustees of Governors State
19 University, the Board of Trustees of Illinois State University,
20 the Board of Trustees of Northeastern Illinois University, the
21 Board of Trustees of Northern Illinois University, the Board of
22 Trustees of Western Illinois University, municipalities or
23 other local governmental units, or other State constitutional
24 officers.

25 ~~(i-5)~~ "Stringing" means knowingly structuring a contract
26 or job order to avoid the contract or job order being subject

1 to competitive bidding requirements.

2 ~~(j)~~ "Subcontract" means a contract or contractual action
3 entered into by a prime contractor or subcontractor for the
4 purpose of obtaining goods or services of any kind under a
5 prime contract.

6 ~~(k)~~ "Subcontractor" (1) means any person, other than the
7 prime contractor, who offers to furnish or furnishes any goods
8 or services of any kind under a prime contract or a subcontract
9 entered into in connection with such prime contract; and (2)
10 includes any person who offers to furnish or furnishes goods or
11 services to the prime contractor or a higher tier
12 subcontractor.

13 ~~(l)~~ "Subcontractor employee" means any officer, partner,
14 employee, or agent of a subcontractor.

15 "Unit of State or local government" means the State, any
16 unit of state government or agency thereof, any county or
17 municipal government or committee or agency thereof, or any
18 other entity which is funded by or expends tax dollars or the
19 proceeds of publicly guaranteed bonds.

20 (Source: P.A. 92-16, eff. 6-28-01.)

21 (720 ILCS 5/Art. 34, Div. II heading new)

22 DIVISION II. BIDDING

23 (720 ILCS 5/34-7) (was 720 ILCS 5/33E-3)

24 Sec. 34-7 ~~33E-3~~. Bid-rigging. A person commits the offense

1 of bid-rigging when he knowingly agrees with any person who is,
2 or but for such agreement would be, a competitor of such person
3 concerning any bid submitted or not submitted by such person or
4 another to a unit of State or local government when with the
5 intent that the bid submitted or not submitted will result in
6 the award of a contract to such person or another and he either
7 (1) provides such person or receives from another information
8 concerning the price or other material term or terms of the bid
9 which would otherwise not be disclosed to a competitor in an
10 independent noncollusive submission of bids or (2) submits a
11 bid that is of such a price or other material term or terms
12 that he does not intend the bid to be accepted.

13 Bid-rigging is a Class 3 felony. Any person convicted of
14 this offense or any similar offense of any state or the United
15 States which contains the same elements as this offense shall
16 be barred for 5 years from the date of conviction from
17 contracting with any unit of State or local government. No
18 corporation shall be barred from contracting with any unit of
19 State or local government as a result of a conviction under
20 this Section of any employee or agent of such corporation if
21 the employee so convicted is no longer employed by the
22 corporation and: (1) it has been finally adjudicated not guilty
23 or (2) if it demonstrates to the governmental entity with which
24 it seeks to contract and that entity finds that the commission
25 of the offense was neither authorized, requested, commanded,
26 nor performed by a director, officer or a high managerial agent

1 in behalf of the corporation as provided in paragraph (2) of
2 subsection (a) of Section 5-4 of this Code.

3 (Source: P.A. 86-150.)

4 (720 ILCS 5/34-8) (was 720 ILCS 5/33E-4)

5 Sec. 34-8 ~~33E-4~~. Bid rotating. A person commits the offense
6 of bid rotating when, pursuant to any collusive scheme or
7 agreement with another, he engages in a pattern over time
8 (which, for the purposes of this Section, shall include at
9 least 3 contract bids within a period of 10 years, the most
10 recent of which occurs after the effective date of this
11 amendatory Act of 1988) of submitting sealed bids to units of
12 State or local government with the intent that the award of
13 such bids rotates, or is distributed among, persons or business
14 entities which submit bids on a substantial number of the same
15 contracts. Bid rotating is a Class 2 felony. Any person
16 convicted of this offense or any similar offense of any state
17 or the United States which contains the same elements as this
18 offense shall be permanently barred from contracting with any
19 unit of State or local government. No corporation shall be
20 barred from contracting with any unit of State or local
21 government as a result of a conviction under this Section of
22 any employee or agent of such corporation if the employee so
23 convicted is no longer employed by the corporation and: (1) it
24 has been finally adjudicated not guilty or (2) if it
25 demonstrates to the governmental entity with which it seeks to

1 contract and that entity finds that the commission of the
2 offense was neither authorized, requested, commanded, nor
3 performed by a director, officer or a high managerial agent in
4 behalf of the corporation as provided in paragraph (2) of
5 subsection (a) of Section 5-4 of this Code.

6 (Source: P.A. 86-150.)

7 (720 ILCS 5/34-9) (was 720 ILCS 5/33E-18)

8 Sec. 34-9 ~~33E-18~~. Unlawful stringing of bids.

9 (a) No person, with the intent to evade ~~for the purpose of~~
10 ~~evading~~ the bidding requirements of any unit of local
11 government or school district, shall knowingly string or assist
12 in stringing, or attempt to string any contract or job order
13 with the unit of local government or school district.

14 (b) Sentence. A person who violates this Section is guilty
15 of a Class 4 felony.

16 (Source: P.A. 90-800, eff. 1-1-99.)

17 (720 ILCS 5/Art. 34, Div. III heading new)

18 DIVISION III. ACTS BY PUBLIC OFFICIALS

19 (720 ILCS 5/34-10) (was 720 ILCS 5/33E-5)

20 Sec. 34-10 ~~33E-5~~. Acquisition or disclosure of bidding
21 information by public official. (a) Any person who is an
22 official of or employed by any unit of State or local
23 government who knowingly opens a sealed bid at a time or place

1 other than as specified in the invitation to bid or as
2 otherwise designated by the State or unit of local government,
3 or outside the presence of witnesses required by the applicable
4 statute or ordinance, commits a Class 4 felony.

5 (b) Any person who is an official of or employed by any
6 unit of State or local government who knowingly discloses to
7 any interested person any information related to the terms of a
8 sealed bid whether that information is acquired through a
9 violation of subsection (a) or by any other means except as
10 provided by law or necessary to the performance of such
11 official's or employee's responsibilities relating to the bid,
12 commits a Class 3 felony.

13 (c) It shall not constitute a violation of subsection (b)
14 of this Section for any person who is an official of or
15 employed by any unit of State or local government to make any
16 disclosure to any interested person where such disclosure is
17 also made generally available to the public.

18 (d) This Section only applies to contracts let by sealed
19 bid.

20 (Source: P.A. 86-150.)

21 (720 ILCS 5/34-11) (was 720 ILCS 5/33E-6)

22 Sec. 34-11 ~~33E-6~~. Interference with contract submission
23 and award by public official. (a) Any person who is an official
24 of or employed by any unit of State or local government who
25 knowingly conveys, either directly or indirectly, outside of

1 the publicly available official invitation to bid, pre-bid
2 conference, solicitation for contracts procedure or such
3 procedure used in any sheltered market procurement adopted
4 pursuant to law or ordinance by that unit of government, to any
5 person any information concerning the specifications for such
6 contract or the identity of any particular potential
7 subcontractors, when inclusion of such information concerning
8 the specifications or contractors in the bid or offer would
9 influence the likelihood of acceptance of such bid or offer,
10 commits a Class 4 felony. It shall not constitute a violation
11 of this subsection to convey information intended to clarify
12 plans or specifications regarding a public contract where such
13 disclosure of information is also made generally available to
14 the public.

15 (b) Any person who is an official of or employed by any
16 unit of State or local government who, either directly or
17 indirectly, knowingly informs a bidder or offeror that the bid
18 or offer will be accepted or executed only if specified
19 individuals are included as subcontractors commits a Class 3
20 felony.

21 (c) It shall not constitute a violation of subsection (a)
22 of this Section where any person who is an official of or
23 employed by any unit of State or local government follows
24 procedures established by federal, State or local minority or
25 female owned business enterprise programs.

26 (d) Any bidder or offeror who is the recipient of

1 communications from the unit of government which he reasonably
2 believes to be proscribed by subsections (a) or (b), and fails
3 to inform either the Attorney General or the State's Attorney
4 for the county in which the unit of government is located,
5 commits a Class A misdemeanor.

6 (e) Any public official who knowingly awards a contract
7 based on criteria which were not publicly disseminated via the
8 invitation to bid, when such invitation to bid is required by
9 law or ordinance, the pre-bid conference, or any solicitation
10 for contracts procedure or such procedure used in any sheltered
11 market procurement procedure adopted pursuant to statute or
12 ordinance, commits a Class 3 felony.

13 (f) It shall not constitute a violation of subsection (a)
14 for any person who is an official of or employed by any unit of
15 State or local government to provide to any person a copy of
16 the transcript or other summary of any pre-bid conference where
17 such transcript or summary is also made generally available to
18 the public.

19 (Source: P.A. 86-150.)

20 (720 ILCS 5/34-12) (was 720 ILCS 5/33E-9)

21 Sec. 34-12 ~~33E-9~~. Change orders. Any change order
22 authorized under this Section shall be made in writing. Any
23 person employed by and authorized by any unit of State or local
24 government to approve a change order to any public contract who
25 knowingly grants that approval without first obtaining from the

1 unit of State or local government on whose behalf the contract
2 was signed, or from a designee authorized by that unit of State
3 or local government, a determination in writing that (1) the
4 circumstances said to necessitate the change in performance
5 were not reasonably foreseeable at the time the contract was
6 signed, or (2) the change is germane to the original contract
7 as signed, or (3) the change order is in the best interest of
8 the unit of State or local government and authorized by law,
9 commits a Class 4 felony. The written determination and the
10 written change order resulting from that determination shall be
11 preserved in the contract's file which shall be open to the
12 public for inspection. This Section shall only apply to a
13 change order or series of change orders which authorize or
14 necessitate an increase or decrease in either the cost of a
15 public contract by a total of \$10,000 or more or the time of
16 completion by a total of 30 days or more.

17 (Source: P.A. 86-150; 87-618.)

18 (720 ILCS 5/34-13) (was 720 ILCS 5/33E-16)

19 Sec. 34-13 ~~33E-16~~. Misapplication of funds. Whoever, being
20 an officer, director, agent, or employee of, or affiliated in
21 any capacity with any unit of local government or school
22 district, knowingly ~~willfully~~ misapplies any of the moneys,
23 funds, or credits of the unit of local government or school
24 district is guilty of a Class 3 felony.

25 (Source: P.A. 90-800, eff. 1-1-99.)

1 (720 ILCS 5/34-14) (was 720 ILCS 5/33E-17)

2 Sec. 34-14 ~~33E-17~~. Unlawful participation. Whoever, being
3 an officer, director, agent, or employee of, or affiliated in
4 any capacity with any unit of local government or school
5 district participates, shares in, or receiving directly or
6 indirectly any money, profit, property, or benefit through any
7 contract with the unit of local government or school district,
8 with the intent to defraud the unit of local government or
9 school district is guilty of a Class 3 felony.

10 (Source: P.A. 90-800, eff. 1-1-99.)

11 (720 ILCS 5/Art. 34, Div. IV heading new)

12 DIVISION IV. FALSE STATEMENTS OR ENTRIES

13 (720 ILCS 5/34-15) (was 720 ILCS 5/33E-11)

14 Sec. 34-15. ~~33E-11~~. Certification. (a) Every bid submitted
15 to and public contract executed pursuant to such bid by the
16 State or a unit of local government shall contain a
17 certification by the prime contractor that the prime contractor
18 is not barred from contracting with any unit of State or local
19 government as a result of a violation of either Section 33E-3
20 or 33E-4 of this Article. The State and units of local
21 government shall provide the appropriate forms for such
22 certification.

23 (b) A contractor who knowingly makes a false statement,

1 material to the certification, commits a Class 3 felony.

2 (Source: P.A. 86-150.)

3 (720 ILCS 5/34-16) (was 720 ILCS 5/33E-14)

4 Sec. 34-16 ~~33E-14~~. False statements on vendor
5 applications. Whoever knowingly makes any false statement or
6 report, with the intent to influence ~~for the purpose of~~
7 ~~influencing~~ in any way the action of any unit of local
8 government or school district in considering a vendor
9 application, is guilty of a Class 3 felony.

10 (Source: P.A. 90-800, eff. 1-1-99.)

11 (720 ILCS 5/34-17) (was 720 ILCS 5/33E-15)

12 Sec. 34-17 ~~33E-15~~. False entries. Any officer, agent, or
13 employee of, or anyone who is affiliated in any capacity with
14 any unit of local government or school district and makes a
15 false entry in any book, report, or statement of any unit of
16 local government or school district with the intent to defraud
17 the unit of local government or school district, is guilty of a
18 Class 3 felony.

19 (Source: P.A. 90-800, eff. 1-1-99.)

20 (720 ILCS 5/Art. 34, Div. V heading new)

21 DIVISION V. KICKBACKS AND BRIBERY

22 (720 ILCS 5/34-18) (was 720 ILCS 5/33E-7)

1 Sec. 34-18 ~~33E-7~~. Kickbacks. (a) A person violates this
2 Section when he knowingly either:

3 (1) provides, attempts to provide or offers to provide any
4 kickback;

5 (2) solicits, accepts or attempts to accept any kickback;
6 or

7 (3) includes, directly or indirectly, the amount of any
8 kickback prohibited by paragraphs (1) or (2) of this subsection
9 (a) in the contract price charged by a subcontractor to a prime
10 contractor or a higher tier subcontractor or in the contract
11 price charged by a prime contractor to any unit of State or
12 local government for a public contract.

13 (b) Any person violates this Section when he has received
14 an offer of a kickback, or has been solicited to make a
15 kickback, and fails to report it to law enforcement officials,
16 including but not limited to the Attorney General or the
17 State's Attorney for the county in which the contract is to be
18 performed.

19 (c) A violation of subsection (a) is a Class 3 felony. A
20 violation of subsection (b) is a Class 4 felony.

21 (d) Any unit of State or local government may, in a civil
22 action, recover a civil penalty from any person who knowingly
23 engages in conduct which violates paragraph (3) of subsection
24 (a) of this Section in twice the amount of each kickback
25 involved in the violation. This subsection (d) shall in no way
26 limit the ability of any unit of State or local government to

1 recover monies or damages regarding public contracts under any
2 other law or ordinance. A civil action shall be barred unless
3 the action is commenced within 6 years after the later of (1)
4 the date on which the conduct establishing the cause of action
5 occurred or (2) the date on which the unit of State or local
6 government knew or should have known that the conduct
7 establishing the cause of action occurred.

8 (Source: P.A. 85-1295.)

9 (720 ILCS 5/34-19) (was 720 ILCS 5/33E-8)

10 Sec. 34-19 ~~33E-8~~. Bribery of inspector employed by
11 contractor. (a) A person commits bribery of an inspector when
12 he offers to any person employed by a contractor or
13 subcontractor on any public project contracted for by any unit
14 of State or local government any property or other thing of
15 value with the intent that such offer is for the purpose of
16 obtaining wrongful certification or approval of the quality or
17 completion of any goods or services supplied or performed in
18 the course of work on such project. Violation of this
19 subsection is a Class 4 felony.

20 (b) Any person employed by a contractor or subcontractor on
21 any public project contracted for by any unit of State or local
22 government who accepts any property or other thing of value
23 knowing that such was intentionally offered for the purpose of
24 influencing the certification or approval of the quality or
25 completion of any goods or services supplied or performed under

1 subcontract to that contractor, and either before or afterwards
2 issues such wrongful certification, commits a Class 3 felony.
3 ~~Failure to report such offer to law enforcement officials,~~
4 ~~including but not limited to the Attorney General or the~~
5 ~~State's Attorney for the county in which the contract is~~
6 ~~performed, constitutes a Class 4 felony.~~

7 (c) Failure to report such offer to law enforcement
8 officials, including but not limited to the Attorney General or
9 the State's Attorney for the county in which the contract is
10 performed, constitutes a Class 4 felony.

11 (Source: P.A. 85-1295.)

12 (720 ILCS 5/Art. 34, Div. VI heading new)

13 DIVISION VI. PROCEDURAL AND REGULATORY

14 (720 ILCS 5/34-20) (was 720 ILCS 5/33E-10)

15 Sec. 34-20 ~~33E-10~~. Rules of evidence. (a) The certified bid
16 is prima facie evidence of the bid.

17 (b) It shall be presumed that in the absence of practices
18 proscribed by this Article 33E, all persons who submit bids in
19 response to an invitation to bid by any unit of State or local
20 government submit their bids independent of all other bidders,
21 without information obtained from the governmental entity
22 outside the invitation to bid, and in a good faith effort to
23 obtain the contract.

24 (Source: P.A. 85-1295.)

1 (720 ILCS 5/34-21) (was 720 ILCS 5/33E-12)

2 Sec. 34-21 ~~33E-12~~. Actions permitted under Article. It
3 shall not constitute a violation of any provisions of this
4 Article for any person who is an official of or employed by a
5 unit of State or local government to (1) disclose the name of
6 any person who has submitted a bid in response to or requested
7 plans or specifications regarding an invitation to bid or who
8 has been awarded a public contract to any person or, (2) to
9 convey information concerning acceptable alternatives or
10 substitute to plans or specifications if such information is
11 also made generally available to the public and mailed to any
12 person who has submitted a bid in response to or requested
13 plans or specifications regarding an invitation to bid on a
14 public contract or, (3) to negotiate with the lowest
15 responsible bidder a reduction in only the price term of the
16 bid.

17 (Source: P.A. 86-150.)

18 (720 ILCS 5/34-22) (was 720 ILCS 5/33E-13)

19 Sec. 34-22 ~~33E-13~~. Contract negotiations. Contract
20 negotiations under the Local Government Professional Services
21 Selection Act shall not be subject to the provisions of this
22 Article.

23 (Source: P.A. 87-855.)

1 (720 ILCS 5/34-23 new)

2 Sec. 34-23. Fraud in public minority contracts.

3 (a) A person or entity commits the offense of fraud in
4 public minority contracts when that person or entity knowingly
5 obtains a contract with a governmental unit by falsely
6 representing that the individual or entity, or the individual
7 or entity assisted, is a minority owned business, female owned
8 business, or business owned by a person with a disability
9 regardless of whether the preference for awarding the contract
10 to a minority owned business, female owned business, or
11 business owned by a person with a disability was established by
12 statute, local ordinance, or resolution. This subsection (a) is
13 intended to apply in addition to any other penalties imposed by
14 law or by an ordinance or resolution of a unit of local
15 government or school district. In addition to any other
16 penalties authorized by law, the court shall order an
17 individual or entity convicted of a violation of this
18 subsection (a) to pay to the governmental unit that awarded the
19 contract a penalty equal to one and one-half times the amount
20 of the contract obtained because of the false representation.

21 (b) A person or entity commits the offense of fraud in
22 public minority contracts when that person or entity knowingly:

23 (1) obtains, with the intent to defraud, certification
24 as a minority owned business, female owned business, or
25 business owned by a person with a disability; or

26 (2) makes a false statement whether by affidavit,

1 report or other representation, to an official or employee
2 of a State agency or the Business Enterprise Council for
3 Minorities, Females, and Persons with Disabilities to
4 influence the certification or denial of certification of
5 any business entity as a minority owned business, female
6 owned business, or business owned by a person with a
7 disability; or

8 (3) obstructs or impedes an official or employee of any
9 State agency or the Business Enterprise Council for
10 Minorities, Females, and Persons with Disabilities who is
11 investigating the qualifications of a business entity
12 which has requested certification as a minority owned
13 business, female owned business, or business owned by a
14 person with a disability.

15 (4) obtains, with the intent to defraud, public moneys
16 reserved for, or allocated or available to a minority owned
17 business, female owned business, or business owned by a
18 person with a disability.

19 (c) A violation of this Section is a Class 2 felony.

20 (720 ILCS 5/Art. 35 heading)

21 ARTICLE 35. ANIMALS ~~REPEAL~~

22 (720 ILCS 5/Art. 35, Div. I heading new)

23 DIVISION I. ANIMAL RESEARCH AND PRODUCTION FACILITIES

1 (720 ILCS 5/35-1.1 new)

2 Sec. 35-1.1. Definitions.

3 (a) "Animal" means every living creature, domestic or wild,
4 but does not include man.

5 (b) "Director" means the Director of the Illinois
6 Department of Agriculture or the Director's authorized
7 representative.

8 (c) "Animal facility" means any facility engaging in legal
9 scientific research or agricultural production of or involving
10 the use of animals including any organization with a primary
11 purpose of representing livestock production or processing,
12 any organization with a primary purpose of promoting or
13 marketing livestock or livestock products, any person licensed
14 to practice veterinary medicine, any institution as defined in
15 the Impounding and Disposition of Stray Animals Act, and any
16 organization with a primary purpose of representing any such
17 person, organization, or institution. "Animal facility" shall
18 include the owner, operator, and employees of any animal
19 facility and any premises where animals are located.

20 (720 ILCS 5/35-1.2 new)

21 Sec. 35-1.2. Legislative declaration. There has been an
22 increasing number of illegal acts committed against animal
23 research and production facilities involving injury or loss of
24 life to humans or animals, criminal trespass and damage to
25 property. These actions not only abridge the property rights of

1 the owner of the facility, they may also damage the public
2 interest by jeopardizing crucial scientific, biomedical, or
3 agricultural research or production. These actions can also
4 threaten the public safety by possibly exposing communities to
5 serious public health concerns and creating traffic hazards.
6 These actions may substantially disrupt or damage publicly
7 funded research and can result in the potential loss of
8 physical and intellectual property. Therefore, it is in the
9 interest of the people of the State of Illinois to protect the
10 welfare of humans and animals as well as productive use of
11 public funds to require regulation to prevent unauthorized
12 possession, alteration, destruction, or transportation of
13 research records, test data, research materials, equipment,
14 research and agricultural production animals.

15 (720 ILCS 5/35-1.3 new)

16 Sec. 35-1.3. Prohibited acts. It shall be unlawful for any
17 person:

18 (1) to release, steal, or otherwise intentionally
19 cause the death, injury, or loss of any animal at or from
20 an animal facility and not authorized by that facility;

21 (2) to knowingly damage, vandalize, or steal any
22 property in or on an animal facility;

23 (3) to obtain access to an animal facility by false
24 pretenses with the intent to perform acts not authorized by
25 that facility;

1 (4) to enter into an animal facility with an intent to
2 destroy, alter, duplicate, or obtain unauthorized
3 possession of records, data, materials, equipment, or
4 animals;

5 (5) by theft or deception knowingly to obtain control
6 or to exert control over records, data, material,
7 equipment, or animals of any animal facility with the
8 intent of depriving the rightful owner or animal facility
9 of the records, material, data, equipment, or animals or
10 for the purpose of concealing, abandoning, or destroying
11 such records, material, data, equipment, or animals; or

12 (6) to enter or remain on an animal facility with the
13 intent to commit an act prohibited under this Section.

14 (720 ILCS 5/35-1.4 new)

15 Sec. 35-1.4. Penalties.

16 (a) Violations.

17 (1) Any person who violates any provision of Section
18 35-1.3 shall be guilty of a Class 4 felony for each such
19 violation, unless the loss, theft, or damage to the animal
20 facility property exceeds \$300 in value.

21 (2) If the loss, theft, or damage to the animal
22 facility property exceeds \$300 in value but does not exceed
23 \$10,000 in value, the person is guilty of a Class 3 felony.

24 (3) If the loss, theft, or damage to the animal
25 facility property exceeds \$10,000 in value but does not

1 exceed \$100,000 in value, the person is guilty of a Class 2
2 felony.

3 (4) If the loss, theft, or damage to the animal
4 facility property exceeds \$100,000 in value, the person is
5 guilty of a Class 1 felony.

6 (b) Any person who, with the intent that any violation of
7 any provision of Section 35-1.3 be committed, agrees with
8 another to the commission of the violation and commits an act
9 in furtherance of this agreement is guilty of the same class of
10 felony as provided in subsection (a) for that violation.

11 (c) Restitution.

12 (1) Court shall conduct a hearing to determine the
13 reasonable cost of replacing materials, data, equipment,
14 animals and records that may have been damaged, destroyed,
15 lost or cannot be returned, and the reasonable cost of
16 repeating any experimentation that may have been
17 interrupted or invalidated as a result of a violation of
18 Section 35-1.3.

19 (2) Any persons convicted of such violation shall be
20 ordered jointly and severally to make restitution to the
21 owner, operator, or both, of the animal facility in the
22 full amount of the reasonable cost determined under
23 paragraph (1).

24 (720 ILCS 5/35-1.5 new)

25 Sec. 35-1.5. Private rights of action. Nothing in this

1 Division I shall preclude any animal facility injured in its
2 business or property by a violation of this Division I from
3 seeking appropriate relief under any other provision of law or
4 remedy including the issuance of a permanent injunction against
5 any person who violates any provision of this Division I. The
6 animal facility owner or operator may petition the court to
7 permanently enjoin such person from violating this Division I
8 and the court shall provide such relief.

9 (720 ILCS 5/35-1.6 new)

10 Sec. 35-1.6. Investigation of violations. The Director,
11 along with any other law enforcement agency, shall have
12 authority to investigate any alleged violation of this Division
13 I and may take any action within the Director's authority
14 necessary for the enforcement of this Division I. State's
15 Attorneys, State police and other law enforcement officials
16 shall provide any assistance required in the conduct of an
17 investigation and prosecution. Before the Director reports a
18 violation for prosecution he or she may give the owner or
19 operator of the animal facility and the alleged violator an
20 opportunity to present his or her views at an administrative
21 hearing.

22 (720 ILCS 5/35-1.7 new)

23 Sec. 35-1.7. Rules and regulations. The Director may adopt
24 any rules and regulations necessary for the enforcement of this

1 Division I.

2 (720 ILCS 5/Art. 35, Div. II heading new)

3 DIVISION II. HUNTER INTERFERENCE PROHIBITION

4 (720 ILCS 5/35-2.1 new)

5 Sec. 35-2.1. Definitions. As used in this Division II:

6 "Interfere with" means to take any action that physically
7 impedes, hinders, or obstructs the lawful taking of a wild
8 animal.

9 "Taking" means the capture or killing of a wild animal and
10 includes travel, camping, and other acts preparatory to taking
11 which occur on lands or waters upon which the affected person
12 has the right or privilege to take such wild animal.

13 "Wild animal" means any wild creature the taking of which
14 is authorized by the Fish and Aquatic Life Code or the
15 wildlife, fish, and game laws of this State and includes those
16 species that are lawfully released by properly licensed
17 permittees of the Department of Natural Resources.

18 (720 ILCS 5/35-2.2 new)

19 Sec. 35-2.2. Interference with lawful taking of wild
20 animals.

21 (a) A person commits interference with lawful taking of
22 wild animals when he or she knowingly:

23 (1) obstructs or interferes with the lawful taking of

1 wild animals by another person with the specific intent to
2 prevent that lawful taking.

3 (2) Drives or disturbs wild animals with the intent of
4 disrupting a lawful taking of wild animals.

5 (3) Blocks, impedes, or physically harasses another
6 person who is engaged in the process of lawfully taking a
7 wild animal.

8 (4) Uses natural or artificial visual, aural,
9 olfactory, gustatory, or physical stimuli to affect animal
10 behavior in order to hinder or prevent the lawful taking of
11 a wild animal.

12 (5) Erects barriers with the intent to deny ingress or
13 egress to or from areas where the lawful taking of wild
14 animals may occur.

15 (6) Intentionally interjects himself or herself into
16 the line of fire of a person lawfully taking wild animals.

17 (7) Affects the physical condition or placement of
18 personal or public property intended for use in the lawful
19 taking of a wild animal in order to impair the usefulness
20 of the property or prevent the use of the property.

21 (8) Enters or remains upon or over private lands
22 without the permission of the owner or the owner's agent,
23 with the intent to violate this Section.

24 (b) A violation of subsection (a) is a Class B misdemeanor.

25 (c) Any person who knowingly:

26 (1) fails to obey the order of a peace officer to

1 desist from conduct in violation of this Section if the
2 officer observes such conduct, or has reasonable grounds to
3 believe that the person has engaged in such conduct that
4 day or that the person plans or intends to engage in such
5 conduct that day on a specific premises is guilty of a
6 Class A misdemeanor.

7 (2) commits a second or subsequent violation of this
8 Section within 2 years of a prior violation arising from a
9 separate set of circumstances is guilty of a Class A
10 misdemeanor. The sentence of any person convicted of a
11 second or subsequent violation shall include imprisonment
12 for not less than 7 days. A second or subsequent violation
13 is not eligible for court supervision.

14 (d) This Section does not apply to:

15 (1) actions performed by authorized employees of the
16 Department of Natural Resources, duly accredited officers
17 of the U.S. Fish and Wildlife Service, sheriffs, deputy
18 sheriffs, or other peace officers if the actions are
19 authorized by law and are necessary for the performance of
20 their official duties; or

21 (2) landowners, tenants, or lease holders exercising
22 their legal rights to the enjoyment of land, including, but
23 not limited to, farming and restricting trespass.

24 (e) It is an affirmative defense to a prosecution for a
25 violation of this Section that the defendant's conduct is
26 protected by his or her right to freedom of speech under the

1 constitution of this State or the United States.

2 (f) Any interested parties may engage in protests or other
3 free speech activities adjacent to or on the perimeter of the
4 location where the lawful taking of wild animals is taking
5 place, provided that none of the provisions of this Section are
6 being violated.

7 (720 ILCS 5/35-2.3 new)

8 Sec. 35-2.3. Injunction; damages.

9 (a) Any court may enjoin conduct which would be in
10 violation of Section 35-2.2 upon petition by a person affected
11 or who reasonably may be affected by such conduct, upon a
12 showing that such conduct is threatened or that it has occurred
13 on a particular premises in the past and that it is not
14 unreasonable to expect that under similar circumstances it will
15 be repeated.

16 (b) A court shall award all resulting costs and damages to
17 any person adversely affected by a violation of Section 35-2.2,
18 which may include an award for punitive damages. In addition to
19 other items of special damage, the measure of damages may
20 include expenditures of the affected person for license and
21 permit fees, travel, guides, special equipment and supplies, to
22 the extent that such expenditures were rendered futile by
23 prevention of the taking of a wild animal.

24 (c) A court shall revoke, for a period of one year to 5
25 years, any Illinois hunting, fishing, or trapping privilege,

1 license or permit of any person convicted of violating any
2 provision of this Division II.

3 (720 ILCS 5/Art. 35, Div. III heading new)

4 DIVISION III. DOG FIGHTING

5 (720 ILCS 5/35-3 new)

6 Sec. 35-3. Dog fighting. (For other provisions that may
7 apply to dog fighting, see the Humane Care for Animals Act. For
8 provisions similar to this Section that apply to animals other
9 than dogs, see in particular Section 4.01 of the Humane Care
10 for Animals Act.)

11 (a) A person commits the offense of dog fighting when he or
12 she owns, captures, breeds, trains, or leases any dog which he
13 or she knows is intended for use in any show, exhibition,
14 program, or other activity featuring or otherwise involving a
15 fight between the dog and any other animal or human, or the
16 intentional killing of any dog for the purpose of sport,
17 wagering, or entertainment.

18 (b) A person commits the offense of dog fighting when he or
19 she promotes, conducts, carries on, advertises, collects money
20 for or in any other manner assists or aids in the presentation
21 for purposes of sport, wagering, or entertainment of any show,
22 exhibition, program, or other activity involving a fight
23 between 2 or more dogs or any dog and human, or the intentional
24 killing of any dog.

1 (c) A person commits the offense of dog fighting when he or
2 she sells or offers for sale, ships, transports, or otherwise
3 moves, or delivers or receives any dog which he or she knows
4 has been captured, bred, or trained, or will be used, to fight
5 another dog or human or be intentionally killed for purposes of
6 sport, wagering, or entertainment.

7 (c-5) A person commits the offense of dog fighting when he
8 or she solicits a minor to violate this Section.

9 (d) A person commits the offense of dog fighting when he or
10 she manufactures for sale, shipment, transportation, or
11 delivery any device or equipment which he or she knows or
12 should know is intended for use in any show, exhibition,
13 program, or other activity featuring or otherwise involving a
14 fight between 2 or more dogs, or any human and dog, or the
15 intentional killing of any dog for purposes of sport, wagering,
16 or entertainment.

17 (e) A person commits the offense of dog fighting when he or
18 she owns, possesses, sells or offers for sale, ship, transport,
19 or otherwise moves any equipment or device which he or she
20 knows or should know is intended for use in connection with any
21 show, exhibition, program, or activity featuring or otherwise
22 involving a fight between 2 or more dogs, or any dog and human,
23 or the intentional killing of any dog for purposes of sport,
24 wagering or entertainment.

25 (f) A person commits the offense of dog fighting when he or
26 she knowingly makes available any site, structure, or facility,

1 whether enclosed or not, that he or she knows is intended to be
2 used for the purpose of conducting any show, exhibition,
3 program, or other activity involving a fight between 2 or more
4 dogs, or any dog and human, or the intentional killing of any
5 dog or knowingly manufacture, distribute, or deliver fittings
6 to be used in a fight between 2 or more dogs or a dog and human.

7 (g) No person may attend or otherwise patronize any show,
8 exhibition, program, or other activity featuring or otherwise
9 involving a fight between 2 or more dogs, or any dog and human,
10 or the intentional killing of any dog for purposes of sport,
11 wagering, or entertainment.

12 (h) No person may tie or attach or fasten any live animal
13 to any machine or device propelled by any power for the purpose
14 of causing the animal to be pursued by a dog or dogs. This
15 subsection (h) applies only when the dog is intended to be used
16 in a dog fight.

17 (i) Penalties for violations of this Section shall be as
18 follows:

19 (1) Any person convicted of violating subsection (a),
20 (b), or (c) of this Section is guilty of a Class 4 felony
21 for a first violation and a Class 3 felony for a second or
22 subsequent violation, and may be fined an amount not to
23 exceed \$50,000.

24 (1.5) A person who knowingly owns a dog for fighting
25 purposes or for producing a fight between 2 or more dogs or
26 a dog and human or who knowingly offers for sale or sells a

1 dog bred for fighting is guilty of a Class 3 felony and may
2 be fined an amount not to exceed \$50,000, if the dog
3 participates in a dogfight and any of the following factors
4 is present:

5 (i) the dogfight is performed in the presence of a
6 person under 18 years of age;

7 (ii) the dogfight is performed for the purpose of
8 or in the presence of illegal wagering activity; or

9 (iii) the dogfight is performed in furtherance of
10 streetgang related activity as defined in Section 10 of
11 the Illinois Streetgang Terrorism Omnibus Prevention
12 Act.

13 (1.7) A person convicted of violating subsection (c-5)
14 of this Section is guilty of a Class A misdemeanor.

15 (2) Any person convicted of violating subsection (d) or
16 (e) of this Section is guilty of a Class A misdemeanor for
17 a first violation. A second or subsequent violation of
18 subsection (d) or (e) of this Section is a Class 3 felony.

19 (2.5) Any person convicted of violating subsection (f)
20 of this Section is guilty of a Class 4 felony.

21 (3) Any person convicted of violating subsection (g) of
22 this Section is guilty of a Class C misdemeanor for a first
23 violation. A second or subsequent violation of subsection
24 (g) of this Section is a Class B misdemeanor.

25 (j) Any dog or equipment involved in a violation of this
26 Section shall be immediately seized and impounded under Section

1 12 of the Humane Care for Animals Act when located at any show,
2 exhibition, program, or other activity featuring or otherwise
3 involving a dog fight for the purposes of sport, wagering, or
4 entertainment.

5 (k) Any vehicle or conveyance other than a common carrier
6 that is used in violation of this Section shall be seized,
7 held, and offered for sale at public auction by the sheriff's
8 department of the proper jurisdiction, and the proceeds from
9 the sale shall be remitted to the general fund of the county
10 where the violation took place.

11 (l) Any veterinarian in this State who is presented with a
12 dog for treatment of injuries or wounds resulting from fighting
13 where there is a reasonable possibility that the dog was
14 engaged in or utilized for a fighting event for the purposes of
15 sport, wagering, or entertainment shall file a report with the
16 Department of Agriculture and cooperate by furnishing the
17 owners' names, dates, and descriptions of the dog or dogs
18 involved. Any veterinarian who in good faith complies with the
19 requirements of this subsection has immunity from any
20 liability, civil, criminal, or otherwise, that may result from
21 his or her actions. For the purposes of any proceedings, civil
22 or criminal, the good faith of the veterinarian shall be
23 rebuttably presumed.

24 (m) In addition to any other penalty provided by law, upon
25 conviction for violating this Section, the court may order that
26 the convicted person and persons dwelling in the same household

1 as the convicted person who conspired, aided, or abetted in the
2 unlawful act that was the basis of the conviction, or who knew
3 or should have known of the unlawful act, may not own, harbor,
4 or have custody or control of any dog or other animal for a
5 period of time that the court deems reasonable.

6 (n) The trier of fact may infer that the defendant knew
7 that the dog he or she owned, captured, bred, trained, or
8 leased was intended for use in a show, exhibition, program or
9 other activity identified in subsection (a) of this Section
10 from evidence that the accused possessed any device or
11 equipment described in subsection (d), (e), or (h) of this
12 Section, and also possessed any dog.

13 (o) When no longer required for investigations or court
14 proceedings relating to the events described or depicted
15 therein, evidence relating to convictions for violations of
16 this Section shall be retained and made available for use in
17 training peace officers in detecting and identifying
18 violations of this Section. Such evidence shall be made
19 available upon request to other law enforcement agencies and to
20 schools certified under the Illinois Police Training Act.

21 (720 ILCS 5/Art. 35, Div. IV heading new)

22 DIVISION IV. ANIMAL REGISTRATION UNDER FALSE PRETENSES

23 (720 ILCS 5/35-4 new)

24 Sec. 35-4. Penalty for obtaining certificate of animal

1 registration by false pretenses. Any person, who by any false
2 pretense, shall knowingly obtain from any club, association,
3 society or company for improving the breed of cattle, horses,
4 sheep, swine, or other domestic animals, a certificate of
5 registration of any animal in the herd register, or other
6 register of any such club, association, society or company, or
7 a transfer of any such registration, and every person who shall
8 knowingly give a false pedigree of any animal, upon conviction
9 thereof shall be guilty of a Class A misdemeanor.

10 (720 ILCS 5/Art. 35, Div. V heading new)

11 DIVISION V. HORSE MUTILATION

12 (720 ILCS 5/35-5 new)

13 Sec. 35-5. Mutilation of horses' tails; punishment.
14 Whoever knowingly cuts the solid part of the tail of any horse
15 in the operation known as docking, or by any other operation
16 performed with the intent of shortening the tail, and whoever
17 shall cause the same to be done, or assist in doing such
18 cutting, unless the same is proved to be a benefit to the
19 horse, shall be guilty of a Class A misdemeanor.

20 (720 ILCS 5/Art. 35, Div. VI heading new)

21 DIVISION VI. ILLINOIS DANGEROUS ANIMALS

22 (720 ILCS 5/35-6 new)

1 Sec. 35-6. Dangerous animals.

2 (a) Definitions. As used in this Section, unless the
3 context otherwise requires:

4 (1) "Dangerous animal" means a lion, tiger, leopard,
5 ocelot, jaguar, cheetah, margay, mountain lion, lynx,
6 bobcat, jaguarundi, bear, hyena, wolf or coyote, or any
7 poisonous or life-threatening reptile.

8 (2) "Owner" means any person who (a) has a right of
9 property in a dangerous animal, (b) keeps or harbors a
10 dangerous animal, (c) has a dangerous animal in his care,
11 or (d) acts as custodian of a dangerous animal.

12 (3) "Approved facility" shall include, but is not
13 limited to, a zoological park, federally licensed exhibit,
14 humane society, veterinary hospital or animal refuge.

15 (b) Dangerous animals prohibited. A person violates this
16 Section if he or she knowingly or recklessly has a right of
17 property in, keeps, harbors, cares for, acts as custodian of or
18 maintains in his or her possession any dangerous animal except
19 at a properly maintained zoological park, federally licensed
20 exhibit, circus, scientific or educational institution,
21 research laboratory, veterinary hospital or animal refuge in an
22 escape-proof enclosure.

23 (c) Defense. It is no defense to a violation of subsection
24 (b) that the person violating such Section has attempted to
25 domesticate the dangerous animal. If there appears to be
26 imminent danger to the public, any dangerous animal found not

1 in compliance with the provisions of this Act shall be subject
2 to seizure and may immediately be placed in an approved
3 facility. Upon the conviction of a person for a violation of
4 subsection (b), the animal with regard to which the conviction
5 was obtained shall be confiscated and placed in an approved
6 facility, with the owner thereof to be responsible for all
7 costs connected with the seizure and confiscation of such
8 animal. Approved facilities include, but are not limited to, a
9 zoological park, federally licensed exhibit, humane society,
10 veterinary hospital or animal refuge.

11 (d) Sentence. A violation of this Section is a Class C
12 misdemeanor. Each day of violation constitutes a separate
13 offense.

14 (720 ILCS 5/Art. 35, Div. VII heading new)

15 DIVISION VII. FEEDING GARBAGE TO ANIMALS

16 (720 ILCS 5/35-7.1 new)

17 Sec. 35-7.1. Definitions. When used in this Act, unless the
18 context otherwise indicates:

19 "Department" means the Department of Agriculture of the
20 State of Illinois.

21 "Garbage" means putrescible vegetable waste, animal,
22 poultry, or fish carcasses or parts thereof resulting from the
23 handling, preparation, cooking, or consumption of food, but
24 does not include the contents of the bovine digestive tract.

1 "Garbage" also means the bodies or parts of bodies of animals,
2 poultry or fish.

3 "Person" means any person, firm, partnership, association,
4 corporation, or other legal entity, any public or private
5 institution, the State of Illinois, or any municipal
6 corporation or political subdivision of the State.

7 (720 ILCS 5/35-7.2 new)

8 Sec. 35-7.2. Exempt establishments. Establishments
9 licensed under the Illinois Dead Animal Disposal Act or under
10 similar laws in other states are exempt from the provisions of
11 this Division VII.

12 (720 ILCS 5/35-7.3 new)

13 Sec. 35-7.3. Feeding of garbage prohibited; exception. No
14 person shall knowingly feed or permit the feeding of garbage to
15 swine or any animals or poultry on any farm or any other
16 premises where swine are kept. However, nothing in this
17 Division VII shall be construed to apply to any person who
18 feeds garbage produced in his own household to animals or
19 poultry kept on the premises where he resides, except such
20 garbage if fed to swine shall not contain particles of meat.

21 (720 ILCS 5/35-7.4 new)

22 Sec. 35-7.4. Violations; Penalty. Whoever violates this
23 Division VII is guilty of a misdemeanor and for the first

1 offense shall be fined not less than \$100 nor more than \$500
2 and for a second or subsequent offense shall be fined not less
3 than \$200 nor more than \$500 or imprisoned in a penal
4 institution other than the penitentiary for not more than 6
5 months, or both.

6 (720 ILCS 5/35-7.5 new)

7 Sec. 35-7.5. Injunction. A person violating this Division
8 VII may be enjoined by the Department from continuing such
9 violation.

10 (720 ILCS 5/35-7.6 new)

11 Sec. 35-7.6. Inspections. The Department may make
12 reasonable inspections necessary for the enforcement of this
13 Division VII, and is authorized to enforce and administer the
14 provisions of this Division VII.

15 (720 ILCS 5/Art. 35, Div. VIII heading new)

16 DIVISION VIII. GUIDE DOG ACCESS

17 (720 ILCS 5/35-8 new)

18 Sec. 35-8. Guide dog permitted. A person violates this
19 Section when he or she knowingly or recklessly denies the right
20 of entry and use of facilities of any public place of
21 accommodation as defined in Section 5-101 of the "Illinois
22 Human Rights Act", to a blind, hearing impaired or physically

1 handicapped person or a person who is subject to epilepsy or
2 other seizure disorders who is accompanied by a dog which
3 serves as a guide, leader, seizure-alert, or seizure-response
4 dog for such person or when a trainer of a guide, leader,
5 seizure-alert, or seizure-response dog is accompanied by a
6 guide, leader, seizure-alert, or seizure-response dog or to a
7 dog that is being trained to be a guide, leader, seizure-alert,
8 or seizure-response dog if such dog is wearing a harness and
9 such person presents credentials for inspection issued by a
10 school for training guide, leader, seizure-alert, or
11 seizure-response dogs.

12 Any person who knowingly violates this Division VIII
13 commits a Class C misdemeanor.

14 (720 ILCS 5/Art. 35, Div. IX heading new)

15 DIVISION IX. MISREPRESENTATION OF PEDIGREE OF STALLION OR JACK

16 (720 ILCS 5/35-9 new)

17 Sec. 35-9. Misrepresentation of pedigree of stallion or
18 jack. Whenever "stallion" is used in this Section, it shall be
19 construed to include "jack." Any person, being the owner or
20 keeper of any stallion kept for public service, who shall
21 misrepresent the pedigree or breeding of any such stallion, or
22 who shall represent that such animal, so kept for public
23 service, is registered, when in fact it is not registered in a
24 published volume of a society for the registry of standard and

1 purebred animals, or who shall post or publish, or cause to be
2 posted or published, any false pedigree or breeding of such
3 animal, shall be guilty of a petty offense, and for the second
4 or any subsequent offense shall be guilty of a Class B
5 misdemeanor.

6 (720 ILCS 5/Art. 35, Div. X heading new)

7 DIVISION X. POSSESSION OF CERTAIN DOGS BY FELONS PROHIBITED

8 (720 ILCS 5/35-10) (was 720 ILCS 5/12-36)

9 Sec. 35-10 ~~12-36~~. Possession of certain dogs by felons
10 prohibited.

11 (a) For a period of 10 years commencing upon the release of
12 a person from incarceration, it is unlawful for a person
13 convicted of a forcible felony, a felony violation of the
14 Humane Care for Animals Act, a felony violation of Article 24
15 of the Criminal Code of 1961, a felony violation of Class 3 or
16 higher of the Illinois Controlled Substances Act, a felony
17 violation of Class 3 or higher of the Cannabis Control Act, or
18 a felony violation of Class 2 or higher of the Methamphetamine
19 Control and Community Protection Act, to knowingly own,
20 possess, have custody of, or reside in a residence with,
21 either:

22 (1) an unspayed or unneutered dog or puppy older than
23 12 weeks of age; or

24 (2) irrespective of whether the dog has been spayed or

1 neutered, any dog that has been determined to be a vicious
2 dog under Section 15 of the Animal Control Act.

3 (b) Any dog owned, possessed by, or in the custody of a
4 person convicted of a felony, as described in subsection (a),
5 must be microchipped for permanent identification.

6 (c) Sentence. A person who violates this Section is guilty
7 of a Class A misdemeanor.

8 (d) It is an affirmative defense to prosecution under this
9 Section that the dog in question is neutered or spayed, or that
10 the dog in question was neutered or spayed within 7 days of the
11 defendant being charged with a violation of this Section.
12 Medical records from, or the certificate of, a doctor of
13 veterinary medicine licensed to practice in the State of
14 Illinois who has personally examined or operated upon the dog,
15 unambiguously indicating whether the dog in question has been
16 spayed or neutered, shall be prima facie true and correct, and
17 shall be sufficient evidence of whether the dog in question has
18 been spayed or neutered. This subsection (d) is not applicable
19 to any dog that has been determined to be a vicious dog under
20 Section 15 of the Animal Control Act.

21 (Source: P.A. 94-818, eff. 1-1-07.)

22 (720 ILCS 5/Art. 36 heading)

23 ARTICLE 36. SEIZURE AND FORFEITURE

24 ~~OF VESSELS, VEHICLES AND AIRCRAFT~~

1 (720 ILCS 5/Art. 36, Div. I heading new)

2 DIVISION I. GENERAL SEIZURE AND FORFEITURE

3 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

4 Sec. 36-1. Seizure and forfeiture of vessels vehicles and
5 aircraft. ~~Seizure.~~ Any vessel, vehicle or aircraft used with
6 the knowledge and consent of the owner in the commission of, or
7 in the attempt to commit as defined in Section 8-4 of this
8 Code, an offense prohibited by (a) Section 9-1, 9-3, 10-2,
9 11-6, 11-15.1, 11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2,
10 12-4.2-5, 12-4.3, 12-4.6, 12-7.3, 12- 7.4, 12-13, 12-14, 18-2,
11 19-1, 19-2, 19-3, 20-1, 20-2, 20.5-6, 24-1.2, 24-1.2-5, 24-1.5,
12 or 28-1 of this Code paragraph (a) of Section 12-4 of this Code
13 paragraph (a) of Section 12-15 or paragraphs (a), (c) or (d) of
14 Section 12-16 of this Code or paragraph (a)(6) or (a)(7) of
15 Section 24-1 of this Code; (b) Section 21, 22, 23, 24 or 26 of
16 the Cigarette Tax Act if the vessel, vehicle or aircraft
17 contains more than 10 cartons of such cigarettes; (c) Section
18 28, 29 or 30 of the Cigarette Use Tax Act if the vessel,
19 vehicle or aircraft contains more than 10 cartons of such
20 cigarettes; (d) Section 44 of the Environmental Protection Act;
21 (e) 11-204.1 of the Illinois Vehicle Code; (f) the offenses
22 described in the following provisions of the Illinois Vehicle
23 Code: Section 11-501 subdivisions (c-1)(1), (c-1)(2),
24 (c-1)(3), (d)(1)(A), or (d)(1)(D); (g) an offense described in
25 subsection (g) of Section 6-303 of the Illinois Vehicle Code;

1 or (h) an offense described in subsection (e) of Section 6-101
2 of the Illinois Vehicle Code; may be seized and delivered
3 forthwith to the sheriff of the county of seizure.

4 Within 15 days after such delivery the sheriff shall give
5 notice of seizure to each person according to the following
6 method: Upon each such person whose right, title or interest is
7 of record in the office of the Secretary of State, the
8 Secretary of Transportation, the Administrator of the Federal
9 Aviation Agency, or any other Department of this State, or any
10 other state of the United States if such vessel, vehicle or
11 aircraft is required to be so registered, as the case may be,
12 by mailing a copy of the notice by certified mail to the
13 address as given upon the records of the Secretary of State,
14 the Department of Aeronautics, Department of Public Works and
15 Buildings or any other Department of this State or the United
16 States if such vessel, vehicle or aircraft is required to be so
17 registered. Within that 15 day period the sheriff shall also
18 notify the State's Attorney of the county of seizure about the
19 seizure.

20 In addition, any mobile or portable equipment used in the
21 commission of an act which is in violation of Section 7g of the
22 Metropolitan Water Reclamation District Act shall be subject to
23 seizure and forfeiture under the same procedures provided in
24 this Article for the seizure and forfeiture of vessels,
25 vehicles and aircraft, and any such equipment shall be deemed a
26 vessel, vehicle or aircraft for purposes of this Article.

1 When a person discharges a firearm at another individual
2 from a vehicle with the knowledge and consent of the owner of
3 the vehicle and with the intent to cause death or great bodily
4 harm to that individual and as a result causes death or great
5 bodily harm to that individual, the vehicle shall be subject to
6 seizure and forfeiture under the same procedures provided in
7 this Article for the seizure and forfeiture of vehicles used in
8 violations of clauses (a), (b), (c), or (d) of this Section.

9 If the spouse of the owner of a vehicle seized for an
10 offense described in subsection (g) of Section 6-303 of the
11 Illinois Vehicle Code a violation of subdivision (c-1)(1),
12 (c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501
13 of the Illinois Vehicle Code, or Section 9-3 of this Code makes
14 a showing that the seized vehicle is the only source of
15 transportation and it is determined that the financial hardship
16 to the family as a result of the seizure outweighs the benefit
17 to the State from the seizure, the vehicle may be forfeited to
18 the spouse or family member and the title to the vehicle shall
19 be transferred to the spouse or family member who is properly
20 licensed and who requires the use of the vehicle for employment
21 or family transportation purposes. A written declaration of
22 forfeiture of a vehicle under this Section shall be sufficient
23 cause for the title to be transferred to the spouse or family
24 member. The provisions of this paragraph shall apply only to
25 one forfeiture per vehicle. If the vehicle is the subject of a
26 subsequent forfeiture proceeding by virtue of a subsequent

1 conviction of either spouse or the family member, the spouse or
2 family member to whom the vehicle was forfeited under the first
3 forfeiture proceeding may not utilize the provisions of this
4 paragraph in another forfeiture proceeding. If the owner of the
5 vehicle seized owns more than one vehicle, the procedure set
6 out in this paragraph may be used for only one vehicle.

7 Property declared contraband under Section 40 of the
8 Illinois Streetgang Terrorism Omnibus Prevention Act may be
9 seized and forfeited under this Article.

10 ~~Any vessel, vehicle or aircraft used with the knowledge and~~
11 ~~consent of the owner in the commission of, or in the attempt to~~
12 ~~commit as defined in Section 8-4 of this Code, an offense~~
13 ~~prohibited by (a) Section 9-1, 9-3, 10-2, 11-6, 11-15.1,~~
14 ~~11-19.1, 11-19.2, 11-20.1, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3,~~
15 ~~12-4.6, 12-7.3, 12-7.4, 12-13, 12-14, 18-2, 19-1, 19-2, 19-3,~~
16 ~~20-1, 20-2, 20.5-6, 24-1.2, 24-1.2-5, 24-1.5, or 28-1 of this~~
17 ~~Code, paragraph (a) of Section 12-4 of this Code, paragraph (a)~~
18 ~~of Section 12-15 or paragraphs (a), (c) or (d) of Section 12-16~~
19 ~~of this Code, or paragraph (a)(6) or (a)(7) of Section 24-1 of~~
20 ~~this Code; (b) Section 21, 22, 23, 24 or 26 of the Cigarette~~
21 ~~Tax Act if the vessel, vehicle or aircraft contains more than~~
22 ~~10 cartons of such cigarettes; (c) Section 28, 29 or 30 of the~~
23 ~~Cigarette Use Tax Act if the vessel, vehicle or aircraft~~
24 ~~contains more than 10 cartons of such cigarettes; (d) Section~~
25 ~~44 of the Environmental Protection Act; (e) 11-204.1 of the~~
26 ~~Illinois Vehicle Code; (f) the offenses described in the~~

1 ~~following provisions of the Illinois Vehicle Code: Section~~
2 ~~11-501 subdivisions (c-1)(1), (c-1)(2), (c-1)(3), (d)(1)(A),~~
3 ~~(d)(1)(D), (d)(1)(C), or (d)(1)(H); (g) an offense described in~~
4 ~~subsection (g) of Section 6-303 of the Illinois Vehicle Code;~~
5 ~~or (h) an offense described in subsection (c) of Section 6-101~~
6 ~~of the Illinois Vehicle Code; may be seized and delivered~~
7 ~~forthwith to the sheriff of the county of seizure.~~

8 ~~Within 15 days after such delivery the sheriff shall give~~
9 ~~notice of seizure to each person according to the following~~
10 ~~method: Upon each such person whose right, title or interest is~~
11 ~~of record in the office of the Secretary of State, the~~
12 ~~Secretary of Transportation, the Administrator of the Federal~~
13 ~~Aviation Agency, or any other Department of this State, or any~~
14 ~~other state of the United States if such vessel, vehicle or~~
15 ~~aircraft is required to be so registered, as the case may be,~~
16 ~~by mailing a copy of the notice by certified mail to the~~
17 ~~address as given upon the records of the Secretary of State,~~
18 ~~the Department of Aeronautics, Department of Public Works and~~
19 ~~Buildings or any other Department of this State or the United~~
20 ~~States if such vessel, vehicle or aircraft is required to be so~~
21 ~~registered. Within that 15 day period the sheriff shall also~~
22 ~~notify the State's Attorney of the county of seizure about the~~
23 ~~seizure.~~

24 ~~In addition, any mobile or portable equipment used in the~~
25 ~~commission of an act which is in violation of Section 7g of the~~
26 ~~Metropolitan Water Reclamation District Act shall be subject to~~

1 ~~seizure and forfeiture under the same procedures provided in~~
2 ~~this Article for the seizure and forfeiture of vessels,~~
3 ~~vehicles and aircraft, and any such equipment shall be deemed a~~
4 ~~vessel, vehicle or aircraft for purposes of this Article.~~

5 ~~When a person discharges a firearm at another individual~~
6 ~~from a vehicle with the knowledge and consent of the owner of~~
7 ~~the vehicle and with the intent to cause death or great bodily~~
8 ~~harm to that individual and as a result causes death or great~~
9 ~~bodily harm to that individual, the vehicle shall be subject to~~
10 ~~seizure and forfeiture under the same procedures provided in~~
11 ~~this Article for the seizure and forfeiture of vehicles used in~~
12 ~~violations of clauses (a), (b), (c), or (d) of this Section.~~

13 ~~If the spouse of the owner of a vehicle seized for an~~
14 ~~offense described in subsection (g) of Section 6-303 of the~~
15 ~~Illinois Vehicle Code, a violation of subdivision (c-1)(1),~~
16 ~~(c-1)(2), (c-1)(3), (d)(1)(A), or (d)(1)(D) of Section 11-501~~
17 ~~of the Illinois Vehicle Code, or Section 9-3 of this Code makes~~
18 ~~a showing that the seized vehicle is the only source of~~
19 ~~transportation and it is determined that the financial hardship~~
20 ~~to the family as a result of the seizure outweighs the benefit~~
21 ~~to the State from the seizure, the vehicle may be forfeited to~~
22 ~~the spouse or family member and the title to the vehicle shall~~
23 ~~be transferred to the spouse or family member who is properly~~
24 ~~licensed and who requires the use of the vehicle for employment~~
25 ~~or family transportation purposes. A written declaration of~~
26 ~~forfeiture of a vehicle under this Section shall be sufficient~~

1 ~~cause for the title to be transferred to the spouse or family~~
2 ~~member. The provisions of this paragraph shall apply only to~~
3 ~~one forfeiture per vehicle. If the vehicle is the subject of a~~
4 ~~subsequent forfeiture proceeding by virtue of a subsequent~~
5 ~~conviction of either spouse or the family member, the spouse or~~
6 ~~family member to whom the vehicle was forfeited under the first~~
7 ~~forfeiture proceeding may not utilize the provisions of this~~
8 ~~paragraph in another forfeiture proceeding. If the owner of the~~
9 ~~vehicle seized owns more than one vehicle, the procedure set~~
10 ~~out in this paragraph may be used for only one vehicle.~~

11 ~~Property declared contraband under Section 40 of the~~
12 ~~Illinois Streetgang Terrorism Omnibus Prevention Act may be~~
13 ~~seized and forfeited under this Article.~~

14 (Source: P.A. 93-187, eff. 7-11-03; 94-329, eff. 1-1-06;
15 94-1017, eff. 7-7-06.)

16 (720 ILCS 5/36-2) (from Ch. 38, par. 36-2)

17 Sec. 36-2. Rights of lienholders and secured parties.
18 Action for forfeiture. The State's Attorney shall promptly
19 release a vessel, vehicle or aircraft seized under the
20 provisions of this Article to any lienholder or secured party
21 whose right, title or interest is of record as described in
22 Section 36-1 if such lienholder or secured party shows to the
23 State's Attorney that his lien or secured interest is bona fide
24 and was created without actual knowledge that such vessel,
25 vehicle or aircraft was used or to be used in the commission of

1 the offense charged.

2 ~~(a) The State's Attorney in the county in which such seizure~~
3 ~~occurs if he finds that such forfeiture was incurred without~~
4 ~~willful negligence or without any intention on the part of the~~
5 ~~owner of the vessel, vehicle or aircraft or any person whose~~
6 ~~right, title or interest is of record as described in Section~~
7 ~~36-1, to violate the law, or finds the existence of such~~
8 ~~mitigating circumstances as to justify remission of the~~
9 ~~forfeiture, may cause the sheriff to remit the same upon such~~
10 ~~terms and conditions as the State's Attorney deems reasonable~~
11 ~~and just. The State's Attorney shall exercise his discretion~~
12 ~~under the foregoing provision of this Section 36-2(a) promptly~~
13 ~~after notice is given in accordance with Section 36-1. If the~~
14 ~~State's Attorney does not cause the forfeiture to be remitted~~
15 ~~he shall forthwith bring an action for forfeiture in the~~
16 ~~Circuit Court within whose jurisdiction the seizure and~~
17 ~~confiscation has taken place. The State's Attorney shall give~~
18 ~~notice of the forfeiture proceeding by mailing a copy of the~~
19 ~~Complaint in the forfeiture proceeding to the persons, and upon~~
20 ~~the manner, set forth in Section 36-1. The owner of the seized~~
21 ~~vessel, vehicle or aircraft or any person whose right, title,~~
22 ~~or interest is of record as described in Section 36-1, may~~
23 ~~within 20 days after the mailing of such notice file a verified~~
24 ~~answer to the Complaint and may appear at the hearing on the~~
25 ~~action for forfeiture. The State shall show at such hearing by~~
26 ~~a preponderance of the evidence, that such vessel, vehicle or~~

1 ~~aircraft was used in the commission of an offense described in~~
2 ~~Section 36-1. The owner of such vessel, vehicle or aircraft or~~
3 ~~any person whose right, title, or interest is of record as~~
4 ~~described in Section 36-1, may show by a preponderance of the~~
5 ~~evidence that he did not know, and did not have reason to know,~~
6 ~~that the vessel, vehicle or aircraft was to be used in the~~
7 ~~commission of such an offense or that any of the exceptions set~~
8 ~~forth in Section 36-3 are applicable. Unless the State shall~~
9 ~~make such showing, the Court shall order such vessel, vehicle~~
10 ~~or aircraft released to the owner. Where the State has made~~
11 ~~such showing, the Court may order the vessel, vehicle or~~
12 ~~aircraft destroyed; may order it delivered to any local,~~
13 ~~municipal or county law enforcement agency, or the Department~~
14 ~~of State Police or the Department of Revenue of the State of~~
15 ~~Illinois; or may order it sold at public auction.~~

16 ~~(b) A copy of the order shall be filed with the sheriff of~~
17 ~~the county in which the seizure occurs and with each Federal or~~
18 ~~State office or agency with which such vessel, vehicle or~~
19 ~~aircraft is required to be registered. Such order, when filed,~~
20 ~~constitutes authority for the issuance of clear title to such~~
21 ~~vehicle, aircraft, or boat to the department or agency to whom~~
22 ~~it is delivered or any purchaser thereof. The sheriff shall~~
23 ~~comply promptly with instructions to remit received from the~~
24 ~~State's Attorney or Attorney General in accordance with~~
25 ~~Sections 36-2(a) or 36-3.~~

26 ~~(c) The proceeds of any sale at public auction pursuant to~~

1 ~~Section 36-2 of this Act, after payment of all liens and~~
2 ~~deduction of the reasonable charges and expenses incurred by~~
3 ~~the sheriff in storing and selling such vehicle, shall be paid~~
4 ~~into the general fund of the county of seizure.~~

5 (Source: P.A. 84-25.)

6 (720 ILCS 5/36-3) (from Ch. 38, par. 36-3)

7 Sec. 36-3. Action for forfeiture. ~~Exceptions to~~
8 ~~forfeiture.~~

9 (a) The State's Attorney in the county in which such
10 seizure occurs if he finds that such forfeiture was incurred
11 without willful negligence or without any intention on the part
12 of the owner of the vessel, vehicle or aircraft or any person
13 whose right, title or interest is of record as described in
14 Section 36-1 to violate the law, or finds the existence of such
15 mitigating circumstances as to justify remission of the
16 forfeiture, may cause the sheriff to remit the same upon such
17 terms and conditions as the State's Attorney deems reasonable
18 and just. The State's Attorney shall exercise his discretion
19 under the foregoing provision of this Section promptly after
20 notice is given in accordance with Section 36-1. If the State's
21 Attorney does not cause the forfeiture to be remitted he shall
22 forthwith bring an action for forfeiture in the Circuit Court
23 within whose jurisdiction the seizure and confiscation has
24 taken place. The State's Attorney shall give notice of the
25 forfeiture proceeding by mailing a copy of the Complaint in the

1 forfeiture proceeding to the persons, and upon the manner, set
2 forth in Section 36-1. The owner of the seized vessel, vehicle
3 or aircraft or any person whose right, title, or interest is of
4 record as described in Section 36-1 may within 20 days after
5 the mailing of such notice file a verified answer to the
6 Complaint and may appear at the hearing on the action for
7 forfeiture. The State shall show at such hearing by a
8 preponderance of the evidence, that such vessel, vehicle or
9 aircraft was used in the commission of an offense described in
10 Section 36-1. The owner of such vessel, vehicle or aircraft or
11 any person whose right, title, or interest is of record as
12 described in Section 36-1, may show by a preponderance of the
13 evidence that he did not know, and did not have reason to know,
14 that the vessel, vehicle or aircraft was to be used in the
15 commission of such an offense or that any of the exceptions set
16 forth in Section 36-4 are applicable. Unless the State shall
17 make such showing, the Court shall order such vessel, vehicle
18 or aircraft released to the owner. Where the State has made
19 such showing, the Court may order the vessel, vehicle or
20 aircraft destroyed; may order it delivered to any local,
21 municipal or county law enforcement agency, or the Department
22 of State Police or the Department of Revenue of the State of
23 Illinois; or may order it sold at public auction.

24 (b) A copy of the order shall be filed with the sheriff of
25 the county in which the seizure occurs and with each Federal or
26 State office or agency with which such vessel, vehicle or

1 aircraft is required to be registered. Such order, when filed,
2 constitutes authority for the issuance of clear title to such
3 vehicle, aircraft, or boat to the department or agency to whom
4 it is delivered or any purchaser thereof. The sheriff shall
5 comply promptly with instructions to remit received from the
6 State's Attorney or Attorney General in accordance with
7 Sections 36-3 (a) and 36-4.

8 (c) The proceeds of any sale at public auction pursuant to
9 Section 36-3 of this Act, after payment of all liens and
10 deduction of the reasonable charges and expenses incurred by
11 the sheriff in storing and selling such vehicle, shall be paid
12 into the general fund of the county of seizure.

13 ~~(a) No vessel, vehicle, or aircraft used by any person as a~~
14 ~~common carrier in the transaction of business as such common~~
15 ~~carrier may be forfeited under the provisions of Section 36-2~~
16 ~~unless it appears that (1) in the case of a railway car or~~
17 ~~engine, the owner, or (2) in the case of any other such vessel,~~
18 ~~vehicle or aircraft, the owner or the master of such vessel or~~
19 ~~the owner or conductor, driver, pilot, or other person in~~
20 ~~charge of such vehicle or aircraft was at the time of the~~
21 ~~alleged illegal act a consenting party or privy thereto.~~

22 ~~(b) No vessel, vehicle, or aircraft shall be forfeited~~
23 ~~under the provisions of Section 36-2 by reason of any act or~~
24 ~~omission established by the owner thereof to have been~~
25 ~~committed or omitted by any person other than such owner while~~
26 ~~such vessel, vehicle, or aircraft was unlawfully in the~~

1 ~~possession of a person who acquired possession thereof in~~
2 ~~violation of the criminal laws of the United States, or of any~~
3 ~~state.~~

4 (Source: Laws 1965, p. 2868.)

5 (720 ILCS 5/36-4) (from Ch. 38, par. 36-4)

6 Sec. 36-4. Exceptions to forfeiture. ~~Remission by Attorney~~
7 ~~General.~~

8 (a) No vessel, vehicle, or aircraft used by any person as a
9 common carrier in the transaction of business as such common
10 carrier may be forfeited under the provisions of Section 36-3
11 unless it appears that (1) in the case of a railway car or
12 engine, the owner, or (2) in the case of any other such vessel,
13 vehicle or aircraft, the owner or the master of such vessel or
14 the owner or conductor, driver, pilot, or other person in
15 charge of such vehicle or aircraft was at the time of the
16 alleged illegal act a consenting party or privy thereto.

17 (b) No vessel, vehicle, or aircraft shall be forfeited
18 under the provisions of Section 36-3 by reason of any act or
19 omission established by the owner thereof to have been
20 committed or omitted by any person other than such owner while
21 such vessel, vehicle, or aircraft was unlawfully in the
22 possession of a person who acquired possession thereof in
23 violation of the criminal laws of the United States, or of any
24 state.

25 ~~Whenever any owner of, or other person interested in, a~~

1 ~~vessel, vehicle, or aircraft seized under the provisions of~~
2 ~~this Act files with the Attorney General before the sale or~~
3 ~~destruction of such vessel, vehicle, or aircraft, a petition~~
4 ~~for the remission of such forfeiture the Attorney General if he~~
5 ~~finds that such forfeiture was incurred without willful~~
6 ~~negligence or without any intention on the part of the owner or~~
7 ~~any person whose right, title or interest is of record as~~
8 ~~described in Section 36-1, to violate the law, or finds the~~
9 ~~existence of such mitigating circumstances as to justify the~~
10 ~~remission of forfeiture, may cause the same to be remitted upon~~
11 ~~such terms and conditions as he deems reasonable and just, or~~
12 ~~order discontinuance of any forfeiture proceeding relating~~
13 ~~thereto.~~

14 (Source: Laws 1965, p. 2868.)

15 (720 ILCS 5/36-5 new)

16 Sec. 36-5. Remission by Attorney General. Whenever any
17 owner of, or other person interested in, a vessel, vehicle, or
18 aircraft seized under the provisions of this Act files with the
19 Attorney General before the sale or destruction of such vessel,
20 vehicle, or aircraft, a petition for the remission of such
21 forfeiture the Attorney General if he finds that such
22 forfeiture was incurred without willful negligence or without
23 any intention on the part of the owner or any person whose
24 right, title or interest is of record as described in Section
25 36-1, to violate the law, or finds the existence of such

1 mitigating circumstances as to justify the remission of
2 forfeiture, may cause the same to be remitted upon such terms
3 and conditions as he deems reasonable and just, or order
4 discontinuance of any forfeiture proceeding relating thereto.

5 (720 ILCS 5/Art. 36, Div. II heading new)

6 DIVISION II. PROPERTY FORFEITURE; MAINTAINING A BUILDING AS A
7 PUBLIC NUISANCE

8 (720 ILCS 5/36-6 new)

9 Sec. 36-6. Maintaining a building as a public nuisance.

10 (a) Any building used in the commission of offenses
11 prohibited by Sections 9-1, 10-1, 10-2, 11-14, 11-15, 11-16,
12 11-17, 11-20, 11-20.1, 11-21, 11-22, 12-5.1, 16-1, 20-2,
13 24-1(a)(7), 24-3, 28-1, 28-3, 31-5 of the Criminal Code of
14 1961, or prohibited by the Illinois Controlled Substances Act,
15 or the Cannabis Control Act, or used in the commission of an
16 inchoate offense relative to any of the aforesaid principal
17 offenses, or any real property erected, established,
18 maintained, owned, leased, or used by a streetgang for the
19 purpose of conducting streetgang related activity as defined in
20 Section 10 of the Illinois Streetgang Terrorism Omnibus
21 Prevention Act is a public nuisance.

22 (b) Sentence. A person convicted of knowingly maintaining
23 such a public nuisance commits a Class A misdemeanor. Each
24 subsequent offense under this Section is a Class 4 felony.

1 (720 ILCS 5/36-7 new)

2 Sec. 36-7. Enforcement of lien upon public nuisance. Any
3 building, used in the commission of an offense specified in
4 Sec. 36-6 with the intentional, knowing, reckless or negligent
5 permission of the owner thereof, or the agent of the owner
6 managing the building, shall, together with the underlying real
7 estate, all fixtures and other property used to commit such an
8 offense, be subject to a lien and may be sold to pay any
9 unsatisfied judgment that may be recovered and any unsatisfied
10 fine that may be levied under any Section of this Article and
11 to pay to any person not maintaining the nuisance his damages
12 as a consequence of the nuisance; provided, that the lien
13 herein created shall not affect the rights of any purchaser,
14 mortgagee, judgment creditor or other lien holder arising prior
15 to the filing of a notice of such lien in the office of the
16 recorder of the county in which the real estate subject to the
17 lien is located, or in the office of the registrar of titles of
18 such county if that real estate is registered under "An Act
19 concerning land titles" approved May 1, 1897, as amended; which
20 notice shall definitely describe the real estate and property
21 involved, the nature and extent of the lien claimed, and the
22 facts upon which the same is based. An action to enforce such
23 lien may be commenced in any circuit court by the State's
24 Attorney of the county of the nuisance or by the person
25 suffering damages or both, except that a person seeking to

1 recover damages must pursue his remedy within 6 months after
2 the damages are sustained or his cause of action becomes
3 thereafter exclusively enforceable by the State's Attorney of
4 the county of the nuisance.

5 (720 ILCS 5/36-8 new)

6 Sec. 36-8. Revocation of licenses, permits and
7 certificates. All licenses, permits or certificates issued by
8 the State of Illinois or any subdivision or political agency
9 thereof authorizing the serving of food or liquor on any
10 premises found to constitute a public nuisance as described in
11 Section 36-7 shall be void and shall be revoked by the issuing
12 authority; and no license, permit or certificate so revoked
13 shall be reissued for such premises for a period of 60 days
14 thereafter; nor shall any person convicted of knowingly
15 maintaining such nuisance be reissued such license, permit or
16 certificate for one year from his conviction. No license,
17 permit or certificate shall be revoked pursuant to this Section
18 without a full hearing conducted by the commission or agency
19 which issued the license.

20 (720 ILCS 5/36-9 new)

21 Sec. 36-9. Abatement of nuisance. The Attorney General of
22 this State or the State's Attorney of the county wherein the
23 nuisance exists may commence an action to abate a public
24 nuisance as described in Section 36-6 in the name of the People

1 of the State of Illinois, in the circuit court. Upon being
2 satisfied by affidavits or other sworn evidence that an alleged
3 public nuisance exists, the court may without notice or bond
4 enter a temporary restraining order or preliminary injunction
5 to enjoin any defendant from maintaining such nuisance and may
6 enter an order restraining any defendant from removing or
7 interfering with all property used in connection with the
8 public nuisance. If during the proceedings and hearings upon
9 the merits, which shall be in the manner of "An Act in relation
10 to places used for the purpose of using, keeping or selling
11 controlled substances or cannabis", approved July 5, 1957, the
12 existence of the nuisance is established, and it is found that
13 such nuisance was maintained with the intentional, knowing,
14 reckless or negligent permission of the owner or the agent of
15 the owner managing the building, the court shall enter an order
16 restraining all persons from maintaining or permitting such
17 nuisance and from using the building for a period of one year
18 thereafter, except that an owner, lessee or other occupant
19 thereof may use such place if the owner shall give bond with
20 sufficient security or surety approved by the court, in an
21 amount between \$1,000 and \$5,000 inclusive, payable to the
22 People of the State of Illinois, and including a condition that
23 no offense specified in Section 36-6 of this Act shall be
24 committed at, in or upon the property described and a condition
25 that the principal obligor and surety assume responsibility for
26 any fine, costs or damages resulting from such an offense

1 thereafter.

2 (720 ILCS 5/36-10 new)

3 Sec. 36-10. Enforcement by private person. A private person
4 may, after 30 days and within 90 days of giving the Attorney
5 General and the State's Attorney of the county of nuisance
6 written notice by certified or registered mail of the fact that
7 a public nuisance as described in Section 36-7 of this Act,
8 commence an action pursuant to Section 36-9 of this Article,
9 provided that the Attorney General or the State's Attorney of
10 the county of nuisance has not already commenced said action.

11 (720 ILCS 5/Art. 36, Div. III heading new)

12 DIVISION III. CRIMINALLY OPERATED BUSINESS

13 (720 ILCS 5/36-11 new)

14 Sec. 36-11. Forfeiture of charter and revocation of
15 certificate for businesses. The State's Attorney is authorized
16 to institute civil proceedings in the Circuit Court to forfeit
17 the charter of a corporation organized under the laws of this
18 State or to revoke the certificate authorizing a foreign
19 corporation to conduct business in this State. The Court may
20 order the charter forfeited or the certificate revoked upon
21 finding:

22 (a) that a director, officer, employee, agent or
23 stockholder acting in behalf of the corporation has, in

1 conducting the corporation's affairs, purposely engaged in a
2 persistent course of intimidation, coercion, bribery or other
3 such illegal conduct with the intent to compel other persons,
4 firms, or corporations to deal with such corporation, and

5 (b) that for the prevention of future illegal conduct of
6 the same character, the public interest requires the charter of
7 the corporation to be forfeited and the corporation to be
8 dissolved or the certificate to be revoked.

9 (720 ILCS 5/36-12 new)

10 Sec. 36-12. Enjoining operation of a business. The State's
11 Attorney is authorized to institute civil proceedings in the
12 Circuit Court to enjoin the operation of any business other
13 than a corporation, including a partnership, joint venture or
14 sole proprietorship. The Court may grant the injunction upon
15 finding that:

16 (a) any person in control of any such business, who may be
17 a partner in a partnership, a participant in a joint venture,
18 the owner of a sole proprietorship, an employee or agent of any
19 such business, or a person who, in fact, exercises control over
20 the operations of any such business, has, in conducting its
21 business affairs, intentionally engaged in a persistent course
22 of intimidation, coercion, bribery or other such illegal
23 conduct with the intent to compel other persons, firms, or
24 corporations to deal with such business, and

25 (b) that for the prevention of future illegal conduct of

1 the same character, the public interest requires the operation
2 of the business to be enjoined.

3 (720 ILCS 5/36-13 new)

4 Sec. 36-13. Institution and conduct of proceedings.

5 (a) The proceedings authorized by Section 36-11 may be
6 instituted against a corporation in any county in which it is
7 doing business and the proceedings shall be conducted in
8 accordance with the Civil Practice Law and all existing and
9 future amendments of that Law and the Supreme Court Rules now
10 or hereafter adopted in relation to that Law. Such proceedings
11 shall be deemed additional to any other proceeding authorized
12 by law for the purpose of forfeiting the charter of a
13 corporation or revoking the certificate of a foreign
14 corporation.

15 (b) The proceedings authorized by Section 36-12 may be
16 instituted against a business other than a corporation in any
17 county in which it is doing business and the proceedings shall
18 be conducted in accordance with the Civil Practice Law and all
19 existing and future amendments of that Law and the Supreme
20 Court Rules now or hereafter adopted in relation to that Law.

21 (c) Whenever proceedings are instituted against a
22 corporation or business pursuant Section 36-11 or Section 36-12
23 the State's Attorney shall give written notice of the
24 institution of such proceedings to the corporation or business
25 against which the proceedings are brought.

1 (720 ILCS 5/Art. 36, Div. IV heading new)

2 DIVISION IV. SPECIFIC FORFEITURE PROVISIONS; FORFEITURE IN DOG
3 FIGHTING, COMPUTER FRAUD, WIC FRAUD, TERRORISM, TRAFFICKING OF
4 PERSONS, INVOLUNTARY SERVITUDE, SEX OFFENSES, AND OBSCENITY

5 (720 ILCS 5/36-75 new)

6 Sec. 36-75. Scope of forfeiture and preliminary hearing.
7 Subsections (a) and (b) of this Section shall apply to the
8 following:

9 (a) Scope of all specific forfeiture provisions. Subject to
10 the specific forfeiture provisions set forth in this Article, a
11 person who commits the offense of dog fighting, computer fraud,
12 WIC fraud, terrorism, trafficking of persons, or involuntary
13 servitude shall forfeit (i) any moneys, profits, or proceeds
14 the person acquired, in whole or in part, as a result of
15 committing the violation and (ii) any property or interest in
16 property that the sentencing court determines the person
17 acquired, in whole or in part, as a result of committing the
18 violation or the person maintained or used, in whole or in
19 part, to facilitate, directly or indirectly, the commission of
20 the violation. The person shall forfeit any interest in,
21 securities of claim against, or contractual right of any kind
22 that affords the person a source of influence over, any
23 enterprise that the person has established, operated,
24 controlled, conducted, or participated in conducting, if the

1 person's relationship to or connection with the interest,
2 security of claim, or contractual right, directly or
3 indirectly, in whole or in part, is traceable to any thing or
4 benefit that the person has obtained or acquired as a result of
5 a violation.

6 (b) Preliminary hearing for all specific forfeiture
7 provisions. A person who commits the offense of dog fighting,
8 Section 4.01 of the Humane Care for Animals Act, computer
9 fraud, WIC fraud, terrorism, trafficking of persons, or
10 involuntary servitude shall have a preliminary hearing. In an
11 action brought by a State's Attorney or the Attorney General,
12 in which a restraining order, injunction, prohibition, lis
13 pendens, or other action in connection with any property or
14 interest subject to forfeiture under is sought, the circuit
15 court presiding over the trial of the person charged with such
16 a violation shall first determine whether there is probable
17 cause to believe that the person so charged has committed an
18 offense and whether the property or interest is subject to
19 forfeiture. To make that determination before entering an order
20 in connection with that property or interest, the court shall
21 conduct a hearing without a jury, at which the People must
22 establish that there is: (i) probable cause that the person
23 charged committed an offense and (ii) probable cause that the
24 property or interest may be subject to forfeiture. The hearing
25 may be conducted simultaneously with a preliminary hearing, if
26 the prosecution is commenced by information or complaint, or by

1 motion of the People at any stage in the proceedings. The court
2 may accept, at a preliminary hearing, (i) the filing of an
3 information charging that the defendant committed an offense or
4 (ii) the return of an indictment by a grand jury charging that
5 the defendant committed an offense as sufficient evidence of
6 probable cause that the person committed the offense.

7 (1) Upon making a finding of probable cause, the
8 circuit court shall enter a restraining order, injunction,
9 lis pendens, or prohibition or shall take other action in
10 connection with the property or other interest subject to
11 forfeiture under this Article as is necessary to insure
12 that the property is not removed from the jurisdiction of
13 the court, concealed, destroyed, or otherwise disposed of
14 by the owner of that property or interest before a
15 forfeiture hearing. The State's Attorney or Attorney
16 General shall file a certified copy of the restraining
17 order, injunction, or other prohibition with the recorder
18 or registrar of title of each county in which the property
19 may be located. An injunction, restraining order, or other
20 prohibition issued under this Section does not affect the
21 rights of any bonafide purchaser, mortgagee, judgment
22 creditor, or other lien holder that arose before the date
23 the certified copy is filed.

24 (2) The court may at any time, on verified petition by
25 the defendant, conduct a hearing to determine whether all
26 or any portion of the property or interest, which the court

1 previously determined to be subject to forfeiture or
2 subject to any restraining order, injunction, lis pendens,
3 prohibition, or other action, should be released. The court
4 may in its discretion release the property to the defendant
5 for good cause shown.

6 (720 ILCS 5/36-80 new)

7 Sec. 36-80. Animal fighting forfeiture.

8 (a) Real property forfeiture.

9 (1) Following the arrest of a person or persons for any
10 felony offense under Section 4.01 of the Humane Care for
11 Animals Act or a felony offense under Section 35-3 of this
12 Code, the State's Attorney of the county in which the
13 offense occurred or the Attorney General may seek
14 forfeiture of the real property associated with the
15 offense, whether the real property belongs to the person
16 organizing the show, exhibition, program, or other such
17 activity described in subsections (a) through (g) of
18 Section 4.01 of the Humane Care for Animals Act or Section
19 35-3 of this Code or to any other person participating in
20 the activity described in subsections (a) through (g) of
21 Section 4.01 of the Humane Care for Animals Act or Section
22 35-3 of this Code, who is related to the organization and
23 operation of the activity or to any person who knowingly
24 allowed the activities to occur on his or her premises.

25 (2) "Real property" includes any land, home, house,

1 apartment, building, garage, site, structure, or facility,
2 whether enclosed or not, and any part or section of any
3 land, home, house, apartment, building, garage, site,
4 structure, or facility and any right title, or interest in
5 the whole of any lot or tract of land and any appurtenances
6 or improvements on the land. Real property includes, but is
7 not limited to, any leasehold or possessory interest or
8 beneficial interest in a land trust.

9 (b) Animal fighting forfeiture procedure. Proceedings
10 instituted under this Section shall be subject to and conducted
11 in accordance with the procedures set forth in this subsection
12 (b).

13 (1) Notice to owner or interest holder. Whenever notice
14 of pending forfeiture or service of a lis pendens is
15 required under the provisions of this Section, the notice
16 or service shall be given as follows:

17 (A) If the owner's or interest holder's name and
18 current address are known, then by either personal
19 service or mailing a copy of the notice by certified
20 mail, return receipt requested, to that address; for
21 purposes of notice under this Section if a person has
22 been arrested for the conduct giving rise to the
23 forfeiture, then the address provided to the arresting
24 agency at the time of arrest shall be deemed to be that
25 person's known address; provided, however, if an owner
26 or interest holder's address changes prior to the

1 effective date of the notice of pending forfeitures,
2 the owner or interest holder shall promptly notify the
3 seizing agency of the change in address or, if the
4 owner or interest holder's address changes subsequent
5 to the effective date of the notice of pending
6 forfeitures, the owner or interest holder shall
7 promptly notify the State's Attorney or Attorney
8 General of the change in address; or

9 (B) If the owner's or interest holder's address is
10 not known, and is not on record as provided in
11 paragraph (1), then by publication for 3 successive
12 weeks in a newspaper of general circulation in the
13 county in which the seizure occurred.

14 (2) Notice served under this Section is effective upon
15 personal service, the last date of publication, or the
16 mailing of written notice, whichever is earlier.

17 (c) Animal fighting forfeiture hearing. If real property is
18 subject to seizure for felony violations under Section 4.01 of
19 the Humane Care for Animals Act or felony violations under
20 Section 35-3 of this Code, upon conviction, the State's
21 Attorney or Attorney General may commence an action by petition
22 in the sentencing court anytime following sentencing of the
23 defendant. The sentencing court shall conduct a hearing to
24 determine whether any property or property interest of the
25 defendant, profits, or proceeds is subject to forfeiture under
26 this Section. At the forfeiture hearing the People have the

1 burden of establishing, by a preponderance of the evidence,
2 that the property or property interest is subject to
3 forfeiture.

4 (1) All property declared forfeited under this Section
5 vests in this State on the date of the commission of the
6 conduct giving rise to forfeiture together with the
7 proceeds of the property after that time. Any such property
8 or proceeds subsequently transferred to any person remain
9 subject to forfeiture and thereafter shall be ordered
10 forfeited unless the transferee claims and establishes in a
11 hearing under the provisions of this Section that the
12 transferee's interest is exempt.

13 (2) If the State does not show by a preponderance of
14 the evidence or a claimant has established by preponderance
15 of evidence that the claimant has an interest that is
16 exempt under this Section, the court shall order the
17 interest in the property returned or conveyed to the
18 claimant and shall order all other property forfeited to
19 the State. If the State does show by a preponderance of the
20 evidence that the property interest is subject to
21 forfeiture, and the claimant does not establish by a
22 preponderance of evidence that the claimant has an interest
23 that is exempt under this Section, the court shall order
24 all real property forfeited to the State.

25 (3) A defendant convicted in any criminal proceeding is
26 precluded from later denying the essential allegations of

1 the criminal offense of which the defendant was convicted
2 in any proceeding under this Section regardless of the
3 pendency of an appeal from that conviction. However,
4 evidence of the pendency of an appeal is admissible.

5 (d) Exemptions from animal fighting forfeiture.

6 (1) A property interest is exempt from forfeiture under
7 this Section if its owner or interest holder establishes by
8 a preponderance of evidence that the owner or interest
9 holder:

10 (A) in the case of real property is not legally
11 accountable for the conduct giving rise to the
12 forfeiture, or did not solicit, conspire, or attempt to
13 commit the conduct giving rise to the forfeiture; and

14 (B) had not acquired and did not stand to acquire
15 proceeds from the conduct giving rise to its forfeiture
16 other than as an interest holder in an arms length
17 commercial transaction; and

18 (C) does not hold the property for the benefit of
19 or as a nominee for any person whose conduct gave rise
20 to its forfeiture, and, if the owner or interest holder
21 acquired the interest through any such person, the
22 owner or interest holder acquired it as a bona fide
23 purchaser for value without knowingly taking part in
24 the conduct giving rise to the forfeiture; and

25 (D) acquired the interest:

26 (i) before the commencement of the conduct

1 giving rise to its forfeiture and the person whose
2 conduct gave rise to its forfeiture did not have
3 the authority to convey the interest to a bona fide
4 purchaser for value at the time of the conduct; or

5 (ii) after the commencement of the conduct
6 giving rise to its forfeiture, and the owner or
7 interest holder acquired the interest as a
8 mortgagee, secured creditor, lienholder, or bona
9 fide purchaser for value without knowledge of the
10 conduct which gave rise to the forfeiture; and

11 (iii) in the case of real estate, before the
12 filing in the office of the recorder of the county
13 in which the real estate is located of a notice of
14 a lis pendens notice; and

15 (E) with respect to a property interest in
16 existence at the time the illegal conduct giving rise
17 to the forfeiture took place:

18 (i) did not know of the conduct giving rise to
19 forfeiture; or

20 (ii) upon learning of the conduct giving rise
21 to the forfeiture, did all that reasonably could be
22 expected under the circumstances to terminate such
23 use of the property.

24 For the purposes of this paragraph (E), ways in
25 which a person may show that he or she did all that
26 reasonably could be expected may include demonstrating

1 that he or she, to the extent permitted by law:

2 (aa) gave timely notice to an appropriate law
3 enforcement agency of information that led the
4 person to know the conduct giving rise to a
5 forfeiture would occur or has occurred; and

6 (bb) in a timely fashion revoked or made a good
7 faith attempt to revoke permission for those
8 engaging in such conduct to use the property or
9 took reasonable actions in consultation with a law
10 enforcement agency to discourage or prevent the
11 illegal use of the property.

12 A person is not required by this paragraph to take
13 steps that the person reasonably believes would be
14 likely to subject any person (other than the person
15 whose conduct gave rise to the forfeiture) to physical
16 danger.

17 (2) If the court determines, in accordance with this
18 Section, that an innocent owner has a partial interest in
19 property otherwise subject to forfeiture, or a joint tenancy or
20 tenancy by the entirety in that property, the court may enter
21 an appropriate order:

22 (A) severing the property;

23 (B) transferring the property to the State with a
24 provision that the State compensate the innocent owner to
25 the extent of his or her ownership interest once a final
26 order of forfeiture has been entered and the property has

1 been reduced to liquid assets; or

2 (C) permitting the innocent owner to retain the
3 property subject to a lien in favor of the State to the
4 extent of the forfeitable interest in the property.

5 (3) In this Section, the term "owner":

6 (A) means a person with an ownership interest in the
7 specific property sought to be forfeited, including a
8 leasehold, lien, mortgage, recorded security interest, or
9 valid assignment of an ownership interest; and

10 (B) does not include:

11 (i) a person with only a general unsecured interest
12 in, or claim against, the property or estate of another;

13 (ii) a bailee unless the bailor is identified and
14 the bailee shows a colorable legitimate interest in the
15 property seized; or

16 (iii) a nominee who exercises no dominion or
17 control over the property.

18 (e) Settlement of claims. Notwithstanding other provisions
19 of this Section, the State's Attorney and a claimant of seized
20 property may enter into an agreed upon settlement concerning
21 the property subject to forfeiture in such an amount and upon
22 such terms as are set out in writing in a settlement agreement.

23 (f) Animal fighting forfeiture judicial review. If
24 property has been declared forfeited under this Section, any
25 person who has an interest in the property declared forfeited
26 may, within 30 days of the effective date of the notice of the

1 declaration of forfeiture, file a claim and cost bond and apply
2 to the court for reconsideration based upon his or her interest
3 in the property.

4 (g) Disposal of property. Real property taken or detained
5 under this Section is not subject to replevin, but is deemed to
6 be in the custody of the Director of State Police subject only
7 to the order and judgments of the circuit court having
8 jurisdiction over the forfeiture proceedings and the decisions
9 of the State's Attorney or Attorney General under this Section.

10 (1) When property is forfeited under this Section, the
11 Director of State Police shall sell all such property and
12 shall distribute the proceeds of the sale, together with
13 any moneys forfeited or seized in accordance with paragraph
14 (2).

15 (2) All monies and the sale proceeds of all other
16 property forfeited and seized under this Section shall be
17 distributed as follows:

18 (A) 65% shall be distributed to the local,
19 municipal, county, or State law enforcement agency or
20 agencies that conducted or participated in the
21 investigation resulting in the forfeiture. The
22 distributions shall bear a reasonable relationship to
23 the degree of direct participation of the law
24 enforcement agency in the effort resulting in the
25 forfeiture, taking into account the total value of the
26 property forfeited and the total law enforcement

1 effort with respect to the violation of the law upon
2 which the forfeiture is based.

3 (B) 12.5% shall be distributed to the Office of the
4 State's Attorney of the county in which the prosecution
5 resulting in the forfeiture was instituted for use in
6 the enforcement of laws, including animal fighting.

7 (C) 12.5% shall be distributed to the Illinois
8 Department of Agriculture for use of expenses incurred
9 in the investigation, prosecution, and appeal of cases
10 arising under laws governing animal fighting.

11 (D) 10% shall be retained by the Department of
12 State Police for expenses related to the
13 administration and sale of seized and forfeited
14 property.

15 (720 ILCS 5/36-90 new)

16 Sec. 36-90. Computer fraud forfeiture. For the purposes of
17 computer fraud forfeiture, proceedings instituted pursuant to
18 this Section shall be subject to and conducted in accordance
19 with the following procedures:

20 (a) The sentencing court shall, upon petition by the
21 prosecuting agency, whether it is the Attorney General or a
22 State's Attorney, at any time following sentencing, conduct a
23 hearing to determine whether any property or property interest
24 is subject to forfeiture under this Section. At the forfeiture
25 hearing the People of the State of Illinois shall have the

1 burden of establishing, by a preponderance of the evidence,
2 that the property or property interests are subject to such
3 forfeiture.

4 (b) In any action brought by the People of the State of
5 Illinois under this Section, the circuit courts of Illinois
6 shall have jurisdiction to enter such restraining orders,
7 injunctions or prohibitions, or to take such other action in
8 connection with any real, personal, or mixed property or other
9 interest subject to forfeiture, as they shall consider proper.

10 (c) Upon conviction of a person under subsection (c) of
11 Section 17-601, the court shall authorize the Attorney General
12 to seize and sell all property or other interest declared
13 forfeited under this Act, unless such property is required by
14 law to be destroyed or is harmful to the public. The court may
15 order the Attorney General to segregate funds from the proceeds
16 of such sale sufficient: (1) to satisfy any order of
17 restitution, as the court may deem appropriate; (2) to satisfy
18 any legal right, title, or interest which the court deems
19 superior to any right, title, or interest of the defendant at
20 the time of the commission of the acts which gave rise to
21 forfeiture under this Section; or (3) to satisfy any bonafide
22 purchaser for value of the right, title, or interest in the
23 property who was without reasonable notice that the property
24 was subject to forfeiture. Following the entry of an order of
25 forfeiture, the Attorney General shall publish notice of the
26 order and his or her intent to dispose of the property. Within

1 the 30 days following such publication, any person may petition
2 the court to adjudicate the validity of his or her alleged
3 interest in the property.

4 (d) After the deduction of all requisite expenses of
5 administration and sale, the Attorney General shall distribute
6 the proceeds of such sale, along with any moneys forfeited or
7 seized as follows:

8 (1) 50% shall be distributed to the unit of local
9 government whose officers or employees conducted the
10 investigation into computer fraud and caused the arrest or
11 arrests and prosecution leading to the forfeiture. Amounts
12 distributed to units of local government shall be used for
13 training or enforcement purposes relating to detection,
14 investigation or prosecution of financial crimes,
15 including computer fraud. In the event, however, that the
16 investigation, arrest or arrests and prosecution leading
17 to the forfeiture were undertaken solely by a State agency,
18 the portion provided hereunder shall be paid into the State
19 Police Services Fund of the Illinois Department of State
20 Police to be used for training or enforcement purposes
21 relating to detection, investigation or prosecution of
22 financial crimes, including computer fraud.

23 (2) 50% shall be distributed to the county in which the
24 prosecution and petition for forfeiture resulting in the
25 forfeiture was instituted by the State's Attorney, and
26 deposited in a special fund in the county treasury and

1 appropriated to the State's Attorney for use in training or
2 enforcement purposes relating to detection, investigation
3 or prosecution of financial crimes, including computer
4 fraud. Where a prosecution and petition for forfeiture
5 resulting in the forfeiture has been maintained by the
6 Attorney General, 50% of the proceeds shall be paid into
7 the Attorney General's Financial Crime Prevention Fund.
8 Where the Attorney General and the State's Attorney have
9 participated jointly in any part of the proceedings, 25% of
10 the proceeds forfeited shall be paid to the county in which
11 the prosecution and petition for forfeiture resulting in
12 the forfeiture occurred, and 25% shall be paid to the
13 Attorney General's Financial Crime Prevention Fund to be
14 used for the purposes as stated in this subsection.

15 (e) Where any person commits a felony under any provision
16 of this Code or another statute and the instrumentality used in
17 the commission of the offense, or in connection with or in
18 furtherance of a scheme or design to commit the offense, is a
19 computer owned by the defendant or if the defendant is a minor,
20 owned by his or her parents or legal guardian, the computer
21 shall be subject to the provisions of this Section. However, in
22 no case shall a computer, or any part thereof, be subject to
23 the provisions of the Section if the computer accessed in the
24 commission of the offense is owned or leased by the victim or
25 an innocent third party at the time of the commission of the
26 offense or if the rights of creditors, lienholders, or any

1 person having a security interest in the computer at the time
2 of the commission of the offense shall be adversely affected.

3 (720 ILCS 5/36-95 new)

4 Sec. 36-95. Telecommunications device forfeiture.

5 (1) Telecommunications device forfeiture. Any
6 telecommunications device possessed by a person on the real
7 property of any elementary or secondary school without the
8 authority of the school principal, or used in the commission of
9 an offense prohibited by this Code, the Illinois Controlled
10 Substances Act, the Cannabis Control Act, or the
11 Methamphetamine Control and Community Protection Act or which
12 constitutes evidence of the commission of such offenses may be
13 seized and delivered forthwith to the investigating law
14 enforcement agency. A person who is not a student of the
15 particular elementary or secondary school, who is on school
16 property as an invitee of the school, and who has possession of
17 a telecommunications device for lawful and legitimate
18 purposes, shall not need to obtain authority from the school
19 principal to possess the telecommunications device on school
20 property. Such telecommunications device shall not be seized
21 unless it was used in the commission of an offense specified
22 above, or constitutes evidence of such an offense. Within 15
23 days after such delivery the investigating law enforcement
24 agency shall give notice of seizure to any known owners,
25 lienholders and secured parties of such property. Within that

1 15-day period the investigating law enforcement agency shall
2 also notify the State's Attorney of the county of seizure about
3 the seizure.

4 (2) Rights of lienholders and secured parties. The State's
5 Attorney shall promptly release a telecommunications device
6 seized under the provisions of this Section to any lienholder
7 or secured party if such lienholder or secured party shows to
8 the State's Attorney that his lien or security interest is bona
9 fide and was created without actual knowledge that such
10 telecommunications device was or possessed in violation the
11 Cannabis Control Act, the Illinois Controlled Substances Act,
12 or the Methamphetamine Control and Community Protection Act, or
13 used or to be used in the commission of the offense charged.

14 (3) Action for forfeiture.

15 (A) The State's Attorney in the county in which such
16 seizure occurs if he finds that such forfeiture was
17 incurred without willful negligence or without any
18 intention on the part of the owner of the
19 telecommunications device or a lienholder or secured party
20 to violate the law, or finds the existence of such
21 mitigating circumstances as to justify remission of the
22 forfeiture, may cause the investigating law enforcement
23 agency to remit the same upon such terms and conditions as
24 the State's Attorney deems reasonable and just. The State's
25 Attorney shall exercise his discretion under the foregoing
26 provision of this Section promptly after notice is given in

1 accordance with subsection (1). If the State's Attorney
2 does not cause the forfeiture to be remitted he shall
3 forthwith bring an action for forfeiture in the circuit
4 court within whose jurisdiction the seizure and
5 confiscation has taken place. The State's Attorney shall
6 give notice of the forfeiture proceeding by mailing a copy
7 of the complaint in the forfeiture proceeding to the
8 persons and in the manner set forth in subsection (1). The
9 owner of the device or any person with any right, title, or
10 interest in the device may within 20 days after the mailing
11 of such notice file a verified answer to the complaint and
12 may appear at the hearing on the action for forfeiture. The
13 State shall show at such hearing by a preponderance of the
14 evidence that the device was used in the commission of an
15 offense described in subsection (1). The owner of the
16 device or any person with any right, title, or interest in
17 the device may show by a preponderance of the evidence that
18 he did not know, and did not have reason to know, that the
19 device was possessed in violation of subsection (2) of this
20 Section or to be used in the commission of such an offense
21 or that any of the exceptions set forth in subsection (4)
22 are applicable. Unless the State shall make such showing,
23 the Court shall order the device released to the owner.
24 Where the State has made such showing, the Court may order
25 the device destroyed; may upon the request of the
26 investigating law enforcement agency, order it delivered

1 to any local, municipal or county law enforcement agency,
2 or the Department of State Police or the Department of
3 Revenue of the State of Illinois; or may order it sold at
4 public auction.

5 (B) A copy of the order shall be filed with the
6 investigating law enforcement agency of the county in which
7 the seizure occurs. Such order, when filed, confers
8 ownership of the device to the department or agency to whom
9 it is delivered or any purchaser thereof. The investigating
10 law enforcement agency shall comply promptly with
11 instructions to remit received from the State's Attorney or
12 Attorney General in accordance with paragraph (3)(A) of
13 this subsection or subsection (4).

14 (C) The proceeds of any sale at public auction pursuant
15 to this subsection, after payment of all liens and
16 deduction of the reasonable charges and expenses incurred
17 by the investigating law enforcement agency in storing and
18 selling the device, shall be paid into the general fund of
19 the level of government responsible for the operation of
20 the investigating law enforcement agency.

21 (4) Exceptions to forfeiture. No device shall be forfeited
22 under the provisions of subsection (3) by reason of any act or
23 omission established by the owner thereof to have been
24 committed or omitted by any person other than the owner while
25 the device was unlawfully in the possession of a person who
26 acquired possession thereof in violation of the criminal laws

1 of the United States, or of any state.

2 (5) Remission by Attorney General. Whenever any owner of,
3 or other person interested in, a device seized under the
4 provisions of this Section files with the Attorney General
5 before the sale or destruction of the device a petition for the
6 remission of such forfeiture the Attorney General if he finds
7 that such forfeiture was incurred without willful negligence or
8 without any intention on the part of the owner or any person
9 with any right, title or interest in the device to violate the
10 law, or finds the existence of such mitigating circumstances as
11 to justify the remission of forfeiture, may cause the same to
12 be remitted upon such terms and conditions as he deems
13 reasonable and just, or order discontinuance of any forfeiture
14 proceeding relating thereto.

15 (720 ILCS 5/36-100 new)

16 Sec. 36-100. WIC fraud forfeiture.

17 (a) The following items are subject to forfeiture:

18 (1) All moneys, things of value, books, records, and
19 research products and materials that are used or intended
20 to be used in committing a felony violation of Section
21 17-502 of this Code.

22 (2) Everything of value furnished, or intended to be
23 furnished, in exchange for a substance in violation of
24 Section 17-502 of this Code, all proceeds traceable to that
25 exchange, and all moneys, negotiable instruments, and

1 securities used or intended to be used to commit or in any
2 manner to facilitate the commission of a felony violation
3 of Section 17-502 of this Code.

4 (3) All real property, including any right, title, and
5 interest (including, but not limited to, any leasehold
6 interest or the beneficial interest in a land trust) in the
7 whole of any lot or tract of land and any appurtenances or
8 improvements, that is used or intended to be used, in any
9 manner or part, to commit or in any manner to facilitate
10 the commission of a felony violation of Section 17-502 of
11 this Code or that is the proceeds of any act that
12 constitutes a felony violation of Section 17-502 of this
13 Code.

14 (b) Property subject to forfeiture under this Section may
15 be seized by the Director of State Police or any local law
16 enforcement agency upon process or seizure warrant issued by
17 any court having jurisdiction over the property. The Director
18 or a local law enforcement agency may seize property under this
19 Section without process under any of the following
20 circumstances:

21 (1) If the seizure is incident to inspection under an
22 administrative inspection warrant.

23 (2) If the property subject to seizure has been the
24 subject of a prior judgment in favor of the State in a
25 criminal proceeding or in an injunction or forfeiture
26 proceeding under this Section.

1 (3) If there is probable cause to believe that the
2 property is directly or indirectly dangerous to health or
3 safety.

4 (4) If there is probable cause to believe that the
5 property is subject to forfeiture under this Section and
6 the property is seized under circumstances in which a
7 warrantless seizure or arrest would be reasonable.

8 (5) In accordance with the Code of Criminal Procedure
9 of 1963.

10 (c) Proceedings instituted pursuant to this Section shall
11 be subject to and conducted in accordance with the procedures
12 set forth in this subsection. The sentencing court, on petition
13 by the Attorney General or State's Attorney at any time
14 following sentencing of the defendant, shall conduct a hearing
15 to determine whether any property or property interest of the
16 defendant is subject to forfeiture under this Section. At the
17 forfeiture hearing the People have the burden of establishing,
18 by a preponderance of the evidence, that the property or
19 property interest is subject to forfeiture. Upon conviction of
20 a person for a felony violation of Section 17-502 of this Code,
21 the court shall authorize the Director or State Police to seize
22 any property or other interest declared forfeited under this
23 Section on terms and conditions the court deems proper.

24 (d) Property taken or detained under this Section shall not
25 be subject to replevin, but is deemed to be in the custody of
26 the Director subject only to the order and judgments of the

1 circuit court having jurisdiction over the forfeiture
2 proceedings and the decisions of the Attorney General or
3 State's Attorney under this Section. When property is seized
4 under this Section, the seizing agency shall promptly conduct
5 an inventory of the seized property and estimate the property's
6 value and shall forward a copy of the estimate of the
7 property's value to the Director of State Police. Upon
8 receiving the notice of seizure, the Director may do any of the
9 following:

10 (1) Place the property under seal.

11 (2) Remove the property to a place designated by the
12 Director.

13 (3) Keep the property in the possession of the seizing
14 agency.

15 (4) Remove the property to a storage area for
16 safekeeping or, if the property is a negotiable instrument
17 or money and is not needed for evidentiary purposes,
18 deposit it in an interest bearing account.

19 (5) Place the property under constructive seizure by
20 posting notice of the pending forfeiture on it, by giving
21 notice of the pending forfeiture to its owners and interest
22 holders, or by filing a notice of the pending forfeiture in
23 any appropriate public record relating to the property.

24 (6) Provide for another agency or custodian, including
25 an owner, secured party, or lienholder, to take custody of
26 the property on terms and conditions set by the Director.

1 (e) When property is forfeited under this Section the
2 Director of State Police shall sell the property unless the
3 property is required by law to be destroyed or is harmful to
4 the public. The Director shall distribute the proceeds of the
5 sale, together with any moneys forfeited or seized, in
6 accordance with subsection (f). On the application of the
7 seizing agency or prosecutor who was responsible for the
8 investigation, arrest, and prosecution that lead to the
9 forfeiture, however, the Director may return any item of
10 forfeited property to the seizing agency or prosecutor for
11 official use in the enforcement of laws relating to this
12 Section and Section 17-502 of this Code if the agency or
13 prosecutor can demonstrate that the item requested would be
14 useful to the agency or prosecutor in their enforcement
15 efforts. When any real property returned to the seizing agency
16 is sold by the agency or its unit of government, the proceeds
17 of the sale shall be delivered to the Director and distributed
18 in accordance with subsection (f).

19 (f) Except as provided in subsection (e), all moneys from
20 penalties and the proceeds of sale of all property forfeited
21 and seized under this Section shall be distributed to the WIC
22 program administered by the Illinois Department of Human
23 Services.

24 (720 ILCS 5/36-105 new)

25 Sec. 36-105. Terrorism forfeiture.

1 (a) Terrorism forfeiture may occur in connection with a
2 violation of Article 13.

3 (1) Whenever it appears that there is probable cause to
4 believe that any person used, is using, is about to use, or
5 is intending to use property in any way that constitutes or
6 would constitute a violation of Section 13-6 of this Code,
7 the Attorney General or any State's Attorney may make an ex
8 parte application to the circuit court to freeze or seize
9 all the assets of that person and, upon a showing of
10 probable cause in the ex parte hearing, the circuit court
11 shall issue an order to freeze or seize all assets of that
12 person. A copy of the freeze or seize order shall be served
13 upon the person whose assets have been frozen or seized and
14 that person or any person claiming an interest in the
15 property may, at any time within 30 days of service, file a
16 motion to release his or her assets. Within 10 days that
17 person is entitled to a hearing. In any proceeding to
18 release assets, the burden of proof shall be by a
19 preponderance of evidence and shall be on the State to show
20 that the person used, was using, is about to use, or is
21 intending to use any property in any way that constitutes
22 or would constitute a violation of Section 13-6 of this
23 Code. If the court finds that any property was being used,
24 is about to be used, or is intended to be used in violation
25 of or in any way that would constitute a violation of
26 Section 13-6 of this Code, the court shall order such

1 property frozen or held until further order of the court.
2 Any property so ordered held or frozen shall be subject to
3 forfeiture under the following procedure. Upon the request
4 of the defendant, the court may release frozen or seized
5 assets sufficient to pay attorney's fees for
6 representation of the defendant at a hearing conducted
7 under this Section.

8 (2) If, within 60 days after any seizure or asset
9 freeze under subparagraph (1) of this Section, a person
10 having any property interest in the seized or frozen
11 property is charged with an offense, the court which
12 renders judgment upon the charge shall, within 30 days
13 after the judgment, conduct a forfeiture hearing to
14 determine whether the property was used, about to be used,
15 or intended to be used in violation of Section 13-6 of this
16 Code or in connection with any violation of Section 13-6 of
17 this Code, or was integrally related to any violation or
18 intended violation of Section 13-6 of this Code. The
19 hearing shall be commenced by a written petition by the
20 State, including material allegations of fact, the name and
21 address of every person determined by the State to have any
22 property interest in the seized or frozen property, a
23 representation that written notice of the date, time, and
24 place of the hearing has been mailed to every such person
25 by certified mail at least 10 days before the date, and a
26 request for forfeiture. Every such person may appear as a

1 party and present evidence at the hearing. The quantum of
2 proof required shall be preponderance of the evidence, and
3 the burden of proof shall be on the State. If the court
4 determines that the seized or frozen property was used,
5 about to be used, or intended to be used in violation of
6 Section 13-6 of this Code or in connection with any
7 violation of Section 13-6 of this Code, or was integrally
8 related to any violation or intended violation of Section
9 13-6 of this Code, an order of forfeiture and disposition
10 of the seized or frozen money and property shall be
11 entered. All property forfeited may be liquidated and the
12 resultant money together with any money forfeited shall be
13 allocated among the participating law enforcement agencies
14 in such proportions as may be determined to be equitable by
15 the court entering the forfeiture order, any such property
16 so forfeited shall be received by the State's Attorney or
17 Attorney General and upon liquidation shall be allocated
18 among the participating law enforcement agencies in such
19 proportions as may be determined equitable by the court
20 entering the forfeiture order.

21 (3) If a seizure or asset freeze under subparagraph (1)
22 of this subsection (a) is not followed by a charge under
23 this Section within 60 days, or if the prosecution of the
24 charge is permanently terminated or indefinitely
25 discontinued without any judgment of conviction or a
26 judgment of acquittal is entered, the State's Attorney or

1 Attorney General shall immediately commence an in rem
2 proceeding for the forfeiture of any seized money or other
3 things of value, or both, in the circuit court and any
4 person having any property interest in the money or
5 property may commence separate civil proceedings in the
6 manner provided by law. Any property so forfeited shall be
7 allocated among the participating law enforcement agencies
8 in such proportions as may be determined to be equitable by
9 the court entering the forfeiture order.

10 (b) Forfeiture of property acquired in connection with a
11 violation of Section 13-6 of this Code.

12 (1) Proceedings instituted under this subsection shall
13 be subject to and conducted in accordance with the
14 following procedures:

15 (A) The sentencing court shall, upon petition by
16 the prosecuting agency, whether it is the Attorney
17 General or the State's Attorney, at any time following
18 sentencing, conduct a hearing to determine whether any
19 property or property interest is subject to forfeiture
20 under this subsection. At the forfeiture hearing the
21 People of the State of Illinois shall have the burden
22 of establishing, by a preponderance of the evidence,
23 that the property or property interests are subject to
24 forfeiture.

25 (B) In any action brought by the People of the
26 State of Illinois under this Section, the court shall

1 have jurisdiction to enter such restraining orders,
2 injunctions, or prohibitions, or to take such other
3 action in connection with any real, personal, or mixed
4 property, or other interest, subject to forfeiture, as
5 it shall consider proper.

6 (C) Upon a conviction of a person under Section
7 13-6 of this Code, the court shall authorize the
8 Attorney General or State's Attorney to seize and sell
9 all property or other interest declared forfeited
10 under this Section, unless the property is required by
11 law to be destroyed or is harmful to the public. The
12 court may order the Attorney General or State's
13 Attorney to segregate funds from the proceeds of the
14 sale sufficient: (1) to satisfy any order of
15 restitution, as the court may deem appropriate; (2) to
16 satisfy any legal right, title, or interest which the
17 court deems superior to any right, title, or interest
18 of the defendant at the time of the commission of the
19 acts which gave rise to forfeiture under this
20 subsection; or (3) to satisfy any bonafide purchaser
21 for value of the right, title, or interest in the
22 property who was without reasonable notice that the
23 property was subject to forfeiture. Following the
24 entry of an order of forfeiture, the Attorney General
25 or State's Attorney shall publish notice of the order
26 and his or her intent to dispose of the property.

1 Within 30 days following the publication, any person
2 may petition the court to adjudicate the validity of
3 his or her alleged interest in the property. After the
4 deduction of all requisite expenses of administration
5 and sale, the Attorney General or State's Attorney
6 shall distribute the proceeds of the sale, along with
7 any moneys forfeited or seized, among participating
8 law enforcement agencies in such equitable portions as
9 the court shall determine.

10 (D) No judge shall release any property or money
11 seized under subdivision (A) or (B) for the payment of
12 attorney's fees of any person claiming an interest in
13 such money or property.

14 (c) Exemptions from forfeiture. A property interest is
15 exempt from forfeiture under this Section if its owner or
16 interest holder establishes by a preponderance of evidence that
17 the owner or interest holder:

18 (1) in the case of personal property, is not legally
19 accountable for the conduct giving rise to the forfeiture,
20 did not acquiesce in it, and did not know and could not
21 reasonably have known of the conduct or that the conduct
22 was likely to occur, or

23 (2) in the case of real property, is not legally
24 accountable for the conduct giving rise to the forfeiture,
25 or did not solicit, conspire, or attempt to commit the
26 conduct giving rise to the forfeiture; and

1 (3) had not acquired and did not stand to acquire
2 substantial proceeds from the conduct giving rise to its
3 forfeiture other than as an interest holder in an arms
4 length commercial transaction; and

5 (4) with respect to conveyances, did not hold the
6 property jointly or in common with a person whose conduct
7 gave rise to the forfeiture; and

8 (5) does not hold the property for the benefit of or as
9 nominee for any person whose conduct gave rise to its
10 forfeiture, and, if the owner or interest holder acquired
11 the interest through any such person, the owner or interest
12 holder acquired it as a bona fide purchaser for value
13 without knowingly taking part in the conduct giving rise to
14 the forfeiture; and

15 (6) that the owner or interest holder acquired the
16 interest:

17 (A) before the commencement of the conduct giving
18 rise to its forfeiture and the person whose conduct
19 gave rise to its forfeiture did not have the authority
20 to convey the interest to a bona fide purchaser for
21 value at the time of the conduct; or

22 (B) after the commencement of the conduct giving
23 rise to its forfeiture, and the owner or interest
24 holder acquired the interest as a mortgagee, secured
25 creditor, lien holder, or bona fide purchaser for value
26 without knowledge of the conduct which gave rise to the

1 forfeiture; and

2 (i) in the case of personal property, without
3 knowledge of the seizure of the property for
4 forfeiture; or

5 (ii) in the case of real estate, before the
6 filing in the office of the Recorder of Deeds of
7 the county in which the real estate is located of a
8 notice of seizure for forfeiture or a lis pendens
9 notice.

10 (720 ILCS 5/36-110 new)

11 Sec. 36-110. Trafficking of persons and involuntary
12 servitude related offenses forfeiture.

13 (a) A person who commits the offense of involuntary
14 servitude, involuntary servitude of a minor, or trafficking of
15 persons for forced labor or services shall forfeit to the State
16 of Illinois any profits or proceeds and any interest or
17 property he or she has acquired or maintained that the
18 sentencing court determines, after a forfeiture hearing, to
19 have been acquired or maintained as a result of maintaining a
20 person in involuntary servitude or participating in
21 trafficking of persons for forced labor or services.

22 (b) The court shall, upon petition by the Attorney General
23 or State's Attorney at any time following sentencing, conduct a
24 hearing to determine whether any property or property interest
25 is subject to forfeiture under this Section. At the forfeiture

1 hearing the people shall have the burden of establishing, by a
2 preponderance of the evidence, that property or property
3 interests are subject to forfeiture under this Section.

4 (c) Upon conviction of a person of involuntary servitude,
5 involuntary servitude of a minor, or trafficking in persons for
6 forced labor or services, the court shall authorize the
7 Attorney General to seize all property or other interest
8 declared forfeited under this Section upon such terms and
9 conditions as the court shall deem proper.

10 (d) All monies forfeited and the sale proceeds of all other
11 property forfeited and seized under this Section shall be
12 distributed as follows:

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

17 (2) one-half shall be deposited into the Violent Crime
18 Victims Assistance Fund and targeted to services for
19 victims of the offenses of involuntary servitude,
20 involuntary servitude of a minor, and trafficking of
21 persons for forced labor or services.

22 (720 ILCS 5/36-115 new)

23 Sec. 36-115. Sex offense related forfeitures.

24 (a) A person who violates either subsection (a)(1) or
25 subsection (a)(3) of Section 11-6.80, Promoting juvenile

1 prostitution, or who violates Section 11-6.115, Child
2 pornography, shall forfeit to the State of Illinois:

3 (1) Any profits or proceeds and any interest or
4 property he or she has acquired or maintained in violation
5 of Section 11-6.80 or 11-6.115 of this Code that the
6 sentencing court determines, after a forfeiture hearing,
7 to have been acquired or maintained as a result of keeping
8 a place of juvenile prostitution, exploitation of a child,
9 or child pornography.

10 (2) Any interest in, security of, claim against, or
11 property or contractual right of any kind affording a
12 source of influence over any enterprise that he or she has
13 established, operated, controlled, or conducted in
14 violation of Section 11-6.80 or 11-6.115 of this Code that
15 the sentencing court determines, after a forfeiture
16 hearing, to have been acquired or maintained as a result of
17 keeping a place of juvenile prostitution, exploitation of a
18 child, or child pornography.

19 (3) Any computer that contains a depiction of child
20 pornography in any encoded or decoded format in violation
21 of Section 11-6.115 of this Code. For purposes of this
22 paragraph (3), "computer" has the meaning ascribed to it in
23 Section 15-0.5 of this Code.

24 (b)(1) The court shall, upon petition by the Attorney
25 General or State's Attorney at any time following sentencing,
26 conduct a hearing to determine whether any property or property

1 interest is subject to forfeiture under this Section. At the
2 forfeiture hearing the people shall have the burden of
3 establishing, by a preponderance of the evidence, that property
4 or property interests are subject to forfeiture under this
5 Section.

6 (2) In any action brought by the People of the State of
7 Illinois under this Section, wherein any restraining order,
8 injunction or prohibition or any other action in connection
9 with any property or interest subject to forfeiture under this
10 Section is sought, the circuit court presiding over the trial
11 of the person or persons charged with keeping a place of
12 juvenile prostitution, exploitation of a child or child
13 pornography shall first determine whether there is probable
14 cause to believe that the person or persons so charged have
15 committed the offense of keeping a place of juvenile
16 prostitution, exploitation of a child or child pornography and
17 whether the property or interest is subject to forfeiture
18 pursuant to this Section.

19 (2.5) In order to make such a determination, prior to
20 entering any such order, the court shall conduct a hearing
21 without a jury, wherein the People shall establish that there
22 is (i) probable cause that the person or persons so charged
23 have committed the offense of keeping a place of juvenile
24 prostitution, exploitation of a child or child pornography and
25 (ii) probable cause that any property or interest may be
26 subject to forfeiture pursuant to this Section. Such hearing

1 may be conducted simultaneously with a preliminary hearing, if
2 the prosecution is commenced by information or complaint, or by
3 motion of the People, at any stage in the proceedings. The
4 court may accept a finding of probable cause at a preliminary
5 hearing following the filing of an information charging the
6 offense of keeping a place of juvenile prostitution,
7 exploitation of a child or child pornography or the return of
8 an indictment by a grand jury charging the offense of keeping a
9 place of juvenile prostitution, exploitation of a child or
10 child pornography as sufficient evidence of probable cause as
11 provided in item (i) above.

12 (2.10) Upon such a finding, the circuit court shall enter
13 such restraining order, injunction or prohibition, or shall
14 take such other action in connection with any such property or
15 other interest subject to forfeiture, as is necessary to insure
16 that such property is not removed from the jurisdiction of the
17 court, concealed, destroyed, or otherwise disposed of by the
18 owner of that property or interest prior to a forfeiture
19 hearing under this Section. The Attorney General or State's
20 Attorney shall file a certified copy of such restraining order,
21 injunction, or other prohibition with the recorder of deeds or
22 registrar of titles of each county where any such property of
23 the defendant may be located. No such injunction, restraining
24 order, or other prohibition shall affect the rights of any bona
25 fide purchaser, mortgagee, judgment creditor, or other
26 lienholder arising prior to the date of such filing. The court

1 may, at any time, upon verified petition by the defendant or an
2 innocent owner or innocent bona fide third party lienholder who
3 neither had knowledge of, nor consented to, the illegal act or
4 omission, conduct a hearing to release all or portions of any
5 such property or interest which the court previously determined
6 to be subject to forfeiture or subject to any restraining
7 order, injunction, or prohibition or other action. The court
8 may release such property to the defendant or innocent owner or
9 innocent bona fide third party lienholder who neither had
10 knowledge of, nor consented to, the illegal act or omission for
11 good cause shown and within the sound discretion of the court.

12 A forfeiture under this Section may be commenced by the
13 Attorney General or a State's Attorney.

14 (3) Upon conviction of a person of keeping a place of
15 juvenile prostitution, exploitation of a child, or child
16 pornography, the court shall authorize the Attorney General to
17 seize all property or other interest declared forfeited under
18 this Section upon such terms and conditions as the court shall
19 deem proper.

20 (4) The Attorney General is authorized to sell all property
21 forfeited and seized pursuant to this Section, unless such
22 property is required by law to be destroyed or is harmful to
23 the public, and, after the deduction of all requisite expenses
24 of administration and sale, shall distribute the proceeds of
25 such sale, along with any moneys forfeited or seized, in
26 accordance with subsection (c) of this Section.

1 (c) All monies forfeited and the sale proceeds of all other
2 property forfeited and seized under this Section shall be
3 distributed as follows:

4 (1) One-half shall be divided equally among all State
5 agencies and units of local government whose officers or
6 employees conducted the investigation which resulted in
7 the forfeiture; and

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

10 (720 ILCS 5/36-120 new)

11 Sec. 36-120. Obscenity related forfeitures.

12 (a) Legislative declaration. Obscenity is a far-reaching
13 and extremely profitable crime. This crime persists despite the
14 threat of prosecution and successful prosecution because
15 existing sanctions do not effectively reach the money and other
16 assets generated by it. It is therefore necessary to supplement
17 existing sanctions by mandating forfeiture of money and other
18 assets generated by this crime. Forfeiture diminishes the
19 financial incentives which encourage and sustain obscenity and
20 secures for the State, local government and prosecutors a
21 resource for prosecuting these crimes.

22 (b) Definitions. In this Section:

23 (1) "Person" means an individual, partnership, private
24 corporation, public, municipal, governmental or
25 quasi-municipal corporation, unincorporated association,

1 trustee or receiver.

2 (2) "Property" means: (i) real estate, including
3 things growing on, affixed to and found in land, and any
4 kind of interest therein; and (ii) tangible and intangible
5 personal property, including rights, privileges,
6 interests, claims and securities.

7 (c) Forfeiture of property. Any person who has been
8 convicted previously of the offense of obscenity and who shall
9 be convicted of a second or subsequent offense of obscenity
10 shall forfeit to the State of Illinois:

11 (1) Any property constituting or derived from any
12 proceeds such person obtained, directly or indirectly, as a
13 result of such offense; and

14 (2) Any of the person's property used in any manner,
15 wholly or in part, to commit such offense.

16 (d) Forfeiture hearing. At any time following a second or
17 subsequent conviction for obscenity, the court shall, upon
18 petition by the Attorney General or the State's Attorney,
19 conduct a hearing to determine whether there is any property
20 that is subject to forfeiture as provided hereunder. At the
21 forfeiture hearing the People shall have the burden of
22 establishing by a preponderance of the evidence that such
23 property is subject to forfeiture.

24 (e) Prior restraint. Nothing in this Section shall be
25 construed as authorizing the prior restraint of any showing,
26 performance or exhibition of allegedly obscene films, plays, or

1 other presentations or of any sale or distribution of allegedly
2 obscene materials.

3 (f) Seizure, sale, and distribution of the property.

4 (1) Upon a determination under subsection (d) that
5 there is property subject to forfeiture, the court shall
6 authorize the Attorney General or the State's Attorney,
7 except as provided in this Section, to seize all property
8 declared forfeited upon terms and conditions as the court
9 shall deem proper.

10 (2) The Attorney General or State's Attorney is
11 authorized to sell all property forfeited and seized
12 pursuant to this Article, and, after the deduction of all
13 requisite expenses of administration and sale, shall
14 distribute the proceeds of such sale, along with any moneys
15 forfeited or seized, in accordance with subparagraph (3)
16 hereof. If the Attorney General or State's Attorney
17 believes any such property describes, depicts, or portrays
18 any of the acts or activities described in subsection (b)
19 of Section 11-6.110, he or she shall apply to the court for
20 an order to destroy such property, and if the court
21 determines the property describes, depicts, or portrays
22 such acts it shall order the Attorney General or State's
23 Attorney to destroy such property.

24 (3) All monies and the sale proceeds of all other
25 property forfeited and seized pursuant hereto shall be
26 distributed as follows:

1 (A) Fifty percent shall be distributed to the unit
2 of local government whose officers or employees
3 conducted the investigation into and caused the arrest
4 or arrests and prosecution leading to the forfeiture,
5 or, if the investigations, arrest or arrests and
6 prosecution leading to the forfeiture were undertaken
7 by the sheriff, this portion shall be distributed to
8 the county for deposit in a special fund in the county
9 treasury appropriated to the sheriff. Amounts
10 distributed to the county for the sheriff or to the
11 units of local government hereunder shall be used for
12 enforcement of laws or ordinances governing obscenity
13 and child pornography. In the event, however, that the
14 investigation, arrest or arrests and prosecution
15 leading to the forfeiture were undertaken solely by a
16 State agency, the portion provided hereunder shall be
17 paid into the State treasury to be used for enforcement
18 of laws governing obscenity and child pornography.

19 (B) Twenty-five percent shall be distributed to
20 the county in which the prosecution resulting in the
21 forfeiture was instituted, deposited in a special fund
22 in the county treasury and appropriated to the State's
23 Attorney for use in the enforcement of laws governing
24 obscenity and child pornography.

25 (C) Twenty-five percent shall be distributed to
26 the Office of the State's Attorneys Appellate

1 Prosecutor and deposited in the Obscenity Profits
2 Forfeiture Fund, which is hereby created in the State
3 treasury, to be used by the Office of the State's
4 Attorneys Appellate Prosecutor for additional expenses
5 incurred in prosecuting appeals arising under Sections
6 11-6.110 and 11-6.115 of this Code. Any amounts
7 remaining in the Fund after all additional expenses
8 have been paid shall be used by the Office to reduce
9 the participating county contributions to the Office
10 on a pro-rated basis as determined by the board of
11 governors of the Office of the State's Attorneys
12 Appellate Prosecutor based on the populations of the
13 participating counties.

14 (g) Construction of this Section. It is the intent of the
15 General Assembly that this Section be liberally construed so as
16 to effect its purposes. The forfeiture of property and other
17 remedies hereunder shall be considered to be in addition to,
18 and not exclusive of, any sentence or other remedy provided by
19 law. This Section shall not apply to any property of a public
20 library or any property of a library operated by an institution
21 accredited by a generally recognized accrediting agency.

22 (720 ILCS 5/Art. 36, Div. V heading new)

23 DIVISION V. CANNABIS, CONTROLLED SUBSTANCE, METHAMPHETAMINE,
24 AND PARAPHERNALIA FORFEITURE

1 (720 ILCS 5/36-125 new)

2 Sec. 36-125. Cannabis, controlled substance,
3 methamphetamine, and paraphernalia forfeiture.

4 (a) The following are subject to forfeiture when a
5 violation of the Illinois Controlled Substances Act, the
6 Cannabis Control Act, or the Methamphetamine Control and
7 Community Protection Act is alleged:

8 (1) all substances containing cannabis, controlled
9 substances or methamphetamine which have been produced,
10 distributed, dispensed, manufactured, delivered, or
11 possessed in violation of the Cannabis Control Act, the
12 Illinois Controlled Substances Act, or the Methamphetamine
13 Control and Community Protection Act;

14 (2) all raw materials, products and equipment of any
15 kind which are produced, delivered, or possessed in
16 connection with any substance containing cannabis,
17 controlled substances and methamphetamine, in violation of
18 the Cannabis Control Act, the Illinois Controlled
19 Substances Act, or the Methamphetamine Control and
20 Community Protection Act;

21 (3) all conveyances, including aircraft, vehicles or
22 vessels, which are used, or intended for use, to transport,
23 or in any manner to facilitate the transportation, sale,
24 receipt, possession, or concealment of property described
25 in paragraph (1) or (2) that constitutes a felony violation
26 of the Cannabis Control Act, the Illinois Controlled

1 Substances Act, or the Methamphetamine Control and
2 Community Protection Act, but:

3 (i) no conveyance used by any person as a common
4 carrier in the transaction of business as a common
5 carrier is subject to forfeiture under this Section
6 unless it appears that the owner or other person in
7 charge of the conveyance is a consenting party or privy
8 to a violation of the Cannabis Control Act, the
9 Illinois Controlled Substances Act, or the
10 Methamphetamine Control and Community Protection Act;

11 (ii) no conveyance is subject to forfeiture under
12 this Section by reason of any act or omission which the
13 owner proves to have been committed or omitted without
14 his knowledge or consent;

15 (iii) a forfeiture of a conveyance encumbered by a
16 bona fide security interest is subject to the interest
17 of the secured party if he neither had knowledge of nor
18 consented to the act or omission;

19 (4) all money, things of value, books, records, and
20 research products and materials including formulas,
21 microfilm, tapes, and data which are used, or intended for
22 use in a felony violation of the Cannabis Control Act, the
23 Illinois Controlled Substances Act, or the Methamphetamine
24 Control and Community Protection Act;

25 (5) everything of value furnished or intended to be
26 furnished by any person in exchange for a substance in

1 violation the Cannabis Control Act, the Illinois
2 Controlled Substances Act, or the Methamphetamine Control
3 and Community Protection Act, all proceeds traceable to
4 such an exchange, and all moneys, negotiable instruments,
5 and securities used, or intended to be used, to commit or
6 in any manner to facilitate any felony violation of the
7 Cannabis Control Act, the Illinois Controlled Substances
8 Act, or the Methamphetamine Control and Community
9 Protection Act;

10 (6) for the purposes of methamphetamine and controlled
11 substances forfeiture only, all real property, including
12 any right, title, and interest (including, but not limited
13 to, any leasehold interest or the beneficial interest in a
14 land trust) in the whole of any lot or tract of land and
15 any appurtenances or improvements, which is used or
16 intended to be used, in any manner or part, to commit, or
17 in any manner to facilitate the commission of, any
18 violation or act that constitutes a violation of the
19 Illinois Controlled Substances Act or the Methamphetamine
20 Control and Community Protection Act or that is the
21 proceeds of any violation or act that constitutes a
22 violation of the Illinois Controlled Substances Act or the
23 Methamphetamine Control and Community Protection Act; and

24 (7) any item of drug paraphernalia.

25 (b) Property subject to forfeiture under the Cannabis
26 Control Act, the Illinois Controlled Substances Act, or the

1 Methamphetamine Control and Community Protection Act may be
2 seized by the Director of State Police or any peace officer
3 upon process or seizure warrant issued by any court having
4 jurisdiction over the property. Seizure by the Director or any
5 peace officer without process may be made:

6 (1) if the property subject to seizure has been the
7 subject of a prior judgment in favor of the State in a
8 criminal proceeding or in an injunction or forfeiture
9 proceeding based upon a violation of the Cannabis Control
10 Act, the Illinois Controlled Substances Act, the
11 Methamphetamine Control and Community Protection Act, or
12 the Drug Asset Forfeiture Procedure Act;

13 (2) if there is probable cause to believe that the
14 property is directly or indirectly dangerous to health or
15 safety;

16 (3) if there is probable cause to believe that the
17 property is subject to forfeiture under cannabis laws and
18 the property is seized under circumstances in which a
19 warrantless seizure or arrest would be reasonable;

20 (4) in accordance with the Code of Criminal Procedure
21 of 1963; or

22 (5) for forfeiture of controlled substances only, if
23 the seizure is incident to inspection under an
24 administrative inspection warrant.

25 (c) In the event of seizure pursuant to subsection (b),
26 forfeiture proceedings shall be instituted in accordance with

1 the Drug Asset Forfeiture Procedure Act.

2 (d) Property taken or detained under this Section shall not
3 be subject to replevin, but is deemed to be in the custody of
4 the Director subject only to the order and judgments of the
5 circuit court having jurisdiction over the forfeiture
6 proceedings and the decisions of the State's Attorney under the
7 Drug Asset Forfeiture Procedure Act. When property is seized
8 under violations of the Cannabis Control Act, the Illinois
9 Controlled Substances Act, or the Methamphetamine Control and
10 Community Protection Act, the seizing agency shall promptly
11 conduct an inventory of the seized property, estimate the
12 property's value, and forward a copy of the inventory of seized
13 property and the estimate of the property's value to the
14 Director. Upon receiving notice of seizure, the Director of
15 State Police may:

16 (1) place the property under seal;

17 (2) remove the property to a place designated by him;

18 (3) keep the property in the possession of the seizing
19 agency;

20 (4) remove the property to a storage area for
21 safekeeping or, if the property is a negotiable instrument
22 or money and is not needed for evidentiary purposes,
23 deposit it in an interest bearing account;

24 (5) place the property under constructive seizure by
25 posting notice of pending forfeiture on it, by giving
26 notice of pending forfeiture to its owners and interest

1 holders, or by filing notice of pending forfeiture in any
2 appropriate public record relating to the property; or

3 (6) provide for another agency or custodian, including
4 an owner, secured party, or lienholder, to take custody of
5 the property upon the terms and conditions set by the
6 Director of State Police.

7 (e) No disposition may be made of property under seal until
8 the time for taking an appeal has elapsed or until all appeals
9 have been concluded unless a court, upon application therefor,
10 orders the sale of perishable substances and the deposit of the
11 proceeds of the sale with the court.

12 If the Department of Financial and Professional Regulation
13 suspends or revokes a registration, all cannabis, controlled
14 substances or methamphetamine owned or possessed by the
15 registrant at the time of suspension or the effective date of
16 the revocation order may be placed under seal. No disposition
17 may be made of items under seal until the time for taking an
18 appeal has elapsed or until all appeals have been concluded
19 unless a court, upon application therefore orders the sale of
20 perishable substances and the deposit of the proceeds of the
21 sale with the court. Upon a revocation rule becoming final, all
22 items may be forfeited to the Department of Financial and
23 Professional Regulation.

24 (f) When property is forfeited under the Cannabis Control
25 Act, the Illinois Controlled Substances Act, or the
26 Methamphetamine Control and Community Protection Act, the

1 Director of State Police shall sell all such property unless
2 such property is required by law to be destroyed or is harmful
3 to the public, and shall distribute the proceeds of the sale,
4 together with any moneys forfeited or seized, in accordance
5 with subsection (g). However, upon the application of the
6 seizing agency or prosecutor who was responsible for the
7 investigation, arrest or arrests and prosecution which lead to
8 the forfeiture, the Director of State Police may return any
9 item of forfeited property to the seizing agency or prosecutor
10 for official use in the enforcement of laws relating to
11 cannabis, methamphetamine or controlled substances, if the
12 agency or prosecutor can demonstrate that the item requested
13 would be useful to the agency or prosecutor in their
14 enforcement efforts. When any forfeited conveyance, including
15 an aircraft, vehicle, or vessel, is returned to the seizing
16 agency or prosecutor, the conveyance may be used immediately in
17 the enforcement of the criminal laws of this State. Upon
18 disposal, all proceeds from the sale of the conveyance must be
19 used for drug enforcement purposes. When any real property
20 returned to the seizing agency is sold by the agency or its
21 unit of government, the proceeds of the sale shall be delivered
22 to the Director of State Police and distributed in accordance
23 with subsection (g).

24 (g) All monies and the sale proceeds of all other property
25 forfeited and seized under the Cannabis Control Act, the
26 Illinois Controlled Substances Act, or the Methamphetamine

1 Control and Community Protection Act shall be distributed as
2 follows:

3 (1) 65% shall be distributed to the metropolitan
4 enforcement group, local, municipal, county, or state law
5 enforcement agency or agencies which conducted or
6 participated in the investigation resulting in the
7 forfeiture. The distribution shall bear a reasonable
8 relationship to the degree of direct participation of the
9 law enforcement agency in the effort resulting in the
10 forfeiture, taking into account the total value of the
11 property forfeited and the total law enforcement effort
12 with respect to the violation of the law upon which the
13 forfeiture is based. Amounts distributed to the agency or
14 agencies shall be used for the enforcement of laws
15 governing cannabis and controlled substances or for
16 security cameras used for the prevention or detection of
17 violence, except that amounts distributed to the Secretary
18 of State shall be deposited into the Secretary of State
19 Evidence Fund to be used as provided in Section 2-115 of
20 the Illinois Vehicle Code.

21 (2) 12.5% shall be distributed to the Office of the
22 State's Attorney of the county in which the prosecution
23 resulting in the forfeiture was instituted, deposited in a
24 special fund in the county treasury and appropriated to the
25 State's Attorney for use in the enforcement of laws
26 governing cannabis and controlled substances and

1 methamphetamine. In counties over 3,000,000 population,
2 25% will be distributed to the Office of the State's
3 Attorney for use in the enforcement of laws governing
4 cannabis and controlled substances and methamphetamine. If
5 the prosecution is undertaken solely by the Attorney
6 General, the portion provided hereunder shall be
7 distributed to the Attorney General for use in the
8 enforcement of laws governing cannabis and controlled
9 substances.

10 (3) 12.5% shall be distributed to the Office of the
11 State's Attorneys Appellate Prosecutor and deposited in
12 the Narcotics Profit Forfeiture Fund of that Office to be
13 used for additional expenses incurred in the
14 investigation, prosecution and appeal of cases arising
15 under laws governing cannabis and controlled substances
16 and methamphetamine. The Office of the State's Attorneys
17 Appellate Prosecutor shall not receive distribution from
18 cases brought in counties with over 3,000,000 population.

19 (4) 10% shall be retained by the Department of State
20 Police for expenses related to the administration and sale
21 of seized and forfeited property.

22 (h) For the purposes of controlled substances offenses,
23 species of plants from which controlled substances in Schedules
24 I and II may be derived which have been planted or cultivated
25 in violation of this Act, or of which the owners or cultivators
26 are unknown, or which are wild growths, may be seized and

1 summarily forfeited to the State. The failure, upon demand by
2 the Director or any peace officer, of the person in occupancy
3 or in control of land or premises upon which the species of
4 plants are growing or being stored, to produce registration, or
5 proof that he is the holder thereof, constitutes authority for
6 the seizure and forfeiture of the plants.

7 (i) Any person who is convicted of engaging in a calculated
8 criminal cannabis conspiracy shall forfeit to the State of
9 Illinois:

10 (1) the receipts obtained by him or her in such
11 conspiracy; and

12 (2) any of his or her interests in, claims against,
13 receipts from, or property or rights of any kind affording
14 a source of influence over, such conspiracy.

15 The circuit court may enter such injunctions, restraining
16 orders, directions, or prohibitions, or take such other
17 actions, including the acceptance of satisfactory performance
18 bonds, in connection with any property, claim, receipt, right
19 or other interest subject to forfeiture under this Section, as
20 it deems proper.

21 (720 ILCS 5/47-1) (was 720 ILCS 5/47-5)

22 Sec. 47-1. ~~47-5.~~ Public nuisance. It is a public nuisance:

23 (a) ~~(1)~~ To cause or allow the carcass of an animal or
24 offal, filth, or a noisome or offensive substance to be
25 collected, deposited, or to remain in any place to the

1 prejudice of others, including but not limited to a water
2 course, lake, pond, spring, well, or common sewer, street, or
3 public highway.

4 ~~(2) To throw or deposit offal or other offensive matter or~~
5 ~~the carcass of a dead animal in a water course, lake, pond,~~
6 ~~spring, well, or common sewer, street, or public highway.~~

7 (b) (3) To corrupt or render unwholesome or impure the
8 water of a spring, river, stream, pond, or lake to the injury
9 or prejudice of others, or to create a condition, through the
10 improper maintenance of a swimming pool or wading pool, or by
11 causing an action that alters the condition of a natural body
12 of water, so that it harbors mosquitoes, flies, or other animal
13 pests that are offensive, injurious, or dangerous to the health
14 of individuals or the public.

15 (c) (4) To obstruct or impede, or encroach upon without
16 legal authority, the passage of a navigable river or waters, or
17 public highways, private ways, streets, alleys, commons,
18 landing places, and ways to burying places.

19 ~~(5) To obstruct or encroach upon public highways, private~~
20 ~~ways, streets, alleys, commons, landing places, and ways to~~
21 ~~burying places.~~

22 (d) (6) To manufacture ~~carry on the business of~~
23 ~~manufacturing~~ gunpowder, nitroglycerine, or other highly
24 explosive substances, or mixing or grinding the materials for
25 those substances, in a building within 330 feet ~~20 rods~~ of a
26 valuable building erected at the time the business is

1 commenced, or to establish powder magazines near incorporated
2 towns, at a point different from that appointed according to
3 law by the corporate authorities of the town, or within 825
4 feet of an occupied dwelling house.

5 ~~(7) To establish powder magazines near incorporated towns,~~
6 ~~at a point different from that appointed according to law by~~
7 ~~the corporate authorities of the town, or within 50 rods of an~~
8 ~~occupied dwelling house.~~

9 (e) ~~(8)~~ To erect, continue, or use a building or other
10 place for the exercise of a trade, employment, or manufacture
11 that, by occasioning noxious exhalations, offensive smells, or
12 otherwise, is offensive or dangerous to the health of
13 individuals or of the public.

14 (f) ~~(9)~~ To advertise wares or occupation by painting
15 notices of the wares or occupation on or affixing them to
16 fences or other private property, or on rocks or other natural
17 objects, without the consent of the owner, or if in the highway
18 or other public place, without permission of the proper
19 authorities.

20 ~~(10) To permit a well drilled for oil, gas, salt water~~
21 ~~disposal, or any other purpose in connection with the~~
22 ~~production of oil and gas to remain unplugged after the well is~~
23 ~~no longer used for the purpose for which it was drilled.~~

24 (g) ~~(11)~~ To construct or operate a salt water pit or oil
25 field refuse pit, commonly called a "burn out pit", so that
26 salt water, brine, or oil field refuse or other waste liquids

1 may escape from the pit in a manner except by the evaporation
2 of the salt water or brine or by the burning of the oil field
3 waste or refuse.

4 ~~(12) To permit concrete bases, discarded machinery, and~~
5 ~~materials to remain around an oil or gas well, or to fail to~~
6 ~~fill holes, cellars, slush pits, and other excavations made in~~
7 ~~connection with the well or to restore the surface of the lands~~
8 ~~surrounding the well to its condition before the drilling of~~
9 ~~the well, upon abandonment of the oil or gas well.~~

10 ~~(13) To permit salt water, oil, gas, or other wastes from a~~
11 ~~well drilled for oil, gas, or exploratory purposes to escape to~~
12 ~~the surface, or into a mine or coal seam, or into an~~
13 ~~underground fresh water supply, or from one underground stratum~~
14 ~~to another.~~

15 ~~(14) To harass, intimidate, or threaten a person who is~~
16 ~~about to sell or lease or has sold or leased a residence or~~
17 ~~other real property or is about to buy or lease or has bought~~
18 ~~or leased a residence or other real property, when the~~
19 ~~harassment, intimidation, or threat relates to a person's~~
20 ~~attempt to sell, buy, or lease a residence, or other real~~
21 ~~property, or refers to a person's sale, purchase, or lease of a~~
22 ~~residence or other real property.~~

23 (h) ~~(15)~~ To store, dump, or permit the accumulation of
24 debris, refuse, garbage, trash, tires, buckets, cans,
25 wheelbarrows, garbage cans, or other containers in a manner
26 that may harbor mosquitoes, flies, insects, rodents, nuisance

1 birds, or other animal pests that are offensive, injurious, or
2 dangerous to the health of individuals or the public; or to
3 dump or place garbage or another offensive substance within the
4 corporate limits of a city, village, or incorporated town; or
5 within a distance of one mile of the corporate limits of any
6 other city, village, or incorporated town. However, garbage can
7 be placed inside corporate limits if the city, village, or
8 incorporated town if the garbage or other offensive substance
9 originated there, or if the city, village, or incorporated town
10 that has contracted with another city, village, or incorporated
11 town within which the garbage originated, for the joint
12 collection and disposal of garbage.

13 ~~(16) To create a condition, through the improper~~
14 ~~maintenance of a swimming pool or wading pool, or by causing an~~
15 ~~action that alters the condition of a natural body of water, so~~
16 ~~that it harbors mosquitoes, flies, or other animal pests that~~
17 ~~are offensive, injurious, or dangerous to the health of~~
18 ~~individuals or the public.~~

19 ~~(17) To operate a tanning facility without a valid permit~~
20 ~~under the Tanning Facility Permit Act.~~

21 (i) Nothing in this Section shall be construed to prevent
22 the corporate authorities of a city, village, or incorporated
23 town, or the county board of a county, from declaring what are
24 nuisances and abating them within their limits. Counties have
25 that authority only outside the corporate limits of a city,
26 village, or incorporated town.

1 (j) Sentence. Whoever causes, erects, or continues a
2 nuisance described in this Section for the first offense, is
3 guilty of a petty offense and shall be fined not exceeding
4 \$100, and for a subsequent offense is guilty of a Class B
5 misdemeanor. If a person is convicted under this Section, a
6 court may order the nuisance be abated by the sheriff or other
7 proper officer, at the expense of the defendant. It is not a
8 defense to a proceeding under this Section that the nuisance is
9 erected or continued by virtue or permission of a law of this
10 State.

11 (Source: P.A. 89-234, eff. 1-1-96.)

12 (720 ILCS 5/47-2 new)

13 Sec. 47-2. Dumping garbage upon real property.

14 (a) It is unlawful for a person to dump, deposit, or place
15 garbage, rubbish, trash, or refuse upon real property not owned
16 by that person without the consent of the owner or person in
17 possession of the real property.

18 (b) A person who violates this Section is liable to the
19 owner or person in possession of the real property on which the
20 garbage, rubbish, trash, or refuse is dumped, deposited, or
21 placed for the reasonable costs incurred by the owner or person
22 in possession for cleaning up and properly disposing of the
23 garbage, rubbish, trash, or refuse, and for reasonable
24 attorneys' fees.

25 (c) A person violating this Section is guilty of a Class B

1 misdemeanor for which the court must impose a minimum fine of
2 \$500. A second conviction for an offense committed after the
3 first conviction is a Class A misdemeanor for which the court
4 must impose a minimum fine of \$500. A third or subsequent
5 violation, committed after a second conviction, is a Class 4
6 felony for which the court must impose a minimum fine of \$500.
7 A person who violates this Section and who has an equity
8 interest in a motor vehicle used in violation of this Section
9 is presumed to have the financial resources to pay the minimum
10 fine not exceeding his or her equity interest in the vehicle.
11 Personal property used by a person in violation of this Section
12 shall on the third or subsequent conviction of the person be
13 forfeited to the county where the violation occurred and
14 disposed of at a public sale. Before the forfeiture, the court
15 shall conduct a hearing to determine whether property is
16 subject to forfeiture under this Section. At the forfeiture
17 hearing the State has the burden of establishing by a
18 preponderance of the evidence that property is subject to
19 forfeiture under this Section.

20 (d) The statutory minimum fine required by subsection (c)
21 is not subject to reduction or suspension unless the defendant
22 is indigent. If the defendant files a motion with the court
23 asserting his or her inability to pay the mandatory fine
24 required by this Section, the court must set a hearing on the
25 motion before sentencing. The court must require an affidavit
26 signed by the defendant containing sufficient information to

1 ascertain the assets and liabilities of the defendant. If the
2 court determines that the defendant is indigent, the court must
3 require that the defendant choose either to pay the minimum
4 fine of \$500 or to perform 100 hours of community service.

5 (720 ILCS 5/47-3 new)

6 Sec. 47-3. Unplugged wells.

7 (a) It is a nuisance to:

8 (1) permit a well drilled for oil, gas, salt water
9 disposal, or any other purpose in connection with the
10 production of oil and gas to remain unplugged after the
11 well is no longer used for the purpose for which it was
12 drilled.

13 (2) permit concrete bases, discarded machinery, and
14 materials to remain around an oil or gas well, or to fail
15 to fill holes, cellars, slush pits, and other excavations
16 made in connection with the well or to restore the surface
17 of the lands surrounding the well to its condition before
18 the drilling of the well, upon abandonment of the oil or
19 gas well.

20 (3) permit salt water, oil, gas, or other wastes from a
21 well drilled for oil, gas, or exploratory purposes to
22 escape to the surface, or into a mine or coal seam, or into
23 an underground fresh water supply, or from one underground
24 stratum to another.

25 (4) permit a water well, located on one's own property,

1 to be in an unplugged condition at any time after the
2 abandonment of the well for obtaining water. No well is in
3 an unplugged condition, however, that is plugged in
4 conformity with the rules and regulations of the Department
5 of Natural Resources is used under Section 6 and Section 19
6 of the Illinois Oil and Gas Act. Section (d) does not apply
7 to a well drilled or used for observation or any other
8 purpose in connection with the development or operation of
9 a gas storage project.

10 (b) Sentence. A violation of subsections (a), (b), and (c)
11 is a petty offense petty for which a person shall be fined not
12 exceeding \$100. Any subsequent offense is a Class B
13 misdemeanor. Upon conviction for nuisance described in
14 subsections (a), (b) and (c), the court may order the nuisance
15 abated by the sheriff or other proper officer, at the expense
16 of the defendant. A violation of subsection (d) is Class A
17 misdemeanor.

18 (720 ILCS 5/47-4 new)

19 Sec. 47-4. Excavation Fence.

20 A person, corporation or partnership commits a violation of
21 this subsection if that person or entity knowingly or
22 recklessly: (a) owns, or maintains, or uses, or abandons any
23 open well, cesspool, cistern, quarry, recharging basin, catch
24 basin, sump, excavation for the erection of any building
25 structure or excavation created by the razing or removal of any

1 building structure, and fails to cover or surround such
2 installation with protective fencing.

3 (b) Subsection (a) shall not apply during the course of
4 repair, construction, removal or filling of any of the
5 structures or conditions described if any worker is present at
6 the location performing services, or if a watchman is present
7 to guard the location.

8 (c) Penalty. A violation of subsection (a) is a Class C
9 misdemeanor.

10 (720 ILCS 5/47-5.5 new)

11 Sec. 47-5.5. Outdoor lighting installation.

12 (a) A person commits a violation of this subsection if he
13 or she is an owner of a multiple dwelling and knowingly or
14 recklessly fails to install and maintain light or lights at or
15 near the outside of the front entrance-way of the building.

16 (b) The lights referenced in subsection (a) shall in the
17 aggregate provide not less than 50 watts incandescent
18 illumination for a building with a frontage up to 22 feet and
19 100 watts incandescent illumination for a building with a
20 frontage in excess of 22 feet, or equivalent illumination.
21 These lights shall be kept burning from sunset every day to
22 sunrise on the day following. In the case of a multiple
23 dwelling with a frontage in excess of 22 feet, the front
24 entrance doors of which have a combined width in excess of 5
25 feet, there shall be at least 2 lights, one at each side of the

1 entrance way, with an aggregate illumination of 150 watts or
2 equivalent illumination. An owner shall determine the actual
3 location, design and nature of the installation of such light
4 or lights to meet practical, aesthetic and other
5 considerations, so long as the minimum level of illumination is
6 maintained.

7 (c) A "multiple dwelling" for the purposes of subsection
8 (a) means any dwelling that is either rented, leased, let or
9 hired out, to be occupied, or is occupied as the residence or
10 home of 3 or more families living independently of each other.
11 A "multiple dwelling" shall not be deemed to include a
12 hospital, convent, monastery, asylum or public institution, or
13 a fireproof building used wholly for commercial purposes except
14 for not more than one janitor's apartment and not more than one
15 penthouse occupied by not more than 2 families. However,
16 residential quarters for members or personnel of any hospital
17 staff which are not located in any building primarily used for
18 hospital use, shall be deemed to be a "multiple dwelling".

19 (d) Penalty. A violation of subsection (a) is a Class C
20 misdemeanor. This penalty shall apply for each day and every
21 day such violation occurs.

22 (720 ILCS 5/47-6 new)

23 Sec. 47-6. Peephole installation.

24 (a) A person commits a violation of this Section if he or
25 she is an owner of a multiple dwelling and fails to provide and

1 maintain peepholes in the entrance door of each housing unit
2 within such multiple dwelling. The peephole must be located so
3 as to enable a person in such housing unit to view from the
4 inside of the entrance door any person immediately outside the
5 entrance door.

6 (b) For the purposes of subsection (a) a "multiple
7 dwelling" means any dwelling containing 5 or more independent
8 housing units which are rented, leased, let or hired out to the
9 tenant for use as a residence. Subsection (a) shall not apply
10 to hotels, apartment hotels, motels, dormitories, hospitals,
11 convents or public institutions.

12 (c) Penalties. Any violation of subsection (a) by an owner
13 is a petty offense and shall be punished by a fine of not less
14 than \$25 nor more than \$100 for each housing unit constructed
15 without a peephole in the entrance door. Each day that a
16 violation continues is a separate offense. Any tenant affected
17 by a violation of subsection (a) by the owner may compel the
18 owner to install such peepholes by bringing an appropriate
19 action in the circuit court.

20 (720 ILCS 5/47-7 new)

21 Sec. 47-7. Abandoned refrigerators.

22 (a) A person commits a violation of this subsection when he
23 or she knowingly: abandons or discards in any place accessible
24 to children any refrigerator, icebox or ice chest, or other
25 airtight or semi-airtight containers of a capacity of one and

1 one-half cubic feet or more, which has an attached lid or door
2 which may be opened or fastened shut by means of an attached
3 latch.

4 (b) An owner, lessee, or manager of a place accessible to
5 children violates this subsection when he or she: permits such
6 abandoned or discarded refrigerator, icebox or ice chest or
7 other airtight or semi-airtight containers to remain on his or
8 her property in such condition.

9 (c) Sentence. A violation of subsections (a) or (b) is a
10 Class C misdemeanor.

11 (720 ILCS 5/47-8 new)

12 Sec. 47-8. Aerial exhibitors.

13 (a) A person commits a violation of subsection (a) if he or
14 she knowing or recklessly participates in a public performance
15 or exhibition, or in a private exercise preparatory thereto, on
16 a trapeze, tightrope, wire, rings, ropes, poles, or other
17 aerial apparatus which requires skill, timing or balance and
18 which creates a substantial risk to himself or others of
19 serious injury by a fall from a height in excess of 20 feet,
20 unless a safety net or other safety device of similar purpose
21 and construction is placed between such person and the ground
22 in such manner as to arrest or cushion his fall and minimize
23 the risk of such injury.

24 (b) A person commits a violation of subsection (b) if he or
25 she is an owner, agent, lessee or other person in control of

1 operations of a circus, carnival, fair or other public place of
2 assembly or amusement and knowingly or recklessly authorizes or
3 permits participation in an aerial performance, exhibition or
4 private exercise in violation of subsection (a).

5 (c) Penalty. A violation of subsections (a) or (b) is Class
6 A misdemeanor.

7 (720 ILCS 5/Art. 47.5 heading new)

8 ARTICLE 47.5. Tobacco Related Offenses

9 (720 ILCS 5/47.5-1 new)

10 Sec. 47.5-1. Definitions. For the purpose of this Article:

11 "Age restricted area" means a signed designated area in a
12 retail establishment to which minors under 18 years of age are
13 not permitted access unless accompanied by a parent or legal
14 guardian;

15 "Bidi cigarette" means a product that contains tobacco that
16 is wrapped in temburni or tendu leaf or that is wrapped in any
17 other material identified by rules of the Department of Public
18 Health that is similar in appearance or characteristics to the
19 temburni or tendu leaf;

20 "Cigarette paper" shall not include any paper that is
21 incorporated into a product to which a tax stamp must be
22 affixed under the Cigarette Tax Act or the Cigarette Use Tax
23 Act;

24 "Direct supervision" means that the owner or employee has

1 an unimpeded line of sight to the vending machine;

2 "Line of sight" means visible to a cashier or other
3 employee;

4 "Lunch wagon" means a mobile vehicle designed and
5 constructed to transport food and from which food is sold to
6 the general public;

7 "Smokeless tobacco" means any finely cut, ground,
8 powdered, or leaf tobacco that is intended to be placed in the
9 oral cavity, or any tobacco products that are suitable for
10 dipping or chewing;

11 "Smoking herbs" shall mean all substances of plant origin
12 and their derivatives, including but not limited to broom,
13 calea, California poppy, damiana, hops, ginseng, lobelia,
14 jimson weed and other members of the Datura genus, passion
15 flower and wild lettuce, which are processed or sold primarily
16 for use as smoking materials;

17 "Tobacco accessories" shall mean cigarette papers, pipes,
18 holders of smoking materials of all types, cigarette rolling
19 machines, and other items, designed primarily for the smoking
20 or ingestion of tobacco products or of substances made illegal
21 under any statute or of substances whose sale, gift, barter, or
22 exchange is made unlawful under this Article; and

23 "Tobacco products" means cigarettes, cigars, smokeless
24 tobacco, or tobacco in any of its forms.

1 Sec. 47.5-2. Tobacco-related offenses dealing with minors.

2 (a) No minor under 18 years of age shall buy any tobacco
3 products. No person shall sell, buy for, distribute samples of
4 or furnish any tobacco products to any minor under 18 years of
5 age.

6 (b) No minor under 16 years of age may sell any tobacco
7 products at a retail establishment selling tobacco products.
8 This subsection does not apply to a sales clerk in a
9 family-owned business which can prove that the sales clerk is
10 in fact a son or daughter of the owner.

11 (c) The sale or distribution at no charge of cigarettes
12 from a lunch wagon engaging in any sales activity within 1,000
13 feet of any public or private elementary or secondary school
14 grounds is prohibited.

15 (d) No person shall knowingly sell, barter, exchange,
16 deliver or give away or cause or permit or procure to be sold,
17 bartered, exchanged, delivered, or given away tobacco
18 accessories or smoking herbs to any person under 18 years of
19 age.

20 (e) Warning to minors. Any person, firm, partnership,
21 company or corporation operating a place of business where
22 tobacco accessories and smoking herbs are sold or offered for
23 sale shall post in a conspicuous place upon the premises a sign
24 upon which there shall be imprinted the following statement,
25 "SALE OF TOBACCO ACCESSORIES AND SMOKING HERBS TO PERSONS UNDER
26 EIGHTEEN YEARS OF AGE OR THE MISREPRESENTATION OF AGE TO

1 PROCURE SUCH A SALE IS PROHIBITED BY LAW". The sign shall be
2 printed on a white card in red letters at least one-half inch
3 in height.

4 (f) Use of identification cards. No person in the
5 furtherance or facilitation of obtaining smoking accessories
6 and smoking herbs shall knowingly display or use a false or
7 forged identification card or transfer, alter, or deface an
8 identification card.

9 (g) Sentence.

10 (1) A violation of subsection (a), (b) or (c) is a
11 petty offense and for the first offense shall be fined
12 \$200, \$400 for the second offense in a 12-month period, and
13 \$600 for the third or any subsequent offense in a 12-month
14 period. One-half of each fine collected under this
15 subsection shall be distributed to the unit of local
16 government or other entity that successfully prosecuted
17 the offender and one-half shall be remitted to the State to
18 be used for enforcing these subsections.

19 (2) A person who knowingly violates or causes the
20 violation of subsections (d), (e) or (f) of this Section
21 commits a Class C misdemeanor.

22 (720 ILCS 5/47.5-3 new)

23 Sec. 47.5-3. Vending machines and tobacco product
24 displays.

25 (a) Sale of tobacco products through a vending machine.

1 Tobacco products may be sold through a vending machine only in
2 the following locations:

3 (1) Factories, businesses, offices, private clubs, and
4 other places not open to the general public.

5 (2) Places to which minors under 18 years of age are
6 not permitted access.

7 (3) Places where alcoholic beverages are sold and
8 consumed on the premises.

9 (4) Places where the vending machine is under the
10 direct supervision of the owner of the establishment or an
11 employee over 18 years of age. The sale of tobacco products
12 from a vending machine under direct supervision of the
13 owner or an employee of the establishment is considered a
14 sale of tobacco products by that person.

15 (5) Places where the vending machine can only be
16 operated by the owner or an employee over age 18 either
17 directly or through a remote control device if the device
18 is inaccessible to all customers.

19 (b) Sale of cigarette paper from vending machines. No
20 person shall knowingly offer, sell, barter, exchange, deliver
21 or give away cigarette paper or cause, permit, or procure
22 cigarette paper to be sold, offered, bartered, exchanged,
23 delivered, or given away by use of a vending or coin-operated
24 machine or device.

25 (c) Tobacco product displays. All single packs of
26 cigarettes must be sold from behind the counter or in an age

1 restricted area or in a sealed display case. Any other tobacco
2 products must be sold in line of sight. The restrictions
3 described in this subsection do not apply to a retail tobacco
4 store that:

5 (1) derives at least 90% of its revenue from tobacco
6 and tobacco related products;

7 (2) does not permit persons under the age of 18 to
8 enter the premises unless accompanied by a parent or legal
9 guardian; and

10 (3) posts a sign on the main entrance way stating that
11 persons under the age of 18 are prohibited from entering
12 unless accompanied by a parent or legal guardian.

13 (d) Sentence.

14 (1) A person who violates subsection (a) of this
15 Section is guilty of a petty offense and for the first
16 offense shall be fined \$200, \$400 for the second offense in
17 a 12-month period, and \$600 for the third or any subsequent
18 offense in a 12-month period. One-half of each fine
19 collected under this Section shall be distributed to the
20 unit of local government or other entity that successfully
21 prosecuted the offender and one-half shall be remitted to
22 the State to be used for enforcing this Section.

23 (2) A violation of subsection (b) of this Section is a
24 Class C misdemeanor.

25 (3) A violation of subsection (c) of this Section is a
26 petty offense for which the court shall impose a fine of

1 not less than \$100 nor more than \$1,000.

2 (720 ILCS 5/47.5-4 new)

3 Sec. 47.5-4. Unlawful shipment or transportation of
4 cigarettes.

5 (a) It is unlawful for any person engaged in the business
6 of selling cigarettes to knowingly ship or cause to be shipped
7 any cigarettes unless the person shipping the cigarettes:

8 (1) is licensed as a distributor under either the
9 Cigarette Tax Act, or the Cigarette Use Tax Act; or
10 delivers the cigarettes to a distributor licensed under
11 either the Cigarette Tax Act or the Cigarette Use Tax Act;
12 or

13 (2) ships them to an export warehouse proprietor
14 pursuant to Chapter 52 of the Internal Revenue Code, or an
15 operator of a customs bonded warehouse pursuant to Section
16 1311 or 1555 of Title 19 of the United States Code.

17 For purposes of this subsection (a), a person is a licensed
18 distributor if the person's name appears on a list of licensed
19 distributors published by the Illinois Department of Revenue.
20 The term cigarette has the same meaning as defined in Section 1
21 of the Cigarette Tax Act and Section 1 of the Cigarette Use Tax
22 Act. Nothing in this Section prohibits a person licensed as a
23 distributor under the Cigarette Tax Act or the Cigarette Use
24 Tax Act from shipping or causing to be shipped any cigarettes
25 to a registered retailer under the Retailers' Occupation Tax

1 Act provided the cigarette tax or cigarette use tax has been
2 paid.

3 (b) A common or contract carrier may transport cigarettes
4 to any individual person in this State unless the carrier knows
5 or reasonably should know such cigarettes have not been
6 received from a person described in paragraph (a) (1). Common or
7 contract carriers may make deliveries of cigarettes to licensed
8 distributors described in paragraph (a) (1) of this Section. A
9 person, other than a common or contract carrier, may not
10 knowingly transport more than 1,000 cigarettes at any one time
11 to any person in this State. Nothing in this subsection (b)
12 shall be construed to prohibit a person other than a common or
13 contract carrier from transporting not more than 1,000
14 cigarettes at any one time to any person in this State.

15 (c) A common or contract carrier may not knowingly complete
16 the delivery of any cigarettes to persons other than those
17 described in paragraph (a) (1) of this Section without first
18 obtaining from the purchaser an official written
19 identification from any state or federal agency that displays
20 the person's date of birth or a birth certificate that includes
21 a reliable confirmation that the purchaser is at least 18 years
22 of age; that the cigarettes purchased are not intended for
23 consumption by an individual who is younger than 18 years of
24 age; and a written statement signed by the purchaser that
25 certifies the purchaser's address and that the purchaser is at
26 least 18 years of age. The statement shall also confirm:

1 (1) that the purchaser understands that signing
2 another person's name to the certification is illegal;

3 (2) that the sale of cigarettes to individuals under 18
4 years of age is illegal; and

5 (3) that the purchase of cigarettes by individuals
6 under 18 years of age is illegal under the laws of
7 Illinois.

8 (d) When a person engaged in the business of selling
9 cigarettes ships or causes to be shipped any cigarettes to any
10 person in this State, other than in the cigarette
11 manufacturer's or tobacco products manufacturer's original
12 container or wrapping, the container or wrapping must be
13 plainly and visibly marked with the word "cigarettes".

14 (e) When a peace officer of this State or any duly
15 authorized officer or employee of the Illinois Department of
16 Public Health or Department of Revenue discovers any cigarettes
17 which have been or which are being shipped or transported in
18 violation of this Section, he or she shall seize and take
19 possession of the cigarettes, and the cigarettes shall be
20 subject to a forfeiture action pursuant to the procedures
21 provided under the Cigarette Tax Act or Cigarette Use Tax Act.

22 (f) Sentence.

23 (1) A person who violates subsections (a), (b), or (c)
24 of this Section is guilty of a Class A misdemeanor. A
25 second or subsequent violation of subsections (a), (b), or
26 (c) of this Section is a Class 4 felony.

1 (2) The Department of Revenue shall impose a civil
2 penalty not to exceed \$5,000 on any person who violates
3 subsections (a), (b), or (c) of this Section. The
4 Department of Revenue shall impose a civil penalty not to
5 exceed \$5,000 on any person engaged in the business of
6 selling cigarettes who ships or causes to be shipped any
7 such cigarettes to any person in this State in violation of
8 subsection (d) of this Section.

9 (3) Any person aggrieved by any decision of the
10 Department of Revenue may, within 60 days after notice of
11 that decision, protest in writing and request a hearing.
12 The Department of Revenue shall give notice to the person
13 of the time and place for the hearing and shall hold a
14 hearing before it issues a final administrative decision.
15 Absent a written protest within 60 days, the Department's
16 decision shall become final without any further
17 determination made or notice given.

18 (720 ILCS 5/47.5-5 new)

19 Sec. 47.5-5. The sale of tobacco accessories.

20 (a) Sale of bidi cigarettes. No person shall knowingly
21 sell, barter, exchange, deliver, or give away a bidi cigarette
22 to another person, nor shall a person cause or permit or
23 procure a bidi cigarette to be sold, bartered, exchanged,
24 delivered, or given away to another person.

25 (b) Sale of cigarette paper. No person shall knowingly

1 offer, sell, barter, exchange, deliver or give away cigarette
2 paper or cause, permit, or procure cigarette paper to be sold,
3 offered, bartered, exchanged, delivered, or given away except
4 from premises or an establishment where other tobacco products
5 are sold.

6 (c) Sentence. A violation of subsection (a) of this Section
7 is a Class C misdemeanor. A violation of subsection (b) of this
8 Section is a petty offense petty offense for which the offender
9 may be fined an amount as follows:

10 (1) For a first offense, not less than \$100 and not
11 more than \$500.

12 (2) For a second offense within a 2-year period, not
13 less than \$250 and not more than \$500.

14 (3) For a third or subsequent offense within a 2-year
15 period, not less than \$500 and not more than \$1,000.

16 (720 ILCS 5/Art. 47.10 heading new)

17 ARTICLE 47.10. DRUG RELATED OFFENSES

18 (720 ILCS 5/Art. 47.10, Div. I heading new)

19 Division I. Definitions

20 (720 ILCS 5/47.10-102 new)

21 Sec. 47.10-102. Definitions. As used in this Part of the
22 Code, unless the context otherwise requires:

23 "Addict" means any person who habitually uses any drug,

1 chemical, substance or dangerous drug other than alcohol so as
2 to endanger the public morals, health, safety or welfare or who
3 is so far addicted to the use of a dangerous drug or controlled
4 substance other than alcohol as to have lost the power of self
5 control with reference to his addiction.

6 "Administer" means the direct application of a controlled
7 substance, whether by injection, inhalation, ingestion, or any
8 other means, to the body of a patient, research subject, or
9 animal (as defined by the Humane Euthanasia in Animal Shelters
10 Act) by:

11 (1) a practitioner (or, in his presence, by his
12 authorized agent),

13 (2) the patient or research subject at the lawful
14 direction of the practitioner, or

15 (3) a euthanasia technician as defined by the Humane
16 Euthanasia in Animal Shelters Act.

17 "Advertise" means the attempt, by publication,
18 dissemination, solicitation or circulation, to induce directly
19 or indirectly any person to acquire, or enter into an
20 obligation to acquire, any substance within the scope of this
21 Section.

22 "Agent" means an authorized person who acts on behalf of or
23 at the direction of a manufacturer, distributor, or dispenser.
24 It does not include a common or contract carrier, public
25 warehouseman or employee of the carrier or warehouseman.

26 "Anabolic Steroids" means any drug or hormonal substance,

1 chemically and pharmacologically related to testosterone
2 (other than estrogens, progestins, and corticosteroids) that
3 promotes muscle growth, and includes:

4 (i) boldenone,

5 (ii) chlorotestosterone,

6 (iii) chostebol,

7 (iv) dehydrochlormethyltestosterone,

8 (v) dihydrotestosterone,

9 (vi) drostanolone,

10 (vii) ethylestrenol,

11 (viii) fluoxymesterone,

12 (ix) formebulone,

13 (x) mesterolone,

14 (xi) methandienone,

15 (xii) methandranone,

16 (xiii) methandriol,

17 (xiv) methandrostenolone,

18 (xv) methenolone,

19 (xvi) methyltestosterone,

20 (xvii) mibolerone,

21 (xviii) nandrolone,

22 (xix) norethandrolone,

23 (xx) oxandrolone,

24 (xxi) oxymesterone,

25 (xxii) oxymetholone,

26 (xxiii) stanolone,

1 (xxiv) stanozolol,
2 (xxv) testolactone,
3 (xxvi) testosterone,
4 (xxvii) trenbolone, and
5 (xxviii) any salt, ester, or isomer of a drug or
6 substance described or listed in this paragraph, if that
7 salt, ester, or isomer promotes muscle growth.

8 Any person who is otherwise lawfully in possession of an
9 anabolic steroid, or who otherwise lawfully manufactures,
10 distributes, dispenses, delivers, or possesses with intent to
11 deliver an anabolic steroid, which anabolic steroid is
12 expressly intended for and lawfully allowed to be administered
13 through implants to livestock or other nonhuman species, and
14 which is approved by the Secretary of Health and Human Services
15 for such administration, and which the person intends to
16 administer or have administered through such implants, shall
17 not be considered to be in unauthorized possession or to
18 unlawfully manufacture, distribute, dispense, deliver, or
19 possess with intent to deliver such anabolic steroid for
20 purposes of the controlled substances related offenses.

21 "Administration" means the Drug Enforcement
22 Administration, United States Department of Justice, or its
23 successor agency.

24 "Anhydrous ammonia" has the meaning provided in subsection
25 (d) of Section 3 of the Illinois Fertilizer Act of 1961.

26 "Anhydrous ammonia equipment" means all items used to

1 store, hold, contain, handle, transfer, transport, or apply
2 anhydrous ammonia for lawful purposes.

3 "Booby trap" means any device designed to cause physical
4 injury when triggered by an act of a person approaching,
5 entering, or moving through a structure, a vehicle, or any
6 location where methamphetamine has been manufactured, is being
7 manufactured, or is intended to be manufactured.

8 "Cannabis" includes marihuana, hashish and other
9 substances which are identified as including any parts of the
10 plant Cannabis Sativa, whether growing or not; the seeds
11 thereof, the resin extracted from any part of such plant; and
12 any compound, manufacture, salt, derivative, mixture, or
13 preparation of such plant, its seeds, or resin, including
14 tetrahydrocannabinol (THC) and all other cannabinol
15 derivatives, including its naturally occurring or
16 synthetically produced ingredients, whether produced directly
17 or indirectly by extraction, or independently by means of
18 chemical synthesis or by a combination of extraction and
19 chemical synthesis; but shall not include the mature stalks of
20 such plant, fiber produced from such stalks, oil or cake made
21 from the seeds of such plant, any other compound, manufacture,
22 salt, derivative, mixture, or preparation of such mature stalks
23 (except the resin extracted therefrom), fiber, oil or cake, or
24 the sterilized seed of such plant which is incapable of
25 germination.

26 "Casual delivery" means the delivery of not more than 10

1 grams of any substance containing cannabis without
2 consideration. Any delivery of cannabis which is a "casual
3 delivery" shall be treated in all respects as possession of
4 cannabis for purposes of penalties.

5 "Control" means to add a drug or other substance, or
6 immediate precursor, to a Schedule under Article 47.10 whether
7 by transfer from another Schedule or otherwise.

8 "Controlled Substance" means a drug, substance, or
9 immediate precursor in the Schedules defined in this Code.

10 "Controlled substance analog" or "analog" means a
11 substance which is intended for human consumption, other than a
12 controlled substance, that has a chemical structure
13 substantially similar to that of a controlled substance in
14 Schedule I or II, or that was specifically designed to produce
15 an effect substantially similar to that of a controlled
16 substance in Schedule I or II. Examples of chemical classes in
17 which controlled substance analogs are found include, but are
18 not limited to, the following: phenethylamines, N-substituted
19 piperidines, morphinans, ecgonines, quinazolinones,
20 substituted indoles, and arylcycloalkylamines. For purposes of
21 the controlled substances related offenses, a controlled
22 substance analog shall be treated in the same manner as the
23 controlled substance to which it is substantially similar.

24 "Convenience package" means any package that contains 360
25 milligrams or less of ephedrine or pseudoephedrine, their salts
26 or optical isomers, or salts of optical isomers in liquid or

1 liquid-filled capsule form.

2 "Counterfeit substance" means a controlled substance,
3 which, or the container or labeling of which, without
4 authorization bears the trademark, trade name, or other
5 identifying mark, imprint, number or device, or any likeness
6 thereof, of a manufacturer, distributor, or dispenser other
7 than the person who in fact manufactured, distributed, or
8 dispensed the substance.

9 "Deliver" or "delivery" means the actual, constructive or
10 attempted transfer of possession of cannabis or a controlled
11 substance, with or without consideration, whether or not there
12 is an agency relationship.

13 "Department" means the Illinois Department of Human
14 Services (as successor to the Department of Alcoholism and
15 Substance Abuse) or its successor agency.

16 "Department of State Police" means the Department of State
17 Police of the State of Illinois or its successor agency.

18 "Department of Corrections" means the Department of
19 Corrections of the State of Illinois or its successor agency.

20 "Department of Professional Regulation" means the
21 Department of Professional Regulation of the State of Illinois
22 or its successor agency.

23 "Depressant" or "stimulant substance" means:

24 (1) a drug which contains any quantity of (i)
25 barbituric acid or any of the salts of barbituric acid
26 which has been designated as habit forming under section

1 502 (d) of the Federal Food, Drug, and Cosmetic Act (21
2 U.S.C. 352 (d)); or

3 (2) a drug which contains any quantity of (i)
4 amphetamine or methamphetamine and any of their optical
5 isomers; (ii) any salt of amphetamine or methamphetamine or
6 any salt of an optical isomer of amphetamine; or (iii) any
7 substance which the Department, after investigation, has
8 found to be, and by rule designated as, habit forming
9 because of its depressant or stimulant effect on the
10 central nervous system; or

11 (3) lysergic acid diethylamide; or

12 (4) any drug which contains any quantity of a substance
13 which the Department, after investigation, has found to
14 have, and by rule designated as having, a potential for
15 abuse because of its depressant or stimulant effect on the
16 central nervous system or its hallucinogenic effect.

17 "Director" means the Director of the Department of State
18 Police and for purposes of the controlled substances
19 provisions, also means the Department of Professional
20 Regulation or his designated agents.

21 "Dispense" means to deliver a controlled substance to an
22 ultimate user or research subject by or pursuant to the lawful
23 order of a prescriber, including the prescribing,
24 administering, packaging, labeling, or compounding necessary
25 to prepare the substance for that delivery.

26 "Dispenser" means a practitioner who dispenses.

1 "Dispose" or "disposal" means to abandon, discharge,
2 release, deposit, inject, dump, spill, leak, or place
3 methamphetamine waste onto or into any land, water, or well of
4 any type so that the waste has the potential to enter the
5 environment, be emitted into the air, or be discharged into the
6 soil or any waters, including groundwater.

7 "Distribute" means to deliver, other than by administering
8 or dispensing, a controlled substance, or, where applicable, a
9 look-alike substance.

10 "Distributor" means a person who distributes.

11 "Drug" means (1) substances recognized as drugs in the
12 official United States Pharmacopoeia, Official Homeopathic
13 Pharmacopoeia of the United States, or official National
14 Formulary, or any supplement to any of them; (2) substances
15 intended for use in diagnosis, cure, mitigation, treatment, or
16 prevention of disease in man or animals; (3) substances (other
17 than food) intended to affect the structure of any function of
18 the body of man or animals and (4) substances intended for use
19 as a component of any article specified in clause (1), (2), or
20 (3) of this subsection. It does not include devices or their
21 components, parts, or accessories.

22 "Drug paraphernalia" means all equipment, products and
23 materials of any kind, other than methamphetamine
24 manufacturing materials which are intended to be used
25 unlawfully in planting, propagating, cultivating, growing,
26 harvesting, manufacturing, compounding, converting, producing,

1 processing, preparing, testing, analyzing, packaging,
2 repackaging, storing, containing, concealing, injecting,
3 ingesting, inhaling or otherwise introducing into the human
4 body cannabis or a controlled substance in violation of the
5 drug related offenses. It includes, but is not limited to:

6 (1) Kits intended to be used unlawfully in
7 manufacturing, compounding, converting, producing,
8 processing or preparing cannabis or a controlled
9 substance;

10 (2) Isomerization devices intended to be used
11 unlawfully in increasing the potency of any species of
12 plant which is cannabis or a controlled substance;

13 (3) Testing equipment intended to be used unlawfully in
14 a private home for identifying or in analyzing the
15 strength, effectiveness or purity of cannabis or
16 controlled substances;

17 (4) Diluents and adulterants intended to be used
18 unlawfully for cutting cannabis or a controlled substance
19 by private persons;

20 (5) Objects intended to be used unlawfully in
21 ingesting, inhaling, or otherwise introducing cannabis,
22 cocaine, hashish, or hashish oil into the human body
23 including, where applicable, the following items:

24 (A) water pipes;

25 (B) carburetion tubes and devices;

26 (C) smoking and carburetion masks;

1 (D) miniature cocaine spoons and cocaine vials;

2 (E) carburetor pipes;

3 (F) electric pipes;

4 (G) air-driven pipes;

5 (H) chillums;

6 (I) bongqs;

7 (J) ice pipes or chillers;

8 (6) Any item whose purpose, as announced or described
9 by the seller, is for use in violation of the drug
10 paraphernalia offenses.

11 "Emergency response" means the act of collecting evidence,
12 securing a methamphetamine laboratory site, methamphetamine
13 waste site or other methamphetamine-related site and cleaning
14 up the site, whether these actions are performed by public
15 entities or private contractors paid by public entities.

16 "Emergency service provider" means a local, State, or
17 federal peace officer, firefighter, emergency medical
18 technician-ambulance, emergency medical
19 technician-intermediate, emergency medical
20 technician-paramedic, ambulance driver, or other medical or
21 first aid personnel rendering aid, or any agent or designee of
22 the foregoing.

23 "Ephedra" means herbs and herbal products that contain
24 ephedrine alkaloids, including ma huang, Chinese ephedra,
25 ephedra sinica, ephedra herb powder, epitonin, or any extract
26 of those substances, but does not include any drug that

1 contains ephedrine and is lawfully sold, transferred, or
2 furnished over the counter with or without a prescription
3 pursuant to the federal Food, Drug, and Cosmetic Act (21 U.S.C.
4 301 and following) or regulations adopted under that Act.

5 "Euthanasia agency" means an entity certified by the
6 Department of Professional Regulation for the purpose of animal
7 euthanasia that holds an animal control facility license or
8 animal shelter license under the Animal Welfare Act. A
9 euthanasia agency is authorized to purchase, store, possess,
10 and utilize Schedule II nonnarcotic and Schedule III
11 nonnarcotic drugs for the sole purpose of animal euthanasia.

12 "Euthanasia drugs" means Schedule II or Schedule III
13 substances (nonnarcotic controlled substances) that are used
14 by a euthanasia agency for the purpose of animal euthanasia.

15 "Finished methamphetamine" means methamphetamine in a form
16 commonly used for personal consumption.

17 "Firearm" has the meaning provided in Section 1.1 of the
18 Firearm Owners Identification Card Act.

19 "Good faith" means the prescribing or dispensing of a
20 controlled substance by a practitioner in the regular course of
21 professional treatment to or for any person who is under his
22 treatment for a pathology or condition other than that
23 individual's physical or psychological dependence upon or
24 addiction to a controlled substance, except as provided herein:
25 and application of the term to a pharmacist shall mean the
26 dispensing of a controlled substance pursuant to the

1 prescriber's order which in the professional judgment of the
2 pharmacist is lawful. The pharmacist shall be guided by
3 accepted professional standards including, but not limited to
4 the following, in making the judgment:

5 (1) lack of consistency of doctor-patient
6 relationship,

7 (2) frequency of prescriptions for same drug by one
8 prescriber for large numbers of patients,

9 (3) quantities beyond those normally prescribed,

10 (4) unusual dosages,

11 (5) unusual geographic distances between patient,
12 pharmacist and prescriber,

13 (6) consistent prescribing of habit-forming drugs.

14 "Home infusion services" means services provided by a
15 pharmacy in compounding solutions for direct administration to
16 a patient in a private residence, long-term care facility, or
17 hospice setting by means of parenteral, intravenous,
18 intramuscular, subcutaneous, or intraspinal infusion.

19 "Immediate precursor" means a substance:

20 (1) which the Department has found to be and by rule
21 designated as being a principal compound used, or produced
22 primarily for use, in the manufacture of a controlled
23 substance;

24 (2) which is an immediate chemical intermediary used or
25 likely to be used in the manufacture of such controlled
26 substance; and

1 (3) the control of which is necessary to prevent,
2 curtail or limit the manufacture of such controlled
3 substance.

4 "Instructional activities" means the acts of teaching,
5 educating or instructing by practitioners using controlled
6 substances within educational facilities approved by the State
7 Board of Education or its successor agency.

8 "List I chemical" has the meaning provided in 21 U.S.C.
9 Section 802.

10 "Local authorities" means a duly organized State, County or
11 Municipal peace unit or police force.

12 "Look-alike substance" means a substance, other than a
13 controlled substance which (1) by overall dosage unit
14 appearance, including shape, color, size, markings or lack
15 thereof, taste, consistency, or any other identifying physical
16 characteristic of the substance, would lead a reasonable person
17 to believe that the substance is a controlled substance, or (2)
18 is expressly or impliedly represented to be a controlled
19 substance or is distributed under circumstances which would
20 lead a reasonable person to believe that the substance is a
21 controlled substance. For the purpose of determining whether
22 the representations made or the circumstances of the
23 distribution would lead a reasonable person to believe the
24 substance to be a controlled substance under this clause (2) of
25 this definition, the court or other authority may consider the
26 following factors in addition to any other factor that may be

1 relevant:

2 (a) statements made by the owner or person in control
3 of the substance concerning its nature, use or effect;

4 (b) statements made to the buyer or recipient that the
5 substance may be resold for profit;

6 (c) whether the substance is packaged in a manner
7 normally used for the illegal distribution of controlled
8 substances;

9 (d) whether the distribution or attempted distribution
10 included an exchange of or demand for money or other
11 property as consideration, and whether the amount of the
12 consideration was substantially greater than the
13 reasonable retail market value of the substance.

14 Clause (1) of this definition shall not apply to a
15 noncontrolled substance in its finished dosage form that was
16 initially introduced into commerce prior to the initial
17 introduction into commerce of a controlled substance in its
18 finished dosage form which it may substantially resemble.

19 Nothing in this definition of "look-alike substance"
20 prohibits the dispensing or distributing of noncontrolled
21 substances by persons authorized to dispense and distribute
22 controlled substances under the controlled substances related
23 offenses, provided that such action would be deemed to be
24 carried out in good faith as defined in this Section if the
25 substances involved were controlled substances.

26 Nothing in this definition of "look-alike substance" or the

1 controlled substances related offenses prohibits the
2 manufacture, preparation, propagation, compounding,
3 processing, packaging, advertising or distribution of a drug or
4 drugs by any person registered pursuant to Section 510 of the
5 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

6 "Mail-order pharmacy" means a pharmacy that is located in a
7 state of the United States, other than Illinois, that delivers,
8 dispenses or distributes, through the United States Postal
9 Service or other common carrier, to Illinois residents, any
10 substance which requires a prescription.

11 "Manufacture" for purposes of the cannabis related
12 provisions, means the production, preparation, propagation,
13 compounding, conversion or processing of cannabis, either
14 directly or indirectly, by extraction from substances of
15 natural origin, or independently by means of chemical
16 synthesis, or by a combination of extraction and chemical
17 synthesis, and includes any packaging or repackaging of
18 cannabis or labeling of its container, except that this term
19 does not include the preparation, compounding, packaging, or
20 labeling of cannabis as an incident to lawful research,
21 teaching, or chemical analysis and not for sale.

22 Manufacture" for purposes of the controlled substances
23 provisions, means the production, preparation, propagation,
24 compounding, conversion or processing of a controlled
25 substance other than methamphetamine, either directly or
26 indirectly, by extraction from substances of natural origin, or

1 independently by means of chemical synthesis, or by a
2 combination of extraction and chemical synthesis, and includes
3 any packaging or repackaging of the substance or labeling of
4 its container, except that this term does not include:

5 (1) by an ultimate user, the preparation or compounding
6 of a controlled substance for his own use; or

7 (2) by a practitioner, or his authorized agent under
8 his supervision, the preparation, compounding, packaging,
9 or labeling of a controlled substance:

10 (a) as an incident to his administering or
11 dispensing of a controlled substance in the course of
12 his professional practice; or

13 (b) as an incident to lawful research, teaching or
14 chemical analysis and not for sale.

15 "Manufacture" for purposes of the methamphetamine
16 provisions, means to produce, prepare, compound, convert,
17 process, synthesize, concentrate, purify, separate, extract,
18 or package any methamphetamine, methamphetamine precursor,
19 methamphetamine manufacturing catalyst, methamphetamine
20 manufacturing reagent, methamphetamine manufacturing solvent,
21 or any substance containing any of the foregoing.

22 "Manufacture" for purposes of Section 47.10-309,
23 Look-alike substances, means the producing, preparing,
24 compounding, processing, encapsulating, packaging,
25 repackaging, labeling or relabeling of a look-alike substance.

26 "Methamphetamine" means the chemical methamphetamine a

1 Schedule II controlled substance under this Code or any salt,
2 optical isomer, salt of optical isomer, or analog thereof, with
3 the exception of 3,4-Methylenedioxymethamphetamine (MDMA) or
4 any other scheduled substance with a separate listing under
5 this Code.

6 "Methamphetamine manufacturer", for purposes of the
7 methamphetamine manufacturer registry provisions,
8 "methamphetamine manufacturer" means a person who has been
9 convicted of any violation of Participation in methamphetamine
10 manufacturing, in Section 47.10-310.

11 "Methamphetamine manufacturing catalyst" means any
12 substance that has been used, is being used, or is intended to
13 be used to activate, accelerate, extend, or improve a chemical
14 reaction involved in the manufacture of methamphetamine.

15 "Methamphetamine manufacturing environment" means a
16 structure or vehicle in which:

17 (1) methamphetamine is being or has been manufactured;

18 (2) chemicals that are being used, have been used, or
19 are intended to be used to manufacture methamphetamine are
20 stored;

21 (3) methamphetamine manufacturing materials that have
22 been used to manufacture methamphetamine are stored; or

23 (4) methamphetamine manufacturing waste is stored.

24 "Methamphetamine manufacturing material" means any
25 methamphetamine precursor, substance containing any
26 methamphetamine precursor, methamphetamine manufacturing

1 catalyst, substance containing any methamphetamine
2 manufacturing catalyst, methamphetamine manufacturing reagent,
3 substance containing any methamphetamine manufacturing
4 reagent, methamphetamine manufacturing solvent, substance
5 containing any methamphetamine manufacturing solvent, or any
6 other chemical, substance, ingredient, equipment, apparatus,
7 or item that is being used, has been used, or is intended to be
8 used in the manufacture of methamphetamine.

9 "Methamphetamine manufacturing reagent" means any
10 substance other than a methamphetamine manufacturing catalyst
11 that has been used, is being used, or is intended to be used to
12 react with and chemically alter any methamphetamine precursor.

13 "Methamphetamine manufacturing solvent" means any
14 substance that has been used, is being used, or is intended to
15 be used as a medium in which any methamphetamine precursor,
16 methamphetamine manufacturing catalyst, methamphetamine
17 manufacturing reagent, or any substance containing any of the
18 foregoing is dissolved, diluted, or washed during any part of
19 the methamphetamine manufacturing process.

20 "Methamphetamine manufacturing waste" means any chemical,
21 substance, ingredient, equipment, apparatus, or item that is
22 left over from, results from, or is produced by the process of
23 manufacturing methamphetamine, other than finished
24 methamphetamine.

25 "Methamphetamine precursor" means ephedrine,
26 pseudoephedrine, benzyl methyl ketone, methyl benzyl ketone,

1 phenylacetone, phenyl-2-propanone, P2P, or any salt, optical
2 isomer, or salt of an optical isomer of any of these chemicals.

3 "Multi-unit dwelling" means a unified structure used or
4 intended for use as a habitation, home, or residence that
5 contains 2 or more condominiums, apartments, hotel rooms, motel
6 rooms, or other living units.

7 "Narcotic drug" means any of the following, whether
8 produced directly or indirectly by extraction from substances
9 of natural origin, or independently by means of chemical
10 synthesis, or by a combination of extraction and chemical
11 synthesis:

12 (1) opium and opiate, and any salt, compound,
13 derivative, or preparation of opium or opiate;

14 (2) any salt, compound, isomer, derivative, or
15 preparation thereof which is chemically equivalent or
16 identical with any of the substances referred to in clause
17 (1), but not including the isoquinoline alkaloids of opium;

18 (3) opium poppy and poppy straw;

19 (4) coca leaves and any salts, compound, isomer, salt
20 of an isomer, derivative, or preparation of coca leaves
21 including cocaine or ecgonine, and any salt, compound,
22 isomer, derivative, or preparation thereof which is
23 chemically equivalent or identical with any of these
24 substances, but not including decocainized coca leaves or
25 extractions of coca leaves which do not contain cocaine or
26 ecgonine (for the purpose of this paragraph, the term

1 "isomer" includes optical, positional and geometric
2 isomers).

3 "Nurse" means a registered nurse licensed under the Nursing
4 and Advanced Practice Nursing Act.

5 "Opiate" means any substance having an addiction forming or
6 addiction sustaining liability similar to morphine or being
7 capable of conversion into a drug having addiction forming or
8 addiction sustaining liability.

9 "Opium poppy" means the plant of the species Papaver
10 somniferum L., except its seeds.

11 "Package" means an item marked for retail sale that is not
12 designed to be further broken down or subdivided for the
13 purpose of retail sale.

14 "Parole and Pardon Board" means the Prisoner Review Board
15 of the State of Illinois or its successor agency.

16 "Participate" or "participation" in the manufacture of
17 methamphetamine means to produce, prepare, compound, convert,
18 process, synthesize, concentrate, purify, separate, extract,
19 or package any methamphetamine, methamphetamine precursor,
20 methamphetamine manufacturing catalyst, methamphetamine
21 manufacturing reagent, methamphetamine manufacturing solvent,
22 or any substance containing any of the foregoing, or to assist
23 in any of these actions, or to attempt to take any of these
24 actions, regardless of whether this action or these actions
25 result in the production of finished methamphetamine.

26 "Person" means any individual, corporation, mail-order

1 pharmacy, government or governmental subdivision or agency,
2 business trust, estate, trust, partnership or association, or
3 any other entity.

4 "Person with a disability" means a person who suffers from
5 a permanent physical or mental impairment resulting from
6 disease, injury, functional disorder, or congenital condition
7 which renders the person incapable of adequately providing for
8 his or her own health and personal care.

9 "Pharmacist" means any person who holds a certificate of
10 registration as a registered pharmacist, a local registered
11 pharmacist or a registered assistant pharmacist under the
12 Pharmacy Practice Act of 1987.

13 "Pharmacy" means any store, ship or other place in which
14 pharmacy is authorized to be practiced under the Pharmacy
15 Practice Act of 1987.

16 "Poppy straw" means all parts, except the seeds, of the
17 opium poppy, after mowing.

18 "Practitioner" means a physician licensed to practice
19 medicine in all its branches, dentist, podiatrist,
20 veterinarian, scientific investigator, pharmacist, physician
21 assistant, advanced practice nurse, licensed practical nurse,
22 registered nurse, hospital, laboratory, or pharmacy, or other
23 person licensed, registered, or otherwise lawfully permitted
24 by the United States or this State to distribute, dispense,
25 conduct research with respect to, administer or use in teaching
26 or chemical analysis, a controlled substance in the course of

1 professional practice or research.

2 "Pre-printed prescription" means a written prescription
3 upon which the designated drug has been indicated prior to the
4 time of issuance.

5 "Prescriber" means a physician licensed to practice
6 medicine in all its branches, dentist, podiatrist or
7 veterinarian who issues a prescription, a physician assistant
8 who issues a prescription for a Schedule III, IV, or V
9 controlled substance in accordance with Section 303.05 and the
10 written guidelines required under Section 7.5 of the Physician
11 Assistant Practice Act of 1987 or an advanced practice nurse
12 with prescriptive authority in accordance with Section 303.05
13 and a written collaborative agreement under Sections 15-15 and
14 15-20 of the Nursing and Advanced Practice Nursing Act.

15 "Prescription" means a lawful written, facsimile, or
16 verbal order of a physician licensed to practice medicine in
17 all its branches, dentist, podiatrist or veterinarian for any
18 controlled substance, of a physician assistant for a Schedule
19 III, IV, or V controlled substance in accordance with Section
20 303.05 and the written guidelines required under Section 7.5 of
21 the Physician Assistant Practice Act of 1987, or of an advanced
22 practice nurse who issues a prescription for a Schedule III,
23 IV, or V controlled substance in accordance with Section 303.05
24 and a written collaborative agreement under Sections 15-15 and
25 15-20 of the Nursing and Advanced Practice Nursing Act.

26 "Procure" means to purchase, steal, gather, or otherwise

1 obtain, by legal or illegal means, or to cause another to take
2 such action.

3 "Production" or "produce" means manufacture, planting,
4 cultivating, growing, or harvesting of a controlled substance
5 other than methamphetamine or of cannabis, and for purposes of
6 cannabis, includes tendering.

7 "Protected place" means any school, or any conveyance
8 owned, leased or contracted by a school to transport students
9 to or from school or a school related activity, or residential
10 property owned, operated or managed by a public housing agency
11 or leased by a public housing agency as part of a scattered
12 site or mixed-income development, or public park, on the real
13 property comprising any school or residential property owned,
14 operated or managed by a public housing agency or leased by a
15 public housing agency as part of a scattered site or
16 mixed-income development, or public park or within 1,000 feet
17 of the real property comprising any school or residential
18 property owned, operated or managed by a public housing agency
19 or leased by a public housing agency as part of a scattered
20 site or mixed-income development, or public park, on the real
21 property comprising any church, synagogue, or other building,
22 structure, or place used primarily for religious worship, or
23 within 1,000 feet of the real property comprising any church,
24 synagogue, or other building, structure, or place used
25 primarily for religious worship, on the real property
26 comprising any of the following places, buildings, or

1 structures used primarily for housing or providing space for
2 activities for senior citizens: nursing homes, assisted-living
3 centers, senior citizen housing complexes, or senior centers
4 oriented toward daytime activities, or within 1,000 feet of the
5 real property comprising any of the following places,
6 buildings, or structures used primarily for housing or
7 providing space for activities for senior citizens: nursing
8 homes, assisted-living centers, senior citizen housing
9 complexes, or senior centers oriented toward daytime
10 activities.

11 "Readily retrievable" has the meaning provided in 21 C.F.R.
12 part 1300.

13 "Registrant" means every person who is required to register
14 under Section 302 of the controlled substance provisions.

15 "Registry number" means the number assigned to each person
16 authorized to handle controlled substances under the laws of
17 the United States and of this State.

18 "Retail distributor" for purposes of the Methamphetamine
19 provisions, means a grocery store, general merchandise store,
20 drug store, other merchandise store, or other entity or person
21 whose activities as a distributor relating to drug products
22 containing targeted methamphetamine precursor are limited
23 exclusively or almost exclusively to sales for personal use by
24 an ultimate user, both in number of sales and volume of sales,
25 either directly to walk-in customers or in face-to-face
26 transactions by direct sales.

1 "Safety rest area" means a roadside facility removed from
2 the roadway with parking and facilities designed for motorists'
3 rest, comfort, and information needs; and

4 "Sales employee" means any employee or agent who at any
5 time (a) operates a cash register at which targeted packages
6 may be sold, (b) works at or behind a pharmacy counter, (c)
7 stocks shelves containing targeted packages, or (d) trains or
8 supervises any other employee or agent who engages in any of
9 the preceding activities.

10 "Second or subsequent offense" and "subsequent offense"
11 means an offense committed by an offender who previously
12 committed an offense under this Part of the Code or another
13 Article of this State, another state, or the United States
14 relating to methamphetamine, cannabis, or any other controlled
15 substance.

16 "Single retail transaction" means a sale by a retail
17 distributor to a specific customer at a specific time.

18 "Standard dosage form" as used in relation to any
19 methamphetamine precursor, means that the methamphetamine
20 precursor is contained in a pill, tablet, capsule, caplet, gel
21 cap, or liquid cap that has been manufactured by a lawful
22 entity and contains a standard quantity of methamphetamine
23 precursor.

24 "State" includes the State of Illinois and any state,
25 district, commonwealth, territory, insular possession thereof,
26 and any area subject to the legal authority of the United

1 States of America.

2 "Targeted methamphetamine precursor" means any compound,
3 mixture, or preparation that contains any detectable quantity
4 of ephedrine or pseudoephedrine, their salts or optical
5 isomers, or salts of optical isomers.

6 "Targeted package" means a package, including a
7 convenience package, containing any amount of targeted
8 methamphetamine precursor.

9 "Truck stop" means any facility (and its parking areas)
10 used to provide fuel or service, or both, to any commercial
11 motor vehicle as defined in Section 18b-101 of the Illinois
12 Vehicle Code.

13 "Ultimate user" means a person who lawfully possesses a
14 controlled substance for his own use or for the use of a member
15 of his household or for administering to an animal owned by him
16 or by a member of his household.

17 "Unauthorized container" as used in relation to anhydrous
18 ammonia, means any container that is not designed for the
19 specific and sole purpose of holding, storing, transporting, or
20 applying anhydrous ammonia. "Unauthorized container" includes,
21 but is not limited to, any propane tank, fire extinguisher,
22 oxygen cylinder, gasoline can, food or beverage cooler, or
23 compressed gas cylinder used in dispensing fountain drinks.

24 "Unauthorized container" does not encompass anhydrous ammonia
25 manufacturing plants, refrigeration systems where anhydrous
26 ammonia is used solely as a refrigerant, anhydrous ammonia

1 transportation pipelines, anhydrous ammonia tankers, or
2 anhydrous ammonia barges.

3 (720 ILCS 5/Art. 47.10, Div. II heading new)

4 Division II. Schedules

5 (720 ILCS 5/47.10-202 new)

6 Sec. 47.10-202. All names of substances are included. The
7 controlled substances listed or to be listed in the schedules
8 in sections 204, 206, 208, 210 and 212 are included by whatever
9 official, common, usual, chemical, or trade name designated.

10 (720 ILCS 5/47.10-203 new)

11 Sec. 47.10-203. Findings required for inclusion in
12 schedule I. The Department shall issue a rule scheduling a
13 substance in Schedule I if it finds that:

14 (1) the substance has high potential for abuse; and

15 (2) the substance has no currently accepted medical use
16 in treatment in the United States or lacks accepted safety
17 for use in treatment under medical supervision.

18 (720 ILCS 5/47.10-204 new)

19 Sec. 47.10-204. Schedule I.

20 (a) The controlled substances listed in this Section are
21 included in Schedule I.

22 (b) Unless specifically excepted or unless listed in

1 another schedule, any of the following opiates, including their
2 isomers, esters, ethers, salts, and salts of isomers, esters,
3 and ethers, whenever the existence of such isomers, esters,
4 ethers and salts is possible within the specific chemical
5 designation:

6 (1) Acetylmethadol;

7 (1.1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-
8 phenethyl)-4-piperidinyl]-N-phenylacetamide);

9 (2) Allylprodine;

10 (3) Alphacetylmethadol, except levo-
11 alphacetylmethadol (also known as levo-alpha-
12 acetylmethadol, levomethadyl acetate, or LAAM);

13 (4) Alphameprodine;

14 (5) Alphamethadol;

15 (6) Alpha-methylfentanyl (N-(1-alpha-methyl-beta-
16 phenyl)ethyl-4-piperidyl) propionanilide; 1-(1-methyl-2-
17 phenylethyl)-4-(N-propanilido)piperidine;

18 (6.1) Alpha-methylthiofentanyl (N-[1-methyl-2-
19 (2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);

20 (7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);

21 (7.1) PEPAP (1-(2-phenethyl)-4-phenyl-4-
22 acetoxypiperidine);

23 (8) Benzethidine;

24 (9) Betacetylmethadol;

25 (9.1) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-
26 phenethyl)-4-piperidinyl]-N-phenylpropanamide);

- 1 (10) Betameprodine;
- 2 (11) Betamethadol;
- 3 (12) Betaprodine;
- 4 (13) Clonitazene;
- 5 (14) Dextromoramide;
- 6 (15) Diampromide;
- 7 (16) Diethylthiambutene;
- 8 (17) Difenoxin;
- 9 (18) Dimenoxadol;
- 10 (19) Dimepheptanol;
- 11 (20) Dimethylthiambutene;
- 12 (21) Dioxaphetylbutyrate;
- 13 (22) Dipipanone;
- 14 (23) Ethylmethylthiambutene;
- 15 (24) Etonitazene;
- 16 (25) Etoxeridine;
- 17 (26) Furethidine;
- 18 (27) Hydroxypethidine;
- 19 (28) Ketobemidone;
- 20 (29) Levomoramide;
- 21 (30) Levophenacylmorphan;
- 22 (31) 3-Methylfentanyl (N-[3-methyl-1-
- 23 (2-phenylethyl)-4-piperidyl] -N-phenylpropanamide);
- 24 (31.1) 3-Methylthiofentanyl (N-[(3-methyl-1-
- 25 (2-thienyl)ethyl-4-piperidinyll] -N-phenylpropanamide);
- 26 (32) Morpheridine;

1 (33) Noracymethadol;

2 (34) Norlevorphanol;

3 (35) Normethadone;

4 (36) Norpipanone;

5 (36.1) Para-fluorofentanyl (N-(4-fluorophenyl)

6 -N-[1-(2-phenethyl)-4-piperidinyl] propanamide);

7 (37) Phenadoxone;

8 (38) Phenampromide;

9 (39) Phenomorphan;

10 (40) Phenoperidine;

11 (41) Piritramide;

12 (42) Proheptazine;

13 (43) Properidine;

14 (44) Propiram;

15 (45) Racemoramide;

16 (45.1) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)

17 ethyl-4-piperidinyl] -propanamide);

18 (46) Tilidine;

19 (47) Trimeperidine;

20 (48) Beta-hydroxy-3-methylfentanyl (other name:

21 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]

22 -N-phenylpropanamide).

23 (c) Unless specifically excepted or unless listed in

24 another schedule, any of the following opium derivatives, its

25 salts, isomers and salts of isomers, whenever the existence of

26 such salts, isomers and salts of isomers is possible within the

1 specific chemical designation:

2 (1) Acetorphine;

3 (2) Acetyldihydrocodeine;

4 (3) Benzylmorphine;

5 (4) Codeine methylbromide;

6 (5) Codeine-N-Oxide;

7 (6) Cyprenorphine;

8 (7) Desomorphine;

9 (8) Diacetyldihydromorphine (Dihydroheroin);

10 (9) Dihydromorphine;

11 (10) Drotebanol;

12 (11) Etorphine (except hydrochloride salt);

13 (12) Heroin;

14 (13) Hydromorphenol;

15 (14) Methyldesorphine;

16 (15) Methyldihydromorphine;

17 (16) Morphine methylbromide;

18 (17) Morphine methylsulfonate;

19 (18) Morphine-N-Oxide;

20 (19) Myrophine;

21 (20) Nicocodeine;

22 (21) Nicomorphine;

23 (22) Normorphine;

24 (23) Pholcodine;

25 (24) Thebacon.

26 (d) Unless specifically excepted or unless listed in

1 another schedule, any material, compound, mixture, or
2 preparation which contains any quantity of the following
3 hallucinogenic substances, or which contains any of its salts,
4 isomers and salts of isomers, whenever the existence of such
5 salts, isomers, and salts of isomers is possible within the
6 specific chemical designation (for the purposes of this
7 paragraph only, the term "isomer" includes the optical,
8 position and geometric isomers):

9 (1) 3,4-methylenedioxyamphetamine (alpha-methyl,
10 3,4-methylenedioxyphenethylamine,
11 methylenedioxyamphetamine, MDA);

12 (1.1) Alpha-ethyltryptamine (some trade or other
13 names: etryptamine; MONASE; alpha-ethyl-1H-indole-3-
14 ethanamine; 3-(2-aminobutyl)indole; a-ET; and AET);

15 (2) 3,4-methylenedioxymethamphetamine (MDMA);

16 (2.1) 3,4-methylenedioxy-N-ethylamphetamine
17 (also known as: N-ethyl-alpha-methyl-3,4
18 (methylenedioxy) Phenethylamine, N-ethyl
19 MDA, MDE, and MDEA);

20 (3) 3-methoxy-4,5-
21 methylenedioxyamphetamine, (MMDA);

22 (4) 3,4,5-trimethoxyamphetamine (TMA);

23 (5) (Blank).

24 (6) Diethyltryptamine (DET);

25 (7) Dimethyltryptamine (DMT);

26 (8) 4-methyl-2,5-

- 1 dimethoxyamphetamine (DOM, STP);
- 2 (9) Ibogaine (some trade and other names:
3 7-ethyl-6,6, beta, 7,8,9,10,12,13-octahydro-2-methoxy-6,
4 9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b]
5 indole; Tabernanthe iboga);
- 6 (10) Lysergic acid diethylamide;
- 7 (11) 3,4,5-trimethoxyphenethylamine (Mescaline);
- 8 (12) Peyote (meaning all parts of the plant
9 presently classified botanically as growing or not,
10 the seeds thereof, any extract from any part
11 of that plant, and every compound, manufacture,
12 salts, derivative, mixture, or preparation of that
13 plant, its seeds or extracts);
- 14 (13) N-ethyl-3-piperidyl benzilate (JB 318);
- 15 (14) N-methyl-3-piperidyl benzilate;
- 16 (14.1) N-hydroxy-3,4-methylenedioxyamphetamine
17 (also known as N-hydroxy-alpha-methyl-3,4
18 (methylenedioxy) phenethylamine and N-hydroxy MDA);
- 19 (15) Parahexyl; some trade or other names:
20 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl
21 -6H-dibenzo (b,d) pyran; Synhexyl;
- 22 (16) Psilocybin;
- 23 (17) Psilocyn;
- 24 (18) Alpha-methyltryptamine (AMT);
- 25 (19) 2,5-dimethoxyamphetamine (2,5-
26 dimethoxy-alpha-methylphenethylamine; 2,5-DMA);

1 (20) 4-bromo-2,5-dimethoxyamphetamine
2 (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;
3 4-bromo-2,5-DMA);

4 (20.1) 4-Bromo-2,5 dimethoxyphenethylamine.
5 Some trade or other names: 2-(4-bromo-2,5
6 -dimethoxyphenyl)-1-aminoethane; alpha
7 -desmethyl DOB, 2CB, Nexus;

8 (21) 4-methoxyamphetamine (4-methoxy-
9 alpha-methylphenethylamine;
10 paramethoxyamphetamine; PMA);

11 (22) (Blank).

12 (23) Ethylamine analog of phencyclidine. Some
13 trade or other names: N-ethyl-1-phenylcyclohexylamine,
14 (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl)
15 ethylamine, cyclohexamine, PCE;

16 (24) Pyrrolidine analog of phencyclidine. Some
17 trade or other names: 1-(1-phenylcyclohexyl)
18 pyrrolidine, PCPy, PHP;

19 (25) 5-methoxy-3,4-methylenedioxy-amphetamine;

20 (26) 2,5-dimethoxy-4-ethylamphetamine
21 (another name: DOET);

22 (27) 1-[1-(2-thienyl) cyclohexyl] pyrrolidine
23 (another name: TCPy);

24 (28) (Blank).

25 (29) Thiophene analog of phencyclidine (some
26 trade or other names: 1-[1-(2-thienyl)-

1 cyclohexyl]-piperidine; 2-thienyl analog of
2 phencyclidine; TPCP; TCP);

3 (30) Bufotenine (some trade or other names:
4 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole;
5 3-(2-dimethylaminoethyl)-5-indolol; 5-hydroxy-N,
6 N-dimethyltryptamine; N,N-dimethylserotonin; mappine).

7 (e) Unless specifically excepted or unless listed in
8 another schedule, any material, compound, mixture, or
9 preparation which contains any quantity of the following
10 substances having a depressant effect on the central nervous
11 system, including its salts, isomers, and salts of isomers
12 whenever the existence of such salts, isomers, and salts of
13 isomers is possible within the specific chemical designation:

14 (1) mecloqualone;

15 (2) methaqualone; and

16 (3) gamma hydroxybutyric acid.

17 (f) Unless specifically excepted or unless listed in
18 another schedule, any material, compound, mixture, or
19 preparation which contains any quantity of the following
20 substances having a stimulant effect on the central nervous
21 system, including its salts, isomers, and salts of isomers:

22 (1) Fenethylamine;

23 (2) N-ethylamphetamine;

24 (3) Aminorex (some other names: 2-amino
25 -5-phenyl-2-oxazoline; aminoxaphen; 4-5-dihydro-5-
26 phenyl-2-oxazolamine) and its salts, optical isomers,

1 and salts of optical isomers;

2 (4) Methcathinone (some other names:

3 2-methylamino-1-phenylpropan-1-one; Ephedrone; 2-

4 (methylamino)-propiofenone; alpha-(methylamino)

5 propiofenone; N-methylcathinone; methycathinone;

6 Monomethylpropion; UR 1431) and its salts, optical

7 isomers, and salts of optical isomers;

8 (5) Cathinone (some trade or other names:

9 2-aminopropiofenone; alpha-aminopropiofenone;

10 2-amino-1-phenyl-propanone; norephedrone);

11 (6) N,N-dimethylamphetamine (also known as:

12 N,N-alpha-trimethyl-benzeneethanamine; N,N-alpha-

13 trimethylphenethylamine);

14 (7) (+ or -) cis-4-

15 methylaminorex ((+ or -) cis-4, 5-dihydro-4-

16 methyl-4-5-phenyl-2-oxazolamine).

17 (g) Temporary listing of substances subject to emergency

18 scheduling. Any material, compound, mixture, or preparation

19 that contains any quantity of the following substances:

20 (1) N-[1-benzyl-4-piperidyl]-N-

21 phenylpropanamide (benzylfentanyl), its optical isomers,

22 isomers, salts, and salts of isomers;

23 (2) N-[1(2-thienyl) methyl-4-piperidyl]

24 -N-phenylpropanamide (thenylfentanyl), its optical

25 isomers, salts, and salts of isomers.

1 (720 ILCS 5/47.10-205 new)

2 Sec. 47.10-205. Findings required for inclusion in
3 schedule II. The Department shall issue a rule scheduling a
4 substance in Schedule II if it finds that:

5 (1) the substance has high potential for abuse;

6 (2) the substance has currently accepted medical use in
7 treatment in the United States, or currently accepted
8 medical use with severe restrictions; and

9 (3) the abuse of the substance may lead to severe
10 psychological or physiological dependence.

11 (720 ILCS 5/47.10-206 new)

12 Sec. 47.10-206. Schedule II.

13 (a) The controlled substances listed in this Section are
14 included in Schedule II.

15 (b) Unless specifically excepted or unless listed in
16 another schedule, any of the following substances whether
17 produced directly or indirectly by extraction from substances
18 of vegetable origin, or independently by means of chemical
19 synthesis, or by combination of extraction and chemical
20 synthesis:

21 (1) Opium and opiates, and any salt, compound,
22 derivative or preparation of opium or opiate, excluding
23 apomorphine, dextrophan, levopropoxyphene, nalbuphine,
24 nalmefene, naloxone, and naltrexone, and their respective
25 salts, but including the following:

- 1 (i) Raw Opium;
2 (ii) Opium extracts;
3 (iii) Opium fluid extracts;
4 (iv) Powdered opium;
5 (v) Granulated opium;
6 (vi) Tincture of opium;
7 (vii) Codeine;
8 (viii) Ethylmorphine;
9 (ix) Etorphine Hydrochloride;
10 (x) Hydrocodone;
11 (xi) Hydromorphone;
12 (xii) Metopon;
13 (xiii) Morphine;
14 (xiv) Oxycodone;
15 (xv) Oxymorphone;
16 (xvi) Thebaine;
17 (xvii) Thebaine-derived butorphanol.
18 (2) Any salt, compound, isomer, derivative or
19 preparation thereof which is chemically equivalent or
20 identical with any of the substances referred to in
21 subparagraph (1), but not including the isoquinoline
22 alkaloids of opium;
23 (3) Opium poppy and poppy straw;
24 (4) Coca leaves and any salt, compound, isomer, salt of
25 an isomer, derivative, or preparation of coca leaves
26 including cocaine or ecgonine, and any salt, compound,

1 isomer, derivative, or preparation thereof which is
2 chemically equivalent or identical with any of these
3 substances, but not including decocainized coca leaves or
4 extractions of coca leaves which do not contain cocaine or
5 ecgonine (for the purpose of this paragraph, the term
6 "isomer" includes optical, positional and geometric
7 isomers);

8 (5) Concentrate of poppy straw (the crude extract of
9 poppy straw in either liquid, solid or powder form which
10 contains the phenanthrine alkaloids of the opium poppy).

11 (c) Unless specifically excepted or unless listed in
12 another schedule any of the following opiates, including their
13 isomers, esters, ethers, salts, and salts of isomers, whenever
14 the existence of these isomers, esters, ethers and salts is
15 possible within the specific chemical designation, dextrorphan
16 excepted:

17 (1) Alfentanil;

18 (1.1) Carfentanil;

19 (2) Alphaprodine;

20 (3) Anileridine;

21 (4) Bezitramide;

22 (5) Bulk Dextropropoxyphene (non-dosage forms);

23 (6) Dihydrocodeine;

24 (7) Diphenoxylate;

25 (8) Fentanyl;

26 (9) Sufentanil;

- 1 (9.5) Remifentanil;
2 (10) Isomethadone;
3 (11) Levomethorphan;
4 (12) Levorphanol (Levorphan);
5 (13) Metazocine;
6 (14) Methadone;
7 (15) Methadone-Intermediate, 4-cyano-2-
8 dimethylamino-4, 4-diphenyl-1-butane;
9 (16) Moramide-Intermediate, 2-methyl-
10 3-morpholino-1,1-diphenylpropane-carboxylic acid;
11 (17) Pethidine (meperidine);
12 (18) Pethidine-Intermediate-A, 4-cyano-
13 1-methyl-4-phenylpiperidine;
14 (19) Pethidine-Intermediate-B, ethyl-4-
15 phenylpiperidine-4-carboxylate;
16 (20) Pethidine-Intermediate-C, 1-methyl-
17 4-phenylpiperidine-4-carboxylic acid;
18 (21) Phenazocine;
19 (22) Piminodine;
20 (23) Racemethorphan;
21 (24) Racemorphan;
22 (25) Levo-alpha-acetylmethadol (some other names:
23 levo-alpha-acetylmethadol, levomethadyl acetate, LAAM).

24 (d) Unless specifically excepted or unless listed in
25 another schedule, any material, compound, mixture, or
26 preparation which contains any quantity of the following

1 substances having a stimulant effect on the central nervous
2 system:

3 (1) Amphetamine, its salts, optical isomers, and salts
4 of its optical isomers;

5 (2) Methamphetamine, its salts, isomers, and salts of
6 its isomers;

7 (3) Phenmetrazine and its salts;

8 (4) Methylphenidate.

9 (e) Unless specifically excepted or unless listed in
10 another schedule, any material, compound, mixture, or
11 preparation which contains any quantity of the following
12 substances having a depressant effect on the central nervous
13 system, including its salts, isomers, and salts of isomers
14 whenever the existence of such salts, isomers, and salts of
15 isomers is possible within the specific chemical designation:

16 (1) Amobarbital;

17 (2) Secobarbital;

18 (3) Pentobarbital;

19 (4) Pentazocine;

20 (5) Phencyclidine;

21 (6) Gluthethimide;

22 (7) (Blank).

23 (f) Unless specifically excepted or unless listed in
24 another schedule, any material, compound, mixture, or
25 preparation which contains any quantity of the following
26 substances:

1 (1) Immediate precursor to amphetamine and
2 methamphetamine:

3 (i) Phenylacetone

4 Some trade or other names: phenyl-2-propanone;
5 P2P; benzyl methyl ketone; methyl benzyl ketone.

6 (2) Immediate precursors to phencyclidine:

7 (i) 1-phenylcyclohexylamine;

8 (ii) 1-piperidinocyclohexanecarbonitrile (PCC).

9 (3) Nabilone.

10 (720 ILCS 5/47.10-207 new)

11 Sec. 47.10-207. Findings required for inclusion in
12 schedule III. The Department shall issue a rule scheduling a
13 substance in Schedule III if it finds that:

14 (1) the substance has a potential for abuse less than
15 the substances listed in Schedule I and II;

16 (2) the substance has currently accepted medical use in
17 treatment in the United States; and

18 (3) abuse of the substance may lead to moderate or low
19 physiological dependence or high psychological dependence.

20 (720 ILCS 5/47.10-208 new)

21 Sec. 47.10-208. Schedule III.

22 (a) The controlled substances listed in this Section are
23 included in Schedule III.

24 (b) Unless specifically excepted or unless listed in

1 another schedule, any material, compound, mixture, or
2 preparation which contains any quantity of the following
3 substances having a stimulant effect on the central nervous
4 system, including its salts, isomers (whether optical
5 position, or geometric), and salts of such isomers whenever the
6 existence of such salts, isomers, and salts of isomers is
7 possible within the specific chemical designation;

8 (1) Those compounds, mixtures, or preparations in
9 dosage unit form containing any stimulant substances
10 listed in Schedule II which compounds, mixtures, or
11 preparations were listed on August 25, 1971, as excepted
12 compounds under Title 21, Code of Federal Regulations,
13 Section 308.32, and any other drug of the quantitative
14 composition shown in that list for those drugs or which is
15 the same except that it contains a lesser quantity of
16 controlled substances;

17 (2) Benzphetamine;

18 (3) Chlorphentermine;

19 (4) Clortermine;

20 (5) Phendimetrazine.

21 (c) Unless specifically excepted or unless listed in
22 another schedule, any material, compound, mixture, or
23 preparation which contains any quantity of the following
24 substances having a potential for abuse associated with a
25 depressant effect on the central nervous system:

26 (1) Any compound, mixture, or preparation containing

1 amobarbital, secobarbital, pentobarbital or any salt
2 thereof and one or more other active medicinal ingredients
3 which are not listed in any schedule;

4 (2) Any suppository dosage form containing
5 amobarbital, secobarbital, pentobarbital or any salt of
6 any of these drugs and approved by the Federal Food and
7 Drug Administration for marketing only as a suppository;

8 (3) Any substance which contains any quantity of a
9 derivative of barbituric acid, or any salt thereof:

10 (4) Chlorhexadol;

11 (5) Methyprylon;

12 (6) Sulfondiethylmethane;

13 (7) Sulfonethylmethane;

14 (8) Sulfonmethane;

15 (9) Lysergic acid;

16 (10) Lysergic acid amide;

17 (10.1) Tiletamine or zolazepam or both, or any salt
18 of either of them. Some trade or other names for a
19 tiletamine-zolazepam combination product: Telazol. Some
20 trade or other names for Tiletamine: 2-(ethylamino)-
21 2-(2-thienyl)-cyclohexanone. Some trade or other names
22 for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8
23 trimethylpyrazolo-[3,4-e], [1,4]-diazepin-7(1H)-one,
24 and flupyrazapon.

25 (11) Any material, compound, mixture or preparation
26 containing not more than 12.5 milligrams of pentazocine or

1 any of its salts, per 325 milligrams of aspirin;

2 (12) Any material, compound, mixture or preparation
3 containing not more than 12.5 milligrams of pentazocine or
4 any of its salts, per 325 milligrams of acetaminophen;

5 (13) Any material, compound, mixture or preparation
6 containing not more than 50 milligrams of pentazocine or
7 any of its salts plus naloxone HCl USP 0.5 milligrams, per
8 dosage unit;

9 (14) Ketamine.

10 (d) Nalorphine.

11 (e) Unless specifically excepted or unless listed in
12 another schedule, any material, compound, mixture, or
13 preparation containing limited quantities of any of the
14 following narcotic drugs, or their salts calculated as the free
15 anhydrous base or alkaloid, as set forth below:

16 (1) not more than 1.8 grams of codeine per 100
17 milliliters or not more than 90 milligrams per dosage unit,
18 with an equal or greater quantity of an isoquinoline
19 alkaloid of opium;

20 (2) not more than 1.8 grams of codeine per 100
21 milliliters or not more than 90 milligrams per dosage unit,
22 with one or more active non-narcotic ingredients in
23 recognized therapeutic amounts;

24 (3) not more than 300 milligrams of dihydrocodeinone
25 per 100 milliliters or not more than 15 milligrams per
26 dosage unit, with a fourfold or greater quantity of an

1 isoquinoline alkaloid of opium;

2 (4) not more than 300 milligrams of dihydrocodeinone
3 per 100 milliliters or not more than 15 milligrams per
4 dosage unit, with one or more active, non-narcotic
5 ingredients in recognized therapeutic amounts;

6 (5) not more than 1.8 grams of dihydrocodeine per 100
7 milliliters or not more than 90 milligrams per dosage unit,
8 with one or more active, non-narcotic ingredients in
9 recognized therapeutic amounts;

10 (6) not more than 300 milligrams of ethylmorphine per
11 100 milliliters or not more than 15 milligrams per dosage
12 unit, with one or more active, non-narcotic ingredients in
13 recognized therapeutic amounts;

14 (7) not more than 500 milligrams of opium per 100
15 milliliters or per 100 grams, or not more than 25
16 milligrams per dosage unit, with one or more active,
17 non-narcotic ingredients in recognized therapeutic
18 amounts;

19 (8) not more than 50 milligrams of morphine per 100
20 milliliters or per 100 grams with one or more active,
21 non-narcotic ingredients in recognized therapeutic
22 amounts.

23 (f) Anabolic steroids, except the following anabolic
24 steroids that are exempt:

25 (1) Androgyn L.A.;

26 (2) Andro-Estro 90-4;

- 1 (3) depANDROGYN;
2 (4) DEPO-T.E.;
3 (5) depTESTROGEN;
4 (6) Duomone;
5 (7) DURATESTRIN;
6 (8) DUO-SPAN II;
7 (9) Estratest;
8 (10) Estratest H.S.;
9 (11) PAN ESTRA TEST;
10 (12) Premarin with Methyltestosterone;
11 (13) TEST-ESTRO Cypionates;
12 (14) Testosterone Cyp 50 Estradiol Cyp 2;
13 (15) Testosterone Cypionate-Estradiol Cypionate
14 injection; and
15 (16) Testosterone Enanthate-Estradiol Valerate
16 injection.

17 (g) Hallucinogenic substances.

18 (1) Dronabinol (synthetic) in sesame oil and
19 encapsulated in a soft gelatin capsule in a U.S. Food and
20 Drug Administration approved product. Some other names for
21 dronabinol: (6aR-trans) -6a,7,8,10a -tetrahydro -6,6,9-
22 trimethyl -3-pentyl-6H-debenzo (b,d) pyran-1-ol) or
23 (-)-delta-9-(trans)-tetrahydrocannabinol.

24 (2) (Reserved).

25 (h) The Department may except by rule any compound,
26 mixture, or preparation containing any stimulant or depressant

1 substance listed in subsection (b) from the application of all
2 or any part of the controlled substances related offenses if
3 the compound, mixture, or preparation contains one or more
4 active medicinal ingredients not having a stimulant or
5 depressant effect on the central nervous system, and if the
6 admixtures are included therein in combinations, quantity,
7 proportion, or concentration that vitiate the potential for
8 abuse of the substances which have a stimulant or depressant
9 effect on the central nervous system.

10 (720 ILCS 5/47.10-209 new)

11 Sec. 47.10-209. Findings required for inclusion in
12 schedule IV. The Department shall issue a rule scheduling a
13 substance in Schedule IV if it finds that:

14 (1) the substance has a low potential for abuse
15 relative to substances in Schedule III;

16 (2) the substance has currently accepted medical use in
17 treatment in the United States; and

18 (3) abuse of the substance may lead to limited
19 physiological dependence or psychological dependence
20 relative to the substances in Schedule III.

21 (720 ILCS 5/47.10-210 new)

22 Sec. 47.10-210. Schedule IV.

23 (a) The controlled substances listed in this Section are
24 included in Schedule IV.

1 (b) Unless specifically excepted or unless listed in
2 another schedule, any material, compound, mixture, or
3 preparation containing limited quantities of any of the
4 following narcotic drugs, or their salts calculated as the free
5 anhydrous base or alkaloid, as set forth below:

6 (1) Not more than 1 milligram of difenoxin (DEA Drug
7 Code No. 9618) and not less than 25 micrograms of atropine
8 sulfate per dosage unit.

9 (2) Dextropropoxyphene (Alpha-(+)-4-dimethylamino-1,
10 2-diphenyl-3-methyl-2-propionoxybutane).

11 (c) Unless specifically excepted or unless listed in
12 another schedule, any material, compound, mixture, or
13 preparation which contains any quantity of the following
14 substances having a potential for abuse associated with a
15 depressant effect on the central nervous system:

16 (1) Alprazolam;

17 (2) Barbital;

18 (2.1) Bromazepam;

19 (2.2) Camazepam;

20 (3) Chloral Betaine;

21 (4) Chloral Hydrate;

22 (5) Chlordiazepoxide;

23 (5.1) Clobazam;

24 (6) Clonazepam;

25 (7) Clorazepate;

26 (7.1) Clotiazepam;

- 1 (7.2) Cloxazolam;
- 2 (7.3) Delorazepam;
- 3 (8) Diazepam;
- 4 (8.1) Estazolam;
- 5 (9) Ethchlorvynol;
- 6 (10) Ethinamate;
- 7 (10.1) Ethyl loflazepate;
- 8 (10.2) Fludiazepam;
- 9 (10.3) Flunitrazepam;
- 10 (11) Flurazepam;
- 11 (12) Halazepam;
- 12 (12.1) Haloxazolam;
- 13 (12.2) Ketazolam;
- 14 (12.3) Loprazolam;
- 15 (13) Lorazepam;
- 16 (13.1) Lormetazepam;
- 17 (14) Mebutamate;
- 18 (14.1) Medazepam;
- 19 (15) Meprobamate;
- 20 (16) Methohexital;
- 21 (17) Methylphenobarbital (Mephobarbital);
- 22 (17.1) Midazolam;
- 23 (17.2) Nimetazepam;
- 24 (17.3) Nitrazepam;
- 25 (17.4) Nordiazepam;
- 26 (18) Oxazepam;

- 1 (18.1) Oxazolam;
2 (19) Paraldehyde;
3 (20) Petrichloral;
4 (21) Phenobarbital;
5 (21.1) Pinazepam;
6 (22) Prazepam;
7 (22.1) Quazepam;
8 (23) Temazepam;
9 (23.1) Tetrazepam;
10 (24) Triazolam;
11 (24.5) Zaleplon;
12 (25) Zolpidem.

13 (d) Any material, compound, mixture, or preparation which
14 contains any quantity of the following substances, including
15 its salts, isomers (whether optical, position, or geometric),
16 and salts of such isomers, whenever the existence of such
17 salts, isomers and salts of isomers is possible: (1)
18 Fenfluramine.

19 (e) Unless specifically excepted or unless listed in
20 another schedule any material, compound, mixture, or
21 preparation which contains any quantity of the following
22 substances having a stimulant effect on the central nervous
23 system, including its salts, isomers (whether optical,
24 position or geometric), and salts of such isomers whenever the
25 existence of such salts, isomers, and salts of isomers is
26 possible within the specific chemical designation:

- 1 (1) Cathine ((+)-norpseudoephedrine);
- 2 (1.1) Diethylpropion;
- 3 (1.2) Fencamfamin;
- 4 (1.3) Fenproporex;
- 5 (2) Mazindol;
- 6 (2.1) Mefenorex;
- 7 (3) Phentermine;
- 8 (4) Pemoline (including organometallic complexes and
9 chelates thereof);
- 10 (5) Pipradrol;
- 11 (6) SPA ((-)-1-dimethylamino-1, 2-diphenylethane);
- 12 (7) Modafinil;
- 13 (8) Sibutramine.

14 (f) Other Substances. Unless specifically excepted or
15 unless listed in another schedule, any material, compound,
16 mixture, or preparation that contains any quantity of the
17 following substance, including its salts: (1) Butorphanol
18 (including its optical isomers).

19 (g) The Department may except by rule any compound,
20 mixture, or preparation containing any depressant substance
21 listed in subsection (b) from the application of all or any
22 part of the controlled substances related offenses if the
23 compound, mixture, or preparation contains one or more active
24 medicinal ingredients not having a depressant effect on the
25 central nervous system, and if the admixtures are included
26 therein in combinations, quantity, proportion, or

1 concentration that vitiate the potential for abuse of the
2 substances which have a depressant effect on the central
3 nervous system.

4 (h) Except as otherwise provided in Section 216, any
5 material, compound, mixture, or preparation that contains any
6 quantity of the following substance having a stimulant effect
7 on the central nervous system, including its salts, enantiomers
8 (optical isomers) and salts of enantiomers (optical isomers):

9 (1) Ephedrine, its salts, optical isomers and salts of
10 optical isomers.

11 (720 ILCS 5/47.10-211 new)

12 Sec. 47.10-211. Findings required for inclusion in
13 schedule V. The Department shall issue a rule scheduling a
14 substance in Schedule V if it finds that:

15 (1) the substance has low potential for abuse relative
16 to the controlled substances listed in Schedule IV;

17 (2) the substance has currently accepted medical use in
18 treatment in the United States; and

19 (3) abuse of the substance may lead to limited
20 physiological dependence or psychological dependence
21 relative to the substances in Schedule IV, or the substance
22 is a targeted methamphetamine precursor.

23 (720 ILCS 5/47.10-212 new)

24 Sec. 47.10-212. Schedule V.

1 (a) The controlled substances listed in this section are
2 included in Schedule V.

3 (b) Any compound, mixture, or preparation containing
4 limited quantities of any of the following narcotic drugs, or
5 their salts calculated as the free anhydrous base or alkaloid
6 which also contains one or more non-narcotic active medicinal
7 ingredients in sufficient proportion to confer upon the
8 compound, mixture, or preparation, valuable medicinal
9 qualities other than those possessed by the narcotic drug alone
10 as set forth below:

11 (1) not more than 200 milligrams of codeine, or any of
12 its salts, per 100 milliliters or per 100 grams;

13 (2) not more than 100 milligrams of dihydrocodeine; or
14 any of its salts, per 100 milliliters or per 100 grams;

15 (3) not more than 100 milligrams of ethylmorphine, or
16 any of its salts, per 100 milliliters or per 100 grams;

17 (4) not more than 2.5 milligrams of diphenoxylate and
18 not less than 25 micrograms of atropine sulfate per dosage
19 unit;

20 (5) not more than 100 milligrams of opium per 100
21 milliliters or per 100 grams;

22 (6) not more than 0.5 milligram of difenoxin (DEA Drug
23 Code No. 9618) and not less than 25 micrograms of atropine
24 sulfate per dosage unit.

25 (c) Buprenorphine.

26 (d) Pyrovalerone.

1 (d-5) Any targeted methamphetamine precursor.

2 (e) Any compound, mixture or preparation which contains any
3 quantity of any controlled substance when such compound,
4 mixture or preparation is not otherwise controlled in Schedules
5 I, II, III or IV.

6 (720 ILCS 5/47.10-213 new)

7 Sec. 47.10-213. Revision and republication of schedules.

8 The Department shall revise and republish the Schedules
9 semi-annually for two years from the effective date of this
10 Section, and thereafter annually. If the Department fails to
11 republish the Schedules, the last published Schedules shall
12 remain in full force and effect.

13 (720 ILCS 5/47.10-214 new)

14 Sec. 47.10-214. Excluded substances.

15 (a) Products containing an anabolic steroid, that are
16 expressly intended for administration through implants to
17 cattle or other nonhuman species and that have been approved by
18 the Secretary of Health and Human Services for that
19 administration, and that are excluded from all schedules under
20 Section 102(41)(B)(1) of the federal Controlled Substances Act
21 (21 U.S.C. 802(41)(B)(1)) are also excluded from Sections 207
22 and 208 of the controlled substances related Sections.

23 (b) The non-narcotic substances excluded from all
24 schedules of the Federal Controlled Substances Act (21 U.S.C.

1 801 et seq.) pursuant to Section 1308.22 of the Code of Federal
2 regulations (21 C.F.R. 1308.22), are excluded from all
3 schedules under this Code.

4 (720 ILCS 5/47.10-215 new)

5 Sec. 47.10-215. Excepted compounds. The compounds in the
6 form excepted from application of certain specified sections of
7 the Federal Controlled Substances Act (21 U.S.C. 801 et seq.),
8 the Federal Controlled Substances Import and Export Act (21
9 U.S.C. 951 et seq.) and the Code of Federal Regulations,
10 pursuant to Section 1308.32 of the Code of Federal Regulations
11 (21 C.F.R. 1308.32) are excepted from the application of
12 Sections 312 and 313 of the controlled substances related
13 offenses.

14 (720 ILCS 5/47.10-216 new)

15 Sec. 47.10-216. Duties of department relating to
16 schedules.

17 (a) The Department shall carry out the provisions of the
18 controlled substances related Sections. The Department or its
19 successor agency may add substances to or delete or reschedule
20 all controlled substances in the Schedules of Sections 204,
21 206, 208, 210 and 212 of the controlled substance provisions.
22 In making a determination regarding the addition, deletion, or
23 rescheduling of a substance, the Department shall consider the
24 following:

- 1 (1) the actual or relative potential for abuse;
2 (2) the scientific evidence of its pharmacological
3 effect, if known;
4 (3) the state of current scientific knowledge
5 regarding the substance;
6 (4) the history and current pattern of abuse;
7 (5) the scope, duration, and significance of abuse;
8 (6) the risk to the public health;
9 (7) the potential of the substance to produce
10 psychological or physiological dependence;
11 (8) whether the substance is an immediate precursor of
12 a substance already controlled under the Code;
13 (9) the immediate harmful effect in terms of
14 potentially fatal dosage; and
15 (10) the long-range effects in terms of permanent
16 health impairment.
17 (b) (Blank).
18 (c) (Blank).
19 (d) If any substance is scheduled, rescheduled, or deleted
20 as a controlled substance under Federal law and notice thereof
21 is given to the Department, the Department shall similarly
22 control the substance under the Code after the expiration of 30
23 days from publication in the Federal Register of a final order
24 scheduling a substance as a controlled substance or
25 rescheduling or deleting a substance, unless within that 30 day
26 period the Department objects, or a party adversely affected

1 files with the Department substantial written objections
2 objecting to inclusion, rescheduling, or deletion. In that
3 case, the Department shall publish the reasons for objection or
4 the substantial written objections and afford all interested
5 parties an opportunity to be heard. At the conclusion of the
6 hearing, the Department shall publish its decision, by means of
7 a rule, which shall be final unless altered by statute. Upon
8 publication of objections by the Department, similar control
9 under the Code whether by inclusion, rescheduling or deletion
10 is stayed until the Department publishes its ruling.

11 (e) The Department shall by rule exclude any non-narcotic
12 substances from a schedule if such substance may, under the
13 Federal Food, Drug, and Cosmetic Act, be lawfully sold over the
14 counter without a prescription.

15 (f) Dextromethorphan shall not be deemed to be included in
16 any schedule by reason of enactment of this title unless
17 controlled after the date of such enactment pursuant to the
18 foregoing provisions of this section.

19 (g) Authority to control under this section does not extend
20 to distilled spirits, wine, malt beverages, or tobacco as those
21 terms are defined or used in the Liquor Control Act and the
22 Tobacco Products Tax Act.

23 (720 ILCS 5/Art. 47.10, Div. III heading new)

24 Division III. Possession, Manufacturing and Delivery Offenses

1 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 1 heading new)

2 Subdivision 1. Possession offenses

3 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 1, Gp. A heading
4 new)

5 Group A. Cannabis

6 (720 ILCS 5/47.10-301 new)

7 Sec. 47.10-301. Possession of cannabis. It is unlawful for
8 any person knowingly to possess cannabis. Any person who
9 violates this section with respect to:

10 (a) not more than 2.5 grams of any substance containing
11 cannabis is guilty of a Class C misdemeanor;

12 (b) more than 2.5 grams but not more than 10 grams of
13 any substance containing cannabis is guilty of a Class B
14 misdemeanor;

15 (c) more than 10 grams but not more than 30 grams of
16 any substance containing cannabis is guilty of a Class A
17 misdemeanor; provided that if any offense under this subsection
18 (c) is a subsequent offense, the offender shall be guilty of a
19 Class 4 felony;

20 (d) more than 30 grams but not more than 500 grams of
21 any substance containing cannabis is guilty of a Class 4
22 felony; provided that if any offense under this subsection (d)
23 is a subsequent offense, the offender shall be guilty of a
24 Class 3 felony;

1 (e) more than 500 grams but not more than 2,000 grams
2 of any substance containing cannabis is guilty of a Class 3
3 felony;

4 (f) more than 2,000 grams but not more than 5,000 grams
5 of any substance containing cannabis is guilty of a Class 2
6 felony;

7 (g) more than 5,000 grams of any substance containing
8 cannabis is guilty of a Class 1 felony.

9 (720 ILCS 5/47.10-302 new)

10 Sec. 47.10-302. Possession of cannabis sativa plants. It is
11 unlawful for any person knowingly possess cannabis sativa
12 plants unless the possession has been authorized. Any person
13 who violates this Section with respect to possession of
14 Cannabis sativa plants:

15 (a) Not more than 5 plants is guilty of a Class A
16 misdemeanor.

17 (b) More than 5, but not more than 20 plants, is guilty
18 of a Class 4 felony.

19 (c) More than 20, but not more than 50 plants, is
20 guilty of a Class 3 felony.

21 (d) More than 50 plants is guilty of a Class 2 felony
22 for which a fine not to exceed \$100,000 may be imposed and
23 for which liability for the cost of conducting the
24 investigation and eradicating such plants may be assessed.

1 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 1, Gp. B heading
2 new)

3 Group B. Controlled Substances

4 (720 ILCS 5/47.10-303 new)

5 Sec. 47.10-303. Possession of controlled or counterfeit
6 substance. Except as otherwise authorized by the controlled
7 substances related offenses, it is unlawful for any person
8 knowingly to possess a controlled or counterfeit substance or
9 controlled substance analog. A violation of the controlled
10 substances related offenses with respect to each of the
11 controlled substances listed herein constitutes a single and
12 separate violation of the controlled substances related
13 offenses.

14 (a) Any person who violates this Section with respect to
15 the following controlled or counterfeit substances and
16 amounts, notwithstanding any of the provisions of subsections
17 (c) and (d) to the contrary, is guilty of a Class 1 felony and
18 shall, if sentenced to a term of imprisonment, be sentenced as
19 provided in this subsection (a) and fined as provided in
20 subsection (b):

21 (1)

22 (A) not less than 4 years and not more than 15
23 years with respect to 15 grams or more but less than
24 100 grams of a substance containing heroin, cocaine or
25 morphine;

1 (B) not less than 6 years and not more than 30
2 years with respect to 100 grams or more but less than
3 400 grams of a substance containing heroin, cocaine or
4 morphine;

5 (C) not less than 8 years and not more than 40
6 years with respect to 400 grams or more but less than
7 900 grams of any substance containing heroin or
8 cocaine;

9 (D) not less than 6 years and not more than 40
10 years with respect to 400 grams or more but less than
11 900 grams of any substance containing morphine;

12 (E) not less than 10 years and not more than 50
13 years with respect to 900 grams or more of any
14 substance containing heroin, cocaine or morphine;

15 (4) 200 grams or more of any substance containing
16 peyote, any substance containing a derivative of
17 barbituric acid or any of the salts of a derivative of
18 barbituric acid, or any substance containing amphetamine
19 or any salt of an optical isomer of amphetamine;

20 (5)

21 (A) not less than 4 years and not more than 15
22 years with respect to: (i) 15 grams or more but less
23 than 100 grams of any substance containing lysergic
24 acid diethylamide (LSD), or an analog thereof, or any
25 substance listed in paragraph or (1), (2), (2.1), (3),
26 (14.1), (19), (20), (20.1), (21), (25), or (26) of

1 subsection (d) of Section 204, or an analog or
2 derivative thereof, or (ii) 15 or more objects, pills,
3 tablets, caplets or capsules or 15 or more segregated
4 parts of an object or objects, or number of objects
5 intended to be segregated or derived from an object or
6 objects, but less than 200 objects, or pills, tablets,
7 caplets or capsules or 200 segregated parts of an
8 object or objects, or number of objects intended to be
9 segregated or derived from an object or objects,
10 containing in them or having upon them any amount of
11 any substance containing lysergic acid diethylamide
12 (LSD), or an analog thereof, or any substance listed in
13 paragraph or (1), (2), (2.1), (3), (14.1), (19), (20),
14 (20.1), (21), (25), or (26) of subsection (d) of
15 Section 204, or an analog or derivative thereof;

16 (B) not less than 6 years and not more than 30
17 years with respect to: (i) 100 grams or more but less
18 than 400 grams of any substance containing lysergic
19 acid diethylamide (LSD), or an analog thereof, or any
20 substance listed in paragraph or (1), (2), (2.1), (3),
21 (14.1), (19), (20), (20.1), (21), (25), or (26) of
22 subsection (d) of Section 204, or an analog or
23 derivative thereof, or (ii) 200 or more objects, pills,
24 tablets, caplets or capsules or 200 or more segregated
25 parts of an object or objects, or number of objects
26 intended to be segregated or derived from an object or

1 objects, but less than 600 objects, pills, tablets,
2 caplets or capsules or less than 600 segregated parts
3 of an object or objects, or number of objects intended
4 to be segregated or derived from an object or objects,
5 containing in them or having upon them any amount of
6 any substance containing lysergic acid diethylamide
7 (LSD), or an analog thereof, or any substance listed in
8 paragraph or (1), (2), (2.1), (3), (14.1), (19), (20),
9 (20.1), (21), (25), or (26) of subsection (d) of
10 Section 204, or an analog or derivative thereof;

11 (C) not less than 8 years and not more than 40
12 years with respect to: (i) 400 grams or more but less
13 than 900 grams of any substance containing lysergic
14 acid diethylamide (LSD), or an analog thereof, or any
15 substance listed in paragraph or (1), (2), (2.1), (3),
16 (14.1), (19), (20), (20.1), (21), (25), or (26) of
17 subsection (d) of Section 204, or an analog or
18 derivative thereof, or (ii) 600 or more objects, pills,
19 tablets, caplets or capsules or 600 or more segregated
20 parts of an object or objects, or number of objects
21 intended to be segregated or derived from an object or
22 objects, but less than 1500 objects, pills, tablets,
23 caplets or capsules or 1500 segregated parts of an
24 object or objects, or number of objects intended to be
25 segregated or derived from an object or objects,
26 containing in them or having upon them any amount of

1 any substance containing lysergic acid diethylamide
2 (LSD), or an analog thereof, or any substance listed in
3 paragraph or (1), (2), (2.1), (3), (14.1), (19), (20),
4 (20.1), (21), (25), or (26) of subsection (d) of
5 Section 204, or an analog or derivative thereof;

6 (D) not less than 10 years and not more than 50
7 years with respect to: (i) 900 grams or more of any
8 substance containing lysergic acid diethylamide (LSD),
9 or an analog thereof, or any substance listed in
10 paragraph or (1), (2), (2.1), (3), (14.1), (19), (20),
11 (20.1), (21), (25), or (26) of subsection (d) of
12 Section 204, or an analog or derivative thereof, or
13 (ii) 1500 or more objects, pills, tablets, caplets or
14 capsules or 1500 or more segregated parts of an object
15 or objects, or number of objects intended to be
16 segregated or derived from an object or objects,
17 containing in them or having upon them any amount of a
18 substance containing lysergic acid diethylamide (LSD),
19 or an analog thereof, or any substance listed in
20 paragraph or (1), (2), (2.1), (3), (14.1), (19), (20),
21 (20.1), (21), (25), or (26) of subsection (d) of
22 Section 204, or an analog or derivative thereof;

23 (6) 30 grams or more of any substance containing
24 pentazocine or any of the salts, isomers and salts of
25 isomers of pentazocine, or an analog thereof, or of any
26 substance containing methaqualone or any of the salts,

1 isomers and salts of isomers of methaqualone, or of any
2 substance containing phencyclidine or any of the salts,
3 isomers and salts of isomers of phencyclidine (PCP), or of
4 any substance containing ketamine or any of the salts,
5 isomers and salts of isomers of ketamine;

6 (7) 200 grams or more of any substance containing any
7 substance classified as a narcotic drug in Schedules I or
8 II, or an analog thereof, which is not otherwise included
9 in this subsection.

10 (b) Any person sentenced with respect to violations of
11 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
12 involving 100 grams or more of the controlled substance named
13 therein, may in addition to the penalties provided therein, be
14 fined an amount not to exceed \$200,000 or the full street value
15 of the controlled or counterfeit substances, whichever is
16 greater. The term "street value" shall have the meaning
17 ascribed in Section 110-5 of the Code of Criminal Procedure of
18 1963. Any person sentenced with respect to any other provision
19 of subsection (a), may in addition to the penalties provided
20 therein, be fined an amount not to exceed \$200,000.

21 (c) Any person who violates this Section with regard to an
22 amount of a controlled substance other than methamphetamine or
23 counterfeit substance not set forth in subsection (a) or (d) is
24 guilty of a Class 4 felony. The fine for a violation punishable
25 under this subsection (c) shall not be more than \$25,000.

26 (d) Any person who violates this Section with regard to any

1 amount of anabolic steroid is guilty of a Class C misdemeanor
2 for the first offense and a Class B misdemeanor for a
3 subsequent offense committed within 2 years of a prior
4 conviction.

5 (720 ILCS 5/47.10-304 new)

6 Sec. 47.10-304. Possession of look-alike substances.

7 (a) It is unlawful for any person knowingly to possess a
8 look-alike substance. Any person who violates this subsection
9 (a) is guilty of a petty offense. Any person convicted of a
10 subsequent offense under this subsection (a) shall be guilty of
11 a Class C misdemeanor.

12 (b) In any prosecution brought under this Section, it is
13 not a defense to a violation of this Section that the defendant
14 believed the look-alike substance actually to be a controlled
15 substance.

16 (c) Nothing in this Section applies to:

17 (1) The manufacture, processing, packaging,
18 distribution or sale of noncontrolled substances to
19 licensed medical practitioners for use as placebos in
20 professional practice or research.

21 (2) Persons acting in the course and legitimate scope
22 of their employment as law enforcement officers.

23 (3) The retention of production samples of
24 noncontrolled substances produced prior to the effective
25 date of this amendatory Act of 1982, where such samples are

1 required by federal law.

2 (d) Nothing in this Section or in the controlled substances
3 related offenses applies to the lawful manufacture,
4 processing, packaging, advertising or distribution of a drug or
5 drugs by any person registered pursuant to Section 510 of the
6 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

7 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 1, Gp. C heading
8 new)

9 Group C. Methamphetamine

10 (720 ILCS 5/47.10-305 new)

11 Sec. 47.10-305. Methamphetamine possession.

12 (a) A person commits methamphetamine possession when the
13 person knowingly possesses methamphetamine or a substance
14 containing methamphetamine.

15 (b) A person who violates subsection (a) is subject to the
16 following penalties:

17 (1) A person who possesses less than 5 grams of
18 methamphetamine or a substance containing methamphetamine
19 is guilty of a Class 3 felony.

20 (2) A person who possesses 5 or more grams but less
21 than 15 grams of methamphetamine or a substance containing
22 methamphetamine is guilty of a Class 2 felony.

23 (3) A person who possesses 15 or more grams but less
24 than 100 grams of methamphetamine or a substance containing

1 methamphetamine is guilty of a Class 1 felony.

2 (4) A person who possesses 100 or more grams but less
3 than 400 grams of methamphetamine or a substance containing
4 methamphetamine is guilty of a Class X felony, subject to a
5 term of imprisonment of not less than 6 years and not more
6 than 30 years, and subject to a fine not to exceed
7 \$100,000.

8 (5) A person who possesses 400 or more grams but less
9 than 900 grams of methamphetamine or a substance containing
10 methamphetamine is guilty of a Class X felony, subject to a
11 term of imprisonment of not less than 8 years and not more
12 than 40 years, and subject to a fine not to exceed
13 \$200,000.

14 (6) A person who possesses 900 or more grams of
15 methamphetamine or a substance containing methamphetamine
16 is guilty of a Class X felony, subject to a term of
17 imprisonment of not less than 10 years and not more than 50
18 years, and subject to a fine not to exceed \$300,000.

19 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 2 heading new)
20 Subdivision 2. Manufacturing and delivering or possessing with
21 the intent to manufacture or deliver offenses

22 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 2, Gp. A heading
23 new)

24 Group A. Cannabis

1 (720 ILCS 5/47.10-306 new)

2 Sec. 47.10-306. Manufacture, delivery or possession with
3 intent to deliver cannabis. It is unlawful for any person
4 knowingly to manufacture, deliver or possess with intent to
5 deliver or manufacture, cannabis. Any person who violates this
6 section with respect to:

7 (a) not more than 2.5 grams of any substance containing
8 cannabis is guilty of a Class B misdemeanor;

9 (b) more than 2.5 grams but not more than 10 grams of
10 any substance containing cannabis is guilty of a Class A
11 misdemeanor;

12 (c) more than 10 grams but not more than 30 grams of
13 any substance containing cannabis is guilty of a Class 4
14 felony;

15 (d) more than 30 grams but not more than 500 grams of
16 any substance containing cannabis is guilty of a Class 3
17 felony for which a fine not to exceed \$50,000 may be
18 imposed;

19 (e) more than 500 grams but not more than 2,000 grams
20 of any substance containing cannabis is guilty of a Class 2
21 felony for which a fine not to exceed \$100,000 may be
22 imposed;

23 (f) more than 2,000 grams but not more than 5,000 grams
24 of any substance containing cannabis is guilty of a Class 1
25 felony for which a fine not to exceed \$150,000 may be

1 imposed;

2 (g) more than 5,000 grams of any substance containing
3 cannabis is guilty of a Class X felony for which a fine not
4 to exceed \$200,000 may be imposed.

5 (720 ILCS 5/47.10-307 new)

6 Sec. 47.10-307. Production of cannabis sativa plants. It is
7 unlawful for any person knowingly to produce the cannabis
8 sativa plant unless production or possession has been
9 authorized pursuant to established mechanisms. Any person who
10 violates this Section with respect to production of:

11 (a) Not more than 5 plants is guilty of a Class A
12 misdemeanor.

13 (b) More than 5, but not more than 20 plants, is guilty
14 of a Class 4 felony.

15 (c) More than 20, but not more than 50 plants, is
16 guilty of a Class 3 felony.

17 (d) More than 50 plants is guilty of a Class 2 felony
18 for which a fine not to exceed \$100,000 may be imposed.

19 (720 ILCS 5/Art. 47.1, Div. III, Subdiv. 2, Gp. B heading
20 new)

21 Group B. Controlled Substances

22 (720 ILCS 5/47.10-308 new)

23 Sec. 47.10-308. Manufacture of controlled or counterfeit

1 substance or controlled substance analog prohibited. Except as
2 authorized by the controlled substances related offenses, it is
3 unlawful for any person knowingly to manufacture or deliver, or
4 possess with intent to manufacture or deliver, a controlled
5 substance other than methamphetamine, a counterfeit substance,
6 or a controlled substance analog. A violation of the controlled
7 substances related offenses with respect to each of the
8 controlled substances listed herein constitutes a single and
9 separate violation of the controlled substances related
10 offenses.

11 (a) Any person who violates this Section with respect to
12 the following amounts of controlled or counterfeit substances
13 or controlled substance analogs, notwithstanding any of the
14 provisions of subsections (c), (d), (e), (f), (g) or (h) to the
15 contrary, is guilty of a Class X felony and shall be sentenced
16 to a term of imprisonment as provided in this subsection (a)
17 and fined as provided in subsection (b):

18 (1)

19 (A) not less than 6 years and not more than 30
20 years with respect to 15 grams or more but less than
21 100 grams of a substance containing heroin, cocaine or
22 morphine, or an analog thereof;

23 (B) not less than 9 years and not more than 40
24 years with respect to 100 grams or more but less than
25 400 grams of a substance containing heroin, cocaine or
26 morphine, or an analog thereof;

1 (C) not less than 12 years and not more than 50
2 years with respect to 400 grams or more but less than
3 900 grams of a substance containing heroin, cocaine or
4 morphine, or an analog thereof;

5 (D) not less than 15 years and not more than 60
6 years with respect to 900 grams or more of any
7 substance containing heroin, cocaine or morphine, or
8 an analog thereof;

9 (2) 200 grams or more of any substance containing
10 peyote, a derivative of barbituric acid or any of the salts
11 of a derivative of barbituric acid, or amphetamine or any
12 salt of an optical isomer of amphetamine, or an analog
13 thereof;

14 (3)

15 (A) not less than 6 years and not more than 30
16 years with respect to: (i) 15 grams or more but less
17 than 100 grams of a substance containing lysergic acid
18 diethylamide (LSD), or an analog thereof, or a
19 substance listed in paragraph (1), (2), (2.1), (3),
20 (14.1), (19), (20), (20.1), (21), (25), or (26) of
21 subsection (d) of Section 204, or an analog or
22 derivative thereof, or (ii) 15 or more objects, pills,
23 tablets, caplets or capsules or 15 or more segregated
24 parts of an object or objects, or number of objects
25 intended to be segregated or derived from an object or
26 objects, but less than 200 objects, pills, tablets,

1 caplets or capsules or 200 segregated parts of an
2 object or objects, or number of objects intended to be
3 segregated or derived from an object or objects,
4 containing in them or having upon them any amounts of
5 any substance containing lysergic acid diethylamide
6 (LSD), or an analog thereof, or a substance listed in
7 paragraph (1), (2), (2.1), (3), (14.1), (19), (20),
8 (20.1), (21), (25), or (26) of subsection (d) of
9 Section 204, or an analog or derivative thereof;

10 (B) not less than 9 years and not more than 40
11 years with respect to: (i) 100 grams or more but less
12 than 400 grams of a substance containing lysergic acid
13 diethylamide (LSD), or an analog thereof, or a
14 substance listed in paragraph (1), (2), (2.1), (3),
15 (14.1), (19), (20), (20.1), (21), (25), or (26) of
16 subsection (d) of Section 204, or an analog or
17 derivative thereof, or (ii) 200 or more objects, pills,
18 tablets, caplets or capsules or 200 or more segregated
19 parts of an object or objects, or number of objects
20 intended to be segregated or derived from an object or
21 objects, but less than 600 objects, pills, tablets,
22 caplets or capsules or less than 600 segregated parts
23 of an object or objects, or number of objects intended
24 to be segregated or derived from an object or objects,
25 containing in them or having upon them any amount of
26 any substance containing lysergic acid diethylamide

1 (LSD), or an analog thereof, or a substance listed in
2 paragraph (1), (2), (2.1), (3), (14.1), (19), (20),
3 (20.1), (21), (25), or (26) of subsection (d) of
4 Section 204, or an analog or derivative thereof;

5 (C) not less than 12 years and not more than 50
6 years with respect to: (i) 400 grams or more but less
7 than 900 grams of a substance containing lysergic acid
8 diethylamide (LSD), or an analog thereof, or a
9 substance listed in paragraph (1), (2), (2.1), (3),
10 (14.1), (19), (20), (20.1), (21), (25), or (26) of
11 subsection (d) of Section 204, or an analog or
12 derivative thereof, or (ii) 600 or more objects, pills,
13 tablets, caplets or capsules or 600 or more segregated
14 parts of an object or objects, or number of objects
15 intended to be segregated or derived from an object or
16 objects, but less than 1500 objects, pills, tablets,
17 caplets or capsules or 1500 segregated parts of an
18 object or objects, or number of objects intended to be
19 segregated or derived from an object or objects,
20 containing in them or having upon them any amount of
21 any substance containing lysergic acid diethylamide
22 (LSD), or an analog thereof, or a substance listed in
23 paragraph (1), (2), (2.1), (3), (14.1), (19), (20),
24 (20.1), (21), (25), or (26) of subsection (d) of
25 Section 204, or an analog or derivative thereof;

26 (D) not less than 15 years and not more than 60

1 years with respect to: (i) 900 grams or more of any
2 substance containing lysergic acid diethylamide (LSD),
3 or an analog thereof, or a substance listed in
4 paragraph (1), (2), (2.1), (3), (14.1), (19), (20),
5 (20.1), (21), (25), or (26) of subsection (d) of
6 Section 204, or an analog or derivative thereof, or
7 (ii) 1500 or more objects, pills, tablets, caplets or
8 capsules or 1500 or more segregated parts of an object
9 or objects, or number of objects intended to be
10 segregated or derived from an object or objects,
11 containing in them or having upon them any amount of a
12 substance containing lysergic acid diethylamide (LSD),
13 or an analog thereof, or a substance listed in
14 paragraph (1), (2), (2.1), (3), (14.1), (19), (20),
15 (20.1), (21), (25), or (26) of subsection (d) of
16 Section 204, or an analog or derivative thereof;

17 (4) 30 grams or more of any substance containing
18 pentazocine or any of the salts, isomers and salts of
19 isomers of pentazocine, methaqualone or any of the salts,
20 isomers and salts of isomers of methaqualone,
21 phencyclidine or any of the salts, isomers and salts of
22 isomers of phencyclidine (PCP), or ketamine or any of the
23 salts, isomers and salts of isomers of ketamine, or an
24 analog thereof;

25 (5) 200 grams or more of any substance containing any
26 other controlled substance classified in Schedules I or II,

1 or an analog thereof, which is not otherwise included in
2 this subsection.

3 (b) Any person sentenced with respect to violations of
4 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
5 involving 100 grams or more of the controlled substance named
6 therein, may in addition to the penalties provided therein, be
7 fined an amount not more than \$500,000 or the full street value
8 of the controlled or counterfeit substance or controlled
9 substance analog, whichever is greater. The term "street value"
10 shall have the meaning ascribed in Section 110-5 of the Code of
11 Criminal Procedure of 1963. Any person sentenced with respect
12 to any other provision of subsection (a), may in addition to
13 the penalties provided therein, be fined an amount not to
14 exceed \$500,000.

15 (c) Any person who violates this Section with regard to the
16 following amounts of controlled or counterfeit substances or
17 controlled substance analogs, notwithstanding any of the
18 provisions of subsections (a), (b), (d), (e), (f), (g) or (h)
19 to the contrary, is guilty of a Class 1 felony. The fine for
20 violation of this subsection (c) shall not be more than
21 \$250,000:

22 (1) 1 gram or more but less than 15 grams of any
23 substance containing heroin or cocaine, or an analog
24 thereof;

25 (2) 10 grams or more but less than 15 grams of any
26 substance containing morphine, or an analog thereof;

1 (3) 50 grams or more but less than 200 grams of any
2 substance containing peyote, a derivative of barbituric
3 acid or any of the salts of a derivative of barbituric
4 acid, amphetamine or any salt of an optical isomer of
5 amphetamine, or an analog thereof;

6 (4) (i) 5 grams or more but less than 15 grams of any
7 substance containing lysergic acid diethylamide (LSD), or
8 an analog thereof, or any substance listed in paragraph
9 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
10 (25), or (26) of subsection (d) of Section 204, or an
11 analog or derivative thereof (ii) more than 10 objects or
12 more than 10 segregated parts of an object or objects, or
13 number of objects intended to be segregated or derived from
14 an object or objects but less than 15 objects or less than
15 15 segregated parts of an object, or number of objects
16 intended to be segregated or derived from an object or
17 objects containing in them or having upon them any amount
18 of any substance containing lysergic acid diethylamide
19 (LSD), any substance listed in paragraph (1), (2), (2.1),
20 (3), (14.1), (19), (20), (20.1), (21), (25), or (26) of
21 subsection (d) of Section 204, or an analog or derivative
22 thereof, or an analog thereof;

23 (5) 10 grams or more but less than 30 grams of any
24 substance containing pentazocine or any of the salts,
25 isomers and salts of isomers of pentazocine, methaqualone
26 or any of the salts, isomers and salts of isomers of

1 methaqualone, phencyclidine or any of the salts, isomers
2 and salts of isomers of phencyclidine (PCP), ketamine or
3 any of the salts, isomers and salts of isomers of ketamine,
4 or an analog thereof;

5 (6) 50 grams or more but less than 200 grams of any
6 substance containing a substance classified in Schedules I
7 or II, or an analog thereof, which is not otherwise
8 included in this subsection.

9 (d) Any person who violates this Section with regard to any
10 other amount of a controlled or counterfeit substance
11 classified in Schedules I or II, or an analog thereof, which is
12 (i) a narcotic drug, (ii) lysergic acid diethylamide (LSD) or
13 an analog thereof, or (iii) any substance containing
14 amphetamine or any salt or optical isomer of amphetamine, or an
15 analog thereof, is guilty of a Class 2 felony. The fine for
16 violation of this subsection (d) shall not be more than
17 \$200,000.

18 (e) Any person who violates this Section with regard to any
19 other amount of a controlled substance other than
20 methamphetamine or counterfeit substance classified in
21 Schedule I or II, or an analog thereof, which substance is not
22 included under subsection (d) of this Section, is guilty of a
23 Class 3 felony. The fine for violation of this subsection (e)
24 shall not be more than \$150,000.

25 (f) Any person who violates this Section with regard to any
26 other amount of a controlled or counterfeit substance

1 classified in Schedule III is guilty of a Class 3 felony. The
2 fine for violation of this subsection (f) shall not be more
3 than \$125,000.

4 (g) Any person who violates this Section with regard to any
5 other amount of a controlled or counterfeit substance
6 classified in Schedule IV is guilty of a Class 3 felony. The
7 fine for violation of this subsection (g) shall not be more
8 than \$100,000.

9 (h) Any person who violates this Section with regard to any
10 other amount of a controlled or counterfeit substance
11 classified in Schedule V is guilty of a Class 3 felony. The
12 fine for violation of this subsection (h) shall not be more
13 than \$75,000.

14 (i) This Section does not apply to the manufacture,
15 possession or distribution of a substance in conformance with
16 the provisions of an approved new drug application or an
17 exemption for investigational use within the meaning of Section
18 505 of the Federal Food, Drug and Cosmetic Act.

19 (720 ILCS 5/47.10-309 new)

20 Sec. 47.10-309. Manufacturing or distributing look-alike
21 substances.

22 (a) It is unlawful for any person knowingly to manufacture,
23 distribute, advertise, or possess with intent to manufacture or
24 distribute a look-alike substance. Any person who violates this
25 subsection (a) shall be guilty of a Class 3 felony, the fine

1 for which shall not exceed \$150,000.

2 (b) In any prosecution brought under this Section, it is
3 not a defense to a violation of this Section that the defendant
4 believed the look-alike substance actually to be a controlled
5 substance.

6 (c) Nothing in this Section applies to:

7 (1) The manufacture, processing, packaging,
8 distribution or sale of noncontrolled substances to
9 licensed medical practitioners for use as placebos in
10 professional practice or research.

11 (2) Persons acting in the course and legitimate scope
12 of their employment as law enforcement officers.

13 (3) The retention of production samples of
14 noncontrolled substances produced prior to the effective
15 date of this amendatory Act of 1982, where such samples are
16 required by federal law.

17 (d) Nothing in this Section or in the controlled substances
18 related offenses applies to the lawful manufacture,
19 processing, packaging, advertising or distribution of a drug or
20 drugs by any person registered pursuant to Section 510 of the
21 Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360).

22 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 2, Gp. C heading
23 new)

24 Group C. Methamphetamine

1 (720 ILCS 5/47.10-310 new)

2 Sec. 47.10-310. Participation in methamphetamine
3 manufacturing.

4 (a) (1) A person commits participation in methamphetamine
5 manufacturing when the person knowingly participates in the
6 manufacture of methamphetamine with the intent that
7 methamphetamine or a substance containing methamphetamine be
8 produced.

9 (2) A person who violates paragraph (1) of subsection (a)
10 is subject to the following penalties:

11 (A) A person who participates in the manufacture of
12 less than 15 grams of methamphetamine or a substance
13 containing methamphetamine is guilty of a Class 1 felony.

14 (B) A person who participates in the manufacture of 15
15 or more grams but less than 100 grams of methamphetamine or
16 a substance containing methamphetamine is guilty of a Class
17 X felony, subject to a term of imprisonment of not less
18 than 6 years and not more than 30 years, and subject to a
19 fine not to exceed \$100,000 or the street value of the
20 methamphetamine manufactured, whichever is greater.

21 (C) A person who participates in the manufacture of 100
22 or more grams but less than 400 grams of methamphetamine or
23 a substance containing methamphetamine is guilty of a Class
24 X felony, subject to a term of imprisonment of not less
25 than 9 years and not more than 40 years, and subject to a
26 fine not to exceed \$200,000 or the street value of the

1 methamphetamine manufactured, whichever is greater.

2 (D) A person who participates in the manufacture of 400
3 or more grams but less than 900 grams of methamphetamine or
4 a substance containing methamphetamine is guilty of a Class
5 X felony, subject to a term of imprisonment of not less
6 than 12 years and not more than 50 years, and subject to a
7 fine not to exceed \$300,000 or the street value of the
8 methamphetamine manufactured, whichever is greater.

9 (E) A person who participates in the manufacture of 900
10 grams or more of methamphetamine or a substance containing
11 methamphetamine is guilty of a Class X felony, subject to a
12 term of imprisonment of not less than 15 years and not more
13 than 60 years, and subject to a fine not to exceed \$400,000
14 or the street value of the methamphetamine, whichever is
15 greater.

16 (b) Aggravated participation in methamphetamine
17 manufacturing.

18 (1) A person commits aggravated participation in
19 methamphetamine manufacturing when the person violates
20 paragraph (1) of subsection (a) and the person knowingly:

21 (A) contributes to the cause of death, serious
22 bodily injury, disability, or disfigurement of another
23 person, including but not limited to an emergency
24 service provider; or

25 (B) contributes to the cause of a fire or explosion
26 that damages property belonging to another person; or

1 (C) organizes, directs, or finances the
2 methamphetamine manufacturing or activities carried
3 out in support of the methamphetamine manufacture.

4 (2) A person who violates paragraph (1) of subsection
5 (b) is subject to the following penalties:

6 (A) A person who participates in the manufacture of
7 less than 15 grams of methamphetamine or a substance
8 containing methamphetamine is guilty of a Class X
9 felony, subject to a term of imprisonment of not less
10 than 6 years and not more than 30 years, and subject to
11 a fine not to exceed \$100,000 or the street value of
12 the methamphetamine, whichever is greater.

13 (B) A person who participates in the manufacture of
14 15 or more grams but less than 100 grams of
15 methamphetamine or a substance containing
16 methamphetamine is guilty of a Class X felony, subject
17 to a term of imprisonment of not less than 9 years and
18 not more than 40 years, and subject to a fine not to
19 exceed \$200,000 or the street value of the
20 methamphetamine, whichever is greater.

21 (C) A person who participates in the manufacture of
22 100 or more grams but less than 400 grams of
23 methamphetamine or a substance containing
24 methamphetamine is guilty of a Class X felony, subject
25 to a term of imprisonment of not less than 12 years and
26 not more than 50 years, and subject to a fine not to

1 exceed \$300,000 or the street value of the
2 methamphetamine, whichever is greater.

3 (D) A person who participates in the manufacture of
4 400 grams or more of methamphetamine or a substance
5 containing methamphetamine is guilty of a Class X
6 felony, subject to a term of imprisonment of not less
7 than 15 years and not more than 60 years, and subject
8 to a fine not to exceed \$400,000 or the street value of
9 the methamphetamine, whichever is greater.

10 (720 ILCS 5/47.10-311 new)

11 Sec. 47.10-311. Methamphetamine delivery.

12 (a) A person commits methamphetamine delivery when the
13 person knowingly delivers or possesses with intent to deliver
14 methamphetamine or a substance containing methamphetamine.

15 (b) A person who violates subsection (a) is subject to the
16 following penalties:

17 (1) A person who delivers or possesses with intent to
18 deliver less than 5 grams of methamphetamine or a substance
19 containing methamphetamine is guilty of a Class 2 felony.

20 (2) A person who delivers or possesses with intent to
21 deliver 5 or more grams but less than 15 grams of
22 methamphetamine or a substance containing methamphetamine
23 is guilty of a Class 1 felony.

24 (3) A person who delivers or possesses with intent to
25 deliver 15 or more grams but less than 100 grams of

1 methamphetamine or a substance containing methamphetamine
2 is guilty of a Class X felony, subject to a term of
3 imprisonment of not less than 6 years and not more than 30
4 years, and subject to a fine not to exceed \$100,000 or the
5 street value of the methamphetamine, whichever is greater.

6 (4) A person who delivers or possesses with intent to
7 deliver 100 or more grams but less than 400 grams of
8 methamphetamine or a substance containing methamphetamine
9 is guilty of a Class X felony, subject to a term of
10 imprisonment of not less than 9 years and not more than 40
11 years, and subject to a fine not to exceed \$200,000 or the
12 street value of the methamphetamine, whichever is greater.

13 (5) A person who delivers or possesses with intent to
14 deliver 400 or more grams but less than 900 grams of
15 methamphetamine or a substance containing methamphetamine
16 is guilty of a Class X felony, subject to a term of
17 imprisonment of not less than 12 years and not more than 50
18 years, and subject to a fine not to exceed \$300,000 or the
19 street value of the methamphetamine, whichever is greater.

20 (6) A person who delivers or possesses with intent to
21 deliver 900 or more grams of methamphetamine or a substance
22 containing methamphetamine is guilty of a Class X felony,
23 subject to a term of imprisonment of not less than 15 years
24 and not more than 60 years, and subject to a fine not to
25 exceed \$400,000 or the street value of the methamphetamine,
26 whichever is greater.

1 (720 ILCS 5/47.10-312 new)

2 Sec. 47.10-312. Methamphetamine precursor.

3 (a) Methamphetamine precursor or substance containing any
4 methamphetamine precursor in standard dosage form.

5 (1) A person commits this offense when the person
6 knowingly possesses, procures, transports, stores, or
7 delivers any methamphetamine precursor or substance
8 containing any methamphetamine precursor in standard
9 dosage form with the intent that it be used to manufacture
10 methamphetamine or a substance containing methamphetamine.

11 (2) A person who violates paragraph (1) of subsection
12 (a) is subject to the following penalties:

13 (A) A person who possesses, procures, transports,
14 stores, or delivers less than 15 grams of
15 methamphetamine precursor or substance containing any
16 methamphetamine precursor is guilty of a Class 2
17 felony.

18 (B) A person who possesses, procures, transports,
19 stores, or delivers 15 or more grams but less than 30
20 grams of methamphetamine precursor or substance
21 containing any methamphetamine precursor is guilty of
22 a Class 1 felony.

23 (C) A person who possesses, procures, transports,
24 stores, or delivers 30 or more grams but less than 150
25 grams of methamphetamine precursor or substance

1 containing any methamphetamine precursor is guilty of
2 a Class X felony, subject to a term of imprisonment of
3 not less than 6 years and not more than 30 years, and
4 subject to a fine not to exceed \$100,000.

5 (D) A person who possesses, procures, transports,
6 stores, or delivers 150 or more grams but less than 500
7 grams of methamphetamine precursor or substance
8 containing any methamphetamine precursor is guilty of
9 a Class X felony, subject to a term of imprisonment of
10 not less than 8 years and not more than 40 years, and
11 subject to a fine not to exceed \$200,000.

12 (E) A person who possesses, procures, transports,
13 stores, or delivers 500 or more grams of
14 methamphetamine precursor or substance containing any
15 methamphetamine precursor is guilty of a Class X
16 felony, subject to a term of imprisonment of not less
17 than 10 years and not more than 50 years, and subject
18 to a fine not to exceed \$300,000.

19 (b) Methamphetamine precursor or substance containing any
20 methamphetamine precursor in any form other than a standard
21 dosage form.

22 (1) A person commits this offense when the person
23 knowingly possesses, procures, transports, stores, or
24 delivers any methamphetamine precursor or substance
25 containing any methamphetamine precursor in any form other
26 than a standard dosage form with the intent that it be used

1 to manufacture methamphetamine or a substance containing
2 methamphetamine.

3 (2) A person who violates paragraph (1) of subsection
4 (b) is subject to the following penalties:

5 (A) A person who violates paragraph (1) of this
6 subsection (b) with the intent that less than 10 grams
7 of methamphetamine or a substance containing
8 methamphetamine be manufactured is guilty of a Class 2
9 felony.

10 (B) A person who violates paragraph (1) of this
11 subsection (b) with the intent that 10 or more grams
12 but less than 20 grams of methamphetamine or a
13 substance containing methamphetamine be manufactured
14 is guilty of a Class 1 felony.

15 (C) A person who violates paragraph (1) of this
16 subsection (b) with the intent that 20 or more grams
17 but less than 100 grams of methamphetamine or a
18 substance containing methamphetamine be manufactured
19 is guilty of a Class X felony, subject to a term of
20 imprisonment of not less than 6 years and not more than
21 30 years, and subject to a fine not to exceed \$100,000.

22 (D) A person who violates paragraph (1) of this
23 subsection (b) with the intent that 100 or more grams
24 but less than 350 grams of methamphetamine or a
25 substance containing methamphetamine be manufactured
26 is guilty of a Class X felony, subject to a term of

1 imprisonment of not less than 8 years and not more than
2 40 years, and subject to a fine not to exceed \$200,000.

3 (E) A person who violates paragraph (1) of this
4 subsection (b) with the intent that 350 or more grams
5 of methamphetamine or a substance containing
6 methamphetamine be manufactured is guilty of a Class X
7 felony, subject to a term of imprisonment of not less
8 than 10 years and not more than 50 years, and subject
9 to a fine not to exceed \$300,000.

10 (c) Rule of evidence. The trier of fact may infer that any
11 methamphetamine precursor located within a sealed factory
12 imprinted container, at the time of seizure by law enforcement,
13 including but not limited to a bottle, box, package, blister
14 pack, is in fact material so described and in the amount listed
15 on the container.

16 (720 ILCS 5/47.10-313 new)

17 Sec. 47.10-313. Anhydrous ammonia.

18 (a) Possession, procurement, transportation, storage, or
19 delivery of anhydrous ammonia with the intent that it be used
20 to manufacture methamphetamine.

21 (1) A person commits this offense when the person
22 knowingly possesses, procures, transports, stores, or
23 delivers anhydrous ammonia or attempts to engage in any of
24 these activities or assists another in engaging in any of
25 these activities with the intent that the anhydrous ammonia

1 be used to manufacture methamphetamine.

2 (2) A person who violates paragraph (1) of this
3 subsection (a) is guilty of a Class 1 felony.

4 (b) Aggravated possession, procurement, transportation,
5 storage, or delivery anhydrous ammonia with the intent that it
6 be used to manufacture methamphetamine.

7 (1) A person commits this offense when the person
8 knowingly possesses, procures, transports, stores, or
9 delivers anhydrous ammonia or attempts to engage in any of
10 these activities or assists another in engaging in any of
11 these activities with the intent that the anhydrous ammonia
12 be used to manufacture methamphetamine and:

13 (A) the person knowingly does so in a multi-unit
14 dwelling;

15 (B) the person knowingly does so in a structure or
16 vehicle where a child under the age of 18, or a person
17 with a disability, or a person who is 60 years of age
18 or older who is incapable of adequately providing for
19 his or her own health and personal care resides, is
20 present, or is endangered by the anhydrous ammonia;

21 (C) the person's possession, procurement,
22 transportation, storage, or delivery of anhydrous
23 ammonia is a contributing cause of the death, serious
24 bodily injury, disability, or disfigurement of another
25 person; or

26 (D) the person's possession, procurement,

1 transportation, storage, or delivery of anhydrous
2 ammonia is a contributing cause of a fire or explosion
3 that damages property belonging to another person.

4 (2) A person who violates paragraph (1) of this
5 subsection (b) is guilty of a Class X felony, subject to a
6 term of imprisonment of not less than 6 years and not more
7 than 30 years, and subject to a fine not to exceed
8 \$100,000.

9 (c) Possession, procurement, transportation, storage, or
10 delivery of anhydrous ammonia in an unauthorized container.

11 (1) A person commits this offense when the person
12 knowingly possesses, procures, transports, stores, or
13 delivers anhydrous ammonia in an unauthorized container.

14 (2) A person who violates paragraph (1) of this
15 subsection (c) is guilty of a Class 3 felony.

16 (3) Affirmative defense. It is an affirmative defense
17 that the person charged possessed, procured, transported,
18 stored, or delivered anhydrous ammonia in a manner that
19 substantially complied with the rules governing anhydrous
20 ammonia equipment found in 8 Illinois Administrative Code
21 Section 215, in 92 Illinois Administrative Code Sections
22 171 through 180, or in any provision of the Code of Federal
23 Regulations incorporated by reference into these Sections
24 of the Illinois Administrative Code.

25 (d) Tampering with anhydrous ammonia equipment.

26 (1) A person commits this offense when, without

1 authorization from the lawful owner, the person knowingly:

2 (A) removes or attempts to remove anhydrous
3 ammonia from the anhydrous ammonia equipment used by
4 the lawful owner;

5 (B) damages or attempts to damage the anhydrous
6 ammonia equipment used by the lawful owner; or

7 (C) vents or attempts to vent anhydrous ammonia
8 into the environment.

9 (2) A person who violates paragraph (1) of this
10 subsection (d) is guilty of a Class 3 felony.

11 (720 ILCS 5/47.10-314 new)

12 Sec. 47.10-314. Methamphetamine manufacturing material.

13 (a) A person commits this offense when the person knowingly
14 possesses, procures, transports, stores, or delivers of any
15 methamphetamine manufacturing material, other than a
16 methamphetamine precursor, substance containing a
17 methamphetamine precursor, or anhydrous ammonia, with the
18 intent that it be used to manufacture methamphetamine.

19 (b) A person who violates subsection (a) of this Section is
20 guilty of a Class 2 felony.

21 (720 ILCS 5/47.10-315 new)

22 Sec. 47.10-315. Protection of methamphetamine
23 manufacturing.

24 (a) A person commits protection of methamphetamine

1 manufacturing when:

2 (1) the person knows that others have been
3 participating, are participating, or will be participating
4 in the manufacture of methamphetamine; and

5 (2) with the intent to help prevent detection of or
6 interference with the methamphetamine manufacturing, the
7 person serves as a lookout for or guard of the
8 methamphetamine manufacturing.

9 (b) A person who violates subsection (a) of this Section is
10 guilty of a Class 2 felony.

11 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 3 heading new)

12 Subdivision 3. Trafficking offenses

13 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 3, Gp. A heading
14 new)

15 Group A. Cannabis

16 (720 ILCS 5/47.10-316 new)

17 Sec. 47.10-316. Cannabis trafficking.

18 (a) Except for purposes authorized by cannabis related
19 offenses, a person commits the offense of Cannabis trafficking
20 when he or she knowingly brings or causes to be brought into
21 this State for the purpose of manufacture or delivery or with
22 the intent to manufacture or deliver 2,500 grams or more of
23 cannabis in this State or any other state or country.

1 (b) A person convicted of Cannabis trafficking shall be
2 sentenced to a term of imprisonment not less than twice the
3 minimum term and fined an amount as authorized by subsection
4 (f) or (g) of Section 5 of this Act, based upon the amount of
5 cannabis brought or caused to be brought into this State, and
6 not more than twice the maximum term of imprisonment and fined
7 twice the amount as authorized by that provision, based upon
8 the amount of cannabis brought or caused to be brought into
9 this State.

10 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 3, Gp. B heading
11 new)

12 Group B. Controlled Substances

13 (720 ILCS 5/47.10-317 new)

14 Sec. 47.10-317. Controlled substance trafficking.

15 (a) Except for purposes as authorized by the controlled
16 substances related offenses, a person commits the offense of
17 Controlled substance trafficking when he or she knowingly
18 brings or causes to be brought into this State for the purpose
19 of manufacture or delivery, or with the intent to manufacture
20 or deliver a controlled substance other than methamphetamine or
21 counterfeit substance in this or any other state or country.

22 (b) A person convicted of controlled substance trafficking
23 shall be sentenced to a term of imprisonment not less than
24 twice the minimum term and fined an amount as authorized by

1 Section 401 of the controlled substances related offenses,
2 based upon the amount of controlled or counterfeit substance
3 brought or caused to be brought into this State, and not more
4 than twice the maximum term of imprisonment and fined twice the
5 amount as authorized by Section 401 of the controlled
6 substances related offenses, based upon the amount of
7 controlled or counterfeit substance brought or caused to be
8 brought into this State.

9 (c) It shall be a Class 2 felony for which a fine not to
10 exceed \$100,000 may be imposed for any person to knowingly use
11 a cellular radio telecommunication device in the furtherance of
12 controlled substance trafficking. This penalty shall be in
13 addition to any other penalties imposed by law.

14 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 3, Gp. C heading
15 new)

16 Group C. Methamphetamine

17 (720 ILCS 5/47.10-318 new)

18 Sec. 47.10-318. Methamphetamine trafficking.

19 (a) Except for purposes as authorized by
20 methamphetamine-related offenses, any person who knowingly
21 brings, or causes to be brought, into this State
22 methamphetamine, anhydrous ammonia, or a methamphetamine
23 precursor for the purpose of manufacture or delivery of
24 methamphetamine or with the intent to manufacture or deliver

1 methamphetamine is guilty of methamphetamine trafficking.

2 (b) A person convicted of methamphetamine trafficking
3 shall be sentenced to a term of imprisonment of not less than
4 twice the minimum term and not more than twice the maximum term
5 of imprisonment based upon the amount of methamphetamine
6 brought or caused to be brought into this State, as provided in
7 subsection (a) of the offense of Methamphetamine delivery in
8 Section 47.10-311.

9 (c) A person convicted of methamphetamine trafficking
10 based upon a methamphetamine precursor shall be sentenced to a
11 term of imprisonment of not less than twice the minimum term
12 and not more than twice the maximum term of imprisonment based
13 upon the amount of methamphetamine precursor provided in
14 subsection (a) or (b) of the offense of Methamphetamine
15 precursor in Section 47.10-312 brought or caused to be brought
16 into this State.

17 (d) A person convicted of methamphetamine trafficking
18 based upon paragraph (1) of the offense of anhydrous ammonia in
19 Section 47.10-313 shall be sentenced to a term of imprisonment
20 of not less than twice the minimum term and not more than twice
21 the maximum term of imprisonment provided in paragraph (1) of
22 subsection (a) of the offense of anhydrous ammonia in Section
23 47.10-313.

24 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 4 heading new)

25 Subdivision 4. Conspiracy offenses

1 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 4, Gp. A heading
2 new)

3 Group A. Cannabis

4 (720 ILCS 5/47.10-319 new)

5 Sec. 47.10-319. Calculated criminal cannabis conspiracy.

6 (a) A person engages in a calculated criminal cannabis
7 conspiracy when:

8 (1) he possesses, manufactures, delivers, or possess
9 with intent to deliver more than 30 grams but less than
10 2000 grams of cannabis, or possesses or produces more than
11 20 cannabis sativa plants and

12 (2) such violation is a part of a conspiracy undertaken
13 or carried on with 2 or more other persons; and

14 (3) he obtains anything of value greater than \$500
15 from, or organizes, directs or finances such violation or
16 conspiracy.

17 (b) Any person who engages in a calculated criminal
18 cannabis conspiracy is guilty of a Class 3 felony, and fined
19 not more than \$200,000 and shall be subject to the forfeitures;
20 except that, if any person engages in such offense after one or
21 more prior convictions under this Section, or the possession,
22 manufacture, delivery, or possession with intent to deliver
23 more than 30 grams of cannabis or more than 50 cannabis sativa
24 plant or any law of the United States or of any State relating

1 to cannabis, or controlled substances as defined in the Code in
2 addition to the fine and forfeiture, he shall be guilty of a
3 Class 1 felony for which an offender may not be sentenced to
4 death.

5 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 4, Gp. B heading
6 new)

7 Group B. Controlled Substances

8 (720 ILCS 5/47.10-320 new)

9 Sec. 47.10-320. Criminal drug conspiracy.

10 (a) Elements of the offense. A person commits criminal drug
11 conspiracy when, with the intent that an offense set forth in
12 Section 401, Section 402, or Section 407 of the controlled
13 substances related offenses be committed, he agrees with
14 another to the commission of that offense. No person may be
15 convicted of conspiracy to commit such an offense unless an act
16 in furtherance of such agreement is alleged and proved to have
17 been committed by him or by a co-conspirator.

18 (b) Co-conspirators. It shall not be a defense to
19 conspiracy that the person or persons with whom the accused is
20 alleged to have conspired:

21 (1) Has not been prosecuted or convicted, or

22 (2) Has been convicted of a different offense, or

23 (3) Is not amenable to justice, or

24 (4) Has been acquitted, or

1 (5) Lacked the capacity to commit an offense.

2 (c) Sentence. A person convicted of criminal drug
3 conspiracy may be fined or imprisoned or both, but any term of
4 imprisonment imposed shall be not less than the minimum nor
5 more than the maximum provided for the offense which is the
6 object of the conspiracy.

7 (720 ILCS 5/47.10-321 new)

8 Sec. 47.10-321. Calculated criminal drug conspiracy.

9 (a) For purposes of this section, a person engages in a
10 calculated criminal drug conspiracy when:

11 (1) he violates any of the provisions of subsection (a)
12 or (c) of Section 401 or subsection (a) of Section 402; and

13 (2) such violation is a part of a conspiracy undertaken
14 or carried on with two or more other persons; and

15 (3) he obtains anything of value greater than \$500
16 from, or organizes, directs or finances such violation or
17 conspiracy.

18 (b) Any person who engages in a calculated criminal drug
19 conspiracy, as defined in subsection (b), is guilty of a Class
20 X felony. The fine for violation of this Section shall not be
21 more than \$500,000, and the offender shall be subject to the
22 forfeitures prescribed in subsection (c).

23 (c) Any person who is convicted under this section of
24 engaging in a calculated criminal drug conspiracy shall forfeit
25 to the State of Illinois:

1 (1) the receipts obtained by him in such conspiracy;
2 and

3 (2) any of his interests in, claims against, receipts
4 from, or property or rights of any kind affording a source
5 of influence over, such conspiracy.

6 (d) The circuit court may enter such injunctions,
7 restraining orders, directions or prohibitions, or to take such
8 other actions, including the acceptance of satisfactory
9 performance bonds, in connection with any property, claim,
10 receipt, right or other interest subject to forfeiture under
11 this Section, as it deems proper.

12 (720 ILCS 5/47.10-322 new)

13 Sec. 47.10-322. Streetgang criminal drug conspiracy.

14 (a) Any person who engages in a streetgang criminal drug
15 conspiracy, as defined in this Section, is guilty of a Class X
16 felony for which the offender shall be sentenced to a term of
17 imprisonment as follows:

18 (1) not less than 15 years and not more than 60 years
19 for a violation of subsection (a) of Section 401;

20 (2) not less than 10 years and not more than 30 years
21 for a violation of subsection (c) of Section 401.

22 For the purposes of this Section, a person engages in a
23 streetgang criminal drug conspiracy when:

24 (i) he or she violates any of the provisions of
25 subsection (a) or (c) of Section 401 of the controlled

1 substances related offenses; and

2 (ii) such violation is part of a conspiracy undertaken
3 or carried out with 2 or more other persons; and

4 (iii) such conspiracy is in furtherance of the
5 activities of an organized gang as defined in the Illinois
6 Streetgang Terrorism Omnibus Prevention Act; and

7 (iv) he or she occupies a position of organizer, a
8 supervising person, or any other position of management
9 with those persons identified in clause (ii) of this
10 subsection (a).

11 The fine for a violation of this Section shall not be more
12 than \$500,000, and the offender shall be subject to the
13 forfeitures prescribed in subsection (b).

14 (b) Subject to the provisions of Section 8 of the Drug
15 Asset Forfeiture Procedure Act, any person who is convicted
16 under this Section of engaging in a streetgang criminal drug
17 conspiracy shall forfeit to the State of Illinois:

18 (1) the receipts obtained by him or her in such
19 conspiracy; and

20 (2) any of his or her interests in, claims against,
21 receipts from, or property or rights of any kind affording
22 a source of influence over, such conspiracy.

23 (c) The circuit court may enter such injunctions,
24 restraining orders, directions or prohibitions, or may take
25 such other actions, including the acceptance of satisfactory
26 performance bonds, in connection with any property, claim,

1 receipt, right or other interest subject to forfeiture under
2 this Section, as it deems proper.

3 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 4, Gp. C heading
4 new)

5 Group C. Methamphetamine

6 (720 ILCS 5/47.10-323 new)

7 Sec. 47.10-323. Methamphetamine conspiracy.

8 (a) It is unlawful to engage in a methamphetamine
9 conspiracy. A person engages in a methamphetamine conspiracy
10 when:

11 (1) the person intends to violate one or more
12 provisions of this Act;

13 (2) the person agrees with one or more persons to
14 violate one or more provisions of this Act; and

15 (3) the person or any party to the agreement commits an
16 act in furtherance of the agreement.

17 (b) Streetgang methamphetamine conspiracy

18 (1) For the purposes of this Section, a person engages
19 in a streetgang methamphetamine conspiracy when:

20 (i) he or she violates any of the provisions of
21 this Act; and

22 (ii) such violation is part of a conspiracy
23 undertaken or carried out with 2 or more other persons;
24 and

1 (iii) such conspiracy is in furtherance of the
2 activities of an organized gang as defined in the
3 Illinois Streetgang Terrorism Omnibus Prevention Act;
4 and

5 (iv) he or she occupies a position of organizer, a
6 supervising person, or any other position of
7 management with those persons identified in clause
8 (ii) of this subsection (f).

9 (c) Sentence.

10 (1) A person convicted of committing methamphetamine
11 conspiracy in violation of subsection (a) shall face the
12 penalty for the offense that is the object of the
13 conspiracy.

14 (2) A person convicted of committing streetgang
15 methamphetamine conspiracy in violation of subsection (b)
16 shall be guilty of a Class X felony for which the offender
17 shall be sentenced to a term of imprisonment as follows:

18 (i) not less than 15 years and not more than 60
19 years for any violation of a methamphetamine related
20 offense involving 100 or more grams of methamphetamine
21 or a substance containing methamphetamine;

22 (ii) not less than 10 years and not more than 30
23 years for a violation of a methamphetamine related
24 offense involving less than 100 grams of
25 methamphetamine or a substance containing
26 methamphetamine.

1 (d) A person convicted of violating this Section may be
2 held accountable for the cumulative weight of any
3 methamphetamine, substance containing methamphetamine,
4 methamphetamine precursor, or substance containing
5 methamphetamine precursor attributable to the conspiracy for
6 the duration of the conspiracy.

7 (e) It is not a defense to a methamphetamine conspiracy
8 charge that the person or persons with whom the person charged
9 is alleged to have conspired have not been prosecuted or
10 convicted, have been acquitted, have been convicted of a
11 different offense, are not amenable to justice, or lacked the
12 capacity to commit the offense.

13 (f) When any person is convicted under this Section of
14 engaging in a methamphetamine conspiracy, the following shall
15 be subject to forfeiture to the State of Illinois: the receipts
16 the person obtained in the conspiracy and any of the person's
17 interests in, claims against, receipts from, or property or
18 rights of any kind affording a source of influence over, the
19 conspiracy. The circuit court may enter such injunctions,
20 restraining orders, directions, or prohibitions, or take such
21 other actions, including the acceptance of satisfactory
22 performance bonds, in connection with any property, claim,
23 receipt, right, or other interest subject to forfeiture under
24 this Section, as it deems proper.

1 Subdivision 5. Protected party offenses

2 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 5, Gp. A heading
3 new)

4 Group A. Cannabis

5 (720 ILCS 5/47.10-324 new)

6 Sec. 47.10-324. Delivery of cannabis to person under 18.

7 (a) Any person who is at least 18 years of age who delivers
8 cannabis to a person under 18 years of age who is at least 3
9 years his junior may be sentenced to imprisonment for a term up
10 to twice the maximum term for such a delivery.

11 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 5, Gp. B heading
12 new)

13 Group B. Controlled Substances

14 (720 ILCS 5/47.10-325 new)

15 Sec. 47.10-325. Delivery to person under 18. Any person 18
16 years of age or over who violates any subsection of Section 401
17 or subsection (b) of Section 404 by delivering a controlled,
18 counterfeit or look-alike substance to a person under 18 years
19 of age may be sentenced to imprisonment for a term up to twice
20 the maximum term and fined an amount up to twice that amount
21 otherwise authorized by the pertinent subsection of Section 401
22 and Subsection (b) of Section 404.

1 (720 ILCS 5/47.10-326 new)

2 Sec. 47.10-326. Employing person under 18 to deliver
3 substance. Any person 18 years of age or over who violates any
4 subsection of Section 401, Section 404 or Section 405 by using,
5 engaging or employing a person under 18 years of age to deliver
6 a controlled, counterfeit or look-alike substance may be
7 sentenced to imprisonment for a term up to three times the
8 maximum amount authorized by the pertinent subsection of
9 Section 401, Section 404 or Section 405.

10 (720 ILCS 5/47.10-327 new)

11 Sec. 47.10-327. Delivery of a controlled substance to a
12 pregnant woman.

13 (a) Any person who violates subsection (a) of Section 401
14 of the controlled substances related offenses by delivering a
15 controlled substance to a woman he knows to be pregnant may be
16 sentenced to imprisonment for a term twice the maximum amount
17 authorized by Section 401 of the controlled substances related
18 offenses.

19 (b) Any person who delivers an amount of a controlled
20 substance set forth in subsections (c) and (d) of Section 401
21 of the controlled substances related offenses to a woman he
22 knows to be pregnant commits a Class 1 felony. The fine for a
23 violation of this subsection (b) shall not be more than
24 \$250,000.

1 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 5, Gp. C heading
2 new)

3 Group C. Methamphetamine

4 (720 ILCS 5/47.10-328 new)

5 Sec. 47.10-328. Aggravated participation in
6 methamphetamine manufacturing; protected parties.

7 (a) A person commits aggravated participation in
8 methamphetamine manufacturing; protected parties, when the
9 person knowingly participates in the manufacture of
10 methamphetamine with the intent that methamphetamine or a
11 substance containing methamphetamine be produced and the
12 person knowingly does so:

13 (1) in a structure or vehicle where a child under the
14 age of 18, a person with a disability, or a person 60 years
15 of age or older who is incapable of adequately providing
16 for his or her own health and personal care resides, is
17 present, or is endangered by the manufacture of
18 methamphetamine; or

19 (2) in a structure or vehicle where a woman the person
20 knows to be pregnant (including but not limited to the
21 person herself) resides, is present, or is endangered by
22 the methamphetamine manufacture.

23 (b) A person who violates this Section is subject to the
24 following penalties:

1 (1) A person who participates in the manufacture of
2 less than 15 grams of methamphetamine or a substance
3 containing methamphetamine is guilty of a Class X felony,
4 subject to a term of imprisonment of not less than 6 years
5 and not more than 30 years, and subject to a fine not to
6 exceed \$100,000 or the street value of the methamphetamine,
7 whichever is greater.

8 (2) A person who participates in the manufacture of 15
9 or more grams but less than 100 grams of methamphetamine or
10 a substance containing methamphetamine is guilty of a Class
11 X felony, subject to a term of imprisonment of not less
12 than 9 years and not more than 40 years, and subject to a
13 fine not to exceed \$200,000 or the street value of the
14 methamphetamine, whichever is greater.

15 (3) A person who participates in the manufacture of 100
16 or more grams but less than 400 grams of methamphetamine or
17 a substance containing methamphetamine is guilty of a Class
18 X felony, subject to a term of imprisonment of not less
19 than 12 years and not more than 50 years, and subject to a
20 fine not to exceed \$300,000 or the street value of the
21 methamphetamine, whichever is greater.

22 (4) A person who participates in the manufacture of 400
23 grams or more of methamphetamine or a substance containing
24 methamphetamine is guilty of a Class X felony, subject to a
25 term of imprisonment of not less than 15 years and not more
26 than 60 years, and subject to a fine not to exceed \$400,000

1 or the street value of the methamphetamine, whichever is
2 greater.

3 (720 ILCS 5/47.10-329 new)

4 Sec. 47.10-329. Aggravated methamphetamine delivery;
5 protected parties.

6 (a) A person commits aggravated methamphetamine delivery;
7 protected parties, when the person knowingly delivers or
8 possesses with intent to deliver methamphetamine or a substance
9 containing methamphetamine and:

10 (1) the person is at least 18 years of age and
11 knowingly delivers or possesses with intent to deliver the
12 methamphetamine or substance containing methamphetamine to
13 a person under 18 years of age;

14 (2) the person is at least 18 years of age and
15 knowingly uses, engages, employs, or causes another person
16 to use, engage, or employ a person under 18 years of age to
17 deliver the methamphetamine or substance containing
18 methamphetamine;

19 (3) the person delivers or causes another person to
20 deliver the methamphetamine or substance containing
21 methamphetamine to a woman that the person knows to be
22 pregnant.

23 (b) A person who violates this Section is subject to the
24 following penalties:

25 (1) A person who delivers or possesses with intent to

1 deliver less than 5 grams of methamphetamine or a substance
2 containing methamphetamine is guilty of a Class 1 felony.

3 (2) A person who delivers or possesses with intent to
4 deliver 5 or more grams but less than 15 grams of
5 methamphetamine or a substance containing methamphetamine
6 is guilty of a Class X felony, subject to a term of
7 imprisonment of not less than 6 years and not more than 30
8 years, and subject to a fine not to exceed \$100,000 or the
9 street value of the methamphetamine, whichever is greater.

10 (3) A person who delivers or possesses with intent to
11 deliver 15 or more grams but less than 100 grams of
12 methamphetamine or a substance containing methamphetamine
13 is guilty of a Class X felony, subject to a term of
14 imprisonment of not less than 8 years and not more than 40
15 years, and subject to a fine not to exceed \$200,000 or the
16 street value of the methamphetamine, whichever is greater.

17 (4) A person who delivers or possesses with intent to
18 deliver 100 or more grams of methamphetamine or a substance
19 containing methamphetamine is guilty of a Class X felony,
20 subject to a term of imprisonment of not less than 10 years
21 and not more than 50 years, and subject to a fine not to
22 exceed \$300,000 or the street value of the methamphetamine,
23 whichever is greater.

24 (720 ILCS 5/47.10-330 new)

25 Sec. 47.10-330. Methamphetamine child endangerment.

1 (a) (1) A person commits methamphetamine child
2 endangerment when the person knowingly endangers the life
3 and health of a child by exposing or allowing exposure of
4 the child to a methamphetamine manufacturing environment.

5 (2) A person who violates paragraph (1) of subsection
6 (a) is guilty of a Class 2 felony.

7 (b) Aggravated methamphetamine child endangerment.

8 (1) A person commits aggravated methamphetamine child
9 endangerment when the person violates paragraph (1) of
10 subsection (a) of this Section and the child experiences
11 death, great bodily harm, disability, or disfigurement as a
12 result of the methamphetamine-related child endangerment.

13 (2) A person who violates paragraph (1) of subsection
14 (b) is guilty of a Class X felony, subject to a term of
15 imprisonment of not less than 6 years and not more than 30
16 years, and subject to a fine not to exceed \$100,000.

17 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 6 heading new)

18 Subdivision 6. Protected place offenses

19 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 6, Gp. A heading
20 new)

21 Group A. Cannabis

22 (720 ILCS 5/47.10-331 new)

23 Sec. 47.10-331. Delivery of cannabis on school grounds.

1 (a) Any person who delivers on the real property comprising
2 any school, or any conveyance owned, leased or contracted by a
3 school to transport students to or from school or a school
4 related activity, or on any public way within 1,000 feet of the
5 real property comprising any school, or within 100 feet of an
6 student-occupied conveyance owned, leased or contracted by a
7 school to transport students to or from school or a school
8 related activity an amount of cannabis is subject to enhanced
9 penalty. If a person delivers:

10 (1) not more than 2.5 grams of cannabis, he or she is
11 guilty of a Class A misdemeanor;

12 (2) more than 2.5 grams but less than 10 grams, he or
13 she is guilty of a Class 4 felony, the fine for which shall
14 not exceed \$25,000;

15 (3) more than 10 grams but less than 30 grams, he or
16 she is guilty of a Class 3 felony, the fine for which shall
17 not exceed \$50,000;

18 (4) more than 30 grams but less than 500 grams is
19 guilty of a Class 2 felony, the fine for which shall not
20 exceed \$100,000;

21 (5) more than 500 grams but less than 2,000 grams he or
22 she is guilty of a Class 1 felony, the fine for which shall
23 not exceed \$200,000.

24 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 6, Gp. B heading
25 new)

1 Group B. Controlled Substances

2 (720 ILCS 5/47.10-332 new)

3 Sec. 47.10-332. Aggravated delivery of a controlled
4 substance in a protected place. A person commits the offense of
5 Aggravated delivery of a controlled substance in a protected
6 place when he or she:

7 (a) (1) Except as provided in paragraph (2) of this
8 subsection, violates:

9 (A) subsection (c) of Section 401 by delivering or
10 possessing with intent to deliver a controlled,
11 counterfeit, or look-alike substance in or on, or
12 within 1,000 feet of, a truck stop or safety rest area,
13 is guilty of a Class 1 felony, the fine for which shall
14 not exceed \$250,000;

15 (B) subsection (d) of Section 401 by delivering or
16 possessing with intent to deliver a controlled,
17 counterfeit, or look-alike substance in or on, or
18 within 1,000 feet of, a truck stop or safety rest area,
19 is guilty of a Class 2 felony, the fine for which shall
20 not exceed \$200,000;

21 (C) subsection (e) of Section 401 or subsection (b)
22 of Section 404 by delivering or possessing with intent
23 to deliver a controlled, counterfeit, or look-alike
24 substance in or on, or within 1,000 feet of, a truck
25 stop or safety rest area, is guilty of a Class 3

1 felony, the fine for which shall not exceed \$150,000;

2 (D) subsection (f) of Section 401 by delivering or
3 possessing with intent to deliver a controlled,
4 counterfeit, or look-alike substance in or on, or
5 within 1,000 feet of, a truck stop or safety rest area,
6 is guilty of a Class 3 felony, the fine for which shall
7 not exceed \$125,000;

8 (E) subsection (g) of Section 401 by delivering or
9 possessing with intent to deliver a controlled,
10 counterfeit, or look-alike substance in or on, or
11 within 1,000 feet of, a truck stop or safety rest area,
12 is guilty of a Class 3 felony, the fine for which shall
13 not exceed \$100,000;

14 (F) subsection (h) of Section 401 by delivering or
15 possessing with intent to deliver a controlled,
16 counterfeit, or look-alike substance in or on, or
17 within 1,000 feet of, a truck stop or safety rest area,
18 is guilty of a Class 3 felony, the fine for which shall
19 not exceed \$75,000;

20 (2) Any person who violates paragraph (1) of this
21 subsection (a) by delivering or possessing with intent to
22 deliver a controlled, counterfeit, or look-alike substance
23 in or on, or within 1,000 feet of a truck stop or a safety
24 rest area, following a prior conviction or convictions of
25 paragraph (1) of this subsection (a) may be sentenced to a
26 term of imprisonment up to 2 times the maximum term and

1 fined an amount up to 2 times the amount otherwise
2 authorized by Section 401.

3 (b) A person commits the offense of Aggravated delivery of
4 a controlled substance in a protected place when he or she
5 violates:

6 (1) subsection (c) of Section 401 in a protected place
7 is guilty of a Class X felony, the fine for which shall not
8 exceed \$500,000;

9 (2) subsection (d) of Section 401 in a protected place
10 is guilty of a Class 1 felony, the fine for which shall not
11 exceed \$250,000;

12 (3) subsection (e) of Section 401 or Subsection (b) of
13 Section 404 in a protected place is guilty of a Class 2
14 felony, the fine for which shall not exceed \$200,000;

15 (4) subsection (f) of Section 401 in a protected place
16 is guilty of a Class 2 felony, the fine for which shall not
17 exceed \$150,000;

18 (5) subsection (g) of Section 401 in a protected place
19 is guilty of a Class 2 felony, the fine for which shall not
20 exceed \$125,000;

21 (6) subsection (h) of Section 401 in a protected place
22 is guilty of a Class 2 felony, the fine for which shall not
23 exceed \$100,000.

24 (c) Regarding penalties prescribed in subsection (b) for
25 violations committed in a school or on or within 1,000 feet of
26 school property, the time of day, time of year and whether

1 classes were currently in session at the time of the offense is
2 irrelevant.

3 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 6, Gp. C heading
4 new)

5 Group C. Methamphetamine

6 (720 ILCS 5/47.10-333 new)

7 Sec. 47.10-333. Aggravated participation in
8 methamphetamine manufacturing; protected places.

9 (a) A person commits aggravated participation in
10 methamphetamine manufacturing; protected places, when the
11 person knowingly participates in the manufacture of
12 methamphetamine with the intent that methamphetamine or a
13 substance containing methamphetamine be produced and the
14 person knowingly does so:

15 (1) in a multi-unit dwelling; or

16 (2) in a structure or vehicle protected by one or more
17 firearms, explosive devices, booby traps, alarm systems,
18 surveillance systems, guard dogs, or dangerous animals.

19 (b) A person who violates this Section is subject to the
20 following penalties:

21 (1) A person who participates in the manufacture of
22 less than 15 grams of methamphetamine or a substance
23 containing methamphetamine is guilty of a Class X felony,
24 subject to a term of imprisonment of not less than 6 years

1 and not more than 30 years, and subject to a fine not to
2 exceed \$100,000 or the street value of the methamphetamine,
3 whichever is greater.

4 (2) A person who participates in the manufacture of 15
5 or more grams but less than 100 grams of methamphetamine or
6 a substance containing methamphetamine is guilty of a Class
7 X felony, subject to a term of imprisonment of not less
8 than 9 years and not more than 40 years, and subject to a
9 fine not to exceed \$200,000 or the street value of the
10 methamphetamine, whichever is greater.

11 (3) A person who participates in the manufacture of 100
12 or more grams but less than 400 grams of methamphetamine or
13 a substance containing methamphetamine is guilty of a Class
14 X felony, subject to a term of imprisonment of not less
15 than 12 years and not more than 50 years, and subject to a
16 fine not to exceed \$300,000 or the street value of the
17 methamphetamine, whichever is greater.

18 (4) A person who participates in the manufacture of 400
19 grams or more of methamphetamine or a substance containing
20 methamphetamine is guilty of a Class X felony, subject to a
21 term of imprisonment of not less than 15 years and not more
22 than 60 years, and subject to a fine not to exceed \$400,000
23 or the street value of the methamphetamine, whichever is
24 greater.

25 (720 ILCS 5/47.10-334 new)

1 Sec. 47.10-334. Aggravated methamphetamine delivery;
2 protected places.

3 (a) A person commits aggravated methamphetamine delivery;
4 protected places when the person knowingly delivers or
5 possesses with intent to deliver methamphetamine or a substance
6 containing methamphetamine and:

7 (1) the person knowingly delivers or possesses with
8 intent to deliver the methamphetamine or substance
9 containing methamphetamine in any structure or vehicle
10 protected by one or more firearms, explosive devices, booby
11 traps, alarm systems, surveillance systems, guard dogs, or
12 dangerous animals;

13 (2) the person knowingly delivers or possesses with
14 intent to deliver the methamphetamine or substance
15 containing methamphetamine in any school, on any real
16 property comprising any school, or in any conveyance owned,
17 leased, or contracted by a school to transport students to
18 or from school or a school-related activity;

19 (b) A person who violates this Section is subject to the
20 following penalties:

21 (1) A person who delivers or possesses with intent to
22 deliver less than 5 grams of methamphetamine or a substance
23 containing methamphetamine is guilty of a Class 1 felony.

24 (2) A person who delivers or possesses with intent to
25 deliver 5 or more grams but less than 15 grams of
26 methamphetamine or a substance containing methamphetamine

1 is guilty of a Class X felony, subject to a term of
2 imprisonment of not less than 6 years and not more than 30
3 years, and subject to a fine not to exceed \$100,000 or the
4 street value of the methamphetamine, whichever is greater.

5 (3) A person who delivers or possesses with intent to
6 deliver 15 or more grams but less than 100 grams of
7 methamphetamine or a substance containing methamphetamine
8 is guilty of a Class X felony, subject to a term of
9 imprisonment of not less than 8 years and not more than 40
10 years, and subject to a fine not to exceed \$200,000 or the
11 street value of the methamphetamine, whichever is greater.

12 (4) A person who delivers or possesses with intent to
13 deliver 100 or more grams of methamphetamine or a substance
14 containing methamphetamine is guilty of a Class X felony,
15 subject to a term of imprisonment of not less than 10 years
16 and not more than 50 years, and subject to a fine not to
17 exceed \$300,000 or the street value of the methamphetamine,
18 whichever is greater.

19 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 7 heading new)

20 Subdivision 7. Miscellaneous Offenses

21 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 7, Gp. A heading
22 new)

23 Group A. Cannabis (blank)

1 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 7, Gp. B heading
2 new)

3 Group B. Controlled Substances

4 (720 ILCS 5/47.10-335 new)

5 Sec. 47.10-335. Chemical breakdown of illicit controlled
6 substance.

7 (a) It is unlawful for any person to knowingly manufacture
8 a controlled substance other than methamphetamine prohibited
9 by the controlled substances related offenses by chemically
10 deriving the controlled substance from one or more other
11 controlled substances prohibited by the controlled substances
12 related offenses.

13 (a-5) It is unlawful for any person to possess any
14 substance with the intent to use the substance to facilitate
15 the manufacture of any controlled substance other than
16 methamphetamine, any counterfeit substance, or any controlled
17 substance analog other than as authorized by the controlled
18 substances related Sections.

19 (b) A violation of this Section is a Class 4 felony.

20 (c) (Blank).

21 (720 ILCS 5/47.10-336 new)

22 Sec. 47.10-336. Dispensing in hospitals and drug abuse
23 treatment programs.

24 (a) Controlled substances which are lawfully administered

1 in hospitals or institutions licensed under the Hospital
2 Licensing Act shall be exempt from the requirements of Sections
3 312 and 316 except that the prescription for the controlled
4 substance shall be in writing on the patient's record, signed
5 by the prescriber, dated, and shall state the name, and
6 quantity of controlled substances ordered and the quantity
7 actually administered. The records of such prescriptions shall
8 be maintained for two years and shall be available for
9 inspection by officers and employees of the Department of State
10 Police, and the Department of Professional Regulation.

11 (b) Controlled substances that can lawfully be
12 administered or dispensed directly to a patient in a long-term
13 care facility licensed by the Department of Public Health as a
14 skilled nursing facility, intermediate care facility, or
15 long-term care facility for residents under 22 years of age,
16 are exempt from the requirements of Section 312 except that a
17 prescription for a Schedule II controlled substance must be
18 either a written prescription signed by the prescriber or a
19 written prescription transmitted by the prescriber or
20 prescriber's agent to the dispensing pharmacy by facsimile. The
21 facsimile serves as the original prescription and must be
22 maintained for 2 years from the date of issue in the same
23 manner as a written prescription signed by the prescriber.

24 (c) A prescription that is written for a Schedule II
25 controlled substance to be compounded for direct
26 administration by parenteral, intravenous, intramuscular,

1 subcutaneous, or intraspinal infusion to a patient in a private
2 residence, long-term care facility, or hospice setting may be
3 transmitted by facsimile by the prescriber or the prescriber's
4 agent to the pharmacy providing the home infusion services. The
5 facsimile serves as the original written prescription for
6 purposes of this paragraph (c) and it shall be maintained in
7 the same manner as the original written prescription.

8 (c-1) A prescription written for a Schedule II controlled
9 substance for a patient residing in a hospice certified by
10 Medicare under Title XVIII of the Social Security Act or
11 licensed by the State may be transmitted by the practitioner or
12 the practitioner's agent to the dispensing pharmacy by
13 facsimile. The practitioner or practitioner's agent must note
14 on the prescription that the patient is a hospice patient. The
15 facsimile serves as the original written prescription for
16 purposes of this paragraph (c-1) and it shall be maintained in
17 the same manner as the original written prescription.

18 (d) Controlled substances which are lawfully administered
19 and/or dispensed in drug abuse treatment programs licensed by
20 the Department shall be exempt from the requirements of
21 Sections 312 and 316, except that the prescription for such
22 controlled substances shall be issued and authenticated on
23 official prescription logs prepared and supplied by the
24 Department. The official prescription logs issued by the
25 Department shall be printed in triplicate on distinctively
26 marked paper and furnished to programs at reasonable cost. The

1 official prescription logs furnished to the programs shall
2 contain, in preprinted form, such information as the Department
3 may require. The official prescription logs shall be properly
4 endorsed by a physician licensed to practice medicine in all
5 its branches issuing the order, with his own signature and the
6 date of ordering, and further endorsed by the practitioner
7 actually administering or dispensing the dosage at the time of
8 such administering or dispensing in accordance with
9 requirements issued by the Department. The duplicate copy shall
10 be retained by the program for a period of not less than three
11 years nor more than seven years; the original and triplicate
12 copy shall be returned to the Department at its principal
13 office in accordance with requirements set forth by the
14 Department.

15 (720 ILCS 5/47.10-337 new)

16 Sec. 47.10-337. Dispensing by mail or carriers limited.
17 Except when a practitioner shall dispense on behalf of a
18 charitable organization as defined in Section 501(c) of the
19 Federal "Internal Revenue Act", and then in conformance with
20 other provisions of State and Federal laws relating to the
21 dispensing of controlled substances, no practitioner shall
22 dispense a controlled substance by use of the United States
23 mails or other commercial carriers.

24 (720 ILCS 5/47.10-338 new)

1 Sec. 47.10-338. Additional registration-related
2 violations.

3 (a) It is unlawful for any person:

4 (1) who is subject to registration under the controlled
5 substances related Sections knowingly to distribute or
6 dispense a controlled substance in violation of Sections
7 308 through 314 of the controlled substances related
8 Sections; or

9 (2) who is a registrant, to knowingly manufacture a
10 controlled substance not authorized by his registration,
11 or to distribute or dispense a controlled substance not
12 authorized by his registration to another registrant or
13 other authorized person; or

14 (3) to knowingly refuse or fail to make, keep or
15 furnish any record, notification, order form, statement,
16 invoice or information required under the controlled
17 substances related Sections; or

18 (4) to knowingly refuse an entry into any premises for
19 any inspection authorized by the controlled substances
20 related Sections; or

21 (5) knowingly to keep or maintain any store, shop,
22 warehouse, dwelling, building, vehicle, boat, aircraft, or
23 other structure or place, which is resorted to by a person
24 unlawfully possessing controlled substances, or which is
25 used for possessing, manufacturing, dispensing or
26 distributing controlled substances in violation of the

1 controlled substances related offenses.

2 Any person who violates this subsection (a) is guilty of a
3 Class A misdemeanor for the first offense and a Class 4 felony
4 for each subsequent offense. The fine for each subsequent
5 offense shall not be more than \$100,000. In addition, any
6 practitioner who is found guilty of violating this subsection
7 (a) is subject to suspension and revocation of his professional
8 license, in accordance with such procedures as are provided by
9 law for the taking of disciplinary action with regard to the
10 license of said practitioner's profession.

11 (b) It is unlawful for any person knowingly:

12 (1) to distribute, as a registrant, a controlled
13 substance classified in Schedule I or II, except pursuant
14 to an order form as required by Section 307 of the
15 controlled substances related Sections; or

16 (2) to use, in the course of the manufacture or
17 distribution of a controlled substance, a registration
18 number which is fictitious, revoked, suspended, or issued
19 to another person; or

20 (3) to acquire or obtain possession of a controlled
21 substance by misrepresentation, fraud, forgery, deception
22 or subterfuge; or

23 (4) to furnish false or fraudulent material
24 information in, or omit any material information from, any
25 application, report or other document required to be kept
26 or filed under the controlled substances related Sections,

1 or any record required to be kept by the controlled
2 substances related Sections; or

3 (5) to make, distribute or possess any punch, die,
4 plate, stone or other thing designed to print, imprint or
5 reproduce the trademark, trade name or other identifying
6 mark, imprint or device of another, or any likeness of any
7 of the foregoing, upon any controlled substance or
8 container or labeling thereof so as to render the drug a
9 counterfeit substance; or

10 (6) to possess without authorization, blank
11 prescription forms or counterfeit prescription forms; or

12 (7) (Blank).

13 Any person who violates this subsection (b) is guilty of a
14 Class 4 felony for the first offense and a Class 3 felony for
15 each subsequent offense. The fine for the first offense shall
16 be not more than \$100,000. The fine for each subsequent offense
17 shall not be more than \$200,000.

18 (c) A person who knowingly violates Section 316, 317, 318,
19 or 319 is guilty of a Class A misdemeanor.

20 (720 ILCS 5/47.10-339 new)

21 Sec. 47.10-339. Permitting unlawful use of building.

22 (a) For purposes of this Section, "controls any building"
23 means having the power or authority to direct, restrict or
24 regulate the use of the building.

25 (b) A person commits the offense of Permitting unlawful use

1 of building, when he or she controls any building and knowingly
2 grants, permits or makes the building available for use for the
3 purpose of unlawfully manufacturing or delivering a controlled
4 substance other than methamphetamine.

5 (c) Permitting unlawful use of a building is a Class 4
6 felony.

7 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 7, Gp. C heading
8 new)

9 Group C. Methamphetamine

10 (720 ILCS 5/47.10-340 new)

11 Sec. 47.10-340. Use of property.

12 (a) A person commits this offense when the person knowingly
13 uses or allows the use of a vehicle, a structure, real
14 property, or personal property within the person's control to
15 help bring about a violation of a methamphetamine-related
16 offense.

17 (b) A person who violates subsection (a) of this Section is
18 guilty of a Class 2 felony.

19 (720 ILCS 5/47.10-341 new)

20 Sec. 47.10-341. Methamphetamine manufacturing waste.

21 (a) A person commits this offense when the person knowingly
22 burns, places in a trash receptacle, or disposes of
23 methamphetamine manufacturing waste, knowing that the waste

1 was used in the manufacturing of methamphetamine.

2 (b) A person who violates subsection (a) of this Section is
3 guilty of a Class 2 felony.

4 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 7, Gp. D heading
5 new)

6 Group D. Other Offenses

7 (720 ILCS 5/47.10-342 new)

8 Sec. 47.10-342. Criminal fortification of a residence or
9 building.

10 (a) A person commits the offense of Criminal fortification
11 of a residence or building when, with the intent to prevent the
12 lawful entry of a law enforcement officer or another, he
13 maintains a residence or building in a fortified condition,
14 knowing that such residence or building is used for the
15 manufacture, storage, delivery, or trafficking of cannabis or
16 controlled substances as defined in the Code.

17 (b) "Fortified condition" means preventing or impeding
18 entry through the use of steel doors, wooden planking,
19 crossbars, alarm systems, dogs, or other similar means.

20 (c) Sentence. Criminal fortification of a residence or
21 building is a Class 3 felony.

22 (720 ILCS 5/47.10-343 new)

23 Sec. 47.10-343. Unlawful possession of nitrous oxide.

1 (a) A person commits the offense of Unlawful possession of
2 nitrous oxide when he or she possesses nitrous oxide or any
3 substance containing nitrous oxide with the intent to breathe,
4 inhale, or ingest the nitrous oxide or other substance for the
5 purpose of causing a condition of intoxication, elation,
6 euphoria, dizziness, stupefaction, or dulling of the senses or
7 with the intent to, in any manner, change, distort, or disturb
8 the audio, visual, or mental processes, or when he or she
9 knowingly and with the intent to be in that condition is under
10 the influence of nitrous oxide or any material containing
11 nitrous oxide.

12 (b) Unlawful possession of nitrous oxide is a Class A
13 misdemeanor. A person who commits a second or subsequent
14 violation of this Section is guilty of a Class 4 felony. This
15 Section shall not apply to any person who is under the
16 influence of nitrous oxide or any material containing nitrous
17 oxide pursuant to an administration for the purpose of medical,
18 surgical, or dental care by a person duly licensed to
19 administer such an agent.

20 (720 ILCS 5/47.10-344 new)

21 Sec. 47.10-344. Unlawful manufacture or delivery of
22 nitrous oxide. A person, firm, corporation, co-partnership,
23 limited liability company, or association commits the offense
24 of Unlawful manufacture or delivery when he, she or it
25 intentionally manufactures, delivers, or possesses with intent

1 to manufacture or deliver nitrous oxide for any purpose
2 prohibited under Section 47.10-343 is guilty of a Class 3
3 felony.

4 (720 ILCS 5/47.10-345 new)

5 Sec. 47.10-345. Ephedrine.

6 (a) The following drug products containing ephedrine, its
7 salts, optical isomers and salts of optical isomers shall be
8 exempt from the application of Sections 312 and 313 of the
9 controlled substances related Sections if they:

10 (i) may lawfully be sold over-the-counter without a
11 prescription under the Federal Food, Drug, and Cosmetic
12 Act;

13 (ii) are labeled and marketed in a manner consistent
14 with Section 341.76 of Title 21 of the Code of Federal
15 Regulations;

16 (iii) are manufactured and distributed for legitimate
17 medicinal use in a manner that reduces or eliminates the
18 likelihood of abuse; and

19 (iv) are not marketed, advertised, or labeled for the
20 indications of stimulation, mental alertness, weight loss,
21 muscle enhancement, appetite control, or energy:

22 (1) Solid oral dosage forms, including soft
23 gelatin caplets, which are formulated pursuant to 21
24 CFR 341 or its successor, and packaged in blister packs
25 of not more than 2 tablets per blister.

1 (2) Anorectal preparations containing not more
2 than 5% ephedrine.

3 (b) It is an offense for a person to knowingly market,
4 advertise, or label any product containing ephedrine, a salt of
5 ephedrine, an optical isomer of ephedrine, or a salt of an
6 optical isomer of ephedrine, for the indications of
7 stimulation, mental alertness, weight loss, appetite control,
8 or energy. In determining compliance with this requirement the
9 Department may consider the following factors:

10 (1) The packaging of the drug product;

11 (2) The name and labeling of the product;

12 (3) The manner of distribution, advertising, and
13 promotion of the product;

14 (4) Verbal representations made concerning the
15 product;

16 (5) The duration, scope, and significance of abuse or
17 misuse of the particular product.

18 (c) A violation of this Section is a Class A misdemeanor. A
19 second or subsequent violation of this Section is a Class 4
20 felony.

21 (d) This Section does not apply to dietary supplements,
22 herbs, or other natural products, including concentrates or
23 extracts, which:

24 (1) are not otherwise prohibited by law; and

25 (2) may contain naturally occurring ephedrine,
26 ephedrine alkaloids, or pseudoephedrine, or their salts,

1 isomers, or salts of isomers, or a combination of these
2 substances, that:

3 (i) are contained in a matrix of organic material;

4 and

5 (ii) do not exceed 15% of the total weight of the
6 natural product.

7 (e) Nothing in this Section limits the scope or terms of
8 the Methamphetamine Precursor Control Act.

9 (720 ILCS 5/47.10-346 new)

10 Sec. 47.10-346. Dietary supplements containing ephedrine
11 or anabolic steroid precursors.

12 (a) It is a Class A misdemeanor for any manufacturer,
13 wholesaler, retailer, or other person to knowingly or
14 recklessly sell, transfer, or otherwise furnish any of the
15 following to a person under 18 years of age:

16 (1) a dietary supplement containing an ephedrine group
17 alkaloid; or

18 (2) a dietary supplement containing any of the
19 following:

20 (A) Androstenediol;

21 (B) Androstenedione;

22 (C) Androstenedione;

23 (D) Norandrostenediol;

24 (E) Norandrostenedione; or

25 (F) Dehydroepiandrosterone.

1 (b) A seller shall request valid identification from any
2 individual who attempts to purchase a dietary supplement set
3 forth in subsection (a) if that individual reasonably appears
4 to the seller to be under 18 years of age.

5 (720 ILCS 5/47.10-347 new)

6 Sec. 47.10-347. Ephedra prohibition.

7 (a) Findings. The General Assembly finds that over 3
8 billion servings of ephedra are consumed by Americans each
9 year. Ephedra, or ma huang, has been associated with a wide
10 range of severe adverse events, including death. The U.S. Food
11 and Drug Administration has received over 18,000 reports of
12 adverse reactions by ephedra users, including strokes,
13 seizures, heart attacks, and deaths. The Inspector General of
14 the U.S. Department of Health and Human Services noted in a
15 report on ephedra adverse events that 60% of those adverse
16 events were experienced by people under the age of 40. A study
17 reported in the Annals of Internal Medicine concluded that,
18 compared with other herbs, ephedra is associated with a greatly
19 increased risk for adverse reactions and that the use of
20 ephedra should be restricted. The American Medical Association
21 and the consumer group, Public Citizen, have called for a
22 nationwide ban on ephedra. The National Collegiate Athletics
23 Association, the National Football League, and the
24 International Olympic Committee have all banned ephedra use by
25 their athletes because of concerns about the safety of this

1 dietary supplement. The U.S. Army has banned the sale of
2 ephedra products in army commissaries worldwide after 33 army
3 personnel died from consuming ephedra products. Canada,
4 Britain, Germany, and Australia have all taken steps to
5 restrict the sale of ephedra products.

6 (b) Purpose. The purpose of this Section is to ban the sale
7 of all dietary supplements containing ephedrine alkaloids in
8 the State of Illinois regardless of the age of the purchaser in
9 order to protect the health and public safety of Illinois
10 residents.

11 (c) Prohibition.

12 (1) No person may knowingly sell or offer for sale any
13 dietary supplement containing any quantity of ephedra or
14 ephedrine alkaloids to any person located within the State
15 or to any person making the purchase from within the State.

16 (2) The prohibition in paragraph (1) of this subsection
17 does not apply to the sale of any product that receives
18 explicit approval as safe and effective for its intended
19 use under the federal Food, Drug, and Cosmetic Act (21
20 U.S.C. 355) or is lawfully marketed under an
21 over-the-counter monograph issued by the U.S. Food and Drug
22 Administration.

23 (d) Sentence. A violation of this Section is a Class A
24 misdemeanor which may include a fine not to exceed \$5,000. A
25 subsequent violation of this Section is a Class 3 felony and
26 the penalty may be imprisonment for less than five years or a

1 fine not to exceed \$20,000.

2 (720 ILCS 5/47.10-348 new)

3 Sec. 47.10-348. Sale and Possession of drug paraphernalia.

4 (a) Possession of drug paraphernalia. A person commits the
5 offense of possession of drug paraphernalia when he or she
6 knowingly possesses an item of drug paraphernalia with the
7 intent to use it in ingesting, inhaling, or otherwise
8 introducing cannabis or a controlled substance into the human
9 body, or in preparing cannabis or a controlled substance for
10 that use. Subsection (a) does not apply to a person who is
11 legally authorized to possess hypodermic syringes or needles
12 under hypodermic syringes and needles offenses.

13 (b) Sale of drug paraphernalia. A person commits the
14 offense of the Sale of drug paraphernalia when he or she
15 knowingly keeps for sale, offers for sale, sells, or delivers
16 for any commercial consideration any item of drug
17 paraphernalia.

18 (c) Sentence. A violation of subsection (a) is a Class A
19 misdemeanor for which the court shall impose a minimum fine of
20 \$750 in addition to any other penalty prescribed. A violation
21 of subsection (b) is a Class 4 felony for which a minimum fine
22 of \$1,000 for each such item shall be imposed. If subsection
23 (b) is violated by a person eighteen years or older and that
24 person delivers or sells the item to a person under eighteen
25 years old, a violation is a Class 3 felony. If subsection (b)

1 is violated by a person who knows the sale or delivery is to a
2 pregnant woman, a violation is a Class 2 felony.

3 (d) In determining intent under subsection (a), the trier
4 of fact should take into consideration the proximity of the
5 cannabis or controlled substances to drug paraphernalia or the
6 presence of cannabis or a controlled substance on the drug
7 paraphernalia.

8 (e) Exemptions This Section does not apply to:

9 (1) Items used in the preparation, compounding,
10 packaging, labeling, or other use of cannabis or a
11 controlled substance as an incident to lawful research,
12 teaching, or chemical analysis and not for sale.

13 (2) Items historically and customarily used in
14 connection with, the planting, propagating, cultivating,
15 growing, harvesting, manufacturing, compounding,
16 converting, producing, processing, preparing, testing,
17 analyzing, packaging, repackaging, storing, containing,
18 concealing, injecting, ingesting, or inhaling of tobacco
19 or any other lawful substance. Items exempt under this
20 subsection include, but are not limited to, garden hoes,
21 rakes, sickles, baggies, tobacco pipes, and
22 cigarette-rolling papers.

23 (3) Items listed in this Section which are used for
24 decorative purposes, when such items have been rendered
25 completely inoperable or incapable of being used for any
26 illicit purpose prohibited by this Section.

1 (4) A person who is legally authorized to possess
2 hypodermic syringes or needles under hypodermic needles
3 and syringes offenses.

4 (f) Determination of exemptions. In determining whether or
5 not a particular item is exempt under this subsection, the
6 trier of fact should consider, in addition to all other
7 logically relevant factors, the following:

8 (1) the general, usual, customary, and historical use
9 to which the item involved has been put;

10 (2) expert evidence concerning the ordinary or
11 customary use of the item and the effect of any peculiarity
12 in the design or engineering of the device upon its
13 functioning;

14 (3) any written instructions accompanying the delivery
15 of the item concerning the purposes or uses to which the
16 item can or may be put;

17 (4) any oral instructions provided by the seller of the
18 item at the time and place of sale or commercial delivery;

19 (5) any national or local advertising concerning the
20 design, purpose or use of the item involved, and the entire
21 context in which such advertising occurs;

22 (6) the manner, place and circumstances in which the
23 item was displayed for sale, as well as any item or items
24 displayed for sale or otherwise exhibited upon the premises
25 where the sale was made;

26 (7) whether the owner or anyone in control of the

1 object is a legitimate supplier of like or related items to
2 the community, such as a licensed distributor or dealer of
3 tobacco products;

4 (8) the existence and scope of legitimate uses for the
5 object in the community.

6 (g) More restrictive ordinances permitted. Any ordinance
7 enacted by any municipality or unit of local government which
8 imposes the same or greater restrictions or limitations upon
9 the availability of drug paraphernalia as defined herein,
10 including the acquisition, sale or delivery of such items, are
11 not invalidated or affected by this Section.

12 (h) Legislative declaration. This statute is intended to be
13 used solely for the suppression of the commercial traffic in
14 and possession of items that, within the context of the sale or
15 offering for sale, or possession, are clearly and beyond a
16 reasonable doubt intended for the illegal and unlawful use of
17 cannabis or controlled substances. To this end all reasonable
18 and common-sense inferences shall be drawn in favor of the
19 legitimacy of any transaction or item.

20 (720 ILCS 5/47.10-349 new)

21 Sec. 47.10-349. Use or sale of intoxicating compounds.

22 (a) Use of intoxicating compounds. If a person knowingly
23 ingests, breathes, inhales or drinks any compound, liquid, or
24 chemical in subsection (e), he or she is guilty of the use of
25 intoxicating compounds.

1 (b) Sale of intoxicating compounds. If a person knowingly,
2 sells or offers for sale, delivers or gives to any person under
3 17 years of age, any compound, liquid, or chemical in
4 subsection (e), when the seller, offeror or deliverer knows or
5 has reason to know the compound, liquid or chemical is intended
6 to induce an intoxicated condition, he or she is guilty of the
7 use of intoxicating compounds.

8 (c) Use of prohibited alkaloids. If a person knowingly
9 ingests, breathes, inhales or drinks any compound, liquid, or
10 chemical containing alkaloids of atropine, hyoscyamine, or
11 scopolamine, he or she is guilty of the use of prohibited
12 alkaloids.

13 (d) Sale of prohibited alkaloids. If a person knowingly
14 sells or offers for sale, delivers, or gives to any person any
15 compound, liquid, or chemical containing alkaloids atropine,
16 hyoscyamine, or scopolamine when the seller, offeror, or
17 deliverer knows or has reason to know that the compound,
18 liquid, or chemical is intended to induce an intoxicated
19 condition, he or she commits the offense of the sale of
20 prohibited alkaloids.

21 (e) The prohibited compounds for subsections (a) and (b)
22 are toluol, hexane, trichloroethylene, acetone, toluene, ethyl
23 acetate, methyl ethyl ketone, trichloroethane, isopropanol,
24 methyl isobutyl ketone, methyl cellosolve acetate,
25 cyclohexanone, or any other substance to induce a condition of
26 intoxication, stupefaction, depression, giddiness, paralysis

1 or irrational behavior, or in any manner changing, distorting
2 or disturbing the auditory, visual or mental processes.

3 (f) Sentence. A violation of subsections (a) or (b) is a
4 Class C misdemeanor. A violation of subsection (b) is a Class A
5 misdemeanor. A violation of subsection (d) is a Class 4 felony.

6 (g) Exemptions. For subsection (b) only, a person is not
7 liable for this offense if the person under 17 presents a
8 written order of such person's parent or guardian. For
9 subsection (d) only, a person is not liable for the offense if
10 he or she is a retail merchant and sells offers for sale,
11 delivers or gives any compound, liquid or chemical containing
12 the alkaloids atropine, hyoscyamine, or scopolamine. For all
13 subsections, a person is not liable if he or she commits any
14 act described pursuant to the direction or prescription of a
15 practitioner authorized to so direct or prescribe. A
16 practitioner is any person authorized by law to practice
17 medicine in all its branches in this State, to practice
18 dentistry in this State, to practice veterinary medicine in
19 this State, or to practice chiropody in this State.

20 (720 ILCS 5/47.10-350 new)

21 Sec. 47.10-350. Possession and sale of hypodermic syringes
22 and needles.

23 (a) Possession of hypodermic syringes and needles. A person
24 commits the offense of possession of hypodermic syringes and
25 needles when he or she knowingly has in his or her possession a

1 hypodermic syringe, hypodermic needle, or any instrument
2 adapted for the use of controlled substances or cannabis by
3 subcutaneous injection.

4 (b) Sale of hypodermic syringes and needles. A person
5 commits the offense of sale of hypodermic syringes, needles or
6 other instrument adapted for the use of controlled substances
7 or cannabis by subcutaneous injection when he or she knowingly
8 delivers or sells, or exchanges such items.

9 (c) Sentence. A person who violates subsections (a) or (b)
10 is guilty of a Class A misdemeanor for a first offense; and a
11 Class 4 felony for a second or any subsequent offense.

12 (d) Exceptions.

13 (1) This statute shall not apply to the possession,
14 sale or use of hypodermic syringes, needles, or other
15 instruments by a physician, dentist, chiropracist or
16 veterinarian licensed under the laws of this State or of
17 the state where he resides, or a registered professional
18 nurse, or a registered embalmer, manufacturer or dealer in
19 embalming supplies, wholesale druggist, manufacturing
20 pharmacist, registered pharmacist, manufacturer of
21 surgical instruments, industrial user, official of any
22 government having possession of the articles hereinafter
23 mentioned by reason of his official duties, nurse or a
24 medical laboratory technician acting under the direction
25 of a physician or dentist, employee of an incorporated
26 hospital acting under the direction of its superintendent

1 or officer in immediate charge, or a carrier or messenger
2 engaged in the transportation of such articles, or the
3 holder of a permit issued under this statute, or a farmer
4 engaged in the use of such instruments on livestock, or a
5 person engaged in chemical, clinical, pharmaceutical or
6 other scientific research.

7 (2) A person who is at least 18 years of age may
8 purchase from a pharmacy and have in his or her possession
9 up to 20 hypodermic syringes or needles.

10 (3) A pharmacist may sell up to 20 sterile hypodermic
11 syringes or needles to a person who is at least 18 years of
12 age. A syringe or needle sold by a pharmacist must be
13 stored at a pharmacy and in a manner that limits access to
14 the syringes or needles to pharmacists employed at the
15 pharmacy and any persons designated by the pharmacists, and
16 be sold only from the pharmacy department of the pharmacy.

17 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 8 heading new)

18 Subdivision 8. Post Disposition Provisions

19 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 8, Gp. A heading
20 new)

21 Group A. Cannabis

22 (720 ILCS 5/47.10-351 new)

23 Sec. 47.10-351. First offender probation.

1 (a) Whenever any person who has not previously been
2 convicted of, or placed on probation or court supervision for,
3 any cannabis offense or any law of the United States or of any
4 State relating to cannabis, or controlled substances pleads
5 guilty to or is found guilty of violating Sections 4(a), 4(b),
6 4(c), 4(d), 5(a), 5(b), 5(c) or 8 of this Act, the court may,
7 without entering a judgment and with the consent of such
8 person, sentence him to probation.

9 (b) When a person is placed on probation, the court shall
10 enter an order specifying a period of probation of 24 months,
11 and shall defer further proceedings in the case until the
12 conclusion of the period or until the filing of a petition
13 alleging violation of a term or condition of probation.

14 (c) The conditions of probation shall be that the person:

15 (1) not violate any criminal statute of any
16 jurisdiction;

17 (2) refrain from possession of a firearm or other
18 dangerous weapon;

19 (3) submit to periodic drug testing at a time and in a
20 manner as ordered by the court, but no less than 3 times
21 during the period of the probation, with the cost of the
22 testing to be paid by the probationer; and

23 (4) perform no less than 30 hours of community service,
24 provided community service is available in the
25 jurisdiction and is funded and approved by the county
26 board.

1 (d) The court may, in addition to other conditions, require
2 that the person:

3 (1) make a report to and appear in person before or
4 participate with the court or such courts, person, or
5 social service agency as directed by the court in the order
6 of probation;

7 (2) pay a fine and costs;

8 (3) work or pursue a course of study or vocational
9 training;

10 (4) undergo medical or psychiatric treatment; or
11 treatment for drug addiction or alcoholism;

12 (5) attend or reside in a facility established for the
13 instruction or residence of defendants on probation;

14 (6) support his dependents;

15 (7) refrain from possessing a firearm or other
16 dangerous weapon;

17 (7-5) refrain from having in his or her body the
18 presence of any illicit drug prohibited by cannabis related
19 offenses, controlled substance related offenses, or
20 methamphetamine related offenses unless prescribed by a
21 physician, and submit samples of his or her blood or urine
22 or both for tests to determine the presence of any illicit
23 drug;

24 (8) and in addition, if a minor:

25 (i) reside with his parents or in a foster home;

26 (ii) attend school;

1 (iii) attend a non-residential program for youth;

2 (iv) contribute to his own support at home or in a
3 foster home.

4 (e) Upon violation of a term or condition of probation, the
5 court may enter a judgment on its original finding of guilt and
6 proceed as otherwise provided.

7 (f) Upon fulfillment of the terms and conditions of
8 probation, the court shall discharge such person and dismiss
9 the proceedings against him.

10 (g) A disposition of probation is considered to be a
11 conviction for the purposes of imposing the conditions of
12 probation and for appeal, however, discharge and dismissal
13 under this Section is not a conviction for purposes of
14 disqualification or disabilities imposed by law upon
15 conviction of a crime (including the additional penalty imposed
16 for subsequent offenses under Section 4(c), 4(d), 5(c) or 5(d)
17 of this Act).

18 (h) Discharge and dismissal under this Section, Section 410
19 of the controlled substance related offenses, or
20 methamphetamine related offenses may occur only once with
21 respect to any person.

22 (i) If a person is convicted of an offense under cannabis
23 related offenses, the controlled substance related offenses,
24 or methamphetamine related offenses within 5 years subsequent
25 to a discharge and dismissal under this Section, the discharge
26 and dismissal under this Section shall be admissible in the

1 sentencing proceeding for that conviction as a factor in
2 aggravation.

3 (720 ILCS 5/47.10-352 new)

4 Sec. 47.10-352. Juvenile offenders. Any person under 18
5 years of age who violates a cannabis law may be treated by the
6 court in accordance with the Juvenile Court Act of 1987.

7 (720 ILCS 5/47.10-353 new)

8 Sec. 47.10-353. Fines.

9 (a) Whenever any person pleads guilty to, is found guilty
10 of or is placed on supervision for an offense under this Act, a
11 fine may be levied in addition to any other penalty imposed by
12 the court.

13 (b) In determining whether to impose a fine under this
14 Section and the amount, time for payment and method of payment
15 of any fine so imposed, the court shall:

16 (1) consider the defendant's income, regardless of
17 source, the defendant's earning capacity and the
18 defendant's financial resources, as well as the nature of
19 the burden the fine will impose on the defendant and any
20 person legally or financially dependent upon the
21 defendant;

22 (2) consider the proof received at trial, or as a
23 result of a plea of guilty, concerning the full street
24 value of the cannabis seized and any profits or other

1 proceeds derived by the defendant from the violation of
2 this Act;

3 (3) take into account any other pertinent equitable
4 considerations; and

5 (4) give primary consideration to the need to deprive
6 the defendant of illegally obtained profits or other
7 proceeds from the offense.

8 For the purpose of paragraph (2) of this subsection,
9 "street value" shall be determined by the court on the basis of
10 testimony of law enforcement personnel and the defendant as to
11 the amount seized and such testimony as may be required by the
12 court as to the current street value of the cannabis seized.

13 (c) As a condition of a fine, the court may require that
14 payment be made in specified installments or within a specified
15 period of time, but such period shall not be greater than the
16 maximum applicable term of probation or imprisonment,
17 whichever is greater. Unless otherwise specified, payment of a
18 fine shall be due immediately.

19 (d) If a fine for a violation of this Act is imposed on an
20 organization, it is the duty of each individual authorized to
21 make disbursements of the assets of the organization to pay the
22 fine from assets of the organization.

23 (e) (1) A defendant who has been sentenced to pay a fine,
24 and who has paid part but not all of such fine, may petition
25 the court for an extension of the time for payment or
26 modification of the method of payment.

1 (2) The court may grant a petition made pursuant to
2 this subsection if it finds that:

3 (i) the circumstances that warranted payment by
4 the time or method specified no longer exist; or

5 (ii) it is otherwise unjust to require payment of
6 the fine by the time or method specified.

7 (720 ILCS 5/47.10-354 new)

8 Sec. 47.10-354. Disposition of fines; Youth Drug Abuse
9 Prevention Fund.

10 (a) Twelve and one-half percent of all amounts collected as
11 finer pursuant to the provisions of this Act shall be paid into
12 the Youth Drug Abuse Prevention Fund, which is hereby created
13 in the State treasury, to be used by the Department of Human
14 Services for the funding of programs and services for
15 drug-abuse treatment, and prevention and education services,
16 for juveniles.

17 (b) Eighty-seven and one-half percent of the proceeds of
18 all fines received under the provisions of this Act shall be
19 transmitted to and deposited in the treasurer's office at the
20 level of government as follows:

21 (1) If such seizure was made by a combination of law
22 enforcement personnel representing differing units of
23 local government, the court levying the fine shall
24 equitably allocate 50% of the fine among these units of
25 local government and shall allocate 37-1/2% to the county

1 general corporate fund. In the event that the seizure was
2 made by law enforcement personnel representing a unit of
3 local government from a municipality where the number of
4 inhabitants exceeds 2 million in population, the court
5 levying the fine shall allocate 87-1/2% of the fine to that
6 unit of local government. If the seizure was made by a
7 combination of law enforcement personnel representing
8 differing units of local government, and at least one of
9 those units represents a municipality where the number of
10 inhabitants exceeds 2 million in population, the court
11 shall equitably allocate 87-1/2% of the proceeds of the
12 finances received among the differing units of local
13 government.

14 (2) If such seizure was made by State law enforcement
15 personnel, then the court shall allocate 37-1/2% to the
16 State treasury and 50% to the county general corporate
17 fund.

18 (3) If a State law enforcement agency in combination
19 with a law enforcement agency or agencies of a unit or
20 units of local government conducted the seizure, the court
21 shall equitably allocate 37-1/2% of the fines to or among
22 the law enforcement agency or agencies of the unit or units
23 of local government which conducted the seizure and shall
24 allocate 50% to the county general corporate fund.

25 (c) The proceeds of all fines allocated to the law
26 enforcement agency or agencies of the unit or units of local

1 government pursuant to subsection (b) shall be made available
2 to that law enforcement agency as expendable receipts for use
3 in the enforcement of laws regulating controlled substances and
4 cannabis. The proceeds of fines awarded to the State treasury
5 shall be deposited in a special fund known as the Drug Traffic
6 Prevention Fund, except that amounts distributed to the
7 Secretary of State shall be deposited into the Secretary of
8 State Evidence Fund to be used as provided in Section 2-115 of
9 the Illinois Vehicle Code. Monies from this fund may be used by
10 the Department of State Police for use in the enforcement of
11 laws regulating controlled substances and cannabis; to satisfy
12 funding provisions of the Intergovernmental Drug Laws
13 Enforcement Act; to defray costs and expenses associated with
14 returning violators of this Act, the Illinois Controlled
15 Substances Act, and the Methamphetamine Control and Community
16 Protection Act only, as provided in such Acts, when punishment
17 of the crime shall be confinement of the criminal in the
18 penitentiary; and all other monies shall be paid into the
19 general revenue fund in the State treasury.

20 (720 ILCS 5/47.10-355 new)

21 Sec. 47.10-355. Assessment upon conviction.

22 (a) Every person convicted of a violation of this Act, and
23 every person placed on probation, conditional discharge,
24 supervision or probation under Section 10 of this Act, shall be
25 assessed for each offense a sum fixed at:

1 (1) \$3,000 for a Class X felony;

2 (2) \$2,000 for a Class 1 felony;

3 (3) \$1,000 for a Class 2 felony;

4 (4) \$500 for a Class 3 or Class 4 felony;

5 (5) \$300 for a Class A misdemeanor;

6 (6) \$200 for a Class B or Class C misdemeanor.

7 (b) The assessment under this Section is in addition to and
8 not in lieu of any fines, restitution costs, forfeitures or
9 other assessments authorized or required by law.

10 (c) As a condition of the assessment, the court may require
11 that payment be made in specified installments or within a
12 specified period of time. If the assessment is not paid within
13 the period of probation, conditional discharge or supervision
14 to which the defendant was originally sentenced, the court may
15 extend the period of probation, conditional discharge or
16 supervision pursuant to Section 5-6-2 or 5-6-3.1 of the Unified
17 Code of Corrections, as applicable 730 ILCS 5/5-6-2 or 730 ILCS
18 5/5-6-3.1, until the assessment is paid or until successful
19 completion of public or community service set forth in
20 subsection (e) or the successful completion of the substance
21 abuse intervention or treatment program set forth in subsection
22 (f). If a term of probation, conditional discharge or
23 supervision is not imposed, the assessment shall be payable
24 upon judgment or as directed by the court.

25 (d) If an assessment for a violation of this Act is imposed
26 on an organization, it is the duty of each individual

1 authorized to make disbursements of the assets of the
2 organization to pay the assessment from assets of the
3 organization.

4 (e) A defendant who has been ordered to pay an assessment
5 may petition the court to convert all or part of the assessment
6 into court-approved public or community service. One hour of
7 public or community service shall be equivalent to \$4 of
8 assessment. The performance of this public or community service
9 shall be a condition of the probation, conditional discharge or
10 supervision and shall be in addition to the performance of any
11 other period of public or community service ordered by the
12 court or required by law.

13 (f) The court may suspend the collection of the assessment
14 imposed under this Section; provided the defendant agrees to
15 enter a substance abuse intervention or treatment program
16 approved by the court; and further provided that the defendant
17 agrees to pay for all or some portion of the costs associated
18 with the intervention or treatment program. In this case, the
19 collection of the assessment imposed under this Section shall
20 be suspended during the defendant's participation in the
21 intervention or treatment program. Upon successful completion
22 of the program, the defendant may apply to the court to reduce
23 the assessment imposed under this Section by any amount
24 actually paid by the defendant for his participation in the
25 program. The court shall not reduce the penalty under this
26 subsection unless the defendant establishes to the

1 satisfaction of the court that he has successfully completed
2 the intervention or treatment program. If the defendant's
3 participation is for any reason terminated before his
4 successful completion of the intervention or treatment
5 program, collection of the entire assessment imposed under this
6 Section shall be enforced. Nothing in this Section shall be
7 deemed to affect or suspend any other fines, restitution costs,
8 forfeitures or assessments imposed under this or any other Act.

9 (g) The court shall not impose more than one assessment per
10 complaint, indictment or information. If the person is
11 convicted of more than one offense in a complaint, indictment
12 or information, the assessment shall be based on the highest
13 class offense for which the person is convicted.

14 (h) All moneys collected under this Section shall be
15 forwarded by the clerk of the circuit court to the State
16 Treasurer for deposit in the Drug Treatment Fund and expended
17 as provided in Section 411.2 of the Illinois Controlled
18 Substances Act.

19 (720 ILCS 5/47.10-356 new)

20 Sec. 47.10-356. Civil remedies and double jeopardy.

21 (a) In addition to any other remedies the Director is
22 authorized to file a complaint and apply to any circuit court
23 for, and such circuit court may upon hearing and for cause
24 shown, grant a temporary restraining order or a preliminary or
25 permanent injunction, without bond, restraining any person

1 from violating this cannabis related offenses whether or not
2 there exists another adequate remedy.

3 (b) The circuit court may enter such injunctions,
4 restraining orders, directions, or prohibitions, or take such
5 other actions, including the acceptance of satisfactory
6 performance bonds, in connection with any property, claim,
7 receipt, right or other interest subject to forfeiture under
8 this Section, as it deems proper.

9 (c) A conviction or acquittal, under the laws of the United
10 States or of any State relating to Cannabis for the same act is
11 a bar to prosecution in this State.

12 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 8, Gp. B heading
13 new)

14 Group B. Controlled Substances

15 (720 ILCS 5/47.10-357 new)

16 Sec. 47.10-357. Offenses warranting most severe penalties.

17 In determining the appropriate sentence for any conviction
18 under the controlled substances related Sections, the
19 sentencing court may consider the following as indicative of
20 the type of offenses which the legislature deems most damaging
21 to the peace and welfare of the citizens of Illinois and which
22 warrants the most severe penalties:

23 (1) the unlawful delivery of the most highly toxic
24 controlled substances, as reflected by their inclusion in

1 Schedule I or II of the Code;

2 (2) offenses involving unusually large quantities of
3 controlled substances, as measured by their wholesale
4 value at the time of the offense;

5 (3) the unlawful delivery of controlled substances by a
6 non-user to a user of controlled substances;

7 (4) non-possessionary offenses by persons who have no
8 other visible means of support;

9 (5) offenses involving the large-scale manufacture of
10 controlled substances;

11 (6) offenses which indicate any immediate involvement
12 whatsoever with organized crime in terms of the controlled
13 substance's manufacture, importation, or volume
14 distribution;

15 (7) the manufacture for, or the delivery of controlled
16 substances to persons 3 years or more junior to the
17 person(s) convicted under the controlled substances
18 related offenses;

19 (8) the unlawful delivery of anabolic steroids by an
20 athletic trainer, coach, or health club personnel;

21 (9) the possession, delivery, or manufacture of
22 controlled substances or cannabis in the presence of a
23 child under 17 years of age. Nothing in this section shall
24 be construed as limiting in any way the discretion of the
25 court to impose any sentence authorized by the controlled
26 substances related Sections.

1 (720 ILCS 5/47.10-358 new)

2 Sec. 47.10-358. Second or subsequent offenses.

3 (a) Any person convicted of a second or subsequent offense
4 under the controlled substances related offenses may be
5 sentenced to imprisonment for a term up to twice the maximum
6 term otherwise authorized, fined an amount up to twice that
7 otherwise authorized, or both.

8 (b) For purposes of this Section, an offense is considered
9 a second or subsequent offense, if, prior to his conviction of
10 the offense, the offender has at any time been convicted under
11 controlled substances related offenses or under any law of the
12 United States or of any State relating to controlled
13 substances.

14 (720 ILCS 5/47.10-359 new)

15 Sec. 47.10-359. Bar to prosecution.

16 Except for convictions or acquittals which are the basis
17 for a charge of narcotics racketeering under Section 4 of the
18 Narcotics Profit Forfeiture Act, a conviction or acquittal,
19 under the laws of the United States or of any State relating to
20 controlled substances, for the same act is a bar to prosecution
21 in this State.

22 (720 ILCS 5/47.10-360 new)

23 Sec. 47.10-360. Probation.

1 (a) Whenever any person who has not previously been
2 convicted of, or placed on probation or court supervision for
3 any offense under controlled substances related offenses or any
4 law of the United States or of any State relating to cannabis
5 or controlled substances, pleads guilty to or is found guilty
6 of possession of a controlled or counterfeit substance under
7 subsection (c) of Section 402, the court, without entering a
8 judgment and with the consent of such person, may sentence him
9 to probation.

10 (b) When a person is placed on probation, the court shall
11 enter an order specifying a period of probation of 24 months
12 and shall defer further proceedings in the case until the
13 conclusion of the period or until the filing of a petition
14 alleging violation of a term or condition of probation.

15 (c) The conditions of probation shall be that the person:

16 (1) not violate any criminal statute of any
17 jurisdiction;

18 (2) refrain from possessing a firearm or other
19 dangerous weapon;

20 (3) submit to periodic drug testing at a time and in a
21 manner as ordered by the court, but no less than 3 times
22 during the period of the probation, with the cost of the
23 testing to be paid by the probationer; and

24 (4) perform no less than 30 hours of community service,
25 provided community service is available in the
26 jurisdiction and is funded and approved by the county

1 board.

2 (d) The court may, in addition to other conditions, require
3 that the person:

4 (1) make a report to and appear in person before or
5 participate with the court or such courts, person, or
6 social service agency as directed by the court in the order
7 of probation;

8 (2) pay a fine and costs;

9 (3) work or pursue a course of study or vocational
10 training;

11 (4) undergo medical or psychiatric treatment; or
12 treatment or rehabilitation approved by the Illinois
13 Department of Human Services;

14 (5) attend or reside in a facility established for the
15 instruction or residence of defendants on probation;

16 (6) support his dependents;

17 (6-5) refrain from having in his or her body the
18 presence of any illicit drug prohibited by the cannabis
19 related offenses, the controlled substances related
20 offenses, or the methamphetamine related offenses, unless
21 prescribed by a physician, and submit samples of his or her
22 blood or urine or both for tests to determine the presence
23 of any illicit drug;

24 (7) and in addition, if a minor: (i) reside with his
25 parents or in a foster home;

26 (ii) attend school;

1 (iii) attend a non-residential program for youth;

2 (iv) contribute to his own support at home or in a
3 foster home.

4 (e) Upon violation of a term or condition of probation, the
5 court may enter a judgment on its original finding of guilt and
6 proceed as otherwise provided.

7 (f) Upon fulfillment of the terms and conditions of
8 probation, the court shall discharge the person and dismiss the
9 proceedings against him.

10 (g) A disposition of probation is considered to be a
11 conviction for the purposes of imposing the conditions of
12 probation and for appeal, however, discharge and dismissal
13 under this Section is not a conviction for purposes of
14 controlled substances related Sections or for purposes of
15 disqualifications or disabilities imposed by law upon
16 conviction of a crime.

17 (h) There may be only one discharge and dismissal under
18 this Section, Section 10 of the cannabis related Sections, or
19 Section 70 of the methamphetamine related Sections with respect
20 to any person.

21 (i) If a person is convicted of an offense under the
22 controlled substances related offenses, the cannabis related
23 offenses, or the methamphetamine related offenses within 5
24 years subsequent to a discharge and dismissal under this
25 Section, the discharge and dismissal under this Section shall
26 be admissible in the sentencing proceeding for that conviction

1 as evidence in aggravation.

2 (720 ILCS 5/47.10-361 new)

3 Sec. 47.10-361. Fines.

4 (a) Whenever any person pleads guilty to, is found guilty
5 of or is placed on supervision for an offense under the
6 controlled substances related offenses, a fine may be levied in
7 addition to any other penalty imposed by the court.

8 (b) In determining whether to impose a fine under this
9 Section and the amount, time for payment, and method of payment
10 of any fine so imposed, the court shall:

11 (1) consider the defendant's income, regardless of
12 source, the defendant's earning capacity and the
13 defendant's financial resources, as well as the nature of
14 the burden the fine will impose on the defendant and any
15 person legally or financially dependent upon the
16 defendant;

17 (2) consider the proof received at trial, or as a
18 result of a plea of guilty, concerning the full street
19 value of the controlled substances seized and any profits
20 or other proceeds derived by the defendant from the
21 violation of controlled substances related offenses;

22 (3) take into account any other pertinent equitable
23 considerations; and

24 (4) give primary consideration to the need to deprive
25 the defendant of illegally obtained profits or other

1 proceeds from the offense.

2 For the purpose of paragraph (2) of this subsection,
3 "street value" shall be determined by the court on the basis of
4 testimony of law enforcement personnel and the defendant as to
5 the amount seized and such testimony as may be required by the
6 court as to the current street value of the controlled
7 substances.

8 (c) As a condition of a fine, the court may require that
9 payment be made in specified installments or within a specified
10 period of time, but such period shall not be greater than the
11 maximum applicable term of probation or imprisonment,
12 whichever is greater. Unless otherwise specified, payment of a
13 fine shall be due immediately.

14 (d) If a fine for a violation of controlled substances
15 related offenses is imposed on an organization, it is the duty
16 of each individual authorized to make disbursements of the
17 assets of the organization to pay the fine from assets of the
18 organization.

19 (e) (1) A defendant who has been sentenced to pay a fine,
20 and who has paid part but not all of such fine, may petition
21 the court for an extension of the time for payment or
22 modification of the method of payment.

23 (2) The court may grant a petition made pursuant to this
24 subsection if it finds that:

25 (i) the circumstances that warranted payment by the
26 time or method specified no longer exist; or

1 (ii) it is otherwise unjust to require payment of the
2 fine by the time or method specified.

3 (720 ILCS 5/47.10-362 new)

4 Sec. 47.10-362. Additional assessment.

5 (a) Every person convicted of a violation of a controlled
6 substances related offense, and every person placed on
7 probation, conditional discharge, supervision or probation
8 under Section 410 of the controlled substances related
9 Sections, shall be assessed for each offense a sum fixed at:

10 (1) \$3,000 for a Class X felony;

11 (2) \$2,000 for a Class 1 felony;

12 (3) \$1,000 for a Class 2 felony;

13 (4) \$500 for a Class 3 or Class 4 felony;

14 (5) \$300 for a Class A misdemeanor;

15 (6) \$200 for a Class B or Class C misdemeanor.

16 (b) The assessment under this Section is in addition to and
17 not in lieu of any fines, restitution costs, forfeitures or
18 other assessments authorized or required by law.

19 (c) As a condition of the assessment, the court may require
20 that payment be made in specified installments or within a
21 specified period of time. If the assessment is not paid within
22 the period of probation, conditional discharge or supervision
23 to which the defendant was originally sentenced, the court may
24 extend the period of probation, conditional discharge or
25 supervision pursuant to Section 5-6-2 or 5-6-3.1 of the Unified

1 Code of Corrections, as applicable, until the assessment is
2 paid or until successful completion of public or community
3 service set forth in subsection (e) or the successful
4 completion of the substance abuse intervention or treatment
5 program set forth in subsection (f). If a term of probation,
6 conditional discharge or supervision is not imposed, the
7 assessment shall be payable upon judgment or as directed by the
8 court.

9 (d) If an assessment for a violation of controlled
10 substances related offenses is imposed on an organization, it
11 is the duty of each individual authorized to make disbursements
12 of the assets of the organization to pay the assessment from
13 assets of the organization.

14 (e) A defendant who has been ordered to pay an assessment
15 may petition the court to convert all or part of the assessment
16 into court-approved public or community service. One hour of
17 public or community service shall be equivalent to \$4 of
18 assessment. The performance of this public or community service
19 shall be a condition of the probation, conditional discharge or
20 supervision and shall be in addition to the performance of any
21 other period of public or community service ordered by the
22 court or required by law.

23 (f) The court may suspend the collection of the assessment
24 imposed under this Section; provided the defendant agrees to
25 enter a substance abuse intervention or treatment program
26 approved by the court; and further provided that the defendant

1 agrees to pay for all or some portion of the costs associated
2 with the intervention or treatment program. In this case, the
3 collection of the assessment imposed under this Section shall
4 be suspended during the defendant's participation in the
5 approved intervention or treatment program. Upon successful
6 completion of the program, the defendant may apply to the court
7 to reduce the assessment imposed under this Section by any
8 amount actually paid by the defendant for his participation in
9 the program. The court shall not reduce the penalty under this
10 subsection unless the defendant establishes to the
11 satisfaction of the court that he has successfully completed
12 the intervention or treatment program. If the defendant's
13 participation is for any reason terminated before his
14 successful completion of the intervention or treatment
15 program, collection of the entire assessment imposed under this
16 Section shall be enforced. Nothing in this Section shall be
17 deemed to affect or suspend any other fines, restitution costs,
18 forfeitures or assessments imposed under controlled substances
19 related offenses or any Act.

20 (g) The court shall not impose more than one assessment per
21 complaint, indictment or information. If the person is
22 convicted of more than one offense in a complaint, indictment
23 or information, the assessment shall be based on the highest
24 class offense for which the person is convicted.

25 (h) In counties under 3,000,000, all moneys collected under
26 this Section shall be forwarded by the clerk of the circuit

1 court to the State Treasurer for deposit in the Drug Treatment
2 Fund, which is hereby established as a special fund within the
3 State Treasury. The Department of Human Services may make
4 grants to persons licensed under Section 15-10 of the
5 Alcoholism and Other Drug Abuse and Dependency Act or to
6 municipalities or counties from funds appropriated to the
7 Department from the Drug Treatment Fund for the treatment of
8 pregnant women who are addicted to alcohol, cannabis or
9 controlled substances and for the needed care of minor,
10 unemancipated children of women undergoing residential drug
11 treatment. If the Department of Human Services grants funds to
12 a municipality or a county that the Department determines is
13 not experiencing a problem with pregnant women addicted to
14 alcohol, cannabis or controlled substances, or with care for
15 minor, unemancipated children of women undergoing residential
16 drug treatment, or intervention, the funds shall be used for
17 the treatment of any person addicted to alcohol, cannabis or
18 controlled substances. The Department may adopt such rules as
19 it deems appropriate for the administration of such grants.

20 (i) In counties over 3,000,000, all moneys collected under
21 this Section shall be forwarded to the County Treasurer for
22 deposit into the County Health Fund. The County Treasurer
23 shall, no later than the 15th day of each month, forward to the
24 State Treasurer 30 percent of all moneys collected under
25 controlled substances related Sections and received into the
26 County Health Fund since the prior remittance to the State

1 Treasurer. Funds retained by the County shall be used for
2 community-based treatment of pregnant women who are addicted to
3 alcohol, cannabis, or controlled substances or for the needed
4 care of minor, unemancipated children of these women. Funds
5 forwarded to the State Treasurer shall be deposited into the
6 State Drug Treatment Fund maintained by the State Treasurer
7 from which the Department of Human Services may make grants to
8 persons licensed under Section 15-10 of the Alcoholism and
9 Other Drug Abuse and Dependency Act or to municipalities or
10 counties from funds appropriated to the Department from the
11 Drug Treatment Fund, provided that the moneys collected from
12 each county be returned proportionately to the counties through
13 grants to licensees located within the county from which the
14 assessment was received and moneys in the State Drug Treatment
15 Fund shall not supplant other local, State or federal funds. If
16 the Department of Human Services grants funds to a municipality
17 or county that the Department determines is not experiencing a
18 problem with pregnant women addicted to alcohol, cannabis or
19 controlled substances, or with care for minor, unemancipated
20 children or (sic) women undergoing residential drug treatment,
21 the funds shall be used for the treatment of any person
22 addicted to alcohol, cannabis or controlled substances. The
23 Department may adopt such rules as it deems appropriate for the
24 administration of such grants.

1 Sec. 47.10-363. Penalties in addition to civil or
2 administrative penalties.

3 Any penalty imposed for any violation of controlled
4 substances related offenses is in addition to, and not in lieu
5 of, any civil or administrative penalty or sanction otherwise
6 authorized by controlled substances related Sections or any
7 other law.

8 (720 ILCS 5/47.10-364 new)

9 Sec. 47.10-364. Disposition of fines; Youth Drug Abuse
10 Prevention Fund.

11 (a) Twelve and one-half percent of all amounts collected as
12 finances pursuant to the provisions of the controlled substances
13 related Sections shall be paid into the Youth Drug Abuse
14 Prevention Fund, which is hereby created in the State treasury,
15 to be used by the Department for the funding of programs and
16 services for drug-abuse treatment, and prevention and
17 education services, for juveniles.

18 (b) Eighty-seven and one-half percent of the proceeds of
19 all fines received under the provisions of the controlled
20 substances related Sections shall be transmitted to and
21 deposited in the treasurer's office at the level of government
22 as follows:

23 (1) If such seizure was made by a combination of law
24 enforcement personnel representing differing units of
25 local government, the court levying the fine shall

1 equitably allocate 50% of the fine among these units of
2 local government and shall allocate 37-1/2% to the county
3 general corporate fund. In the event that the seizure was
4 made by law enforcement personnel representing a unit of
5 local government from a municipality where the number of
6 inhabitants exceeds 2 million in population, the court
7 levying the fine shall allocate 87-1/2% of the fine to that
8 unit of local government. If the seizure was made by a
9 combination of law enforcement personnel representing
10 differing units of local government, and at least one of
11 those units represents a municipality where the number of
12 inhabitants exceeds 2 million in population, the court
13 shall equitably allocate 87-1/2% of the proceeds of the
14 finances received among the differing units of local
15 government.

16 (2) If such seizure was made by State law enforcement
17 personnel, then the court shall allocate 37-1/2% to the
18 State treasury and 50% to the county general corporate
19 fund.

20 (3) If a State law enforcement agency in combination
21 with a law enforcement agency or agencies of a unit or
22 units of local government conducted the seizure, the court
23 shall equitably allocate 37-1/2% of the fines to or among
24 the law enforcement agency or agencies of the unit or units
25 of local government which conducted the seizure and shall
26 allocate 50% to the county general corporate fund.

1 (c) The proceeds of all fines allocated to the law
2 enforcement agency or agencies of the unit or units of local
3 government pursuant to subsection (b) shall be made available
4 to that law enforcement agency as expendable receipts for use
5 in the enforcement of laws regulating cannabis,
6 methamphetamine, and other controlled substances. The proceeds
7 of fines awarded to the State treasury shall be deposited in a
8 special fund known as the Drug Traffic Prevention Fund, except
9 that amounts distributed to the Secretary of State shall be
10 deposited into the Secretary of State Evidence Fund to be used
11 as provided in Section 2-115 of the Illinois Vehicle Code.
12 Monies from this fund may be used by the Department of State
13 Police or use in the enforcement of laws regulating cannabis,
14 methamphetamine, and other controlled substances; to satisfy
15 funding provisions of the Intergovernmental Drug Laws
16 Enforcement Act; to defray costs and expenses associated with
17 returning violators of the cannabis related offenses and the
18 controlled substances related offenses only, as provided in
19 those Sections, when punishment of the crime shall be
20 confinement of the criminal in the penitentiary; and all other
21 monies shall be paid into the general revenue fund in the State
22 treasury.

23 (720 ILCS 5/47.10-365 new)

24 Sec. 47.10-365. Testing as condition of probation.
25 Whenever any court in this State grants probation to any person

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

17 (720 ILCS 5/Art. 47.10, Div. III, Subdiv. 8, Gp. C heading
18 new)

19 Group C. Methamphetamine

20 (720 ILCS 5/47.10-366 new)

21 Sec. 47.10-366. Probation.

22 (a) Whenever any person who has not previously been
23 convicted of, or placed on probation or court supervision for
24 any methamphetamine-related offense, controlled

1 substance-related offense, or cannabis-related offense, or any
2 law of the United States or of any state relating to cannabis
3 or controlled substances, pleads guilty to or is found guilty
4 of possession of less than 15 grams of methamphetamine under
5 paragraph (1) or (2) of subsection (b) of Section 47.10-305,
6 the court, without entering a judgment and with the consent of
7 the person, may sentence him or her to probation.

8 (b) When a person is placed on probation, the court shall
9 enter an order specifying a period of probation of 24 months
10 and shall defer further proceedings in the case until the
11 conclusion of the period or until the filing of a petition
12 alleging violation of a term or condition of probation.

13 (c) The conditions of probation shall be that the person:

14 (1) not violate any criminal statute of any
15 jurisdiction;

16 (2) refrain from possessing a firearm or other
17 dangerous weapon;

18 (3) submit to periodic drug testing at a time and in a
19 manner as ordered by the court, but no less than 3 times
20 during the period of the probation, with the cost of the
21 testing to be paid by the probationer; and

22 (4) perform no less than 30 hours of community service,
23 if community service is available in the jurisdiction and
24 is funded and approved by the county board.

25 (d) The court may, in addition to other conditions, require
26 that the person take one or more of the following actions:

1 (1) make a report to and appear in person before or
2 participate with the court or such courts, person, or
3 social service agency as directed by the court in the order
4 of probation;

5 (2) pay a fine and costs;

6 (3) work or pursue a course of study or vocational
7 training;

8 (4) undergo medical or psychiatric treatment; or
9 treatment or rehabilitation approved by the Illinois
10 Department of Human Services;

11 (5) attend or reside in a facility established for the
12 instruction or residence of defendants on probation;

13 (6) support his or her dependents;

14 (7) refrain from having in his or her body the presence
15 of any illicit drug prohibited by methamphetamine-related
16 offenses, controlled substance-related offenses, or
17 cannabis-related offenses, unless prescribed by a
18 physician, and submit samples of his or her blood or urine
19 or both for tests to determine the presence of any illicit
20 drug; or

21 (8) if a minor:

22 (i) reside with his or her parents or in a foster
23 home;

24 (ii) attend school;

25 (iii) attend a non-residential program for youth;

26 or

1 (iv) contribute to his or her own support at home
2 or in a foster home.

3 (e) Upon violation of a term or condition of probation, the
4 court may enter a judgment on its original finding of guilt and
5 proceed as otherwise provided.

6 (f) Upon fulfillment of the terms and conditions of
7 probation, the court shall discharge the person and dismiss the
8 proceedings against the person.

9 (g) A disposition of probation is considered to be a
10 conviction for the purposes of imposing the conditions of
11 probation and for appeal, however, discharge and dismissal
12 under this Section is not a conviction or for purposes of
13 disqualifications or disabilities imposed by law upon
14 conviction of a crime.

15 (h) There may be only one discharge and dismissal under
16 this Section, Section 410 of the Illinois Controlled Substances
17 Act, or Section 10 of the Cannabis Control Act with respect to
18 any person.

19 (i) If a person is convicted of a methamphetamine-related
20 offense, controlled substance-related offense, or
21 cannabis-related offense within 5 years subsequent to a
22 discharge and dismissal under this Section, the discharge and
23 dismissal under this Section are admissible in the sentencing
24 proceeding for that conviction as evidence in aggravation.

1 Sec. 47.10-367. Fines.

2 (a) Whenever any person pleads guilty to, is found guilty
3 of, or is placed on supervision for a methamphetamine-related
4 offense, a fine may be levied in addition to any other penalty
5 imposed by the court.

6 (b) In determining whether to impose a fine under this
7 Section and the amount, time for payment, and method of payment
8 of any fine so imposed, the court shall:

9 (1) consider the defendant's income, regardless of
10 source, the defendant's earning capacity and the
11 defendant's financial resources, as well as the nature of
12 the burden the fine will impose on the defendant and any
13 person legally or financially dependent upon the
14 defendant;

15 (2) consider the proof received at trial, or as a
16 result of a plea of guilty, concerning the full street
17 value of the controlled substances seized and any profits
18 or other proceeds derived by the defendant from the
19 violation of this Act;

20 (3) take into account any other pertinent equitable
21 considerations; and

22 (4) give primary consideration to the need to deprive
23 the defendant of illegally obtained profits or other
24 proceeds from the offense.

25 For the purpose of paragraph (2) of this subsection (b),
26 "street value" shall be determined by the court on the basis of

1 testimony of law enforcement personnel and the defendant as to
2 the amount seized and such testimony as may be required by the
3 court as to the current street value of the controlled
4 substances.

5 (c) As a condition of a fine, the court may require that
6 payment be made in specified installments or within a specified
7 period of time, but the period shall not be greater than the
8 maximum applicable term of probation or imprisonment,
9 whichever is greater. Unless otherwise specified, payment of a
10 fine shall be due immediately.

11 (d) If a fine for a violation of this Act is imposed on an
12 organization, it is the duty of each individual authorized to
13 make disbursements of the assets of the organization to pay the
14 fine from the assets of the organization.

15 (e) A defendant who has been sentenced to pay a fine, and
16 who has paid part but not all of the fine, may petition the
17 court for an extension of the time for payment or modification
18 of the method of payment. The court may grant the petition if
19 it finds that:

20 (1) the circumstances that warranted payment by the
21 time or method specified no longer exist; or

22 (2) it is otherwise unjust to require payment of the
23 fine by the time or method specified.

24 (720 ILCS 5/47.10-368 new)

25 Sec. 47.10-368. Assessment.

1 (a) Every person convicted of a methamphetamine-related
2 offense, and every person placed on probation, conditional
3 discharge, supervision, or probation for a
4 methamphetamine-related offense, shall be assessed for each
5 offense a sum fixed at:

6 (1) \$3,000 for a Class X felony;

7 (2) \$2,000 for a Class 1 felony;

8 (3) \$1,000 for a Class 2 felony;

9 (4) \$500 for a Class 3 or Class 4 felony.

10 (b) The assessment under this Section is in addition to and
11 not in lieu of any fines, restitution, costs, forfeitures, or
12 other assessments authorized or required by law.

13 (c) As a condition of the assessment, the court may require
14 that payment be made in specified installments or within a
15 specified period of time. If the assessment is not paid within
16 the period of probation, conditional discharge, or supervision
17 to which the defendant was originally sentenced, the court may
18 extend the period of probation, conditional discharge, or
19 supervision pursuant to Section 5-6-2 or 5-6-3.1 of the Unified
20 Code of Corrections, as applicable, until the assessment is
21 paid or until successful completion of public or community
22 service set forth in subsection (e) or the successful
23 completion of the substance abuse intervention or treatment
24 program set forth in subsection (f). If a term of probation,
25 conditional discharge, or supervision is not imposed, the
26 assessment shall be payable upon judgment or as directed by the

1 court.

2 (d) If an assessment for a violation of a
3 methamphetamine-related offense is imposed on an organization,
4 it is the duty of each individual authorized to make
5 disbursements of the assets of the organization to pay the
6 assessment from assets of the organization.

7 (e) A defendant who has been ordered to pay an assessment
8 may petition the court to convert all or part of the assessment
9 into court-approved public or community service. One hour of
10 public or community service shall be equivalent to \$4 of
11 assessment. The performance of this public or community service
12 shall be a condition of the probation, conditional discharge,
13 or supervision and shall be in addition to the performance of
14 any other period of public or community service ordered by the
15 court or required by law.

16 (f) The court may suspend the collection of the assessment
17 imposed under this Section if the defendant agrees to enter a
18 substance abuse intervention or treatment program approved by
19 the court and the defendant agrees to pay for all or some
20 portion of the costs associated with the intervention or
21 treatment program. In this case, the collection of the
22 assessment imposed under this Section shall be suspended during
23 the defendant's participation in the approved intervention or
24 treatment program. Upon successful completion of the program,
25 the defendant may apply to the court to reduce the assessment
26 imposed under this Section by any amount actually paid by the

1 defendant for his or her participation in the program. The
2 court shall not reduce the penalty under this subsection unless
3 the defendant establishes to the satisfaction of the court that
4 he or she has successfully completed the intervention or
5 treatment program. If the defendant's participation is for any
6 reason terminated before his or her successful completion of
7 the intervention or treatment program, collection of the entire
8 assessment imposed under this Section shall be enforced.
9 Nothing in this Section shall be deemed to affect or suspend
10 any other fines, restitution costs, forfeitures, or
11 assessments imposed under this or any other Act.

12 (g) The court shall not impose more than one assessment per
13 complaint, indictment, or information. If the person is
14 convicted of more than one offense in a complaint, indictment,
15 or information, the assessment shall be based on the highest
16 class offense for which the person is convicted.

17 (h) In counties with a population under 3,000,000, all
18 moneys collected under this Section shall be forwarded by the
19 clerk of the circuit court to the State Treasurer for deposit
20 in the Drug Treatment Fund. The Department of Human Services
21 may make grants to persons licensed under Section 15-10 of the
22 Alcoholism and Other Drug Abuse and Dependency Act or to
23 municipalities or counties from funds appropriated to the
24 Department from the Drug Treatment Fund for the treatment of
25 pregnant women who are addicted to alcohol, cannabis or
26 controlled substances and for the needed care of minor,

1 unemancipated children of women undergoing residential drug
2 treatment. If the Department of Human Services grants funds to
3 a municipality or a county that the Department determines is
4 not experiencing a problem with pregnant women addicted to
5 alcohol, cannabis or controlled substances, or with care for
6 minor, unemancipated children of women undergoing residential
7 drug treatment, or intervention, the funds shall be used for
8 the treatment of any person addicted to alcohol, cannabis, or
9 controlled substances. The Department may adopt such rules as
10 it deems appropriate for the administration of such grants.

11 (i) In counties with a population of 3,000,000 or more, all
12 moneys collected under this Section shall be forwarded to the
13 County Treasurer for deposit into the County Health Fund. The
14 County Treasurer shall, no later than the 15th day of each
15 month, forward to the State Treasurer 30 percent of all moneys
16 collected under this Act and received into the County Health
17 Fund since the prior remittance to the State Treasurer. Funds
18 retained by the County shall be used for community-based
19 treatment of pregnant women who are addicted to alcohol,
20 cannabis, or controlled substances or for the needed care of
21 minor, unemancipated children of these women. Funds forwarded
22 to the State Treasurer shall be deposited into the State Drug
23 Treatment Fund maintained by the State Treasurer from which the
24 Department of Human Services may make grants to persons
25 licensed under Section 15-10 of the Alcoholism and Other Drug
26 Abuse and Dependency Act or to municipalities or counties from

1 funds appropriated to the Department from the Drug Treatment
2 Fund, provided that the moneys collected from each county be
3 returned proportionately to the counties through grants to
4 licensees located within the county from which the assessment
5 was received and moneys in the State Drug Treatment Fund shall
6 not supplant other local, State or federal funds. If the
7 Department of Human Services grants funds to a municipality or
8 county that the Department determines is not experiencing a
9 problem with pregnant women addicted to alcohol, cannabis or
10 controlled substances, or with care for minor, unemancipated
11 children or women undergoing residential drug treatment, the
12 funds shall be used for the treatment of any person addicted to
13 alcohol, cannabis or controlled substances. The Department may
14 adopt such rules as it deems appropriate for the administration
15 of such grants.

16 (720 ILCS 5/47.10-369 new)

17 Sec. 47.10-369. Methamphetamine restitution.

18 (a) If a person commits a methamphetamine-related offense
19 in a manner that requires an emergency response, the person
20 shall be required to make restitution to all public entities
21 involved in the emergency response, to cover the reasonable
22 cost of their participation in the emergency response,
23 including but not limited to regular and overtime costs
24 incurred by local law enforcement agencies and private
25 contractors paid by the public agencies in securing the site.

1 The convicted person shall make this restitution in addition to
2 any other fine or penalty required by law.

3 (b) Any restitution payments made under this Section shall
4 be disbursed equitably by the circuit clerk in the following
5 order:

6 (1) first, to the local agencies involved in the
7 emergency response;

8 (2) second, to the State agencies involved in the
9 emergency response; and

10 (3) third, to the federal agencies involved in the
11 emergency response.

12 (720 ILCS 5/47.10-370 new)

13 Sec. 47.10-370. Youth Drug Abuse Prevention Fund.

14 (a) Twelve and one-half percent of all amounts collected as
15 finances for a methamphetamine-related offense shall be paid into
16 the Youth Drug Abuse Prevention Fund created by the Controlled
17 Substances Act in the State treasury, to be used by the
18 Department for the funding of programs and services for
19 drug-abuse treatment, and prevention and education services,
20 for juveniles.

21 (b) Eighty-seven and one-half percent of the proceeds of
22 all fines received for methamphetamine-related offense shall
23 be transmitted to and deposited into the State treasury and
24 distributed as follows:

25 (1) If such seizure was made by a combination of law

1 enforcement personnel representing differing units of
2 local government, the court levying the fine shall
3 equitably allocate 50% of the fine among these units of
4 local government and shall allocate 37.5% to the county
5 general corporate fund. If the seizure was made by law
6 enforcement personnel representing a unit of local
7 government from a municipality where the number of
8 inhabitants exceeds 2 million in population, the court
9 levying the fine shall allocate 87.5% of the fine to that
10 unit of local government. If the seizure was made by a
11 combination of law enforcement personnel representing
12 differing units of local government and if at least one of
13 those units represents a municipality where the number of
14 inhabitants exceeds 2 million in population, the court
15 shall equitably allocate 87.5% of the proceeds of the fines
16 received among the differing units of local government.

17 (2) If such seizure was made by State law enforcement
18 personnel, then the court shall allocate 37.5% to the State
19 treasury and 50% to the county general corporate fund.

20 (3) If a State law enforcement agency in combination
21 with any law enforcement agency or agencies of a unit or
22 units of local government conducted the seizure, the court
23 shall equitably allocate 37.5% of the fines to or among the
24 law enforcement agency or agencies of the unit or units of
25 local government that conducted the seizure and shall
26 allocate 50% to the county general corporate fund.

1 (c) The proceeds of all fines allocated to the law
2 enforcement agency or agencies of the unit or units of local
3 government pursuant to subsection (b) shall be made available
4 to that law enforcement agency as expendable receipts for use
5 in the enforcement of laws regulating controlled substances and
6 cannabis. The proceeds of fines awarded to the State treasury
7 shall be deposited in a special fund known as the Drug Traffic
8 Prevention Fund, except that amounts distributed to the
9 Secretary of State shall be deposited into the Secretary of
10 State Evidence Fund to be used as provided in Section 2-115 of
11 the Illinois Vehicle Code. Moneys from this Fund may be used by
12 the Department of State Police for use in the enforcement of
13 laws regulating controlled substances and cannabis; to satisfy
14 funding provisions of the Intergovernmental Drug Laws
15 Enforcement Act; to defray costs and expenses associated with
16 returning violators of the Cannabis Control Act and this Act
17 only, as provided in those Acts, when punishment of the crime
18 shall be confinement of the criminal in the penitentiary; and
19 all other moneys shall be paid into the General Revenue Fund in
20 the State treasury.

21 (720 ILCS 5/47.10-371 new)

22 Sec. 47.10-371. Second or subsequent offenses.

23 (a) Any person convicted of a second or subsequent
24 methamphetamine-related offense may be sentenced to
25 imprisonment for a term up to twice the maximum term otherwise

1 authorized, fined an amount up to twice that otherwise
2 authorized, or both.

3 (b) Any penalty imposed for a methamphetamine-related
4 offense is in addition to, and not in lieu of, any civil or
5 administrative penalty or sanction otherwise authorized by a
6 methamphetamine-related offense or any other law.

7 (720 ILCS 5/Art 47.10, Div. IV heading new)

8 Division IV. Regulatory provisions

9 (720 ILCS 5/Art. 47.10, Div. IV, Gp. A heading new)

10 Group A. Cannabis

11 (720 ILCS 5/47.10-401 new)

12 Sec. 47.10-401. Legislative intent. The General Assembly
13 recognizes that: (1) the current state of scientific and
14 medical knowledge concerning the effects of cannabis makes it
15 necessary to acknowledge the physical, psychological and
16 sociological damage which is incumbent upon its use; and (2)
17 the use of cannabis occupies the unusual position of being
18 widely used and pervasive among the citizens of Illinois
19 despite its harmful effects; and (3) previous legislation
20 enacted to control or forbid the use of cannabis has often
21 unnecessarily and unrealistically drawn a large segment of our
22 population within the criminal justice system without
23 succeeding in deterring the expansion of cannabis use. It is,

1 therefore, the intent of the General Assembly, in the interest
2 of the health and welfare of the citizens of Illinois, to
3 establish a reasonable penalty system which is responsive to
4 the current state of knowledge concerning cannabis and which
5 directs the greatest efforts of law enforcement agencies toward
6 the commercial traffickers and large-scale purveyors of
7 cannabis. To this end, this Act provides wide latitude in the
8 sentencing discretion of the courts and establishes penalties
9 in a sharply rising progression based on the amount of
10 substances containing cannabis involved in each case.

11 (720 ILCS 5/47.10-402 new)

12 Sec. 47.10-402. Applicability of the Controlled substances
13 provisions.

14 (a) If any cannabis derivative is designated or rescheduled
15 as a controlled substance under federal law and notice thereof
16 is given to the Department, the Department shall similarly
17 control the substance under the Illinois Controlled Substances
18 Act after the expiration of 30 days from publication in the
19 Federal Register of a final order designating a substance as a
20 controlled substance or rescheduling a substance unless within
21 that 30 day period the Department objects, or a party adversely
22 affected files with the Department substantial written
23 objections to inclusion or rescheduling. In that case, the
24 Department shall publish the reasons for objection or the
25 substantial written objections and afford all interested

1 parties an opportunity to be heard. At the conclusion of the
2 hearing, the Department shall publish its decision, by means of
3 a rule, which shall be final unless altered by statute. Upon
4 publication of objections by the Department, similar control
5 under the Illinois Controlled Substances Act. whether by
6 inclusion or rescheduling is suspended until the Department
7 publishes its ruling.

8 (b) If any cannabis derivative is deleted as a controlled
9 substance under Federal law and notice thereof is given to the
10 Department, the Department shall similarly control the
11 substance under this Act after the expiration of 30 days from
12 publication in the Federal Register of a final order deleting a
13 substance as a controlled substance or rescheduling a substance
14 unless within that 30 day period the Department objects, or a
15 party adversely affected files with the Department substantial
16 written objections to inclusion or rescheduling. In that case,
17 the Department shall publish the reasons for objection or the
18 substantial written objections and afford all interested
19 parties an opportunity to be heard. At the conclusion of the
20 hearing, the Department shall publish its decision, by means of
21 a rule, which shall be final unless altered by statute. Upon
22 publication of objections by the Department, similar control
23 under this Act whether by inclusion or rescheduling is
24 suspended until the Department publishes its ruling.

25 (c) Cannabis derivatives are deemed to be regulated under
26 cannabis related offenses until such time as those derivatives

1 are scheduled as provided for under the Illinois Controlled
2 Substances Act. Following such scheduling, those derivatives
3 shall be excepted from this Act and shall be regulated pursuant
4 to the Illinois Controlled Substances Act. At such time that
5 any derivative is deleted from schedules provided for under the
6 Illinois Controlled Substance Act, that derivative shall be
7 regulated pursuant to this Act.

8 (720 ILCS 5/47.10-403 new)

9 Sec. 47.10-403. Burden and Defenses.

10 (a) It is not necessary for the State to negate any
11 exemption or exception in cannabis related offenses in any
12 complaint, information, indictment or other pleading or in any
13 trial, hearing, or other proceeding under cannabis related
14 offenses. The burden of proof of any exemption or exception is
15 upon the person claiming it.

16 (b) In any prosecution for any violation of cannabis
17 related offenses, it shall be an affirmative defense that the
18 substance possessed by the defendant was regulated as a
19 controlled substance under the controlled substances related
20 offenses. In order to raise this affirmative defense, the
21 defendant shall give notice thereof to the State not less than
22 7 days prior to trial.

23 (720 ILCS 5/47.10-404 new)

24 Sec. 47.10-404. Authorization to possess for research.

1 (a) The Department, with the written approval of the
2 Department of State Police, may authorize the possession,
3 production, manufacture and delivery of substances containing
4 cannabis by persons engaged in research and when such
5 authorization is requested by a physician licensed to practice
6 medicine in all its branches, such authorization shall issue
7 without unnecessary delay where the Department finds that such
8 physician licensed to practice medicine in all its branches has
9 certified that such possession, production, manufacture or
10 delivery of such substance is necessary for the treatment of
11 glaucoma, the side effects of chemotherapy or radiation therapy
12 in cancer patients or such other procedure certified to be
13 medically necessary; such authorization shall be, upon such
14 terms and conditions as may be consistent with the public
15 health and safety. To the extent of the applicable
16 authorization, persons are exempt from prosecution in this
17 State for possession, production, manufacture or delivery of
18 cannabis.

19 (b) Persons registered under Federal law to conduct
20 research with cannabis may conduct research with cannabis
21 including, but not limited to treatment by a physician licensed
22 to practice medicine in all its branches for glaucoma, the side
23 effects of chemotherapy or radiation therapy in cancer patients
24 or such other procedure which is medically necessary within
25 this State upon furnishing evidence of that Federal
26 registration and notification of the scope and purpose of such

1 research to the Department and to the Department of State
2 Police of that Federal registration.

3 (c) Persons authorized to engage in research may be
4 authorized by the Department to protect the privacy of
5 individuals who are the subjects of such research by
6 withholding from all persons not connected with the conduct of
7 the research the names and other identifying characteristics of
8 such individuals. Persons who are given this authorization
9 shall not be compelled in any civil, criminal, administrative,
10 legislative or other proceeding to identify the individuals who
11 are the subjects of research for which the authorization was
12 granted, except to the extent necessary to permit the
13 Department to determine whether the research is being conducted
14 in accordance with the authorization.

15 (720 ILCS 5/47.10-405 new)

16 Sec. 47.10-405. Cooperation with other agencies.

17 (a) The Director shall cooperate with Federal and other
18 State agencies in discharging his responsibilities concerning
19 traffic in cannabis and in suppressing the use of cannabis. To
20 this end he may:

21 (1) arrange for the exchange of information among
22 governmental officials concerning the use of cannabis;

23 (2) coordinate and cooperate in training programs
24 concerning cannabis law enforcement at local and State
25 levels;

1 (3) cooperate with the Bureau of Narcotics and
2 Dangerous Drugs, United States Department of Justice, or
3 its successor agency; and

4 (4) conduct programs of eradication aimed at
5 destroying wild illicit growth of plant species from which
6 cannabis may be extracted.

7 (720 ILCS 5/47.10-406 new)

8 Sec. 47.10-406. Research on cannabis. The Department shall
9 encourage research on cannabis. In connection with the
10 research, and in furtherance of the purposes of this Act, it
11 may:

12 (a) establish methods to assess accurately the effect of
13 cannabis;

14 (b) make studies and undertake programs of research to:

15 (1) develop new or improved approaches, techniques,
16 systems, equipment and devices to strengthen the
17 enforcement of this Act;

18 (2) determine patterns of use of cannabis and its
19 social effects; and

20 (3) improve methods for preventing, predicting,
21 understanding, and dealing with the use of cannabis;

22 (c) enter into contracts with public agencies, educational
23 institutions, and private organizations or individuals for the
24 purpose of conducting research, demonstrations, or special
25 projects which relate to the use of cannabis.

1 (720 ILCS 5/47.10-407 new)

2 Sec. 47.10-407. Preservation of cannabis or cannabis
3 sativa plants for laboratory testing.

4 (a) Before or after the trial in a prosecution for a
5 violation of Section 4, 5, 5.1, 5.2, 8, or 9 of this Act, a law
6 enforcement agency or an agent acting on behalf of the law
7 enforcement agency must preserve, subject to a continuous chain
8 of custody, not less than 6,001 grams of any substance
9 containing cannabis and not less than 51 cannabis sativa plants
10 with respect to the offenses enumerated in this subsection (a)
11 and must maintain sufficient documentation to locate that
12 evidence. Excess quantities with respect to the offenses
13 enumerated in this subsection (a) cannot practicably be
14 retained by a law enforcement agency because of its size, bulk,
15 and physical character.

16 (b) The court may before trial transfer excess quantities
17 of any substance containing cannabis or cannabis sativa plants
18 with respect to a prosecution for any offense enumerated in
19 subsection (a) to the sheriff of the county, or may in its
20 discretion transfer such evidence to the Department of State
21 Police, for destruction after notice is given to the
22 defendant's attorney of record or to the defendant if the
23 defendant is proceeding pro se.

24 (c) After a judgment of conviction is entered and the
25 charged quantity is no longer needed for evidentiary purposes

1 with respect to a prosecution for any offense enumerated in
2 subsection (a), the court may transfer any substance containing
3 cannabis or cannabis sativa plants to the sheriff of the
4 county, or may in its discretion transfer such evidence to the
5 Department of State Police, for destruction after notice is
6 given to the defendant's attorney of record or to the defendant
7 if the defendant is proceeding pro se. No evidence shall be
8 disposed of until 30 days after the judgment is entered, and if
9 a notice of appeal is filed, no evidence shall be disposed of
10 until the mandate has been received by the circuit court from
11 the Appellate Court.

12 (720 ILCS 5/Art. 47.10, Div. IV, Gp. B heading new)

13 Group B. Controlled Substances

14 (720 ILCS 5/47.10-408 new)

15 Sec. 47.10-408. Legislative intent.

16 It is the intent of the General Assembly, recognizing the
17 rising incidence in the abuse of drugs and other dangerous
18 substances and its resultant damage to the peace, health, and
19 welfare of the citizens of Illinois, to provide a system of
20 control over the distribution and use of controlled substances
21 which will more effectively:

22 (1) limit access of such substances only to those
23 persons who have demonstrated an appropriate sense of
24 responsibility and have a lawful and legitimate reason to

1 possess them;

2 (2) deter the unlawful and destructive abuse of
3 controlled substances;

4 (3) penalize most heavily the illicit traffickers or
5 profiteers of controlled substances, who propagate and
6 perpetuate the abuse of such substances with reckless
7 disregard for its consumptive consequences upon every
8 element of society;

9 (4) acknowledge the functional and consequential
10 differences between the various types of controlled
11 substances and provide for correspondingly different
12 degrees of control over each of the various types;

13 (5) unify where feasible and codify the efforts of this
14 State to conform with the regulatory systems of the Federal
15 government and other states to establish national
16 coordination of efforts to control the abuse of controlled
17 substances; and

18 (6) provide law enforcement authorities with the
19 necessary resources to make this system efficacious.

20 It is not the intent of the General Assembly to treat the
21 unlawful user or occasional petty distributor of controlled
22 substances with the same severity as the large-scale, unlawful
23 purveyors and traffickers of controlled substances. However,
24 it is recognized that persons who violate the controlled
25 substances related offenses with respect to the manufacture,
26 delivery, possession with intent to deliver, or possession of

1 more than one type of controlled substance listed herein may
2 accordingly receive multiple convictions and sentences under
3 each Section of the controlled substances related offenses. To
4 this end, guidelines have been provided, along with a wide
5 latitude in sentencing discretion, to enable the sentencing
6 court to order penalties in each case which are appropriate for
7 the purposes of the controlled substances related Sections.

8 (720 ILCS 5/47.10-409 new)

9 Sec. 47.10-409. Scope of the controlled substances related
10 sections.

11 Nothing in the controlled substances related Sections
12 limits the lawful authority granted by the Medical Practice Act
13 of 1987, the Nursing and Advanced Practice Nursing Act or the
14 Pharmacy Practice Act.

15 (720 ILCS 5/47.10-410 new)

16 Sec. 47.10-410. Exempt anabolic steroid products.

17 Compounds, mixtures, or preparations that contain an
18 anabolic steroid that have been exempted by the Administrator
19 of the federal Drug Enforcement Administration from
20 application of Sections 302 through 309 and Sections 1002
21 through 1004 of the federal Controlled Substances Act (21
22 U.S.C. 822 through 829 and 952 through 954) and 21 CFR 1301.13,
23 1301.22, and 1301.71 through 1301.76 are also exempt from
24 Sections 207 and 208 of the controlled substances related

1 Sections.

2 (720 ILCS 5/47.10-412 new)

3 Sec. 47.10-412. Prescriptions required; emergency
4 prescriptions.

5 On or after April 1, 2000, no person shall issue a
6 prescription for a Schedule II controlled substance, which is a
7 narcotic drug listed in Section 206 of the controlled
8 substances related Sections; or which contains any quantity of
9 amphetamine or methamphetamine, their salts, optical isomers
10 or salts of optical isomers; phenmetrazine and its salts;
11 gluthethimide; and pentazocine, other than on a written
12 prescription; provided that in the case of an emergency,
13 epidemic or a sudden or unforeseen accident or calamity, the
14 prescriber may issue a lawful oral prescription where failure
15 to issue such a prescription might result in loss of life or
16 intense suffering, but such oral prescription shall include a
17 statement by the prescriber concerning the accident or
18 calamity, or circumstances constituting the emergency, the
19 cause for which an oral prescription was used. Within 7 days
20 after issuing an emergency prescription, the prescriber shall
21 cause a written prescription for the emergency quantity
22 prescribed to be delivered to the dispensing pharmacist. The
23 prescription shall have written on its face "Authorization for
24 Emergency Dispensing", and the date of the emergency
25 prescription. The written prescription may be delivered to the

1 pharmacist in person, or by mail, but if delivered by mail it
2 must be postmarked within the 7-day period. Upon receipt, the
3 dispensing pharmacist shall attach this prescription to the
4 emergency oral prescription earlier received and reduced to
5 writing. The dispensing pharmacist shall notify the Department
6 of Human Services if the prescriber fails to deliver the
7 authorization for emergency dispensing on the prescription to
8 him. Failure of the dispensing pharmacist to do so shall void
9 the authority conferred by this paragraph to dispense without a
10 written prescription of a prescriber. All prescriptions issued
11 for Schedule II controlled substances shall include both a
12 written and numerical notation of quantity on the face of the
13 prescription. No prescription for a Schedule II controlled
14 substance may be refilled.

15 (720 ILCS 5/47.10-413 new)

16 Sec. 47.10-413. Requirements for dispensing controlled
17 substances.

18 (a) A practitioner, in good faith, may dispense a Schedule
19 II controlled substance, which is a narcotic drug listed in
20 Section 206 of the controlled substances related Sections; or
21 which contains any quantity of amphetamine or methamphetamine,
22 their salts, optical isomers or salts of optical isomers;
23 phenmetrazine and its salts; or pentazocine; and Schedule III,
24 IV, or V controlled substances to any person upon a written
25 prescription of any prescriber, dated and signed by the person

1 prescribing on the day when issued and bearing the name and
2 address of the patient for whom, or the owner of the animal for
3 which the controlled substance is dispensed, and the full name,
4 address and registry number under the laws of the United States
5 relating to controlled substances of the prescriber, if he is
6 required by those laws to be registered. If the prescription is
7 for an animal it shall state the species of animal for which it
8 is ordered. The practitioner filling the prescription shall
9 write the date of filling and his own signature on the face of
10 the written prescription. The written prescription shall be
11 retained on file by the practitioner who filled it or pharmacy
12 in which the prescription was filled for a period of 2 years,
13 so as to be readily accessible for inspection or removal by any
14 officer or employee engaged in the enforcement of the
15 controlled substances related Sections. Whenever the
16 practitioner's or pharmacy's copy of any prescription is
17 removed by an officer or employee engaged in the enforcement of
18 the controlled substances related Sections, for the purpose of
19 investigation or as evidence, such officer or employee shall
20 give to the practitioner or pharmacy a receipt in lieu thereof.
21 A prescription for a Schedule II controlled substance shall not
22 be filled more than 7 days after the date of issuance. A
23 written prescription for Schedule III, IV or V controlled
24 substances shall not be filled or refilled more than 6 months
25 after the date thereof or refilled more than 5 times unless
26 renewed, in writing, by the prescriber.

1 (b) In lieu of a written prescription required by this
2 Section, a pharmacist, in good faith, may dispense Schedule
3 III, IV, or V substances to any person either upon receiving a
4 facsimile of a written, signed prescription transmitted by the
5 prescriber or the prescriber's agent or upon a lawful oral
6 prescription of a prescriber which oral prescription shall be
7 reduced promptly to writing by the pharmacist and such written
8 memorandum thereof shall be dated on the day when such oral
9 prescription is received by the pharmacist and shall bear the
10 full name and address of the ultimate user for whom, or of the
11 owner of the animal for which the controlled substance is
12 dispensed, and the full name, address, and registry number
13 under the law of the United States relating to controlled
14 substances of the prescriber prescribing if he is required by
15 those laws to be so registered, and the pharmacist filling such
16 oral prescription shall write the date of filling and his own
17 signature on the face of such written memorandum thereof. The
18 facsimile copy of the prescription or written memorandum of the
19 oral prescription shall be retained on file by the proprietor
20 of the pharmacy in which it is filled for a period of not less
21 than two years, so as to be readily accessible for inspection
22 by any officer or employee engaged in the enforcement of the
23 controlled substances related Sections in the same manner as a
24 written prescription. The facsimile copy of the prescription or
25 oral prescription and the written memorandum thereof shall not
26 be filled or refilled more than 6 months after the date thereof

1 or be refilled more than 5 times, unless renewed, in writing,
2 by the prescriber.

3 (c) Except for any targeted methamphetamine precursor, a
4 controlled substance included in Schedule V shall not be
5 distributed or dispensed other than for a medical purpose and
6 not for the purpose of evading the controlled substances
7 related Sections, and then:

8 (1) only personally by a person registered to dispense
9 a Schedule V controlled substance and then only to his
10 patients, or

11 (2) only personally by a pharmacist, and then only to a
12 person over 21 years of age who has identified himself to
13 the pharmacist by means of 2 positive documents of
14 identification.

15 (3) the dispenser shall record the name and address of
16 the purchaser, the name and quantity of the product, the
17 date and time of the sale, and the dispenser's signature.

18 (4) no person shall purchase or be dispensed more than
19 120 milliliters or more than 120 grams of any Schedule V
20 substance which contains codeine, dihydrocodeine, or any
21 salts thereof, or ethylmorphine, or any salts thereof, in
22 any 96 hour period. The purchaser shall sign a form,
23 approved by the Department of Professional Regulation,
24 attesting that he has not purchased any Schedule V
25 controlled substances within the immediately preceding 96
26 hours.

1 (5) a copy of the records of sale, including all
2 information required by paragraph (3), shall be forwarded
3 to the Department of Professional Regulation at its
4 principal office by the 15th day of the following month.

5 (6) all records of purchases and sales shall be
6 maintained for not less than 2 years.

7 (7) no person shall obtain or attempt to obtain within
8 any consecutive 96 hour period any Schedule V substances of
9 more than 120 milliliters or more than 120 grams containing
10 codeine, dihydrocodeine or any of its salts, or
11 ethylmorphine or any of its salts. Any person obtaining any
12 such preparations or combination of preparations in excess
13 of this limitation shall be in unlawful possession of such
14 controlled substance.

15 (8) a person qualified to dispense controlled
16 substances under the controlled substances related
17 Sections and registered thereunder shall at no time
18 maintain or keep in stock a quantity of Schedule V
19 controlled substances defined and listed in Section 212
20 (b) (1), (2) or (3) in excess of 4.5 liters for each
21 substance; a pharmacy shall at no time maintain or keep in
22 stock a quantity of Schedule V controlled substances as
23 defined in excess of 4.5 liters for each substance, plus
24 the additional quantity of controlled substances necessary
25 to fill the largest number of prescription orders filled by
26 that pharmacy for such controlled substances in any one

1 week in the previous year. These limitations shall not
2 apply to Schedule V controlled substances which Federal law
3 prohibits from being dispensed without a prescription.

4 (9) no person shall distribute or dispense butyl
5 nitrite for inhalation or other introduction into the human
6 body for euphoric or physical effect.

7 (d) Every practitioner shall keep a record of controlled
8 substances received by him and a record of all such controlled
9 substances administered, dispensed or professionally used by
10 him otherwise than by prescription. It shall, however, be
11 sufficient compliance with this paragraph if any practitioner
12 utilizing controlled substances listed in Schedules III, IV and
13 V shall keep a record of all those substances dispensed and
14 distributed by him other than those controlled substances which
15 are administered by the direct application of a controlled
16 substance, whether by injection, inhalation, ingestion, or any
17 other means to the body of a patient or research subject. A
18 practitioner who dispenses, other than by administering, a
19 controlled substance in Schedule II, which is a narcotic drug
20 listed in Section 206 of the controlled substances related
21 Sections, or which contains any quantity of amphetamine or
22 methamphetamine, their salts, optical isomers or salts of
23 optical isomers, pentazocine, or methaqualone shall do so only
24 upon the issuance of a written prescription blank by a
25 prescriber.

26 (e) Whenever a manufacturer distributes a controlled

1 substance in a package prepared by him, and whenever a
2 wholesale distributor distributes a controlled substance in a
3 package prepared by him or the manufacturer, he shall securely
4 affix to each package in which that substance is contained a
5 label showing in legible English the name and address of the
6 manufacturer, the distributor and the quantity, kind and form
7 of controlled substance contained therein. No person except a
8 pharmacist and only for the purposes of filling a prescription
9 under the controlled substances related Sections, shall alter,
10 deface or remove any label so affixed.

11 (f) Whenever a practitioner dispenses any controlled
12 substance except a non-prescription targeted methamphetamine
13 precursor, he shall affix to the container in which such
14 substance is sold or dispensed, a label indicating the date of
15 initial filling, the practitioner's name and address, the name
16 of the patient, the name of the prescriber, the directions for
17 use and cautionary statements, if any, contained in any
18 prescription or required by law, the proprietary name or names
19 or the established name of the controlled substance, and the
20 dosage and quantity, except as otherwise authorized by
21 regulation by the Department of Professional Regulation. No
22 person shall alter, deface or remove any label so affixed.

23 (g) A person to whom or for whose use any controlled
24 substance has been prescribed or dispensed by a practitioner,
25 or other persons authorized under the controlled substances
26 related Sections, and the owner of any animal for which such

1 substance has been prescribed or dispensed by a veterinarian,
2 may lawfully possess such substance only in the container in
3 which it was delivered to him by the person dispensing such
4 substance.

5 (h) The responsibility for the proper prescribing or
6 dispensing of controlled substances is upon the prescriber and
7 the responsibility for the proper filling of a prescription for
8 controlled substance drugs rests with the pharmacist. An order
9 purporting to be a prescription issued to any individual, which
10 is not in the regular course of professional treatment nor part
11 of an authorized methadone maintenance program, nor in
12 legitimate and authorized research instituted by any
13 accredited hospital, educational institution, charitable
14 foundation, or federal, state or local governmental agency, and
15 which is intended to provide that individual with controlled
16 substances sufficient to maintain that individual's or any
17 other individual's physical or psychological addiction,
18 habitual or customary use, dependence, or diversion of that
19 controlled substance is not a prescription within the meaning
20 and intent of the controlled substances related offenses; and
21 the person issuing it, shall be subject to the penalties
22 provided for violations of the law relating to controlled
23 substances.

24 (i) A prescriber shall not preprint or cause to be
25 preprinted a prescription for any controlled substance; nor
26 shall any practitioner issue, fill or cause to be issued or

1 filled, a preprinted prescription for any controlled
2 substance.

3 (j) No person shall manufacture, dispense, deliver,
4 possess with intent to deliver, prescribe, or administer or
5 cause to be administered under his direction any anabolic
6 steroid, for any use in humans other than the treatment of
7 disease in accordance with the order of a physician licensed to
8 practice medicine in all its branches for a valid medical
9 purpose in the course of professional practice. The use of
10 anabolic steroids for the purpose of hormonal manipulation that
11 is intended to increase muscle mass, strength or weight without
12 a medical necessity to do so, or for the intended purpose of
13 improving physical appearance or performance in any form of
14 exercise, sport, or game, is not a valid medical purpose or in
15 the course of professional practice.

16 (720 ILCS 5/47.10-414 new)

17 Sec. 47.10-414. Schedule II controlled substance
18 prescription monitoring program.

19 The Department must provide for a Schedule II controlled
20 substance prescription monitoring program that includes the
21 following components:

22 (1) Each time a Schedule II controlled substance is
23 dispensed, the dispenser must transmit to the central
24 repository the following information:

25 (A) The recipient's name.

1 (B) The recipient's address.

2 (C) The national drug code number of the Schedule
3 II controlled substance dispensed.

4 (D) The date the Schedule II controlled substance
5 is dispensed.

6 (E) The quantity of the Schedule II controlled
7 substance dispensed.

8 (F) The dispenser's United States Drug Enforcement
9 Agency registration number.

10 (G) The prescriber's United States Drug
11 Enforcement Agency registration number.

12 (2) The information required to be transmitted under
13 this Section must be transmitted not more than 15 days
14 after the date on which a Schedule II controlled substance
15 is dispensed.

16 (3) A dispenser must transmit the information required
17 under this Section by:

18 (A) an electronic device compatible with the
19 receiving device of the central repository;

20 (B) a computer diskette;

21 (C) a magnetic tape; or

22 (D) a pharmacy universal claim form or Pharmacy
23 Inventory Control form; that meets specifications
24 prescribed by the Department.

25 Schedule II controlled substance prescription monitoring
26 does not apply to Schedule II controlled substance

1 prescriptions as exempted under Section 313.

2 (720 ILCS 5/47.10-415 new)

3 Sec. 47.10-415. Central repository for collection of
4 information.

5 (a) The Department must designate a central repository for
6 the collection of information transmitted under Section 316.

7 (b) The central repository must do the following:

8 (1) Create a database for information required to be
9 transmitted under Section 316 in the form required under
10 rules adopted by the Department, including search
11 capability for the following:

12 (A) A recipient's name.

13 (B) A recipient's address.

14 (C) The national drug code number of a controlled
15 substance dispensed.

16 (D) The dates a Schedule II controlled substance is
17 dispensed.

18 (E) The quantities of a Schedule II controlled
19 substance dispensed.

20 (F) A dispenser's United States Drug Enforcement
21 Agency registration number.

22 (G) A prescriber's United States Drug Enforcement
23 Agency registration number.

24 (2) Provide the Department with continuing 24 hour a
25 day on-line access to the database maintained by the

1 central repository. The Department of Professional
2 Regulation must provide the Department with electronic
3 access to the license information of a prescriber or
4 dispenser. The Department of Professional Regulation may
5 charge a fee for this access not to exceed the actual cost
6 of furnishing the information.

7 (3) Secure the information collected by the central
8 repository and the database maintained by the central
9 repository against access by unauthorized persons.

10 (720 ILCS 5/47.10-416 new)

11 Sec. 47.10-416. Confidentiality of information.

12 (a) Information received by the central repository under
13 Section 316 is confidential.

14 (b) The Department must carry out a program to protect the
15 confidentiality of the information described in subsection
16 (a). The Department may disclose the information to another
17 person only under subsection (c), (d), or (f) and may charge a
18 fee not to exceed the actual cost of furnishing the
19 information.

20 (c) The Department may disclose confidential information
21 described in subsection (a) to any person who is engaged in
22 receiving, processing, or storing the information.

23 (d) The Department may release confidential information
24 described in subsection (a) to the following persons:

25 (1) A governing body that licenses practitioners and is

1 engaged in an investigation, an adjudication, or a
2 prosecution of a violation under any State or federal law
3 that involves a controlled substance.

4 (2) An investigator for the Consumer Protection
5 Division of the office of the Attorney General, a
6 prosecuting attorney, the Attorney General, a deputy
7 Attorney General, or an investigator from the office of the
8 Attorney General, who is engaged in any of the following
9 activities involving controlled substances:

10 (A) an investigation;

11 (B) an adjudication; or

12 (C) a prosecution of a violation under any State or
13 federal law that involves a controlled substance.

14 (3) A law enforcement officer who is:

15 (A) authorized by the Department of State Police to
16 receive information of the type requested for the
17 purpose of investigations involving controlled
18 substances;

19 (B) approved by the Department to receive
20 information of the type requested for the purpose of
21 investigations involving controlled substances; and

22 (C) engaged in the investigation or prosecution of
23 a violation under any State or federal law that
24 involves a controlled substance.

25 (e) Before the Department releases confidential
26 information under subsection (d), the applicant must

1 demonstrate to the Department that:

2 (1) the applicant has reason to believe that a
3 violation under any State or federal law that involves a
4 Schedule II controlled substance has occurred; and

5 (2) the requested information is reasonably related to
6 the investigation, adjudication, or prosecution of the
7 violation described in subdivision (1).

8 (f) The Department may release to:

9 (1) a governing body that licenses practitioners;

10 (2) an investigator for the Consumer Protection
11 Division of the office of the Attorney General, a
12 prosecuting attorney, the Attorney General, a deputy
13 Attorney General, or an investigator from the office of the
14 Attorney General; or

15 (3) a law enforcement officer who is:

16 (A) authorized by the Department of State Police to
17 receive the type of information released; and

18 (B) approved by the Department to receive the type
19 of information released; confidential information
20 generated from computer records that identifies
21 practitioners who are prescribing or dispensing large
22 quantities of a Schedule II controlled substance as
23 determined by the Advisory Committee created by
24 Section 320.

25 (g) The information described in subsection (f) may not be
26 released until it has been reviewed by an employee of the

1 Department who is licensed as a prescriber or a dispenser and
2 until that employee has certified that further investigation is
3 warranted. However, failure to comply with this subsection (g)
4 does not invalidate the use of any evidence that is otherwise
5 admissible in a proceeding described in subsection (h).

6 (h) An investigator or a law enforcement officer receiving
7 confidential information under subsection (c), (d), or (f) may
8 disclose the information to a law enforcement officer or an
9 attorney for the office of the Attorney General for use as
10 evidence in the following:

11 (1) A proceeding under any State or federal law that
12 involves a Schedule II controlled substance.

13 (2) A criminal proceeding or a proceeding in juvenile
14 court that involves a Schedule II controlled substance.

15 (i) The Department may compile statistical reports from the
16 information described in subsection (a). The reports must not
17 include information that identifies any practitioner, ultimate
18 user, or other person administering a controlled substance.

19 (720 ILCS 5/47.10-417 new)

20 Sec. 47.10-417. Administrative rules.

21 The Department must adopt rules under the Illinois
22 Administrative Procedure Act to implement Sections 316 through
23 318, including the following:

24 (1) Information collection and retrieval procedures
25 for the central repository, including the Schedule II

1 controlled substances to be included in the program
2 required under Section 316.

3 (2) Design for the creation of the database required
4 under Section 317.

5 (3) Requirements for the development and installation
6 of on-line electronic access by the Department to
7 information collected by the central repository.

8 (720 ILCS 5/47.10-418 new)

9 Sec. 47.10-418. Duty to enforce controlled substances
10 sections.

11 (a) It is hereby made the duty of the Department of
12 Professional Regulation and the Department of State Police, and
13 their agents, officers, and investigators, to enforce all
14 provisions of the controlled substances related Sections,
15 except those specifically delegated, and to cooperate with all
16 agencies charged with the enforcement of the laws of the United
17 States, or of any State, relating to controlled substances.
18 Only an agent, officer, or investigator designated by the
19 Director may: (1) for the purpose of inspecting, copying, and
20 verifying the correctness of records, reports or other
21 documents required to be kept or made under the controlled
22 substances related Sections and otherwise facilitating the
23 execution of the functions of the Department of Professional
24 Regulation or the Department of State Police, be authorized in
25 accordance with this Section to enter controlled premises and

1 to conduct administrative inspections thereof and of the things
2 specified; or (2) execute and serve administrative inspection
3 notices, warrants, subpoenas, and summonses under the
4 authority of this State. Any inspection or administrative entry
5 of persons licensed by the Department shall be made in
6 accordance with subsection (bb) of Section 30-5 of the
7 Alcoholism and Other Drug Abuse and Dependency Act and the
8 rules and regulations promulgated thereunder.

9 (b) Administrative entries and inspections designated in
10 clause (1) of subsection (a) shall be carried out through
11 agents, officers, investigators and peace officers
12 (hereinafter referred to as "inspectors") designated by the
13 Director. Any inspector, upon stating his or her purpose and
14 presenting to the owner, operator, or agent in charge of the
15 premises (1) appropriate credentials and (2) a written notice
16 of his or her inspection authority (which notice, in the case
17 of an inspection requiring or in fact supported by an
18 administrative inspection warrant, shall consist of that
19 warrant), shall have the right to enter the premises and
20 conduct the inspection at reasonable times.

21 Inspectors appointed by the Director under this Section 501
22 are conservators of the peace and as such have all the powers
23 possessed by policemen in cities and by sheriffs, except that
24 they may exercise such powers anywhere in the State.

25 (c) Except as may otherwise be indicated in an applicable
26 inspection warrant, the inspector shall have the right:

1 (1) to inspect and copy records, reports and other
2 documents required to be kept or made under the controlled
3 substances Sections;

4 (2) to inspect, within reasonable limits and in a
5 reasonable manner, controlled premises and all pertinent
6 equipment, finished and unfinished drugs and other
7 substances or materials, containers and labeling found
8 therein, and all other things therein (including records,
9 files, papers, processes, controls and facilities)
10 appropriate for verification of the records, reports and
11 documents referred to in item (1) or otherwise bearing on
12 the provisions of the controlled substances related
13 Sections; and

14 (3) to inventory any stock of any controlled substance.

15 (d) Except when the owner, operator, or agent in charge of
16 the controlled premises so consents in writing, no inspection
17 authorized by this Section shall extend to:

18 (1) financial data;

19 (2) sales data other than shipment data; or

20 (3) pricing data.

21 Any inspection or administrative entry of persons licensed
22 by the Department shall be made in accordance with subsection
23 (bb) of Section 30-5 of the Alcoholism and Other Drug Abuse and
24 Dependency Act and the rules and regulations promulgated
25 thereunder.

26 (e) Any agent, officer, investigator or peace officer

1 designated by the Director may (1) make seizure of property
2 pursuant to the provisions of the controlled substances
3 Sections; and (2) perform such other law enforcement duties as
4 the Director shall designate. It is hereby made the duty of all
5 State's Attorneys to prosecute violations of the controlled
6 substances related offenses and institute legal proceedings as
7 authorized under the controlled substances related Sections.

8 (720 ILCS 5/47.10-419 new)

9 Sec. 47.10-419. Administrative inspection warrants.

10 (a) Issuance and execution of administrative inspection
11 warrants shall be as follows:

12 (1) a judge of a circuit court upon proper oath or
13 affirmation showing probable cause, may issue warrants for
14 the purpose of conducting administrative inspections
15 authorized by this Act or rules hereunder, and seizures of
16 property appropriate to the inspections. For purposes of
17 the issuance of administrative inspection warrants,
18 probable cause exists upon showing a valid public interest
19 in the effective enforcement of the controlled substances
20 related Sections or rules hereunder, sufficient to justify
21 administrative inspection of the controlled premises, as
22 defined in subsection (b), specified in the application for
23 the warrant.

24 (2) an inspection warrant shall issue only upon an
25 affidavit of any person having knowledge of the facts

1 alleged, sworn to before the circuit judge and establishing
2 the grounds for issuing the inspection warrant. If the
3 circuit judge is satisfied that there is probable cause to
4 believe that grounds for issuance of an inspection warrant
5 exist, he shall issue an inspection warrant identifying the
6 controlled premises to be inspected, the purpose of the
7 inspection, and, if appropriate, the type of property to be
8 inspected or seized, if any. The inspection warrant shall:

9 (i) state the ground for its issuance and the name
10 of each person whose affidavit has been taken in
11 support thereof;

12 (ii) be directed to a person authorized by Section
13 501 to execute it;

14 (iii) command the person to whom it is directed to
15 inspect the controlled premises identified for the
16 purpose specified and, if appropriate, direct the
17 seizure of the property specified;

18 (iv) identify the item or types of property to be
19 seized, if any;

20 (v) direct that it be served at any time of the day
21 or night and designate the circuit court judge to whom
22 it shall be returned.

23 (3) an inspection warrant issued pursuant to this
24 Section must be executed and returned within 10 days of its
25 date of issuance unless, upon a showing of a need for
26 additional time, the court which issued the inspection

1 warrant orders otherwise. If property is seized pursuant to
2 an inspection warrant, a copy of the inventory of such
3 seized property shall be given to the person from whom or
4 from whose controlled premises the property is taken. If no
5 person is available, the inspection warrant and a copy of
6 the inventory shall be left at such controlled premises.
7 The inventory shall be made under oath by the person
8 executing the warrant.

9 (4) an inspection warrant shall be returnable before
10 the judge of the circuit court who issued the inspection
11 warrant or any judge named in the inspection warrant or
12 before the circuit court. The judge before whom the return
13 is made shall attach to the inspection warrant a copy of
14 the return and all papers returnable in connection
15 therewith and file them with the clerk of the circuit court
16 in which the inspection warrant was executed.

17 (5) no warrant shall be quashed nor evidence suppressed
18 because of technical irregularities not affecting the
19 substantial rights of the person responsible for the
20 controlled premises.

21 (b) The Director may make inspections of controlled
22 premises in accordance with the following provisions:

23 (1) For purposes of this Section only, "controlled
24 premises" means:

25 (i) places where persons registered or exempted
26 from registration requirements under the controlled

1 substances related Sections keep records required
2 under the controlled substances related Sections; and
3 (ii) places, including but not limited to, areas,
4 buildings, premises, factories, warehouses,
5 establishments and conveyances in which persons
6 registered or exempted from registration requirements
7 under the controlled substances related Sections are
8 permitted to possess, manufacture, distribute,
9 dispense, administer, or otherwise dispose of any
10 controlled substance.

11 (2) When authorized by an inspection warrant issued
12 pursuant to the controlled substances related Sections,
13 any agent designated by the Director or any peace officer,
14 upon presenting the inspection warrant to the person
15 designated in the inspection warrant or any other person on
16 the controlled premises, may enter controlled premises for
17 the purpose of conducting the inspection.

18 (3) When authorized by an inspection warrant any agent
19 designated by the Director may execute the inspection
20 warrant in accordance with its terms.

21 (4) This section does not prevent the inspection
22 without a warrant of books and records pursuant to an
23 administrative subpoena issued in accordance with "The
24 Civil Administrative Code of Illinois," nor does it prevent
25 entries and administrative inspections, including seizures
26 of property, without a warrant:

1 (i) if the person in charge of the controlled
2 premises consents; or

3 (ii) in situations presenting imminent danger to
4 health or safety; or

5 (iii) in situations involving inspection of
6 conveyances if there is reasonable cause to believe
7 that the mobility of the conveyance makes it
8 impracticable to obtain a warrant; or

9 (iv) in any other exceptional or emergency
10 circumstance where time or opportunity to apply for a
11 warrant is lacking.

12 (5) An inspection warrant authorized by this Section
13 shall not extend to financial data, sales data, other than
14 shipment data, or pricing data unless the person in charge
15 of the controlled premises consents in writing, provided,
16 however, that records required to be kept under the
17 controlled substances related Sections are not included in
18 such financial data, sales data or pricing data.

19 (720 ILCS 5/47.10-420 new)

20 Sec. 47.10-420. Temporary restraining orders; injunctions.

21 In addition to any other remedies, the Director is
22 authorized to file a complaint and apply to any circuit court
23 for, and such circuit court may upon hearing and for cause
24 shown, grant a temporary restraining order or a preliminary or
25 permanent injunction, without bond, restraining any person

1 from violating the controlled substances related offenses
2 whether or not there exists other judicial remedies.

3 (720 ILCS 5/47.10-421 new)

4 Sec. 47.10-421. Cooperation with Federal and State
5 agencies.

6 (a) The Director shall cooperate with Federal and other
7 State agencies in discharging his responsibilities concerning
8 traffic in controlled substances and in suppressing the misuse
9 and abuse of controlled substances. To this end he may:

10 (1) arrange for the exchange of information among
11 governmental officials concerning the use, misuse and
12 abuse of controlled substances;

13 (2) coordinate and cooperate in training programs
14 concerning controlled substance law enforcement at local
15 and State levels;

16 (3) cooperate with the federal Drug Enforcement
17 Administration or its successor agency; and

18 (4) conduct programs of eradication aimed at
19 destroying wild illicit growth of plant species from which
20 controlled substances may be extracted.

21 (b) Results, information, and evidence received from the
22 Drug Enforcement Administration relating to the regulatory
23 functions of the controlled substances related Sections,
24 including results of inspections conducted by it may be relied
25 and acted upon by the Director in the exercise of his

1 regulatory functions under the controlled substances related
2 Sections.

3 (720 ILCS 5/47.10-422 new)

4 Sec. 47.10-422. Review of administrative decisions.

5 All rulings, final determinations, findings, and
6 conclusions of the Department of State Police, the Department
7 of Professional Regulation, and the Department of Human
8 Services of the State of Illinois under the controlled
9 substances related Sections are final and conclusive decisions
10 of the matters involved. Any person aggrieved by the decision
11 may obtain review of the decision pursuant to the provisions of
12 the Administrative Review Law, as amended and the rules adopted
13 pursuant thereto. Pending final decision on such review, the
14 acts, orders and rulings of the Department shall remain in full
15 force and effect unless modified or suspended by order of court
16 pending final judicial decision. Pending final decision on such
17 review, the acts, orders, sanctions and rulings of the
18 Department of Professional Regulation regarding any
19 registration shall remain in full force and effect, unless
20 stayed by order of court. However, no stay of any decision of
21 the administrative agency shall issue unless the person
22 aggrieved by the decision establishes by a preponderance of the
23 evidence that good cause exists therefor. In determining good
24 cause, the court shall find that the aggrieved party has
25 established a substantial likelihood of prevailing on the

1 merits and that granting the stay will not have an injurious
2 effect on the general public. Good cause shall not be
3 established solely on the basis of hardships resulting from an
4 inability to engage in the registered activity pending a final
5 judicial decision.

6 (720 ILCS 5/47.10-423 new)

7 Sec. 47.10-423. Burden of proof of exemption or exception.

8 It is not necessary for the State to negate any exemption
9 or exception in the controlled related substances offenses in
10 any complaint, information, indictment or other pleading or in
11 any trial, hearing, or other proceeding under the controlled
12 substances related offenses. The burden of proof of any
13 exemption or exception is upon the person claiming it.

14 (720 ILCS 5/Art. 47.10, Div. IV, Gp. C heading new)

15 Group C. Methamphetamine

16 (720 ILCS 5/47.10-424 new)

17 Sec. 47.10-424. Methamphetamine Manufacturer Database.

18 (a) The Department of State Police shall establish and
19 maintain a Methamphetamine Manufacturer Database for the
20 purpose of identifying methamphetamine manufacturers and
21 making that information available to law enforcement and the
22 general public. For every person convicted of a violation of
23 the offense of Participation in methamphetamine manufacturing

1 or after the effective date of the methamphetamine manufacturer
2 registry provisions, the methamphetamine manufacturer database
3 shall contain information relating to each methamphetamine
4 manufacturer. The information shall include the
5 methamphetamine manufacturer's name, date of birth, offense or
6 offenses requiring inclusion in the Methamphetamine
7 Manufacturer Database, the conviction date and county of each
8 such offense, and such other identifying information as the
9 Department of State Police deems necessary to identify the
10 methamphetamine manufacturer, but shall not include the social
11 security number of the methamphetamine manufacturer.

12 (b) The Department of State Police must make the
13 information contained in the Statewide Methamphetamine
14 Manufacturer Database accessible on the Internet by means of a
15 hyperlink labeled "Methamphetamine Manufacturer Information"
16 on the Department's World Wide Web home page. The Department of
17 State Police must update that information as it deems
18 necessary.

19 (c) The Department of State Police must promulgate rules in
20 accordance with the Illinois Administrative Procedure Act to
21 implement this Section and those rules must include procedures
22 to ensure that the information in the database is accurate, and
23 that the information in the database reflects any changes based
24 on the reversal of a conviction for an offense requiring
25 inclusion in the Methamphetamine Manufacturer Database, or a
26 court order requiring the sealing or expungement of records

1 relating to the offense. A certified copy of such an order
2 shall be deemed prima facie true and correct and, shall be
3 sufficient to require the immediate amendment or removal of any
4 person's information from the Methamphetamine Manufacturer
5 Database by the Department of State Police.

6 (720 ILCS 5/47.10-425 new)

7 Sec. 47.10-425. Conviction information.

8 (a) Within 60 days after the effective date of the
9 methamphetamine manufacturer registry provisions, each circuit
10 clerk shall forward monthly to the Department of State Police a
11 copy of the judgment for each and all persons convicted of an
12 offense within the definition of methamphetamine manufacturer,
13 as defined in Section 5 of this Act, during the previous month.

14 (b) Within 120 days after the effective date of the
15 methamphetamine manufacturer registry provisions, the Director
16 of Corrections shall forward to the Department of State Police
17 a list of all persons incarcerated or on mandatory supervised
18 release, who have been convicted of an offense within the
19 definition of methamphetamine manufacturer, as defined in
20 Section 5 of this Act.

21 (720 ILCS 5/47.10-426 new)

22 Sec. 47.10-426. Purpose.

23 (a) The purpose of the methamphetamine-related offenses is
24 to reduce the damage that the manufacture, distribution, and

1 use of methamphetamine are inflicting on children, families,
2 communities, businesses, the economy, and the environment in
3 Illinois. The General Assembly recognizes that methamphetamine
4 is fundamentally different from other drugs regulated by the
5 Illinois Controlled Substances Act because the harms relating
6 to methamphetamine stem not only from the distribution and use
7 of the drug, but also from the manufacture of the drug in this
8 State. Because methamphetamine is not only distributed and used
9 but also manufactured here, and because the manufacture of
10 methamphetamine is extremely and uniquely harmful, the General
11 Assembly finds that a separate Act is needed to address the
12 manufacture, distribution, and use of methamphetamine in
13 Illinois.

14 (b) The purpose of the methamphetamine precursor offenses
15 is to reduce the harm that methamphetamine manufacturing and
16 manufacturers are inflicting on individuals, families,
17 communities, first responders, the economy, and the
18 environment in Illinois, by making it more difficult for
19 persons engaged in the unlawful manufacture of methamphetamine
20 and related activities to obtain methamphetamine's essential
21 ingredient, ephedrine or pseudoephedrine. It is the intent of
22 the General Assembly that this Act operates in tandem with and
23 be interpreted as consistent with federal laws and regulations
24 relating to the subject matter of this Act to the greatest
25 extent possible.

1 (720 ILCS 5/47.10-427 new)

2 Sec. 47.10-427. Scope of methamphetamine-related offenses.

3 (a) Nothing in the methamphetamine-related offenses limits any
4 authority or activity authorized by the controlled
5 substances-related offenses, the Medical Practice Act of 1987,
6 the Nursing and Advanced Practice Nursing Act, the Pharmacy
7 Practice Act of 1987, the Illinois Dental Practice Act, the
8 Podiatric Medical Practice Act of 1987, or the Veterinary
9 Medicine and Surgery Practice Act of 2004. Nothing in this Act
10 limits the authority or activity of any law enforcement officer
11 acting within the scope of his or her employment.

12 (720 ILCS 5/47.10-428 new)

13 Sec. 47.10-428. Basic provisions.

14 (a) No targeted methamphetamine precursor shall be
15 purchased, received, or otherwise acquired in any manner other
16 than that described in Section 20 of this Act.

17 (b) No targeted methamphetamine precursor shall be
18 knowingly administered, dispensed, or distributed for any
19 purpose other than a medical purpose.

20 (c) No targeted methamphetamine precursor shall be
21 knowingly administered, dispensed, or distributed for the
22 purpose of violating or evading a methamphetamine
23 precursor-related offense or a controlled substance-related.

24 (d) No targeted methamphetamine precursor shall be
25 administered, dispensed, or distributed with knowledge that it

1 will be used to manufacture methamphetamine or with reckless
2 disregard of its likely use to manufacture methamphetamine.

3 (e) No targeted methamphetamine precursor shall be
4 administered, dispensed, or distributed except by:

5 (1) a pharmacist pursuant to the valid order of a
6 prescriber;

7 (2) any other practitioner authorized to do so by the
8 controlled-substances-related offenses;

9 (3) a drug abuse treatment program, pursuant to
10 subsection d of Section 313 of the Illinois Controlled
11 Substances Act);

12 (4) a pharmacy pursuant to Section 25;

13 (5) a retail distributor pursuant to Sections 30 and
14 35; or

15 (6) a distributor authorized by the Drug Enforcement
16 Administration to distribute bulk quantities of a list I
17 chemical under the federal Controlled Substances Act and
18 corresponding regulations, or the employee or agent of such
19 a distributor acting in the normal course of business.

20 (f) Notwithstanding any provision of the
21 methamphetamine-related offenses to the contrary, it is lawful
22 for persons to provide small quantities of targeted
23 methamphetamine precursors to immediate family or household
24 members for legitimate medical purposes, and it is lawful for
25 persons to receive small quantities of targeted
26 methamphetamine precursors from immediate family or household

1 members for legitimate medical purposes.

2 (720 ILCS 5/47.10-429 new)

3 Sec. 47.10-429. Restrictions on purchase, receipt, or
4 acquisition.

5 (a) Except as provided in subsection (e) of this Section,
6 any person 18 years of age or older wishing to purchase,
7 receive, or otherwise acquire a targeted methamphetamine
8 precursor shall, prior to taking possession of the targeted
9 methamphetamine precursor:

10 (1) provide a driver's license or other
11 government-issued identification showing the person's
12 name, date of birth, and photograph; and

13 (2) sign a log documenting the name and address of the
14 person, date and time of the transaction, and brand and
15 product name and total quantity distributed of ephedrine or
16 pseudoephedrine, their salts, or optical isomers, or salts
17 of optical isomers.

18 (b) Except as provided in subsection (e) of this Section,
19 no person shall knowingly purchase, receive, or otherwise
20 acquire, within any 30-day period products containing more than
21 a total of 7,500 milligrams of ephedrine or pseudoephedrine,
22 their salts or optical isomers, or salts of optical isomers.

23 (c) Except as provided in subsections (d) and (e) of this
24 Section, no person shall knowingly purchase, receive, or
25 otherwise acquire more than 2 targeted packages in a single

1 retail transaction.

2 (d) Except as provided in subsection (e) of this Section,
3 no person shall knowingly purchase, receive, or otherwise
4 acquire more than one convenience package from a retail
5 location other than a pharmacy counter in a 24-hour period.

6 (e) This Section shall not apply to any person who
7 purchases, receives, or otherwise acquires a targeted
8 methamphetamine precursor for the purpose of dispensing,
9 distributing, or administering it in a lawful manner described
10 in subsection (e) of Section 15 of this Act.

11 (720 ILCS 5/47.10-430 new)

12 Sec. 47.10-430. Pharmacies.

13 (a) No targeted methamphetamine precursor may be knowingly
14 distributed through a pharmacy, including a pharmacy located
15 within, owned by, operated by, or associated with a retail
16 distributor unless all terms of this Section are satisfied.

17 (b) Any targeted methamphetamine precursor other than a
18 convenience package or a liquid, including but not limited to
19 any targeted methamphetamine precursor in liquid-filled
20 capsules, shall be packaged in blister packs, with each blister
21 containing not more than 2 dosage units, or when the use of
22 blister packs is technically infeasible, in unit dose packets.
23 Each targeted package shall contain no more than 3,000
24 milligrams of ephedrine or pseudoephedrine, their salts or
25 optical isomers, or salts of optical isomers.

1 (c) The targeted methamphetamine precursor shall be stored
2 behind the pharmacy counter and distributed by a pharmacist or
3 pharmacy technician licensed under the Pharmacy Practice Act of
4 1987.

5 (d) Any retail distributor operating a pharmacy, and any
6 pharmacist or pharmacy technician involved in the transaction
7 or transactions, shall ensure that any person purchasing,
8 receiving, or otherwise acquiring the targeted methamphetamine
9 precursor complies with subsection (a) of Section 20 of this
10 Act.

11 (e) Any retail distributor operating a pharmacy, and any
12 pharmacist or pharmacy technician involved in the transaction
13 or transactions, shall verify that:

14 (1) The person purchasing, receiving, or otherwise
15 acquiring the targeted methamphetamine precursor is 18
16 years of age or older and resembles the photograph of the
17 person on the government-issued identification presented
18 by the person; and

19 (2) The name entered into the log referred to in
20 subsection (a) of Section 20 of this Act corresponds to the
21 name on the government-issued identification presented by
22 the person.

23 (f) The logs referred to in subsection (a) of Section 20 of
24 this Act shall be kept confidential, maintained for not less
25 than 2 years, and made available for inspection and copying by
26 any law enforcement officer upon request of that officer. These

1 logs may be kept in an electronic format if they include all
2 the information specified in subsection (a) of Section 20 of
3 this Act in a manner that is readily retrievable and
4 reproducible in hard-copy format.

5 (g) No retail distributor operating a pharmacy, and no
6 pharmacist or pharmacy technician, shall knowingly distribute
7 any targeted methamphetamine precursor to any person under 18
8 years of age.

9 (h) Except as provided in subsection (h) of this Section,
10 no retail distributor operating a pharmacy, and no pharmacist
11 or pharmacy technician, shall knowingly distribute to a single
12 person more than 2 targeted packages in a single retail
13 transaction.

14 (i) No retail distributor operating a pharmacy, and no
15 pharmacist or pharmacy technician, shall knowingly distribute
16 to a single person in any 30-day period products containing
17 more than a total of 7,500 milligrams of ephedrine or
18 pseudoephedrine, their salts or optical isomers, or salts of
19 optical isomers.

20 (j) A pharmacist or pharmacy technician may distribute a
21 targeted methamphetamine precursor to a person who is without a
22 form of identification specified in paragraph (1) of subsection
23 (a) of Section 20 of this Act only if all other provisions of
24 this Act are followed and either:

25 (1) the person presents a driver's license issued
26 without a photograph by the State of Illinois pursuant to

1 the Illinois Administrative Code, Title 92, Section
2 1030.90(b)(1) or 1030.90(b)(2); or

3 (2) the person is known to the pharmacist or pharmacy
4 technician, the person presents some form of
5 identification, and the pharmacist or pharmacy technician
6 reasonably believes that the targeted methamphetamine
7 precursor will be used for a legitimate medical purpose and
8 not to manufacture methamphetamine.

9 (k) When a pharmacist or pharmacy technician distributes a
10 targeted methamphetamine precursor to a person according to the
11 procedures set forth in this Act, and the pharmacist or
12 pharmacy technician does not have access to a working cash
13 register at the pharmacy counter, the pharmacist or pharmacy
14 technician may instruct the person to pay for the targeted
15 methamphetamine precursor at a cash register located elsewhere
16 in the retail establishment, whether that register is operated
17 by a pharmacist, pharmacy technician, or other employee or
18 agent of the retail establishment.

19 (720 ILCS 5/47.10-431 new)

20 Sec. 47.10-431. Retail distributors; general requirements.

21 (a) No retail distributor shall distribute any convenience
22 package except in accordance with this Section and Section 35
23 of this Act.

24 (b) The convenience packages must be displayed behind store
25 counters or in locked cases, so that customers are not able to

1 reach the product without the assistance of a store employee or
2 agent.

3 (c) The retailer distributor shall ensure that any person
4 purchasing, receiving, or otherwise acquiring the targeted
5 methamphetamine precursor complies with subsection (a) of
6 Section 20 of this Act.

7 (d) The retail distributor shall verify that:

8 (1) The person purchasing, receiving, or otherwise
9 acquiring the targeted methamphetamine precursor is 18
10 years of age or older and resembles the photograph of the
11 person on the government-issued identification presented
12 by the person; and

13 (2) The name entered into the log referred to in
14 subsection (a) of Section 20 of this Act corresponds to the
15 name on the government-issued identification presented by
16 the person.

17 (e) The logs referred to in subsection (a) of Section 20 of
18 this Act shall be kept confidential, maintained for not less
19 than 2 years, and made available for inspection and copying by
20 any law enforcement officer upon request of that officer. These
21 logs may be kept in an electronic format if they include all
22 the information specified in subsection (a) of Section 20 of
23 this Act in a form that is readily retrievable.

24 (f) No retail distributor shall knowingly distribute any
25 targeted methamphetamine precursor to any person under 18 years
26 of age.

1 (g) No retail distributor shall knowingly distribute to a
2 single person in any 24-hour period more than one convenience
3 package.

4 (h) No retail distributor shall knowingly distribute to a
5 single person in any 30-day period products containing more
6 than a total of 7,500 milligrams of ephedrine or
7 pseudoephedrine, their salts or optical isomers, or salts of
8 optical isomers.

9 (720 ILCS 5/47.10-432 new)

10 Sec. 47.10-432. Retail distributors; training
11 requirements.

12 (a) Every retail distributor of any targeted
13 methamphetamine precursor shall train each sales employee on
14 the topics listed on the certification form described in
15 subsection (b) of this Section. This training may be conducted
16 by a live trainer or by means of a computer-based training
17 program. This training shall be completed within 30 days of the
18 effective date of this Act or within 30 days of the date that
19 each sales employee begins working for the retail distributor,
20 whichever of these 2 dates comes later.

21 (b) Immediately after training each sales employee as
22 required in subsection (a) of this Section, every retail
23 distributor of any targeted methamphetamine precursor shall
24 have each sales employee read, sign, and date a certification
25 containing the following language:

1 (1) My name is (insert name of employee) and I am an
2 employee of (insert name of business) at (insert street
3 address).

4 (2) I understand that in Illinois there are laws
5 governing the sale of certain over-the-counter medications
6 that contain a chemical called ephedrine or a second
7 chemical called pseudoephedrine. Medications that are
8 subject to these laws are called "targeted methamphetamine
9 precursors".

10 (3) I understand that "targeted methamphetamine
11 precursors" can be used to manufacture the illegal and
12 dangerous drug methamphetamine and that methamphetamine is
13 causing great harm to individuals, families, communities,
14 the economy, and the environment throughout Illinois.

15 (4) I understand that under Illinois law, unless they
16 are at a pharmacy counter, customers can only purchase
17 small "convenience packages" of "targeted methamphetamine
18 precursors".

19 (5) I understand that under Illinois law, customers can
20 only purchase these "convenience packages" if they are 18
21 years of age or older, show identification, and sign a log
22 according to procedures that have been described to me.

23 (6) I understand that under Illinois law, I cannot sell
24 more than one "convenience package" to a single customer in
25 one 24-hour period.

26 (7) I understand that under Illinois law, I cannot sell

1 "targeted methamphetamine precursors" to a person if I know
2 that the person is going to use them to make
3 methamphetamine.

4 (8) I understand that there are a number of ingredients
5 that are used to make the illegal drug methamphetamine,
6 including "targeted methamphetamine precursors" sold in
7 "convenience packages". My employer has shown me a list of
8 these various ingredients, and I have reviewed the list.

9 (9) I understand that there are certain procedures that
10 I should follow if I suspect that a store customer is
11 purchasing "targeted methamphetamine precursors" or other
12 products for the purpose of manufacturing methamphetamine.
13 These procedures have been described to me, and I
14 understand them.

15 (c) A certification form of the type described in
16 subsection (b) of this Section may be signed with a handwritten
17 signature or an electronic signature that includes a unique
18 identifier for each employee. The certification shall be
19 retained by the retail distributor for each sales employee for
20 the duration of his or her employment and for at least 30 days
21 following the end of his or her employment. Any such form shall
22 be made available for inspection and copying by any law
23 enforcement officer upon request of that officer. These records
24 may be kept in electronic format if they include all the
25 information specified in this Section in a manner that is
26 readily retrievable and reproducible in hard-copy format.

1 (d) The Office of the Illinois Attorney General shall make
2 available to retail distributors the list of methamphetamine
3 ingredients referred to in subsection (b) of this Section.

4 (e) The training requirements set forth in this Section
5 apply to the distribution of convenience packages away from
6 pharmacy counters as set forth in Section 30 of this Act but do
7 not apply to the distribution of targeted methamphetamine
8 precursors through a pharmacy as set forth in Section 25 of
9 this Act.

10 (720 ILCS 5/47.10-433 new)

11 Sec. 47.10-433. Penalties.

12 (a) Any pharmacy or retail distributor that violates a
13 methamphetamine precursor related offenses is guilty of a petty
14 offense and subject to a fine of \$500 for a first offense; and
15 \$1,000 for a second offense occurring at the same retail
16 location as and within 3 years of the prior offense. A pharmacy
17 or retail distributor that violates a methamphetamine
18 precursor related offenses is guilty of a business offense and
19 subject to a fine of \$5,000 for a third or subsequent offense
20 occurring at the same retail location as and within 3 years of
21 the prior offenses.

22 (b) An employee or agent of a pharmacy or retail
23 distributor who violates a methamphetamine precursor related
24 offenses is guilty of a Class A misdemeanor for a first
25 offense, a Class 4 felony for a second offense, and a Class 1

1 felony for a third or subsequent offense.

2 (c) Any other person who violates a methamphetamine
3 precursor related offenses is guilty of a Class B misdemeanor
4 for a first offense, a Class A misdemeanor for a second
5 offense, and a Class 4 felony for a third or subsequent
6 offense.

7 (720 ILCS 5/47.10-434 new)

8 Sec. 47.10-434. Immunity from civil liability. In the event
9 that any agent or employee of a pharmacy or retail distributor
10 reports to any law enforcement officer or agency any suspicious
11 activity concerning a targeted methamphetamine precursor or
12 other methamphetamine ingredient or ingredients, the agent or
13 employee and the pharmacy or retail distributor itself are
14 immune from civil liability based on allegations of defamation,
15 libel, slander, false arrest, or malicious prosecution, or
16 similar allegations, except in cases of willful or wanton
17 misconduct.

18 (720 ILCS 5/47.10-435 new)

19 Sec. 47.10-435. Preemption and home rule powers.

20 (a) Except as provided in subsection (b) of this Section, a
21 county or municipality, including a home rule unit, may
22 regulate the sale of targeted methamphetamine precursor and
23 targeted packages in a manner that is not more or less
24 restrictive than the regulation by the State under this Act.

1 This Section is a limitation under subsection (i) of Section 6
2 of Article VII of the Illinois Constitution on the concurrent
3 exercise by home rule units of the powers and functions
4 exercised by the State.

5 (b) Any regulation of the sale of targeted methamphetamine
6 precursor and targeted packages by a home rule unit that took
7 effect on or before May 1, 2004, is exempt from the provisions
8 of subsection (a) of this Section.

9 (720 ILCS 5/Art. 48 heading new)

10 ARTICLE 48. MISCELLANEOUS ARTICLE

11 (720 ILCS 5/48-1 new)

12 Sec. 48-1. Place of public entertainment or amusement. The
13 term "place of public entertainment or amusement" shall
14 include, but is not limited to, theater, circus, baseball park,
15 baseball games, football games, hockey games, theater
16 entertainments, sporting events, and musical performances.

17 (720 ILCS 5/48-2 new)

18 Sec. 48-2. Sale of tickets other than at box office
19 prohibited; exceptions.

20 (a) It is unlawful for any person, firm or corporation,
21 owner, lessee, manager, trustee, or any of their employees or
22 agents, owning, conducting, managing or operating any place of
23 public entertainment or amusement where tickets of admission

1 are sold for any such places of public entertainment or
2 amusement to knowingly sell or permit the sale, barter or
3 exchange of such admission tickets at any other place than in
4 the box office or on the premises of such place of public
5 entertainment or amusement, but nothing herein prevents such
6 place of public entertainment or amusement from placing any of
7 its admission tickets for sale at any other place at the same
8 price such admission tickets are sold by such place of public
9 entertainment or amusement at its box office or on the premises
10 of such places, at the same advertised price or printed rate
11 thereof.

12 (b) Any term or condition of the original sale of a ticket
13 to any place of public entertainment or amusement where tickets
14 of admission are sold that purports to limit the terms or
15 conditions of resale of the ticket (including but not limited
16 to the resale price of the ticket) is unenforceable, null, and
17 void if the resale transaction is carried out by any of the
18 means set forth in subsections (b), (c), (d), and (e) of
19 Section 1.5 of this Act. This subsection shall not apply to a
20 term or condition of the original sale of a ticket to any place
21 of public entertainment or amusement where tickets of admission
22 are sold that purports to limit the terms or conditions of
23 resale of a ticket specifically designated as seating in a
24 special section for a person with a physical disability.

1 Sec. 48-3. Sale of tickets at more than face value
2 prohibited; exceptions.

3 (a) Except as otherwise provided in subsections (b), (c),
4 (d), and (e) of this Section and in Section 4, it is unlawful
5 for any person, persons, firm or corporation to knowingly sell
6 tickets for any amusement for a price more than the price
7 printed upon the face of said ticket, and the price of said
8 ticket shall correspond with the same price shown at the box
9 office or the office of original distribution.

10 (b) This Act does not apply to the resale of tickets of
11 admission to a place of public entertainment or amusement of
12 any kind for a price in excess of the printed box office ticket
13 price by a ticket broker who meets all of the following
14 requirements:

15 (1) The ticket broker is duly registered with the
16 Office of the Secretary of State on a registration form
17 provided by that Office. The registration must contain a
18 certification that the ticket broker:

19 (A) engages in the resale of tickets on a regular
20 and ongoing basis from one or more permanent or fixed
21 locations located within this State;

22 (B) maintains as the principal business activity
23 at those locations the resale of tickets;

24 (C) displays at those locations the ticket
25 broker's registration;

26 (D) maintains at those locations a listing of the

1 names and addresses of all persons employed by the
2 ticket broker;

3 (E) is in compliance with all applicable federal,
4 State, and local laws relating to its ticket selling
5 activities, and that neither the ticket broker nor any
6 of its employees within the preceding 12 months have
7 been convicted of a violation of this Act; and

8 (F) meets the following requirements:

9 (i) the ticket broker maintains a toll free
10 number specifically dedicated for Illinois
11 consumer complaints and inquiries concerning
12 ticket sales;

13 (ii) the ticket broker has adopted a code that
14 advocates consumer protection that includes, at a
15 minimum:

16 (a-1) consumer protection guidelines;

17 (b-1) a standard refund policy. In the
18 event a refund is due, the ticket broker shall
19 provide that refund without charge other than
20 for reasonable delivery fees for the return of
21 the tickets; and

22 (c-1) standards of professional conduct;

23 (iii) the ticket broker has adopted a
24 procedure for the binding resolution of consumer
25 complaints by an independent, disinterested third
26 party and thereby submits to the jurisdiction of

1 the State of Illinois; and

2 (iv) the ticket broker has established and
3 maintains a consumer protection rebate fund in
4 Illinois in an amount in excess of \$100,000, which
5 must be cash available for immediate disbursement
6 for satisfaction of valid consumer complaints.
7 Alternatively, the ticket broker may fulfill the
8 requirements of subparagraph (F) of this paragraph
9 (1) if the ticket broker certifies that he or she
10 belongs to a professional association organized
11 under the laws of this State, or organized under
12 the laws of any other state and authorized to
13 conduct business in Illinois, that has been in
14 existence for at least 3 years prior to the date of
15 that broker's registration with the Office of the
16 Secretary of State, and is specifically dedicated,
17 for and on behalf of its members, to provide and
18 maintain the consumer protection requirements of
19 subparagraph (F) of paragraph (1) to maintain the
20 integrity of the ticket brokerage industry.

21 (2) The ticket broker and his employees must not engage
22 in the practice of selling, or attempting to sell, tickets
23 for any event while sitting or standing near the facility
24 at which the event is to be held or is being held unless
25 the ticket broker or his or her employees are on property
26 they own, lease, or have permission to occupy.

1 (3) The ticket broker must comply with all requirements
2 of the Retailers' Occupation Tax Act and collect and remit
3 all other applicable federal, State and local laws in
4 connection with the ticket broker's ticket selling
5 activities.

6 (4) Beginning January 1, 1996, no ticket broker shall
7 advertise for resale any tickets within this State unless
8 the advertisement contains the name of the ticket broker
9 and the Illinois registration number issued by the Office
10 of the Secretary of State under this Section.

11 (5) Each ticket broker registered under this Act shall
12 pay an annual registration fee of \$100.

13 (c) This Act does not apply to the sale of tickets of
14 admission to any place of public entertainment or amusement of
15 any kind for a price in excess of the printed box office ticket
16 price by a reseller engaged in interstate or intrastate
17 commerce on an Internet auction listing service duly registered
18 with the Department of Financial and Professional Regulation
19 under the Auction License Act and with the Office of the
20 Secretary of State on a registration form provided by that
21 Office. This subsection applies to both sales through an online
22 bid submission process and sales at a fixed price on the same
23 website or interactive computer service as an Internet auction
24 listing service registered with the Department of Financial and
25 Professional Regulation. This subsection (c) applies to
26 resales described in this subsection only if the operator of

1 the Internet auction listing service meets the following
2 requirements:

3 (1) the operator maintains a listing of the names and
4 addresses of its corporate officers;

5 (2) the operator is in compliance with all applicable
6 federal, State, and local laws relating to ticket selling
7 activities, and the operator's officers and directors have
8 not been convicted of a violation of this Act within the
9 preceding 12 months;

10 (3) the operator maintains, either itself or through an
11 affiliate, a toll free number dedicated for consumer
12 complaints;

13 (4) the operator provides consumer protections that
14 include at a minimum:

15 (A) consumer protection guidelines;

16 (B) a standard refund policy that guarantees to all
17 purchasers that it will provide and in fact provides a
18 full refund of the amount paid by the purchaser
19 (including, but not limited to, all fees, regardless of
20 how characterized) if the following occurs:

21 (i) the ticketed event is cancelled and the
22 purchaser returns the tickets to the seller or
23 Internet auction listing service; however,
24 reasonable delivery fees need not be refunded if
25 the previously disclosed guarantee specifies that
26 the fees will not be refunded if the event is

1 cancelled;

2 (ii) the ticket received by the purchaser does
3 not allow the purchaser to enter the ticketed event
4 for reasons that may include, without limitation,
5 that the ticket is counterfeit or that the ticket
6 has been cancelled by the issuer due to
7 non-payment, unless the ticket is cancelled due to
8 an act or omission by such purchaser;

9 (iii) the ticket fails to conform to its
10 description on the Internet auction listing
11 service; or

12 (iv) the ticket seller knowingly fails to send
13 the ticket or tickets to the purchaser, or the
14 ticket seller attempted to deliver the ticket or
15 tickets to the purchaser in the manner required by
16 the Internet auction listing service and the
17 purchaser failed to receive the ticket or tickets;
18 and

19 (C) standards of professional conduct;

20 (5) the operator has adopted an independent and
21 disinterested dispute resolution procedure that allows
22 resellers or purchasers to file complaints against the
23 other and have those complaints mediated or resolved by a
24 third party, and requires the resellers or purchasers to
25 submit to the jurisdiction of the State of Illinois for
26 complaints involving a ticketed event held in Illinois;

1 (6) the operator either:

2 (A) complies with all applicable requirements of
3 the Retailers' Occupation Tax Act and collects and
4 remits all applicable federal, State, and local taxes;
5 or

6 (B) publishes a written notice on the website after
7 the sale of one or more tickets that automatically
8 informs the ticket reseller of the ticket reseller's
9 potential legal obligation to pay any applicable local
10 amusement tax in connection with the reseller's sale of
11 tickets, and discloses to law enforcement or other
12 government tax officials, without subpoena, the name,
13 city, state, telephone number, e-mail address, user ID
14 history, fraud complaints, and bidding and listing
15 history of any specifically identified reseller or
16 purchaser upon the receipt of a verified request from
17 law enforcement or other government tax officials
18 relating to a criminal investigation or alleged
19 illegal activity; and

20 (7) the operator either:

21 (A) has established and maintains a consumer
22 protection rebate fund in Illinois in an amount in
23 excess of \$100,000, which must be cash available for
24 immediate disbursement for satisfaction of valid
25 consumer complaints; or

26 (B) has obtained and maintains in force an errors

1 and omissions insurance policy that provides at least
2 \$100,000 in coverage and proof that the policy has been
3 filed with the Department of Financial and
4 Professional Regulation.

5 (d) This Act does not apply to the resale of tickets of
6 admission to a sporting event, theater, musical performance, or
7 place of public entertainment or amusement of any kind for a
8 price in excess of the printed box office ticket price
9 conducted at an auction solely by or for a not-for-profit
10 organization for charitable purposes under clause (a)(1) of
11 Section 10-1 of the Auction License Act.

12 (e) This Act does not apply to the resale of a ticket for
13 admission to any other amusement for a price more than the
14 price printed on the face of the ticket and for more than the
15 price of the ticket at the box office if the resale is made
16 through an Internet website whose operator meets the following
17 requirements:

18 (1) the operator has a business presence and physical
19 street address in the State of Illinois and clearly and
20 conspicuously posts that address on the website;

21 (2) the operator maintains a listing of the names of
22 the operator's directors and officers, and is duly
23 registered with the Office of the Secretary of State on a
24 registration form provided by that Office;

25 (3) the operator is in compliance with all applicable
26 federal, State, and local laws relating to its ticket

1 reselling activities regulated under this Act, and the
2 operator's officers and directors have not been convicted
3 of a violation of this Act within the preceding 12 months;

4 (4) the operator maintains a toll free number
5 specifically dedicated for consumer complaints and
6 inquiries regarding ticket resales made through the
7 website;

8 (5) the operator either:

9 (A) has established and maintains a consumer
10 protection rebate fund in Illinois in an amount in
11 excess of \$100,000, which must be cash available for
12 immediate disbursement for satisfaction of valid
13 consumer complaints; or

14 (B) has obtained and maintains in force an errors
15 and omissions policy of insurance in the minimum amount
16 of \$100,000 for the satisfaction of valid consumer
17 complaints;

18 (6) the operator has adopted an independent and
19 disinterested dispute resolution procedure that allows
20 resellers or purchasers to file complaints against the
21 other and have those complaints mediated or resolved by a
22 third party, and requires the resellers or purchasers to
23 submit to the jurisdiction of the State of Illinois for
24 complaints involving a ticketed event held in Illinois;

25 (7) the operator either:

26 (A) complies with all applicable requirements of

1 the Retailers' Occupation Tax Act and collects and
2 remits all applicable federal, State, and local taxes;
3 or

4 (B) publishes a written notice on the website after
5 the sale of one or more tickets that automatically
6 informs the ticket reseller of the ticket reseller's
7 potential legal obligation to pay any applicable local
8 amusement tax in connection with the reseller's sale of
9 tickets, and discloses to law enforcement or other
10 government tax officials, without subpoena, the name,
11 city, state, telephone number, e-mail address, user ID
12 history, fraud complaints, and bidding and listing
13 history of any specifically identified reseller or
14 purchaser upon the receipt of a verified request from
15 law enforcement or other government tax officials
16 relating to a criminal investigation or alleged
17 illegal activity; and

18 (8) the operator guarantees to all purchasers that it
19 will provide and in fact provides a full refund of the
20 amount paid by the purchaser (including, but not limited
21 to, all fees, regardless of how characterized) if any of
22 the following occurs:

23 (A) the ticketed event is cancelled and the
24 purchaser returns the tickets to the website operator;
25 however, reasonable delivery fees need not be refunded
26 if the previously disclosed guarantee specifies that

1 the fees will not be refunded if the event is
2 cancelled;

3 (B) the ticket received by the purchaser does not
4 allow the purchaser to enter the ticketed event for
5 reasons that may include, without limitation, that the
6 ticket is counterfeit or that the ticket has been
7 cancelled by the issuer due to non-payment, unless the
8 ticket is cancelled due to an act or omission by the
9 purchaser;

10 (C) the ticket fails to conform to its description
11 on the website; or

12 (D) the ticket seller knowingly fails to send the
13 ticket or tickets to the purchaser, or the ticket
14 seller attempted to deliver the ticket or tickets to
15 the purchaser in the manner required by the website
16 operator and the purchaser failed to receive the ticket
17 or tickets. Nothing in this subsection (e) shall be
18 deemed to imply any limitation on ticket sales made in
19 accordance with subsections (b), (c), and (d) of this
20 Section or any limitation on sales made in accordance
21 with Section 4.

22 (f) The provisions of subsections (b), (c), (d), and (e) of
23 this Section apply only to the resale of a ticket after the
24 initial sale of that ticket. No reseller of a ticket may refuse
25 to sell tickets to another ticket reseller solely on the basis
26 that the purchaser is a ticket reseller or ticket broker

1 authorized to resell tickets pursuant to this Act.

2 (g) The provisions of Public Act 89-406 (P.A. 89-406) are
3 severable under Section 1.31 of the Statute on Statutes (720
4 ILCS 375/1.31).

5 (h) The provisions of this amendatory Act of the 95th
6 General Assembly (P.A. 94-20) are severable under Section 1.31
7 of the Statute on Statutes (720 ILCS 375/1.31).

8 (720 ILCS 5/48-4 new)

9 Sec. 48-4. Penalties.

10 (a) Whoever violates any of the provisions of Section 1.5
11 of this Act shall be guilty of a Class A misdemeanor and may be
12 fined up to \$5,000 for each offense and whoever violates any
13 other provision of this Act may be enjoined and be required to
14 make restitution to all injured consumers upon application for
15 injunctive relief by the State's Attorney or Attorney General
16 and shall also be guilty of a Class A misdemeanor, and any
17 owner, lessee, manager or trustee convicted under this Act
18 shall, in addition to the penalty herein provided, forfeit the
19 license of such place of public entertainment or amusement so
20 granted and the same shall be revoked by the authorities
21 granting the same.

22 (b) Tickets sold or offered for sale by a person, firm or
23 corporation in violation of Section 1.5 of this Act may be
24 confiscated by a court on motion of the Attorney General, a
25 State's Attorney, the sponsor of the event for which the

1 tickets are being sold, or the owner or operator of the
2 facility at which the event is to be held, and may be donated
3 by order of the court to an appropriate organization as defined
4 under Section 2 of the Charitable Games Act.

5 (c) The Attorney General, a State's Attorney, the sponsor
6 of an event for which tickets are being sold, or the owner or
7 operator of the facility at which an event is to be held may
8 seek an injunction restraining any person, firm or corporation
9 from selling or offering for sale tickets in violation of the
10 provisions of this Act. In addition, on motion of the Attorney
11 General, a State's Attorney, the sponsor of an event for which
12 tickets are being sold, or the owner or operator of the
13 facility at which an event is to be held, a court may
14 permanently enjoin a person, firm or corporation found guilty
15 of violating Section 1.5 of this Act from engaging in the offer
16 or sale of tickets.

17 (720 ILCS 5/48-5 new)

18 Sec. 48-5. Civil action. Whoever, upon the purchase of such
19 admission tickets as herein provided, feels himself aggrieved
20 or injured by paying for such tickets any sum in excess of the
21 advertised price or printed rate, or any sum in excess of the
22 price originally charged at the box office or place where such
23 admission tickets usually are sold by the management of any
24 such place of entertainment or amusement, has, irrespective of
25 the penalties herein provided, a right of action in his name

1 and against such person, firm, corporation, owner, lessee,
2 manager, trustee, or any of their agents or employees owning,
3 conducting, managing or operating any such place of public
4 entertainment or amusement, to recover for each ticket for
5 which an overcharge was made contrary to the provisions of this
6 Act, a sum of \$100, which may be recovered in a civil action
7 before the circuit court in this State.

8 (720 ILCS 5/48-6 new)

9 Sec. 48-6. Service charges permitted. Nothing contained in
10 this Act was ever intended to prohibit nor shall ever be deemed
11 to prohibit a ticket seller, with consent of the sponsor of
12 such amusement, from collecting a reasonable service charge, in
13 addition to the printed box office ticket price, from a ticket
14 purchaser in return for service actually rendered.

15 (720 ILCS 5/48-7 new)

16 Sec. 48-7. Miscellaneous offenses; business use of
17 military terms.

18 (a) It is unlawful for any person, concern, firm or
19 corporation to use in the name, or description of the name, of
20 any privately operated mercantile establishment which may or
21 may not be engaged principally in the buying and selling of
22 equipment or materials of the Government of the United States
23 or any of its departments, agencies or military services, the
24 terms "Army", "Navy", "Marine", "Coast Guard", "Government",

1 "GI", "PX" or any terms denoting a branch of the government,
2 either independently or in connection or conjunction with any
3 other word or words, letter or insignia which import or imply
4 that the products so described are or were made for the United
5 States government or in accordance with government
6 specifications or requirements, or of government materials, or
7 that such products have been disposed of by the United States
8 government as surplus or rejected stock.

9 (b) Any person, concern, firm or corporation violating the
10 provisions of this Section is guilty of a petty offense and
11 shall be fined not less than \$25 nor more than \$500 for the
12 first conviction, and not less than \$500 or more than \$1000 for
13 each subsequent conviction.

14 (720 ILCS 5/48-8 new)

15 Sec. 48-8. Miscellaneous offenses; government uneconomic
16 practices.

17 (a) It is unlawful for the State of Illinois, any political
18 subdivision thereof, or any municipality therein, or any
19 officer, agent or employee of the State of Illinois, any
20 political subdivision thereof or any municipality therein, to
21 sell to or procure for sale or have in its or his possession or
22 under its or his control for sale to any officer, agent or
23 employee of the State or any political subdivision thereof or
24 municipality therein any article, material, product or
25 merchandise of whatsoever nature, excepting meals, public

1 services and such specialized appliances and paraphernalia as
2 may be required for the safety or health of such officers,
3 agents or employees.

4 The provisions of this Section shall not apply to the
5 State, any political subdivision thereof or municipality
6 therein, nor to any officer, agent or employee of the State, or
7 of any such subdivision or municipality while engaged in any
8 recreational, health, welfare, relief, safety or educational
9 activities furnished by the State, or any such political
10 subdivision or municipality.

11 (b) Any person violating any of the provisions of this
12 Section is guilty of a Class B misdemeanor.

13 (720 ILCS 5/48-9 new)

14 Sec. 48-9. Miscellaneous offenses; sale of maps.

15 (a) The sale of current Illinois publications or highway
16 maps published by the Secretary of State is prohibited except
17 where provided by law.

18 (b) Violation of this Section shall constitute a class B
19 misdemeanor.

20 (720 ILCS 5/48-10 new)

21 Sec. 48-10. Miscellaneous offenses; uneconomic practices.

22 (a) No person, firm or corporation engaged in any business
23 enterprise in this state shall, by any method or procedure,
24 directly or indirectly, by itself or through a subsidiary

1 agency owned or controlled in whole or in part by such person,
2 firm or corporation, sell or procure for sale or have in its
3 possession or under its control for sale to its employees or
4 any person, any article, material, product or merchandise of
5 whatsoever nature not of his or its own production or not
6 handled in his or its regular course of trade, excepting meals,
7 cigarettes and tobacco, and excepting such specialized
8 appliances and paraphernalia as may be required in said
9 business enterprise for the safety or health of its employees.
10 The provisions of this section shall not apply to associations
11 organized under "An Act to provide for the incorporation of
12 cooperative associations for pecuniary profit," filed July 8,
13 1915, as amended, or to associations organized under "An Act in
14 relation to Agricultural Cooperative Associations and
15 Societies," approved June 21, 1923, as amended.

16 (b) Any person, firm, or corporation violating the
17 provisions of this Section shall be deemed guilty of a business
18 offense and upon conviction thereof shall be punished for the
19 first offense by a fine of not less than one hundred dollars
20 nor more than five hundred dollars, and for a second or
21 subsequent offense by a fine of not less than five hundred
22 dollars nor more than one thousand dollars. Each act done,
23 prohibited by this Section, shall constitute a separate
24 violation and offense hereunder.

1 Sec. 48-11. Miscellaneous offenses; use of university
2 stationery.

3 (a) No person, firm, or corporation shall use the official
4 stationery or seal or a facsimile thereof, of any State
5 supported university, college or other institution of higher
6 education or any organization thereof unless approved in
7 writing in advance by the university, college or institution of
8 higher education affected, for any private promotional scheme
9 wherein it is made to appear that the organization or
10 university, college or other institution of higher education is
11 endorsing the private promotional scheme.

12 (b) A violation of this Section is a petty offense.

13 (720 ILCS 5/48-12 new)

14 Sec. 48-12. Miscellaneous offenses; video sales and
15 rentals.

16 (a) As used in this Section, unless the context otherwise
17 requires, the following terms have the meanings ascribed to
18 them in this Section:

19 "Video movie" means a videotape or video disc copy of a
20 motion picture film.

21 "Person" means an individual, corporation, partnership, or
22 any other legal or commercial entity.

23 "Official rating" means an official rating of the Motion
24 Picture Association of America.

25 (b) A person may not sell at retail or rent, or attempt to

1 sell at retail or rent, a video movie in this State unless the
2 official rating of the motion picture from which it is copied
3 is clearly displayed on the outside of any cassette, case,
4 jacket, or other covering of the video movie.

5 (c) Subsection (b) of this Section does not apply to any
6 video movie of a motion picture that:

7 (1) Has not been given an official rating; or

8 (2) Has been altered in any way subsequent to receiving
9 an official rating.

10 (d) Any person who sells or rents, or attempts to sell or
11 rent, a video movie in violation of this Section is guilty of a
12 Class C misdemeanor.

13 (720 ILCS 5/48-13 new)

14 Sec. 48-13. Miscellaneous offenses; container label
15 obliteration.

16 (a) No person shall sell or offer for sale any product,
17 article or substance in a container on which any statement of
18 weight, quantity, quality, grade, ingredients or
19 identification of the manufacturer, supplier or processor is
20 obliterated by any other labeling unless such other labeling
21 correctly restates any such obliterated statement.

22 This subsection (a) does not apply to any obliteration
23 which is done in order to comply with subsection (b) of this
24 Section.

25 (b) No person shall utilize any used container for the

1 purpose of sale of any product, article or substance unless the
2 original marks of identification, weight, grade, quality and
3 quantity have first been obliterated.

4 (c) Violation of any provision of this Section is a
5 business offense for which a fine shall be imposed not to
6 exceed \$1,000.

7 (720 ILCS 5/48-14 new)

8 Sec. 48-14. Miscellaneous offenses; discrimination in sale
9 of real estate. It shall be unlawful for any person or
10 corporation knowingly:

11 (a) To solicit for sale, lease, listing or purchase any
12 residential real estate within the State of Illinois, on the
13 grounds of loss of value due to the present or prospective
14 entry into the vicinity of the property involved of any person
15 or persons of any particular race, color, religion, national
16 origin, ancestry, creed, handicap, or sex.

17 (b) To distribute or cause to be distributed, written
18 material or statements designed to induce any owner of
19 residential real estate in the State of Illinois to sell or
20 lease his or her property because of any present or prospective
21 changes in the race, color, religion, national origin,
22 ancestry, creed, handicap, or sex, of residents in the vicinity
23 of the property involved.

24 (c) To create alarm, among residents of any community, by
25 transmitting in any manner including a telephone call whether

1 or not conversation thereby ensues, with a design to induce any
2 owner of residential real estate in the State of Illinois to
3 sell or lease his or her property because of any present or
4 prospective entry into the vicinity of the property involved of
5 any person or persons of any particular race, color, religion,
6 national origin, ancestry, creed, handicap, or sex.

7 (d) To harass, intimidate, or threaten a person who is
8 about to sell or lease or has sold or leased a residence or
9 other real property or is about to buy or lease or has bought
10 or leased a residence or other real property, when the
11 harassment, intimidation, or threat relates to a person's
12 attempt to sell, buy, or lease a residence, or other real
13 property, or refers to a person's sale, purchase, or lease of a
14 residence or other real property.

15 (e) Sentence. Any person who violates subsections (a), (b),
16 or (c) commits a Class A misdemeanor, provided that such person
17 has not been convicted of any prior offense under the terms of
18 this Act. Any person who violates subsections (a), (b), or (c)
19 after having been previously convicted of an offense under this
20 Section, commits a Class 4 felony. A person who violates
21 subsection (d) commits a petty offense for which a person shall
22 be fined not exceeding \$100. Any subsequent offense for
23 violating subsection (d) is a Class B misdemeanor.

24 When a person is convicted of any violation of subsections
25 (a), (b), or (c) the clerk of the court shall report such
26 conviction to the Department of Financial and Professional

1 Regulation, which shall thereupon revoke any certificate of
2 registration as a real estate broker or real estate salesman
3 held by such person.

4 (720 ILCS 5/48-15 new)

5 Sec. 48-15. Miscellaneous offenses; flag desecration.

6 (a) Definitions. The words flag, standard, color or ensign,
7 as used in this Section, shall include any flag, standard,
8 color, ensign or any picture or representation of either
9 thereof, made of any substance or represented on any substance
10 and of any size evidently purporting to be either of said flag,
11 standard, color or ensign of the United States of America, or a
12 picture or a representation of either thereof, upon which shall
13 be shown the colors, the stars, and the stripes, in any number
14 of either thereof, of the flag, colors, standard, or ensign of
15 the United States of America.

16 (b) Any person who

17 (1) (i) for exhibition or display, places or causes to
18 be placed any word, figure, mark, picture, design, drawing,
19 or any advertisement of any nature, upon any flag,
20 standard, color or ensign of the United States or State
21 flag of this State or ensign,

22 (ii) exposes or causes to be exposed to public view any
23 such flag, standard, color or ensign, upon which has been
24 printed, painted or otherwise placed, or to which has been
25 attached, appended, affixed, or annexed, any word, figure,

1 mark, picture, design or drawing or any advertisement of
2 any nature, or

3 (iii) exposes to public view, manufactures, sells,
4 exposes for sale, gives away, or has in possession for sale
5 or to give away or for use for any purpose, any article or
6 substance, being an article of merchandise, or a receptacle
7 of merchandise or article or thing for carrying or
8 transporting merchandise upon which has been printed,
9 painted, attached, or otherwise placed a representation of
10 any such flag, standard, color, or ensign, to advertise,
11 call attention to, decorate, mark or distinguish the
12 article or substance on which so placed, shall be guilty of
13 a Class C misdemeanor.

14 (2) Any person who publicly mutilates, defaces,
15 defiles, tramples, or intentionally displays on the ground
16 or floor any such flag, standard, color or ensign shall be
17 guilty of a Class 4 felony.

18 (c) Statute of limitations. All prosecutions under this act
19 shall be commenced within 6 months from the time such offense
20 was committed, and not afterwards.

21 (720 ILCS 5/Art. 85 heading) (was 720 ILCS 5/Art. 30
22 heading)

23 ARTICLE 85 ~~30~~. TREASON AND RELATED OFFENSES

24 (720 ILCS 5/85-1) (was 720 ILCS 5/30-1)

1 Sec. 85-1 ~~30-1~~. Treason. (a) A person owing allegiance to
2 this State commits treason when he or she knowingly:

3 (1) Levies war against this State; or

4 (2) Adheres to the enemies of this State, giving them
5 aid or comfort.

6 (b) No person may be convicted of treason except on the
7 testimony of 2 witnesses to the same overt act, or on his
8 confession in open court.

9 (c) Sentence. Treason is a Class X felony for which an
10 offender may be sentenced to death under Section 5-5-3 of the
11 Unified Code of Corrections.

12 (Source: P.A. 80-1099.)

13 (720 ILCS 5/85-2) (was 720 ILCS 5/30-2)

14 Sec. 85-2 ~~30-2~~. Misprision of treason.

15 (a) A person owing allegiance to this State commits
16 misprision of treason when he or she knowingly conceals or
17 withholds his or her knowledge that another has committed
18 treason against this State.

19 (b) Sentence.

20 Misprision of treason is a Class 4 felony.

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

22 (720 ILCS 5/85-3) was (720 ILCS 5/30-3)

23 Sec. 85-3 ~~30-3~~. Advocating overthrow of Government.

24 A person who advocates, or with knowledge of its contents

1 knowingly publishes, sells or distributes any document which
2 advocates or with knowledge of its purpose, knowingly becomes a
3 member of any organization which advocates the overthrow or
4 reformation of the existing form of government of this State by
5 violence or unlawful means commits a Class 3 felony.

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

7 (720 ILCS 5/Art. 90 heading new)

8 ARTICLE 90. CONSTRUCTION AND EFFECTIVE DATE

9 (720 ILCS 5/90-1) (was 720 ILCS 5/34-1)

10 Sec. 90-1 ~~34-1~~. Effect of headings. Section, Article, and
11 Title headings contained herein shall not be deemed to govern,
12 limit, modify or in any manner affect the scope, meaning, or
13 intent of the provisions of any Section, Article, or Title
14 hereof.

15 (Source: P.A. 91-357, eff. 7-29-99.)

16 (720 ILCS 5/90-2) (was 720 ILCS 5/34-2)

17 Sec. 90-2 ~~34-2~~. Partial invalidity. The invalidity of any
18 provision of this Code shall not affect the validity of the
19 remainder of this Code.

20 (Source: Laws 1961, p. 1983.)

21 (720 ILCS 5/90-3) (was 720 ILCS 5/34-3)

22 Sec. 90-3 ~~34-3~~. Savings provisions; continuation of prior

1 Statutes. The provisions of Sections 2, 3 and 4 of "An Act to
2 revise the law in relation to the construction of the
3 Statutes", approved March 5, 1874, as amended, shall apply in
4 all constructions of this Code.

5 (Source: Laws 1961, p. 1983.)

6 (720 ILCS 5/90-4) (was 720 ILCS 5/34-4)

7 Sec. 90-4 ~~34-4~~. Effective date.

8 This Code shall take effect January 1, 1962.

9 (Source: Laws 1961, p. 1983.)

10 (720 ILCS 5/90-5 new)

11 Sec. 90-5. Amendatory Act; saving provisions;
12 construction; continuation of prior law. The elimination of any
13 provision by this amendatory Act of the 95th General Assembly
14 does not affect any prosecution pending, penalty, punishment,
15 disqualification from office, employment, licensure,
16 certification, or other privilege, forfeiture incurred, or
17 rights, powers, or remedies accrued under any law in effect
18 immediately prior to the effective date of this amendatory Act
19 of the 95th General Assembly that related to the eliminated
20 provision. The provisions of this amendatory Act of the 95th
21 General Assembly, insofar as they are the same or substantially
22 the same as those of any prior statute, shall be construed as a
23 continuation of the prior statute and not as a new enactment.
24 Citations or references in any law or rule to an eliminated or

1 renumbered provision are deemed to be citations or references
2 to the provision in this amendatory Act of the 95th General
3 Assembly that is the same or substantially the same as the
4 eliminated or renumbered provision. The provisions of the
5 Statute on Statutes shall apply in all constructions of this
6 amendatory Act of the 95th General Assembly to the extent that
7 they are not inconsistent with this amendatory Act of the 95th
8 General Assembly.

9 (720 ILCS 5/Art. 91 heading new)

10 ARTICLE 91. ILLINOIS ABORTION LAW OF 2007

11 (720 ILCS 5/91-1 new)

12 Sec. 91-1. Legislative intent. It is the intention of the
13 General Assembly of the State of Illinois to reasonably
14 regulate abortion in conformance with the decisions of the
15 United States Supreme Court of January 22, 1973. Without in any
16 way restricting the right of privacy of a woman or the right of
17 a woman to an abortion under those decisions, the General
18 Assembly of the State of Illinois do solemnly declare and find
19 in reaffirmation of the longstanding policy of this State, that
20 the unborn child is a human being from the time of conception
21 and is, therefore, a legal person for purposes of the unborn
22 child's right to life and is entitled to the right to life from
23 conception under the laws and Constitution of this State.
24 Further, the General Assembly finds and declares that

1 longstanding policy of this State to protect the right to life
2 of the unborn child from conception by prohibiting abortion
3 unless necessary to preserve the life of the mother is
4 impermissible only because of the decisions of the United
5 States Supreme Court and that, therefore, if those decisions of
6 the United States Supreme Court are ever reversed or modified
7 or the United States Constitution is amended to allow
8 protection of the unborn then the former policy of this State
9 to prohibit abortions unless necessary for the preservation of
10 the mother's life shall be reinstated.

11 It is the further intention of the General Assembly to
12 assure and protect the woman's health and the integrity of the
13 woman's decision whether or not to continue to bear a child, to
14 protect the valid and compelling state interest in the infant
15 and unborn child, to assure the integrity of marital and
16 familial relations and the rights and interests of persons who
17 participate in such relations, and to gather data for
18 establishing criteria for medical decisions. The General
19 Assembly finds as fact, upon hearings and public disclosures,
20 that these rights and interests are not secure in the economic
21 and social context in which abortion is presently performed.

22 (720 ILCS 5/91-2 new)

23 Sec. 91-2. Definitions. Unless the language or context
24 clearly indicates a different meaning is intended, the
25 following words or phrases for the purpose of this Law shall be

1 given the meaning ascribed to them:

2 (1) "Viability" means that stage of fetal development when,
3 in the medical judgment of the attending physician based on the
4 particular facts of the case before him, there is a reasonable
5 likelihood of sustained survival of the fetus outside the womb,
6 with or without artificial support.

7 (2) "Physician" means any person licensed to practice
8 medicine in all its branches under the Illinois Medical
9 Practice Act of 1987, as amended.

10 (3) "Department" means the Department of Public Health,
11 State of Illinois.

12 (4) "Abortion" means the use of any instrument, medicine,
13 drug or any other substance or device to terminate the
14 pregnancy of a woman known to be pregnant with an intention
15 other than to increase the probability of a live birth, to
16 preserve the life or health of the child after live birth, or
17 to remove a dead fetus.

18 (5) "Fertilization" and "conception" each mean the
19 fertilization of a human ovum by a human sperm, which shall be
20 deemed to have occurred at the time when it is known a
21 spermatozoon has penetrated the cell membrane of the ovum.

22 (6) "Fetus" and "unborn child" each mean an individual
23 organism of the species homo sapiens from fertilization until
24 live birth.

25 (7) "Abortifacient" means any instrument, medicine, drug,
26 or any other substance or device which is known to cause fetal

1 death when employed in the usual and customary use for which it
2 is manufactured, whether or not the fetus is known to exist
3 when such substance or device is employed.

4 (8) "Born alive", "live born", and "live birth", when
5 applied to an individual organism of the species homo sapiens,
6 each mean he or she was completely expelled or extracted from
7 his or her mother and after such separation breathed or showed
8 evidence of any of the following: beating of the heart,
9 pulsation of the umbilical cord, or definite movement of
10 voluntary muscles, irrespective of the duration of pregnancy
11 and whether or not the umbilical cord has been cut or the
12 placenta is attached.

13 (720 ILCS 5/91-3 new)

14 Sec. 91-3. Medical judgment. No abortion shall be performed
15 except by a physician after either (a) he determines that, in
16 his best clinical judgment, the abortion is necessary, or (b)
17 he receives a written statement or oral communication by
18 another physician, hereinafter called the "referring
19 physician", certifying that in the referring physician's best
20 clinical judgment the abortion is necessary. Any person who
21 intentionally or knowingly performs an abortion contrary to the
22 requirements of Section 3.1 commits a Class 2 felony.

23 (720 ILCS 5/91-4 new)

24 Sec. 91-4. Limitation on abortion when fetus is viable.

1 (1) When the fetus is viable no abortion shall be performed
2 unless in the medical judgment of the attending or referring
3 physician, based on the particular facts of the case before
4 him, it is necessary to preserve the life or health of the
5 mother. Intentional, knowing, or reckless failure to conform to
6 the requirements of subsection (1) of Section 5 is a Class 2
7 felony.

8 (2) When the fetus is viable the physician shall certify in
9 writing, on a form prescribed by the Department under Section
10 10 of this Law, the medical indications which, in his medical
11 judgment based on the particular facts of the case before him,
12 warrant performance of the abortion to preserve the life or
13 health of the mother.

14 (720 ILCS 5/91-5 new)

15 Sec. 91-5. Procedures for abortion when fetus is viable.

16 (1) (a) Any physician who intentionally performs an
17 abortion when, in his medical judgment based on the particular
18 facts of the case before him, there is a reasonable likelihood
19 of sustained survival of the fetus outside the womb, with or
20 without artificial support, shall utilize that method of
21 abortion which, of those he knows to be available, is in his
22 medical judgment most likely to preserve the life and health of
23 the fetus.

24 (b) The physician shall certify in writing, on a form
25 prescribed by the Department under Section 10 of this Act, the

1 available methods considered and the reasons for choosing the
2 method employed.

3 (c) Any physician who intentionally, knowingly, or
4 recklessly violates the provisions of Section 6(1)(a) commits a
5 Class 3 felony.

6 (2) (a) No abortion shall be performed or induced when the
7 fetus is viable unless there is in attendance a physician other
8 than the physician performing or inducing the abortion who
9 shall take control of and provide immediate medical care for
10 any child born alive as a result of the abortion. This
11 requirement shall not apply when, in the medical judgment of
12 the physician performing or inducing the abortion based on the
13 particular facts of the case before him, there exists a medical
14 emergency; in such a case, the physician shall describe the
15 basis of this judgment on the form prescribed by Section 10 of
16 this Act. Any physician who intentionally performs or induces
17 such an abortion and who intentionally, knowingly, or
18 recklessly fails to arrange for the attendance of such a second
19 physician in violation of Section 6(2)(a) commits a Class 3
20 felony.

21 (b) Subsequent to the abortion, if a child is born alive,
22 the physician required by Section 6(2)(a) to be in attendance
23 shall exercise the same degree of professional skill, care and
24 diligence to preserve the life and health of the child as would
25 be required of a physician providing immediate medical care to
26 a child born alive in the course of a pregnancy termination

1 which was not an abortion. Any such physician who
2 intentionally, knowingly, or recklessly violates Section
3 6(2)(b) commits a Class 3 felony.

4 (3) The law of this State shall not be construed to imply
5 that any living individual organism of the species homo sapiens
6 who has been born alive is not an individual under the
7 "Criminal Code of 1961," approved July 28, 1961, as amended.

8 (4) (a) Any physician who intentionally performs an
9 abortion when, in his medical judgment based on the particular
10 facts of the case before him, there is a reasonable possibility
11 of sustained survival of the fetus outside the womb, with or
12 without artificial support, shall utilize that method of
13 abortion which, of those he knows to be available, is in his
14 medical judgment most likely to preserve the life and health of
15 the fetus.

16 (b) The physician shall certify in writing, on a form
17 prescribed by the Department under Section 10 of this Act, the
18 available methods considered and the reasons for choosing the
19 method employed.

20 (c) Any physician who intentionally, knowingly, or
21 recklessly violates the provisions of Section 6(4)(a) commits a
22 Class 3 felony.

23 (5) Nothing in Section 6 requires a physician to employ a
24 method of abortion which, in the medical judgment of the
25 physician performing the abortion based on the particular facts
26 of the case before him, would increase medical risk to the

1 mother.

2 (6) When the fetus is viable and when there exists
3 reasonable medical certainty (a) that the particular method of
4 abortion to be employed will cause organic pain to the fetus,
5 and (b) that use of an anesthetic or analgesic would abolish or
6 alleviate organic pain to the fetus caused by the particular
7 method of abortion to be employed, then the physician who is to
8 perform the abortion or his agent or the referring physician or
9 his agent shall inform the woman upon whom the abortion is to
10 be performed that such an anesthetic or analgesic is available,
11 if he knows it to be available, for use to abolish or alleviate
12 organic pain caused to the fetus by the particular method of
13 abortion to be employed. Any person who performs an abortion
14 with knowledge that any such reasonable medical certainty
15 exists and that such an anesthetic or analgesic is available,
16 and intentionally fails to so inform the woman or to ascertain
17 that the woman has been so informed commits a Class B
18 misdemeanor. The foregoing requirements of subsection (6) of
19 Section 6 shall not apply (a) when in the medical judgment of
20 the physician who is to perform the abortion or the referring
21 physician based upon the particular facts of the case before
22 him: (i) there exists a medical emergency, or (ii) the
23 administration of such an anesthetic or analgesic would
24 decrease a possibility of sustained survival of the fetus apart
25 from the body of the mother, with or without artificial
26 support, or (b) when the physician who is to perform the

1 abortion administers an anesthetic or an analgesic to the woman
2 or the fetus and he knows there exists reasonable medical
3 certainty that such use will abolish organic pain caused to the
4 fetus during the course of the abortion.

5 (7) No person shall sell or experiment upon a fetus
6 produced by the fertilization of a human ovum by a human sperm
7 unless such experimentation is therapeutic to the fetus thereby
8 produced. Intentional violation of this section is a Class A
9 misdemeanor. Nothing in this subsection (7) is intended to
10 prohibit the performance of in vitro fertilization.

11 (8) No person shall intentionally perform an abortion with
12 knowledge that the pregnant woman is seeking the abortion
13 solely on account of the sex of the fetus. Nothing in Section
14 6(8) shall be construed to proscribe the performance of an
15 abortion on account of the sex of the fetus because of a
16 genetic disorder linked to that sex. If the application of
17 Section 6(8) to the period of pregnancy prior to viability is
18 held invalid, then such invalidity shall not affect its
19 application to the period of pregnancy subsequent to viability.

20 (720 ILCS 5/91-6 new)

21 Sec. 91-6. Reports on abortions. A report of each abortion
22 performed shall be made to the Department on forms prescribed
23 by it. Such report forms shall not identify the patient by
24 name, but by an individual number to be noted in the patient's
25 permanent record in the possession of the physician, and shall

1 include information concerning:

2 (1) Identification of the physician who performed the
3 abortion and the facility where the abortion was performed and
4 a patient identification number;

5 (2) State in which the patient resides;

6 (3) Patient's date of birth, race and marital status;

7 (4) Number of prior pregnancies;

8 (5) Date of last menstrual period;

9 (6) Type of abortion procedure performed;

10 (7) Complications and whether the abortion resulted in a
11 live birth;

12 (8) The date the abortion was performed;

13 (9) Medical indications for any abortion performed when the
14 fetus was viable;

15 (10) The information required by Sections 6(1)(b) and
16 6(4)(b) of this Act, if applicable;

17 (11) Basis for any medical judgment that a medical
18 emergency existed when required under Sections 6(2)(a) and 6(6)
19 and when required to be reported in accordance with this
20 Section by any provision of this Law; and

21 (12) The pathologist's test results pursuant to Section 12
22 of this Act.

23 Such form shall be completed by the hospital or other
24 licensed facility, signed by the physician who performed the
25 abortion or pregnancy termination, and transmitted to the
26 Department not later than 10 days following the end of the

1 month in which the abortion was performed.

2 In the event that a complication of an abortion occurs or
3 becomes known after submission of such form, a correction using
4 the same patient identification number shall be submitted to
5 the Department within 10 days of its becoming known.

6 The Department may prescribe rules and regulations
7 regarding the administration of this Law and shall prescribe
8 regulations to secure the confidentiality of the woman's
9 identity in the information to be provided under the "Vital
10 Records Act". All reports received by the Department shall be
11 treated as confidential and the Department shall secure the
12 woman's anonymity. Such reports shall be used only for
13 statistical purposes.

14 Upon 30 days public notice, the Department is empowered to
15 require reporting of any additional information which, in the
16 sound discretion of the Department, is necessary to develop
17 statistical data relating to the protection of maternal or
18 fetal life or health, or is necessary to enforce the provisions
19 of this Law, or is necessary to develop useful criteria for
20 medical decisions. The Department shall annually report to the
21 General Assembly all statistical data gathered under this Law
22 and its recommendations to further the purpose of this Law.

23 The requirement for reporting to the General Assembly shall
24 be satisfied by filing copies of the report with the Speaker,
25 the Minority Leader and the Clerk of the House of
26 Representatives and the President, the Minority Leader and the

1 Secretary of the Senate and the Legislative Research Unit, as
2 required by Section 3.1 of "An Act to revise the law in
3 relation to the General Assembly", approved February 25, 1874,
4 as amended, and filing such additional copies with the State
5 Government Report Distribution Center for the General Assembly
6 as is required under paragraph (t) of Section 7 of the State
7 Library Act.

8 (720 ILCS 5/91-7 new)

9 Sec. 91-7. Report of complications from abortion. Any
10 physician who diagnoses a woman as having complications
11 resulting from an abortion shall report, within a reasonable
12 period of time, the diagnosis and a summary of her physical
13 symptoms to the Illinois Department of Public Health in
14 accordance with procedures and upon forms required by such
15 Department. The Department of Public Health shall define the
16 complications required to be reported by rule. The
17 complications defined by rule shall be those which, according
18 to contemporary medical standards, are manifested by symptoms
19 with severity equal to or greater than hemorrhaging requiring
20 transfusion, infection, incomplete abortion, or punctured
21 organs. If the physician making the diagnosis of a complication
22 knows the name or location of the facility where the abortion
23 was performed, he shall report such information to the
24 Department of Public Health.

25 Any physician who intentionally violates this Section

1 shall be subject to revocation of his license pursuant to
2 paragraph (22) of Section 22 of the Medical Practice Act of
3 1987.

4 (720 ILCS 5/91-8 new)

5 Sec. 91-8. Penalty for violations of Law.

6 (1) Any person who intentionally violates any provision of
7 this Law commits a Class A misdemeanor unless a specific
8 penalty is otherwise provided. Any person who intentionally
9 falsifies any writing required by this Law commits a Class A
10 misdemeanor.

11 Intentional, knowing, reckless, or negligent violations of
12 this Law shall constitute unprofessional conduct which causes
13 public harm under Section 22 of the Medical Practice Act of
14 1987, as amended; Sections 10-45 and 15-50 of the Nursing and
15 Advanced Practice Nursing Act, and Section 21 of the Physician
16 Assistant Practice Act of 1987, as amended.

17 Intentional, knowing, reckless or negligent violations of
18 this Law will constitute grounds for refusal, denial,
19 revocation, suspension, or withdrawal of license, certificate,
20 or permit under Section 30 of the Pharmacy Practice Act of
21 1987, as amended; Section 7 of the Ambulatory Surgical
22 Treatment Center Act, effective July 19, 1973, as amended; and
23 Section 7 of the Hospital Licensing Act.

24 (2) Any hospital or licensed facility which, or any
25 physician who intentionally, knowingly, or recklessly fails to

1 submit a complete report to the Department in accordance with
2 the provisions of Section 10 of this Law and any person who
3 intentionally, knowingly, recklessly or negligently fails to
4 maintain the confidentiality of any reports required under this
5 Law or reports required by Sections 10.1 or 12 of this Law
6 commits a Class B misdemeanor.

7 (3) Any person who sells any drug, medicine, instrument or
8 other substance which he knows to be an abortifacient and which
9 is in fact an abortifacient, unless upon prescription of a
10 physician, is guilty of a Class B misdemeanor. Any person who
11 prescribes or administers any instrument, medicine, drug or
12 other substance or device, which he knows to be an
13 abortifacient, and which is in fact an abortifacient, and
14 intentionally, knowingly or recklessly fails to inform the
15 person for whom it is prescribed or upon whom it is
16 administered that it is an abortifacient commits a Class C
17 misdemeanor.

18 (4) Any person who intentionally, knowingly or recklessly
19 performs upon a woman what he represents to that woman to be an
20 abortion when he knows or should know that she is not pregnant
21 commits a Class 2 felony and shall be answerable in civil
22 damages equal to 3 times the amount of proved damages.

23 (720 ILCS 5/91-9 new)

24 Sec. 91-9. Referral fee prohibited.

25 (a) The payment or receipt of a referral fee in connection

1 with the performance of an abortion is a Class 4 felony.

2 (b) For purposes of this Section, "referral fee" means the
3 transfer of anything of value between a doctor who performs an
4 abortion or an operator or employee of a clinic at which an
5 abortion is performed and the person who advised the woman
6 receiving the abortion to use the services of that doctor or
7 clinic.

8 (720 ILCS 5/91-10 new)

9 Sec. 91-10. Analysis of tissue removed. The dead fetus and
10 all tissue removed at the time of abortion shall be submitted
11 for a gross and microscopic analysis and tissue report to a
12 board eligible or certified pathologist as a matter of record
13 in all cases. The results of the analysis and report shall be
14 given to the physician who performed the abortion within 7 days
15 of the abortion and such physician shall report any
16 complications relevant to the woman's medical condition to his
17 patient within 48 hours of receiving a report if possible. Any
18 evidence of live birth or of viability shall be reported within
19 7 days, if possible, to the Department by the pathologist.
20 Intentional failure of the pathologist to report any evidence
21 of live birth or of viability to the Department is a Class B
22 misdemeanor.

23 (720 ILCS 5/91-11 new)

24 Sec. 91-11. Use of tissue from fetus or dead infant not

1 obtained from abortion. Nothing in this Act shall prohibit the
2 use of any tissues or cells obtained from a dead fetus or dead
3 premature infant whose death did not result from an induced
4 abortion, for therapeutic purposes or scientific, research, or
5 laboratory experimentation, provided that the written consent
6 to such use is obtained from one of the parents of such fetus
7 or infant.

8 (720 ILCS 5/91-12 new)

9 Sec. 91-12. Refusal to participate in abortion. No
10 physician, hospital, ambulatory surgical center, nor employee
11 thereof, shall be required against his or its conscience
12 declared in writing to perform, permit or participate in any
13 abortion, and the failure or refusal to do so shall not be the
14 basis for any civil, criminal, administrative or disciplinary
15 action, proceeding, penalty or punishment. If any request for
16 an abortion is denied, the patient shall be promptly notified.

17 (720 ILCS 5/91-13 new)

18 Sec. 91-13. Severability; regulations.

19 (1) If any provision, word, phrase or clause of this Act or
20 the application thereof to any person or circumstance shall be
21 held invalid, such invalidity shall not affect the provisions,
22 words, phrases, clauses or application of this Act which can be
23 given effect without the invalid provision, word, phrase,
24 clause, or application, and to this end the provisions, words,

1 phrases, and clauses of this Act are declared to be severable.

2 (2) Within 60 days from the time this Section becomes law,
3 the Department shall issue regulations pursuant to Section 10.
4 Insofar as Section 10 requires registration under the "Vital
5 Records Act", it shall not take effect until such regulations
6 are issued. The Department shall make available the forms
7 required under Section 10 within 30 days of the time this
8 Section becomes law. No requirement that any person report
9 information to the Department shall become effective until the
10 Department has made available the forms required under Section
11 10. All other provisions of this amended Law shall take effect
12 immediately upon enactment.

13 (720 ILCS 5/91-14 new)

14 Sec. 91-14. Short title. This Article shall be known and
15 may be cited as the "Illinois Abortion Law of 2007", and
16 references in this Article to "this Act" mean this Article.

17 (720 ILCS 5/Art. 92 heading new)

18 ARTICLE 92. PARTIAL-BIRTH ABORTION BAN LAW

19 (720 ILCS 5/92-1 new)

20 Sec. 92-1. Short title. This Article may be cited as the
21 Partial-birth Abortion Ban Law, and references in this Article
22 to "this Act" mean this Article.

1 (720 ILCS 5/92-2 new)

2 Sec. 92-2. Definitions. In this Act:

3 "Partial-birth abortion" means an abortion in which the
4 person performing the abortion partially vaginally delivers a
5 living human fetus or infant before killing the fetus or infant
6 and completing the delivery. The terms "fetus" and "infant" are
7 used interchangeably to refer to the biological offspring of
8 human parents.

9 (720 ILCS 5/92-3 new)

10 Sec. 92-3. Partial-birth abortions prohibited. Any person
11 who knowingly performs a partial-birth abortion and thereby
12 kills a human fetus or infant is guilty of a Class 4 felony.
13 This Section does not apply to a partial-birth abortion that is
14 necessary to save the life of a mother because her life is
15 endangered by a physical disorder, physical illness, or
16 physical injury, including a life-endangering condition caused
17 by or arising from the pregnancy itself, provided that no other
18 medical procedure would suffice for that purpose.

19 (720 ILCS 5/92-4 new)

20 Sec. 92-4. Civil action. The maternal grandparents of the
21 fetus or infant, if the mother has not attained the age of 18
22 years at the time of the abortion, may in a civil action obtain
23 appropriate relief unless the pregnancy resulted from the
24 plaintiff's criminal conduct or the plaintiff consented to the

1 abortion. The relief shall include money damages for all
2 injuries, psychological and physical, occasioned by the
3 violation of this Act and statutory damages equal to 3 times
4 the cost of the partial-birth abortion.

5 (720 ILCS 5/92-5 new)

6 Sec. 92-5. Prosecution of woman prohibited. A woman on whom
7 a partial-birth abortion is performed may not be prosecuted
8 under this Act, for a conspiracy to violate this Act, or for an
9 offense under Article 31 of the Criminal Code of 1961 based on
10 a violation of this Act, nor may she be held accountable under
11 Article 5 of the Criminal Code of 1961 for an offense based on
12 a violation of this Act.

13 (720 ILCS 5/92-6 new)

14 Sec. 92-6. Effective date. This Act takes effect 60 days
15 after becoming law.

16 (720 ILCS 5/2-7.5 rep.)

17 (720 ILCS 5/8-1.1 rep.)

18 (720 ILCS 5/10-2 rep.)

19 (720 ILCS 5/10-3.1 rep.)

20 (720 ILCS 5/10-7 rep.)

21 (720 ILCS 5/Art. 10A rep.)

22 (720 ILCS 5/11-12 rep.)

23 (720 ILCS 5/11-13 rep.)

- 1 (720 ILCS 5/11-15 rep.)
- 2 (720 ILCS 5/11-15.1 rep.)
- 3 (720 ILCS 5/11-16 rep.)
- 4 (720 ILCS 5/11-17 rep.)
- 5 (720 ILCS 5/11-17.1 rep.)
- 6 (720 ILCS 5/11-19 rep.)
- 7 (720 ILCS 5/11-19.1 rep.)
- 8 (720 ILCS 5/11-19.2 rep.)
- 9 (720 ILCS 5/11-20.1A rep.)
- 10 (720 ILCS 5/12-2 rep.)
- 11 (720 ILCS 5/12-2.5 rep.)
- 12 (720 ILCS 5/12-3.2 rep.)
- 13 (720 ILCS 5/12-3.3 rep.)
- 14 (720 ILCS 5/12-4 rep.)
- 15 (720 ILCS 5/12-4.1 rep.)
- 16 (720 ILCS 5/12-4.2 rep.)
- 17 (720 ILCS 5/12-4.2-5 rep.)
- 18 (720 ILCS 5/12-4.3 rep.)
- 19 (720 ILCS 5/12-4.4 rep.)
- 20 (720 ILCS 5/12-4.5 rep.)
- 21 (720 ILCS 5/12-4.6 rep.)
- 22 (720 ILCS 5/12-4.7 rep.)
- 23 (720 ILCS 5/12-4.8 rep.)
- 24 (720 ILCS 5/12-4.9 rep.)
- 25 (720 ILCS 5/12-5 rep.)
- 26 (720 ILCS 5/12-5.1 rep.)

- 1 (720 ILCS 5/12-5.2 rep.)
- 2 (720 ILCS 5/12-5.5 rep.)
- 3 (720 ILCS 5/12-5.15 rep.)
- 4 (720 ILCS 5/12-6.2 rep.)
- 5 (720 ILCS 5/12-6.3 rep.)
- 6 (720 ILCS 5/12-7.3 rep.)
- 7 (720 ILCS 5/12-7.4 rep.)
- 8 (720 ILCS 5/12-7.5 rep.)
- 9 (720 ILCS 5/12-10 rep.)
- 10 (720 ILCS 5/12-10.1 rep.)
- 11 (720 ILCS 5/12-11 rep.)
- 12 (720 ILCS 5/12-11.1 rep.)
- 13 (720 ILCS 5/12-12 rep.)
- 14 (720 ILCS 5/12-13 rep.)
- 15 (720 ILCS 5/12-14 rep.)
- 16 (720 ILCS 5/12-15 rep.)
- 17 (720 ILCS 5/12-16 rep.)
- 18 (720 ILCS 5/12-18.1 rep.)
- 19 (720 ILCS 5/12-19 rep.)
- 20 (720 ILCS 5/12-21 rep.)
- 21 (720 ILCS 5/12-21.7 rep.)
- 22 (720 ILCS 5/12-30 rep.)
- 23 (720 ILCS 5/Art. 12A heading rep.)
- 24 (720 ILCS 5/Art. 12B heading rep.)
- 25 (720 ILCS 5/15-1 rep.)
- 26 (720 ILCS 5/15-2 rep.)

- 1 (720 ILCS 5/15-3 rep.)
- 2 (720 ILCS 5/15-4 rep.)
- 3 (720 ILCS 5/15-5 rep.)
- 4 (720 ILCS 5/15-6 rep.)
- 5 (720 ILCS 5/15-7 rep.)
- 6 (720 ILCS 5/15-8 rep.)
- 7 (720 ILCS 5/15-9 rep.)
- 8 (720 ILCS 5/15-10 rep.)
- 9 (720 ILCS 5/16-1.1 rep.)
- 10 (720 ILCS 5/16-1.2 rep.)
- 11 (720 ILCS 5/16-1.3 rep.)
- 12 (720 ILCS 5/16-2 rep.)
- 13 (720 ILCS 5/16-3 rep.)
- 14 (720 ILCS 5/16-3.1 rep.)
- 15 (720 ILCS 5/16-5 rep.)
- 16 (720 ILCS 5/16-6 rep.)
- 17 (720 ILCS 5/16-7 rep.)
- 18 (720 ILCS 5/16-8 rep.)
- 19 (720 ILCS 5/16-14 rep.)
- 20 (720 ILCS 5/16-15 rep.)
- 21 (720 ILCS 5/16-16 rep.)
- 22 (720 ILCS 5/16-16.1 rep.)
- 23 (720 ILCS 5/16-17 rep.)
- 24 (720 ILCS 5/16-18 rep.)
- 25 (720 ILCS 5/16-19 rep.)
- 26 (720 ILCS 5/16-20 rep.)

- 1 (720 ILCS 5/16-21 rep.)
- 2 (720 ILCS 5/Art. 16A rep.)
- 3 (720 ILCS 5/Art. 16B rep.)
- 4 (720 ILCS 5/Art. 16C rep.)
- 5 (720 ILCS 5/Art. 16D rep.)
- 6 (720 ILCS 5/Art. 16E rep.)
- 7 (720 ILCS 5/Art. 16F rep.)
- 8 (720 ILCS 5/Art. 16G rep.)
- 9 (720 ILCS 5/Art. 16H rep.)
- 10 (720 ILCS 5/Art. 16J rep.)
- 11 (720 ILCS 5/17-1a rep.)
- 12 (720 ILCS 5/17-1b rep.)
- 13 (720 ILCS 5/17-2.5 rep.)
- 14 (720 ILCS 5/17-4 rep.)
- 15 (720 ILCS 5/17-5 rep.)
- 16 (720 ILCS 5/17-5.5 rep.)
- 17 (720 ILCS 5/17-6 rep.)
- 18 (720 ILCS 5/17-7 rep.)
- 19 (720 ILCS 5/17-8 rep.)
- 20 (720 ILCS 5/17-9 rep.)
- 21 (720 ILCS 5/17-10 rep.)
- 22 (720 ILCS 5/17-11 rep.)
- 23 (720 ILCS 5/17-11.1 rep.)
- 24 (720 ILCS 5/17-11.2 rep.)
- 25 (720 ILCS 5/17-13 rep.)
- 26 (720 ILCS 5/17-14 rep.)

- 1 (720 ILCS 5/17-15 rep.)
- 2 (720 ILCS 5/17-16 rep.)
- 3 (720 ILCS 5/17-17 rep.)
- 4 (720 ILCS 5/17-18 rep.)
- 5 (720 ILCS 5/17-19 rep.)
- 6 (720 ILCS 5/17-20 rep.)
- 7 (720 ILCS 5/17-21 rep.)
- 8 (720 ILCS 5/17-23 rep.)
- 9 (720 ILCS 5/17-25 rep.)
- 10 (720 ILCS 5/17-27 rep.)
- 11 (720 ILCS 5/17-28 rep.)
- 12 (720 ILCS 5/17-29 rep.)
- 13 (720 ILCS 5/Art. 17A rep.)
- 14 (720 ILCS 5/Art. 17B rep.)
- 15 (720 ILCS 5/18-4 rep.)
- 16 (720 ILCS 5/18-5 rep.)
- 17 (720 ILCS 5/19-5 rep.)
- 18 (720 ILCS 5/20-1.2 rep.)
- 19 (720 ILCS 5/20-1.3 rep.)
- 20 (720 ILCS 5/Art. 20.5 heading rep.)
- 21 (720 ILCS 5/21-1.1 rep.)
- 22 (720 ILCS 5/21-1.3 rep.)
- 23 (720 ILCS 5/21-1.4 rep.)
- 24 (720 ILCS 5/21-1.5 rep.)
- 25 (720 ILCS 5/21-6 rep.)
- 26 (720 ILCS 5/Art. 21.1 heading rep.)

- 1 (720 ILCS 5/21.1-1 rep.)
- 2 (720 ILCS 5/Art. 21.2 heading rep.)
- 3 (720 ILCS 5/21.2-1 rep.)
- 4 (720 ILCS 5/21.2-6 rep.)
- 5 (720 ILCS 5/Art. 21.3 heading rep.)
- 6 (720 ILCS 5/24-1.2-5 rep.)
- 7 (720 ILCS 5/24-3.6 rep.)
- 8 (720 ILCS 5/24-3A rep.)
- 9 (720 ILCS 5/Art. 24.5 rep.)
- 10 (720 ILCS 5/Art. 24.6 rep.)
- 11 (720 ILCS 5/26-4 rep.)
- 12 (720 ILCS 5/26-5 rep.)
- 13 (720 ILCS 5/Art. 29A heading rep.)
- 14 (720 ILCS 5/Art. 29B rep.)
- 15 (720 ILCS 5/Art. 29C rep.)
- 16 (720 ILCS 5/29D-65 rep.)
- 17 (720 ILCS 5/Art. 31A heading rep.)
- 18 (720 ILCS 5/32-5 rep.)
- 19 (720 ILCS 5/32-5.1 rep.)
- 20 (720 ILCS 5/32-5.1-1 rep.)
- 21 (720 ILCS 5/32-5.2 rep.)
- 22 (720 ILCS 5/32-5.2-5 rep.)
- 23 (720 ILCS 5/32-5.3 rep.)
- 24 (720 ILCS 5/32-5.4 rep.)
- 25 (720 ILCS 5/32-5.4-1 rep.)
- 26 (720 ILCS 5/32-5.5 rep.)

- 1 (720 ILCS 5/32-5.6 rep.)
- 2 (720 ILCS 5/32-5.7 rep.)
- 3 (720 ILCS 5/32-9 rep.)
- 4 (720 ILCS 5/32-11 rep.)
- 5 (720 ILCS 5/32-12 rep.)
- 6 (720 ILCS 5/33-3.1 rep.)
- 7 (720 ILCS 5/33-3.2 rep.)
- 8 (720 ILCS 5/Art. 33A rep.)
- 9 (720 ILCS 5/Art. 33B rep.)
- 10 (720 ILCS 5/Art. 33C rep.)
- 11 (720 ILCS 5/Art. 33D rep.)
- 12 (720 ILCS 5/Art. 33F rep.)
- 13 (720 ILCS 5/Art. 37 heading rep.)
- 14 (720 ILCS 5/Art. 37.5 rep.)
- 15 (720 ILCS 5/Art. 38 heading rep.)
- 16 (720 ILCS 5/Art. 42 rep.)
- 17 (720 ILCS 5/44-3 rep.)
- 18 (720 ILCS 5/Art. 45 rep.)
- 19 (720 ILCS 5/Art. 46 rep.)
- 20 (720 ILCS 5/47-10 rep.)
- 21 (720 ILCS 5/47-15 rep.)
- 22 (720 ILCS 5/47-20 rep.)
- 23 (720 ILCS 5/47-25 rep.)

24 Section 105-10. The Criminal Code of 1961 is amended by
25 repealing Articles 10A, 16A, 16B, 16C, 16D, 16E, 16F, 16G, 16H,
26 16J (as added by Public Act 94-179), 16J (as added by Public

1 Act 94-700), 17A, 17B, 24.5, 24.6, 29B, 29C, 33A, 33B, 33C,
2 33D, 33F, 37.5, 42, 45, and 46, the headings of Articles 12A,
3 12B, 20.5, 21.1, 21.2, 21.3, 29A, 31A, 37, and 38, and Sections
4 2-7.5, 8-1.1, 10-2, 10-3.1, 10-7, 10A-15, 11-12, 11-13, 11-15,
5 11-15.1, 11-16, 11-17, 11-17.1, 11-19, 11-19.1, 11-19.2,
6 11-20.1A, 12-2, 12-2.5, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2,
7 12-4.2-5, 12-4.3, 12-4.4, 12-4.5, 12-4.6, 12-4.7, 12-4.8,
8 12-4.9, 12-5, 12-5.1, 12-5.2, 12-5.5, 12-5.15, 12-6.2, 12-6.3,
9 12-7.3, 12-7.4, 12-7.5, 12-10, 12-10.1, 12-11, 12-11.1, 12-12,
10 12-13, 12-14, 12-15, 12-16, 12-18.1, 12-19, 12-21, 12-21.7,
11 12-30, 15-1, 15-2, 15-3, 15-4, 15-5, 15-6, 15-7, 15-8, 15-9,
12 15-10, 16-1.1, 16-1.2, 16-1.3, 16-2, 16-3, 16-3.1, 16-5, 16-6,
13 16-7, 16-8, 16-14, 16-15, 16-16, 16-16.1, 16-17, 16-18, 16-19,
14 16-20, 16-21, 17-1a, 17-1b, 17-2.5, 17-4, 17-5, 17-5.5, 17-6,
15 17-7, 17-8, 17-9, 17-10, 17-11, 17-11.1, 17-11.2, 17-13, 17-14,
16 17-15, 17-16, 17-17, 17-18, 17-19, 17-20, 17-21, 17-23, 17-25,
17 17-27, 17-28, 17-29, 18-4, 18-5, 19-5, 20-1.2, 20-1.3, 21-1.1,
18 21-1.3, 21-1.4, 21-1.5, 21-6, 21.1-1, 21.2-1, 21.2-6,
19 24-1.2-5, 24-3.6, 24-3A, 26-4, 26-5, 29D-65, 32-5, 32-5.1,
20 32-5.1-1, 32-5.2, 32-5.2-5, 32-5.3, 32-5.4, 32-5.4-1, 32-5.5,
21 32-5.6, 32-5.7, 32-9, 32-11, 32-12, 33-3.1, 33-3.2, 44-3,
22 47-10, 47-15, 47-20, and 47-25.

23 (720 ILCS 110/Act rep.)

24 Section 105-12. The Communications Consumer Privacy Act is
25 repealed.

1 (720 ILCS 120/Act rep.)

2 Section 105-13. The Hazing Act is repealed.

3 (720 ILCS 125/Act rep.)

4 Section 105-15. The Hunter Interference Prohibition Act is
5 repealed.

6 (720 ILCS 130/Act rep.)

7 Section 105-17. The Neglected Children Offense Act is
8 repealed.

9 (720 ILCS 135/Act rep.)

10 Section 105-20. The Harassing and Obscene Communications
11 Act is repealed.

12 (720 ILCS 140/Act rep.)

13 Section 105-22. The Taxpreparer Disclosure of Information
14 Act is repealed.

15 (720 ILCS 145/Act rep.)

16 Section 105-24. The Telecommunication Line Tapping Act is
17 repealed.

18 (720 ILCS 205/Act rep.)

19 Section 105-26. The Aircraft Crash Parts Act is repealed.

1 (720 ILCS 210/Act rep.)

2 Section 105-28. The Animal Registration Under False
3 Pretenses Act is repealed.

4 (720 ILCS 215/Act rep.)

5 Section 105-30. The Animal Research and Production
6 Facilities Protection Act is repealed.

7 (720 ILCS 220/Act rep.)

8 Section 105-31. The Appliance Tag Act is repealed.

9 (720 ILCS 225/Act rep.)

10 Section 105-32. The Auction Sales Sign Act is repealed.

11 (720 ILCS 230/Act rep.)

12 Section 105-33. The Business Use of Military Terms Act is
13 repealed.

14 (720 ILCS 235/Act rep.)

15 Section 105-34. The Coin Slug Act is repealed.

16 (720 ILCS 240/Act rep.)

17 Section 105-35. The Conditional Sales Protection Act is
18 repealed.

1 (720 ILCS 245/Act rep.)

2 Section 105-37. The Construction Equipment Identification
3 Defacement Act is repealed.

4 (720 ILCS 250/Act rep.)

5 Section 105-40. The Illinois Credit Card and Debit Card Act
6 is repealed.

7 (720 ILCS 290/Act rep.)

8 Section 105-43. The Deceptive Sale of Gold and Silver Act
9 is repealed.

10 (720 ILCS 295/Act rep.)

11 Section 105-45. The Deceptive Advertising Act is repealed.

12 (720 ILCS 300/Act rep.)

13 Section 105-47. The Derogatory Statements About Banks Act
14 is repealed.

15 (720 ILCS 305/Act rep.)

16 Section 105-50. The Gasoline Price Advertising Act is
17 repealed.

18 (720 ILCS 310/Act rep.)

19 Section 105-52. The Governmental Uneconomic Practices Act
20 is repealed.

1 (720 ILCS 315/Act rep.)

2 Section 105-55. The Horse Mutilation Act is repealed.

3 (720 ILCS 320/Act rep.)

4 Section 105-57. The Horse Racing False Entries Act is
5 repealed.

6 (720 ILCS 325/Act rep.)

7 Section 105-58. The Insurance Claims for Excessive Charges
8 Act is repealed.

9 (720 ILCS 330/Act rep.)

10 Section 105-60. The Loan Advertising to Bankrupts Act is
11 repealed.

12 (720 ILCS 335/Act rep.)

13 Section 105-65. The Marks and Serial Numbers Act is
14 repealed.

15 (720 ILCS 340/Act rep.)

16 Section 105-66. The Sale of Maps Act is repealed.

17 (720 ILCS 345/Act rep.)

18 Section 105-67. The Sale or Pledge of Goods by Minors Act
19 is repealed.

1 (720 ILCS 350/Act rep.)

2 Section 105-68. The Sale Price Ad Act is repealed.

3 (720 ILCS 355/Act rep.)

4 Section 105-69. The Stallion and Jack Pedigree Act is
5 repealed.

6 (720 ILCS 360/Act rep.)

7 Section 105-70. The Telephone Line Interference Act is
8 repealed.

9 (720 ILCS 365/Act rep.)

10 Section 105-72. The Telephone Charge Fraud Act is repealed.

11 (720 ILCS 370/Act rep.)

12 Section 105-73. The Telephone Coin Box Tampering Act is
13 repealed.

14 (720 ILCS 375/Act rep.)

15 Section 105-74. The Ticket Sale and Resale Act is repealed.

16 (720 ILCS 380/Act rep.)

17 Section 105-75. The Title Page Act is repealed.

18 (720 ILCS 385/Act rep.)

1 Section 105-76. The Uneconomic Practices Act is repealed.

2 (720 ILCS 390/Act rep.)

3 Section 105-77. The Use of University Stationery Act is
4 repealed.

5 (720 ILCS 395/Act rep.)

6 Section 105-78. The Video Movie Sales and Rentals Act is
7 repealed.

8 (720 ILCS 400/Act rep.)

9 Section 105-79. The Wild Plant Conservation Act is
10 repealed.

11 (720 ILCS 505/Act rep.)

12 Section 105-80. The Abandoned Refrigerator Act is
13 repealed.

14 (720 ILCS 510/Act rep.)

15 Section 105-82. The Illinois Abortion Law of 1975 is
16 repealed.

17 (720 ILCS 513/Act rep.)

18 Section 105-83. The Partial-birth Abortion Ban Act is
19 repealed.

1 (720 ILCS 525/Act rep.)

2 Section 105-85. The Adoption Compensation Prohibition Act
3 is repealed.

4 (720 ILCS 530/Act rep.)

5 Section 105-90. The Aerial Exhibitors Safety Act is
6 repealed.

7 (720 ILCS 535/Act rep.)

8 Section 105-92. The Air Rifle Act is repealed.

9 (720 ILCS 540/Act rep.)

10 Section 105-94. The Bail Bond False Statement Act is
11 repealed.

12 (720 ILCS 545/Act rep.)

13 Section 105-96. The Boarding Aircraft With Weapon Act is
14 repealed.

15 (720 ILCS 550/Act rep.)

16 Section 105-100. The Cannabis Control Act is repealed.

17 (720 ILCS 555/Act rep.)

18 Section 105-102. The Child Curfew Act is repealed.

19 (720 ILCS 560/Act rep.)

1 Section 105-104. The Illinois Clean Public Elevator Air Act
2 is repealed.

3 (720 ILCS 565/Act rep.)

4 Section 105-106. The Container Label Obliteration Act is
5 repealed.

6 (720 ILCS 570/Act rep.)

7 Section 105-108. The Illinois Controlled Substances Act is
8 repealed.

9 (720 ILCS 585/Act rep.)

10 Section 105-115. The Illinois Dangerous Animals Act is
11 repealed.

12 (720 ILCS 590/Act rep.)

13 Section 105-120. The Discrimination in Sale of Real Estate
14 Act is repealed.

15 (720 ILCS 595/Act rep.)

16 Section 105-123. The Draft Card Mutilation Act is repealed.

17 (720 ILCS 600/Act rep.)

18 Section 105-125. The Drug Paraphernalia Control Act is
19 repealed.

1 (720 ILCS 602/Act rep.)

2 Section 105-127. The Ephedra Prohibition Act is repealed.

3 (720 ILCS 605/Act rep.)

4 Section 105-130. The Excavation Fence Act is repealed.

5 (720 ILCS 610/Act rep.)

6 Section 105-135. The Feeding Garbage to Animals Act is
7 repealed.

8 (720 ILCS 615/Act rep.)

9 Section 105-137. The Fire Extinguisher Service Act is
10 repealed.

11 (720 ILCS 620/Act rep.)

12 Section 105-140. The Flag Desecration Act is repealed.

13 (720 ILCS 625/Act rep.)

14 Section 105-145. The Grain Coloring Act is repealed.

15 (720 ILCS 630/Act rep.)

16 Section 105-150. The Guide Dog Access Act is repealed.

17 (720 ILCS 635/Act rep.)

18 Section 105-155. The Hypodermic Syringes and Needles Act is
19 repealed.

1 (720 ILCS 640/Act rep.)

2 Section 105-157. The Improper Supervision of Children Act
3 is repealed.

4 (720 ILCS 645/Act rep.)

5 Section 105-160. The Legislative Misconduct Act is
6 repealed.

7 (720 ILCS 646/Act rep.)

8 Section 105-165. The Methamphetamine Control and Community
9 Protection Act is repealed.

10 (720 ILCS 648/Act rep.)

11 Section 105-168. The Methamphetamine Precursor Control Act
12 is repealed.

13 (720 ILCS 650/Act rep.)

14 Section 105-172. The Nitroglycerin Transportation Act is
15 repealed.

16 (720 ILCS 655/Act rep.)

17 Section 105-175. The Outdoor Lighting Installation Act is
18 repealed.

19 (720 ILCS 660/Act rep.)

1 Section 105-177. The Party Line Emergency Act is repealed.

2 (720 ILCS 665/Act rep.)

3 Section 105-180. The Peephole Installation Act is
4 repealed.

5 (720 ILCS 670/Act rep.)

6 Section 105-182. The Sale of Immoral Publications to
7 Children Act is repealed.

8 (720 ILCS 675/Act rep.)

9 Section 105-183. The Sale of Tobacco to Minors Act is
10 repealed.

11 (720 ILCS 677/Act rep.)

12 Section 105-184. The Display of Tobacco Products Act is
13 repealed.

14 (720 ILCS 678/Act rep.)

15 Section 105-185. The Prevention of Cigarette Sales to
16 Minors Act is repealed.

17 (720 ILCS 680/Act rep.)

18 Section 105-187. The Smokeless Tobacco Limitation Act is
19 repealed.

1 (720 ILCS 685/Act rep.)

2 Section 105-188. The Tobacco Accessories and Smoking Herbs
3 Control Act is repealed.

4 Section 105-190. The Unified Code of Corrections is amended
5 by adding Section 2-1-1 as follows:

6 (730 ILCS 5/2-1-1 new)

7 Sec. 2-1-1. State's Attorney's bad check diversion
8 program.

9 (a) In this Section:

10 "Offender" means a person charged with, or for whom
11 probable cause exists to charge the person with, deceptive
12 practices.

13 "Pretrial diversion" means the decision of a
14 prosecutor to refer an offender to a diversion program on
15 condition that the criminal charges against the offender
16 will be dismissed after a specified period of time, or the
17 case will not be charged, if the offender successfully
18 completes the program.

19 "Restitution" means all amounts payable to a victim of
20 deceptive practices under the bad check diversion program
21 created under this Section, including the amount of the
22 check and any transaction fees payable to a victim as set
23 forth in subsection (g) but does not include amounts
24 recoverable under Section 3-806 of the Uniform Commercial

1 Code and Section 17-1a of this Code.

2 (b) A State's Attorney may create within his or her office
3 a bad check diversion program for offenders who agree to
4 voluntarily participate in the program instead of undergoing
5 prosecution. The program may be conducted by the State's
6 Attorney or by a private entity under contract with the State's
7 Attorney. If the State's Attorney contracts with a private
8 entity to perform any services in operating the program, the
9 entity shall operate under the supervision, direction, and
10 control of the State's Attorney. Any private entity providing
11 services under this Section is not a "collection agency" as
12 that term is defined under the Collection Agency Act.

13 (c) If an offender is referred to the State's Attorney, the
14 State's Attorney may determine whether the offender is
15 appropriate for acceptance in the program. The State's Attorney
16 may consider, but shall not be limited to consideration of, the
17 following factors:

18 (1) the amount of the check that was drawn or passed;

19 (2) prior referrals of the offender to the program;

20 (3) whether other charges of deceptive practices are
21 pending against the offender;

22 (4) the evidence presented to the State's Attorney
23 regarding the facts and circumstances of the incident;

24 (5) the offender's criminal history; and

25 (6) the reason the check was dishonored by the
26 financial institution.

1 (d) The bad check diversion program may require an offender
2 to do one or more of the following:

3 (i) pay for, at his or her own expense, and
4 successfully complete an educational class held by the
5 State's Attorney or a private entity under contract with
6 the State's Attorney;

7 (ii) make full restitution for the offense;

8 (iii) pay a per-check administrative fee as set forth
9 in this Section.

10 (e) If an offender is diverted to the program, the State's
11 Attorney shall agree in writing not to prosecute the offender
12 upon the offender's successful completion of the program
13 conditions. The State's Attorney's agreement to divert the
14 offender shall specify the offenses that will not be prosecuted
15 by identifying the checks involved in the transactions.

16 (f) The State's Attorney, or private entity under contract
17 with the State's Attorney, may collect a fee from an offender
18 diverted to the State's Attorney's bad check diversion program.
19 This fee may be deposited in a bank account maintained by the
20 State's Attorney for the purpose of depositing fees and paying
21 the expenses of the program. The State's Attorney may require
22 that the fee be paid directly to a private entity that
23 administers the program under a contract with the State's
24 Attorney. The amount of the administrative fees collected by
25 the State's Attorney under the program may not exceed \$35 per
26 check. The county board may, however, by ordinance, increase

1 the fees allowed by this Section if the increase is justified
2 by an acceptable cost study showing that the fees allowed by
3 this Section are not sufficient to cover the cost of providing
4 the service.

5 (g) (1) The private entity shall be required to maintain
6 adequate general liability insurance of \$1,000,000 per
7 occurrence as well as adequate coverage for potential loss
8 resulting from employee dishonesty. The State's Attorney
9 may require a surety bond payable to the State's Attorney
10 if in the State's Attorney's opinion it is determined that
11 the private entity is not adequately insured or funded.

12 (2) (A) Each private entity that has a contract with
13 the State's Attorney to conduct a bad check diversion
14 program shall at all times maintain a separate bank
15 account in which all moneys received from the offenders
16 participating in the program shall be deposited,
17 referred to as a "trust account", except that
18 negotiable instruments received may be forwarded
19 directly to a victim of the deceptive practice
20 committed by the offender if that procedure is provided
21 for by a writing executed by the victim. Moneys
22 received shall be so deposited within 5 business days
23 after posting to the private entity's books of account.
24 There shall be sufficient funds in the trust account at
25 all times to pay the victims the amount due them.

26 (B) The trust account shall be established in a

1 bank, savings and loan association, or other
2 recognized depository which is federally or State
3 insured or otherwise secured as defined by rule. If the
4 account is interest bearing, the private entity shall
5 pay to the victim interest earned on funds on deposit
6 after the 60th day.

7 (C) Each private entity shall keep on file the name
8 of the bank, savings and loan association, or other
9 recognized depository in which each trust account is
10 maintained, the name of each trust account, and the
11 names of the persons authorized to withdraw funds from
12 each account. The private entity, within 30 days of the
13 time of a change of depository or person authorized to
14 make withdrawal, shall update its files to reflect that
15 change. An examination and audit of a private entity's
16 trust accounts may be made by the State's Attorney as
17 the State's Attorney deems appropriate. A trust
18 account financial report shall be submitted annually
19 on forms acceptable to the State's Attorney.

20 (3) The State's Attorney may cancel a contract entered
21 into with a private entity under this Section for any one
22 or any combination of the following causes:

23 (A) Conviction of the private entity or the
24 principals of the private entity of any crime under the
25 laws of any U.S. jurisdiction which is a felony, a
26 misdemeanor an essential element of which is

1 dishonesty, or of any crime which directly relates to
2 the practice of the profession.

3 (B) A determination that the private entity has
4 engaged in conduct prohibited in item (4).

5 (4) The State's Attorney may determine whether the
6 private entity has engaged in the following prohibited
7 conduct:

8 (A) Using or threatening to use force or violence
9 to cause physical harm to an offender, his or her
10 family, or his or her property.

11 (B) Threatening the seizure, attachment, or sale
12 of an offender's property where such action can only be
13 taken pursuant to court order without disclosing that
14 prior court proceedings are required.

15 (C) Disclosing or threatening to disclose
16 information adversely affecting an offender's
17 reputation for creditworthiness with knowledge the
18 information is false.

19 (D) Initiating or threatening to initiate
20 communication with an offender's employer unless there
21 has been a default of the payment of the obligation for
22 at least 30 days and at least 5 days prior written
23 notice, to the last known address of the offender, of
24 the intention to communicate with the employer has been
25 given to the employee, except as expressly permitted by
26 law or court order.

1 (E) Communicating with the offender or any member
2 of the offender's family at such a time of day or night
3 and with such frequency as to constitute harassment of
4 the offender or any member of the offender's family.
5 For purposes of this clause (E) the following conduct
6 shall constitute harassment:

7 (i) Communicating with the offender or any
8 member of his or her family at any unusual time or
9 place or a time or place known or which should be
10 known to be inconvenient to the offender. In the
11 absence of knowledge of circumstances to the
12 contrary, a private entity shall assume that the
13 convenient time for communicating with a consumer
14 is after 8 o'clock a.m. and before 9 o'clock p.m.
15 local time at the offender's residence.

16 (ii) The threat of publication or publication
17 of a list of offenders who allegedly refuse to pay
18 restitution, except by the State's Attorney.

19 (iii) The threat of advertisement or
20 advertisement for sale of any restitution to
21 coerce payment of the restitution.

22 (iv) Causing a telephone to ring or engaging
23 any person in telephone conversation repeatedly or
24 continuously with intent to annoy, abuse, or
25 harass any person at the called number.

26 (v) Using profane, obscene or abusive language

1 in communicating with an offender, his or her
2 family, or others.

3 (vi) Disclosing or threatening to disclose
4 information relating to an offender's case to any
5 other person except the victim and appropriate law
6 enforcement personnel.

7 (vii) Disclosing or threatening to disclose
8 information concerning the alleged criminal act
9 which the private entity knows to be reasonably
10 disputed by the offender without disclosing the
11 fact that the offender disputes the accusation.

12 (viii) Engaging in any conduct which the
13 State's Attorney finds was intended to cause and
14 did cause mental or physical illness to the
15 offender or his or her family.

16 (ix) Attempting or threatening to enforce a
17 right or remedy with knowledge or reason to know
18 that the right or remedy does not exist.

19 (x) Except as authorized by the State's
20 Attorney, using any form of communication which
21 simulates legal or judicial process or which gives
22 the appearance of being authorized, issued or
23 approved by a governmental agency or official or by
24 an attorney at law when it is not.

25 (xi) Using any badge, uniform, or other
26 indicia of any governmental agency or official,

1 except as authorized by law or by the State's
2 Attorney.

3 (xii) Except as authorized by the State's
4 Attorney, conducting business under any name or in
5 any manner which suggests or implies that the
6 private entity is bonded if such private entity is
7 or is a branch of or is affiliated with any
8 governmental agency or court if such private
9 entity is not.

10 (xiii) Misrepresenting the amount of the
11 restitution alleged to be owed.

12 (xiv) Except as authorized by the State's
13 Attorney, representing that an existing
14 restitution amount may be increased by the
15 addition of attorney's fees, investigation fees,
16 or any other fees or charges when those fees or
17 charges may not legally be added to the existing
18 restitution.

19 (xv) Except as authorized by the State's
20 Attorney, representing that the private entity is
21 an attorney at law or an agent for an attorney if
22 the entity is not.

23 (xvi) Collecting or attempting to collect any
24 interest or other charge or fee in excess of the
25 actual restitution or claim unless the interest or
26 other charge or fee is expressly authorized by the

1 State's Attorney, who shall determine what
2 constitutes a reasonable collection fee.

3 (xvii) Communicating or threatening to
4 communicate with an offender when the private
5 entity is informed in writing by an attorney that
6 the attorney represents the offender concerning
7 the claim, unless authorized by the attorney. If
8 the attorney fails to respond within a reasonable
9 period of time, the private entity may communicate
10 with the offender. The private entity may
11 communicate with the offender when the attorney
12 gives his consent.

13 (xviii) Engaging in dishonorable, unethical,
14 or unprofessional conduct of a character likely to
15 deceive, defraud, or harm the public.

16 (5) The State's Attorney shall audit the accounts of
17 the bad check diversion program after notice in writing to
18 the private entity.

19 (6) Any information obtained by a private entity that
20 has a contract with the State's Attorney to conduct a bad
21 check diversion program is confidential information
22 between the State's Attorney and the private entity and may
23 not be sold or used for any other purpose but may be shared
24 with other authorized law enforcement agencies as
25 determined by the State's Attorney.

26 (h) The State's Attorney, or private entity under contract

1 with the State's Attorney, shall recover, in addition to the
2 face amount of the dishonored check or draft, a transaction fee
3 to defray the costs and expenses incurred by a victim who
4 received a dishonored check that was made or delivered by the
5 offender. The face amount of the dishonored check or draft and
6 the transaction fee shall be paid by the State's Attorney or
7 private entity under contract with the State's Attorney to the
8 victim as restitution for the offense. The amount of the
9 transaction fee must not exceed: \$25 if the face amount of the
10 check or draft does not exceed \$100; \$30 if the face amount of
11 the check or draft is greater than \$100 but does not exceed
12 \$250; \$35 if the face amount of the check or draft is greater
13 than \$250 but does not exceed \$500; \$40 if the face amount of
14 the check or draft is greater than \$500 but does not exceed
15 \$1,000; and \$50 if the face amount of the check or draft is
16 greater than \$1,000.

17 (i) The offender, if aggrieved by an action of the private
18 entity contracted to operate a bad check diversion program, may
19 submit a grievance to the State's Attorney who may then resolve
20 the grievance. The private entity must give notice to the
21 offender that the grievance procedure is available. The
22 grievance procedure shall be established by the State's
23 Attorney.

24 Section 105-195. The Consumer Fraud and Deceptive Business
25 Practices Act is amended by changing Section 2A as follows:

1 (815 ILCS 505/2A) (from Ch. 121 1/2, par. 262A)

2 Sec. 2A. (1) The use or employment of any chain referral
3 sales technique, plan, arrangement or agreement whereby the
4 buyer is induced to purchase merchandise upon the seller's
5 promise or representation that if buyer will furnish seller
6 names of other prospective buyers or like or identical
7 merchandise that seller will contact the named prospective
8 buyers and buyer will receive a reduction in the purchase price
9 by means of a cash rebate, commission, credit toward balance
10 due or any other consideration, which rebate, commission,
11 credit or other consideration is contingent upon seller's
12 ability to sell like or identical merchandise to the named
13 prospective buyers, is declared to be an unlawful practice
14 within the meaning of this Act.

15 (2) It is an unlawful practice within the meaning of this
16 Act and a Class A misdemeanor for any person, by himself or
17 herself or through others, to sell, offer to sell, or attempt
18 to sell the right to participate in a pyramid sales scheme.

19 (Source: P.A. 83-808.)

20 ARTICLE 997.

21 Section 997-1. Severability. The provisions of this Act,
22 whether new or amendatory, are severable under Section 1.31 of
23 the Statute on Statutes.

1 ARTICLE 998. SAVING PROVISIONS; CONSTRUCTION; CONTINUATION OF
2 PRIOR LAW

3 Section 998-1. Saving provisions; construction;
4 continuation of prior law. The elimination of any provision by
5 this Act, including both the new and the amendatory provisions,
6 does not affect any prosecution pending, penalty, punishment,
7 disqualification from office, employment, licensure,
8 certification, or other privilege, forfeiture incurred, or
9 rights, powers, or remedies accrued under any law in effect
10 immediately prior to the effective date of this Act that
11 related to the eliminated provisions. The provisions of this
12 Act, including both the new and the amendatory provisions,
13 insofar as they are the same or substantially the same as those
14 of any prior statute, shall be construed as a continuation of
15 the prior statute and not as a new enactment. Citations or
16 references in any law or rule to an eliminated or renumbered
17 provision are deemed to be citations or references to the
18 provision in this Act that is the same or substantially the
19 same as the eliminated or renumbered provision. The provisions
20 of the Statute on Statutes shall apply in all constructions of
21 this Act to the extent that they are not inconsistent with this
22 Act.

23 ARTICLE 999. EFFECTIVE DATE

1 Section 999-1. Effective date. This Act takes effect
2 January 1, 2008.

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3 720 ILCS 5/34-18 was 720 ILCS 5/33E-7
4 720 ILCS 5/34-19 was 720 ILCS 5/33E-8
5 720 ILCS 5/Art. 34, Div.
6 VI heading new
7 720 ILCS 5/34-20 was 720 ILCS 5/33E-10
8 720 ILCS 5/34-21 was 720 ILCS 5/33E-12
9 720 ILCS 5/34-22 was 720 ILCS 5/33E-13
10 720 ILCS 5/34-23 new
11 720 ILCS 5/Art. 35 heading
12 720 ILCS 5/Art. 35, Div. I
13 heading new
14 720 ILCS 5/35-1.1 new
15 720 ILCS 5/35-1.2 new
16 720 ILCS 5/35-1.3 new
17 720 ILCS 5/35-1.4 new
18 720 ILCS 5/35-1.5 new
19 720 ILCS 5/35-1.6 new
20 720 ILCS 5/35-1.7 new
21 720 ILCS 5/Art. 35, Div.
22 II heading new
23 720 ILCS 5/35-2.1 new
24 720 ILCS 5/35-2.2 new
25 720 ILCS 5/35-2.3 new

1 720 ILCS 5/Art. 35, Div.
2 III heading new
3 720 ILCS 5/35-3 new
4 720 ILCS 5/Art. 35, Div.
5 IV heading new
6 720 ILCS 5/35-4 new
7 720 ILCS 5/Art. 35, Div. V
8 heading new
9 720 ILCS 5/35-5 new
10 720 ILCS 5/Art. 35, Div.
11 VI heading new
12 720 ILCS 5/35-6 new
13 720 ILCS 5/Art. 35, Div.
14 VII heading new
15 720 ILCS 5/35-7.1 new
16 720 ILCS 5/35-7.2 new
17 720 ILCS 5/35-7.3 new
18 720 ILCS 5/35-7.4 new
19 720 ILCS 5/35-7.5 new
20 720 ILCS 5/35-7.6 new
21 720 ILCS 5/Art. 35, Div.
22 VIII heading new
23 720 ILCS 5/35-8 new
24 720 ILCS 5/Art. 35, Div.
25 IX heading new
26 720 ILCS 5/35-9 new

1 720 ILCS 5/Art. 35, Div. X
2 heading new
3 720 ILCS 5/35-10 was 720 ILCS 5/12-36
4 720 ILCS 5/Art. 36 heading
5 720 ILCS 5/Art. 36, Div. I
6 heading new
7 720 ILCS 5/36-1 from Ch. 38, par. 36-1
8 720 ILCS 5/36-2 from Ch. 38, par. 36-2
9 720 ILCS 5/36-3 from Ch. 38, par. 36-3
10 720 ILCS 5/36-4 from Ch. 38, par. 36-4
11 720 ILCS 5/36-5 new
12 720 ILCS 5/Art. 36, Div.
13 II heading new
14 720 ILCS 5/36-6 new
15 720 ILCS 5/36-7 new
16 720 ILCS 5/36-8 new
17 720 ILCS 5/36-9 new
18 720 ILCS 5/36-10 new
19 720 ILCS 5/Art. 36, Div.
20 III heading new
21 720 ILCS 5/36-11 new
22 720 ILCS 5/36-12 new
23 720 ILCS 5/36-13 new
24 720 ILCS 5/Art. 36, Div.
25 IV heading new
26 720 ILCS 5/36-75 new

1 720 ILCS 5/36-80 new
2 720 ILCS 5/36-90 new
3 720 ILCS 5/36-95 new
4 720 ILCS 5/36-100 new
5 720 ILCS 5/36-105 new
6 720 ILCS 5/36-110 new
7 720 ILCS 5/36-115 new
8 720 ILCS 5/36-120 new
9 720 ILCS 5/Art. 36, Div. V
10 heading new
11 720 ILCS 5/36-125 new
12 720 ILCS 5/47-1 was 720 ILCS 5/47-5
13 720 ILCS 5/47-2 new
14 720 ILCS 5/47-3 new
15 720 ILCS 5/47-4 new
16 720 ILCS 5/47-5.5 new
17 720 ILCS 5/47-6 new
18 720 ILCS 5/47-7 new
19 720 ILCS 5/47-8 new
20 720 ILCS 5/Art. 47.5
21 heading new
22 720 ILCS 5/47.5-1 new
23 720 ILCS 5/47.5-2 new
24 720 ILCS 5/47.5-3 new
25 720 ILCS 5/47.5-4 new
26 720 ILCS 5/47.5-5 new

1 720 ILCS 5/Art. 47.10
2 heading new
3 720 ILCS 5/Art. 47.10,
4 Div. I heading new
5 720 ILCS 5/47.10-102 new
6 720 ILCS 5/Art. 47.10,
7 Div. II heading new
8 720 ILCS 5/47.10-202 new
9 720 ILCS 5/47.10-203 new
10 720 ILCS 5/47.10-204 new
11 720 ILCS 5/47.10-205 new
12 720 ILCS 5/47.10-206 new
13 720 ILCS 5/47.10-207 new
14 720 ILCS 5/47.10-208 new
15 720 ILCS 5/47.10-209 new
16 720 ILCS 5/47.10-210 new
17 720 ILCS 5/47.10-211 new
18 720 ILCS 5/47.10-212 new
19 720 ILCS 5/47.10-213 new
20 720 ILCS 5/47.10-214 new
21 720 ILCS 5/47.10-215 new
22 720 ILCS 5/47.10-216 new
23 720 ILCS 5/Art. 47.10,
24 Div. III heading new

1 720 ILCS 5/Art. 47.10,
2 Div. III, Subdiv. 1
3 heading new
4 720 ILCS 5/Art. 47.10,
5 Div. III, Subdiv. 1, Gp. A
6 heading new
7 720 ILCS 5/47.10-301 new
8 720 ILCS 5/47.10-302 new
9 720 ILCS 5/Art. 47.10,
10 Div. III, Subdiv. 1, Gp. B
11 heading new
12 720 ILCS 5/47.10-303 new
13 720 ILCS 5/47.10-304 new
14 720 ILCS 5/Art. 47.10,
15 Div. III, Subdiv. 1, Gp. C
16 heading new
17 720 ILCS 5/47.10-305 new
18 720 ILCS 5/Art. 47.10,
19 Div. III, Subdiv. 2
20 heading new
21 720 ILCS 5/Art. 47.10,
22 Div. III, Subdiv. 2, Gp. A
23 heading new
24 720 ILCS 5/47.10-306 new
25 720 ILCS 5/47.10-307 new

1 720 ILCS 5/Art. 47.1, Div.
2 III, Subdiv. 2, Gp. B
3 heading new
4 720 ILCS 5/47.10-308 new
5 720 ILCS 5/47.10-309 new
6 720 ILCS 5/Art. 47.10,
7 Div. III, Subdiv. 2, Gp. C
8 heading new
9 720 ILCS 5/47.10-310 new
10 720 ILCS 5/47.10-311 new
11 720 ILCS 5/47.10-312 new
12 720 ILCS 5/47.10-313 new
13 720 ILCS 5/47.10-314 new
14 720 ILCS 5/47.10-315 new
15 720 ILCS 5/Art. 47.10,
16 Div. III, Subdiv. 3
17 heading new
18 720 ILCS 5/Art. 47.10,
19 Div. III, Subdiv. 3, Gp. A
20 heading new
21 720 ILCS 5/47.10-316 new
22 720 ILCS 5/Art. 47.10,
23 Div. III, Subdiv. 3, Gp. B
24 heading new
25 720 ILCS 5/47.10-317 new

1 720 ILCS 5/Art. 47.10,
2 Div. III, Subdiv. 3, Gp. C
3 heading new
4 720 ILCS 5/47.10-318 new
5 720 ILCS 5/Art. 47.10,
6 Div. III, Subdiv. 4
7 heading new
8 720 ILCS 5/Art. 47.10,
9 Div. III, Subdiv. 4, Gp. A
10 heading new
11 720 ILCS 5/47.10-319 new
12 720 ILCS 5/Art. 47.10,
13 Div. III, Subdiv. 4, Gp. B
14 heading new
15 720 ILCS 5/47.10-320 new
16 720 ILCS 5/47.10-321 new
17 720 ILCS 5/47.10-322 new
18 720 ILCS 5/Art. 47.10,
19 Div. III, Subdiv. 4, Gp. C
20 heading new
21 720 ILCS 5/47.10-323 new
22 720 ILCS 5/Art. 47.10,
23 Div. III, Subdiv. 5
24 heading new

1 720 ILCS 5/Art. 47.10,
2 Div. III, Subdiv. 5, Gp. A
3 heading new
4 720 ILCS 5/47.10-324 new
5 720 ILCS 5/Art. 47.10,
6 Div. III, Subdiv. 5, Gp. B
7 heading new
8 720 ILCS 5/47.10-325 new
9 720 ILCS 5/47.10-326 new
10 720 ILCS 5/47.10-327 new
11 720 ILCS 5/Art. 47.10,
12 Div. III, Subdiv. 5, Gp. C
13 heading new
14 720 ILCS 5/47.10-328 new
15 720 ILCS 5/47.10-329 new
16 720 ILCS 5/47.10-330 new
17 720 ILCS 5/Art. 47.10,
18 Div. III, Subdiv. 6
19 heading new
20 720 ILCS 5/Art. 47.10,
21 Div. III, Subdiv. 6, Gp. A
22 heading new
23 720 ILCS 5/47.10-331 new
24 720 ILCS 5/Art. 47.10,
25 Div. III, Subdiv. 6, Gp. B
26 heading new

1 720 ILCS 5/47.10-332 new
2 720 ILCS 5/Art. 47.10,
3 Div. III, Subdiv. 6, Gp. C
4 heading new
5 720 ILCS 5/47.10-333 new
6 720 ILCS 5/47.10-334 new
7 720 ILCS 5/Art. 47.10,
8 Div. III, Subdiv. 7
9 heading new
10 720 ILCS 5/Art. 47.10,
11 Div. III, Subdiv. 7, Gp. A
12 heading new
13 720 ILCS 5/Art. 47.10,
14 Div. III, Subdiv. 7, Gp. B
15 heading new
16 720 ILCS 5/47.10-335 new
17 720 ILCS 5/47.10-336 new
18 720 ILCS 5/47.10-337 new
19 720 ILCS 5/47.10-338 new
20 720 ILCS 5/47.10-339 new
21 720 ILCS 5/Art. 47.10,
22 Div. III, Subdiv. 7, Gp. C
23 heading new
24 720 ILCS 5/47.10-340 new
25 720 ILCS 5/47.10-341 new

1 720 ILCS 5/Art. 47.10,
2 Div. III, Subdiv. 7, Gp. D
3 heading new
4 720 ILCS 5/47.10-342 new
5 720 ILCS 5/47.10-343 new
6 720 ILCS 5/47.10-344 new
7 720 ILCS 5/47.10-345 new
8 720 ILCS 5/47.10-346 new
9 720 ILCS 5/47.10-347 new
10 720 ILCS 5/47.10-348 new
11 720 ILCS 5/47.10-349 new
12 720 ILCS 5/47.10-350 new
13 720 ILCS 5/Art. 47.10,
14 Div. III, Subdiv. 8
15 heading new
16 720 ILCS 5/Art. 47.10,
17 Div. III, Subdiv. 8, Gp. A
18 heading new
19 720 ILCS 5/47.10-351 new
20 720 ILCS 5/47.10-352 new
21 720 ILCS 5/47.10-353 new
22 720 ILCS 5/47.10-354 new
23 720 ILCS 5/47.10-355 new
24 720 ILCS 5/47.10-356 new

1 720 ILCS 5/Art. 47.10,
2 Div. III, Subdiv. 8, Gp. B
3 heading new
4 720 ILCS 5/47.10-357 new
5 720 ILCS 5/47.10-358 new
6 720 ILCS 5/47.10-359 new
7 720 ILCS 5/47.10-360 new
8 720 ILCS 5/47.10-361 new
9 720 ILCS 5/47.10-362 new
10 720 ILCS 5/47.10-363 new
11 720 ILCS 5/47.10-364 new
12 720 ILCS 5/47.10-365 new
13 720 ILCS 5/Art. 47.10,
14 Div. III, Subdiv. 8, Gp. C
15 heading new
16 720 ILCS 5/47.10-366 new
17 720 ILCS 5/47.10-367 new
18 720 ILCS 5/47.10-368 new
19 720 ILCS 5/47.10-369 new
20 720 ILCS 5/47.10-370 new
21 720 ILCS 5/47.10-371 new
22 720 ILCS 5/Art 47.10, Div.
23 IV heading new
24 720 ILCS 5/Art. 47.10,
25 Div. IV, Gp. A heading new
26 720 ILCS 5/47.10-401 new

1 720 ILCS 5/47.10-402 new
2 720 ILCS 5/47.10-403 new
3 720 ILCS 5/47.10-404 new
4 720 ILCS 5/47.10-405 new
5 720 ILCS 5/47.10-406 new
6 720 ILCS 5/47.10-407 new
7 720 ILCS 5/Art. 47.10,
8 Div. IV, Gp. B heading new
9 720 ILCS 5/47.10-408 new
10 720 ILCS 5/47.10-409 new
11 720 ILCS 5/47.10-410 new
12 720 ILCS 5/47.10-412 new
13 720 ILCS 5/47.10-413 new
14 720 ILCS 5/47.10-414 new
15 720 ILCS 5/47.10-415 new
16 720 ILCS 5/47.10-416 new
17 720 ILCS 5/47.10-417 new
18 720 ILCS 5/47.10-418 new
19 720 ILCS 5/47.10-419 new
20 720 ILCS 5/47.10-420 new
21 720 ILCS 5/47.10-421 new
22 720 ILCS 5/47.10-422 new
23 720 ILCS 5/47.10-423 new
24 720 ILCS 5/Art. 47.10,
25 Div. IV, Gp. C heading new
26 720 ILCS 5/47.10-424 new

1 720 ILCS 5/47.10-425 new
2 720 ILCS 5/47.10-426 new
3 720 ILCS 5/47.10-427 new
4 720 ILCS 5/47.10-428 new
5 720 ILCS 5/47.10-429 new
6 720 ILCS 5/47.10-430 new
7 720 ILCS 5/47.10-431 new
8 720 ILCS 5/47.10-432 new
9 720 ILCS 5/47.10-433 new
10 720 ILCS 5/47.10-434 new
11 720 ILCS 5/47.10-435 new
12 720 ILCS 5/Art. 48 heading
13 new
14 720 ILCS 5/48-1 new
15 720 ILCS 5/48-2 new
16 720 ILCS 5/48-3 new
17 720 ILCS 5/48-4 new
18 720 ILCS 5/48-5 new
19 720 ILCS 5/48-6 new
20 720 ILCS 5/48-7 new
21 720 ILCS 5/48-8 new
22 720 ILCS 5/48-9 new
23 720 ILCS 5/48-10 new
24 720 ILCS 5/48-11 new
25 720 ILCS 5/48-12 new
26 720 ILCS 5/48-13 new

1 720 ILCS 5/48-14 new
2 720 ILCS 5/48-15 new
3 720 ILCS 5/Art. 85 heading was 720 ILCS 5/Art. 30 heading
4 720 ILCS 5/85-1 was 720 ILCS 5/30-1
5 720 ILCS 5/85-2 was 720 ILCS 5/30-2
6 720 ILCS 5/85-3 was 720 ILCS 5/30-3
7 720 ILCS 5/Art. 90 heading
8 new
9 720 ILCS 5/90-1 was 720 ILCS 5/34-1
10 720 ILCS 5/90-2 was 720 ILCS 5/34-2
11 720 ILCS 5/90-3 was 720 ILCS 5/34-3
12 720 ILCS 5/90-4 was 720 ILCS 5/34-4
13 720 ILCS 5/90-5 new
14 720 ILCS 5/Art. 91 heading
15 new
16 720 ILCS 5/91-1 new
17 720 ILCS 5/91-2 new
18 720 ILCS 5/91-3 new
19 720 ILCS 5/91-4 new
20 720 ILCS 5/91-5 new
21 720 ILCS 5/91-6 new
22 720 ILCS 5/91-7 new
23 720 ILCS 5/91-8 new
24 720 ILCS 5/91-9 new
25 720 ILCS 5/91-10 new
26 720 ILCS 5/91-11 new

- 1 720 ILCS 5/91-12 new
- 2 720 ILCS 5/91-13 new
- 3 720 ILCS 5/91-14 new
- 4 720 ILCS 5/Art. 92 heading
- 5 new
- 6 720 ILCS 5/92-1 new
- 7 720 ILCS 5/92-2 new
- 8 720 ILCS 5/92-3 new
- 9 720 ILCS 5/92-4 new
- 10 720 ILCS 5/92-5 new
- 11 720 ILCS 5/92-6 new
- 12 720 ILCS 5/2-7.5 rep.
- 13 720 ILCS 5/8-1.1 rep.
- 14 720 ILCS 5/10-2 rep.
- 15 720 ILCS 5/10-3.1 rep.
- 16 720 ILCS 5/10-7 rep.
- 17 720 ILCS 5/Art. 10A rep.
- 18 720 ILCS 5/11-12 rep.
- 19 720 ILCS 5/11-13 rep.
- 20 720 ILCS 5/11-15 rep.
- 21 720 ILCS 5/11-15.1 rep.
- 22 720 ILCS 5/11-16 rep.
- 23 720 ILCS 5/11-17 rep.
- 24 720 ILCS 5/11-17.1 rep.
- 25 720 ILCS 5/11-19 rep.
- 26 720 ILCS 5/11-19.1 rep.

- 1 720 ILCS 5/11-19.2 rep.
- 2 720 ILCS 5/11-20.1A rep.
- 3 720 ILCS 5/12-2 rep.
- 4 720 ILCS 5/12-2.5 rep.
- 5 720 ILCS 5/12-3.2 rep.
- 6 720 ILCS 5/12-3.3 rep.
- 7 720 ILCS 5/12-4 rep.
- 8 720 ILCS 5/12-4.1 rep.
- 9 720 ILCS 5/12-4.2 rep.
- 10 720 ILCS 5/12-4.2-5 rep.
- 11 720 ILCS 5/12-4.3 rep.
- 12 720 ILCS 5/12-4.4 rep.
- 13 720 ILCS 5/12-4.5 rep.
- 14 720 ILCS 5/12-4.6 rep.
- 15 720 ILCS 5/12-4.7 rep.
- 16 720 ILCS 5/12-4.8 rep.
- 17 720 ILCS 5/12-4.9 rep.
- 18 720 ILCS 5/12-5 rep.
- 19 720 ILCS 5/12-5.1 rep.
- 20 720 ILCS 5/12-5.2 rep.
- 21 720 ILCS 5/12-5.5 rep.
- 22 720 ILCS 5/12-5.15 rep.
- 23 720 ILCS 5/12-6.2 rep.
- 24 720 ILCS 5/12-6.3 rep.
- 25 720 ILCS 5/12-7.3 rep.
- 26 720 ILCS 5/12-7.4 rep.

- 1 720 ILCS 5/12-7.5 rep.
- 2 720 ILCS 5/12-10 rep.
- 3 720 ILCS 5/12-10.1 rep.
- 4 720 ILCS 5/12-11 rep.
- 5 720 ILCS 5/12-11.1 rep.
- 6 720 ILCS 5/12-12 rep.
- 7 720 ILCS 5/12-13 rep.
- 8 720 ILCS 5/12-14 rep.
- 9 720 ILCS 5/12-15 rep.
- 10 720 ILCS 5/12-16 rep.
- 11 720 ILCS 5/12-18.1 rep.
- 12 720 ILCS 5/12-19 rep.
- 13 720 ILCS 5/12-21 rep.
- 14 720 ILCS 5/12-21.7 rep.
- 15 720 ILCS 5/12-30 rep.
- 16 720 ILCS 5/Art. 12A
- 17 heading rep.
- 18 720 ILCS 5/Art. 12B
- 19 heading rep.
- 20 720 ILCS 5/15-1 rep.
- 21 720 ILCS 5/15-2 rep.
- 22 720 ILCS 5/15-3 rep.
- 23 720 ILCS 5/15-4 rep.
- 24 720 ILCS 5/15-5 rep.
- 25 720 ILCS 5/15-6 rep.
- 26 720 ILCS 5/15-7 rep.

- 1 720 ILCS 5/15-8 rep.
- 2 720 ILCS 5/15-9 rep.
- 3 720 ILCS 5/15-10 rep.
- 4 720 ILCS 5/16-1.1 rep.
- 5 720 ILCS 5/16-1.2 rep.
- 6 720 ILCS 5/16-1.3 rep.
- 7 720 ILCS 5/16-2 rep.
- 8 720 ILCS 5/16-3 rep.
- 9 720 ILCS 5/16-3.1 rep.
- 10 720 ILCS 5/16-5 rep.
- 11 720 ILCS 5/16-6 rep.
- 12 720 ILCS 5/16-7 rep.
- 13 720 ILCS 5/16-8 rep.
- 14 720 ILCS 5/16-14 rep.
- 15 720 ILCS 5/16-15 rep.
- 16 720 ILCS 5/16-16 rep.
- 17 720 ILCS 5/16-16.1 rep.
- 18 720 ILCS 5/16-17 rep.
- 19 720 ILCS 5/16-18 rep.
- 20 720 ILCS 5/16-19 rep.
- 21 720 ILCS 5/16-20 rep.
- 22 720 ILCS 5/16-21 rep.
- 23 720 ILCS 5/Art. 16A rep.
- 24 720 ILCS 5/Art. 16B rep.
- 25 720 ILCS 5/Art. 16C rep.
- 26 720 ILCS 5/Art. 16D rep.

- 1 720 ILCS 5/Art. 16E rep.
- 2 720 ILCS 5/Art. 16F rep.
- 3 720 ILCS 5/Art. 16G rep.
- 4 720 ILCS 5/Art. 16H rep.
- 5 720 ILCS 5/Art. 16J rep.
- 6 720 ILCS 5/17-1a rep.
- 7 720 ILCS 5/17-1b rep.
- 8 720 ILCS 5/17-2.5 rep.
- 9 720 ILCS 5/17-4 rep.
- 10 720 ILCS 5/17-5 rep.
- 11 720 ILCS 5/17-5.5 rep.
- 12 720 ILCS 5/17-6 rep.
- 13 720 ILCS 5/17-7 rep.
- 14 720 ILCS 5/17-8 rep.
- 15 720 ILCS 5/17-9 rep.
- 16 720 ILCS 5/17-10 rep.
- 17 720 ILCS 5/17-11 rep.
- 18 720 ILCS 5/17-11.1 rep.
- 19 720 ILCS 5/17-11.2 rep.
- 20 720 ILCS 5/17-13 rep.
- 21 720 ILCS 5/17-14 rep.
- 22 720 ILCS 5/17-15 rep.
- 23 720 ILCS 5/17-16 rep.
- 24 720 ILCS 5/17-17 rep.
- 25 720 ILCS 5/17-18 rep.
- 26 720 ILCS 5/17-19 rep.

- 1 720 ILCS 5/17-20 rep.
- 2 720 ILCS 5/17-21 rep.
- 3 720 ILCS 5/17-23 rep.
- 4 720 ILCS 5/17-25 rep.
- 5 720 ILCS 5/17-27 rep.
- 6 720 ILCS 5/17-28 rep.
- 7 720 ILCS 5/17-29 rep.
- 8 720 ILCS 5/Art. 17A rep.
- 9 720 ILCS 5/Art. 17B rep.
- 10 720 ILCS 5/18-4 rep.
- 11 720 ILCS 5/18-5 rep.
- 12 720 ILCS 5/19-5 rep.
- 13 720 ILCS 5/20-1.2 rep.
- 14 720 ILCS 5/20-1.3 rep.
- 15 720 ILCS 5/Art. 20.5
- 16 heading rep.
- 17 720 ILCS 5/21-1.1 rep.
- 18 720 ILCS 5/21-1.3 rep.
- 19 720 ILCS 5/21-1.4 rep.
- 20 720 ILCS 5/21-1.5 rep.
- 21 720 ILCS 5/21-6 rep.
- 22 720 ILCS 5/Art. 21.1
- 23 heading rep.
- 24 720 ILCS 5/21.1-1 rep.
- 25 720 ILCS 5/Art. 21.2
- 26 heading rep.

- 1 720 ILCS 5/21.2-1 rep.
- 2 720 ILCS 5/21.2-6 rep.
- 3 720 ILCS 5/Art. 21.3
- 4 heading rep.
- 5 720 ILCS 5/24-1.2-5 rep.
- 6 720 ILCS 5/24-3.6 rep.
- 7 720 ILCS 5/24-3A rep.
- 8 720 ILCS 5/Art. 24.5 rep.
- 9 720 ILCS 5/Art. 24.6 rep.
- 10 720 ILCS 5/26-4 rep.
- 11 720 ILCS 5/26-5 rep.
- 12 720 ILCS 5/Art. 29A
- 13 heading rep.
- 14 720 ILCS 5/Art. 29B rep.
- 15 720 ILCS 5/Art. 29C rep.
- 16 720 ILCS 5/29D-65 rep.
- 17 720 ILCS 5/Art. 31A
- 18 heading rep.
- 19 720 ILCS 5/32-5 rep.
- 20 720 ILCS 5/32-5.1 rep.
- 21 720 ILCS 5/32-5.1-1 rep.
- 22 720 ILCS 5/32-5.2 rep.
- 23 720 ILCS 5/32-5.2-5 rep.
- 24 720 ILCS 5/32-5.3 rep.
- 25 720 ILCS 5/32-5.4 rep.
- 26 720 ILCS 5/32-5.4-1 rep.

- 1 720 ILCS 5/32-5.5 rep.
- 2 720 ILCS 5/32-5.6 rep.
- 3 720 ILCS 5/32-5.7 rep.
- 4 720 ILCS 5/32-9 rep.
- 5 720 ILCS 5/32-11 rep.
- 6 720 ILCS 5/32-12 rep.
- 7 720 ILCS 5/33-3.1 rep.
- 8 720 ILCS 5/33-3.2 rep.
- 9 720 ILCS 5/Art. 33A rep.
- 10 720 ILCS 5/Art. 33B rep.
- 11 720 ILCS 5/Art. 33C rep.
- 12 720 ILCS 5/Art. 33D rep.
- 13 720 ILCS 5/Art. 33F rep.
- 14 720 ILCS 5/Art. 37 heading
- 15 rep.
- 16 720 ILCS 5/Art. 37.5 rep.
- 17 720 ILCS 5/Art. 38 heading
- 18 rep.
- 19 720 ILCS 5/Art. 42 rep.
- 20 720 ILCS 5/44-3 rep.
- 21 720 ILCS 5/Art. 45 rep.
- 22 720 ILCS 5/Art. 46 rep.
- 23 720 ILCS 5/47-10 rep.
- 24 720 ILCS 5/47-15 rep.
- 25 720 ILCS 5/47-20 rep.
- 26 720 ILCS 5/47-25 rep.

- 1 720 ILCS 110/Act rep.
- 2 720 ILCS 120/Act rep.
- 3 720 ILCS 125/Act rep.
- 4 720 ILCS 130/Act rep.
- 5 720 ILCS 135/Act rep.
- 6 720 ILCS 140/Act rep.
- 7 720 ILCS 145/Act rep.
- 8 720 ILCS 205/Act rep.
- 9 720 ILCS 210/Act rep.
- 10 720 ILCS 215/Act rep.
- 11 720 ILCS 220/Act rep.
- 12 720 ILCS 225/Act rep.
- 13 720 ILCS 230/Act rep.
- 14 720 ILCS 235/Act rep.
- 15 720 ILCS 240/Act rep.
- 16 720 ILCS 245/Act rep.
- 17 720 ILCS 250/Act rep.
- 18 720 ILCS 290/Act rep.
- 19 720 ILCS 295/Act rep.
- 20 720 ILCS 300/Act rep.
- 21 720 ILCS 305/Act rep.
- 22 720 ILCS 310/Act rep.
- 23 720 ILCS 315/Act rep.
- 24 720 ILCS 320/Act rep.
- 25 720 ILCS 325/Act rep.
- 26 720 ILCS 330/Act rep.

- 1 720 ILCS 335/Act rep.
- 2 720 ILCS 340/Act rep.
- 3 720 ILCS 345/Act rep.
- 4 720 ILCS 350/Act rep.
- 5 720 ILCS 355/Act rep.
- 6 720 ILCS 360/Act rep.
- 7 720 ILCS 365/Act rep.
- 8 720 ILCS 370/Act rep.
- 9 720 ILCS 375/Act rep.
- 10 720 ILCS 380/Act rep.
- 11 720 ILCS 385/Act rep.
- 12 720 ILCS 390/Act rep.
- 13 720 ILCS 395/Act rep.
- 14 720 ILCS 400/Act rep.
- 15 720 ILCS 505/Act rep.
- 16 720 ILCS 510/Act rep.
- 17 720 ILCS 513/Act rep.
- 18 720 ILCS 525/Act rep.
- 19 720 ILCS 530/Act rep.
- 20 720 ILCS 535/Act rep.
- 21 720 ILCS 540/Act rep.
- 22 720 ILCS 545/Act rep.
- 23 720 ILCS 550/Act rep.
- 24 720 ILCS 555/Act rep.
- 25 720 ILCS 560/Act rep.
- 26 720 ILCS 565/Act rep.

- 1 720 ILCS 570/Act rep.
- 2 720 ILCS 585/Act rep.
- 3 720 ILCS 590/Act rep.
- 4 720 ILCS 595/Act rep.
- 5 720 ILCS 600/Act rep.
- 6 720 ILCS 602/Act rep.
- 7 720 ILCS 605/Act rep.
- 8 720 ILCS 610/Act rep.
- 9 720 ILCS 615/Act rep.
- 10 720 ILCS 620/Act rep.
- 11 720 ILCS 625/Act rep.
- 12 720 ILCS 630/Act rep.
- 13 720 ILCS 635/Act rep.
- 14 720 ILCS 640/Act rep.
- 15 720 ILCS 645/Act rep.
- 16 720 ILCS 646/Act rep.
- 17 720 ILCS 648/Act rep.
- 18 720 ILCS 650/Act rep.
- 19 720 ILCS 655/Act rep.
- 20 720 ILCS 660/Act rep.
- 21 720 ILCS 665/Act rep.
- 22 720 ILCS 670/Act rep.
- 23 720 ILCS 675/Act rep.
- 24 720 ILCS 677/Act rep.
- 25 720 ILCS 678/Act rep.
- 26 720 ILCS 680/Act rep.

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1 720 ILCS 685/Act rep.

2 730 ILCS 5/2-1-1 new

3 815 ILCS 505/2A from Ch. 121 1/2, par. 262A