

104TH GENERAL ASSEMBLY**State of Illinois****2025 and 2026****HB2690**

Introduced 2/6/2025, by Rep. Mary Beth Canty

SYNOPSIS AS INTRODUCED:

See Index

Amends the Criminal Code of 2012. Changes the statute of limitations for grooming to provide that when the victim is under 17 years of age at the time of the offense, a prosecution for grooming may be commenced within 10 years after the victim or the person with a disability attains 17 years of age. Changes the name of the offense of child pornography to child sexual abuse material. Deletes references to criminal transmission of HIV in various statutes. In the Sex Offenses Article of the Criminal Code of 2012, provides a definition for "unable to give knowing consent" and changes the definition of "family member" to include a sibling and an accused who has resided in the household for at least 3 (rather than 6) months. Provides that a person commits sexual exploitation of a child if in the presence or virtual presence, or both, of a child and with knowledge that a child or one whom he or she believes to be a child would view his or her acts, that person knowingly entices, coerces, or persuades a child to participate in the production of the recording or memorializing a sexual act of persons ages 18 or older. Provides that a violation of this provision of sexual exploitation of a child is a Class 4 felony. Provides that a defendant, in order to commit grooming, must be 5 years or more older than the groomed child, or hold a position of trust, authority, or supervision in relation to the child at the time of the offense. Amends the Code of Criminal Procedure of 1963. Provides that the court may set any conditions it finds just and appropriate on the taking of testimony of a victim or witness who is under 18 years of age or an intellectually disabled person or a person affected by a developmental disability (rather than a victim who is a child under the age of 18 years or a moderately, severely, or profoundly intellectually disabled person or a person affected by a developmental disability) involving the use of a facility dog in any criminal proceeding. Makes other changes concerning the admissibility of evidence in cases involving involuntary servitude, involuntary sexual servitude of a minor, and trafficking in persons. Amends various Acts to change references from "child pornography" to "child sexual abuse material".

LRB104 07332 RLC 17372 b

1 AN ACT concerning criminal law.

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

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

6 (20 ILCS 4026/10)

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

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

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

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

23 (1) indecent solicitation of a child, in violation of

1 Section 11-6 of the Criminal Code of 1961 or the Criminal
2 Code of 2012;

3 (2) indecent solicitation of an adult, in violation of
4 Section 11-6.5 of the Criminal Code of 1961 or the
5 Criminal Code of 2012;

6 (3) public indecency, in violation of Section 11-9 or
7 11-30 of the Criminal Code of 1961 or the Criminal Code of
8 2012;

9 (4) sexual exploitation of a child, in violation of
10 Section 11-9.1 of the Criminal Code of 1961 or the
11 Criminal Code of 2012;

12 (5) sexual relations within families, in violation of
13 Section 11-11 of the Criminal Code of 1961 or the Criminal
14 Code of 2012;

15 (6) promoting juvenile prostitution or soliciting for
16 a juvenile prostitute, in violation of Section 11-14.4 or
17 11-15.1 of the Criminal Code of 1961 or the Criminal Code
18 of 2012;

19 (7) promoting juvenile prostitution or keeping a place
20 of juvenile prostitution, in violation of Section 11-14.4
21 or 11-17.1 of the Criminal Code of 1961 or the Criminal
22 Code of 2012;

23 (8) patronizing a juvenile prostitute, in violation of
24 Section 11-18.1 of the Criminal Code of 1961 or the
25 Criminal Code of 2012;

26 (9) promoting juvenile prostitution or juvenile

1 pimping, in violation of Section 11-14.4 or 11-19.1 of the
2 Criminal Code of 1961 or the Criminal Code of 2012;

3 (10) promoting juvenile prostitution or exploitation
4 of a child, in violation of Section 11-14.4 or 11-19.2 of
5 the Criminal Code of 1961 or the Criminal Code of 2012;

6 (11) child sexual abuse material ~~pornography~~, in
7 violation of Section 11-20.1 of the Criminal Code of 1961
8 or the Criminal Code of 2012;

9 (11.5) aggravated child pornography, in violation of
10 Section 11-20.1B or 11-20.3 of the Criminal Code of 1961;

11 (12) harmful material, in violation of Section 11-21
12 of the Criminal Code of 1961 or the Criminal Code of 2012;

13 (13) criminal sexual assault, in violation of Section
14 11-1.20 or 12-13 of the Criminal Code of 1961 or the
15 Criminal Code of 2012;

16 (13.5) grooming, in violation of Section 11-25 of the
17 Criminal Code of 1961 or the Criminal Code of 2012;

18 (14) aggravated criminal sexual assault, in violation
19 of Section 11-1.30 or 12-14 of the Criminal Code of 1961 or
20 the Criminal Code of 2012;

21 (14.5) traveling to meet a minor or traveling to meet
22 a child, in violation of Section 11-26 of the Criminal
23 Code of 1961 or the Criminal Code of 2012;

24 (15) predatory criminal sexual assault of a child, in
25 violation of Section 11-1.40 or 12-14.1 of the Criminal
26 Code of 1961 or the Criminal Code of 2012;

1 (16) criminal sexual abuse, in violation of Section
2 11-1.50 or 12-15 of the Criminal Code of 1961 or the
3 Criminal Code of 2012;

4 (17) aggravated criminal sexual abuse, in violation of
5 Section 11-1.60 or 12-16 of the Criminal Code of 1961 or
6 the Criminal Code of 2012;

7 (18) ritualized abuse of a child, in violation of
8 Section 12-33 of the Criminal Code of 1961 or the Criminal
9 Code of 2012;

10 (19) an attempt to commit any of the offenses
11 enumerated in this subsection (c); or

12 (20) any felony offense under Illinois law that is
13 sexually motivated.

14 (d) "Management" means treatment, and supervision of any
15 sex offender that conforms to the standards created by the
16 Board under Section 15.

17 (e) "Sexually motivated" means one or more of the facts of
18 the underlying offense indicates conduct that is of a sexual
19 nature or that shows an intent to engage in behavior of a
20 sexual nature.

21 (f) "Sex offender evaluator" means a person licensed under
22 the Sex Offender Evaluation and Treatment Provider Act to
23 conduct sex offender evaluations.

24 (g) "Sex offender treatment provider" means a person
25 licensed under the Sex Offender Evaluation and Treatment
26 Provider Act to provide sex offender treatment services.

1 (h) "Associate sex offender provider" means a person
2 licensed under the Sex Offender Evaluation and Treatment
3 Provider Act to provide sex offender evaluations and to
4 provide sex offender treatment under the supervision of a
5 licensed sex offender evaluator or a licensed sex offender
6 treatment provider.

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

8 Section 10. The Medical School Matriculant Criminal
9 History Records Check Act is amended by changing Section 5 as
10 follows:

11 (110 ILCS 57/5)

12 Sec. 5. Definitions. In this Act:

13 "Matriculant" means an individual who is conditionally
14 admitted as a student to a medical school located in Illinois,
15 pending the medical school's consideration of his or her
16 criminal history records check under this Act.

17 "Sex offender" means any person who is convicted pursuant
18 to Illinois law or any substantially similar federal, Uniform
19 Code of Military Justice, sister state, or foreign country law
20 with any of the following sex offenses set forth in the
21 Criminal Code of 1961 or the Criminal Code of 2012:

22 (1) Indecent solicitation of a child.

23 (2) Sexual exploitation of a child.

24 (3) Custodial sexual misconduct.

(4) Exploitation of a child.

(5) Child sexual abuse material ~~pornography~~.

(6) Aggravated child pornography.

"Violent felony" means any of the following offenses, as defined by the Criminal Code of 1961 or the Criminal Code of 2012:

(1) First degree murder.

(2) Second degree murder.

(3) Predatory criminal sexual assault of a child.

(4) Aggravated criminal sexual assault.

(5) Criminal sexual assault.

(6) Aggravated arson.

(7) Aggravated kidnapping.

(8) Kidnapping.

(9) Aggravated battery resulting in great bodily harm or permanent disability or disfigurement.

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

Section 15. The Child Care Act of 1969 is amended by changing Section 3.3 as follows:

(225 ILCS 10/3.3)

Sec. 3.3. Requirements for criminal background checks for adoption-only homes. In approving an adoption-only home pursuant to Section 3.2 of this Act, if an adult resident has an arrest or conviction record, the licensed child welfare

1 agency:

2 (1) shall thoroughly investigate and evaluate the
3 criminal history of the resident and, in so doing, include
4 an assessment of the applicant's character and, in the
5 case of the prospective adoptive parent, the impact that
6 the criminal history has on the prospective adoptive
7 parent's ability to parent the child; the investigation
8 should consider the type of crime, the number of crimes,
9 the nature of the offense, the age at time of crime, the
10 length of time that has elapsed since the last conviction,
11 the relationship of the crime to the ability to care for
12 children, and any evidence of rehabilitation;

13 (2) shall not approve the home if the record reveals a
14 felony conviction for crimes against a child, including,
15 but not limited to, child abuse or neglect, child sexual
16 abuse material ~~pornography~~, rape, sexual assault, or
17 homicide;

18 (3) shall not approve the home if the record reveals a
19 felony conviction within the last 5 years, including, but
20 not limited to, for physical assault, battery,
21 drug-related offenses, or spousal abuse; and

22 (4) shall not approve the home if the record reveals a
23 felony conviction for homicide, rape, or sexual assault.

24 (Source: P.A. 103-22, eff. 8-8-23.)

25 Section 20. The Abused and Neglected Child Reporting Act

1 is amended by changing Sections 4.5 and 11.1 as follows:

2 (325 ILCS 5/4.5)

3 Sec. 4.5. Electronic and information technology workers;
4 reporting child sexual abuse material ~~pornography~~.

5 (a) In this Section:

6 "Child sexual abuse material ~~pornography~~" means child
7 sexual abuse material ~~pornography~~ as described in Section
8 11-20.1 of the Criminal Code of 2012.

9 "Electronic and information technology equipment" means
10 equipment used in the creation, manipulation, storage,
11 display, or transmission of data, including internet and
12 intranet systems, software applications, operating systems,
13 video and multimedia, telecommunications products, kiosks,
14 information transaction machines, copiers, printers, and
15 desktop and portable computers.

16 "Electronic and information technology equipment worker"
17 means a person who in the scope and course of the person's
18 employment or business installs, repairs, or otherwise
19 services electronic and information technology equipment for a
20 fee but does not include (i) an employee, independent
21 contractor, or other agent of a telecommunications carrier or
22 telephone or telecommunications cooperative, as those terms
23 are defined in the Public Utilities Act, or (ii) an employee,
24 independent contractor, or other agent of a provider of
25 commercial mobile radio service, as defined in 47 CFR 20.3.

1 (b) If an electronic and information technology equipment
2 worker discovers any depiction of child sexual abuse material
3 ~~pornography~~ while installing, repairing, or otherwise
4 servicing an item of electronic and information technology
5 equipment, that worker or the worker's employer shall
6 immediately report the discovery to the local law enforcement
7 agency or to the Cyber Tipline at the National Center for
8 Missing and Exploited Children.

9 (c) If a report is filed in accordance with the
10 requirements of 42 U.S.C. 13032, the requirements of this
11 Section 4.5 will be deemed to have been met.

12 (d) An electronic and information technology equipment
13 worker or electronic and information technology equipment
14 worker's employer who reports a discovery of child sexual
15 abuse material ~~pornography~~ as required under this Section is
16 immune from any criminal, civil, or administrative liability
17 in connection with making the report, except for willful or
18 wanton misconduct.

19 (e) Failure to report a discovery of child sexual abuse
20 material ~~pornography~~ as required under this Section is a
21 business offense subject to a fine of \$1,001.

22 (Source: P.A. 103-22, eff. 8-8-23; 103-605, eff. 7-1-24.)

23 (325 ILCS 5/11.1) (from Ch. 23, par. 2061.1)

24 Sec. 11.1. Access to records.

25 (a) A person shall have access to the records described in

1 Section 11 only in furtherance of purposes directly connected
2 with the administration of this Act or the Intergovernmental
3 Missing Child Recovery Act of 1984. Those persons and purposes
4 for access include:

5 (1) Department staff in the furtherance of their
6 responsibilities under this Act, or for the purpose of
7 completing background investigations on persons or
8 agencies licensed by the Department or with whom the
9 Department contracts for the provision of child welfare
10 services.

11 (2) A law enforcement agency investigating known or
12 suspected child abuse or neglect, known or suspected
13 involvement with child sexual abuse material ~~pornography~~,
14 known or suspected criminal sexual assault, known or
15 suspected criminal sexual abuse, or any other sexual
16 offense when a child is alleged to be involved.

17 (3) The Illinois State Police when administering the
18 provisions of the Intergovernmental Missing Child Recovery
19 Act of 1984.

20 (4) A physician who has before the physician a child
21 whom the physician reasonably suspects may be abused or
22 neglected.

23 (5) A person authorized under Section 5 of this Act to
24 place a child in temporary protective custody when such
25 person requires the information in the report or record to
26 determine whether to place the child in temporary

1 protective custody.

2 (6) A person having the legal responsibility or
3 authorization to care for, treat, or supervise a child, or
4 a parent, prospective adoptive parent, foster parent,
5 guardian, or other person responsible for the child's
6 welfare, who is the subject of a report.

7 (7) Except in regard to harmful or detrimental
8 information as provided in Section 7.19, any subject of
9 the report, and if the subject of the report is a minor,
10 the minor's guardian or guardian ad litem.

11 (8) A court, upon its finding that access to such
12 records may be necessary for the determination of an issue
13 before such court; however, such access shall be limited
14 to in camera inspection, unless the court determines that
15 public disclosure of the information contained therein is
16 necessary for the resolution of an issue then pending
17 before it.

18 (8.1) A probation officer or other authorized
19 representative of a probation or court services department
20 conducting an investigation ordered by a court under the
21 Juvenile Court Act of 1987.

22 (9) A grand jury, upon its determination that access
23 to such records is necessary in the conduct of its
24 official business.

25 (10) Any person authorized by the Director, in
26 writing, for audit or bona fide research purposes.

1 (11) Law enforcement agencies, coroners or medical
2 examiners, physicians, courts, school superintendents and
3 child welfare agencies in other states who are responsible
4 for child abuse or neglect investigations or background
5 investigations.

6 (12) The Department of Financial and Professional
7 Regulation, the State Board of Education and school
8 superintendents in Illinois, who may use or disclose
9 information from the records as they deem necessary to
10 conduct investigations or take disciplinary action, as
11 provided by law.

12 (13) A coroner or medical examiner who has reason to
13 believe that a child has died as the result of abuse or
14 neglect.

15 (14) The Director of a State-operated facility when an
16 employee of that facility is the perpetrator in an
17 indicated report.

18 (15) The operator of a licensed child care facility or
19 a facility licensed by the Department of Human Services
20 (as successor to the Department of Alcoholism and
21 Substance Abuse) in which children reside when a current
22 or prospective employee of that facility is the
23 perpetrator in an indicated child abuse or neglect report,
24 pursuant to Section 4.3 of the Child Care Act of 1969.

25 (16) Members of a multidisciplinary team in the
26 furtherance of its responsibilities under subsection (b)

1 of Section 7.1. All reports concerning child abuse and
2 neglect made available to members of such
3 multidisciplinary teams and all records generated as a
4 result of such reports shall be confidential and shall not
5 be disclosed, except as specifically authorized by this
6 Act or other applicable law. It is a Class A misdemeanor to
7 permit, assist or encourage the unauthorized release of
8 any information contained in such reports or records.
9 Nothing contained in this Section prevents the sharing of
10 reports or records relating or pertaining to the death of
11 a minor under the care of or receiving services from the
12 Department of Children and Family Services and under the
13 jurisdiction of the juvenile court with the juvenile
14 court, the State's Attorney, and the minor's attorney.

15 (17) The Department of Human Services, as provided in
16 Section 17 of the Rehabilitation of Persons with
17 Disabilities Act.

18 (18) Any other agency or investigative body, including
19 the Department of Public Health and a local board of
20 health, authorized by State law to conduct an
21 investigation into the quality of care provided to
22 children in hospitals and other State regulated care
23 facilities.

24 (19) The person appointed, under Section 2-17 of the
25 Juvenile Court Act of 1987, as the guardian ad litem of a
26 minor who is the subject of a report or records under this

1 Act; or the person appointed, under Section 5-610 of the
2 Juvenile Court Act of 1987, as the guardian ad litem of a
3 minor who is in the custody or guardianship of the
4 Department or who has an open intact family services case
5 with the Department and who is the subject of a report or
6 records made pursuant to this Act.

7 (20) The Department of Human Services, as provided in
8 Section 10 of the Early Intervention Services System Act,
9 and the operator of a facility providing early
10 intervention services pursuant to that Act, for the
11 purpose of determining whether a current or prospective
12 employee who provides or may provide direct services under
13 that Act is the perpetrator in an indicated report of
14 child abuse or neglect filed under this Act.

15 (b) Nothing contained in this Act prevents the sharing or
16 disclosure of information or records relating or pertaining to
17 juveniles subject to the provisions of the Serious Habitual
18 Offender Comprehensive Action Program when that information is
19 used to assist in the early identification and treatment of
20 habitual juvenile offenders.

21 (c) To the extent that persons or agencies are given
22 access to information pursuant to this Section, those persons
23 or agencies may give this information to and receive this
24 information from each other in order to facilitate an
25 investigation conducted by those persons or agencies.

26 (Source: P.A. 102-538, eff. 8-20-21; 103-22, eff. 8-8-23.)

1 Section 25. The Abused and Neglected Child Reporting Act
2 is amended by changing Section 3 as follows:

3 (325 ILCS 15/3) (from Ch. 23, par. 2083)

4 Sec. 3. The functions and goals of the programs to be
5 developed and provided by the Department of Children and
6 Family Services shall include:

7 (a) Provision of counseling, treatment, rehabilitation and
8 assistance to sexually abused and exploited children and their
9 families, particularly to victims of predatory criminal sexual
10 assault of a child, aggravated criminal sexual assault,
11 criminal sexual assault, aggravated criminal sexual abuse and
12 criminal sexual abuse and child sexual abuse material
13 ~~pornography~~, and provision of training and education and
14 professional counseling to other persons responsible for the
15 child's welfare, personnel of the Department responsible for
16 the licensure of facilities under the Child Care Act of 1969,
17 and persons required to file reports and conduct
18 investigations of such reports under the Abused and Neglected
19 Child Reporting Act;

20 (b) Hastening the process of reconstituting the family and
21 the marriage, where such would be in the interest of the child;

22 (c) Marshaling and coordinating the services of all
23 agencies responsible for the detection of a sexually abused
24 and exploited child and for serving such a child, the child's

1 family, or others responsible for the child's welfare, as well
2 as for the development of other resources necessary to ensure
3 a comprehensive program for the prevention of such abuse and
4 exploitation, supportive case management;

5 (d) Responding to individual physical, emotional, and
6 social needs of clients so that supportive services are
7 individually tailored and applied as long as necessary;

8 (e) Informing the public at large and professional
9 agencies about the problem of child sexual abuse and
10 exploitation, methods of detecting and responding to such
11 incidents, including those established under the Abused and
12 Neglected Child Reporting Act, the availability of State
13 service and other resources for responding to victims of such
14 abuse and exploitation, and about the existence and supportive
15 approach of treatment center programs; and

16 (f) Development of informational and training materials
17 and seminars to assure the availability of such programs and
18 services throughout the State, emphasizing the need for
19 cooperation and coordination with all appropriate elements of
20 the criminal justice system and law enforcement system.

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

22 Section 30. The Intergovernmental Missing Child Recovery
23 Act of 1984 is amended by changing Section 2 as follows:

24 (325 ILCS 40/2) (from Ch. 23, par. 2252)

1 Sec. 2. As used in this Act:

2 (a) (Blank).

3 (b) "Director" means the Director of the Illinois State
4 Police.

5 (c) "Unit of local government" is defined as in Article
6 VII, Section 1 of the Illinois Constitution and includes both
7 home rule units and units which are not home rule units. The
8 term is also defined to include all public school districts
9 subject to the provisions of the School Code.

10 (d) "Child" means a person under 21 years of age.

11 (e) A "LEADS terminal" is an interactive computerized
12 communication and processing unit which permits a direct
13 on-line communication with the Illinois State Police's central
14 data repository, the Law Enforcement Agencies Data System
15 (LEADS).

16 (f) A "primary contact agency" means a law enforcement
17 agency which maintains a LEADS terminal, or has immediate
18 access to one on a 24-hour-per-day, 7-day-per-week basis by
19 written agreement with another law enforcement agency.

20 (g) (Blank).

21 (h) "Missing child" means any person under 21 years of age
22 whose whereabouts are unknown to his or her parents or legal
23 guardian.

24 (i) "Exploitation" means activities and actions which
25 include, but are not limited to, child sexual abuse material
26 ~~pornography~~, aggravated child pornography, child prostitution,

1 child sexual abuse, drug and substance abuse by children, and
2 child suicide.

3 (j) (Blank).

4 (Source: P.A. 102-538, eff. 8-20-21.)

5 Section 35. The Illinois Child Online Exploitation
6 Reporting Act is amended by changing Section 10 as follows:

7 (325 ILCS 47/10)

8 Sec. 10. Registration. Any entity, subject to the
9 reporting requirements of 42 U.S.C. 13032, while engaged in
10 providing an electronic communications service or a remote
11 computing service to the public, must provide the following
12 information to the Cyber Tipline at the National Center for
13 Missing and Exploited Children in order to facilitate the
14 required reporting of child sexual abuse material ~~pornography~~
15 crimes, pursuant to 42 U.S.C. 13032:

16 (a) the agent's name, phone number, and email address; and

17 (b) the name of the agent's employer.

18 (Source: P.A. 95-983, eff. 10-3-08.)

19 Section 40. The Criminal and Traffic Assessment Act is
20 amended by changing Section 15-70 as follows:

21 (705 ILCS 135/15-70)

22 Sec. 15-70. Conditional assessments. In addition to

1 payments under one of the Schedule of Assessments 1 through 13
2 of this Act, the court shall also order payment of any of the
3 following conditional assessment amounts for each sentenced
4 violation in the case to which a conditional assessment is
5 applicable, which shall be collected and remitted by the Clerk
6 of the Circuit Court as provided in this Section:

7 (1) arson, residential arson, or aggravated arson,
8 \$500 per conviction to the State Treasurer for deposit
9 into the Fire Prevention Fund;

10 (2) child sexual abuse material ~~pornography~~ under
11 Section 11-20.1 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, \$500 per conviction, unless more
13 than one agency is responsible for the arrest in which
14 case the amount shall be remitted to each unit of
15 government equally:

16 (A) if the arresting agency is an agency of a unit
17 of local government, \$500 to the treasurer of the unit
18 of local government for deposit into the unit of local
19 government's General Fund, except that if the Illinois
20 State Police provides digital or electronic forensic
21 examination assistance, or both, to the arresting
22 agency then \$100 to the State Treasurer for deposit
23 into the State Crime Laboratory Fund; or

24 (B) if the arresting agency is the Illinois State
25 Police, \$500 to the State Treasurer for deposit into
26 the State Crime Laboratory Fund;

1 (3) crime laboratory drug analysis for a drug-related
2 offense involving possession or delivery of cannabis or
3 possession or delivery of a controlled substance as
4 defined in the Cannabis Control Act, the Illinois
5 Controlled Substances Act, or the Methamphetamine Control
6 and Community Protection Act, \$100 reimbursement for
7 laboratory analysis, as set forth in subsection (f) of
8 Section 5-9-1.4 of the Unified Code of Corrections;

9 (4) DNA analysis, \$250 on each conviction in which it
10 was used to the State Treasurer for deposit into the State
11 Crime Laboratory Fund as set forth in Section 5-9-1.4 of
12 the Unified Code of Corrections;

13 (5) DUI analysis, \$150 on each sentenced violation in
14 which it was used as set forth in subsection (f) of Section
15 5-9-1.9 of the Unified Code of Corrections;

16 (6) drug-related offense involving possession or
17 delivery of cannabis or possession or delivery of a
18 controlled substance, other than methamphetamine, as
19 defined in the Cannabis Control Act or the Illinois
20 Controlled Substances Act, an amount not less than the
21 full street value of the cannabis or controlled substance
22 seized for each conviction to be disbursed as follows:

23 (A) 12.5% of the street value assessment shall be
24 paid into the Youth Drug Abuse Prevention Fund, to be
25 used by the Department of Human Services for the
26 funding of programs and services for drug-abuse

1 treatment, and prevention and education services;

2 (B) 37.5% to the county in which the charge was
3 prosecuted, to be deposited into the county General
4 Fund;

5 (C) 50% to the treasurer of the arresting law
6 enforcement agency of the municipality or county, or
7 to the State Treasurer if the arresting agency was a
8 state agency, to be deposited as provided in
9 subsection (c) of Section 10-5;

10 (D) if the arrest was made in combination with
11 multiple law enforcement agencies, the clerk shall
12 equitably allocate the portion in subparagraph (C) of
13 this paragraph (6) among the law enforcement agencies
14 involved in the arrest;

15 (6.5) Kane County or Will County, in felony,
16 misdemeanor, local or county ordinance, traffic, or
17 conservation cases, up to \$30 as set by the county board
18 under Section 5-1101.3 of the Counties Code upon the entry
19 of a judgment of conviction, an order of supervision, or a
20 sentence of probation without entry of judgment under
21 Section 10 of the Cannabis Control Act, Section 410 of the
22 Illinois Controlled Substances Act, Section 70 of the
23 Methamphetamine Control and Community Protection Act,
24 Section 12-4.3 or subdivision (b) (1) of Section 12-3.05 of
25 the Criminal Code of 1961 or the Criminal Code of 2012,
26 Section 10-102 of the Illinois Alcoholism and Other Drug

1 Dependency Act, or Section 10 of the Steroid Control Act;
2 except in local or county ordinance, traffic, and
3 conservation cases, if fines are paid in full without a
4 court appearance, then the assessment shall not be imposed
5 or collected. Distribution of assessments collected under
6 this paragraph (6.5) shall be as provided in Section
7 5-1101.3 of the Counties Code;

8 (7) methamphetamine-related offense involving
9 possession or delivery of methamphetamine or any salt of
10 an optical isomer of methamphetamine or possession of a
11 methamphetamine manufacturing material as set forth in
12 Section 10 of the Methamphetamine Control and Community
13 Protection Act with the intent to manufacture a substance
14 containing methamphetamine or salt of an optical isomer of
15 methamphetamine, an amount not less than the full street
16 value of the methamphetamine or salt of an optical isomer
17 of methamphetamine or methamphetamine manufacturing
18 materials seized for each conviction to be disbursed as
19 follows:

20 (A) 12.5% of the street value assessment shall be
21 paid into the Youth Drug Abuse Prevention Fund, to be
22 used by the Department of Human Services for the
23 funding of programs and services for drug-abuse
24 treatment, and prevention and education services;

25 (B) 37.5% to the county in which the charge was
26 prosecuted, to be deposited into the county General

1 Fund;

2 (C) 50% to the treasurer of the arresting law
3 enforcement agency of the municipality or county, or
4 to the State Treasurer if the arresting agency was a
5 state agency, to be deposited as provided in
6 subsection (c) of Section 10-5;

7 (D) if the arrest was made in combination with
8 multiple law enforcement agencies, the clerk shall
9 equitably allocate the portion in subparagraph (C) of
10 this paragraph (6) among the law enforcement agencies
11 involved in the arrest;

12 (8) order of protection violation under Section 12-3.4
13 of the Criminal Code of 2012, \$200 for each conviction to
14 the county treasurer for deposit into the Probation and
15 Court Services Fund for implementation of a domestic
16 violence surveillance program and any other assessments or
17 fees imposed under Section 5-9-1.16 of the Unified Code of
18 Corrections;

19 (9) order of protection violation, \$25 for each
20 violation to the State Treasurer, for deposit into the
21 Domestic Violence Abuser Services Fund;

22 (10) prosecution by the State's Attorney of a:

23 (A) petty or business offense, \$4 to the county
24 treasurer of which \$2 deposited into the State's
25 Attorney Records Automation Fund and \$2 into the
26 Public Defender Records Automation Fund;

1 (B) conservation or traffic offense, \$2 to the
2 county treasurer for deposit into the State's Attorney
3 Records Automation Fund;

4 (11) speeding in a construction zone violation, \$250
5 to the State Treasurer for deposit into the Transportation
6 Safety Highway Hire-back Fund, unless (i) the violation
7 occurred on a highway other than an interstate highway and
8 (ii) a county police officer wrote the ticket for the
9 violation, in which case to the county treasurer for
10 deposit into that county's Transportation Safety Highway
11 Hire-back Fund;

12 (12) supervision disposition on an offense under the
13 Illinois Vehicle Code or similar provision of a local
14 ordinance, 50 cents, unless waived by the court, into the
15 Prisoner Review Board Vehicle and Equipment Fund;

16 (13) victim and offender are family or household
17 members as defined in Section 103 of the Illinois Domestic
18 Violence Act of 1986 and offender pleads guilty or no
19 contest to or is convicted of murder, voluntary
20 manslaughter, involuntary manslaughter, burglary,
21 residential burglary, criminal trespass to residence,
22 criminal trespass to vehicle, criminal trespass to land,
23 criminal damage to property, telephone harassment,
24 kidnapping, aggravated kidnapping, unlawful restraint,
25 forcible detention, child abduction, indecent solicitation
26 of a child, sexual relations between siblings,

1 exploitation of a child, child sexual abuse material
2 ~~pornography~~, assault, aggravated assault, battery,
3 aggravated battery, heinous battery, aggravated battery of
4 a child, domestic battery, reckless conduct, intimidation,
5 criminal sexual assault, predatory criminal sexual assault
6 of a child, aggravated criminal sexual assault, criminal
7 sexual abuse, aggravated criminal sexual abuse, violation
8 of an order of protection, disorderly conduct, endangering
9 the life or health of a child, child abandonment,
10 contributing to dependency or neglect of child, or cruelty
11 to children and others, \$200 for each sentenced violation
12 to the State Treasurer for deposit as follows: (i) for
13 sexual assault, as defined in Section 5-9-1.7 of the
14 Unified Code of Corrections, when the offender and victim
15 are family members, one-half to the Domestic Violence
16 Shelter and Service Fund, and one-half to the Sexual
17 Assault Services Fund; (ii) for the remaining offenses to
18 the Domestic Violence Shelter and Service Fund;

19 (14) violation of Section 11-501 of the Illinois
20 Vehicle Code, Section 5-7 of the Snowmobile Registration
21 and Safety Act, Section 5-16 of the Boat Registration and
22 Safety Act, or a similar provision, whose operation of a
23 motor vehicle, snowmobile, or watercraft while in
24 violation of Section 11-501, Section 5-7 of the Snowmobile
25 Registration and Safety Act, Section 5-16 of the Boat
26 Registration and Safety Act, or a similar provision

1 proximately caused an incident resulting in an appropriate
2 emergency response, \$1,000 maximum to the public agency
3 that provided an emergency response related to the
4 person's violation, or as provided in subsection (c) of
5 Section 10-5 if the arresting agency was a State agency,
6 unless more than one agency was responsible for the
7 arrest, in which case the amount shall be remitted to each
8 unit of government equally;

9 (15) violation of Section 401, 407, or 407.2 of the
10 Illinois Controlled Substances Act that proximately caused
11 any incident resulting in an appropriate drug-related
12 emergency response, \$1,000 as reimbursement for the
13 emergency response to the law enforcement agency that made
14 the arrest, or as provided in subsection (c) of Section
15 10-5 if the arresting agency was a State agency, unless
16 more than one agency was responsible for the arrest, in
17 which case the amount shall be remitted to each unit of
18 government equally;

19 (16) violation of reckless driving, aggravated
20 reckless driving, or driving 26 miles per hour or more in
21 excess of the speed limit that triggered an emergency
22 response, \$1,000 maximum reimbursement for the emergency
23 response to be distributed in its entirety to a public
24 agency that provided an emergency response related to the
25 person's violation, or as provided in subsection (c) of
26 Section 10-5 if the arresting agency was a State agency,

1 unless more than one agency was responsible for the
2 arrest, in which case the amount shall be remitted to each
3 unit of government equally;

4 (17) violation based upon each plea of guilty,
5 stipulation of facts, or finding of guilt resulting in a
6 judgment of conviction or order of supervision for an
7 offense under Section 10-9, 11-14.1, 11-14.3, or 11-18 of
8 the Criminal Code of 2012 that results in the imposition
9 of a fine, to be distributed as follows:

10 (A) \$50 to the county treasurer for deposit into
11 the Circuit Court Clerk Operation and Administrative
12 Fund to cover the costs in administering this
13 paragraph (17);

14 (B) \$300 to the State Treasurer who shall deposit
15 the portion as follows:

16 (i) if the arresting or investigating agency
17 is the Illinois State Police, into the State
18 Police Law Enforcement Administration Fund;

19 (ii) if the arresting or investigating agency
20 is the Department of Natural Resources, into the
21 Conservation Police Operations Assistance Fund;

22 (iii) if the arresting or investigating agency
23 is the Secretary of State, into the Secretary of
24 State Police Services Fund;

25 (iv) if the arresting or investigating agency
26 is the Illinois Commerce Commission, into the

1 Transportation Regulatory Fund; or

2 (v) if more than one of the State agencies in
3 this subparagraph (B) is the arresting or
4 investigating agency, then equal shares with the
5 shares deposited as provided in the applicable
6 items (i) through (iv) of this subparagraph (B);
7 and

8 (C) the remainder for deposit into the Specialized
9 Services for Survivors of Human Trafficking Fund;

10 (18) weapons violation under Section 24-1.1, 24-1.2,
11 or 24-1.5 of the Criminal Code of 1961 or the Criminal Code
12 of 2012, \$100 for each conviction to the State Treasurer
13 for deposit into the Trauma Center Fund; ~~and~~

14 (19) violation of subsection (c) of Section 11-907 of
15 the Illinois Vehicle Code, \$250 to the State Treasurer for
16 deposit into the Scott's Law Fund, unless a county or
17 municipal police officer wrote the ticket for the
18 violation, in which case to the county treasurer for
19 deposit into that county's or municipality's
20 Transportation Safety Highway Hire-back Fund to be used as
21 provided in subsection (j) of Section 11-907 of the
22 Illinois Vehicle Code; and ~~and~~

23 (20) violation of Section 15-109.1 of the Illinois
24 Vehicle Code, \$150 to be distributed as follows:

25 (A) 50% to the county treasurer for deposit into
26 the county general fund; and

1 (B) 50% to the treasurer of the arresting law
2 enforcement agency of the municipality or county or to
3 the State Treasurer, if the arresting agency was a
4 State agency, to be deposited as provided in
5 subsection (c) of Section 10-5.

6 Except for traffic violations, fines, and assessments,
7 such as fees or administrative costs authorized in this
8 Section, shall not be ordered or imposed on a minor subject to
9 Article III, IV, or V of the Juvenile Court Act of 1987, or a
10 minor under the age of 18 transferred to adult court or
11 excluded from juvenile court jurisdiction under Article V of
12 the Juvenile Court Act of 1987, or the minor's parent,
13 guardian, or legal custodian.

14 (Source: P.A. 102-145, eff. 7-23-21; 102-505, eff. 8-20-21;
15 102-538, eff. 8-20-21; 102-813, eff. 5-13-22; 103-379, eff.
16 7-28-23; 103-730, eff. 1-1-25; revised 11-23-24.)

17 Section 45. The Juvenile Court Act of 1987 is amended by
18 changing Section 3-40 as follows:

19 (705 ILCS 405/3-40)

20 Sec. 3-40. Minors involved in electronic dissemination of
21 indecent visual depictions in need of supervision.

22 (a) For the purposes of this Section:

23 "Computer" has the meaning ascribed to it in Section
24 17-0.5 of the Criminal Code of 2012.

1 "Electronic communication device" means an electronic
2 device, including but not limited to a wireless telephone,
3 personal digital assistant, or a portable or mobile computer,
4 that is capable of transmitting images or pictures.

5 "Indecent visual depiction" means a depiction or portrayal
6 in any pose, posture, or setting involving a lewd exhibition
7 of the unclothed or transparently clothed genitals, pubic
8 area, buttocks, or, if such person is female, a fully or
9 partially developed breast of the person.

10 "Minor" means a person under 18 years of age.

11 (b) A minor shall not distribute or disseminate an
12 indecent visual depiction of another minor through the use of
13 a computer or electronic communication device.

14 (c) Adjudication. A minor who violates subsection (b) of
15 this Section may be subject to a petition for adjudication and
16 adjudged a minor in need of supervision.

17 (d) Kinds of dispositional orders. A minor found to be in
18 need of supervision under this Section may be:

19 (1) ordered to obtain counseling or other supportive
20 services to address the acts that led to the need for
21 supervision; or

22 (2) ordered to perform community service.

23 (e) Nothing in this Section shall be construed to prohibit
24 a prosecution for disorderly conduct, public indecency, child
25 sexual abuse material ~~pornography~~, a violation of Article 26.5
26 (Harassing and Obscene Communications) of the Criminal Code of

2012, or any other applicable provision of law.

(Source: P.A. 99-78, eff. 7-20-15.)

Section 50. The Criminal Code of 2012 is amended by changing Sections 3-5, 3-6, 11-0.1, 11-9.1, 11-9.3, 11-20.1, 11-20.2, 11-23, 11-25, 14-3, and 36-1 as follows:

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

Sec. 3-5. General limitations.

(a) A prosecution for: (1) first degree murder, attempt to commit first degree murder, second degree murder, involuntary manslaughter, reckless homicide, a violation of subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code for the offense of aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof when the violation was a proximate cause of a death, leaving the scene of a motor vehicle crash involving death or personal injuries under Section 11-401 of the Illinois Vehicle Code, failing to give information and render aid under Section 11-403 of the Illinois Vehicle Code, concealment of homicidal death, treason, arson, residential arson, aggravated arson, forgery, child sexual abuse material, or child pornography under paragraph (1) of subsection (a) of Section 11-20.1, or aggravated child pornography under paragraph (1) of subsection (a) of Section 11-20.1B, or (2) any offense involving sexual

1 conduct or sexual penetration, as defined by Section 11-0.1 of
2 this Code may be commenced at any time.

3 (a-5) A prosecution for theft of property exceeding
4 \$100,000 in value under Section 16-1, identity theft under
5 subsection (a) of Section 16-30, aggravated identity theft
6 under subsection (b) of Section 16-30, financial exploitation
7 of an elderly person or a person with a disability under
8 Section 17-56; theft by deception of a victim 60 years of age
9 or older or a person with a disability under Section 16-1; or
10 any offense set forth in Article 16H or Section 17-10.6 may be
11 commenced within 7 years of the last act committed in
12 furtherance of the crime.

13 (b) Unless the statute describing the offense provides
14 otherwise, or the period of limitation is extended by Section
15 3-6, a prosecution for any offense not designated in
16 subsection (a) or (a-5) must be commenced within 3 years after
17 the commission of the offense if it is a felony, or within one
18 year and 6 months after its commission if it is a misdemeanor.

19 (Source: P.A. 101-130, eff. 1-1-20; 102-244, eff. 1-1-22;
20 102-982, eff. 7-1-23.)

21 (720 ILCS 5/3-6) (from Ch. 38, par. 3-6)

22 Sec. 3-6. Extended limitations. The period within which a
23 prosecution must be commenced under the provisions of Section
24 3-5 or other applicable statute is extended under the
25 following conditions:

1 (a) A prosecution for theft involving a breach of a
2 fiduciary obligation to the aggrieved person may be commenced
3 as follows:

4 (1) If the aggrieved person is a minor or a person
5 under legal disability, then during the minority or legal
6 disability or within one year after the termination
7 thereof.

8 (2) In any other instance, within one year after the
9 discovery of the offense by an aggrieved person, or by a
10 person who has legal capacity to represent an aggrieved
11 person or has a legal duty to report the offense, and is
12 not himself or herself a party to the offense; or in the
13 absence of such discovery, within one year after the
14 proper prosecuting officer becomes aware of the offense.
15 However, in no such case is the period of limitation so
16 extended more than 3 years beyond the expiration of the
17 period otherwise applicable.

18 (b) A prosecution for any offense based upon misconduct in
19 office by a public officer or employee may be commenced within
20 one year after discovery of the offense by a person having a
21 legal duty to report such offense, or in the absence of such
22 discovery, within one year after the proper prosecuting
23 officer becomes aware of the offense. However, in no such case
24 is the period of limitation so extended more than 3 years
25 beyond the expiration of the period otherwise applicable.

26 (b-5) When the victim is under 18 years of age at the time

1 of the offense, a prosecution for involuntary servitude,
2 involuntary sexual servitude of a minor, or trafficking in
3 persons and related offenses under Section 10-9 of this Code
4 may be commenced within 25 years of the victim attaining the
5 age of 18 years.

6 (b-6) When the victim is 18 years of age or over at the
7 time of the offense, a prosecution for involuntary servitude,
8 involuntary sexual servitude of a minor, or trafficking in
9 persons and related offenses under Section 10-9 of this Code
10 may be commenced within 25 years after the commission of the
11 offense.

12 (b-7) When the victim is under 18 years of age at the time
13 of the offense, a prosecution for female genital mutilation
14 may be commenced at any time.

15 (b-8) When the victim is under 17 years of age at the time
16 of the offense, a prosecution for grooming may be commenced
17 within 10 years after the victim attains 17 years of age.

18 (c) (Blank).

19 (d) A prosecution for child sexual abuse material
20 ~~pornography~~, aggravated child pornography, indecent
21 solicitation of a child, soliciting for a juvenile prostitute,
22 juvenile pimping, exploitation of a child, or promoting
23 juvenile prostitution except for keeping a place of juvenile
24 prostitution may be commenced within one year of the victim
25 attaining the age of 18 years. However, in no such case shall
26 the time period for prosecution expire sooner than 3 years

1 after the commission of the offense.

2 (e) Except as otherwise provided in subdivision (j), a
3 prosecution for any offense involving sexual conduct or sexual
4 penetration, as defined in Section 11-0.1 of this Code, where
5 the defendant was within a professional or fiduciary
6 relationship or a purported professional or fiduciary
7 relationship with the victim at the time of the commission of
8 the offense may be commenced within one year after the
9 discovery of the offense by the victim.

10 (f) A prosecution for any offense set forth in Section 44
11 of the Environmental Protection Act may be commenced within 5
12 years after the discovery of such an offense by a person or
13 agency having the legal duty to report the offense or in the
14 absence of such discovery, within 5 years after the proper
15 prosecuting officer becomes aware of the offense.

16 (f-5) A prosecution for any offense set forth in Section
17 16-30 of this Code may be commenced within 5 years after the
18 discovery of the offense by the victim of that offense.

19 (g) (Blank).

20 (h) (Blank).

21 (i) Except as otherwise provided in subdivision (j), a
22 prosecution for criminal sexual assault, aggravated criminal
23 sexual assault, or aggravated criminal sexual abuse may be
24 commenced at any time. If the victim consented to the
25 collection of evidence using an Illinois State Police Sexual
26 Assault Evidence Collection Kit under the Sexual Assault

1 Survivors Emergency Treatment Act, it shall constitute
2 reporting for purposes of this Section.

3 Nothing in this subdivision (i) shall be construed to
4 shorten a period within which a prosecution must be commenced
5 under any other provision of this Section.

6 (i-5) A prosecution for armed robbery, home invasion,
7 kidnapping, or aggravated kidnaping may be commenced within 10
8 years of the commission of the offense if it arises out of the
9 same course of conduct and meets the criteria under one of the
10 offenses in subsection (i) of this Section.

11 (j) (1) When the victim is under 18 years of age at the
12 time of the offense, a prosecution for criminal sexual
13 assault, aggravated criminal sexual assault, predatory
14 criminal sexual assault of a child, aggravated criminal sexual
15 abuse, felony criminal sexual abuse, or female genital
16 mutilation may be commenced at any time.

17 (2) When in circumstances other than as described in
18 paragraph (1) of this subsection (j), when the victim is under
19 18 years of age at the time of the offense, a prosecution for
20 failure of a person who is required to report an alleged or
21 suspected commission of criminal sexual assault, aggravated
22 criminal sexual assault, predatory criminal sexual assault of
23 a child, aggravated criminal sexual abuse, or felony criminal
24 sexual abuse under the Abused and Neglected Child Reporting
25 Act may be commenced within 20 years after the child victim
26 attains 18 years of age.

1 (3) When the victim is under 18 years of age at the time of
2 the offense, a prosecution for misdemeanor criminal sexual
3 abuse may be commenced within 10 years after the child victim
4 attains 18 years of age.

5 (4) Nothing in this subdivision (j) shall be construed to
6 shorten a period within which a prosecution must be commenced
7 under any other provision of this Section.

8 (j-5) A prosecution for armed robbery, home invasion,
9 kidnapping, or aggravated kidnaping may be commenced at any
10 time if it arises out of the same course of conduct and meets
11 the criteria under one of the offenses in subsection (j) of
12 this Section.

13 (k) (Blank).

14 (l) A prosecution for any offense set forth in Section
15 26-4 of this Code may be commenced within one year after the
16 discovery of the offense by the victim of that offense.

17 (l-5) A prosecution for any offense involving sexual
18 conduct or sexual penetration, as defined in Section 11-0.1 of
19 this Code, in which the victim was 18 years of age or older at
20 the time of the offense, may be commenced within one year after
21 the discovery of the offense by the victim when corroborating
22 physical evidence is available. The charging document shall
23 state that the statute of limitations is extended under this
24 subsection (l-5) and shall state the circumstances justifying
25 the extension. Nothing in this subsection (l-5) shall be
26 construed to shorten a period within which a prosecution must

1 be commenced under any other provision of this Section or
2 Section 3-5 of this Code.

3 (m) The prosecution shall not be required to prove at
4 trial facts which extend the general limitations in Section
5 3-5 of this Code when the facts supporting extension of the
6 period of general limitations are properly pled in the
7 charging document. Any challenge relating to the extension of
8 the general limitations period as defined in this Section
9 shall be exclusively conducted under Section 114-1 of the Code
10 of Criminal Procedure of 1963.

11 (n) A prosecution for any offense set forth in subsection
12 (a), (b), or (c) of Section 8A-3 or Section 8A-13 of the
13 Illinois Public Aid Code, in which the total amount of money
14 involved is \$5,000 or more, including the monetary value of
15 food stamps and the value of commodities under Section 16-1 of
16 this Code may be commenced within 5 years of the last act
17 committed in furtherance of the offense.

18 (o) A prosecution for any offense based upon fraudulent
19 activity connected to COVID-19-related relief programs, to
20 include the Paycheck Protection Program, COVID-19 Economic
21 Injury Disaster Loan Program, and the Unemployment Benefit
22 Programs shall be commenced within 5 years after discovery of
23 the offense by a person having a legal duty to report such
24 offense, or in the absence of such discovery, within 5 years
25 after the proper prosecuting officer becomes aware of the
26 offense. However, in no such case is the period of limitation

1 so extended more than 10 years beyond the expiration of the
2 period otherwise applicable.

3 (Source: P.A. 102-558, eff. 8-20-21; 103-184, eff. 1-1-24.)

4 (720 ILCS 5/11-0.1)

5 Sec. 11-0.1. Definitions. In this Article, unless the
6 context clearly requires otherwise, the following terms are
7 defined as indicated:

8 "Accused" means a person accused of an offense prohibited
9 by Section 11-1.20, 11-1.30, 11-1.40, 11-1.50, or 11-1.60 of
10 this Code or a person for whose conduct the accused is legally
11 responsible under Article 5 of this Code.

12 "Adult obscenity or child sexual abuse material
13 ~~pornography~~ Internet site". See Section 11-23.

14 "Advance prostitution" means:

15 (1) Soliciting for a prostitute by performing any of
16 the following acts when acting other than as a prostitute
17 or a patron of a prostitute:

18 (A) Soliciting another for the purpose of
19 prostitution.

20 (B) Arranging or offering to arrange a meeting of
21 persons for the purpose of prostitution.

22 (C) Directing another to a place knowing the
23 direction is for the purpose of prostitution.

24 (2) Keeping a place of prostitution by controlling or
25 exercising control over the use of any place that could

1 offer seclusion or shelter for the practice of
2 prostitution and performing any of the following acts when
3 acting other than as a prostitute or a patron of a
4 prostitute:

5 (A) Knowingly granting or permitting the use of
6 the place for the purpose of prostitution.

7 (B) Granting or permitting the use of the place
8 under circumstances from which he or she could
9 reasonably know that the place is used or is to be used
10 for purposes of prostitution.

11 (C) Permitting the continued use of the place
12 after becoming aware of facts or circumstances from
13 which he or she should reasonably know that the place
14 is being used for purposes of prostitution.

15 "Agency". See Section 11-9.5.

16 "Arranges". See Section 11-6.5.

17 "Bodily harm" means physical harm, and includes, but is
18 not limited to, sexually transmitted disease, pregnancy, and
19 impotence.

20 "Care and custody". See Section 11-9.5.

21 "Child care institution". See Section 11-9.3.

22 "Child sexual abuse material ~~pornography~~". See Section
23 11-20.1.

24 "Child sex offender". See Section 11-9.3.

25 "Community agency". See Section 11-9.5.

26 "Conditional release". See Section 11-9.2.

1 "Consent" means a freely given agreement to the act of
2 sexual penetration or sexual conduct in question. Lack of
3 verbal or physical resistance or submission by the victim
4 resulting from the use of force or threat of force by the
5 accused shall not constitute consent. The manner of dress of
6 the victim at the time of the offense shall not constitute
7 consent.

8 "Custody". See Section 11-9.2.

9 "Day care center". See Section 11-9.3.

10 "Depict by computer". See Section 11-20.1.

11 "Depiction by computer". See Section 11-20.1.

12 "Disseminate". See Section 11-20.1.

13 "Distribute". See Section 11-21.

14 "Family member" means a parent, grandparent, child,
15 sibling, aunt, uncle, great-aunt, or great-uncle, whether by
16 whole blood, half-blood, or adoption, and includes a
17 step-grandparent, step-parent, or step-child. "Family member"
18 also means, if the victim is a child under 18 years of age, an
19 accused who has resided in the household with the child
20 continuously for at least 3 ~~6~~ months.

21 "Force or threat of force" means the use of force or
22 violence or the threat of force or violence, including, but
23 not limited to, the following situations:

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

1 the accused has the ability to execute that threat; or

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

5 "Harmful to minors". See Section 11-21.

6 "Loiter". See Section 9.3.

7 "Material". See Section 11-21.

8 "Minor". See Section 11-21.

9 "Nudity". See Section 11-21.

10 "Obscene". See Section 11-20.

11 "Part day child care facility". See Section 11-9.3.

12 "Penal system". See Section 11-9.2.

13 "Person responsible for the child's welfare". See Section
14 11-9.1A.

15 "Person with a disability". See Section 11-9.5.

16 "Playground". See Section 11-9.3.

17 "Probation officer". See Section 11-9.2.

18 "Produce". See Section 11-20.1.

19 "Profit from prostitution" means, when acting other than
20 as a prostitute, to receive anything of value for personally
21 rendered prostitution services or to receive anything of value
22 from a prostitute, if the thing received is not for lawful
23 consideration and the person knows it was earned in whole or in
24 part from the practice of prostitution.

25 "Public park". See Section 11-9.3.

26 "Public place". See Section 11-30.

1 "Reproduce". See Section 11-20.1.

2 "Sado-masochistic abuse". See Section 11-21.

3 "School". See Section 11-9.3.

4 "School official". See Section 11-9.3.

5 "Sexual abuse". See Section 11-9.1A.

6 "Sexual act". See Section 11-9.1.

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

15 "Sexual excitement". See Section 11-21.

16 "Sexual penetration" means any contact, however slight,
17 between the sex organ or anus of one person and an object or
18 the sex organ, mouth, or anus of another person, or any
19 intrusion, however slight, of any part of the body of one
20 person or of any animal or object into the sex organ or anus of
21 another person, including, but not limited to, cunnilingus,
22 fellatio, or anal penetration. Evidence of emission of semen
23 is not required to prove sexual penetration.

24 "Solicit". See Section 11-6.

25 "State-operated facility". See Section 11-9.5.

26 "Supervising officer". See Section 11-9.2.

1 "Surveillance agent". See Section 11-9.2.

2 "Treatment and detention facility". See Section 11-9.2.

3 "Unable to give knowing consent" includes, but is not
4 limited to, when the victim was asleep, unconscious, or
5 surprised such that the victim could not give voluntary and
6 knowing agreement to the sexual act. "Unable to give knowing
7 consent" also includes when the accused administers any
8 intoxicating or anesthetic substance, or any controlled
9 substance causing the victim to become unconscious of the
10 nature of the act and this condition was known, or reasonably
11 should have been known by the accused. "Unable to give knowing
12 consent" also includes when the victim has taken an
13 intoxicating substance or any controlled substance causing the
14 victim to become unconscious of the nature of the act, and this
15 condition was known or reasonably should have been known by
16 the accused, but the accused did not provide or administer the
17 intoxicating substance. As used in this paragraph,
18 "unconscious of the nature of the act" means incapable of
19 resisting because the victim meets any one of the following
20 conditions:

21 (1) was unconscious or asleep;

22 (2) was not aware, knowing, perceiving, or cognizant
23 that the act occurred;

24 (3) was not aware, knowing, perceiving, or cognizant
25 of the essential characteristics of the act due to the
26 perpetrator's fraud in fact; or

1 (4) was not aware, knowing, perceiving, or cognizant
2 of the essential characteristics of the act due to the
3 perpetrator's fraudulent representation that the sexual
4 penetration served a professional purpose when it served
5 no professional purpose.

6 It is inferred that a victim is unable to give knowing
7 consent ~~A victim is presumed "unable to give knowing consent"~~
8 when the victim:

9 (1) is committed to the care and custody or
10 supervision of the Illinois Department of Corrections
11 (IDOC) and the accused is an employee or volunteer who is
12 not married to the victim who knows or reasonably should
13 know that the victim is committed to the care and custody
14 or supervision of such department;

15 (2) is committed to or placed with the Department of
16 Children and Family Services (DCFS) and in residential
17 care, and the accused employee is not married to the
18 victim, and knows or reasonably should know that the
19 victim is committed to or placed with DCFS and in
20 residential care;

21 (3) is a client or patient and the accused is a health
22 care provider or mental health care provider and the
23 sexual conduct or sexual penetration occurs during a
24 treatment session, consultation, interview, or
25 examination;

26 (4) is a resident or inpatient of a residential

1 facility and the accused is an employee of the facility
2 who is not married to such resident or inpatient who
3 provides direct care services, case management services,
4 medical or other clinical services, habilitative services
5 or direct supervision of the residents in the facility in
6 which the resident resides; or an officer or other
7 employee, consultant, contractor or volunteer of the
8 residential facility, who knows or reasonably should know
9 that the person is a resident of such facility; or

10 (5) is detained or otherwise in the custody of a
11 police officer, peace officer, or other law enforcement
12 official who: (i) is detaining or maintaining custody of
13 such person; or (ii) knows, or reasonably should know,
14 that at the time of the offense, such person was detained
15 or in custody and the police officer, peace officer, or
16 other law enforcement official is not married to such
17 detainee.

18 "Victim" means a person alleging to have been subjected to
19 an offense prohibited by Section 11-1.20, 11-1.30, 11-1.40,
20 11-1.50, or 11-1.60 of this Code.

21 (Source: P.A. 102-567, eff. 1-1-22; 102-1096, eff. 1-1-23.)

22 (720 ILCS 5/11-9.1) (from Ch. 38, par. 11-9.1)

23 Sec. 11-9.1. Sexual exploitation of a child.

24 (a) A person commits sexual exploitation of a child if in
25 the presence or virtual presence, or both, of a child and with

1 knowledge that a child or one whom he or she believes to be a
2 child would view his or her acts, that person:

3 (1) engages in a sexual act; ~~or~~

4 (2) exposes his or her sex organs, anus or breast for
5 the purpose of sexual arousal or gratification of such
6 person or the child or one whom he or she believes to be a
7 child; or

8 (3) knowingly entices, coerces, or persuades a child
9 to participate in the production of the recording or
10 memorializing a sexual act of persons ages 18 or older.

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

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

16 "Sexual act" means masturbation, sexual conduct or sexual
17 penetration as defined in Section 11-0.1 of this Code.

18 "Sex offense" means any violation of Article 11 of this
19 Code.

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

21 "Virtual presence" means an environment that is created
22 with software and presented to the user and or receiver via the
23 Internet, in such a way that the user appears in front of the
24 receiver on the computer monitor or screen or hand-held
25 portable electronic device, usually through a web camming
26 program. "Virtual presence" includes primarily experiencing

1 through sight or sound, or both, a video image that can be
2 explored interactively at a personal computer or hand-held
3 communication device, or both.

4 "Webcam" means a video capturing device connected to a
5 computer or computer network that is designed to take digital
6 photographs or live or recorded video which allows for the
7 live transmission to an end user over the Internet.

8 (c) Sentence.

9 (1) Sexual exploitation of a child is a Class A
10 misdemeanor. A second or subsequent violation of this
11 Section or a substantially similar law of another state is
12 a Class 4 felony.

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

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

19 (4) Sexual exploitation of a child is a Class 4 felony
20 if committed by a person 18 years of age or older who is on
21 or within 500 feet of elementary or secondary school
22 grounds when children are present on the grounds.

23 (5) A violation of paragraph (3) of subsection (a) is
24 a Class 4 felony.

25 (Source: P.A. 102-168, eff. 7-27-21.)

1 (720 ILCS 5/11-9.3)

2 Sec. 11-9.3. Presence within school zone by child sex
3 offenders prohibited; approaching, contacting, residing with,
4 or communicating with a child within certain places by child
5 sex offenders prohibited.

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

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

9 (a-5) It is unlawful for a child sex offender to knowingly
10 be present within 100 feet of a site posted as a pick-up or
11 discharge stop for a conveyance owned, leased, or contracted
12 by a school to transport students to or from school or a school
13 related activity when one or more persons under the age of 18
14 are present at the site.

15 (a-10) It is unlawful for a child sex offender to
16 knowingly be present in any public park building, a playground
17 or recreation area within any publicly accessible privately
18 owned building, or on real property comprising any public park
19 when persons under the age of 18 are present in the building or
20 on the grounds and to approach, contact, or communicate with a
21 child under 18 years of age, unless the offender is a parent or
22 guardian of a person under 18 years of age present in the
23 building or on the grounds.

24 (b) It is unlawful for a child sex offender to knowingly
25 loiter within 500 feet of a school building or real property
26 comprising any school while persons under the age of 18 are

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

25 (b-2) It is unlawful for a child sex offender to knowingly
26 loiter on a public way within 500 feet of a public park

1 building or real property comprising any public park while
2 persons under the age of 18 are present in the building or on
3 the grounds and to approach, contact, or communicate with a
4 child under 18 years of age, unless the offender is a parent or
5 guardian of a person under 18 years of age present in the
6 building or on the grounds.

7 (b-5) It is unlawful for a child sex offender to knowingly
8 reside within 500 feet of a school building or the real
9 property comprising any school that persons under the age of
10 18 attend. Nothing in this subsection (b-5) prohibits a child
11 sex offender from residing within 500 feet of a school
12 building or the real property comprising any school that
13 persons under 18 attend if the property is owned by the child
14 sex offender and was purchased before July 7, 2000 (the
15 effective date of Public Act 91-911).

16 (b-10) It is unlawful for a child sex offender to
17 knowingly reside within 500 feet of a playground, child care
18 institution, day care center, part day child care facility,
19 day care home, group day care home, or a facility providing
20 programs or services exclusively directed toward persons under
21 18 years of age. Nothing in this subsection (b-10) prohibits a
22 child sex offender from residing within 500 feet of a
23 playground or a facility providing programs or services
24 exclusively directed toward persons under 18 years of age if
25 the property is owned by the child sex offender and was
26 purchased before July 7, 2000. Nothing in this subsection

1 (b-10) prohibits a child sex offender from residing within 500
2 feet of a child care institution, day care center, or part day
3 child care facility if the property is owned by the child sex
4 offender and was purchased before June 26, 2006. Nothing in
5 this subsection (b-10) prohibits a child sex offender from
6 residing within 500 feet of a day care home or group day care
7 home if the property is owned by the child sex offender and was
8 purchased before August 14, 2008 (the effective date of Public
9 Act 95-821).

10 (b-15) It is unlawful for a child sex offender to
11 knowingly reside within 500 feet of the victim of the sex
12 offense. Nothing in this subsection (b-15) prohibits a child
13 sex offender from residing within 500 feet of the victim if the
14 property in which the child sex offender resides is owned by
15 the child sex offender and was purchased before August 22,
16 2002.

17 This subsection (b-15) does not apply if the victim of the
18 sex offense is 21 years of age or older.

19 (b-20) It is unlawful for a child sex offender to
20 knowingly communicate, other than for a lawful purpose under
21 Illinois law, using the Internet or any other digital media,
22 with a person under 18 years of age or with a person whom he or
23 she believes to be a person under 18 years of age, unless the
24 offender is a parent or guardian of the person under 18 years
25 of age.

26 (c) It is unlawful for a child sex offender to knowingly

1 operate, manage, be employed by, volunteer at, be associated
2 with, or knowingly be present at any: (i) facility providing
3 programs or services exclusively directed toward persons under
4 the age of 18; (ii) day care center; (iii) part day child care
5 facility; (iv) child care institution; (v) school providing
6 before and after school programs for children under 18 years
7 of age; (vi) day care home; or (vii) group day care home. This
8 does not prohibit a child sex offender from owning the real
9 property upon which the programs or services are offered or
10 upon which the day care center, part day child care facility,
11 child care institution, or school providing before and after
12 school programs for children under 18 years of age is located,
13 provided the child sex offender refrains from being present on
14 the premises for the hours during which: (1) the programs or
15 services are being offered or (2) the day care center, part day
16 child care facility, child care institution, or school
17 providing before and after school programs for children under
18 18 years of age, day care home, or group day care home is
19 operated.

20 (c-2) It is unlawful for a child sex offender to
21 participate in a holiday event involving children under 18
22 years of age, including but not limited to distributing candy
23 or other items to children on Halloween, wearing a Santa Claus
24 costume on or preceding Christmas, being employed as a
25 department store Santa Claus, or wearing an Easter Bunny
26 costume on or preceding Easter. For the purposes of this

1 subsection, child sex offender has the meaning as defined in
2 this Section, but does not include as a sex offense under
3 paragraph (2) of subsection (d) of this Section, the offense
4 under subsection (c) of Section 11-1.50 of this Code. This
5 subsection does not apply to a child sex offender who is a
6 parent or guardian of children under 18 years of age that are
7 present in the home and other non-familial minors are not
8 present.

9 (c-5) It is unlawful for a child sex offender to knowingly
10 operate, manage, be employed by, or be associated with any
11 carnival, amusement enterprise, or county or State fair when
12 persons under the age of 18 are present.

13 (c-6) It is unlawful for a child sex offender who owns and
14 resides at residential real estate to knowingly rent any
15 residential unit within the same building in which he or she
16 resides to a person who is the parent or guardian of a child or
17 children under 18 years of age. This subsection shall apply
18 only to leases or other rental arrangements entered into after
19 January 1, 2009 (the effective date of Public Act 95-820).

20 (c-7) It is unlawful for a child sex offender to knowingly
21 offer or provide any programs or services to persons under 18
22 years of age in his or her residence or the residence of
23 another or in any facility for the purpose of offering or
24 providing such programs or services, whether such programs or
25 services are offered or provided by contract, agreement,
26 arrangement, or on a volunteer basis.

1 (c-8) It is unlawful for a child sex offender to knowingly
2 operate, whether authorized to do so or not, any of the
3 following vehicles: (1) a vehicle which is specifically
4 designed, constructed or modified and equipped to be used for
5 the retail sale of food or beverages, including but not
6 limited to an ice cream truck; (2) an authorized emergency
7 vehicle; or (3) a rescue vehicle.

8 (d) Definitions. In this Section:

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

10 (i) has been charged under Illinois law, or any
11 substantially similar federal law or law of another
12 state, with a sex offense set forth in paragraph (2) of
13 this subsection (d) or the attempt to commit an
14 included sex offense, and the victim is a person under
15 18 years of age at the time of the offense; and:

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

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

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

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

1 subsection (a) of Section 104-25 of the Code of
2 Criminal Procedure of 1963 for the alleged
3 commission or attempted commission of such
4 offense; or

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

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

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

25 (iii) is subject to the provisions of Section 2 of
26 the Interstate Agreements on Sexually Dangerous

1 Persons Act.

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

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

9 (i) A violation of any of the following Sections
10 of the Criminal Code of 1961 or the Criminal Code of
11 2012: 10-4 (forcible detention), 10-7 (aiding or
12 abetting child abduction under Section 10-5(b)(10)),
13 10-5(b)(10) (child luring), 11-1.40 (predatory
14 criminal sexual assault of a child), 11-6 (indecent
15 solicitation of a child), 11-6.5 (indecent
16 solicitation of an adult), 11-9.1 (sexual exploitation
17 of a child), 11-9.2 (custodial sexual misconduct),
18 11-9.5 (sexual misconduct with a person with a
19 disability), 11-11 (sexual relations within families),
20 11-14.3(a)(1) (promoting prostitution by advancing
21 prostitution), 11-14.3(a)(2)(A) (promoting
22 prostitution by profiting from prostitution by
23 compelling a person to be a prostitute),
24 11-14.3(a)(2)(C) (promoting prostitution by profiting
25 from prostitution by means other than as described in
26 subparagraphs (A) and (B) of paragraph (2) of

1 subsection (a) of Section 11-14.3), 11-14.4 (promoting
2 juvenile prostitution), 11-18.1 (patronizing a
3 juvenile prostitute), 11-20.1 (child sexual abuse
4 material pornography), 11-20.1B (aggravated child
5 pornography), 11-21 (harmful material), 11-25
6 (grooming), 11-26 (traveling to meet a minor or
7 traveling to meet a child), 12-33 (ritualized abuse of
8 a child), 11-20 (obscenity) (when that offense was
9 committed in any school, on real property comprising
10 any school, in any conveyance owned, leased, or
11 contracted by a school to transport students to or
12 from school or a school related activity, or in a
13 public park), 11-30 (public indecency) (when committed
14 in a school, on real property comprising a school, in
15 any conveyance owned, leased, or contracted by a
16 school to transport students to or from school or a
17 school related activity, or in a public park). An
18 attempt to commit any of these offenses.

19 (ii) A violation of any of the following Sections
20 of the Criminal Code of 1961 or the Criminal Code of
21 2012, when the victim is a person under 18 years of
22 age: 11-1.20 (criminal sexual assault), 11-1.30
23 (aggravated criminal sexual assault), 11-1.50
24 (criminal sexual abuse), 11-1.60 (aggravated criminal
25 sexual abuse). An attempt to commit any of these
26 offenses.

1 (iii) A violation of any of the following Sections
2 of the Criminal Code of 1961 or the Criminal Code of
3 2012, when the victim is a person under 18 years of age
4 and the defendant is not a parent of the victim:

5 10-1 (kidnapping),
6 10-2 (aggravated kidnapping),
7 10-3 (unlawful restraint),
8 10-3.1 (aggravated unlawful restraint),
9 11-9.1(A) (permitting sexual abuse of a child).

10 An attempt to commit any of these offenses.

11 (iv) A violation of any former law of this State
12 substantially equivalent to any offense listed in
13 clause (2)(i) or (2)(ii) of subsection (d) of this
14 Section.

15 (2.5) For the purposes of subsections (b-5) and (b-10)
16 only, a sex offense means:

17 (i) A violation of any of the following Sections
18 of the Criminal Code of 1961 or the Criminal Code of
19 2012:

20 10-5(b)(10) (child luring), 10-7 (aiding or
21 abetting child abduction under Section 10-5(b)(10)),
22 11-1.40 (predatory criminal sexual assault of a
23 child), 11-6 (indecent solicitation of a child),
24 11-6.5 (indecent solicitation of an adult), 11-9.2
25 (custodial sexual misconduct), 11-9.5 (sexual
26 misconduct with a person with a disability), 11-11

1 (sexual relations within families), 11-14.3(a)(1)
2 (promoting prostitution by advancing prostitution),
3 11-14.3(a)(2)(A) (promoting prostitution by profiting
4 from prostitution by compelling a person to be a
5 prostitute), 11-14.3(a)(2)(C) (promoting prostitution
6 by profiting from prostitution by means other than as
7 described in subparagraphs (A) and (B) of paragraph
8 (2) of subsection (a) of Section 11-14.3), 11-14.4
9 (promoting juvenile prostitution), 11-18.1
10 (patronizing a juvenile prostitute), 11-20.1 (child
11 sexual abuse material ~~pornography~~), 11-20.1B
12 (aggravated child pornography), 11-25 (grooming),
13 11-26 (traveling to meet a minor or traveling to meet a
14 child), or 12-33 (ritualized abuse of a child). An
15 attempt to commit any of these offenses.

16 (ii) A violation of any of the following Sections
17 of the Criminal Code of 1961 or the Criminal Code of
18 2012, when the victim is a person under 18 years of
19 age: 11-1.20 (criminal sexual assault), 11-1.30
20 (aggravated criminal sexual assault), 11-1.60
21 (aggravated criminal sexual abuse), and subsection (a)
22 of Section 11-1.50 (criminal sexual abuse). An attempt
23 to commit any of these offenses.

24 (iii) A violation of any of the following Sections
25 of the Criminal Code of 1961 or the Criminal Code of
26 2012, when the victim is a person under 18 years of age

1 and the defendant is not a parent of the victim:

2 10-1 (kidnapping),

3 10-2 (aggravated kidnapping),

4 10-3 (unlawful restraint),

5 10-3.1 (aggravated unlawful restraint),

6 11-9.1(A) (permitting sexual abuse of a child).

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

20 (4) "Authorized emergency vehicle", "rescue vehicle",
21 and "vehicle" have the meanings ascribed to them in
22 Sections 1-105, 1-171.8 and 1-217, respectively, of the
23 Illinois Vehicle Code.

24 (5) "Child care institution" has the meaning ascribed
25 to it in Section 2.06 of the Child Care Act of 1969.

26 (6) "Day care center" has the meaning ascribed to it

1 in Section 2.09 of the Child Care Act of 1969.

2 (7) "Day care home" has the meaning ascribed to it in
3 Section 2.18 of the Child Care Act of 1969.

4 (8) "Facility providing programs or services directed
5 towards persons under the age of 18" means any facility
6 providing programs or services exclusively directed
7 towards persons under the age of 18.

8 (9) "Group day care home" has the meaning ascribed to
9 it in Section 2.20 of the Child Care Act of 1969.

10 (10) "Internet" has the meaning set forth in Section
11 16-0.1 of this Code.

12 (11) "Loiter" means:

13 (i) Standing, sitting idly, whether or not the
14 person is in a vehicle, or remaining in or around
15 school or public park property.

16 (ii) Standing, sitting idly, whether or not the
17 person is in a vehicle, or remaining in or around
18 school or public park property, for the purpose of
19 committing or attempting to commit a sex offense.

20 (iii) Entering or remaining in a building in or
21 around school property, other than the offender's
22 residence.

23 (12) "Part day child care facility" has the meaning
24 ascribed to it in Section 2.10 of the Child Care Act of
25 1969.

26 (13) "Playground" means a piece of land owned or

1 controlled by a unit of local government that is
2 designated by the unit of local government for use solely
3 or primarily for children's recreation.

4 (14) "Public park" includes a park, forest preserve,
5 bikeway, trail, or conservation area under the
6 jurisdiction of the State or a unit of local government.

7 (15) "School" means a public or private preschool or
8 elementary or secondary school.

9 (16) "School official" means the principal, a teacher,
10 or any other certified employee of the school, the
11 superintendent of schools or a member of the school board.

12 (e) For the purposes of this Section, the 500 feet
13 distance shall be measured from: (1) the edge of the property
14 of the school building or the real property comprising the
15 school that is closest to the edge of the property of the child
16 sex offender's residence or where he or she is loitering, and
17 (2) the edge of the property comprising the public park
18 building or the real property comprising the public park,
19 playground, child care institution, day care center, part day
20 child care facility, or facility providing programs or
21 services exclusively directed toward persons under 18 years of
22 age, or a victim of the sex offense who is under 21 years of
23 age, to the edge of the child sex offender's place of residence
24 or place where he or she is loitering.

25 (f) Sentence. A person who violates this Section is guilty
26 of a Class 4 felony.

1 (Source: P.A. 102-997, eff. 1-1-23.)

2 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

3 Sec. 11-20.1. Child sexual abuse material ~~pornography~~.

4 (a) Recognizing the enormous negative societal impact that
5 sexually explicit visual depictions of children engaged in
6 sexual abuse activities have on the children who are abused,
7 and the overarching broader impact these materials and imagery
8 have at various levels to the public, especially when this
9 material is disseminated, we are changing all references in
10 Illinois statutes from "child pornography" to "child sexual
11 abuse material". It is important that the statutes of the
12 State of Illinois reflect the content and realities of these
13 materials as the sexual abuse and exploitation of children.
14 The word "pornography" implied legality involving "consent" of
15 which this imagery is not, as children can never "consent" to
16 sexual abuse and sexual exploitation. This name change is not
17 a change in meaning, definitions, statutes or application of
18 the laws of this State and all previous references to "child
19 pornography" are now encapsulated in "child sexual abuse
20 materials".

21 A person commits child sexual abuse material ~~pornography~~
22 who:

23 (1) films, videotapes, photographs, or otherwise
24 depicts or portrays by means of any similar visual medium
25 or reproduction or depicts by computer any child whom he

1 or she knows or reasonably should know to be under the age
2 of 18 or any person with a severe or profound intellectual
3 disability where such child or person with a severe or
4 profound intellectual disability is:

5 (i) actually or by simulation engaged in any act
6 of sexual penetration or sexual conduct with any
7 person or animal; or

8 (ii) actually or by simulation engaged in any act
9 of sexual penetration or sexual conduct involving the
10 sex organs of the child or person with a severe or
11 profound intellectual disability and the mouth, anus,
12 or sex organs of another person or animal; or which
13 involves the mouth, anus or sex organs of the child or
14 person with a severe or profound intellectual
15 disability and the sex organs of another person or
16 animal; or

17 (iii) actually or by simulation engaged in any act
18 of masturbation; or

19 (iv) actually or by simulation portrayed as being
20 the object of, or otherwise engaged in, any act of lewd
21 fondling, touching, or caressing involving another
22 person or animal; or

23 (v) actually or by simulation engaged in any act
24 of excretion or urination within a sexual context; or

25 (vi) actually or by simulation portrayed or
26 depicted as bound, fettered, or subject to sadistic,

1 masochistic, or sadomasochistic abuse in any sexual
2 context; or

3 (vii) depicted or portrayed in any pose, posture
4 or setting involving a lewd exhibition of the
5 unclothed or transparently clothed genitals, pubic
6 area, buttocks, or, if such person is female, a fully
7 or partially developed breast of the child or other
8 person; or

9 (2) with the knowledge of the nature or content
10 thereof, reproduces, disseminates, offers to disseminate,
11 exhibits or possesses with intent to disseminate any film,
12 videotape, photograph or other similar visual reproduction
13 or depiction by computer of any child or person with a
14 severe or profound intellectual disability whom the person
15 knows or reasonably should know to be under the age of 18
16 or to be a person with a severe or profound intellectual
17 disability, engaged in any activity described in
18 subparagraphs (i) through (vii) of paragraph (1) of this
19 subsection; or

20 (3) with knowledge of the subject matter or theme
21 thereof, produces any stage play, live performance, film,
22 videotape or other similar visual portrayal or depiction
23 by computer which includes a child whom the person knows
24 or reasonably should know to be under the age of 18 or a
25 person with a severe or profound intellectual disability
26 engaged in any activity described in subparagraphs (i)

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

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

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

8 (7) solicits, or knowingly uses, persuades, induces,
9 entices, or coerces, a person to provide a child under the
10 age of 18 or a person with a severe or profound
11 intellectual disability to appear in any videotape,
12 photograph, film, stage play, live presentation, or other
13 similar visual reproduction or depiction by computer in
14 which the child or person with a severe or profound
15 intellectual disability will be depicted, actually or by
16 simulation, in any act, pose, or setting described in
17 subparagraphs (i) through (vii) of paragraph (1) of this
18 subsection.

19 (a-5) The possession of each individual film, videotape,
20 photograph, or other similar visual reproduction or depiction
21 by computer in violation of this Section constitutes a single
22 and separate violation. This subsection (a-5) does not apply
23 to multiple copies of the same film, videotape, photograph, or
24 other similar visual reproduction or depiction by computer
25 that are identical to each other.

26 (b) (1) It shall be an affirmative defense to a charge of

1 child sexual abuse material ~~pornography~~ that the defendant
2 reasonably believed, under all of the circumstances, that the
3 child was 18 years of age or older or that the person was not a
4 person with a severe or profound intellectual disability but
5 only where, prior to the act or acts giving rise to a
6 prosecution under this Section, he or she took some
7 affirmative action or made a bonafide inquiry designed to
8 ascertain whether the child was 18 years of age or older or
9 that the person was not a person with a severe or profound
10 intellectual disability and his or her reliance upon the
11 information so obtained was clearly reasonable.

12 (1.5) Telecommunications carriers, commercial mobile
13 service providers, and providers of information services,
14 including, but not limited to, Internet service providers and
15 hosting service providers, are not liable under this Section
16 by virtue of the transmission, storage, or caching of
17 electronic communications or messages of others or by virtue
18 of the provision of other related telecommunications,
19 commercial mobile services, or information services used by
20 others in violation of this Section.

21 (2) (Blank).

22 (3) The charge of child sexual abuse material ~~pornography~~
23 shall not apply to the performance of official duties by law
24 enforcement or prosecuting officers or persons employed by law
25 enforcement or prosecuting agencies, court personnel or
26 attorneys, nor to bonafide treatment or professional education

1 programs conducted by licensed physicians, psychologists or
2 social workers. In any criminal proceeding, any property or
3 material that constitutes child sexual abuse material
4 ~~pornography~~ shall remain in the care, custody, and control of
5 either the State or the court. A motion to view the evidence
6 shall comply with subsection (e-5) of this Section.

7 (4) If the defendant possessed more than one of the same
8 film, videotape or visual reproduction or depiction by
9 computer in which child sexual abuse material ~~pornography~~ is
10 depicted, then the trier of fact may infer that the defendant
11 possessed such materials with the intent to disseminate them.

12 (5) The charge of child sexual abuse material ~~pornography~~
13 does not apply to a person who does not voluntarily possess a
14 film, videotape, or visual reproduction or depiction by
15 computer in which child sexual abuse material ~~pornography~~ is
16 depicted. Possession is voluntary if the defendant knowingly
17 procures or receives a film, videotape, or visual reproduction
18 or depiction for a sufficient time to be able to terminate his
19 or her possession.

20 (6) Any violation of paragraph (1), (2), (3), (4), (5), or
21 (7) of subsection (a) that includes a child engaged in,
22 solicited for, depicted in, or posed in any act of sexual
23 penetration or bound, fettered, or subject to sadistic,
24 masochistic, or sadomasochistic abuse in a sexual context
25 shall be deemed a crime of violence.

26 (c) If the violation does not involve a film, videotape,

1 or other moving depiction, a violation of paragraph (1), (4),
2 (5), or (7) of subsection (a) is a Class 1 felony with a
3 mandatory minimum fine of \$2,000 and a maximum fine of
4 \$100,000. If the violation involves a film, videotape, or
5 other moving depiction, a violation of paragraph (1), (4),
6 (5), or (7) of subsection (a) is a Class X felony with a
7 mandatory minimum fine of \$2,000 and a maximum fine of
8 \$100,000. If the violation does not involve a film, videotape,
9 or other moving depiction, a violation of paragraph (3) of
10 subsection (a) is a Class 1 felony with a mandatory minimum
11 fine of \$1500 and a maximum fine of \$100,000. If the violation
12 involves a film, videotape, or other moving depiction, a
13 violation of paragraph (3) of subsection (a) is a Class X
14 felony with a mandatory minimum fine of \$1500 and a maximum
15 fine of \$100,000. If the violation does not involve a film,
16 videotape, or other moving depiction, a violation of paragraph
17 (2) of subsection (a) is a Class 1 felony with a mandatory
18 minimum fine of \$1000 and a maximum fine of \$100,000. If the
19 violation involves a film, videotape, or other moving
20 depiction, a violation of paragraph (2) of subsection (a) is a
21 Class X felony with a mandatory minimum fine of \$1000 and a
22 maximum fine of \$100,000. If the violation does not involve a
23 film, videotape, or other moving depiction, a violation of
24 paragraph (6) of subsection (a) is a Class 3 felony with a
25 mandatory minimum fine of \$1000 and a maximum fine of
26 \$100,000. If the violation involves a film, videotape, or

1 other moving depiction, a violation of paragraph (6) of
2 subsection (a) is a Class 2 felony with a mandatory minimum
3 fine of \$1000 and a maximum fine of \$100,000.

4 (c-5) Where the child depicted is under the age of 13, a
5 violation of paragraph (1), (2), (3), (4), (5), or (7) of
6 subsection (a) is a Class X felony with a mandatory minimum
7 fine of \$2,000 and a maximum fine of \$100,000. Where the child
8 depicted is under the age of 13, a violation of paragraph (6)
9 of subsection (a) is a Class 2 felony with a mandatory minimum
10 fine of \$1,000 and a maximum fine of \$100,000. Where the child
11 depicted is under the age of 13, a person who commits a
12 violation of paragraph (1), (2), (3), (4), (5), or (7) of
13 subsection (a) where the defendant has previously been
14 convicted under the laws of this State or any other state of
15 the offense of child sexual abuse material ~~pornography~~,
16 aggravated child pornography, aggravated criminal sexual
17 abuse, aggravated criminal sexual assault, predatory criminal
18 sexual assault of a child, or any of the offenses formerly
19 known as rape, deviate sexual assault, indecent liberties with
20 a child, or aggravated indecent liberties with a child where
21 the victim was under the age of 18 years or an offense that is
22 substantially equivalent to those offenses, is guilty of a
23 Class X felony for which the person shall be sentenced to a
24 term of imprisonment of not less than 9 years with a mandatory
25 minimum fine of \$2,000 and a maximum fine of \$100,000. Where
26 the child depicted is under the age of 13, a person who commits

1 a violation of paragraph (6) of subsection (a) where the
2 defendant has previously been convicted under the laws of this
3 State or any other state of the offense of child sexual abuse
4 material ~~pornography~~, aggravated child pornography, aggravated
5 criminal sexual abuse, aggravated criminal sexual assault,
6 predatory criminal sexual assault of a child, or any of the
7 offenses formerly known as rape, deviate sexual assault,
8 indecent liberties with a child, or aggravated indecent
9 liberties with a child where the victim was under the age of 18
10 years or an offense that is substantially equivalent to those
11 offenses, is guilty of a Class 1 felony with a mandatory
12 minimum fine of \$1,000 and a maximum fine of \$100,000. The
13 issue of whether the child depicted is under the age of 13 is
14 an element of the offense to be resolved by the trier of fact.

15 (d) If a person is convicted of a second or subsequent
16 violation of this Section within 10 years of a prior
17 conviction, the court shall order a presentence psychiatric
18 examination of the person. The examiner shall report to the
19 court whether treatment of the person is necessary.

20 (e) Any film, videotape, photograph or other similar
21 visual reproduction or depiction by computer which includes a
22 child under the age of 18 or a person with a severe or profound
23 intellectual disability engaged in any activity described in
24 subparagraphs (i) through (vii) of ~~or~~ paragraph (1) ~~4~~ of
25 subsection (a), and any material or equipment used or intended
26 for use in photographing, filming, printing, producing,

1 reproducing, manufacturing, projecting, exhibiting, depiction
2 by computer, or disseminating such material shall be seized
3 and forfeited in the manner, method and procedure provided by
4 Section 36-1 of this Code for the seizure and forfeiture of
5 vessels, vehicles and aircraft.

6 In addition, any person convicted under this Section is
7 subject to the property forfeiture provisions set forth in
8 Article 124B of the Code of Criminal Procedure of 1963.

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

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

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

1 to a computer.

2 (2) "Produce" means to direct, promote, advertise,
3 publish, manufacture, issue, present or show.

4 (3) "Reproduce" means to make a duplication or copy.

5 (4) "Depict by computer" means to generate or create,
6 or cause to be created or generated, a computer program or
7 data that, after being processed by a computer either
8 alone or in conjunction with one or more computer
9 programs, results in a visual depiction on a computer
10 monitor, screen, or display.

11 (5) "Depiction by computer" means a computer program
12 or data that, after being processed by a computer either
13 alone or in conjunction with one or more computer
14 programs, results in a visual depiction on a computer
15 monitor, screen, or display.

16 (6) "Computer", "computer program", and "data" have
17 the meanings ascribed to them in Section 17.05 of this
18 Code.

19 (7) For the purposes of this Section, "child sexual
20 abuse material ~~pornography~~" includes a film, videotape,
21 photograph, or other similar visual medium or reproduction
22 or depiction by computer that is, or appears to be, that of
23 a person, either in part, or in total, under the age of 18
24 or a person with a severe or profound intellectual
25 disability, regardless of the method by which the film,
26 videotape, photograph, or other similar visual medium or

1 reproduction or depiction by computer is created, adopted,
2 or modified to appear as such. "Child sexual abuse
3 material ~~pornography~~" also includes a film, videotape,
4 photograph, or other similar visual medium or reproduction
5 or depiction by computer that is advertised, promoted,
6 presented, described, or distributed in such a manner that
7 conveys the impression that the film, videotape,
8 photograph, or other similar visual medium or reproduction
9 or depiction by computer is of a person under the age of 18
10 or a person with a severe or profound intellectual
11 disability. "Child pornography" includes the depiction of
12 a part of an actual child under the age of 18 who, by
13 manipulation, creation, or modification, appears to be
14 engaged in any activity described in subparagraphs (i)
15 through (vii) of paragraph (1) of subsection (a). "Child
16 pornography" does not include images or materials in which
17 the creator of the image or materials is the sole subject
18 of the depiction.

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

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

21 (i) Section 50-5 of Public Act 88-680, effective
22 January 1, 1995, contained provisions amending the
23 child sexual abuse material ~~pornography~~ statute,
24 Section 11-20.1 of the Criminal Code of 1961. Section
25 50-5 also contained other provisions.

26 (ii) In addition, Public Act 88-680 was entitled

1 "AN ACT to create a Safe Neighborhoods Law". (A)
2 Article 5 was entitled JUVENILE JUSTICE and amended
3 the Juvenile Court Act of 1987. (B) Article 15 was
4 entitled GANGS and amended various provisions of the
5 Criminal Code of 1961 and the Unified Code of
6 Corrections. (C) Article 20 was entitled ALCOHOL ABUSE
7 and amended various provisions of the Illinois Vehicle
8 Code. (D) Article 25 was entitled DRUG ABUSE and
9 amended the Cannabis Control Act and the Illinois
10 Controlled Substances Act. (E) Article 30 was entitled
11 FIREARMS and amended the Criminal Code of 1961 and the
12 Code of Criminal Procedure of 1963. (F) Article 35
13 amended the Criminal Code of 1961, the Rights of Crime
14 Victims and Witnesses Act, and the Unified Code of
15 Corrections. (G) Article 40 amended the Criminal Code
16 of 1961 to increase the penalty for compelling
17 organization membership of persons. (H) Article 45
18 created the Secure Residential Youth Care Facility
19 Licensing Act and amended the State Finance Act, the
20 Juvenile Court Act of 1987, the Unified Code of
21 Corrections, and the Private Correctional Facility
22 Moratorium Act. (I) Article 50 amended the WIC Vendor
23 Management Act, the Firearm Owners Identification Card
24 Act, the Juvenile Court Act of 1987, the Criminal Code
25 of 1961, the Wrongs to Children Act, and the Unified
26 Code of Corrections.

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

9 (iv) Child sexual abuse material ~~pornography~~ is a
10 vital concern to the people of this State and the
11 validity of future prosecutions under the child sexual
12 abuse material ~~pornography~~ statute of the Criminal
13 Code of 1961 is in grave doubt.

14 (2) It is the purpose of this amendatory Act of 1999 to
15 prevent or minimize any problems relating to prosecutions
16 for child sexual abuse material ~~pornography~~ that may
17 result from challenges to the constitutional validity of
18 Public Act 88-680 by re-enacting the Section relating to
19 child sexual abuse material ~~pornography~~ that was included
20 in Public Act 88-680.

21 (3) This amendatory Act of 1999 re-enacts Section
22 11-20.1 of the Criminal Code of 1961, as it has been
23 amended. This re-enactment is intended to remove any
24 question as to the validity or content of that Section; it
25 is not intended to supersede any other Public Act that
26 amends the text of the Section as set forth in this

1 amendatory Act of 1999. The material is shown as existing
2 text (i.e., without underscoring) because, as of the time
3 this amendatory Act of 1999 was prepared, People v. Dainty
4 was subject to appeal to the Illinois Supreme Court.

5 (4) The re-enactment by this amendatory Act of 1999 of
6 Section 11-20.1 of the Criminal Code of 1961 relating to
7 child sexual abuse material ~~pornography~~ that was amended
8 by Public Act 88-680 is not intended, and shall not be
9 construed, to imply that Public Act 88-680 is invalid or
10 to limit or impair any legal argument concerning whether
11 those provisions were substantially re-enacted by other
12 Public Acts.

13 (Source: P.A. 102-567, eff. 1-1-22; 103-825, eff. 1-1-25.)

14 (720 ILCS 5/11-20.2) (from Ch. 38, par. 11-20.2)

15 Sec. 11-20.2. Duty of commercial film and photographic
16 print processors or computer technicians to report sexual
17 depiction of children.

18 (a) Any commercial film and photographic print processor
19 or computer technician who has knowledge of or observes,
20 within the scope of his professional capacity or employment,
21 any film, photograph, videotape, negative, slide, computer
22 hard drive or any other magnetic or optical media which
23 depicts a child whom the processor or computer technician
24 knows or reasonably should know to be under the age of 18 where
25 such child is:

1 (ii) actually or by simulation engaged in any act of
2 sexual penetration or sexual conduct with any person or
3 animal; or

4 (ii) actually or by simulation engaged in any act of
5 sexual penetration or sexual conduct involving the sex
6 organs of the child and the mouth, anus, or sex organs of
7 another person or animal; or which involves the mouth,
8 anus or sex organs of the child and the sex organs of
9 another person or animal; or

10 (iii) actually or by simulation engaged in any act of
11 masturbation; or

12 (iv) actually or by simulation portrayed as being the
13 object of, or otherwise engaged in, any act of lewd
14 fondling, touching, or caressing involving another person
15 or animal; or

16 (v) actually or by simulation engaged in any act of
17 excretion or urination within a sexual context; or

18 (vi) actually or by simulation portrayed or depicted
19 as bound, fettered, or subject to sadistic, masochistic,
20 or sadomasochistic abuse in any sexual context; or

21 (vii) depicted or portrayed in any pose, posture or
22 setting involving a lewd exhibition of the unclothed or
23 transparently clothed genitals, pubic area, buttocks, or,
24 if such person is female, a fully or partially developed
25 breast of the child or other person;

26 shall report or cause a report to be made pursuant to

1 subsections (b) and (c) as soon as reasonably possible.
2 Failure to make such report shall be a business offense with a
3 fine of \$1,000.

4 (b) Commercial film and photographic film processors shall
5 report or cause a report to be made to the local law
6 enforcement agency of the jurisdiction in which the image or
7 images described in subsection (a) are discovered.

8 (c) Computer technicians shall report or cause the report
9 to be made to the local law enforcement agency of the
10 jurisdiction in which the image or images described in
11 subsection (a) are discovered or to the Illinois Child
12 Exploitation e-Tipline at reportchildporn@atg.state.il.us.

13 (d) Reports required by this Act shall include the
14 following information: (i) name, address, and telephone number
15 of the person filing the report; (ii) the employer of the
16 person filing the report, if any; (iii) the name, address and
17 telephone number of the person whose property is the subject
18 of the report, if known; (iv) the circumstances which led to
19 the filing of the report, including a description of the
20 reported content.

21 (e) If a report is filed with the Cyber Tipline at the
22 National Center for Missing and Exploited Children or in
23 accordance with the requirements of 42 U.S.C. 13032, the
24 requirements of this Act will be deemed to have been met.

25 (f) A computer technician or an employer caused to report
26 child sexual abuse material ~~pornography~~ under this Section is

1 immune from any criminal, civil, or administrative liability
2 in connection with making the report, except for willful or
3 wanton misconduct.

4 (g) For the purposes of this Section, a "computer
5 technician" is a person who installs, maintains,
6 troubleshoots, repairs or upgrades computer hardware,
7 software, computer networks, peripheral equipment, electronic
8 mail systems, or provides user assistance for any of the
9 aforementioned tasks.

10 (Source: P.A. 95-983, eff. 6-1-09; 96-1551, eff. 7-1-11.)

11 (720 ILCS 5/11-23)

12 Sec. 11-23. Posting of identifying or graphic information
13 on a pornographic Internet site or possessing graphic
14 information with pornographic material.

15 (a) A person at least 17 years of age who knowingly
16 discloses on an adult obscenity or child sexual abuse material
17 ~~pornography~~ Internet site the name, address, telephone number,
18 or e-mail address of a person under 17 years of age at the time
19 of the commission of the offense or of a person at least 17
20 years of age without the consent of the person at least 17
21 years of age is guilty of posting of identifying information
22 on a pornographic Internet site.

23 (a-5) Any person who knowingly places, posts, reproduces,
24 or maintains on an adult obscenity or child sexual abuse
25 material ~~pornography~~ Internet site a photograph, video, or

1 digital image of a person under 18 years of age that is not
2 child sexual abuse material ~~pornography~~ under Section 11-20.1,
3 without the knowledge and consent of the person under 18 years
4 of age, is guilty of posting of graphic information on a
5 pornographic Internet site. This provision applies even if the
6 person under 18 years of age is fully or properly clothed in
7 the photograph, video, or digital image.

8 (a-10) Any person who knowingly places, posts, reproduces,
9 or maintains on an adult obscenity or child sexual abuse
10 material ~~pornography~~ Internet site, or possesses with obscene
11 or child pornographic material a photograph, video, or digital
12 image of a person under 18 years of age in which the child is
13 posed in a suggestive manner with the focus or concentration
14 of the image on the child's clothed genitals, clothed pubic
15 area, clothed buttocks area, or if the child is female, the
16 breast exposed through transparent clothing, and the
17 photograph, video, or digital image is not child sexual abuse
18 material ~~pornography~~ under Section 11-20.1, is guilty of
19 posting of graphic information on a pornographic Internet site
20 or possessing graphic information with pornographic material.

21 (b) Sentence. A person who violates subsection (a) of this
22 Section is guilty of a Class 4 felony if the victim is at least
23 17 years of age at the time of the offense and a Class 3 felony
24 if the victim is under 17 years of age at the time of the
25 offense. A person who violates subsection (a-5) of this
26 Section is guilty of a Class 4 felony. A person who violates

1 subsection (a-10) of this Section is guilty of a Class 3
2 felony.

3 (c) Definitions. For purposes of this Section:

4 (1) "Adult obscenity or child sexual abuse material
5 ~~pornography~~ Internet site" means a site on the Internet
6 that contains material that is obscene as defined in
7 Section 11-20 of this Code or that is child sexual abuse
8 material ~~pornography~~ as defined in Section 11-20.1 of this
9 Code.

10 (2) "Internet" has the meaning set forth in Section
11 16-0.1 of this Code.

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

13 (720 ILCS 5/11-25)

14 Sec. 11-25. Grooming.

15 (a) A person commits grooming when, being 5 years or more
16 older than a child, or holding a position of trust, authority,
17 or supervision in relation to the child at the time of the
18 offense, he or she knowingly:

19 (1) uses a computer on-line service, Internet service,
20 local bulletin board service, or any other device capable
21 of electronic data storage or transmission, performs an
22 act in person or by conduct through a third party, or uses
23 written communication to seduce, solicit, lure, or entice,
24 or attempt to seduce, solicit, lure, or entice, a child, a
25 child's guardian, or another person believed by the person

1 to be a child or a child's guardian, to commit any sex
2 offense ~~as defined in Section 2 of the Sex Offender~~
3 ~~Registration Act~~, to distribute photographs depicting the
4 sex organs of the child, or to otherwise engage in any
5 unlawful sexual conduct with a child or with another
6 person believed by the person to be a child; or.

7 (2) engages in a pattern of conduct that seduces,
8 solicits, lures, or entices, or attempts to seduce,
9 solicit, lure, or entice, a child to engage or participate
10 in unlawful sexual conduct that is for the purpose of
11 sexual gratification or arousal of the victim, the
12 accused, or another.

13 (a-5) As used in this Section:

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

15 "Pattern" means 2 or more instances of conduct.

16 "Sex offense" means any violation of Article 11 of this
17 Code.

18 "Sexual conduct" means masturbation, sexual conduct, or
19 sexual penetration as defined in Section 11-0.1 of this Code.

20 (a-6) Illinois has a compelling interest in effective
21 education and "grooming" does not include conduct that serves
22 a legitimate educational purpose pursuant to Section 27-9.1a
23 of the School Code.

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

25 (Source: P.A. 102-676, eff. 6-1-22.)

1 (720 ILCS 5/14-3)

2 Sec. 14-3. Exemptions. The following activities shall be
3 exempt from the provisions of this Article:

4 (a) Listening to radio, wireless electronic
5 communications, and television communications of any sort
6 where the same are publicly made;

7 (b) Hearing conversation when heard by employees of
8 any common carrier by wire incidental to the normal course
9 of their employment in the operation, maintenance or
10 repair of the equipment of such common carrier by wire so
11 long as no information obtained thereby is used or
12 divulged by the hearer;

13 (c) Any broadcast by radio, television or otherwise
14 whether it be a broadcast or recorded for the purpose of
15 later broadcasts of any function where the public is in
16 attendance and the conversations are overheard incidental
17 to the main purpose for which such broadcasts are then
18 being made;

19 (d) Recording or listening with the aid of any device
20 to any emergency communication made in the normal course
21 of operations by any federal, state or local law
22 enforcement agency or institutions dealing in emergency
23 services, including, but not limited to, hospitals,
24 clinics, ambulance services, fire fighting agencies, any
25 public utility, emergency repair facility, civilian
26 defense establishment or military installation;

1 (e) Recording the proceedings of any meeting required
2 to be open by the Open Meetings Act, as amended;

3 (f) Recording or listening with the aid of any device
4 to incoming telephone calls of phone lines publicly listed
5 or advertised as consumer "hotlines" by manufacturers or
6 retailers of food and drug products. Such recordings must
7 be destroyed, erased or turned over to local law
8 enforcement authorities within 24 hours from the time of
9 such recording and shall not be otherwise disseminated.
10 Failure on the part of the individual or business
11 operating any such recording or listening device to comply
12 with the requirements of this subsection shall eliminate
13 any civil or criminal immunity conferred upon that
14 individual or business by the operation of this Section;

15 (g) With prior notification to the State's Attorney of
16 the county in which it is to occur, recording or listening
17 with the aid of any device to any conversation where a law
18 enforcement officer, or any person acting at the direction
19 of law enforcement, is a party to the conversation and has
20 consented to it being intercepted or recorded under
21 circumstances where the use of the device is necessary for
22 the protection of the law enforcement officer or any
23 person acting at the direction of law enforcement, in the
24 course of an investigation of a forcible felony, a felony
25 offense of involuntary servitude, involuntary sexual
26 servitude of a minor, or trafficking in persons under

1 Section 10-9 of this Code, an offense involving
2 prostitution, solicitation of a sexual act, or pandering,
3 a felony violation of the Illinois Controlled Substances
4 Act, a felony violation of the Cannabis Control Act, a
5 felony violation of the Methamphetamine Control and
6 Community Protection Act, any "streetgang related" or
7 "gang-related" felony as those terms are defined in the
8 Illinois Streetgang Terrorism Omnibus Prevention Act, or
9 any felony offense involving any weapon listed in
10 paragraphs (1) through (11) of subsection (a) of Section
11 24-1 of this Code. Any recording or evidence derived as
12 the result of this exemption shall be inadmissible in any
13 proceeding, criminal, civil or administrative, except (i)
14 where a party to the conversation suffers great bodily
15 injury or is killed during such conversation, or (ii) when
16 used as direct impeachment of a witness concerning matters
17 contained in the interception or recording. The Director
18 of the Illinois State Police shall issue regulations as
19 are necessary concerning the use of devices, retention of
20 tape recordings, and reports regarding their use;

21 (g-5) (Blank);

22 (g-6) With approval of the State's Attorney of the
23 county in which it is to occur, recording or listening
24 with the aid of any device to any conversation where a law
25 enforcement officer, or any person acting at the direction
26 of law enforcement, is a party to the conversation and has

1 consented to it being intercepted or recorded in the
2 course of an investigation of child sexual abuse material
3 ~~pornography~~, aggravated child pornography, indecent
4 solicitation of a child, luring of a minor, sexual
5 exploitation of a child, aggravated criminal sexual abuse
6 in which the victim of the offense was at the time of the
7 commission of the offense under 18 years of age, or
8 criminal sexual abuse by force or threat of force in which
9 the victim of the offense was at the time of the commission
10 of the offense under 18 years of age. In all such cases, an
11 application for an order approving the previous or
12 continuing use of an eavesdropping device must be made
13 within 48 hours of the commencement of such use. In the
14 absence of such an order, or upon its denial, any
15 continuing use shall immediately terminate. The Director
16 of the Illinois State Police shall issue rules as are
17 necessary concerning the use of devices, retention of
18 recordings, and reports regarding their use. Any recording
19 or evidence obtained or derived in the course of an
20 investigation of child sexual abuse material ~~pornography~~,
21 aggravated child pornography, indecent solicitation of a
22 child, luring of a minor, sexual exploitation of a child,
23 aggravated criminal sexual abuse in which the victim of
24 the offense was at the time of the commission of the
25 offense under 18 years of age, or criminal sexual abuse by
26 force or threat of force in which the victim of the offense

1 was at the time of the commission of the offense under 18
2 years of age shall, upon motion of the State's Attorney or
3 Attorney General prosecuting any case involving child
4 sexual abuse material ~~pornography~~, aggravated child
5 pornography, indecent solicitation of a child, luring of a
6 minor, sexual exploitation of a child, aggravated criminal
7 sexual abuse in which the victim of the offense was at the
8 time of the commission of the offense under 18 years of
9 age, or criminal sexual abuse by force or threat of force
10 in which the victim of the offense was at the time of the
11 commission of the offense under 18 years of age be
12 reviewed in camera with notice to all parties present by
13 the court presiding over the criminal case, and, if ruled
14 by the court to be relevant and otherwise admissible, it
15 shall be admissible at the trial of the criminal case.
16 Absent such a ruling, any such recording or evidence shall
17 not be admissible at the trial of the criminal case;

18 (h) Recordings made simultaneously with the use of an
19 in-car video camera recording of an oral conversation
20 between a uniformed peace officer, who has identified his
21 or her office, and a person in the presence of the peace
22 officer whenever (i) an officer assigned a patrol vehicle
23 is conducting an enforcement stop; or (ii) patrol vehicle
24 emergency lights are activated or would otherwise be
25 activated if not for the need to conceal the presence of
26 law enforcement.

1 For the purposes of this subsection (h), "enforcement
2 stop" means an action by a law enforcement officer in
3 relation to enforcement and investigation duties,
4 including but not limited to, traffic stops, pedestrian
5 stops, abandoned vehicle contacts, motorist assists,
6 commercial motor vehicle stops, roadside safety checks,
7 requests for identification, or responses to requests for
8 emergency assistance;

9 (h-5) Recordings of utterances made by a person while
10 in the presence of a uniformed peace officer and while an
11 occupant of a police vehicle including, but not limited
12 to, (i) recordings made simultaneously with the use of an
13 in-car video camera and (ii) recordings made in the
14 presence of the peace officer utilizing video or audio
15 systems, or both, authorized by the law enforcement
16 agency;

17 (h-10) Recordings made simultaneously with a video
18 camera recording during the use of a taser or similar
19 weapon or device by a peace officer if the weapon or device
20 is equipped with such camera;

21 (h-15) Recordings made under subsection (h), (h-5), or
22 (h-10) shall be retained by the law enforcement agency
23 that employs the peace officer who made the recordings for
24 a storage period of 90 days, unless the recordings are
25 made as a part of an arrest or the recordings are deemed
26 evidence in any criminal, civil, or administrative

1 proceeding and then the recordings must only be destroyed
2 upon a final disposition and an order from the court.
3 Under no circumstances shall any recording be altered or
4 erased prior to the expiration of the designated storage
5 period. Upon completion of the storage period, the
6 recording medium may be erased and reissued for
7 operational use;

8 (i) Recording of a conversation made by or at the
9 request of a person, not a law enforcement officer or
10 agent of a law enforcement officer, who is a party to the
11 conversation, under reasonable suspicion that another
12 party to the conversation is committing, is about to
13 commit, or has committed a criminal offense against the
14 person or a member of his or her immediate household, and
15 there is reason to believe that evidence of the criminal
16 offense may be obtained by the recording;

17 (j) The use of a telephone monitoring device by either
18 (1) a corporation or other business entity engaged in
19 marketing or opinion research or (2) a corporation or
20 other business entity engaged in telephone solicitation,
21 as defined in this subsection, to record or listen to oral
22 telephone solicitation conversations or marketing or
23 opinion research conversations by an employee of the
24 corporation or other business entity when:

25 (i) the monitoring is used for the purpose of
26 service quality control of marketing or opinion

1 research or telephone solicitation, the education or
2 training of employees or contractors engaged in
3 marketing or opinion research or telephone
4 solicitation, or internal research related to
5 marketing or opinion research or telephone
6 solicitation; and

7 (ii) the monitoring is used with the consent of at
8 least one person who is an active party to the
9 marketing or opinion research conversation or
10 telephone solicitation conversation being monitored.

11 No communication or conversation or any part, portion,
12 or aspect of the communication or conversation made,
13 acquired, or obtained, directly or indirectly, under this
14 exemption (j), may be, directly or indirectly, furnished
15 to any law enforcement officer, agency, or official for
16 any purpose or used in any inquiry or investigation, or
17 used, directly or indirectly, in any administrative,
18 judicial, or other proceeding, or divulged to any third
19 party.

20 When recording or listening authorized by this
21 subsection (j) on telephone lines used for marketing or
22 opinion research or telephone solicitation purposes
23 results in recording or listening to a conversation that
24 does not relate to marketing or opinion research or
25 telephone solicitation; the person recording or listening
26 shall, immediately upon determining that the conversation

1 does not relate to marketing or opinion research or
2 telephone solicitation, terminate the recording or
3 listening and destroy any such recording as soon as is
4 practicable.

5 Business entities that use a telephone monitoring or
6 telephone recording system pursuant to this exemption (j)
7 shall provide current and prospective employees with
8 notice that the monitoring or recordings may occur during
9 the course of their employment. The notice shall include
10 prominent signage notification within the workplace.

11 Business entities that use a telephone monitoring or
12 telephone recording system pursuant to this exemption (j)
13 shall provide their employees or agents with access to
14 personal-only telephone lines, which may be pay
15 telephones, that are not subject to telephone monitoring
16 or telephone recording.

17 For the purposes of this subsection (j), "telephone
18 solicitation" means a communication through the use of a
19 telephone by live operators:

20 (i) soliciting the sale of goods or services;

21 (ii) receiving orders for the sale of goods or
22 services;

23 (iii) assisting in the use of goods or services;

24 or

25 (iv) engaging in the solicitation, administration,
26 or collection of bank or retail credit accounts.

1 For the purposes of this subsection (j), "marketing or
2 opinion research" means a marketing or opinion research
3 interview conducted by a live telephone interviewer
4 engaged by a corporation or other business entity whose
5 principal business is the design, conduct, and analysis of
6 polls and surveys measuring the opinions, attitudes, and
7 responses of respondents toward products and services, or
8 social or political issues, or both;

9 (k) Electronic recordings, including but not limited
10 to, a motion picture, videotape, digital, or other visual
11 or audio recording, made of a custodial interrogation of
12 an individual at a police station or other place of
13 detention by a law enforcement officer under Section
14 5-401.5 of the Juvenile Court Act of 1987 or Section
15 103-2.1 of the Code of Criminal Procedure of 1963;

16 (l) Recording the interview or statement of any person
17 when the person knows that the interview is being
18 conducted by a law enforcement officer or prosecutor and
19 the interview takes place at a police station that is
20 currently participating in the Custodial Interview Pilot
21 Program established under the Illinois Criminal Justice
22 Information Act;

23 (m) An electronic recording, including but not limited
24 to, a motion picture, videotape, digital, or other visual
25 or audio recording, made of the interior of a school bus
26 while the school bus is being used in the transportation

1 of students to and from school and school-sponsored
2 activities, when the school board has adopted a policy
3 authorizing such recording, notice of such recording
4 policy is included in student handbooks and other
5 documents including the policies of the school, notice of
6 the policy regarding recording is provided to parents of
7 students, and notice of such recording is clearly posted
8 on the door of and inside the school bus.

9 Recordings made pursuant to this subsection (m) shall
10 be confidential records and may only be used by school
11 officials (or their designees) and law enforcement
12 personnel for investigations, school disciplinary actions
13 and hearings, proceedings under the Juvenile Court Act of
14 1987, and criminal prosecutions, related to incidents
15 occurring in or around the school bus;

16 (n) Recording or listening to an audio transmission
17 from a microphone placed by a person under the authority
18 of a law enforcement agency inside a bait car surveillance
19 vehicle while simultaneously capturing a photographic or
20 video image;

21 (o) The use of an eavesdropping camera or audio device
22 during an ongoing hostage or barricade situation by a law
23 enforcement officer or individual acting on behalf of a
24 law enforcement officer when the use of such device is
25 necessary to protect the safety of the general public,
26 hostages, or law enforcement officers or anyone acting on

1 their behalf;

2 (p) Recording or listening with the aid of any device
3 to incoming telephone calls of phone lines publicly listed
4 or advertised as the "CPS Violence Prevention Hotline",
5 but only where the notice of recording is given at the
6 beginning of each call as required by Section 34-21.8 of
7 the School Code. The recordings may be retained only by
8 the Chicago Police Department or other law enforcement
9 authorities, and shall not be otherwise retained or
10 disseminated;

11 (q)(1) With prior request to and written or verbal
12 approval of the State's Attorney of the county in which
13 the conversation is anticipated to occur, recording or
14 listening with the aid of an eavesdropping device to a
15 conversation in which a law enforcement officer, or any
16 person acting at the direction of a law enforcement
17 officer, is a party to the conversation and has consented
18 to the conversation being intercepted or recorded in the
19 course of an investigation of a qualified offense. The
20 State's Attorney may grant this approval only after
21 determining that reasonable cause exists to believe that
22 inculpatory conversations concerning a qualified offense
23 will occur with a specified individual or individuals
24 within a designated period of time.

25 (2) Request for approval. To invoke the exception
26 contained in this subsection (q), a law enforcement

1 officer shall make a request for approval to the
2 appropriate State's Attorney. The request may be written
3 or verbal; however, a written memorialization of the
4 request must be made by the State's Attorney. This request
5 for approval shall include whatever information is deemed
6 necessary by the State's Attorney but shall include, at a
7 minimum, the following information about each specified
8 individual whom the law enforcement officer believes will
9 commit a qualified offense:

10 (A) his or her full or partial name, nickname or
11 alias;

12 (B) a physical description; or

13 (C) failing either (A) or (B) of this paragraph
14 (2), any other supporting information known to the law
15 enforcement officer at the time of the request that
16 gives rise to reasonable cause to believe that the
17 specified individual will participate in an
18 inculpatory conversation concerning a qualified
19 offense.

20 (3) Limitations on approval. Each written approval by
21 the State's Attorney under this subsection (q) shall be
22 limited to:

23 (A) a recording or interception conducted by a
24 specified law enforcement officer or person acting at
25 the direction of a law enforcement officer;

26 (B) recording or intercepting conversations with

1 the individuals specified in the request for approval,
2 provided that the verbal approval shall be deemed to
3 include the recording or intercepting of conversations
4 with other individuals, unknown to the law enforcement
5 officer at the time of the request for approval, who
6 are acting in conjunction with or as co-conspirators
7 with the individuals specified in the request for
8 approval in the commission of a qualified offense;

9 (C) a reasonable period of time but in no event
10 longer than 24 consecutive hours;

11 (D) the written request for approval, if
12 applicable, or the written memorialization must be
13 filed, along with the written approval, with the
14 circuit clerk of the jurisdiction on the next business
15 day following the expiration of the authorized period
16 of time, and shall be subject to review by the Chief
17 Judge or his or her designee as deemed appropriate by
18 the court.

19 (3.5) The written memorialization of the request for
20 approval and the written approval by the State's Attorney
21 may be in any format, including via facsimile, email, or
22 otherwise, so long as it is capable of being filed with the
23 circuit clerk.

24 (3.10) Beginning March 1, 2015, each State's Attorney
25 shall annually submit a report to the General Assembly
26 disclosing:

1 (A) the number of requests for each qualified
2 offense for approval under this subsection; and

3 (B) the number of approvals for each qualified
4 offense given by the State's Attorney.

5 (4) Admissibility of evidence. No part of the contents
6 of any wire, electronic, or oral communication that has
7 been recorded or intercepted as a result of this exception
8 may be received in evidence in any trial, hearing, or
9 other proceeding in or before any court, grand jury,
10 department, officer, agency, regulatory body, legislative
11 committee, or other authority of this State, or a
12 political subdivision of the State, other than in a
13 prosecution of:

14 (A) the qualified offense for which approval was
15 given to record or intercept a conversation under this
16 subsection (q);

17 (B) a forcible felony committed directly in the
18 course of the investigation of the qualified offense
19 for which approval was given to record or intercept a
20 conversation under this subsection (q); or

21 (C) any other forcible felony committed while the
22 recording or interception was approved in accordance
23 with this subsection (q), but for this specific
24 category of prosecutions, only if the law enforcement
25 officer or person acting at the direction of a law
26 enforcement officer who has consented to the

1 conversation being intercepted or recorded suffers
2 great bodily injury or is killed during the commission
3 of the charged forcible felony.

4 (5) Compliance with the provisions of this subsection
5 is a prerequisite to the admissibility in evidence of any
6 part of the contents of any wire, electronic or oral
7 communication that has been intercepted as a result of
8 this exception, but nothing in this subsection shall be
9 deemed to prevent a court from otherwise excluding the
10 evidence on any other ground recognized by State or
11 federal law, nor shall anything in this subsection be
12 deemed to prevent a court from independently reviewing the
13 admissibility of the evidence for compliance with the
14 Fourth Amendment to the U.S. Constitution or with Article
15 I, Section 6 of the Illinois Constitution.

16 (6) Use of recordings or intercepts unrelated to
17 qualified offenses. Whenever any private conversation or
18 private electronic communication has been recorded or
19 intercepted as a result of this exception that is not
20 related to an offense for which the recording or intercept
21 is admissible under paragraph (4) of this subsection (q),
22 no part of the contents of the communication and evidence
23 derived from the communication may be received in evidence
24 in any trial, hearing, or other proceeding in or before
25 any court, grand jury, department, officer, agency,
26 regulatory body, legislative committee, or other authority

1 of this State, or a political subdivision of the State,
2 nor may it be publicly disclosed in any way.

3 (6.5) The Illinois State Police shall adopt rules as
4 are necessary concerning the use of devices, retention of
5 recordings, and reports regarding their use under this
6 subsection (q).

7 (7) Definitions. For the purposes of this subsection
8 (q) only:

9 "Forcible felony" includes and is limited to those
10 offenses contained in Section 2-8 of the Criminal Code
11 of 1961 as of the effective date of this amendatory Act
12 of the 97th General Assembly, and only as those
13 offenses have been defined by law or judicial
14 interpretation as of that date.

15 "Qualified offense" means and is limited to:

16 (A) a felony violation of the Cannabis Control
17 Act, the Illinois Controlled Substances Act, or
18 the Methamphetamine Control and Community
19 Protection Act, except for violations of:

20 (i) Section 4 of the Cannabis Control Act;

21 (ii) Section 402 of the Illinois
22 Controlled Substances Act; and

23 (iii) Section 60 of the Methamphetamine
24 Control and Community Protection Act; and

25 (B) first degree murder, solicitation of
26 murder for hire, predatory criminal sexual assault

1 of a child, criminal sexual assault, aggravated
2 criminal sexual assault, aggravated arson,
3 kidnapping, aggravated kidnapping, child
4 abduction, trafficking in persons, involuntary
5 servitude, involuntary sexual servitude of a
6 minor, or gunrunning.

7 "State's Attorney" includes and is limited to the
8 State's Attorney or an assistant State's Attorney
9 designated by the State's Attorney to provide verbal
10 approval to record or intercept conversations under
11 this subsection (q).

12 (8) Sunset. This subsection (q) is inoperative on and
13 after January 1, 2027. No conversations intercepted
14 pursuant to this subsection (q), while operative, shall be
15 inadmissible in a court of law by virtue of the
16 inoperability of this subsection (q) on January 1, 2027.

17 (9) Recordings, records, and custody. Any private
18 conversation or private electronic communication
19 intercepted by a law enforcement officer or a person
20 acting at the direction of law enforcement shall, if
21 practicable, be recorded in such a way as will protect the
22 recording from editing or other alteration. Any and all
23 original recordings made under this subsection (q) shall
24 be inventoried without unnecessary delay pursuant to the
25 law enforcement agency's policies for inventorying
26 evidence. The original recordings shall not be destroyed

1 except upon an order of a court of competent jurisdiction;
2 and

3 (r) Electronic recordings, including but not limited
4 to, motion picture, videotape, digital, or other visual or
5 audio recording, made of a lineup under Section 107A-2 of
6 the Code of Criminal Procedure of 1963.

7 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;
8 102-918, eff. 5-27-22.)

9 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

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

11 (a) Any vessel or watercraft, vehicle, or aircraft is
12 subject to forfeiture under this Article if the vessel or
13 watercraft, vehicle, or aircraft is used with the knowledge
14 and consent of the owner in the commission of or in the attempt
15 to commit as defined in Section 8-4 of this Code:

16 (1) an offense prohibited by Section 9-1 (first degree
17 murder), Section 9-3 (involuntary manslaughter and
18 reckless homicide), Section 10-2 (aggravated kidnaping),
19 Section 11-1.20 (criminal sexual assault), Section 11-1.30
20 (aggravated criminal sexual assault), Section 11-1.40
21 (predatory criminal sexual assault of a child), subsection
22 (a) of Section 11-1.50 (criminal sexual abuse), subsection
23 (a), (c), or (d) of Section 11-1.60 (aggravated criminal
24 sexual abuse), Section 11-6 (indecent solicitation of a
25 child), Section 11-14.4 (promoting juvenile prostitution

1 except for keeping a place of juvenile prostitution),
2 Section 11-20.1 (child sexual abuse material ~~pornography~~),
3 paragraph (a)(1), (a)(2), (a)(4), (b)(1), (b)(2), (e)(1),
4 (e)(2), (e)(3), (e)(4), (e)(5), (e)(6), or (e)(7) of
5 Section 12-3.05 (aggravated battery), Section 12-7.3
6 (stalking), Section 12-7.4 (aggravated stalking), Section
7 16-1 (theft if the theft is of precious metal or of scrap
8 metal), subdivision (f)(2) or (f)(3) of Section 16-25
9 (retail theft), Section 18-2 (armed robbery), Section 19-1
10 (burglary), Section 19-2 (possession of burglary tools),
11 Section 19-3 (residential burglary), Section 20-1 (arson;
12 residential arson; place of worship arson), Section 20-2
13 (possession of explosives or explosive or incendiary
14 devices), subdivision (a)(6) or (a)(7) of Section 24-1
15 (unlawful possession of weapons), Section 24-1.2
16 (aggravated discharge of a firearm), Section 24-1.2-5
17 (aggravated discharge of a machine gun or a firearm
18 equipped with a device designed or used for silencing the
19 report of a firearm), Section 24-1.5 (reckless discharge
20 of a firearm), Section 28-1 (gambling), or Section
21 29D-15.2 (possession of a deadly substance) of this Code;

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

26 (3) an offense prohibited by Section 28, 29, or 30 of

1 the Cigarette Use Tax Act if the vessel or watercraft,
2 vehicle, or aircraft contains more than 10 cartons of such
3 cigarettes;

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

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

9 (6) an offense prohibited by Section 11-501 of the
10 Illinois Vehicle Code (driving while under the influence
11 of alcohol or other drug or drugs, intoxicating compound
12 or compounds or any combination thereof) or a similar
13 provision of a local ordinance, and:

14 (A) during a period in which his or her driving
15 privileges are revoked or suspended if the revocation
16 or suspension was for:

17 (i) Section 11-501 (driving under the
18 influence of alcohol or other drug or drugs,
19 intoxicating compound or compounds or any
20 combination thereof),

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

23 (iii) paragraph (b) of Section 11-401 (motor
24 vehicle crashes involving death or personal
25 injuries), or

26 (iv) reckless homicide as defined in Section

1 9-3 of this Code;

2 (B) has been previously convicted of reckless
3 homicide or a similar provision of a law of another
4 state relating to reckless homicide in which the
5 person was determined to have been under the influence
6 of alcohol, other drug or drugs, or intoxicating
7 compound or compounds as an element of the offense or
8 the person has previously been convicted of committing
9 a violation of driving under the influence of alcohol
10 or other drug or drugs, intoxicating compound or
11 compounds or any combination thereof and was involved
12 in a motor vehicle crash that resulted in death, great
13 bodily harm, or permanent disability or disfigurement
14 to another, when the violation was a proximate cause
15 of the death or injuries;

16 (C) the person committed a violation of driving
17 under the influence of alcohol or other drug or drugs,
18 intoxicating compound or compounds or any combination
19 thereof under Section 11-501 of the Illinois Vehicle
20 Code or a similar provision for the third or
21 subsequent time;

22 (D) he or she did not possess a valid driver's
23 license or permit or a valid restricted driving permit
24 or a valid judicial driving permit or a valid
25 monitoring device driving permit; or

26 (E) he or she knew or should have known that the

1 vehicle he or she was driving was not covered by a
2 liability insurance policy;

3 (7) an offense described in subsection (g) of Section
4 6-303 of the Illinois Vehicle Code;

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

7 (9) (A) operating a watercraft under the influence of
8 alcohol, other drug or drugs, intoxicating compound or
9 compounds, or combination thereof under Section 5-16 of
10 the Boat Registration and Safety Act during a period in
11 which his or her privileges to operate a watercraft are
12 revoked or suspended and the revocation or suspension was
13 for operating a watercraft under the influence of alcohol,
14 other drug or drugs, intoxicating compound or compounds,
15 or combination thereof; (B) operating a watercraft under
16 the influence of alcohol, other drug or drugs,
17 intoxicating compound or compounds, or combination thereof
18 and has been previously convicted of reckless homicide or
19 a similar provision of a law in another state relating to
20 reckless homicide in which the person was determined to
21 have been under the influence of alcohol, other drug or
22 drugs, intoxicating compound or compounds, or combination
23 thereof as an element of the offense or the person has
24 previously been convicted of committing a violation of
25 operating a watercraft under the influence of alcohol,
26 other drug or drugs, intoxicating compound or compounds,

1 or combination thereof and was involved in an accident
2 that resulted in death, great bodily harm, or permanent
3 disability or disfigurement to another, when the violation
4 was a proximate cause of the death or injuries; or (C) the
5 person committed a violation of operating a watercraft
6 under the influence of alcohol, other drug or drugs,
7 intoxicating compound or compounds, or combination thereof
8 under Section 5-16 of the Boat Registration and Safety Act
9 or a similar provision for the third or subsequent time.

10 (b) In addition, any mobile or portable equipment used in
11 the commission of an act which is in violation of Section 7g of
12 the Metropolitan Water Reclamation District Act shall be
13 subject to seizure and forfeiture under the same procedures
14 provided in this Article for the seizure and forfeiture of
15 vessels or watercraft, vehicles, and aircraft, and any such
16 equipment shall be deemed a vessel or watercraft, vehicle, or
17 aircraft for purposes of this Article.

18 (c) In addition, when a person discharges a firearm at
19 another individual from a vehicle with the knowledge and
20 consent of the owner of the vehicle and with the intent to
21 cause death or great bodily harm to that individual and as a
22 result causes death or great bodily harm to that individual,
23 the vehicle shall be subject to seizure and forfeiture under
24 the same procedures provided in this Article for the seizure
25 and forfeiture of vehicles used in violations of clauses (1),
26 (2), (3), or (4) of subsection (a) of this Section.

1 (d) If the spouse of the owner of a vehicle seized for an
2 offense described in subsection (g) of Section 6-303 of the
3 Illinois Vehicle Code, a violation of subdivision (d)(1)(A),
4 (d)(1)(D), (d)(1)(G), (d)(1)(H), or (d)(1)(I) of Section
5 11-501 of the Illinois Vehicle Code, or Section 9-3 of this
6 Code makes a showing that the seized vehicle is the only source
7 of transportation and it is determined that the financial
8 hardship to the family as a result of the seizure outweighs the
9 benefit to the State from the seizure, the vehicle may be
10 forfeited to the spouse or family member and the title to the
11 vehicle shall be transferred to the spouse or family member
12 who is properly licensed and who requires the use of the
13 vehicle for employment or family transportation purposes. A
14 written declaration of forfeiture of a vehicle under this
15 Section shall be sufficient cause for the title to be
16 transferred to the spouse or family member. The provisions of
17 this paragraph shall apply only to one forfeiture per vehicle.
18 If the vehicle is the subject of a subsequent forfeiture
19 proceeding by virtue of a subsequent conviction of either
20 spouse or the family member, the spouse or family member to
21 whom the vehicle was forfeited under the first forfeiture
22 proceeding may not utilize the provisions of this paragraph in
23 another forfeiture proceeding. If the owner of the vehicle
24 seized owns more than one vehicle, the procedure set out in
25 this paragraph may be used for only one vehicle.

26 (e) In addition, property subject to forfeiture under

1 Section 40 of the Illinois Streetgang Terrorism Omnibus
2 Prevention Act may be seized and forfeited under this Article.
3 (Source: P.A. 102-982, eff. 7-1-23; 103-822, eff. 1-1-25.)

4 Section 55. The Code of Criminal Procedure of 1963 is
5 amended by changing Sections 106B-10, 115-7, 115-7.3, 124B-10,
6 124B-100, 124B-420, and 124B-500 as follows:

7 (725 ILCS 5/106B-10)

8 Sec. 106B-10. Conditions for testimony by a victim or
9 witness who is under 18 years of age or an ~~a child or a~~
10 ~~moderately, severely, or profoundly~~ intellectually disabled
11 person or a person affected by a developmental disability. The
12 ~~In a prosecution of criminal sexual assault, predatory~~
13 ~~criminal sexual assault of a child, aggravated criminal sexual~~
14 ~~assault, criminal sexual abuse, aggravated criminal sexual~~
15 ~~abuse, or any violent crime as defined in subsection (c) of~~
16 ~~Section 3 of the Rights of Crime Victims and Witnesses Act, the~~
17 court may set any conditions it finds just and appropriate on
18 the taking of testimony of a victim or witness who is under 18
19 years of age or an intellectually disabled person or a person
20 affected by a developmental disability ~~victim who is a child~~
21 ~~under the age of 18 years or a moderately, severely, or~~
22 ~~profoundly intellectually disabled person or a person affected~~
23 ~~by a developmental disability,~~ involving the use of a facility
24 dog in any criminal proceeding ~~involving that offense~~. When

1 deciding whether to permit the child or person to testify with
2 the assistance of a facility dog, the court shall take into
3 consideration the age of the child or person, the rights of the
4 parties to the litigation, and any other relevant factor that
5 would facilitate the giving of testimony ~~by the child or the~~
6 ~~person~~. As used in this Section, "facility dog" means a dog
7 that is a graduate of an assistance dog organization that is a
8 member of Assistance Dogs International.

9 (Source: P.A. 102-22, eff. 6-25-21.)

10 (725 ILCS 5/115-7) (from Ch. 38, par. 115-7)

11 Sec. 115-7. a. In prosecutions for predatory criminal
12 sexual assault of a child, aggravated criminal sexual assault,
13 criminal sexual assault, aggravated criminal sexual abuse,
14 criminal sexual abuse, involuntary servitude, involuntary
15 sexual servitude of a minor, or trafficking in persons ~~or~~
16 ~~criminal transmission of HIV~~; and in prosecutions for battery
17 and aggravated battery, when the commission of the offense
18 involves sexual penetration or sexual conduct as defined in
19 Section 11-0.1 of the Criminal Code of 2012; and with the trial
20 or retrial of the offenses formerly known as rape, deviate
21 sexual assault, indecent liberties with a child, and
22 aggravated indecent liberties with a child, the prior sexual
23 activity or the reputation of the alleged victim or
24 corroborating witness under Section 115-7.3 of this Code is
25 inadmissible except (1) as evidence concerning the past sexual

1 conduct of the alleged victim or corroborating witness under
2 Section 115-7.3 of this Code with the accused when this
3 evidence is offered by the accused upon the issue of whether
4 the alleged victim or corroborating witness under Section
5 115-7.3 of this Code consented to the sexual conduct with
6 respect to which the offense is alleged; or (2) when
7 constitutionally required to be admitted.

8 b. No evidence admissible under this Section shall be
9 introduced unless ruled admissible by the trial judge after an
10 offer of proof has been made at a hearing to be held in camera
11 in order to determine whether the defense has evidence to
12 impeach the witness in the event that prior sexual activity
13 with the defendant is denied. Such offer of proof shall
14 include reasonably specific information as to the date, time
15 and place of the past sexual conduct between the alleged
16 victim or corroborating witness under Section 115-7.3 of this
17 Code and the defendant. Unless the court finds that reasonably
18 specific information as to date, time or place, or some
19 combination thereof, has been offered as to prior sexual
20 activity with the defendant, counsel for the defendant shall
21 be ordered to refrain from inquiring into prior sexual
22 activity between the alleged victim or corroborating witness
23 under Section 115-7.3 of this Code and the defendant. The
24 court shall not admit evidence under this Section unless it
25 determines at the hearing that the evidence is relevant and
26 the probative value of the evidence outweighs the danger of

1 unfair prejudice. The evidence shall be admissible at trial to
2 the extent an order made by the court specifies the evidence
3 that may be admitted and areas with respect to which the
4 alleged victim or corroborating witness under Section 115-7.3
5 of this Code may be examined or cross examined.

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

7 (725 ILCS 5/115-7.3)

8 Sec. 115-7.3. Evidence in certain cases.

9 (a) This Section applies to criminal cases in which:

10 (1) the defendant is accused of predatory criminal
11 sexual assault of a child, aggravated criminal sexual
12 assault, criminal sexual assault, aggravated criminal
13 sexual abuse, criminal sexual abuse, child sexual abuse
14 material ~~pornography~~, aggravated child pornography,
15 involuntary servitude, involuntary sexual servitude of a
16 minor, trafficking in persons, ~~criminal transmission of~~
17 ~~HIV~~, or child abduction as defined in paragraph (10) of
18 subsection (b) of Section 10-5 of the Criminal Code of
19 1961 or the Criminal Code of 2012;

20 (2) the defendant is accused of battery, aggravated
21 battery, first degree murder, or second degree murder when
22 the commission of the offense involves sexual penetration
23 or sexual conduct as defined in Section 11-0.1 of the
24 Criminal Code of 2012; or

25 (3) the defendant is tried or retried for any of the

1 offenses formerly known as rape, deviate sexual assault,
2 indecent liberties with a child, or aggravated indecent
3 liberties with a child.

4 (b) If the defendant is accused of an offense set forth in
5 paragraph (1) or (2) of subsection (a) or the defendant is
6 tried or retried for any of the offenses set forth in paragraph
7 (3) of subsection (a), evidence of the defendant's commission
8 of another offense or offenses set forth in paragraph (1),
9 (2), or (3) of subsection (a), or evidence to rebut that proof
10 or an inference from that proof, may be admissible (if that
11 evidence is otherwise admissible under the rules of evidence)
12 and may be considered for its bearing on any matter to which it
13 is relevant.

14 (c) In weighing the probative value of the evidence
15 against undue prejudice to the defendant, the court may
16 consider:

17 (1) the proximity in time to the charged or predicate
18 offense;

19 (2) the degree of factual similarity to the charged or
20 predicate offense; or

21 (3) other relevant facts and circumstances.

22 (d) In a criminal case in which the prosecution intends to
23 offer evidence under this Section, it must disclose the
24 evidence, including statements of witnesses or a summary of
25 the substance of any testimony, at a reasonable time in
26 advance of trial, or during trial if the court excuses

1 pretrial notice on good cause shown.

2 (e) In a criminal case in which evidence is offered under
3 this Section, proof may be made by specific instances of
4 conduct, testimony as to reputation, or testimony in the form
5 of an expert opinion, except that the prosecution may offer
6 reputation testimony only after the opposing party has offered
7 that testimony.

8 (f) In prosecutions for a violation of Section 10-2,
9 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-3.05, 12-4,
10 12-13, 12-14, 12-14.1, 12-15, 12-16, or 18-5 of the Criminal
11 Code of 1961 or the Criminal Code of 2012, involving the
12 involuntary delivery of a controlled substance to a victim, no
13 inference may be made about the fact that a victim did not
14 consent to a test for the presence of controlled substances.

15 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;
16 98-160, eff. 1-1-14.)

17 (725 ILCS 5/124B-10)

18 Sec. 124B-10. Applicability; offenses. This Article
19 applies to forfeiture of property in connection with the
20 following:

21 (1) A violation of Section 10-9 or 10A-10 of the
22 Criminal Code of 1961 or the Criminal Code of 2012
23 (involuntary servitude; involuntary servitude of a minor;
24 or trafficking in persons).

25 (2) A violation of subdivision (a)(1) of Section

1 11-14.4 of the Criminal Code of 1961 or the Criminal Code
2 of 2012 (promoting juvenile prostitution) or a violation
3 of Section 11-17.1 of the Criminal Code of 1961 (keeping a
4 place of juvenile prostitution).

5 (3) A violation of subdivision (a)(4) of Section
6 11-14.4 of the Criminal Code of 1961 or the Criminal Code
7 of 2012 (promoting juvenile prostitution) or a violation
8 of Section 11-19.2 of the Criminal Code of 1961
9 (exploitation of a child).

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

13 (5) A violation of Section 11-20.1 of the Criminal
14 Code of 1961 or the Criminal Code of 2012 (child sexual
15 abuse material ~~pornography~~).

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

18 (6.5) A violation of Section 11-23.5 of the Criminal
19 Code of 2012.

20 (7) A violation of Section 12C-65 of the Criminal Code
21 of 2012 or Article 44 of the Criminal Code of 1961
22 (unlawful transfer of a telecommunications device to a
23 minor).

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

1 (9) A felony violation of Section 17-6.3 or Article
2 17B of the Criminal Code of 2012 or the Criminal Code of
3 1961 (WIC fraud).

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

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

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

11 (Source: P.A. 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13;
12 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-1138, eff.
13 6-1-15.)

14 (725 ILCS 5/124B-100)

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

17 (1) In the case of forfeiture authorized under Section
18 10A-15 of the Criminal Code of 1961 or Section 10-9 of the
19 Criminal Code of 2012, "offense" means the offense of
20 involuntary servitude, involuntary servitude of a minor,
21 or trafficking in persons in violation of Section 10-9 or
22 10A-10 of those Codes.

23 (2) In the case of forfeiture authorized under
24 subdivision (a)(1) of Section 11-14.4, or Section 11-17.1,
25 of the Criminal Code of 1961 or the Criminal Code of 2012,

1 "offense" means the offense of promoting juvenile
2 prostitution or keeping a place of juvenile prostitution
3 in violation of subdivision (a)(1) of Section 11-14.4, or
4 Section 11-17.1, of those Codes.

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

12 (4) In the case of forfeiture authorized under Section
13 11-20 of the Criminal Code of 1961 or the Criminal Code of
14 2012, "offense" means the offense of obscenity in
15 violation of that Section.

16 (5) In the case of forfeiture authorized under Section
17 11-20.1 of the Criminal Code of 1961 or the Criminal Code
18 of 2012, "offense" means the offense of child sexual abuse
19 material ~~pornography~~ in violation of Section 11-20.1 of
20 that Code.

21 (6) In the case of forfeiture authorized under Section
22 11-20.1B or 11-20.3 of the Criminal Code of 1961,
23 "offense" means the offense of aggravated child
24 pornography in violation of Section 11-20.1B or 11-20.3 of
25 that Code.

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

1 12C-65 of the Criminal Code of 2012 or Article 44 of the
2 Criminal Code of 1961, "offense" means the offense of
3 unlawful transfer of a telecommunications device to a
4 minor in violation of Section 12C-65 or Article 44 of
5 those Codes.

6 (8) In the case of forfeiture authorized under Section
7 17-50 or 16D-5 of the Criminal Code of 1961 or the Criminal
8 Code of 2012, "offense" means the offense of computer
9 fraud in violation of Section 17-50 or 16D-5 of those
10 Codes.

11 (9) In the case of forfeiture authorized under Section
12 17-6.3 or Article 17B of the Criminal Code of 1961 or the
13 Criminal Code of 2012, "offense" means any felony
14 violation of Section 17-6.3 or Article 17B of those Codes.

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

19 (11) In the case of forfeiture authorized under
20 Section 4.01 of the Humane Care for Animals Act, Section
21 26-5 of the Criminal Code of 1961, or Section 48-1 of the
22 Criminal Code of 2012, "offense" means any felony offense
23 under either of those Sections.

24 (12) In the case of forfeiture authorized under
25 Section 124B-1000(b) of the Code of Criminal Procedure of
26 1963, "offense" means an offense in violation of the

1 Criminal Code of 1961, the Criminal Code of 2012, the
2 Illinois Controlled Substances Act, the Cannabis Control
3 Act, or the Methamphetamine Control and Community
4 Protection Act, or an offense involving a
5 telecommunications device possessed by a person on the
6 real property of any elementary or secondary school
7 without authority of the school principal.

8 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;
9 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
10 1-1-13; 97-1150, eff. 1-25-13.)

11 (725 ILCS 5/124B-420)

12 Sec. 124B-420. Distribution of property and sale proceeds.

13 (a) All moneys and the sale proceeds of all other property
14 forfeited and seized under this Part 400 shall be distributed
15 as follows:

16 (1) 50% shall be distributed to the unit of local
17 government whose officers or employees conducted the
18 investigation into the offense and caused the arrest or
19 arrests and prosecution leading to the forfeiture, except
20 that if the investigation, arrest or arrests, and
21 prosecution leading to the forfeiture were undertaken by
22 the sheriff, this portion shall be distributed to the
23 county for deposit into a special fund in the county
24 treasury appropriated to the sheriff. Amounts distributed
25 to the county for the sheriff or to units of local

1 government under this paragraph shall be used for
2 enforcement of laws or ordinances governing obscenity and
3 child sexual abuse material ~~pornography~~. If the
4 investigation, arrest or arrests, and prosecution leading
5 to the forfeiture were undertaken solely by a State
6 agency, however, the portion designated in this paragraph
7 shall be paid into the State treasury to be used for
8 enforcement of laws governing obscenity and child sexual
9 abuse material ~~pornography~~.

10 (2) 25% shall be distributed to the county in which
11 the prosecution resulting in the forfeiture was
12 instituted, deposited into a special fund in the county
13 treasury, and appropriated to the State's Attorney for use
14 in the enforcement of laws governing obscenity and child
15 sexual abuse material ~~pornography~~.

16 (3) 25% shall be distributed to the Office of the
17 State's Attorneys Appellate Prosecutor and deposited into
18 the Obscenity Profits Forfeiture Fund, which is hereby
19 created in the State treasury, to be used by the Office of
20 the State's Attorneys Appellate Prosecutor for additional
21 expenses incurred in prosecuting appeals arising under
22 Sections 11-20, 11-20.1, 11-20.1B, and 11-20.3 of the
23 Criminal Code of 1961 or the Criminal Code of 2012. Any
24 amounts remaining in the Fund after all additional
25 expenses have been paid shall be used by the Office to
26 reduce the participating county contributions to the

1 Office on a pro-rated basis as determined by the board of
2 governors of the Office of the State's Attorneys Appellate
3 Prosecutor based on the populations of the participating
4 counties.

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

10 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;
11 97-1150, eff. 1-25-13.)

12 (725 ILCS 5/124B-500)

13 Sec. 124B-500. Persons and property subject to forfeiture.
14 A person who commits child sexual abuse material ~~pornography~~,
15 aggravated child pornography, obscene depiction of a purported
16 child, non-consensual dissemination of private sexual images,
17 or non-consensual dissemination of sexually explicit digitized
18 depictions under Section 11-20.1, 11-20.1B, 11-20.3, 11-20.4,
19 11-23.5, or 11-23.7 of the Criminal Code of 1961 or the
20 Criminal Code of 2012 shall forfeit the following property to
21 the State of Illinois:

22 (1) Any profits or proceeds and any property the
23 person has acquired or maintained in violation of Section
24 11-20.1, 11-20.1B, 11-20.3, 11-20.4, 11-23.5, or 11-23.7
25 of the Criminal Code of 1961 or the Criminal Code of 2012

1 that the sentencing court determines, after a forfeiture
2 hearing under this Article, to have been acquired or
3 maintained as a result of child sexual abuse material
4 ~~pornography~~, aggravated child pornography, obscene
5 depiction of a purported child, non-consensual
6 dissemination of private sexual images, or non-consensual
7 dissemination of sexually explicit digitized depictions.

8 (2) Any interest in, securities of, claim against, or
9 property or contractual right of any kind affording a
10 source of influence over any enterprise that the person
11 has established, operated, controlled, or conducted in
12 violation of Section 11-20.1, 11-20.1B, 11-20.3, 11-20.4,
13 11-23.5, or 11-23.7 of the Criminal Code of 1961 or the
14 Criminal Code of 2012 that the sentencing court
15 determines, after a forfeiture hearing under this Article,
16 to have been acquired or maintained as a result of child
17 sexual abuse material ~~pornography~~, aggravated child
18 pornography, obscene depiction of a purported child,
19 non-consensual dissemination of private sexual images, or
20 non-consensual dissemination of sexually explicit
21 digitized depictions.

22 (3) Any computer that contains a depiction of child
23 sexual abuse material ~~pornography~~ or an obscene depiction
24 of a purported child in any encoded or decoded format in
25 violation of Section 11-20.1, 11-20.1B, 11-20.3, or
26 11-20.4 of the Criminal Code of 1961 or the Criminal Code

1 of 2012. For purposes of this paragraph (3), "computer"
2 has the meaning ascribed to it in Section 17-0.5 of the
3 Criminal Code of 2012.
4 (Source: P.A. 103-825, eff. 1-1-25.)

5 Section 60. The Statewide Grand Jury Act is amended by
6 changing Sections 2 and 3 as follows:

7 (725 ILCS 215/2) (from Ch. 38, par. 1702)

8 Sec. 2. (a) County grand juries and State's Attorneys have
9 always had and shall continue to have primary responsibility
10 for investigating, indicting, and prosecuting persons who
11 violate the criminal laws of the State of Illinois. However,
12 in recent years organized terrorist activity directed against
13 innocent civilians and certain criminal enterprises have
14 developed that require investigation, indictment, and
15 prosecution on a statewide or multicounty level. The criminal
16 enterprises exist as a result of the allure of profitability
17 present in narcotic activity, the unlawful sale and transfer
18 of firearms, and streetgang related felonies and organized
19 terrorist activity is supported by the contribution of money
20 and expert assistance from geographically diverse sources. In
21 order to shut off the life blood of terrorism and weaken or
22 eliminate the criminal enterprises, assets, and property used
23 to further these offenses must be frozen, and any profit must
24 be removed. State statutes exist that can accomplish that

1 goal. Among them are the offense of money laundering,
2 violations of Article 29D of the Criminal Code of 1961 or the
3 Criminal Code of 2012, the Narcotics Profit Forfeiture Act,
4 and gunrunning. Local prosecutors need investigative personnel
5 and specialized training to attack and eliminate these
6 profits. In light of the transitory and complex nature of
7 conduct that constitutes these criminal activities, the many
8 diverse property interests that may be used, acquired directly
9 or indirectly as a result of these criminal activities, and
10 the many places that illegally obtained property may be
11 located, it is the purpose of this Act to create a limited,
12 multicounty Statewide Grand Jury with authority to
13 investigate, indict, and prosecute: narcotic activity,
14 including cannabis and controlled substance trafficking,
15 narcotics racketeering, money laundering, violations of the
16 Cannabis and Controlled Substances Tax Act, and violations of
17 Article 29D of the Criminal Code of 1961 or the Criminal Code
18 of 2012; the unlawful sale and transfer of firearms;
19 gunrunning; and streetgang related felonies.

20 (b) A Statewide Grand Jury may also investigate, indict,
21 and prosecute violations facilitated by the use of a computer
22 of any of the following offenses: indecent solicitation of a
23 child, sexual exploitation of a child, soliciting for a
24 juvenile prostitute, keeping a place of juvenile prostitution,
25 juvenile pimping, child sexual abuse material ~~pornography~~,
26 aggravated child pornography, or promoting juvenile

1 prostitution except as described in subdivision (a)(4) of
2 Section 11-14.4 of the Criminal Code of 1961 or the Criminal
3 Code of 2012.

4 (c) A Statewide Grand Jury may also investigate, indict,
5 and prosecute violations of organized retail crime.

6 (Source: P.A. 101-593, eff. 12-4-19; 102-757, eff. 5-13-22.)

7 (725 ILCS 215/3) (from Ch. 38, par. 1703)

8 Sec. 3. Written application for the appointment of a
9 Circuit Judge to convene and preside over a Statewide Grand
10 Jury, with jurisdiction extending throughout the State, shall
11 be made to the Chief Justice of the Supreme Court. Upon such
12 written application, the Chief Justice of the Supreme Court
13 shall appoint a Circuit Judge from the circuit where the
14 Statewide Grand Jury is being sought to be convened, who shall
15 make a determination that the convening of a Statewide Grand
16 Jury is necessary.

17 In such application the Attorney General shall state that
18 the convening of a Statewide Grand Jury is necessary because
19 of an alleged offense or offenses set forth in this Section
20 involving more than one county of the State and identifying
21 any such offense alleged; and

22 (a) that he or she believes that the grand jury
23 function for the investigation and indictment of the
24 offense or offenses cannot effectively be performed by a
25 county grand jury together with the reasons for such

1 belief, and

2 (b) (1) that each State's Attorney with jurisdiction
3 over an offense or offenses to be investigated has
4 consented to the impaneling of the Statewide Grand Jury,
5 or

6 (2) if one or more of the State's Attorneys having
7 jurisdiction over an offense or offenses to be
8 investigated fails to consent to the impaneling of the
9 Statewide Grand Jury, the Attorney General shall set forth
10 good cause for impaneling the Statewide Grand Jury.

11 If the Circuit Judge determines that the convening of a
12 Statewide Grand Jury is necessary, he or she shall convene and
13 impanel the Statewide Grand Jury with jurisdiction extending
14 throughout the State to investigate and return indictments:

15 (a) For violations of any of the following or for any
16 other criminal offense committed in the course of
17 violating any of the following: Article 29D of the
18 Criminal Code of 1961 or the Criminal Code of 2012, the
19 Illinois Controlled Substances Act, the Cannabis Control
20 Act, the Methamphetamine Control and Community Protection
21 Act, or the Narcotics Profit Forfeiture Act; a streetgang
22 related felony offense; Section 16-25.1, 24-2.1, 24-2.2,
23 24-3, 24-3A, 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or
24 subsection 24-1(a)(4), 24-1(a)(6), 24-1(a)(7),
25 24-1(a)(9), 24-1(a)(10), or 24-1(c) of the Criminal Code
26 of 1961 or the Criminal Code of 2012; or a money laundering

1 offense; provided that the violation or offense involves
2 acts occurring in more than one county of this State; and

3 (a-5) For violations facilitated by the use of a
4 computer, including the use of the Internet, the World
5 Wide Web, electronic mail, message board, newsgroup, or
6 any other commercial or noncommercial on-line service, of
7 any of the following offenses: indecent solicitation of a
8 child, sexual exploitation of a child, soliciting for a
9 juvenile prostitute, keeping a place of juvenile
10 prostitution, juvenile pimping, child sexual abuse
11 material ~~pornography~~, aggravated child pornography, or
12 promoting juvenile prostitution except as described in
13 subdivision (a) (4) of Section 11-14.4 of the Criminal Code
14 of 1961 or the Criminal Code of 2012; and

15 (b) For the offenses of perjury, subornation of
16 perjury, communicating with jurors and witnesses, and
17 harassment of jurors and witnesses, as they relate to
18 matters before the Statewide Grand Jury.

19 "Streetgang related" has the meaning ascribed to it in
20 Section 10 of the Illinois Streetgang Terrorism Omnibus
21 Prevention Act.

22 Upon written application by the Attorney General for the
23 convening of an additional Statewide Grand Jury, the Chief
24 Justice of the Supreme Court shall appoint a Circuit Judge
25 from the circuit for which the additional Statewide Grand Jury
26 is sought. The Circuit Judge shall determine the necessity for

1 an additional Statewide Grand Jury in accordance with the
2 provisions of this Section. No more than 2 Statewide Grand
3 Juries may be empaneled at any time.

4 (Source: P.A. 101-593, eff. 12-4-19; 102-757, eff. 5-13-22.)

5 Section 65. The Unified Code of Corrections is amended by
6 changing Sections 3-1-2, 5-5-3, 5-5-3.2, 5-8-1, 5-8-4,
7 5-9-1.7, and 5-9-1.8 as follows:

8 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

9 Sec. 3-1-2. Definitions.

10 (a) "Chief Administrative Officer" means the person
11 designated by the Director to exercise the powers and duties
12 of the Department of Corrections in regard to committed
13 persons within a correctional institution or facility, and
14 includes the superintendent of any juvenile institution or
15 facility.

16 (a-3) "Aftercare release" means the conditional and
17 revocable release of a person committed to the Department of
18 Juvenile Justice under the Juvenile Court Act of 1987, under
19 the supervision of the Department of Juvenile Justice.

20 (a-5) "Sex offense" for the purposes of paragraph (16) of
21 subsection (a) of Section 3-3-7, paragraph (10) of subsection
22 (a) of Section 5-6-3, and paragraph (18) of subsection (c) of
23 Section 5-6-3.1 only means:

24 (i) A violation of any of the following Sections of

1 the Criminal Code of 1961 or the Criminal Code of 2012:
2 10-7 (aiding or abetting child abduction under Section
3 10-5(b)(10)), 10-5(b)(10) (child luring), 11-6 (indecent
4 solicitation of a child), 11-6.5 (indecent solicitation of
5 an adult), 11-14.4 (promoting juvenile prostitution),
6 11-15.1 (soliciting for a juvenile prostitute), 11-17.1
7 (keeping a place of juvenile prostitution), 11-18.1
8 (patronizing a juvenile prostitute), 11-19.1 (juvenile
9 pimping), 11-19.2 (exploitation of a child), 11-20.1
10 (child sexual abuse material ~~pornography~~), 11-20.1B or
11 11-20.3 (aggravated child pornography), 11-1.40 or 12-14.1
12 (predatory criminal sexual assault of a child), or 12-33
13 (ritualized abuse of a child). An attempt to commit any of
14 these offenses.

15 (ii) A violation of any of the following Sections of
16 the Criminal Code of 1961 or the Criminal Code of 2012:
17 11-1.20 or 12-13 (criminal sexual assault), 11-1.30 or
18 12-14 (aggravated criminal sexual assault), 11-1.60 or
19 12-16 (aggravated criminal sexual abuse), and subsection
20 (a) of Section 11-1.50 or subsection (a) of Section 12-15
21 (criminal sexual abuse). An attempt to commit any of these
22 offenses.

23 (iii) A violation of any of the following Sections of
24 the Criminal Code of 1961 or the Criminal Code of 2012 when
25 the defendant is not a parent of the victim:

26 10-1 (kidnapping),

1 10-2 (aggravated kidnapping),
2 10-3 (unlawful restraint),
3 10-3.1 (aggravated unlawful restraint).

4 An attempt to commit any of these offenses.

5 (iv) A violation of any former law of this State
6 substantially equivalent to any offense listed in this
7 subsection (a-5).

8 An offense violating federal law or the law of another
9 state that is substantially equivalent to any offense listed
10 in this subsection (a-5) shall constitute a sex offense for
11 the purpose of this subsection (a-5). A finding or
12 adjudication as a sexually dangerous person under any federal
13 law or law of another state that is substantially equivalent
14 to the Sexually Dangerous Persons Act shall constitute an
15 adjudication for a sex offense for the purposes of this
16 subsection (a-5).

17 (b) "Commitment" means a judicially determined placement
18 in the custody of the Department of Corrections on the basis of
19 delinquency or conviction.

20 (c) "Committed person" is a person committed to the
21 Department, however a committed person shall not be considered
22 to be an employee of the Department of Corrections for any
23 purpose, including eligibility for a pension, benefits, or any
24 other compensation or rights or privileges which may be
25 provided to employees of the Department.

26 (c-5) "Computer scrub software" means any third-party

1 added software, designed to delete information from the
2 computer unit, the hard drive, or other software, which would
3 eliminate and prevent discovery of browser activity,
4 including, but not limited to, Internet history, address bar
5 or bars, cache or caches, and/or cookies, and which would
6 over-write files in a way so as to make previous computer
7 activity, including, but not limited to, website access, more
8 difficult to discover.

9 (c-10) "Content-controlled tablet" means any device that
10 can only access visitation applications or content relating to
11 educational or personal development.

12 (d) "Correctional institution or facility" means any
13 building or part of a building where committed persons are
14 kept in a secured manner.

15 (d-5) "Correctional officer" means: an employee of the
16 Department of Corrections who has custody and control over
17 committed persons in an adult correctional facility; or, for
18 an employee of the Department of Juvenile Justice, direct care
19 staff of persons committed to a juvenile facility.

20 (e) "Department" means both the Department of Corrections
21 and the Department of Juvenile Justice of this State, unless
22 the context is specific to either the Department of
23 Corrections or the Department of Juvenile Justice.

24 (f) "Director" means both the Director of Corrections and
25 the Director of Juvenile Justice, unless the context is
26 specific to either the Director of Corrections or the Director

1 of Juvenile Justice.

2 (f-5) (Blank).

3 (g) "Discharge" means the final termination of a
4 commitment to the Department of Corrections.

5 (h) "Discipline" means the rules and regulations for the
6 maintenance of order and the protection of persons and
7 property within the institutions and facilities of the
8 Department and their enforcement.

9 (i) "Escape" means the intentional and unauthorized
10 absence of a committed person from the custody of the
11 Department.

12 (j) "Furlough" means an authorized leave of absence from
13 the Department of Corrections for a designated purpose and
14 period of time.

15 (k) "Parole" means the conditional and revocable release
16 of a person committed to the Department of Corrections under
17 the supervision of a parole officer.

18 (l) "Prisoner Review Board" means the Board established in
19 Section 3-3-1(a), independent of the Department, to review
20 rules and regulations with respect to good time credits, to
21 hear charges brought by the Department against certain
22 prisoners alleged to have violated Department rules with
23 respect to good time credits, to set release dates for certain
24 prisoners sentenced under the law in effect prior to February
25 1, 1978 (the effective date of Public Act 80-1099), to hear and
26 decide the time of aftercare release for persons committed to

1 the Department of Juvenile Justice under the Juvenile Court
2 Act of 1987 to hear requests and make recommendations to the
3 Governor with respect to pardon, reprieve or commutation, to
4 set conditions for parole, aftercare release, and mandatory
5 supervised release and determine whether violations of those
6 conditions justify revocation of parole or release, and to
7 assume all other functions previously exercised by the
8 Illinois Parole and Pardon Board.

9 (m) Whenever medical treatment, service, counseling, or
10 care is referred to in this Unified Code of Corrections, such
11 term may be construed by the Department or Court, within its
12 discretion, to include treatment, service, or counseling by a
13 Christian Science practitioner or nursing care appropriate
14 therewith whenever request therefor is made by a person
15 subject to the provisions of this Code.

16 (n) "Victim" shall have the meaning ascribed to it in
17 subsection (a) of Section 3 of the Rights of Crime Victims and
18 Witnesses Act.

19 (o) "Wrongfully imprisoned person" means a person who has
20 been discharged from a prison of this State and has received:

21 (1) a pardon from the Governor stating that such
22 pardon is issued on the ground of innocence of the crime
23 for which he or she was imprisoned; or

24 (2) a certificate of innocence from the Circuit Court
25 as provided in Section 2-702 of the Code of Civil
26 Procedure.

1 (Source: P.A. 102-558, eff. 8-20-21; 102-616, eff. 1-1-22.)

2 (730 ILCS 5/5-5-3)

3 Sec. 5-5-3. Disposition.

4 (a) (Blank).

5 (b) (Blank).

6 (c) (1) (Blank).

7 (2) A period of probation, a term of periodic imprisonment
8 or conditional discharge shall not be imposed for the
9 following offenses. The court shall sentence the offender to
10 not less than the minimum term of imprisonment set forth in
11 this Code for the following offenses, and may order a fine or
12 restitution or both in conjunction with such term of
13 imprisonment:

14 (A) First degree murder.

15 (B) Attempted first degree murder.

16 (C) A Class X felony.

17 (D) A violation of Section 401.1 or 407 of the
18 Illinois Controlled Substances Act, or a violation of
19 subdivision (c)(1.5) of Section 401 of that Act which
20 relates to more than 5 grams of a substance containing
21 fentanyl or an analog thereof.

22 (D-5) A violation of subdivision (c)(1) of Section 401
23 of the Illinois Controlled Substances Act which relates to
24 3 or more grams of a substance containing heroin or an
25 analog thereof.

1 (E) (Blank).

2 (F) A Class 1 or greater felony if the offender had
3 been convicted of a Class 1 or greater felony, including
4 any state or federal conviction for an offense that
5 contained, at the time it was committed, the same elements
6 as an offense now (the date of the offense committed after
7 the prior Class 1 or greater felony) classified as a Class
8 1 or greater felony, within 10 years of the date on which
9 the offender committed the offense for which he or she is
10 being sentenced, except as otherwise provided in Section
11 40-10 of the Substance Use Disorder Act.

12 (F-3) A Class 2 or greater felony sex offense or
13 felony firearm offense if the offender had been convicted
14 of a Class 2 or greater felony, including any state or
15 federal conviction for an offense that contained, at the
16 time it was committed, the same elements as an offense now
17 (the date of the offense committed after the prior Class 2
18 or greater felony) classified as a Class 2 or greater
19 felony, within 10 years of the date on which the offender
20 committed the offense for which he or she is being
21 sentenced, except as otherwise provided in Section 40-10
22 of the Substance Use Disorder Act.

23 (F-5) A violation of Section 24-1, 24-1.1, or 24-1.6
24 of the Criminal Code of 1961 or the Criminal Code of 2012
25 for which imprisonment is prescribed in those Sections.

26 (G) Residential burglary, except as otherwise provided

1 in Section 40-10 of the Substance Use Disorder Act.

2 (H) Criminal sexual assault.

3 (I) Aggravated battery of a senior citizen as
4 described in Section 12-4.6 or subdivision (a)(4) of
5 Section 12-3.05 of the Criminal Code of 1961 or the
6 Criminal Code of 2012.

7 (J) A forcible felony if the offense was related to
8 the activities of an organized gang.

9 Before July 1, 1994, for the purposes of this
10 paragraph, "organized gang" means an association of 5 or
11 more persons, with an established hierarchy, that
12 encourages members of the association to perpetrate crimes
13 or provides support to the members of the association who
14 do commit crimes.

15 Beginning July 1, 1994, for the purposes of this
16 paragraph, "organized gang" has the meaning ascribed to it
17 in Section 10 of the Illinois Streetgang Terrorism Omnibus
18 Prevention Act.

19 (K) Vehicular hijacking.

20 (L) A second or subsequent conviction for the offense
21 of hate crime when the underlying offense upon which the
22 hate crime is based is felony aggravated assault or felony
23 mob action.

24 (M) A second or subsequent conviction for the offense
25 of institutional vandalism if the damage to the property
26 exceeds \$300.

1 (N) A Class 3 felony violation of paragraph (1) of
2 subsection (a) of Section 2 of the Firearm Owners
3 Identification Card Act.

4 (O) A violation of Section 12-6.1 or 12-6.5 of the
5 Criminal Code of 1961 or the Criminal Code of 2012.

6 (P) A violation of paragraph (1), (2), (3), (4), (5),
7 or (7) of subsection (a) of Section 11-20.1 of the
8 Criminal Code of 1961 or the Criminal Code of 2012.

9 (P-5) A violation of paragraph (6) of subsection (a)
10 of Section 11-20.1 of the Criminal Code of 1961 or the
11 Criminal Code of 2012 if the victim is a household or
12 family member of the defendant.

13 (P-6) A violation of paragraph (2) of subsection (b)
14 of Section 11-20.4 of the Criminal Code of 2012.

15 (Q) A violation of subsection (b) or (b-5) of Section
16 20-1, Section 20-1.2, or Section 20-1.3 of the Criminal
17 Code of 1961 or the Criminal Code of 2012.

18 (R) A violation of Section 24-3A of the Criminal Code
19 of 1961 or the Criminal Code of 2012.

20 (S) (Blank).

21 (T) (Blank).

22 (U) A second or subsequent violation of Section 6-303
23 of the Illinois Vehicle Code committed while his or her
24 driver's license, permit, or privilege was revoked because
25 of a violation of Section 9-3 of the Criminal Code of 1961
26 or the Criminal Code of 2012, relating to the offense of

1 reckless homicide, or a similar provision of a law of
2 another state.

3 (V) A violation of paragraph (4) of subsection (c) of
4 Section 11-20.1B or paragraph (4) of subsection (c) of
5 Section 11-20.3 of the Criminal Code of 1961, or paragraph
6 (6) of subsection (a) of Section 11-20.1 of the Criminal
7 Code of 2012 when the victim is under 13 years of age and
8 the defendant has previously been convicted under the laws
9 of this State or any other state of the offense of child
10 sexual abuse material ~~pornography~~, aggravated child
11 pornography, aggravated criminal sexual abuse, aggravated
12 criminal sexual assault, predatory criminal sexual assault
13 of a child, or any of the offenses formerly known as rape,
14 deviate sexual assault, indecent liberties with a child,
15 or aggravated indecent liberties with a child where the
16 victim was under the age of 18 years or an offense that is
17 substantially equivalent to those offenses.

18 (V-5) A violation of paragraph (1) of subsection (b)
19 of Section 11-20.4 of the Criminal Code of 2012 when the
20 victim is under 13 years of age and the defendant has
21 previously been convicted under the laws of this State or
22 any other state of the offense of child pornography,
23 aggravated child pornography, aggravated criminal sexual
24 abuse, aggravated criminal sexual assault, predatory
25 criminal sexual assault of a child, or any of the offenses
26 formerly known as rape, deviate sexual assault, indecent

1 liberties with a child, or aggravated indecent liberties
2 with a child if the victim was under the age of 18 years or
3 an offense that is substantially equivalent to those
4 offenses.

5 (W) A violation of Section 24-3.5 of the Criminal Code
6 of 1961 or the Criminal Code of 2012.

7 (X) A violation of subsection (a) of Section 31-1a of
8 the Criminal Code of 1961 or the Criminal Code of 2012.

9 (Y) A conviction for unlawful possession of a firearm
10 by a street gang member when the firearm was loaded or
11 contained firearm ammunition.

12 (Z) A Class 1 felony committed while he or she was
13 serving a term of probation or conditional discharge for a
14 felony.

15 (AA) Theft of property exceeding \$500,000 and not
16 exceeding \$1,000,000 in value.

17 (BB) Laundering of criminally derived property of a
18 value exceeding \$500,000.

19 (CC) Knowingly selling, offering for sale, holding for
20 sale, or using 2,000 or more counterfeit items or
21 counterfeit items having a retail value in the aggregate
22 of \$500,000 or more.

23 (DD) A conviction for aggravated assault under
24 paragraph (6) of subsection (c) of Section 12-2 of the
25 Criminal Code of 1961 or the Criminal Code of 2012 if the
26 firearm is aimed toward the person against whom the

1 firearm is being used.

2 (EE) A conviction for a violation of paragraph (2) of
3 subsection (a) of Section 24-3B of the Criminal Code of
4 2012.

5 (3) (Blank).

6 (4) A minimum term of imprisonment of not less than 10
7 consecutive days or 30 days of community service shall be
8 imposed for a violation of paragraph (c) of Section 6-303 of
9 the Illinois Vehicle Code.

10 (4.1) (Blank).

11 (4.2) Except as provided in paragraphs (4.3) and (4.8) of
12 this subsection (c), a minimum of 100 hours of community
13 service shall be imposed for a second violation of Section
14 6-303 of the Illinois Vehicle Code.

15 (4.3) A minimum term of imprisonment of 30 days or 300
16 hours of community service, as determined by the court, shall
17 be imposed for a second violation of subsection (c) of Section
18 6-303 of the Illinois Vehicle Code.

19 (4.4) Except as provided in paragraphs (4.5), (4.6), and
20 (4.9) of this subsection (c), a minimum term of imprisonment
21 of 30 days or 300 hours of community service, as determined by
22 the court, shall be imposed for a third or subsequent
23 violation of Section 6-303 of the Illinois Vehicle Code. The
24 court may give credit toward the fulfillment of community
25 service hours for participation in activities and treatment as
26 determined by court services.

1 (4.5) A minimum term of imprisonment of 30 days shall be
2 imposed for a third violation of subsection (c) of Section
3 6-303 of the Illinois Vehicle Code.

4 (4.6) Except as provided in paragraph (4.10) of this
5 subsection (c), a minimum term of imprisonment of 180 days
6 shall be imposed for a fourth or subsequent violation of
7 subsection (c) of Section 6-303 of the Illinois Vehicle Code.

8 (4.7) A minimum term of imprisonment of not less than 30
9 consecutive days, or 300 hours of community service, shall be
10 imposed for a violation of subsection (a-5) of Section 6-303
11 of the Illinois Vehicle Code, as provided in subsection (b-5)
12 of that Section.

13 (4.8) A mandatory prison sentence shall be imposed for a
14 second violation of subsection (a-5) of Section 6-303 of the
15 Illinois Vehicle Code, as provided in subsection (c-5) of that
16 Section. The person's driving privileges shall be revoked for
17 a period of not less than 5 years from the date of his or her
18 release from prison.

19 (4.9) A mandatory prison sentence of not less than 4 and
20 not more than 15 years shall be imposed for a third violation
21 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
22 Code, as provided in subsection (d-2.5) of that Section. The
23 person's driving privileges shall be revoked for the remainder
24 of his or her life.

25 (4.10) A mandatory prison sentence for a Class 1 felony
26 shall be imposed, and the person shall be eligible for an

1 extended term sentence, for a fourth or subsequent violation
2 of subsection (a-5) of Section 6-303 of the Illinois Vehicle
3 Code, as provided in subsection (d-3.5) of that Section. The
4 person's driving privileges shall be revoked for the remainder
5 of his or her life.

6 (5) The court may sentence a corporation or unincorporated
7 association convicted of any offense to:

8 (A) a period of conditional discharge;

9 (B) a fine;

10 (C) make restitution to the victim under Section 5-5-6
11 of this Code.

12 (5.1) In addition to any other penalties imposed, and
13 except as provided in paragraph (5.2) or (5.3), a person
14 convicted of violating subsection (c) of Section 11-907 of the
15 Illinois Vehicle Code shall have his or her driver's license,
16 permit, or privileges suspended for at least 90 days but not
17 more than one year, if the violation resulted in damage to the
18 property of another person.

19 (5.2) In addition to any other penalties imposed, and
20 except as provided in paragraph (5.3), a person convicted of
21 violating subsection (c) of Section 11-907 of the Illinois
22 Vehicle Code shall have his or her driver's license, permit,
23 or privileges suspended for at least 180 days but not more than
24 2 years, if the violation resulted in injury to another
25 person.

26 (5.3) In addition to any other penalties imposed, a person

1 convicted of violating subsection (c) of Section 11-907 of the
2 Illinois Vehicle Code shall have his or her driver's license,
3 permit, or privileges suspended for 2 years, if the violation
4 resulted in the death of another person.

5 (5.4) In addition to any other penalties imposed, a person
6 convicted of violating Section 3-707 of the Illinois Vehicle
7 Code shall have his or her driver's license, permit, or
8 privileges suspended for 3 months and until he or she has paid
9 a reinstatement fee of \$100.

10 (5.5) In addition to any other penalties imposed, a person
11 convicted of violating Section 3-707 of the Illinois Vehicle
12 Code during a period in which his or her driver's license,
13 permit, or privileges were suspended for a previous violation
14 of that Section shall have his or her driver's license,
15 permit, or privileges suspended for an additional 6 months
16 after the expiration of the original 3-month suspension and
17 until he or she has paid a reinstatement fee of \$100.

18 (6) (Blank).

19 (7) (Blank).

20 (8) (Blank).

21 (9) A defendant convicted of a second or subsequent
22 offense of ritualized abuse of a child may be sentenced to a
23 term of natural life imprisonment.

24 (10) (Blank).

25 (11) The court shall impose a minimum fine of \$1,000 for a
26 first offense and \$2,000 for a second or subsequent offense

1 upon a person convicted of or placed on supervision for
2 battery when the individual harmed was a sports official or
3 coach at any level of competition and the act causing harm to
4 the sports official or coach occurred within an athletic
5 facility or within the immediate vicinity of the athletic
6 facility at which the sports official or coach was an active
7 participant of the athletic contest held at the athletic
8 facility. For the purposes of this paragraph (11), "sports
9 official" means a person at an athletic contest who enforces
10 the rules of the contest, such as an umpire or referee;
11 "athletic facility" means an indoor or outdoor playing field
12 or recreational area where sports activities are conducted;
13 and "coach" means a person recognized as a coach by the
14 sanctioning authority that conducted the sporting event.

15 (12) A person may not receive a disposition of court
16 supervision for a violation of Section 5-16 of the Boat
17 Registration and Safety Act if that person has previously
18 received a disposition of court supervision for a violation of
19 that Section.

20 (13) A person convicted of or placed on court supervision
21 for an assault or aggravated assault when the victim and the
22 offender are family or household members as defined in Section
23 103 of the Illinois Domestic Violence Act of 1986 or convicted
24 of domestic battery or aggravated domestic battery may be
25 required to attend a Partner Abuse Intervention Program under
26 protocols set forth by the Illinois Department of Human

1 Services under such terms and conditions imposed by the court.

2 The costs of such classes shall be paid by the offender.

3 (d) In any case in which a sentence originally imposed is
4 vacated, the case shall be remanded to the trial court. The
5 trial court shall hold a hearing under Section 5-4-1 of this
6 Code which may include evidence of the defendant's life, moral
7 character and occupation during the time since the original
8 sentence was passed. The trial court shall then impose
9 sentence upon the defendant. The trial court may impose any
10 sentence which could have been imposed at the original trial
11 subject to Section 5-5-4 of this Code. If a sentence is vacated
12 on appeal or on collateral attack due to the failure of the
13 trier of fact at trial to determine beyond a reasonable doubt
14 the existence of a fact (other than a prior conviction)
15 necessary to increase the punishment for the offense beyond
16 the statutory maximum otherwise applicable, either the
17 defendant may be re-sentenced to a term within the range
18 otherwise provided or, if the State files notice of its
19 intention to again seek the extended sentence, the defendant
20 shall be afforded a new trial.

21 (e) In cases where prosecution for aggravated criminal
22 sexual abuse under Section 11-1.60 or 12-16 of the Criminal
23 Code of 1961 or the Criminal Code of 2012 results in conviction
24 of a defendant who was a family member of the victim at the
25 time of the commission of the offense, the court shall
26 consider the safety and welfare of the victim and may impose a

1 sentence of probation only where:

2 (1) the court finds (A) or (B) or both are
3 appropriate:

4 (A) the defendant is willing to undergo a court
5 approved counseling program for a minimum duration of
6 2 years; or

7 (B) the defendant is willing to participate in a
8 court approved plan, including, but not limited to,
9 the defendant's:

10 (i) removal from the household;

11 (ii) restricted contact with the victim;

12 (iii) continued financial support of the
13 family;

14 (iv) restitution for harm done to the victim;

15 and

16 (v) compliance with any other measures that
17 the court may deem appropriate; and

18 (2) the court orders the defendant to pay for the
19 victim's counseling services, to the extent that the court
20 finds, after considering the defendant's income and
21 assets, that the defendant is financially capable of
22 paying for such services, if the victim was under 18 years
23 of age at the time the offense was committed and requires
24 counseling as a result of the offense.

25 Probation may be revoked or modified pursuant to Section
26 5-6-4; except where the court determines at the hearing that

1 the defendant violated a condition of his or her probation
2 restricting contact with the victim or other family members or
3 commits another offense with the victim or other family
4 members, the court shall revoke the defendant's probation and
5 impose a term of imprisonment.

6 For the purposes of this Section, "family member" and
7 "victim" shall have the meanings ascribed to them in Section
8 11-0.1 of the Criminal Code of 2012.

9 (f) (Blank).

10 (g) Whenever a defendant is convicted of an offense under
11 Sections 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-14,
12 11-14.3, 11-14.4 except for an offense that involves keeping a
13 place of juvenile prostitution, 11-15, 11-15.1, 11-16, 11-17,
14 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14,
15 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
16 Criminal Code of 2012, the defendant shall undergo medical
17 testing to determine whether the defendant has any sexually
18 transmissible disease, including a test for infection with
19 human immunodeficiency virus (HIV) or any other identified
20 causative agent of acquired immunodeficiency syndrome (AIDS).
21 Any such medical test shall be performed only by appropriately
22 licensed medical practitioners and may include an analysis of
23 any bodily fluids as well as an examination of the defendant's
24 person. Except as otherwise provided by law, the results of
25 such test shall be kept strictly confidential by all medical
26 personnel involved in the testing and must be personally

1 delivered in a sealed envelope to the judge of the court in
2 which the conviction was entered for the judge's inspection in
3 camera. Acting in accordance with the best interests of the
4 victim and the public, the judge shall have the discretion to
5 determine to whom, if anyone, the results of the testing may be
6 revealed. The court shall notify the defendant of the test
7 results. The court shall also notify the victim if requested
8 by the victim, and if the victim is under the age of 15 and if
9 requested by the victim's parents or legal guardian, the court
10 shall notify the victim's parents or legal guardian of the
11 test results. The court shall provide information on the
12 availability of HIV testing and counseling at Department of
13 Public Health facilities to all parties to whom the results of
14 the testing are revealed and shall direct the State's Attorney
15 to provide the information to the victim when possible. The
16 court shall order that the cost of any such test shall be paid
17 by the county and may be taxed as costs against the convicted
18 defendant.

19 (g-5) When an inmate is tested for an airborne
20 communicable disease, as determined by the Illinois Department
21 of Public Health, including, but not limited to, tuberculosis,
22 the results of the test shall be personally delivered by the
23 warden or his or her designee in a sealed envelope to the judge
24 of the court in which the inmate must appear for the judge's
25 inspection in camera if requested by the judge. Acting in
26 accordance with the best interests of those in the courtroom,

1 the judge shall have the discretion to determine what if any
2 precautions need to be taken to prevent transmission of the
3 disease in the courtroom.

4 (h) Whenever a defendant is convicted of an offense under
5 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
6 defendant shall undergo medical testing to determine whether
7 the defendant has been exposed to human immunodeficiency virus
8 (HIV) or any other identified causative agent of acquired
9 immunodeficiency syndrome (AIDS). Except as otherwise provided
10 by law, the results of such test shall be kept strictly
11 confidential by all medical personnel involved in the testing
12 and must be personally delivered in a sealed envelope to the
13 judge of the court in which the conviction was entered for the
14 judge's inspection in camera. Acting in accordance with the
15 best interests of the public, the judge shall have the
16 discretion to determine to whom, if anyone, the results of the
17 testing may be revealed. The court shall notify the defendant
18 of a positive test showing an infection with the human
19 immunodeficiency virus (HIV). The court shall provide
20 information on the availability of HIV testing and counseling
21 at Department of Public Health facilities to all parties to
22 whom the results of the testing are revealed and shall direct
23 the State's Attorney to provide the information to the victim
24 when possible. The court shall order that the cost of any such
25 test shall be paid by the county and may be taxed as costs
26 against the convicted defendant.

1 (i) All fines and penalties imposed under this Section for
2 any violation of Chapters 3, 4, 6, and 11 of the Illinois
3 Vehicle Code, or a similar provision of a local ordinance, and
4 any violation of the Child Passenger Protection Act, or a
5 similar provision of a local ordinance, shall be collected and
6 disbursed by the circuit clerk as provided under the Criminal
7 and Traffic Assessment Act.

8 (j) In cases when prosecution for any violation of Section
9 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-8, 11-9,
10 11-11, 11-14, 11-14.3, 11-14.4, 11-15, 11-15.1, 11-16, 11-17,
11 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
12 11-20.1B, 11-20.3, 11-20.4, 11-21, 11-30, 11-40, 12-13, 12-14,
13 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961 or the
14 Criminal Code of 2012, any violation of the Illinois
15 Controlled Substances Act, any violation of the Cannabis
16 Control Act, or any violation of the Methamphetamine Control
17 and Community Protection Act results in conviction, a
18 disposition of court supervision, or an order of probation
19 granted under Section 10 of the Cannabis Control Act, Section
20 410 of the Illinois Controlled Substances Act, or Section 70
21 of the Methamphetamine Control and Community Protection Act of
22 a defendant, the court shall determine whether the defendant
23 is employed by a facility or center as defined under the Child
24 Care Act of 1969, a public or private elementary or secondary
25 school, or otherwise works with children under 18 years of age
26 on a daily basis. When a defendant is so employed, the court

1 shall order the Clerk of the Court to send a copy of the
2 judgment of conviction or order of supervision or probation to
3 the defendant's employer by certified mail. If the employer of
4 the defendant is a school, the Clerk of the Court shall direct
5 the mailing of a copy of the judgment of conviction or order of
6 supervision or probation to the appropriate regional
7 superintendent of schools. The regional superintendent of
8 schools shall notify the State Board of Education of any
9 notification under this subsection.

10 (j-5) A defendant at least 17 years of age who is convicted
11 of a felony and who has not been previously convicted of a
12 misdemeanor or felony and who is sentenced to a term of
13 imprisonment in the Illinois Department of Corrections shall
14 as a condition of his or her sentence be required by the court
15 to attend educational courses designed to prepare the
16 defendant for a high school diploma and to work toward a high
17 school diploma or to work toward passing high school
18 equivalency testing or to work toward completing a vocational
19 training program offered by the Department of Corrections. If
20 a defendant fails to complete the educational training
21 required by his or her sentence during the term of
22 incarceration, the Prisoner Review Board shall, as a condition
23 of mandatory supervised release, require the defendant, at his
24 or her own expense, to pursue a course of study toward a high
25 school diploma or passage of high school equivalency testing.
26 The Prisoner Review Board shall revoke the mandatory

1 supervised release of a defendant who wilfully fails to comply
2 with this subsection (j-5) upon his or her release from
3 confinement in a penal institution while serving a mandatory
4 supervised release term; however, the inability of the
5 defendant after making a good faith effort to obtain financial
6 aid or pay for the educational training shall not be deemed a
7 wilful failure to comply. The Prisoner Review Board shall
8 recommit the defendant whose mandatory supervised release term
9 has been revoked under this subsection (j-5) as provided in
10 Section 3-3-9. This subsection (j-5) does not apply to a
11 defendant who has a high school diploma or has successfully
12 passed high school equivalency testing. This subsection (j-5)
13 does not apply to a defendant who is determined by the court to
14 be a person with a developmental disability or otherwise
15 mentally incapable of completing the educational or vocational
16 program.

17 (k) (Blank).

18 (l)(A) Except as provided in paragraph (C) of subsection
19 (l), whenever a defendant, who is not a citizen or national of
20 the United States, is convicted of any felony or misdemeanor
21 offense, the court after sentencing the defendant may, upon
22 motion of the State's Attorney, hold sentence in abeyance and
23 remand the defendant to the custody of the Attorney General of
24 the United States or his or her designated agent to be deported
25 when:

26 (1) a final order of deportation has been issued

1 against the defendant pursuant to proceedings under the
2 Immigration and Nationality Act, and

3 (2) the deportation of the defendant would not
4 deprecate the seriousness of the defendant's conduct and
5 would not be inconsistent with the ends of justice.

6 Otherwise, the defendant shall be sentenced as provided in
7 this Chapter V.

8 (B) If the defendant has already been sentenced for a
9 felony or misdemeanor offense, or has been placed on probation
10 under Section 10 of the Cannabis Control Act, Section 410 of
11 the Illinois Controlled Substances Act, or Section 70 of the
12 Methamphetamine Control and Community Protection Act, the
13 court may, upon motion of the State's Attorney to suspend the
14 sentence imposed, commit the defendant to the custody of the
15 Attorney General of the United States or his or her designated
16 agent when:

17 (1) a final order of deportation has been issued
18 against the defendant pursuant to proceedings under the
19 Immigration and Nationality Act, and

20 (2) the deportation of the defendant would not
21 deprecate the seriousness of the defendant's conduct and
22 would not be inconsistent with the ends of justice.

23 (C) This subsection (1) does not apply to offenders who
24 are subject to the provisions of paragraph (2) of subsection
25 (a) of Section 3-6-3.

26 (D) Upon motion of the State's Attorney, if a defendant

1 sentenced under this Section returns to the jurisdiction of
2 the United States, the defendant shall be recommitted to the
3 custody of the county from which he or she was sentenced.
4 Thereafter, the defendant shall be brought before the
5 sentencing court, which may impose any sentence that was
6 available under Section 5-5-3 at the time of initial
7 sentencing. In addition, the defendant shall not be eligible
8 for additional earned sentence credit as provided under
9 Section 3-6-3.

10 (m) A person convicted of criminal defacement of property
11 under Section 21-1.3 of the Criminal Code of 1961 or the
12 Criminal Code of 2012, in which the property damage exceeds
13 \$300 and the property damaged is a school building, shall be
14 ordered to perform community service that may include cleanup,
15 removal, or painting over the defacement.

16 (n) The court may sentence a person convicted of a
17 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or
18 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code
19 of 1961 or the Criminal Code of 2012 (i) to an impact
20 incarceration program if the person is otherwise eligible for
21 that program under Section 5-8-1.1, (ii) to community service,
22 or (iii) if the person has a substance use disorder, as defined
23 in the Substance Use Disorder Act, to a treatment program
24 licensed under that Act.

25 (o) Whenever a person is convicted of a sex offense as
26 defined in Section 2 of the Sex Offender Registration Act, the

1 defendant's driver's license or permit shall be subject to
2 renewal on an annual basis in accordance with the provisions
3 of license renewal established by the Secretary of State.

4 (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;
5 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.
6 1-1-24; 103-825, eff. 1-1-25.)

7 (730 ILCS 5/5-5-3.2)

8 Sec. 5-5-3.2. Factors in aggravation and extended-term
9 sentencing.

10 (a) The following factors shall be accorded weight in
11 favor of imposing a term of imprisonment or may be considered
12 by the court as reasons to impose a more severe sentence under
13 Section 5-8-1 or Article 4.5 of Chapter V:

14 (1) the defendant's conduct caused or threatened
15 serious harm;

16 (2) the defendant received compensation for committing
17 the offense;

18 (3) the defendant has a history of prior delinquency
19 or criminal activity;

20 (4) the defendant, by the duties of his office or by
21 his position, was obliged to prevent the particular
22 offense committed or to bring the offenders committing it
23 to justice;

24 (5) the defendant held public office at the time of
25 the offense, and the offense related to the conduct of

1 that office;

2 (6) the defendant utilized his professional reputation
3 or position in the community to commit the offense, or to
4 afford him an easier means of committing it;

5 (7) the sentence is necessary to deter others from
6 committing the same crime;

7 (8) the defendant committed the offense against a
8 person 60 years of age or older or such person's property;

9 (9) the defendant committed the offense against a
10 person who has a physical disability or such person's
11 property;

12 (10) by reason of another individual's actual or
13 perceived race, color, creed, religion, ancestry, gender,
14 sexual orientation, physical or mental disability, or
15 national origin, the defendant committed the offense
16 against (i) the person or property of that individual;
17 (ii) the person or property of a person who has an
18 association with, is married to, or has a friendship with
19 the other individual; or (iii) the person or property of a
20 relative (by blood or marriage) of a person described in
21 clause (i) or (ii). For the purposes of this Section,
22 "sexual orientation" has the meaning ascribed to it in
23 paragraph (O-1) of Section 1-103 of the Illinois Human
24 Rights Act;

25 (11) the offense took place in a place of worship or on
26 the grounds of a place of worship, immediately prior to,

1 during or immediately following worship services. For
2 purposes of this subparagraph, "place of worship" shall
3 mean any church, synagogue or other building, structure or
4 place used primarily for religious worship;

5 (12) the defendant was convicted of a felony committed
6 while he was on pretrial release or his own recognizance
7 pending trial for a prior felony and was convicted of such
8 prior felony, or the defendant was convicted of a felony
9 committed while he was serving a period of probation,
10 conditional discharge, or mandatory supervised release
11 under subsection (d) of Section 5-8-1 for a prior felony;

12 (13) the defendant committed or attempted to commit a
13 felony while he was wearing a bulletproof vest. For the
14 purposes of this paragraph (13), a bulletproof vest is any
15 device which is designed for the purpose of protecting the
16 wearer from bullets, shot or other lethal projectiles;

17 (14) the defendant held a position of trust or
18 supervision such as, but not limited to, family member as
19 defined in Section 11-0.1 of the Criminal Code of 2012,
20 teacher, scout leader, baby sitter, or day care worker, in
21 relation to a victim under 18 years of age, and the
22 defendant committed an offense in violation of Section
23 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,
24 11-14.4 except for an offense that involves keeping a
25 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,
26 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15

1 or 12-16 of the Criminal Code of 1961 or the Criminal Code
2 of 2012 against that victim;

3 (15) the defendant committed an offense related to the
4 activities of an organized gang. For the purposes of this
5 factor, "organized gang" has the meaning ascribed to it in
6 Section 10 of the Streetgang Terrorism Omnibus Prevention
7 Act;

8 (16) the defendant committed an offense in violation
9 of one of the following Sections while in a school,
10 regardless of the time of day or time of year; on any
11 conveyance owned, leased, or contracted by a school to
12 transport students to or from school or a school related
13 activity; on the real property of a school; or on a public
14 way within 1,000 feet of the real property comprising any
15 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,
16 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,
17 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,
18 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,
19 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except
20 for subdivision (a)(4) or (g)(1), of the Criminal Code of
21 1961 or the Criminal Code of 2012;

22 (16.5) the defendant committed an offense in violation
23 of one of the following Sections while in a day care
24 center, regardless of the time of day or time of year; on
25 the real property of a day care center, regardless of the
26 time of day or time of year; or on a public way within

1 1,000 feet of the real property comprising any day care
2 center, regardless of the time of day or time of year:
3 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,
4 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,
5 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,
6 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,
7 18-2, or 33A-2, or Section 12-3.05 except for subdivision
8 (a)(4) or (g)(1), of the Criminal Code of 1961 or the
9 Criminal Code of 2012;

10 (17) the defendant committed the offense by reason of
11 any person's activity as a community policing volunteer or
12 to prevent any person from engaging in activity as a
13 community policing volunteer. For the purpose of this
14 Section, "community policing volunteer" has the meaning
15 ascribed to it in Section 2-3.5 of the Criminal Code of
16 2012;

17 (18) the defendant committed the offense in a nursing
18 home or on the real property comprising a nursing home.
19 For the purposes of this paragraph (18), "nursing home"
20 means a skilled nursing or intermediate long term care
21 facility that is subject to license by the Illinois
22 Department of Public Health under the Nursing Home Care
23 Act, the Specialized Mental Health Rehabilitation Act of
24 2013, the ID/DD Community Care Act, or the MC/DD Act;

25 (19) the defendant was a federally licensed firearm
26 dealer and was previously convicted of a violation of

1 subsection (a) of Section 3 of the Firearm Owners
2 Identification Card Act and has now committed either a
3 felony violation of the Firearm Owners Identification Card
4 Act or an act of armed violence while armed with a firearm;

5 (20) the defendant (i) committed the offense of
6 reckless homicide under Section 9-3 of the Criminal Code
7 of 1961 or the Criminal Code of 2012 or the offense of
8 driving under the influence of alcohol, other drug or
9 drugs, intoxicating compound or compounds or any
10 combination thereof under Section 11-501 of the Illinois
11 Vehicle Code or a similar provision of a local ordinance
12 and (ii) was operating a motor vehicle in excess of 20
13 miles per hour over the posted speed limit as provided in
14 Article VI of Chapter 11 of the Illinois Vehicle Code;

15 (21) the defendant (i) committed the offense of
16 reckless driving or aggravated reckless driving under
17 Section 11-503 of the Illinois Vehicle Code and (ii) was
18 operating a motor vehicle in excess of 20 miles per hour
19 over the posted speed limit as provided in Article VI of
20 Chapter 11 of the Illinois Vehicle Code;

21 (22) the defendant committed the offense against a
22 person that the defendant knew, or reasonably should have
23 known, was a member of the Armed Forces of the United
24 States serving on active duty. For purposes of this clause
25 (22), the term "Armed Forces" means any of the Armed
26 Forces of the United States, including a member of any

1 reserve component thereof or National Guard unit called to
2 active duty;

3 (23) the defendant committed the offense against a
4 person who was elderly or infirm or who was a person with a
5 disability by taking advantage of a family or fiduciary
6 relationship with the elderly or infirm person or person
7 with a disability;

8 (24) the defendant committed any offense under Section
9 11-20.1 of the Criminal Code of 1961 or the Criminal Code
10 of 2012 and possessed 100 or more images;

11 (25) the defendant committed the offense while the
12 defendant or the victim was in a train, bus, or other
13 vehicle used for public transportation;

14 (26) the defendant committed the offense of child
15 sexual abuse material ~~pornography~~ or aggravated child
16 pornography, specifically including paragraph (1), (2),
17 (3), (4), (5), or (7) of subsection (a) of Section 11-20.1
18 of the Criminal Code of 1961 or the Criminal Code of 2012
19 where a child engaged in, solicited for, depicted in, or
20 posed in any act of sexual penetration or bound, fettered,
21 or subject to sadistic, masochistic, or sadomasochistic
22 abuse in a sexual context and specifically including
23 paragraph (1), (2), (3), (4), (5), or (7) of subsection
24 (a) of Section 11-20.1B or Section 11-20.3 of the Criminal
25 Code of 1961 where a child engaged in, solicited for,
26 depicted in, or posed in any act of sexual penetration or

1 bound, fettered, or subject to sadistic, masochistic, or
2 sadomasochistic abuse in a sexual context;

3 (26.5) the defendant committed the offense of obscene
4 depiction of a purported child, specifically including
5 paragraph (2) of subsection (b) of Section 11-20.4 of the
6 Criminal Code of 2012 if a child engaged in, solicited
7 for, depicted in, or posed in any act of sexual
8 penetration or bound, fettered, or subject to sadistic,
9 masochistic, or sadomasochistic abuse in a sexual context;

10 (27) the defendant committed the offense of first
11 degree murder, assault, aggravated assault, battery,
12 aggravated battery, robbery, armed robbery, or aggravated
13 robbery against a person who was a veteran and the
14 defendant knew, or reasonably should have known, that the
15 person was a veteran performing duties as a representative
16 of a veterans' organization. For the purposes of this
17 paragraph (27), "veteran" means an Illinois resident who
18 has served as a member of the United States Armed Forces, a
19 member of the Illinois National Guard, or a member of the
20 United States Reserve Forces; and "veterans' organization"
21 means an organization comprised of members of which
22 substantially all are individuals who are veterans or
23 spouses, widows, or widowers of veterans, the primary
24 purpose of which is to promote the welfare of its members
25 and to provide assistance to the general public in such a
26 way as to confer a public benefit;

1 (28) the defendant committed the offense of assault,
2 aggravated assault, battery, aggravated battery, robbery,
3 armed robbery, or aggravated robbery against a person that
4 the defendant knew or reasonably should have known was a
5 letter carrier or postal worker while that person was
6 performing his or her duties delivering mail for the
7 United States Postal Service;

8 (29) the defendant committed the offense of criminal
9 sexual assault, aggravated criminal sexual assault,
10 criminal sexual abuse, or aggravated criminal sexual abuse
11 against a victim with an intellectual disability, and the
12 defendant holds a position of trust, authority, or
13 supervision in relation to the victim;

14 (30) the defendant committed the offense of promoting
15 juvenile prostitution, patronizing a prostitute, or
16 patronizing a minor engaged in prostitution and at the
17 time of the commission of the offense knew that the
18 prostitute or minor engaged in prostitution was in the
19 custody or guardianship of the Department of Children and
20 Family Services;

21 (31) the defendant (i) committed the offense of
22 driving while under the influence of alcohol, other drug
23 or drugs, intoxicating compound or compounds or any
24 combination thereof in violation of Section 11-501 of the
25 Illinois Vehicle Code or a similar provision of a local
26 ordinance and (ii) the defendant during the commission of

1 the offense was driving his or her vehicle upon a roadway
2 designated for one-way traffic in the opposite direction
3 of the direction indicated by official traffic control
4 devices;

5 (32) the defendant committed the offense of reckless
6 homicide while committing a violation of Section 11-907 of
7 the Illinois Vehicle Code;

8 (33) the defendant was found guilty of an
9 administrative infraction related to an act or acts of
10 public indecency or sexual misconduct in the penal
11 institution. In this paragraph (33), "penal institution"
12 has the same meaning as in Section 2-14 of the Criminal
13 Code of 2012; or

14 (34) the defendant committed the offense of leaving
15 the scene of a crash in violation of subsection (b) of
16 Section 11-401 of the Illinois Vehicle Code and the crash
17 resulted in the death of a person and at the time of the
18 offense, the defendant was: (i) driving under the
19 influence of alcohol, other drug or drugs, intoxicating
20 compound or compounds or any combination thereof as
21 defined by Section 11-501 of the Illinois Vehicle Code; or
22 (ii) operating the motor vehicle while using an electronic
23 communication device as defined in Section 12-610.2 of the
24 Illinois Vehicle Code.

25 For the purposes of this Section:

26 "School" is defined as a public or private elementary or

1 secondary school, community college, college, or university.

2 "Day care center" means a public or private State
3 certified and licensed day care center as defined in Section
4 2.09 of the Child Care Act of 1969 that displays a sign in
5 plain view stating that the property is a day care center.

6 "Intellectual disability" means significantly subaverage
7 intellectual functioning which exists concurrently with
8 impairment in adaptive behavior.

9 "Public transportation" means the transportation or
10 conveyance of persons by means available to the general
11 public, and includes paratransit services.

12 "Traffic control devices" means all signs, signals,
13 markings, and devices that conform to the Illinois Manual on
14 Uniform Traffic Control Devices, placed or erected by
15 authority of a public body or official having jurisdiction,
16 for the purpose of regulating, warning, or guiding traffic.

17 (b) The following factors, related to all felonies, may be
18 considered by the court as reasons to impose an extended term
19 sentence under Section 5-8-2 upon any offender:

20 (1) When a defendant is convicted of any felony, after
21 having been previously convicted in Illinois or any other
22 jurisdiction of the same or similar class felony or
23 greater class felony, when such conviction has occurred
24 within 10 years after the previous conviction, excluding
25 time spent in custody, and such charges are separately
26 brought and tried and arise out of different series of

1 acts; or

2 (2) When a defendant is convicted of any felony and
3 the court finds that the offense was accompanied by
4 exceptionally brutal or heinous behavior indicative of
5 wanton cruelty; or

6 (3) When a defendant is convicted of any felony
7 committed against:

8 (i) a person under 12 years of age at the time of
9 the offense or such person's property;

10 (ii) a person 60 years of age or older at the time
11 of the offense or such person's property; or

12 (iii) a person who had a physical disability at
13 the time of the offense or such person's property; or

14 (4) When a defendant is convicted of any felony and
15 the offense involved any of the following types of
16 specific misconduct committed as part of a ceremony, rite,
17 initiation, observance, performance, practice or activity
18 of any actual or ostensible religious, fraternal, or
19 social group:

20 (i) the brutalizing or torturing of humans or
21 animals;

22 (ii) the theft of human corpses;

23 (iii) the kidnapping of humans;

24 (iv) the desecration of any cemetery, religious,
25 fraternal, business, governmental, educational, or
26 other building or property; or

1 (v) ritualized abuse of a child; or

2 (5) When a defendant is convicted of a felony other
3 than conspiracy and the court finds that the felony was
4 committed under an agreement with 2 or more other persons
5 to commit that offense and the defendant, with respect to
6 the other individuals, occupied a position of organizer,
7 supervisor, financier, or any other position of management
8 or leadership, and the court further finds that the felony
9 committed was related to or in furtherance of the criminal
10 activities of an organized gang or was motivated by the
11 defendant's leadership in an organized gang; or

12 (6) When a defendant is convicted of an offense
13 committed while using a firearm with a laser sight
14 attached to it. For purposes of this paragraph, "laser
15 sight" has the meaning ascribed to it in Section 26-7 of
16 the Criminal Code of 2012; or

17 (7) When a defendant who was at least 17 years of age
18 at the time of the commission of the offense is convicted
19 of a felony and has been previously adjudicated a
20 delinquent minor under the Juvenile Court Act of 1987 for
21 an act that if committed by an adult would be a Class X or
22 Class 1 felony when the conviction has occurred within 10
23 years after the previous adjudication, excluding time
24 spent in custody; or

25 (8) When a defendant commits any felony and the
26 defendant used, possessed, exercised control over, or

1 otherwise directed an animal to assault a law enforcement
2 officer engaged in the execution of his or her official
3 duties or in furtherance of the criminal activities of an
4 organized gang in which the defendant is engaged; or

5 (9) When a defendant commits any felony and the
6 defendant knowingly video or audio records the offense
7 with the intent to disseminate the recording.

8 (c) The following factors may be considered by the court
9 as reasons to impose an extended term sentence under Section
10 5-8-2 ~~(730 ILCS 5/5-8-2)~~ upon any offender for the listed
11 offenses:

12 (1) When a defendant is convicted of first degree
13 murder, after having been previously convicted in Illinois
14 of any offense listed under paragraph (c)(2) of Section
15 5-5-3 ~~(730 ILCS 5/5-5-3)~~, when that conviction has
16 occurred within 10 years after the previous conviction,
17 excluding time spent in custody, and the charges are
18 separately brought and tried and arise out of different
19 series of acts.

20 (1.5) When a defendant is convicted of first degree
21 murder, after having been previously convicted of domestic
22 battery ~~(720 ILCS 5/12-3.2)~~ or aggravated domestic battery
23 ~~(720 ILCS 5/12-3.3)~~ committed on the same victim or after
24 having been previously convicted of violation of an order
25 of protection ~~(720 ILCS 5/12-30)~~ in which the same victim
26 was the protected person.

1 (2) When a defendant is convicted of voluntary
2 manslaughter, second degree murder, involuntary
3 manslaughter, or reckless homicide in which the defendant
4 has been convicted of causing the death of more than one
5 individual.

6 (3) When a defendant is convicted of aggravated
7 criminal sexual assault or criminal sexual assault, when
8 there is a finding that aggravated criminal sexual assault
9 or criminal sexual assault was also committed on the same
10 victim by one or more other individuals, and the defendant
11 voluntarily participated in the crime with the knowledge
12 of the participation of the others in the crime, and the
13 commission of the crime was part of a single course of
14 conduct during which there was no substantial change in
15 the nature of the criminal objective.

16 (4) If the victim was under 18 years of age at the time
17 of the commission of the offense, when a defendant is
18 convicted of aggravated criminal sexual assault or
19 predatory criminal sexual assault of a child under
20 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)
21 of Section 12-14.1 of the Criminal Code of 1961 or the
22 Criminal Code of 2012 ~~(720 ILCS 5/11-1.40 or 5/12-14.1)~~.

23 (5) When a defendant is convicted of a felony
24 violation of Section 24-1 of the Criminal Code of 1961 or
25 the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~ and there is a
26 finding that the defendant is a member of an organized

1 gang.

2 (6) When a defendant was convicted of unlawful
3 possession of weapons under Section 24-1 of the Criminal
4 Code of 1961 or the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~
5 for possessing a weapon that is not readily
6 distinguishable as one of the weapons enumerated in
7 Section 24-1 of the Criminal Code of 1961 or the Criminal
8 Code of 2012 ~~(720 ILCS 5/24-1)~~.

9 (7) When a defendant is convicted of an offense
10 involving the illegal manufacture of a controlled
11 substance under Section 401 of the Illinois Controlled
12 Substances Act ~~(720 ILCS 570/401)~~, the illegal manufacture
13 of methamphetamine under Section 25 of the Methamphetamine
14 Control and Community Protection Act ~~(720 ILCS 646/25)~~, or
15 the illegal possession of explosives and an emergency
16 response officer in the performance of his or her duties
17 is killed or injured at the scene of the offense while
18 responding to the emergency caused by the commission of
19 the offense. In this paragraph, "emergency" means a
20 situation in which a person's life, health, or safety is
21 in jeopardy; and "emergency response officer" means a
22 peace officer, community policing volunteer, fireman,
23 emergency medical technician-ambulance, emergency medical
24 technician-intermediate, emergency medical
25 technician-paramedic, ambulance driver, other medical
26 assistance or first aid personnel, or hospital emergency

1 room personnel.

2 (8) When the defendant is convicted of attempted mob
3 action, solicitation to commit mob action, or conspiracy
4 to commit mob action under Section 8-1, 8-2, or 8-4 of the
5 Criminal Code of 2012, where the criminal object is a
6 violation of Section 25-1 of the Criminal Code of 2012,
7 and an electronic communication is used in the commission
8 of the offense. For the purposes of this paragraph (8),
9 "electronic communication" shall have the meaning provided
10 in Section 26.5-0.1 of the Criminal Code of 2012.

11 (d) For the purposes of this Section, "organized gang" has
12 the meaning ascribed to it in Section 10 of the Illinois
13 Streetgang Terrorism Omnibus Prevention Act.

14 (e) The court may impose an extended term sentence under
15 Article 4.5 of Chapter V upon an offender who has been
16 convicted of a felony violation of Section 11-1.20, 11-1.30,
17 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or
18 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012
19 when the victim of the offense is under 18 years of age at the
20 time of the commission of the offense and, during the
21 commission of the offense, the victim was under the influence
22 of alcohol, regardless of whether or not the alcohol was
23 supplied by the offender; and the offender, at the time of the
24 commission of the offense, knew or should have known that the
25 victim had consumed alcohol.

26 (Source: P.A. 102-558, eff. 8-20-21; 102-982, eff. 7-1-23;

103-822, eff. 1-1-25; 103-825, eff. 1-1-25; revised 11-26-24.)

(730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

Sec. 5-8-1. Natural life imprisonment; enhancements for use of a firearm; mandatory supervised release terms.

(a) Except as otherwise provided in the statute defining the offense or in Article 4.5 of Chapter V, a sentence of imprisonment for a felony shall be a determinate sentence set by the court under this Section, subject to Section 5-4.5-115 of this Code, according to the following limitations:

(1) for first degree murder,

(a) (blank),

(b) if a trier of fact finds beyond a reasonable doubt that the murder was accompanied by exceptionally brutal or heinous behavior indicative of wanton cruelty or, except as set forth in subsection (a)(1)(c) of this Section, that any of the aggravating factors listed in subparagraph (b-5) are present, the court may sentence the defendant, subject to Section 5-4.5-105, to a term of natural life imprisonment, or

(b-5) a ~~A~~ defendant who at the time of the commission of the offense has attained the age of 18 or more and who has been found guilty of first degree murder may be sentenced to a term of natural life imprisonment if:

(1) the murdered individual was an inmate at

1 an institution or facility of the Department of
2 Corrections, or any similar local correctional
3 agency and was killed on the grounds thereof, or
4 the murdered individual was otherwise present in
5 such institution or facility with the knowledge
6 and approval of the chief administrative officer
7 thereof;

8 (2) the murdered individual was killed as a
9 result of the hijacking of an airplane, train,
10 ship, bus, or other public conveyance;

11 (3) the defendant committed the murder
12 pursuant to a contract, agreement, or
13 understanding by which he or she was to receive
14 money or anything of value in return for
15 committing the murder or procured another to
16 commit the murder for money or anything of value;

17 (4) the murdered individual was killed in the
18 course of another felony if:

19 (A) the murdered individual:

20 (i) was actually killed by the
21 defendant, or

22 (ii) received physical injuries
23 personally inflicted by the defendant
24 substantially contemporaneously with
25 physical injuries caused by one or more
26 persons for whose conduct the defendant is

1 legally accountable under Section 5-2 of
2 this Code, and the physical injuries
3 inflicted by either the defendant or the
4 other person or persons for whose conduct
5 he is legally accountable caused the death
6 of the murdered individual; and (B) in
7 performing the acts which caused the death
8 of the murdered individual or which
9 resulted in physical injuries personally
10 inflicted by the defendant on the murdered
11 individual under the circumstances of
12 subdivision (ii) of clause (A) of this
13 clause (4), the defendant acted with the
14 intent to kill the murdered individual or
15 with the knowledge that his or her acts
16 created a strong probability of death or
17 great bodily harm to the murdered
18 individual or another; and

19 (B) in performing the acts which caused
20 the death of the murdered individual or which
21 resulted in physical injuries personally
22 inflicted by the defendant on the murdered
23 individual under the circumstances of
24 subdivision (ii) of clause (A) of this clause
25 (4), the defendant acted with the intent to
26 kill the murdered individual or with the

1 knowledge that his or her acts created a
2 strong probability of death or great bodily
3 harm to the murdered individual or another;
4 and

5 (C) the other felony was an inherently
6 violent crime or the attempt to commit an
7 inherently violent crime. In this clause (C),
8 "inherently violent crime" includes, but is
9 not limited to, armed robbery, robbery,
10 predatory criminal sexual assault of a child,
11 aggravated criminal sexual assault, aggravated
12 kidnapping, aggravated vehicular hijacking,
13 aggravated arson, aggravated stalking,
14 residential burglary, and home invasion;

15 (5) the defendant committed the murder with
16 intent to prevent the murdered individual from
17 testifying or participating in any criminal
18 investigation or prosecution or giving material
19 assistance to the State in any investigation or
20 prosecution, either against the defendant or
21 another; or the defendant committed the murder
22 because the murdered individual was a witness in
23 any prosecution or gave material assistance to the
24 State in any investigation or prosecution, either
25 against the defendant or another; for purposes of
26 this clause (5), "participating in any criminal

1 investigation or prosecution" is intended to
2 include those appearing in the proceedings in any
3 capacity such as trial judges, prosecutors,
4 defense attorneys, investigators, witnesses, or
5 jurors;

6 (6) the defendant, while committing an offense
7 punishable under Section 401, 401.1, 401.2, 405,
8 405.2, 407, or 407.1 or subsection (b) of Section
9 404 of the Illinois Controlled Substances Act, or
10 while engaged in a conspiracy or solicitation to
11 commit such offense, intentionally killed an
12 individual or counseled, commanded, induced,
13 procured, or caused the intentional killing of the
14 murdered individual;

15 (7) the defendant was incarcerated in an
16 institution or facility of the Department of
17 Corrections at the time of the murder, and while
18 committing an offense punishable as a felony under
19 Illinois law, or while engaged in a conspiracy or
20 solicitation to commit such offense, intentionally
21 killed an individual or counseled, commanded,
22 induced, procured, or caused the intentional
23 killing of the murdered individual;

24 (8) the murder was committed in a cold,
25 calculated and premeditated manner pursuant to a
26 preconceived plan, scheme, or design to take a

1 human life by unlawful means, and the conduct of
2 the defendant created a reasonable expectation
3 that the death of a human being would result
4 therefrom;

5 (9) the defendant was a principal
6 administrator, organizer, or leader of a
7 calculated criminal drug conspiracy consisting of
8 a hierarchical position of authority superior to
9 that of all other members of the conspiracy, and
10 the defendant counseled, commanded, induced,
11 procured, or caused the intentional killing of the
12 murdered person;

13 (10) the murder was intentional and involved
14 the infliction of torture. For the purpose of this
15 clause (10), torture means the infliction of or
16 subjection to extreme physical pain, motivated by
17 an intent to increase or prolong the pain,
18 suffering, or agony of the victim;

19 (11) the murder was committed as a result of
20 the intentional discharge of a firearm by the
21 defendant from a motor vehicle and the victim was
22 not present within the motor vehicle;

23 (12) the murdered individual was a person with
24 a disability and the defendant knew or should have
25 known that the murdered individual was a person
26 with a disability. For purposes of this clause

1 (12), "person with a disability" means a person
2 who suffers from a permanent physical or mental
3 impairment resulting from disease, an injury, a
4 functional disorder, or a congenital condition
5 that renders the person incapable of adequately
6 providing for his or her own health or personal
7 care;

8 (13) the murdered individual was subject to an
9 order of protection and the murder was committed
10 by a person against whom the same order of
11 protection was issued under the Illinois Domestic
12 Violence Act of 1986;

13 (14) the murdered individual was known by the
14 defendant to be a teacher or other person employed
15 in any school and the teacher or other employee is
16 upon the grounds of a school or grounds adjacent
17 to a school, or is in any part of a building used
18 for school purposes;

19 (15) the murder was committed by the defendant
20 in connection with or as a result of the offense of
21 terrorism as defined in Section 29D-14.9 of this
22 Code;

23 (16) the murdered individual was a member of a
24 congregation engaged in prayer or other religious
25 activities at a church, synagogue, mosque, or
26 other building, structure, or place used for

1 religious worship; or

2 (17)(i) the murdered individual was a
3 physician, physician assistant, psychologist,
4 nurse, or advanced practice registered nurse;

5 (ii) the defendant knew or should have known
6 that the murdered individual was a physician,
7 physician assistant, psychologist, nurse, or
8 advanced practice registered nurse; and

9 (iii) the murdered individual was killed in
10 the course of acting in his or her capacity as a
11 physician, physician assistant, psychologist,
12 nurse, or advanced practice registered nurse, or
13 to prevent him or her from acting in that
14 capacity, or in retaliation for his or her acting
15 in that capacity.

16 (c) the court shall sentence the defendant to a
17 term of natural life imprisonment if the defendant, at
18 the time of the commission of the murder, had attained
19 the age of 18, and:

20 (i) has previously been convicted of first
21 degree murder under any state or federal law, or

22 (ii) is found guilty of murdering more than
23 one victim, or

24 (iii) is found guilty of murdering a peace
25 officer, fireman, or emergency management worker
26 when the peace officer, fireman, or emergency

1 management worker was killed in the course of
2 performing his official duties, or to prevent the
3 peace officer or fireman from performing his
4 official duties, or in retaliation for the peace
5 officer, fireman, or emergency management worker
6 from performing his official duties, and the
7 defendant knew or should have known that the
8 murdered individual was a peace officer, fireman,
9 or emergency management worker, or

10 (iv) is found guilty of murdering an employee
11 of an institution or facility of the Department of
12 Corrections, or any similar local correctional
13 agency, when the employee was killed in the course
14 of performing his official duties, or to prevent
15 the employee from performing his official duties,
16 or in retaliation for the employee performing his
17 official duties, or

18 (v) is found guilty of murdering an emergency
19 medical technician - ambulance, emergency medical
20 technician - intermediate, emergency medical
21 technician - paramedic, ambulance driver, or other
22 medical assistance or first aid person while
23 employed by a municipality or other governmental
24 unit when the person was killed in the course of
25 performing official duties or to prevent the
26 person from performing official duties or in

1 retaliation for performing official duties and the
2 defendant knew or should have known that the
3 murdered individual was an emergency medical
4 technician - ambulance, emergency medical
5 technician - intermediate, emergency medical
6 technician - paramedic, ambulance driver, or other
7 medical assistant or first aid personnel, or

8 (vi) (blank), or

9 (vii) is found guilty of first degree murder
10 and the murder was committed by reason of any
11 person's activity as a community policing
12 volunteer or to prevent any person from engaging
13 in activity as a community policing volunteer. For
14 the purpose of this Section, "community policing
15 volunteer" has the meaning ascribed to it in
16 Section 2-3.5 of the Criminal Code of 2012.

17 For purposes of clause (v), "emergency medical
18 technician - ambulance", "emergency medical technician
19 - intermediate", and "emergency medical technician -
20 paramedic", ~~7~~ have the meanings ascribed to them in the
21 Emergency Medical Services (EMS) Systems Act.

22 (d) (i) if the person committed the offense while
23 armed with a firearm, 15 years shall be added to
24 the term of imprisonment imposed by the court;

25 (ii) if, during the commission of the offense, the
26 person personally discharged a firearm, 20 years shall

1 be added to the term of imprisonment imposed by the
2 court;

3 (iii) if, during the commission of the offense,
4 the person personally discharged a firearm that
5 proximately caused great bodily harm, permanent
6 disability, permanent disfigurement, or death to
7 another person, 25 years or up to a term of natural
8 life shall be added to the term of imprisonment
9 imposed by the court.

10 (2) (blank);

11 (2.5) for a person who has attained the age of 18 years
12 at the time of the commission of the offense and who is
13 convicted under the circumstances described in subdivision
14 (b)(1)(B) of Section 11-1.20 or paragraph (3) of
15 subsection (b) of Section 12-13, subdivision (d)(2) of
16 Section 11-1.30 or paragraph (2) of subsection (d) of
17 Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or
18 paragraph (1.2) of subsection (b) of Section 12-14.1,
19 subdivision (b)(2) of Section 11-1.40 or paragraph (2) of
20 subsection (b) of Section 12-14.1 of the Criminal Code of
21 1961 or the Criminal Code of 2012, the sentence shall be a
22 term of natural life imprisonment.

23 (b) (Blank).

24 (c) (Blank).

25 (d) Subject to earlier termination under Section 3-3-8,
26 the parole or mandatory supervised release term shall be

1 written as part of the sentencing order and shall be as
2 follows:

3 (1) for first degree murder or for the offenses of
4 predatory criminal sexual assault of a child, aggravated
5 criminal sexual assault, and criminal sexual assault if
6 committed on or before December 12, 2005, 3 years;

7 (1.5) except as provided in paragraph (7) of this
8 subsection (d), for a Class X felony except for the
9 offenses of predatory criminal sexual assault of a child,
10 aggravated criminal sexual assault, and criminal sexual
11 assault if committed on or after December 13, 2005 (the
12 effective date of Public Act 94-715) and except for the
13 offense of aggravated child pornography under Section
14 11-20.1B, 11-20.3, or 11-20.1 with sentencing under
15 subsection (c-5) of Section 11-20.1 of the Criminal Code
16 of 1961 or the Criminal Code of 2012, if committed on or
17 after January 1, 2009, and except for the offense of
18 obscene depiction of a purported child with sentencing
19 under subsection (d) of Section 11-20.4 of the Criminal
20 Code of 2012, 18 months;

21 (2) except as provided in paragraph (7) of this
22 subsection (d), for a Class 1 felony or a Class 2 felony
23 except for the offense of criminal sexual assault if
24 committed on or after December 13, 2005 (the effective
25 date of Public Act 94-715) and except for the offenses of
26 manufacture and dissemination of child sexual abuse

1 ~~material pornography~~ under clauses (a)(1) and (a)(2) of
2 Section 11-20.1 of the Criminal Code of 1961 or the
3 Criminal Code of 2012, if committed on or after January 1,
4 2009, and except for the offense of obscene depiction of a
5 purported child under paragraph (2) of subsection (b) of
6 Section 11-20.4 of the Criminal Code of 2012, 12 months;

7 (3) except as provided in paragraph (4), (6), or (7)
8 of this subsection (d), for a Class 3 felony or a Class 4
9 felony, 6 months; no later than 45 days after the onset of
10 the term of mandatory supervised release, the Prisoner
11 Review Board shall conduct a discretionary discharge
12 review pursuant to the provisions of Section 3-3-8, which
13 shall include the results of a standardized risk and needs
14 assessment tool administered by the Department of
15 Corrections; the changes to this paragraph (3) made by
16 Public Act 102-1104 ~~this amendatory Act of the 102nd~~
17 ~~General Assembly~~ apply to all individuals released on
18 mandatory supervised release on or after December 6, 2022
19 (the effective date of Public Act 102-1104) ~~this~~
20 ~~amendatory Act of the 102nd General Assembly~~, including
21 those individuals whose sentences were imposed prior to
22 December 6, 2022 (the effective date of Public Act
23 102-1104) ~~this amendatory Act of the 102nd General~~
24 ~~Assembly~~;

25 (4) for defendants who commit the offense of predatory
26 criminal sexual assault of a child, aggravated criminal

1 sexual assault, or criminal sexual assault, on or after
2 December 13, 2005 (the effective date of Public Act
3 94-715), or who commit the offense of aggravated child
4 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
5 with sentencing under subsection (c-5) of Section 11-20.1
6 of the Criminal Code of 1961 or the Criminal Code of 2012,
7 manufacture of child sexual abuse material ~~pornography~~, or
8 dissemination of child sexual abuse material ~~pornography~~
9 after January 1, 2009, or who commit the offense of
10 obscene depiction of a purported child under paragraph (2)
11 of subsection (b) of Section 11-20.4 of the Criminal Code
12 of 2012 or who commit the offense of obscene depiction of a
13 purported child with sentencing under subsection (d) of
14 Section 11-20.4 of the Criminal Code of 2012, the term of
15 mandatory supervised release shall range from a minimum of
16 3 years to a maximum of the natural life of the defendant;

17 (5) if the victim is under 18 years of age, for a
18 second or subsequent offense of aggravated criminal sexual
19 abuse or felony criminal sexual abuse, 4 years, at least
20 the first 2 years of which the defendant shall serve in an
21 electronic monitoring or home detention program under
22 Article 8A of Chapter V of this Code;

23 (6) for a felony domestic battery, aggravated domestic
24 battery, stalking, aggravated stalking, and a felony
25 violation of an order of protection, 4 years;

26 (7) for any felony described in paragraph (a) (2) (ii),

1 (a) (2) (iii), (a) (2) (iv), (a) (2) (vi), (a) (2.1), (a) (2.3),
2 (a) (2.4), (a) (2.5), or (a) (2.6) of Article 5, Section
3 3-6-3 of the Unified Code of Corrections requiring an
4 inmate to serve a minimum of 85% of their court-imposed
5 sentence, except for the offenses of predatory criminal
6 sexual assault of a child, aggravated criminal sexual
7 assault, and criminal sexual assault if committed on or
8 after December 13, 2005 (the effective date of Public Act
9 94-715) and except for the offense of aggravated child
10 pornography under Section 11-20.1B, 11-20.3, or 11-20.1
11 with sentencing under subsection (c-5) of Section 11-20.1
12 of the Criminal Code of 1961 or the Criminal Code of 2012,
13 if committed on or after January 1, 2009, and except for
14 the offense of obscene depiction of a purported child with
15 sentencing under subsection (d) of Section 11-20.4 of the
16 Criminal Code of 2012, and except as provided in paragraph
17 (4) or paragraph (6) of this subsection (d), the term of
18 mandatory supervised release shall be as follows:

19 (A) Class X felony, 3 years;

20 (B) Class 1 or Class 2 felonies, 2 years;

21 (C) Class 3 or Class 4 felonies, 1 year.

22 (e) (Blank).

23 (f) (Blank).

24 (g) Notwithstanding any other provisions of this Act and
25 of Public Act 101-652: (i) the provisions of paragraph (3) of
26 subsection (d) are effective on July 1, 2022 and shall apply to

1 all individuals convicted on or after the effective date of
2 paragraph (3) of subsection (d); and (ii) the provisions of
3 paragraphs (1.5) and (2) of subsection (d) are effective on
4 July 1, 2021 and shall apply to all individuals convicted on or
5 after the effective date of paragraphs (1.5) and (2) of
6 subsection (d).

7 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;
8 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff.
9 1-1-24; 103-825, eff. 1-1-25; revised 10-24-24.)

10 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

11 Sec. 5-8-4. Concurrent and consecutive terms of
12 imprisonment.

13 (a) Concurrent terms; multiple or additional sentences.
14 When an Illinois court (i) imposes multiple sentences of
15 imprisonment on a defendant at the same time or (ii) imposes a
16 sentence of imprisonment on a defendant who is already subject
17 to a sentence of imprisonment imposed by an Illinois court, a
18 court of another state, or a federal court, then the sentences
19 shall run concurrently unless otherwise determined by the
20 Illinois court under this Section.

21 (b) Concurrent terms; misdemeanor and felony. A defendant
22 serving a sentence for a misdemeanor who is convicted of a
23 felony and sentenced to imprisonment shall be transferred to
24 the Department of Corrections, and the misdemeanor sentence
25 shall be merged in and run concurrently with the felony

1 sentence.

2 (c) Consecutive terms; permissive. The court may impose
3 consecutive sentences in any of the following circumstances:

4 (1) If, having regard to the nature and circumstances
5 of the offense and the history and character of the
6 defendant, it is the opinion of the court that consecutive
7 sentences are required to protect the public from further
8 criminal conduct by the defendant, the basis for which the
9 court shall set forth in the record.

10 (2) If one of the offenses for which a defendant was
11 convicted was a violation of Section 32-5.2 (aggravated
12 false personation of a peace officer) of the Criminal Code
13 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision
14 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of
15 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the
16 offense was committed in attempting or committing a
17 forcible felony.

18 (3) If a person charged with a felony commits a
19 separate felony while on pretrial release or in pretrial
20 detention in a county jail facility or county detention
21 facility, then the sentences imposed upon conviction of
22 these felonies may be served consecutively regardless of
23 the order in which the judgments of conviction are
24 entered.

25 (4) If a person commits a battery against a county
26 correctional officer or sheriff's employee while serving a

1 sentence or in pretrial detention in a county jail
2 facility, then the sentence imposed upon conviction of the
3 battery may be served consecutively with the sentence
4 imposed upon conviction of the earlier misdemeanor or
5 felony, regardless of the order in which the judgments of
6 conviction are entered.

7 (5) If a person admitted to pretrial release following
8 conviction of a felony commits a separate felony while
9 released pretrial or if a person detained in a county jail
10 facility or county detention facility following conviction
11 of a felony commits a separate felony while in detention,
12 then any sentence following conviction of the separate
13 felony may be consecutive to that of the original sentence
14 for which the defendant was released pretrial or detained.

15 (6) If a person is found to be in possession of an item
16 of contraband, as defined in Section 31A-0.1 of the
17 Criminal Code of 2012, while serving a sentence in a
18 county jail or while in pretrial detention in a county
19 jail, the sentence imposed upon conviction for the offense
20 of possessing contraband in a penal institution may be
21 served consecutively to the sentence imposed for the
22 offense for which the person is serving a sentence in the
23 county jail or while in pretrial detention, regardless of
24 the order in which the judgments of conviction are
25 entered.

26 (7) If a person is sentenced for a violation of a

1 condition of pretrial release under Section 32-10 of the
2 Criminal Code of 1961 or the Criminal Code of 2012, any
3 sentence imposed for that violation may be served
4 consecutive to the sentence imposed for the charge for
5 which pretrial release had been granted and with respect
6 to which the defendant has been convicted.

7 (d) Consecutive terms; mandatory. The court shall impose
8 consecutive sentences in each of the following circumstances:

9 (1) One of the offenses for which the defendant was
10 convicted was first degree murder or a Class X or Class 1
11 felony and the defendant inflicted severe bodily injury.

12 (2) The defendant was convicted of a violation of
13 Section 11-1.20 or 12-13 (criminal sexual assault),
14 11-1.30 or 12-14 (aggravated criminal sexual assault), or
15 11-1.40 or 12-14.1 (predatory criminal sexual assault of a
16 child) of the Criminal Code of 1961 or the Criminal Code of
17 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,
18 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or
19 5/12-14.1).

20 (2.5) The defendant was convicted of a violation of
21 paragraph (1), (2), (3), (4), (5), or (7) of subsection
22 (a) of Section 11-20.1 (child sexual abuse material
23 ~~pornography~~) or of paragraph (1), (2), (3), (4), (5), or
24 (7) of subsection (a) of Section 11-20.1B or 11-20.3
25 (aggravated child pornography) of the Criminal Code of
26 1961 or the Criminal Code of 2012; or the defendant was

1 convicted of a violation of paragraph (6) of subsection
2 (a) of Section 11-20.1 (child sexual abuse material
3 ~~pornography~~) or of paragraph (6) of subsection (a) of
4 Section 11-20.1B or 11-20.3 (aggravated child pornography)
5 of the Criminal Code of 1961 or the Criminal Code of 2012,
6 when the child depicted is under the age of 13.

7 (2.6) The defendant was convicted of:

8 (A) a violation of paragraph (2) of subsection (b)
9 of Section 11-20.4 of the Criminal Code of 2012; or

10 (B) a violation of paragraph (1) of Section
11 11-20.4 of the Criminal Code of 2012 when the
12 purported child depicted is under the age of 13.

13 (3) The defendant was convicted of armed violence
14 based upon the predicate offense of any of the following:
15 solicitation of murder, solicitation of murder for hire,
16 heinous battery as described in Section 12-4.1 or
17 subdivision (a)(2) of Section 12-3.05, aggravated battery
18 of a senior citizen as described in Section 12-4.6 or
19 subdivision (a)(4) of Section 12-3.05, criminal sexual
20 assault, a violation of subsection (g) of Section 5 of the
21 Cannabis Control Act (720 ILCS 550/5), cannabis
22 trafficking, a violation of subsection (a) of Section 401
23 of the Illinois Controlled Substances Act (720 ILCS
24 570/401), controlled substance trafficking involving a
25 Class X felony amount of controlled substance under
26 Section 401 of the Illinois Controlled Substances Act (720

1 ILCS 570/401), a violation of the Methamphetamine Control
2 and Community Protection Act (720 ILCS 646/), calculated
3 criminal drug conspiracy, or streetgang criminal drug
4 conspiracy.

5 (4) The defendant was convicted of the offense of
6 leaving the scene of a motor vehicle crash involving death
7 or personal injuries under Section 11-401 of the Illinois
8 Vehicle Code (625 ILCS 5/11-401) and either: (A)
9 aggravated driving under the influence of alcohol, other
10 drug or drugs, or intoxicating compound or compounds, or
11 any combination thereof under Section 11-501 of the
12 Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless
13 homicide under Section 9-3 of the Criminal Code of 1961 or
14 the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an
15 offense described in item (A) and an offense described in
16 item (B).

17 (5) The defendant was convicted of a violation of
18 Section 9-3.1 or Section 9-3.4 (concealment of homicidal
19 death) or Section 12-20.5 (dismembering a human body) of
20 the Criminal Code of 1961 or the Criminal Code of 2012 (720
21 ILCS 5/9-3.1 or 5/12-20.5).

22 (5.5) The defendant was convicted of a violation of
23 Section 24-3.7 (use of a stolen firearm in the commission
24 of an offense) of the Criminal Code of 1961 or the Criminal
25 Code of 2012.

26 (6) If the defendant was in the custody of the

1 Department of Corrections at the time of the commission of
2 the offense, the sentence shall be served consecutive to
3 the sentence under which the defendant is held by the
4 Department of Corrections.

5 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)
6 for escape or attempted escape shall be served consecutive
7 to the terms under which the offender is held by the
8 Department of Corrections.

9 (8) (Blank).

10 (8.5) (Blank).

11 (9) (Blank).

12 (10) (Blank).

13 (11) (Blank).

14 (e) Consecutive terms; subsequent non-Illinois term. If an
15 Illinois court has imposed a sentence of imprisonment on a
16 defendant and the defendant is subsequently sentenced to a
17 term of imprisonment by a court of another state or a federal
18 court, then the Illinois sentence shall run consecutively to
19 the sentence imposed by the court of the other state or the
20 federal court. That same Illinois court, however, may order
21 that the Illinois sentence run concurrently with the sentence
22 imposed by the court of the other state or the federal court,
23 but only if the defendant applies to that same Illinois court
24 within 30 days after the sentence imposed by the court of the
25 other state or the federal court is finalized.

26 (f) Consecutive terms; aggregate maximums and minimums.

1 The aggregate maximum and aggregate minimum of consecutive
2 sentences shall be determined as follows:

3 (1) For sentences imposed under law in effect prior to
4 February 1, 1978, the aggregate maximum of consecutive
5 sentences shall not exceed the maximum term authorized
6 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of
7 Chapter V for the 2 most serious felonies involved. The
8 aggregate minimum period of consecutive sentences shall
9 not exceed the highest minimum term authorized under
10 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter
11 V for the 2 most serious felonies involved. When sentenced
12 only for misdemeanors, a defendant shall not be
13 consecutively sentenced to more than the maximum for one
14 Class A misdemeanor.

15 (2) For sentences imposed under the law in effect on
16 or after February 1, 1978, the aggregate of consecutive
17 sentences for offenses that were committed as part of a
18 single course of conduct during which there was no
19 substantial change in the nature of the criminal objective
20 shall not exceed the sum of the maximum terms authorized
21 under Article 4.5 of Chapter V for the 2 most serious
22 felonies involved, but no such limitation shall apply for
23 offenses that were not committed as part of a single
24 course of conduct during which there was no substantial
25 change in the nature of the criminal objective. When
26 sentenced only for misdemeanors, a defendant shall not be

1 consecutively sentenced to more than the maximum for one
2 Class A misdemeanor.

3 (g) Consecutive terms; manner served. In determining the
4 manner in which consecutive sentences of imprisonment, one or
5 more of which is for a felony, will be served, the Department
6 of Corrections shall treat the defendant as though he or she
7 had been committed for a single term subject to each of the
8 following:

9 (1) The maximum period of a term of imprisonment shall
10 consist of the aggregate of the maximums of the imposed
11 indeterminate terms, if any, plus the aggregate of the
12 imposed determinate sentences for felonies, plus the
13 aggregate of the imposed determinate sentences for
14 misdemeanors, subject to subsection (f) of this Section.

15 (2) The parole or mandatory supervised release term
16 shall be as provided in paragraph (e) of Section 5-4.5-50
17 (730 ILCS 5/5-4.5-50) for the most serious of the offenses
18 involved.

19 (3) The minimum period of imprisonment shall be the
20 aggregate of the minimum and determinate periods of
21 imprisonment imposed by the court, subject to subsection
22 (f) of this Section.

23 (4) The defendant shall be awarded credit against the
24 aggregate maximum term and the aggregate minimum term of
25 imprisonment for all time served in an institution since
26 the commission of the offense or offenses and as a

1 consequence thereof at the rate specified in Section 3-6-3
2 (730 ILCS 5/3-6-3).

3 (h) Notwithstanding any other provisions of this Section,
4 all sentences imposed by an Illinois court under this Code
5 shall run concurrent to any and all sentences imposed under
6 the Juvenile Court Act of 1987.

7 (Source: P.A. 102-350, eff. 8-13-21; 102-982, eff. 7-1-23;
8 102-1104, eff. 12-6-22; 103-825, eff. 1-1-25.)

9 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

10 Sec. 5-9-1.7. Sexual assault fines.

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

13 (1) "Sexual assault" means the commission or attempted
14 commission of the following: sexual exploitation of a
15 child, criminal sexual assault, predatory criminal sexual
16 assault of a child, aggravated criminal sexual assault,
17 criminal sexual abuse, aggravated criminal sexual abuse,
18 indecent solicitation of a child, public indecency, sexual
19 relations within families, promoting juvenile
20 prostitution, soliciting for a juvenile prostitute,
21 keeping a place of juvenile prostitution, patronizing a
22 juvenile prostitute, juvenile pimping, exploitation of a
23 child, obscenity, child sexual abuse material ~~pornography~~,
24 aggravated child pornography, harmful material, or
25 ritualized abuse of a child, as those offenses are defined

1 in the Criminal Code of 1961 or the Criminal Code of 2012.

2 (2) (Blank).

3 (3) "Sexual assault organization" means any
4 not-for-profit organization providing comprehensive,
5 community-based services to victims of sexual assault.
6 "Community-based services" include, but are not limited
7 to, direct crisis intervention through a 24-hour response,
8 medical and legal advocacy, counseling, information and
9 referral services, training, and community education.

10 (b) (Blank).

11 (c) Sexual Assault Services Fund; administration. There is
12 created a Sexual Assault Services Fund. Moneys deposited into
13 the Fund under Section 15-20 and 15-40 of the Criminal and
14 Traffic Assessment Act shall be appropriated to the Department
15 of Public Health. Upon appropriation of moneys from the Sexual
16 Assault Services Fund, the Department of Public Health shall
17 make grants of these moneys from the Fund to sexual assault
18 organizations with whom the Department has contracts for the
19 purpose of providing community-based services to victims of
20 sexual assault. Grants made under this Section are in addition
21 to, and are not substitutes for, other grants authorized and
22 made by the Department.

23 (Source: P.A. 100-987, eff. 7-1-19.)

24 (730 ILCS 5/5-9-1.8)

25 Sec. 5-9-1.8. Child sexual abuse material ~~pornography~~

1 fines. Beginning July 1, 2006, 100% of the fines in excess of
2 \$10,000 collected for violations of Section 11-20.1 of the
3 Criminal Code of 1961 or the Criminal Code of 2012 shall be
4 deposited into the Child Abuse Prevention Fund. Moneys in the
5 Fund resulting from the fines shall be for the use of the
6 Department of Children and Family Services for grants to
7 private entities giving treatment and counseling to victims of
8 child sexual abuse.

9 (Source: P.A. 102-1071, eff. 6-10-22.)

10 Section 70. The Sex Offender Registration Act is amended
11 by changing Section 2 as follows:

12 (730 ILCS 150/2) (from Ch. 38, par. 222)

13 Sec. 2. Definitions.

14 (A) As used in this Article, "sex offender" means any
15 person who is:

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

21 (a) is convicted of such offense or an attempt to
22 commit such offense; or

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

1 (c) is found not guilty by reason of insanity
2 pursuant to Section 104-25(c) of the Code of Criminal
3 Procedure of 1963 of such offense or an attempt to
4 commit such offense; or

5 (d) is the subject of a finding not resulting in an
6 acquittal at a hearing conducted pursuant to Section
7 104-25(a) of the Code of Criminal Procedure of 1963
8 for the alleged commission or attempted commission of
9 such offense; or

10 (e) is found not guilty by reason of insanity
11 following a hearing conducted pursuant to a federal,
12 Uniform Code of Military Justice, sister state, or
13 foreign country law substantially similar to Section
14 104-25(c) of the Code of Criminal Procedure of 1963 of
15 such offense or of the attempted commission of such
16 offense; or

17 (f) is the subject of a finding not resulting in an
18 acquittal at a hearing conducted pursuant to a
19 federal, Uniform Code of Military Justice, sister
20 state, or foreign country law substantially similar to
21 Section 104-25(a) of the Code of Criminal Procedure of
22 1963 for the alleged violation or attempted commission
23 of such offense; or

24 (2) declared as a sexually dangerous person pursuant
25 to the Illinois Sexually Dangerous Persons Act, or any
26 substantially similar federal, Uniform Code of Military

1 Justice, sister state, or foreign country law; or

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

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

9 (5) adjudicated a juvenile delinquent as the result of
10 committing or attempting to commit an act which, if
11 committed by an adult, would constitute any of the
12 offenses specified in item (B), (C), or (C-5) of this
13 Section or a violation of any substantially similar
14 federal, Uniform Code of Military Justice, sister state,
15 or foreign country law, or found guilty under Article V of
16 the Juvenile Court Act of 1987 of committing or attempting
17 to commit an act which, if committed by an adult, would
18 constitute any of the offenses specified in item (B), (C),
19 or (C-5) of this Section or a violation of any
20 substantially similar federal, Uniform Code of Military
21 Justice, sister state, or foreign country law.

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

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

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

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

6 11-20.1 (child sexual abuse material ~~pornography~~),

7 11-20.1B or 11-20.3 (aggravated child
8 pornography),

9 11-6 (indecent solicitation of a child),

10 11-9.1 (sexual exploitation of a child),

11 11-9.2 (custodial sexual misconduct),

12 11-9.5 (sexual misconduct with a person with a
13 disability),

14 11-14.4 (promoting juvenile prostitution),

15 11-15.1 (soliciting for a juvenile prostitute),

16 11-18.1 (patronizing a juvenile prostitute),

17 11-17.1 (keeping a place of juvenile
18 prostitution),

19 11-19.1 (juvenile pimping),

20 11-19.2 (exploitation of a child),

21 11-25 (grooming),

22 11-26 (traveling to meet a minor or traveling to
23 meet a child),

24 11-1.20 or 12-13 (criminal sexual assault),

25 11-1.30 or 12-14 (aggravated criminal sexual
26 assault),

1 11-1.40 or 12-14.1 (predatory criminal sexual
2 assault of a child),

3 11-1.50 or 12-15 (criminal sexual abuse),

4 11-1.60 or 12-16 (aggravated criminal sexual
5 abuse),

6 12-33 (ritualized abuse of a child).

7 An attempt to commit any of these offenses.

8 (1.5) A violation of any of the following Sections of
9 the Criminal Code of 1961 or the Criminal Code of 2012,
10 when the victim is a person under 18 years of age, the
11 defendant is not a parent of the victim, the offense was
12 sexually motivated as defined in Section 10 of the Sex
13 Offender Evaluation and Treatment Act, and the offense was
14 committed on or after January 1, 1996:

15 10-1 (kidnapping),

16 10-2 (aggravated kidnapping),

17 10-3 (unlawful restraint),

18 10-3.1 (aggravated unlawful restraint).

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

24 (1.6) First degree murder under Section 9-1 of the
25 Criminal Code of 1961 or the Criminal Code of 2012,
26 provided the offense was sexually motivated as defined in

1 Section 10 of the Sex Offender Management Board Act.

2 (1.7) (Blank).

3 (1.8) A violation or attempted violation of Section
4 11-11 (sexual relations within families) of the Criminal
5 Code of 1961 or the Criminal Code of 2012, and the offense
6 was committed on or after June 1, 1997. If the offense was
7 committed before June 1, 1997, it is a sex offense
8 requiring registration only when the person is convicted
9 of any felony after July 1, 2011, and paragraph (2.1) of
10 subsection (c) of Section 3 of this Act applies.

11 (1.9) Child abduction under paragraph (10) of
12 subsection (b) of Section 10-5 of the Criminal Code of
13 1961 or the Criminal Code of 2012 committed by luring or
14 attempting to lure a child under the age of 16 into a motor
15 vehicle, building, house trailer, or dwelling place
16 without the consent of the parent or lawful custodian of
17 the child for other than a lawful purpose and the offense
18 was committed on or after January 1, 1998, provided the
19 offense was sexually motivated as defined in Section 10 of
20 the Sex Offender Management Board Act. If the offense was
21 committed before January 1, 1998, it is a sex offense
22 requiring registration only when the person is convicted
23 of any felony after July 1, 2011, and paragraph (2.1) of
24 subsection (c) of Section 3 of this Act applies.

25 (1.10) A violation or attempted violation of any of
26 the following Sections of the Criminal Code of 1961 or the

1 Criminal Code of 2012 when the offense was committed on or
2 after July 1, 1999:

3 10-4 (forcible detention, if the victim is under
4 18 years of age), provided the offense was sexually
5 motivated as defined in Section 10 of the Sex Offender
6 Management Board Act,

7 11-6.5 (indecent solicitation of an adult),

8 11-14.3 that involves soliciting for a prostitute,
9 or 11-15 (soliciting for a prostitute, if the victim
10 is under 18 years of age),

11 subdivision (a)(2)(A) or (a)(2)(B) of Section
12 11-14.3, or Section 11-16 (pandering, if the victim is
13 under 18 years of age),

14 11-18 (patronizing a prostitute, if the victim is
15 under 18 years of age),

16 subdivision (a)(2)(C) of Section 11-14.3, or
17 Section 11-19 (pimping, if the victim is under 18
18 years of age).

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

24 (1.11) A violation or attempted violation of any of
25 the following Sections of the Criminal Code of 1961 or the
26 Criminal Code of 2012 when the offense was committed on or

1 after August 22, 2002:

2 11-9 or 11-30 (public indecency for a third or
3 subsequent conviction).

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

9 (1.12) A violation or attempted violation of Section
10 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
11 Criminal Code of 1961 or the Criminal Code of 2012
12 (permitting sexual abuse) when the offense was committed
13 on or after August 22, 2002. If the offense was committed
14 before August 22, 2002, it is a sex offense requiring
15 registration only when the person is convicted of any
16 felony after July 1, 2011, and paragraph (2.1) of
17 subsection (c) of Section 3 of this Act applies.

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

21 (C) A conviction for an offense of federal law, Uniform
22 Code of Military Justice, or the law of another state or a
23 foreign country that is substantially equivalent to any
24 offense listed in subsections (B), (C), (E), and (E-5) of this
25 Section shall constitute a conviction for the purpose of this
26 Article. A finding or adjudication as a sexually dangerous

1 person or a sexually violent person under any federal law,
2 Uniform Code of Military Justice, or the law of another state
3 or foreign country that is substantially equivalent to the
4 Sexually Dangerous Persons Act or the Sexually Violent Persons
5 Commitment Act shall constitute an adjudication for the
6 purposes of this Article.

7 (C-5) A person at least 17 years of age at the time of the
8 commission of the offense who is convicted of first degree
9 murder under Section 9-1 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, against a person under 18 years of age,
11 shall be required to register for natural life. A conviction
12 for an offense of federal, Uniform Code of Military Justice,
13 sister state, or foreign country law that is substantially
14 equivalent to any offense listed in subsection (C-5) of this
15 Section shall constitute a conviction for the purpose of this
16 Article. This subsection (C-5) applies to a person who
17 committed the offense before June 1, 1996 if: (i) the person is
18 incarcerated in an Illinois Department of Corrections facility
19 on August 20, 2004 (the effective date of Public Act 93-977),
20 or (ii) subparagraph (i) does not apply and the person is
21 convicted of any felony after July 1, 2011, and paragraph
22 (2.1) of subsection (c) of Section 3 of this Act applies.

23 (C-6) A person who is convicted or adjudicated delinquent
24 of first degree murder as defined in Section 9-1 of the
25 Criminal Code of 1961 or the Criminal Code of 2012, against a
26 person 18 years of age or over, shall be required to register

1 for his or her natural life. A conviction for an offense of
2 federal, Uniform Code of Military Justice, sister state, or
3 foreign country law that is substantially equivalent to any
4 offense listed in subsection (C-6) of this Section shall
5 constitute a conviction for the purpose of this Article. This
6 subsection (C-6) does not apply to those individuals released
7 from incarceration more than 10 years prior to January 1, 2012
8 (the effective date of Public Act 97-154).

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

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

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

26 (1) Convicted for an offense of federal, Uniform Code

1 of Military Justice, sister state, or foreign country law
2 that is substantially equivalent to any offense listed in
3 subsection (E) or (E-5) of this Section shall constitute a
4 conviction for the purpose of this Article. Convicted of a
5 violation or attempted violation of any of the following
6 Sections of the Criminal Code of 1961 or the Criminal Code
7 of 2012:

8 10-5.1 (luring of a minor),

9 11-14.4 that involves keeping a place of juvenile
10 prostitution, or 11-17.1 (keeping a place of juvenile
11 prostitution),

12 subdivision (a) (2) or (a) (3) of Section 11-14.4,
13 or Section 11-19.1 (juvenile pimping),

14 subdivision (a) (4) of Section 11-14.4, or Section
15 11-19.2 (exploitation of a child),

16 11-20.1 (child sexual abuse material ~~pornography~~),

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

19 11-1.20 or 12-13 (criminal sexual assault),

20 11-1.30 or 12-14 (aggravated criminal sexual
21 assault),

22 11-1.40 or 12-14.1 (predatory criminal sexual
23 assault of a child),

24 11-1.60 or 12-16 (aggravated criminal sexual
25 abuse),

26 12-33 (ritualized abuse of a child);

1 (2) (blank);

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

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

10 (5) convicted of a second or subsequent offense which
11 requires registration pursuant to this Act. For purposes
12 of this paragraph (5), "convicted" shall include a
13 conviction under any substantially similar Illinois,
14 federal, Uniform Code of Military Justice, sister state,
15 or foreign country law;

16 (6) (blank); or

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

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

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

7 (2) Section 11-9.5 (sexual misconduct with a person
8 with a disability);

9 (3) when the victim is a person under 18 years of age,
10 the defendant is not a parent of the victim, the offense
11 was sexually motivated as defined in Section 10 of the Sex
12 Offender Management Board Act, and the offense was
13 committed on or after January 1, 1996: (A) Section 10-1
14 (kidnapping), (B) Section 10-2 (aggravated kidnapping),
15 (C) Section 10-3 (unlawful restraint), and (D) Section
16 10-3.1 (aggravated unlawful restraint); and

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

25 (E-10) As used in this Article, "sexual predator" also
26 means a person required to register in another State due to a

1 conviction, adjudication or other action of any court
2 triggering an obligation to register as a sex offender, sexual
3 predator, or substantially similar status under the laws of
4 that State.

5 (F) As used in this Article, "out-of-state student" means
6 any sex offender, as defined in this Section, or sexual
7 predator who is enrolled in Illinois, on a full-time or
8 part-time basis, in any public or private educational
9 institution, including, but not limited to, any secondary
10 school, trade or professional institution, or institution of
11 higher learning.

12 (G) As used in this Article, "out-of-state employee" means
13 any sex offender, as defined in this Section, or sexual
14 predator who works in Illinois, regardless of whether the
15 individual receives payment for services performed, for a
16 period of time of 10 or more days or for an aggregate period of
17 time of 30 or more days during any calendar year. Persons who
18 operate motor vehicles in the State accrue one day of
19 employment time for any portion of a day spent in Illinois.

20 (H) As used in this Article, "school" means any public or
21 private educational institution, including, but not limited
22 to, any elementary or secondary school, trade or professional
23 institution, or institution of higher education.

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

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

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

6 Section 75. The Trafficking Victims Protection Act is
7 amended by changing Section 10 as follows:

8 (740 ILCS 128/10)

9 Sec. 10. Definitions. As used in this Act:

10 "Human trafficking" means a violation or attempted
11 violation of subsection (d) of Section 10-9 of the Criminal
12 Code of 2012.

13 "Involuntary servitude" means a violation or attempted
14 violation of subsection (b) of Section 10-9 of the Criminal
15 Code of 2012.

16 "Sex trade" means a violation or attempted violation of
17 any of the following Sections of the Criminal Code of 1961 or
18 the Criminal Code of 2012: 11-14.3 (promoting prostitution);
19 11-14.4 (promoting juvenile prostitution); 11-15 (soliciting
20 for a prostitute); 11-15.1 (soliciting for a juvenile
21 prostitute); 11-16 (pandering); 11-17 (keeping a place of
22 prostitution); 11-17.1 (keeping a place of juvenile
23 prostitution); 11-19 (pimping); 11-19.1 (juvenile pimping and
24 aggravated juvenile pimping); 11-19.2 (exploitation of a

1 child); 11-20 (obscenity); 11-20.1 (child sexual abuse
2 material pornography); 11-20.1B or 11-20.3 (aggravated child
3 pornography); or subsection (c) of Section 10-9 (involuntary
4 sexual servitude of a minor).

5 "Sex trade" activity may involve adults and youth of all
6 genders and sexual orientations.

7 "Victim of the sex trade" means, for the following sex
8 trade acts, the person or persons indicated:

9 (1) soliciting for a prostitute: the prostitute who is
10 the object of the solicitation;

11 (2) soliciting for a juvenile prostitute: the juvenile
12 prostitute, or person with a severe or profound
13 intellectual disability, who is the object of the
14 solicitation;

15 (3) promoting prostitution as described in subdivision
16 (a) (2) (A) or (a) (2) (B) of Section 11-14.3 of the Criminal
17 Code of 1961 or the Criminal Code of 2012, or pandering:
18 the person intended or compelled to act as a prostitute;

19 (4) keeping a place of prostitution: any person
20 intended or compelled to act as a prostitute, while
21 present at the place, during the time period in question;

22 (5) keeping a place of juvenile prostitution: any
23 juvenile intended or compelled to act as a prostitute,
24 while present at the place, during the time period in
25 question;

26 (6) promoting prostitution as described in subdivision

1 (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961
2 or the Criminal Code of 2012, or pimping: the prostitute
3 from whom anything of value is received;

4 (7) promoting juvenile prostitution as described in
5 subdivision (a)(2) or (a)(3) of Section 11-14.4 of the
6 Criminal Code of 1961 or the Criminal Code of 2012, or
7 juvenile pimping and aggravated juvenile pimping: the
8 juvenile, or person with a severe or profound intellectual
9 disability, from whom anything of value is received for
10 that person's act of prostitution;

11 (8) promoting juvenile prostitution as described in
12 subdivision (a)(4) of Section 11-14.4 of the Criminal Code
13 of 1961 or the Criminal Code of 2012, or exploitation of a
14 child: the juvenile, or person with a severe or profound
15 intellectual disability, intended or compelled to act as a
16 prostitute or from whom anything of value is received for
17 that person's act of prostitution;

18 (9) obscenity: any person who appears in or is
19 described or depicted in the offending conduct or
20 material;

21 (10) child sexual abuse material ~~pornography~~ or
22 aggravated child pornography: any child, or person with a
23 severe or profound intellectual disability, who appears in
24 or is described or depicted in the offending conduct or
25 material; or

26 (11) involuntary sexual servitude of a minor as

1 defined in subsection (c) of Section 10-9 of the Criminal
2 Code of 1961 or the Criminal Code of 2012.
3 (Source: P.A. 99-143, eff. 7-27-15; 100-939, eff. 1-1-19.)

1 INDEX

2 Statutes amended in order of appearance

3	20 ILCS 4026/10	
4	110 ILCS 57/5	
5	225 ILCS 10/3.3	
6	325 ILCS 5/4.5	
7	325 ILCS 5/11.1	from Ch. 23, par. 2061.1
8	325 ILCS 15/3	from Ch. 23, par. 2083
9	325 ILCS 40/2	from Ch. 23, par. 2252
10	325 ILCS 47/10	
11	705 ILCS 135/15-70	
12	705 ILCS 405/3-40	
13	720 ILCS 5/3-5	from Ch. 38, par. 3-5
14	720 ILCS 5/3-6	from Ch. 38, par. 3-6
15	720 ILCS 5/11-0.1	
16	720 ILCS 5/11-9.1	from Ch. 38, par. 11-9.1
17	720 ILCS 5/11-9.3	
18	720 ILCS 5/11-20.1	from Ch. 38, par. 11-20.1
19	720 ILCS 5/11-20.2	from Ch. 38, par. 11-20.2
20	720 ILCS 5/11-23	
21	720 ILCS 5/11-25	
22	720 ILCS 5/14-3	
23	720 ILCS 5/36-1	from Ch. 38, par. 36-1
24	725 ILCS 5/106B-10	
25	725 ILCS 5/115-7	from Ch. 38, par. 115-7

1	725 ILCS 5/115-7.3	
2	725 ILCS 5/124B-10	
3	725 ILCS 5/124B-100	
4	725 ILCS 5/124B-420	
5	725 ILCS 5/124B-500	
6	725 ILCS 215/2	from Ch. 38, par. 1702
7	725 ILCS 215/3	from Ch. 38, par. 1703
8	730 ILCS 5/3-1-2	from Ch. 38, par. 1003-1-2
9	730 ILCS 5/5-5-3	
10	730 ILCS 5/5-5-3.2	
11	730 ILCS 5/5-8-1	from Ch. 38, par. 1005-8-1
12	730 ILCS 5/5-8-4	from Ch. 38, par. 1005-8-4
13	730 ILCS 5/5-9-1.7	from Ch. 38, par. 1005-9-1.7
14	730 ILCS 5/5-9-1.8	
15	730 ILCS 150/2	from Ch. 38, par. 222
16	740 ILCS 128/10	