

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 or child pornography,  
7       in violation of Section 11-20.1 of the Criminal Code of  
8       1961 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.

1 (4) Exploitation of a child.

2 (5) Child sexual abuse material or child pornography.

3 (6) Aggravated child pornography.

4 "Violent felony" means any of the following offenses, as  
5 defined by the Criminal Code of 1961 or the Criminal Code of  
6 2012:

7 (1) First degree murder.

8 (2) Second degree murder.

9 (3) Predatory criminal sexual assault of a child.

10 (4) Aggravated criminal sexual assault.

11 (5) Criminal sexual assault.

12 (6) Aggravated arson.

13 (7) Aggravated kidnapping.

14 (8) Kidnapping.

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

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

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

20 (225 ILCS 10/3.3)

21 Sec. 3.3. Requirements for criminal background checks for  
22 adoption-only homes. In approving an adoption-only home  
23 pursuant to Section 3.2 of this Act, if an adult resident has  
24 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 or child pornography, rape, sexual assault,  
17 or 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 or child  
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          (1) 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          (1-5) 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 (1-5) and shall state the circumstances justifying  
25    the extension. Nothing in this subsection (1-5) 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 unaware of the nature of the act such that the victim could not  
6 give voluntary and knowing agreement to the sexual act.

7 "Unable to give knowing consent" also includes when the  
8 accused administers any intoxicating or anesthetic substance,  
9 or any controlled substance causing the victim to become  
10 unconscious of the nature of the act and this condition was  
11 known, or reasonably should have been known by the accused.

12 "Unable to give knowing consent" also includes when the victim  
13 has taken an intoxicating substance or any controlled  
14 substance causing the victim to become unconscious of the  
15 nature of the act, and this condition was known or reasonably  
16 should have been known by the accused, but the accused did not  
17 provide or administer the intoxicating substance. As used in  
18 this paragraph, "unconscious of the nature of the act" means  
19 incapable of resisting because the victim meets any one of the  
20 following 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 or child pornography), 11-20.1B (aggravated  
5 child 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 or child 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 or child  
16 pornography, aggravated child pornography, aggravated criminal  
17 sexual abuse, aggravated criminal sexual assault, predatory  
18 criminal sexual assault of a child, or any of the offenses  
19 formerly known as rape, deviate sexual assault, indecent  
20 liberties with a child, or aggravated indecent liberties with  
21 a child where the victim was under the age of 18 years or an  
22 offense that is substantially equivalent to those offenses, is  
23 guilty of a Class X felony for which the person shall be  
24 sentenced to a term of imprisonment of not less than 9 years  
25 with a mandatory minimum fine of \$2,000 and a maximum fine of  
26 \$100,000. Where the child depicted is under the age of 13, a

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

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

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

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

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

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

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

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

1 any other means of transferring computer programs or data  
2 to a computer.

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

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

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

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

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

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

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

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

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

22 (i) Section 50-5 of Public Act 88-680, effective  
23 January 1, 1995, contained provisions amending the  
24 child sexual abuse material ~~pornography~~ statute,  
25 Section 11-20.1 of the Criminal Code of 1961. Section  
26 50-5 also contained other provisions.

1           (ii) In addition, Public Act 88-680 was entitled  
2       "AN ACT to create a Safe Neighborhoods Law". (A)  
3       Article 5 was entitled JUVENILE JUSTICE and amended  
4       the Juvenile Court Act of 1987. (B) Article 15 was  
5       entitled GANGS and amended various provisions of the  
6       Criminal Code of 1961 and the Unified Code of  
7       Corrections. (C) Article 20 was entitled ALCOHOL ABUSE  
8       and amended various provisions of the Illinois Vehicle  
9       Code. (D) Article 25 was entitled DRUG ABUSE and  
10      amended the Cannabis Control Act and the Illinois  
11      Controlled Substances Act. (E) Article 30 was entitled  
12      FIREARMS and amended the Criminal Code of 1961 and the  
13      Code of Criminal Procedure of 1963. (F) Article 35  
14      amended the Criminal Code of 1961, the Rights of Crime  
15      Victims and Witnesses Act, and the Unified Code of  
16      Corrections. (G) Article 40 amended the Criminal Code  
17      of 1961 to increase the penalty for compelling  
18      organization membership of persons. (H) Article 45  
19      created the Secure Residential Youth Care Facility  
20      Licensing Act and amended the State Finance Act, the  
21      Juvenile Court Act of 1987, the Unified Code of  
22      Corrections, and the Private Correctional Facility  
23      Moratorium Act. (I) Article 50 amended the WIC Vendor  
24      Management Act, the Firearm Owners Identification Card  
25      Act, the Juvenile Court Act of 1987, the Criminal Code  
26      of 1961, the Wrongs to Children Act, and the Unified

1 Code of Corrections.

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

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

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

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

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

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

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

15 (720 ILCS 5/11-20.2) (from Ch. 38, par. 11-20.2)

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

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



1 such child is:

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

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

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

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

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

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

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

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

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

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

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

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

26 (f) A computer technician or an employer caused to report

1 child sexual abuse material ~~pornography~~ under this Section is  
2 immune from any criminal, civil, or administrative liability  
3 in connection with making the report, except for willful or  
4 wanton misconduct.

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

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

12 (720 ILCS 5/11-23)

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

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

24 (a-5) Any person who knowingly places, posts, reproduces,  
25 or maintains on an adult obscenity or child sexual abuse

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

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

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

1 Section is guilty of a Class 4 felony. A person who violates  
2 subsection (a-10) of this Section is guilty of a Class 3  
3 felony.

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

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

11 (2) "Internet" has the meaning set forth in Section  
12 16-0.1 of this Code.

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

14 (720 ILCS 5/11-25)

15 Sec. 11-25. Grooming.

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

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

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

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

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

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

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

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

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

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

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

26 (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

1 defense establishment or military installation;

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

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

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



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

22 (g-5) (Blank);

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

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

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

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

1 law enforcement.

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

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

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

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

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

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

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

26 (i) the monitoring is used for the purpose of

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

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

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

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

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

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

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

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

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

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

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

25 or

26 (iv) engaging in the solicitation, administration,

1           or collection of bank or retail credit accounts.

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

10          (k) Electronic recordings, including but not limited  
11          to, a motion picture, videotape, digital, or other visual  
12          or audio recording, made of a custodial interrogation of  
13          an individual at a police station or other place of  
14          detention by a law enforcement officer under Section  
15          5-401.5 of the Juvenile Court Act of 1987 or Section  
16          103-2.1 of the Code of Criminal Procedure of 1963;

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

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



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

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

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

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

1       hostages, or law enforcement officers or anyone acting on  
2       their behalf;

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

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

26          (2) Request for approval. To invoke the exception

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

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

13 (B) a physical description; or

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

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

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

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

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

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

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

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

1 disclosing:

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

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

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

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

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

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

1 enforcement officer who has consented to the  
2 conversation being intercepted or recorded suffers  
3 great bodily injury or is killed during the commission  
4 of the charged forcible felony.

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

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

1 regulatory body, legislative committee, or other authority  
2 of this State, or a political subdivision of the State,  
3 nor may it be publicly disclosed in any way.

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

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

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

16 "Qualified offense" means and is limited to:

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

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

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

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

26 (B) first degree murder, solicitation of

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

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

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

18 (9) Recordings, records, and custody. Any private  
19 conversation or private electronic communication  
20 intercepted by a law enforcement officer or a person  
21 acting at the direction of law enforcement shall, if  
22 practicable, be recorded in such a way as will protect the  
23 recording from editing or other alteration. Any and all  
24 original recordings made under this subsection (q) shall  
25 be inventoried without unnecessary delay pursuant to the  
26 law enforcement agency's policies for inventorying



1 evidence. The original recordings shall not be destroyed  
2 except upon an order of a court of competent jurisdiction;  
3 and

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

8 (Source: P.A. 101-80, eff. 7-12-19; 102-538, eff. 8-20-21;  
9 102-918, eff. 5-27-22.)

10 (720 ILCS 5/36-1) (from Ch. 38, par. 36-1)

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

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

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

1 child), Section 11-14.4 (promoting juvenile prostitution  
2 except for keeping a place of juvenile prostitution),  
3 Section 11-20.1 (child sexual abuse material ~~pornography~~),  
4 paragraph (a)(1), (a)(2), (a)(4), (b)(1), (b)(2), (e)(1),  
5 (e)(2), (e)(3), (e)(4), (e)(5), (e)(6), or (e)(7) of  
6 Section 12-3.05 (aggravated battery), Section 12-7.3  
7 (stalking), Section 12-7.4 (aggravated stalking), Section  
8 16-1 (theft if the theft is of precious metal or of scrap  
9 metal), subdivision (f)(2) or (f)(3) of Section 16-25  
10 (retail theft), Section 18-2 (armed robbery), Section 19-1  
11 (burglary), Section 19-2 (possession of burglary tools),  
12 Section 19-3 (residential burglary), Section 20-1 (arson;  
13 residential arson; place of worship arson), Section 20-2  
14 (possession of explosives or explosive or incendiary  
15 devices), subdivision (a)(6) or (a)(7) of Section 24-1  
16 (unlawful possession of weapons), Section 24-1.2  
17 (aggravated discharge of a firearm), Section 24-1.2-5  
18 (aggravated discharge of a machine gun or a firearm  
19 equipped with a device designed or used for silencing the  
20 report of a firearm), Section 24-1.5 (reckless discharge  
21 of a firearm), Section 28-1 (gambling), or Section  
22 29D-15.2 (possession of a deadly substance) of this Code;

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

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

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

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

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

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

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

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

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

1                   (iv) reckless homicide as defined in Section  
2                   9-3 of this Code;

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

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

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

1           (E) he or she knew or should have known that the  
2           vehicle he or she was driving was not covered by a  
3           liability insurance policy;

4           (7) an offense described in subsection (g) of Section  
5           6-303 of the Illinois Vehicle Code;

6           (8) an offense described in subsection (e) of Section  
7           6-101 of the Illinois Vehicle Code; or

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

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

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

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

1 (2), (3), or (4) of subsection (a) of this Section.

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

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

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

8 (725 ILCS 5/106B-10)

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



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

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

11 (725 ILCS 5/115-7) (from Ch. 38, par. 115-7)

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

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

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

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

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

8 (725 ILCS 5/115-7.3)

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

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

11 (1) the defendant is accused of predatory criminal  
12 sexual assault of a child, aggravated criminal sexual  
13 assault, criminal sexual assault, aggravated criminal  
14 sexual abuse, criminal sexual abuse, child sexual abuse  
15 material ~~pornography~~, aggravated child pornography,  
16 involuntary servitude, involuntary sexual servitude of a  
17 minor, trafficking in persons, criminal transmission of  
18 ~~HIV,~~ or child abduction as defined in paragraph (10) of  
19 subsection (b) of Section 10-5 of the Criminal Code of  
20 1961 or the Criminal Code of 2012;

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

1           (3) the defendant is tried or retried for any of the  
2           offenses formerly known as rape, deviate sexual assault,  
3           indecent liberties with a child, or aggravated indecent  
4           liberties with a child.

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

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

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

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

22               (3) other relevant facts and circumstances.

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

1 advance of trial, or during trial if the court excuses  
2 pretrial notice on good cause shown.

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

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

16 (Source: P.A. 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13;  
17 98-160, eff. 1-1-14.)

18 (725 ILCS 5/124B-10)

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

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

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

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

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

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

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

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

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

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

1 (computer fraud).

2 (9) A felony violation of Section 17-6.3 or Article  
3 17B of the Criminal Code of 2012 or the Criminal Code of  
4 1961 (WIC fraud).

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

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

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

12 (Source: P.A. 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13;  
13 97-1109, eff. 1-1-13; 97-1150, eff. 1-25-13; 98-1138, eff.  
14 6-1-15.)

15 (725 ILCS 5/124B-100)

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

18 (1) In the case of forfeiture authorized under Section  
19 10A-15 of the Criminal Code of 1961 or Section 10-9 of the  
20 Criminal Code of 2012, "offense" means the offense of  
21 involuntary servitude, involuntary servitude of a minor,  
22 or trafficking in persons in violation of Section 10-9 or  
23 10A-10 of those Codes.

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

1 of the Criminal Code of 1961 or the Criminal Code of 2012,  
2 "offense" means the offense of promoting juvenile  
3 prostitution or keeping a place of juvenile prostitution  
4 in violation of subdivision (a) (1) of Section 11-14.4, or  
5 Section 11-17.1, of those Codes.

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

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

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

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



1           (7) In the case of forfeiture authorized under Section  
2           12C-65 of the Criminal Code of 2012 or Article 44 of the  
3           Criminal Code of 1961, "offense" means the offense of  
4           unlawful transfer of a telecommunications device to a  
5           minor in violation of Section 12C-65 or Article 44 of  
6           those Codes.

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

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

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

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

25          (12) In the case of forfeiture authorized under  
26          Section 124B-1000(b) of the Code of Criminal Procedure of

1       1963, "offense" means an offense in violation of the  
2       Criminal Code of 1961, the Criminal Code of 2012, the  
3       Illinois Controlled Substances Act, the Cannabis Control  
4       Act, or the Methamphetamine Control and Community  
5       Protection Act, or an offense involving a  
6       telecommunications device possessed by a person on the  
7       real property of any elementary or secondary school  
8       without authority of the school principal.

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

12       (725 ILCS 5/124B-420)

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

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

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

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

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

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

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

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

11      (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;  
12      97-1150, eff. 1-25-13.)

13           (725 ILCS 5/124B-500)

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

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

1 of the Criminal Code of 1961 or the Criminal Code of 2012  
2 that the sentencing court determines, after a forfeiture  
3 hearing under this Article, to have been acquired or  
4 maintained as a result of child sexual abuse material  
5 ~~pornography~~, aggravated child pornography, obscene  
6 depiction of a purported child, non-consensual  
7 dissemination of private sexual images, or non-consensual  
8 dissemination of sexually explicit digitized depictions.

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

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

1        11-20.4 of the Criminal Code of 1961 or the Criminal Code  
2        of 2012. For purposes of this paragraph (3), "computer"  
3        has the meaning ascribed to it in Section 17-0.5 of the  
4        Criminal Code of 2012.

5        (Source: P.A. 103-825, eff. 1-1-25.)

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

8        (725 ILCS 215/2) (from Ch. 38, par. 1702)

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

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

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

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

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

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

8 (725 ILCS 215/3) (from Ch. 38, par. 1703)

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

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

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



1 county grand jury together with the reasons for such  
2 belief, and

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

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

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

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

1 of 1961 or the Criminal Code of 2012; or a money laundering  
2 offense; provided that the violation or offense involves  
3 acts occurring in more than one county of this State; and

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

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

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

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

1 is sought. The Circuit Judge shall determine the necessity for  
2 an additional Statewide Grand Jury in accordance with the  
3 provisions of this Section. No more than 2 Statewide Grand  
4 Juries may be empaneled at any time.

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

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

9 (730 ILCS 5/3-1-2) (from Ch. 38, par. 1003-1-2)

10 Sec. 3-1-2. Definitions.

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

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

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

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

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

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

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

5           An attempt to commit any of these offenses.

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

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

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

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

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

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

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

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

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

25 (f) "Director" means both the Director of Corrections and  
26 the Director of Juvenile Justice, unless the context is

1 specific to either the Director of Corrections or the Director  
2 of Juvenile Justice.

3 (f-5) (Blank).

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

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

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

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

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

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

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

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

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

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

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

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



1 Procedure.

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

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

4 Sec. 5-5-3. Disposition.

5 (a) (Blank).

6 (b) (Blank).

7 (c) (1) (Blank).

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

15 (A) First degree murder.

16 (B) Attempted first degree murder.

17 (C) A Class X felony.

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

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

1 analog thereof.

2 (E) (Blank).

3 (F) A Class 1 or greater felony if the offender had  
4 been convicted of a Class 1 or greater felony, including  
5 any state or federal conviction for an offense that  
6 contained, at the time it was committed, the same elements  
7 as an offense now (the date of the offense committed after  
8 the prior Class 1 or greater felony) classified as a Class  
9 1 or greater felony, within 10 years of the date on which  
10 the offender committed the offense for which he or she is  
11 being sentenced, except as otherwise provided in Section  
12 40-10 of the Substance Use Disorder Act.

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

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

1 (G) Residential burglary, except as otherwise provided  
2 in Section 40-10 of the Substance Use Disorder Act.

3 (H) Criminal sexual assault.

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

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

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

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

20 (K) Vehicular hijacking.

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

25 (M) A second or subsequent conviction for the offense  
26 of institutional vandalism if the damage to the property

1 exceeds \$300.

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

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

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

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

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

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

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

21 (S) (Blank).

22 (T) (Blank).

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

1 or the Criminal Code of 2012, relating to the offense of  
2 reckless homicide, or a similar provision of a law of  
3 another state.

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

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

1 criminal sexual assault of a child, or any of the offenses  
2 formerly known as rape, deviate sexual assault, indecent  
3 liberties with a child, or aggravated indecent liberties  
4 with a child if the victim was under the age of 18 years or  
5 an offense that is substantially equivalent to those  
6 offenses.

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

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

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

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

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

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

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

25 (DD) A conviction for aggravated assault under  
26 paragraph (6) of subsection (c) of Section 12-2 of the

1 Criminal Code of 1961 or the Criminal Code of 2012 if the  
2 firearm is aimed toward the person against whom the  
3 firearm is being used.

4 (EE) A conviction for a violation of paragraph (2) of  
5 subsection (a) of Section 24-3B of the Criminal Code of  
6 2012.

7 (3) (Blank).

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

12 (4.1) (Blank).

13 (4.2) Except as provided in paragraphs (4.3) and (4.8) of  
14 this subsection (c), a minimum of 100 hours of community  
15 service shall be imposed for a second violation of Section  
16 6-303 of the Illinois Vehicle Code.

17 (4.3) A minimum term of imprisonment of 30 days or 300  
18 hours of community service, as determined by the court, shall  
19 be imposed for a second violation of subsection (c) of Section  
20 6-303 of the Illinois Vehicle Code.

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

1 service hours for participation in activities and treatment as  
2 determined by court services.

3 (4.5) A minimum term of imprisonment of 30 days shall be  
4 imposed for a third violation of subsection (c) of Section  
5 6-303 of the Illinois Vehicle Code.

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

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

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

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



1           (4.10) A mandatory prison sentence for a Class 1 felony  
2 shall be imposed, and the person shall be eligible for an  
3 extended term sentence, for a fourth or subsequent violation  
4 of subsection (a-5) of Section 6-303 of the Illinois Vehicle  
5 Code, as provided in subsection (d-3.5) of that Section. The  
6 person's driving privileges shall be revoked for the remainder  
7 of his or her life.

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

10               (A) a period of conditional discharge;

11               (B) a fine;

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

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

21           (5.2) In addition to any other penalties imposed, and  
22 except as provided in paragraph (5.3), a person convicted of  
23 violating subsection (c) of Section 11-907 of the Illinois  
24 Vehicle Code shall have his or her driver's license, permit,  
25 or privileges suspended for at least 180 days but not more than  
26 2 years, if the violation resulted in injury to another

1 person.

2 (5.3) In addition to any other penalties imposed, a person  
3 convicted of violating subsection (c) of Section 11-907 of the  
4 Illinois Vehicle Code shall have his or her driver's license,  
5 permit, or privileges suspended for 2 years, if the violation  
6 resulted in the death of another person.

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

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

20 (6) (Blank).

21 (7) (Blank).

22 (8) (Blank).

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

26 (10) (Blank).

1           (11) The court shall impose a minimum fine of \$1,000 for a  
2     first offense and \$2,000 for a second or subsequent offense  
3     upon a person convicted of or placed on supervision for  
4     battery when the individual harmed was a sports official or  
5     coach at any level of competition and the act causing harm to  
6     the sports official or coach occurred within an athletic  
7     facility or within the immediate vicinity of the athletic  
8     facility at which the sports official or coach was an active  
9     participant of the athletic contest held at the athletic  
10    facility. For the purposes of this paragraph (11), "sports  
11    official" means a person at an athletic contest who enforces  
12    the rules of the contest, such as an umpire or referee;  
13    "athletic facility" means an indoor or outdoor playing field  
14    or recreational area where sports activities are conducted;  
15    and "coach" means a person recognized as a coach by the  
16    sanctioning authority that conducted the sporting event.

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

22           (13) A person convicted of or placed on court supervision  
23    for an assault or aggravated assault when the victim and the  
24    offender are family or household members as defined in Section  
25    103 of the Illinois Domestic Violence Act of 1986 or convicted  
26    of domestic battery or aggravated domestic battery may be

1 required to attend a Partner Abuse Intervention Program under  
2 protocols set forth by the Illinois Department of Human  
3 Services under such terms and conditions imposed by the court.  
4 The costs of such classes shall be paid by the offender.

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

23 (e) In cases where prosecution for aggravated criminal  
24 sexual abuse under Section 11-1.60 or 12-16 of the Criminal  
25 Code of 1961 or the Criminal Code of 2012 results in conviction  
26 of a defendant who was a family member of the victim at the

1 time of the commission of the offense, the court shall  
2 consider the safety and welfare of the victim and may impose a  
3 sentence of probation only where:

4 (1) the court finds (A) or (B) or both are  
5 appropriate:

6 (A) the defendant is willing to undergo a court  
7 approved counseling program for a minimum duration of  
8 2 years; or

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

12 (i) removal from the household;

13 (ii) restricted contact with the victim;

14 (iii) continued financial support of the  
15 family;

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

17 and

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

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

1 Probation may be revoked or modified pursuant to Section  
2 5-6-4; except where the court determines at the hearing that  
3 the defendant violated a condition of his or her probation  
4 restricting contact with the victim or other family members or  
5 commits another offense with the victim or other family  
6 members, the court shall revoke the defendant's probation and  
7 impose a term of imprisonment.

8 For the purposes of this Section, "family member" and  
9 "victim" shall have the meanings ascribed to them in Section  
10 11-0.1 of the Criminal Code of 2012.

11 (f) (Blank).

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

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

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

1 inspection in camera if requested by the judge. Acting in  
2 accordance with the best interests of those in the courtroom,  
3 the judge shall have the discretion to determine what if any  
4 precautions need to be taken to prevent transmission of the  
5 disease in the courtroom.

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



1 test shall be paid by the county and may be taxed as costs  
2 against the convicted defendant.

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

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

1 school, or otherwise works with children under 18 years of age  
2 on a daily basis. When a defendant is so employed, the court  
3 shall order the Clerk of the Court to send a copy of the  
4 judgment of conviction or order of supervision or probation to  
5 the defendant's employer by certified mail. If the employer of  
6 the defendant is a school, the Clerk of the Court shall direct  
7 the mailing of a copy of the judgment of conviction or order of  
8 supervision or probation to the appropriate regional  
9 superintendent of schools. The regional superintendent of  
10 schools shall notify the State Board of Education of any  
11 notification under this subsection.

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

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

19 (k) (Blank).

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

1     when:

2             (1) a final order of deportation has been issued  
3             against the defendant pursuant to proceedings under the  
4             Immigration and Nationality Act, and

5             (2) the deportation of the defendant would not  
6             deprecate the seriousness of the defendant's conduct and  
7             would not be inconsistent with the ends of justice.

8             Otherwise, the defendant shall be sentenced as provided in  
9             this Chapter V.

10            (B) If the defendant has already been sentenced for a  
11            felony or misdemeanor offense, or has been placed on probation  
12            under Section 10 of the Cannabis Control Act, Section 410 of  
13            the Illinois Controlled Substances Act, or Section 70 of the  
14            Methamphetamine Control and Community Protection Act, the  
15            court may, upon motion of the State's Attorney to suspend the  
16            sentence imposed, commit the defendant to the custody of the  
17            Attorney General of the United States or his or her designated  
18            agent when:

19             (1) a final order of deportation has been issued  
20             against the defendant pursuant to proceedings under the  
21             Immigration and Nationality Act, and

22             (2) the deportation of the defendant would not  
23             deprecate the seriousness of the defendant's conduct and  
24             would not be inconsistent with the ends of justice.

25            (C) This subsection (1) does not apply to offenders who  
26            are subject to the provisions of paragraph (2) of subsection

1 (a) of Section 3-6-3.

2 (D) Upon motion of the State's Attorney, if a defendant  
3 sentenced under this Section returns to the jurisdiction of  
4 the United States, the defendant shall be recommitted to the  
5 custody of the county from which he or she was sentenced.  
6 Thereafter, the defendant shall be brought before the  
7 sentencing court, which may impose any sentence that was  
8 available under Section 5-5-3 at the time of initial  
9 sentencing. In addition, the defendant shall not be eligible  
10 for additional earned sentence credit as provided under  
11 Section 3-6-3.

12 (m) A person convicted of criminal defacement of property  
13 under Section 21-1.3 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012, in which the property damage exceeds  
15 \$300 and the property damaged is a school building, shall be  
16 ordered to perform community service that may include cleanup,  
17 removal, or painting over the defacement.

18 (n) The court may sentence a person convicted of a  
19 violation of Section 12-19, 12-21, 16-1.3, or 17-56, or  
20 subsection (a) or (b) of Section 12-4.4a, of the Criminal Code  
21 of 1961 or the Criminal Code of 2012 (i) to an impact  
22 incarceration program if the person is otherwise eligible for  
23 that program under Section 5-8-1.1, (ii) to community service,  
24 or (iii) if the person has a substance use disorder, as defined  
25 in the Substance Use Disorder Act, to a treatment program  
26 licensed under that Act.

1           (o) Whenever a person is convicted of a sex offense as  
2 defined in Section 2 of the Sex Offender Registration Act, the  
3 defendant's driver's license or permit shall be subject to  
4 renewal on an annual basis in accordance with the provisions  
5 of license renewal established by the Secretary of State.

6           (Source: P.A. 102-168, eff. 7-27-21; 102-531, eff. 1-1-22;  
7 102-813, eff. 5-13-22; 102-1030, eff. 5-27-22; 103-51, eff.  
8 1-1-24; 103-825, eff. 1-1-25.)

9           (730 ILCS 5/5-5-3.2)

10          Sec. 5-5-3.2. Factors in aggravation and extended-term  
11 sentencing.

12          (a) The following factors shall be accorded weight in  
13 favor of imposing a term of imprisonment or may be considered  
14 by the court as reasons to impose a more severe sentence under  
15 Section 5-8-1 or Article 4.5 of Chapter V:

16               (1) the defendant's conduct caused or threatened  
17 serious harm;

18               (2) the defendant received compensation for committing  
19 the offense;

20               (3) the defendant has a history of prior delinquency  
21 or criminal activity;

22               (4) the defendant, by the duties of his office or by  
23 his position, was obliged to prevent the particular  
24 offense committed or to bring the offenders committing it  
25 to justice;

1           (5) the defendant held public office at the time of  
2           the offense, and the offense related to the conduct of  
3           that office;

4           (6) the defendant utilized his professional reputation  
5           or position in the community to commit the offense, or to  
6           afford him an easier means of committing it;

7           (7) the sentence is necessary to deter others from  
8           committing the same crime;

9           (8) the defendant committed the offense against a  
10          person 60 years of age or older or such person's property;

11          (9) the defendant committed the offense against a  
12          person who has a physical disability or such person's  
13          property;

14          (10) by reason of another individual's actual or  
15          perceived race, color, creed, religion, ancestry, gender,  
16          sexual orientation, physical or mental disability, or  
17          national origin, the defendant committed the offense  
18          against (i) the person or property of that individual;  
19          (ii) the person or property of a person who has an  
20          association with, is married to, or has a friendship with  
21          the other individual; or (iii) the person or property of a  
22          relative (by blood or marriage) of a person described in  
23          clause (i) or (ii). For the purposes of this Section,  
24          "sexual orientation" has the meaning ascribed to it in  
25          paragraph (0-1) of Section 1-103 of the Illinois Human  
26          Rights Act;

1           (11) the offense took place in a place of worship or on  
2           the grounds of a place of worship, immediately prior to,  
3           during or immediately following worship services. For  
4           purposes of this subparagraph, "place of worship" shall  
5           mean any church, synagogue or other building, structure or  
6           place used primarily for religious worship;

7           (12) the defendant was convicted of a felony committed  
8           while he was on pretrial release or his own recognizance  
9           pending trial for a prior felony and was convicted of such  
10          prior felony, or the defendant was convicted of a felony  
11          committed while he was serving a period of probation,  
12          conditional discharge, or mandatory supervised release  
13          under subsection (d) of Section 5-8-1 for a prior felony;

14          (13) the defendant committed or attempted to commit a  
15          felony while he was wearing a bulletproof vest. For the  
16          purposes of this paragraph (13), a bulletproof vest is any  
17          device which is designed for the purpose of protecting the  
18          wearer from bullets, shot or other lethal projectiles;

19          (14) the defendant held a position of trust or  
20          supervision such as, but not limited to, family member as  
21          defined in Section 11-0.1 of the Criminal Code of 2012,  
22          teacher, scout leader, baby sitter, or day care worker, in  
23          relation to a victim under 18 years of age, and the  
24          defendant committed an offense in violation of Section  
25          11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 11-6, 11-11,  
26          11-14.4 except for an offense that involves keeping a



1 place of juvenile prostitution, 11-15.1, 11-19.1, 11-19.2,  
2 11-20.1, 11-20.1B, 11-20.3, 12-13, 12-14, 12-14.1, 12-15  
3 or 12-16 of the Criminal Code of 1961 or the Criminal Code  
4 of 2012 against that victim;

5 (15) the defendant committed an offense related to the  
6 activities of an organized gang. For the purposes of this  
7 factor, "organized gang" has the meaning ascribed to it in  
8 Section 10 of the Streetgang Terrorism Omnibus Prevention  
9 Act;

10 (16) the defendant committed an offense in violation  
11 of one of the following Sections while in a school,  
12 regardless of the time of day or time of year; on any  
13 conveyance owned, leased, or contracted by a school to  
14 transport students to or from school or a school related  
15 activity; on the real property of a school; or on a public  
16 way within 1,000 feet of the real property comprising any  
17 school: Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30,  
18 11-1.40, 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1,  
19 11-18.1, 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2,  
20 12-4.3, 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1,  
21 12-15, 12-16, 18-2, or 33A-2, or Section 12-3.05 except  
22 for subdivision (a)(4) or (g)(1), of the Criminal Code of  
23 1961 or the Criminal Code of 2012;

24 (16.5) the defendant committed an offense in violation  
25 of one of the following Sections while in a day care  
26 center, regardless of the time of day or time of year; on

1 the real property of a day care center, regardless of the  
2 time of day or time of year; or on a public way within  
3 1,000 feet of the real property comprising any day care  
4 center, regardless of the time of day or time of year:  
5 Section 10-1, 10-2, 10-5, 11-1.20, 11-1.30, 11-1.40,  
6 11-1.50, 11-1.60, 11-14.4, 11-15.1, 11-17.1, 11-18.1,  
7 11-19.1, 11-19.2, 12-2, 12-4, 12-4.1, 12-4.2, 12-4.3,  
8 12-6, 12-6.1, 12-6.5, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
9 18-2, or 33A-2, or Section 12-3.05 except for subdivision  
10 (a)(4) or (g)(1), of the Criminal Code of 1961 or the  
11 Criminal Code of 2012;

12 (17) the defendant committed the offense by reason of  
13 any person's activity as a community policing volunteer or  
14 to prevent any person from engaging in activity as a  
15 community policing volunteer. For the purpose of this  
16 Section, "community policing volunteer" has the meaning  
17 ascribed to it in Section 2-3.5 of the Criminal Code of  
18 2012;

19 (18) the defendant committed the offense in a nursing  
20 home or on the real property comprising a nursing home.  
21 For the purposes of this paragraph (18), "nursing home"  
22 means a skilled nursing or intermediate long term care  
23 facility that is subject to license by the Illinois  
24 Department of Public Health under the Nursing Home Care  
25 Act, the Specialized Mental Health Rehabilitation Act of  
26 2013, the ID/DD Community Care Act, or the MC/DD Act;

1           (19) the defendant was a federally licensed firearm  
2 dealer and was previously convicted of a violation of  
3 subsection (a) of Section 3 of the Firearm Owners  
4 Identification Card Act and has now committed either a  
5 felony violation of the Firearm Owners Identification Card  
6 Act or an act of armed violence while armed with a firearm;

7           (20) the defendant (i) committed the offense of  
8 reckless homicide under Section 9-3 of the Criminal Code  
9 of 1961 or the Criminal Code of 2012 or the offense of  
10 driving under the influence of alcohol, other drug or  
11 drugs, intoxicating compound or compounds or any  
12 combination thereof under Section 11-501 of the Illinois  
13 Vehicle Code or a similar provision of a local ordinance  
14 and (ii) was operating a motor vehicle in excess of 20  
15 miles per hour over the posted speed limit as provided in  
16 Article VI of Chapter 11 of the Illinois Vehicle Code;

17           (21) the defendant (i) committed the offense of  
18 reckless driving or aggravated reckless driving under  
19 Section 11-503 of the Illinois Vehicle Code and (ii) was  
20 operating a motor vehicle in excess of 20 miles per hour  
21 over the posted speed limit as provided in Article VI of  
22 Chapter 11 of the Illinois Vehicle Code;

23           (22) the defendant committed the offense against a  
24 person that the defendant knew, or reasonably should have  
25 known, was a member of the Armed Forces of the United  
26 States serving on active duty. For purposes of this clause

1 (22), the term "Armed Forces" means any of the Armed  
2 Forces of the United States, including a member of any  
3 reserve component thereof or National Guard unit called to  
4 active duty;

5 (23) the defendant committed the offense against a  
6 person who was elderly or infirm or who was a person with a  
7 disability by taking advantage of a family or fiduciary  
8 relationship with the elderly or infirm person or person  
9 with a disability;

10 (24) the defendant committed any offense under Section  
11 11-20.1 of the Criminal Code of 1961 or the Criminal Code  
12 of 2012 and possessed 100 or more images;

13 (25) the defendant committed the offense while the  
14 defendant or the victim was in a train, bus, or other  
15 vehicle used for public transportation;

16 (26) the defendant committed the offense of child  
17 sexual abuse material ~~pornography~~ or aggravated child  
18 pornography, specifically including paragraph (1), (2),  
19 (3), (4), (5), or (7) of subsection (a) of Section 11-20.1  
20 of the Criminal Code of 1961 or the Criminal Code of 2012  
21 where a child engaged in, solicited for, depicted in, or  
22 posed in any act of sexual penetration or bound, fettered,  
23 or subject to sadistic, masochistic, or sadomasochistic  
24 abuse in a sexual context and specifically including  
25 paragraph (1), (2), (3), (4), (5), or (7) of subsection  
26 (a) of Section 11-20.1B or Section 11-20.3 of the Criminal

1 Code of 1961 where a child engaged in, solicited for,  
2 depicted in, or posed in any act of sexual penetration or  
3 bound, fettered, or subject to sadistic, masochistic, or  
4 sadomasochistic abuse in a sexual context;

5 (26.5) the defendant committed the offense of obscene  
6 depiction of a purported child, specifically including  
7 paragraph (2) of subsection (b) of Section 11-20.4 of the  
8 Criminal Code of 2012 if a child engaged in, solicited  
9 for, depicted in, or posed in any act of sexual  
10 penetration or bound, fettered, or subject to sadistic,  
11 masochistic, or sadomasochistic abuse in a sexual context;

12 (27) the defendant committed the offense of first  
13 degree murder, assault, aggravated assault, battery,  
14 aggravated battery, robbery, armed robbery, or aggravated  
15 robbery against a person who was a veteran and the  
16 defendant knew, or reasonably should have known, that the  
17 person was a veteran performing duties as a representative  
18 of a veterans' organization. For the purposes of this  
19 paragraph (27), "veteran" means an Illinois resident who  
20 has served as a member of the United States Armed Forces, a  
21 member of the Illinois National Guard, or a member of the  
22 United States Reserve Forces; and "veterans' organization"  
23 means an organization comprised of members of which  
24 substantially all are individuals who are veterans or  
25 spouses, widows, or widowers of veterans, the primary  
26 purpose of which is to promote the welfare of its members

1 and to provide assistance to the general public in such a  
2 way as to confer a public benefit;

3 (28) the defendant committed the offense of assault,  
4 aggravated assault, battery, aggravated battery, robbery,  
5 armed robbery, or aggravated robbery against a person that  
6 the defendant knew or reasonably should have known was a  
7 letter carrier or postal worker while that person was  
8 performing his or her duties delivering mail for the  
9 United States Postal Service;

10 (29) the defendant committed the offense of criminal  
11 sexual assault, aggravated criminal sexual assault,  
12 criminal sexual abuse, or aggravated criminal sexual abuse  
13 against a victim with an intellectual disability, and the  
14 defendant holds a position of trust, authority, or  
15 supervision in relation to the victim;

16 (30) the defendant committed the offense of promoting  
17 juvenile prostitution, patronizing a prostitute, or  
18 patronizing a minor engaged in prostitution and at the  
19 time of the commission of the offense knew that the  
20 prostitute or minor engaged in prostitution was in the  
21 custody or guardianship of the Department of Children and  
22 Family Services;

23 (31) the defendant (i) committed the offense of  
24 driving while under the influence of alcohol, other drug  
25 or drugs, intoxicating compound or compounds or any  
26 combination thereof in violation of Section 11-501 of the

1 Illinois Vehicle Code or a similar provision of a local  
2 ordinance and (ii) the defendant during the commission of  
3 the offense was driving his or her vehicle upon a roadway  
4 designated for one-way traffic in the opposite direction  
5 of the direction indicated by official traffic control  
6 devices;

7 (32) the defendant committed the offense of reckless  
8 homicide while committing a violation of Section 11-907 of  
9 the Illinois Vehicle Code;

10 (33) the defendant was found guilty of an  
11 administrative infraction related to an act or acts of  
12 public indecency or sexual misconduct in the penal  
13 institution. In this paragraph (33), "penal institution"  
14 has the same meaning as in Section 2-14 of the Criminal  
15 Code of 2012; or

16 (34) the defendant committed the offense of leaving  
17 the scene of a crash in violation of subsection (b) of  
18 Section 11-401 of the Illinois Vehicle Code and the crash  
19 resulted in the death of a person and at the time of the  
20 offense, the defendant was: (i) driving under the  
21 influence of alcohol, other drug or drugs, intoxicating  
22 compound or compounds or any combination thereof as  
23 defined by Section 11-501 of the Illinois Vehicle Code; or  
24 (ii) operating the motor vehicle while using an electronic  
25 communication device as defined in Section 12-610.2 of the  
26 Illinois Vehicle Code.

1 For the purposes of this Section:

2 "School" is defined as a public or private elementary or  
3 secondary school, community college, college, or university.

4 "Day care center" means a public or private State  
5 certified and licensed day care center as defined in Section  
6 2.09 of the Child Care Act of 1969 that displays a sign in  
7 plain view stating that the property is a day care center.

8 "Intellectual disability" means significantly subaverage  
9 intellectual functioning which exists concurrently with  
10 impairment in adaptive behavior.

11 "Public transportation" means the transportation or  
12 conveyance of persons by means available to the general  
13 public, and includes paratransit services.

14 "Traffic control devices" means all signs, signals,  
15 markings, and devices that conform to the Illinois Manual on  
16 Uniform Traffic Control Devices, placed or erected by  
17 authority of a public body or official having jurisdiction,  
18 for the purpose of regulating, warning, or guiding traffic.

19 (b) The following factors, related to all felonies, may be  
20 considered by the court as reasons to impose an extended term  
21 sentence under Section 5-8-2 upon any offender:

22 (1) When a defendant is convicted of any felony, after  
23 having been previously convicted in Illinois or any other  
24 jurisdiction of the same or similar class felony or  
25 greater class felony, when such conviction has occurred  
26 within 10 years after the previous conviction, excluding



1 time spent in custody, and such charges are separately  
2 brought and tried and arise out of different series of  
3 acts; or

4 (2) When a defendant is convicted of any felony and  
5 the court finds that the offense was accompanied by  
6 exceptionally brutal or heinous behavior indicative of  
7 wanton cruelty; or

8 (3) When a defendant is convicted of any felony  
9 committed against:

10 (i) a person under 12 years of age at the time of  
11 the offense or such person's property;

12 (ii) a person 60 years of age or older at the time  
13 of the offense or such person's property; or

14 (iii) a person who had a physical disability at  
15 the time of the offense or such person's property; or

16 (4) When a defendant is convicted of any felony and  
17 the offense involved any of the following types of  
18 specific misconduct committed as part of a ceremony, rite,  
19 initiation, observance, performance, practice or activity  
20 of any actual or ostensible religious, fraternal, or  
21 social group:

22 (i) the brutalizing or torturing of humans or  
23 animals;

24 (ii) the theft of human corpses;

25 (iii) the kidnapping of humans;

26 (iv) the desecration of any cemetery, religious,

1           fraternal, business, governmental, educational, or  
2           other building or property; or

3           (v) ritualized abuse of a child; or

4           (5) When a defendant is convicted of a felony other  
5           than conspiracy and the court finds that the felony was  
6           committed under an agreement with 2 or more other persons  
7           to commit that offense and the defendant, with respect to  
8           the other individuals, occupied a position of organizer,  
9           supervisor, financier, or any other position of management  
10          or leadership, and the court further finds that the felony  
11          committed was related to or in furtherance of the criminal  
12          activities of an organized gang or was motivated by the  
13          defendant's leadership in an organized gang; or

14          (6) When a defendant is convicted of an offense  
15          committed while using a firearm with a laser sight  
16          attached to it. For purposes of this paragraph, "laser  
17          sight" has the meaning ascribed to it in Section 26-7 of  
18          the Criminal Code of 2012; or

19          (7) When a defendant who was at least 17 years of age  
20          at the time of the commission of the offense is convicted  
21          of a felony and has been previously adjudicated a  
22          delinquent minor under the Juvenile Court Act of 1987 for  
23          an act that if committed by an adult would be a Class X or  
24          Class 1 felony when the conviction has occurred within 10  
25          years after the previous adjudication, excluding time  
26          spent in custody; or

1           (8) When a defendant commits any felony and the  
2           defendant used, possessed, exercised control over, or  
3           otherwise directed an animal to assault a law enforcement  
4           officer engaged in the execution of his or her official  
5           duties or in furtherance of the criminal activities of an  
6           organized gang in which the defendant is engaged; or

7           (9) When a defendant commits any felony and the  
8           defendant knowingly video or audio records the offense  
9           with the intent to disseminate the recording.

10          (c) The following factors may be considered by the court  
11          as reasons to impose an extended term sentence under Section  
12          5-8-2 ~~(730 ILCS 5/5-8-2)~~ upon any offender for the listed  
13          offenses:

14               (1) When a defendant is convicted of first degree  
15               murder, after having been previously convicted in Illinois  
16               of any offense listed under paragraph (c)(2) of Section  
17               5-5-3 ~~(730 ILCS 5/5-5-3)~~, when that conviction has  
18               occurred within 10 years after the previous conviction,  
19               excluding time spent in custody, and the charges are  
20               separately brought and tried and arise out of different  
21               series of acts.

22               (1.5) When a defendant is convicted of first degree  
23               murder, after having been previously convicted of domestic  
24               battery ~~(720 ILCS 5/12-3.2)~~ or aggravated domestic battery  
25               ~~(720 ILCS 5/12-3.3)~~ committed on the same victim or after  
26               having been previously convicted of violation of an order

1 of protection ~~(720 ILCS 5/12-30)~~ in which the same victim  
2 was the protected person.

3 (2) When a defendant is convicted of voluntary  
4 manslaughter, second degree murder, involuntary  
5 manslaughter, or reckless homicide in which the defendant  
6 has been convicted of causing the death of more than one  
7 individual.

8 (3) When a defendant is convicted of aggravated  
9 criminal sexual assault or criminal sexual assault, when  
10 there is a finding that aggravated criminal sexual assault  
11 or criminal sexual assault was also committed on the same  
12 victim by one or more other individuals, and the defendant  
13 voluntarily participated in the crime with the knowledge  
14 of the participation of the others in the crime, and the  
15 commission of the crime was part of a single course of  
16 conduct during which there was no substantial change in  
17 the nature of the criminal objective.

18 (4) If the victim was under 18 years of age at the time  
19 of the commission of the offense, when a defendant is  
20 convicted of aggravated criminal sexual assault or  
21 predatory criminal sexual assault of a child under  
22 subsection (a)(1) of Section 11-1.40 or subsection (a)(1)  
23 of Section 12-14.1 of the Criminal Code of 1961 or the  
24 Criminal Code of 2012 ~~(720 ILCS 5/11-1.40 or 5/12-14.1)~~.

25 (5) When a defendant is convicted of a felony  
26 violation of Section 24-1 of the Criminal Code of 1961 or

1 the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~ and there is a  
2 finding that the defendant is a member of an organized  
3 gang.

4 (6) When a defendant was convicted of unlawful  
5 possession of weapons under Section 24-1 of the Criminal  
6 Code of 1961 or the Criminal Code of 2012 ~~(720 ILCS 5/24-1)~~  
7 for possessing a weapon that is not readily  
8 distinguishable as one of the weapons enumerated in  
9 Section 24-1 of the Criminal Code of 1961 or the Criminal  
10 Code of 2012 ~~(720 ILCS 5/24-1)~~.

11 (7) When a defendant is convicted of an offense  
12 involving the illegal manufacture of a controlled  
13 substance under Section 401 of the Illinois Controlled  
14 Substances Act ~~(720 ILCS 570/401)~~, the illegal manufacture  
15 of methamphetamine under Section 25 of the Methamphetamine  
16 Control and Community Protection Act ~~(720 ILCS 646/25)~~, or  
17 the illegal possession of explosives and an emergency  
18 response officer in the performance of his or her duties  
19 is killed or injured at the scene of the offense while  
20 responding to the emergency caused by the commission of  
21 the offense. In this paragraph, "emergency" means a  
22 situation in which a person's life, health, or safety is  
23 in jeopardy; and "emergency response officer" means a  
24 peace officer, community policing volunteer, fireman,  
25 emergency medical technician-ambulance, emergency medical  
26 technician-intermediate, emergency medical

1 technician-paramedic, ambulance driver, other medical  
2 assistance or first aid personnel, or hospital emergency  
3 room personnel.

4 (8) When the defendant is convicted of attempted mob  
5 action, solicitation to commit mob action, or conspiracy  
6 to commit mob action under Section 8-1, 8-2, or 8-4 of the  
7 Criminal Code of 2012, where the criminal object is a  
8 violation of Section 25-1 of the Criminal Code of 2012,  
9 and an electronic communication is used in the commission  
10 of the offense. For the purposes of this paragraph (8),  
11 "electronic communication" shall have the meaning provided  
12 in Section 26.5-0.1 of the Criminal Code of 2012.

13 (d) For the purposes of this Section, "organized gang" has  
14 the meaning ascribed to it in Section 10 of the Illinois  
15 Streetgang Terrorism Omnibus Prevention Act.

16 (e) The court may impose an extended term sentence under  
17 Article 4.5 of Chapter V upon an offender who has been  
18 convicted of a felony violation of Section 11-1.20, 11-1.30,  
19 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14, 12-14.1, 12-15, or  
20 12-16 of the Criminal Code of 1961 or the Criminal Code of 2012  
21 when the victim of the offense is under 18 years of age at the  
22 time of the commission of the offense and, during the  
23 commission of the offense, the victim was under the influence  
24 of alcohol, regardless of whether or not the alcohol was  
25 supplied by the offender; and the offender, at the time of the  
26 commission of the offense, knew or should have known that the

1 victim had consumed alcohol.

2 (Source: P.A. 102-558, eff. 8-20-21; 102-982, eff. 7-1-23;  
3 103-822, eff. 1-1-25; 103-825, eff. 1-1-25; revised 11-26-24.)

4 (730 ILCS 5/5-8-1) (from Ch. 38, par. 1005-8-1)

5 Sec. 5-8-1. Natural life imprisonment; enhancements for  
6 use of a firearm; mandatory supervised release terms.

7 (a) Except as otherwise provided in the statute defining  
8 the offense or in Article 4.5 of Chapter V, a sentence of  
9 imprisonment for a felony shall be a determinate sentence set  
10 by the court under this Section, subject to Section 5-4.5-115  
11 of this Code, according to the following limitations:

12 (1) for first degree murder,

13 (a) (blank),

14 (b) if a trier of fact finds beyond a reasonable  
15 doubt that the murder was accompanied by exceptionally  
16 brutal or heinous behavior indicative of wanton  
17 cruelty or, except as set forth in subsection  
18 (a) (1) (c) of this Section, that any of the aggravating  
19 factors listed in subparagraph (b-5) are present, the  
20 court may sentence the defendant, subject to Section  
21 5-4.5-105, to a term of natural life imprisonment, or

22 (b-5) a ~~A~~ defendant who at the time of the  
23 commission of the offense has attained the age of 18 or  
24 more and who has been found guilty of first degree  
25 murder may be sentenced to a term of natural life

imprisonment if:

(1) the murdered individual was an inmate at an institution or facility of the Department of Corrections, or any similar local correctional agency and was killed on the grounds thereof, or the murdered individual was otherwise present in such institution or facility with the knowledge and approval of the chief administrative officer thereof;

(2) the murdered individual was killed as a result of the hijacking of an airplane, train, ship, bus, or other public conveyance;

(3) the defendant committed the murder pursuant to a contract, agreement, or understanding by which he or she was to receive money or anything of value in return for committing the murder or procured another to commit the murder for money or anything of value;

(4) the murdered individual was killed in the course of another felony if:

(A) the murdered individual:

(i) was actually killed by the defendant, or

(ii) received physical injuries personally inflicted by the defendant substantially contemporaneously with



1 physical injuries caused by one or more  
2 persons for whose conduct the defendant is  
3 legally accountable under Section 5-2 of  
4 this Code, and the physical injuries  
5 inflicted by either the defendant or the  
6 other person or persons for whose conduct  
7 he is legally accountable caused the death  
8 of the murdered individual; and (B) in  
9 performing the acts which caused the death  
10 of the murdered individual or which  
11 resulted in physical injuries personally  
12 inflicted by the defendant on the murdered  
13 individual under the circumstances of  
14 subdivision (ii) of clause (A) of this  
15 clause (4), the defendant acted with the  
16 intent to kill the murdered individual or  
17 with the knowledge that his or her acts  
18 created a strong probability of death or  
19 great bodily harm to the murdered  
20 individual or another; and

21 (B) in performing the acts which caused  
22 the death of the murdered individual or which  
23 resulted in physical injuries personally  
24 inflicted by the defendant on the murdered  
25 individual under the circumstances of  
26 subdivision (ii) of clause (A) of this clause

1           (4), the defendant acted with the intent to  
2           kill the murdered individual or with the  
3           knowledge that his or her acts created a  
4           strong probability of death or great bodily  
5           harm to the murdered individual or another;  
6           and

7           (C) the other felony was an inherently  
8           violent crime or the attempt to commit an  
9           inherently violent crime. In this clause (C),  
10          "inherently violent crime" includes, but is  
11          not limited to, armed robbery, robbery,  
12          predatory criminal sexual assault of a child,  
13          aggravated criminal sexual assault, aggravated  
14          kidnapping, aggravated vehicular hijacking,  
15          aggravated arson, aggravated stalking,  
16          residential burglary, and home invasion;

17          (5) the defendant committed the murder with  
18          intent to prevent the murdered individual from  
19          testifying or participating in any criminal  
20          investigation or prosecution or giving material  
21          assistance to the State in any investigation or  
22          prosecution, either against the defendant or  
23          another; or the defendant committed the murder  
24          because the murdered individual was a witness in  
25          any prosecution or gave material assistance to the  
26          State in any investigation or prosecution, either

1           against the defendant or another; for purposes of  
2           this clause (5), "participating in any criminal  
3           investigation or prosecution" is intended to  
4           include those appearing in the proceedings in any  
5           capacity such as trial judges, prosecutors,  
6           defense attorneys, investigators, witnesses, or  
7           jurors;

8           (6) the defendant, while committing an offense  
9           punishable under Section 401, 401.1, 401.2, 405,  
10          405.2, 407,    or 407.1 or subsection (b) of Section  
11          404 of the Illinois Controlled Substances Act, or  
12          while engaged in a conspiracy or solicitation to  
13          commit such offense, intentionally killed an  
14          individual or counseled, commanded, induced,  
15          procured,    or caused the intentional killing of the  
16          murdered individual;

17          (7) the defendant was incarcerated in an  
18          institution or facility of the Department of  
19          Corrections at the time of the murder, and while  
20          committing an offense punishable as a felony under  
21          Illinois law, or while engaged in a conspiracy or  
22          solicitation to commit such offense, intentionally  
23          killed an individual or counseled, commanded,  
24          induced, procured,    or caused the intentional  
25          killing of the murdered individual;

26          (8) the murder was committed in a cold,

1           calculated and premeditated manner pursuant to a  
2           preconceived plan, scheme, or design to take a  
3           human life by unlawful means, and the conduct of  
4           the defendant created a reasonable expectation  
5           that the death of a human being would result  
6           therefrom;

7           (9) the defendant was a principal  
8           administrator, organizer, or leader of a  
9           calculated criminal drug conspiracy consisting of  
10          a hierarchical position of authority superior to  
11          that of all other members of the conspiracy, and  
12          the defendant counseled, commanded, induced,  
13          procured, or caused the intentional killing of the  
14          murdered person;

15          (10) the murder was intentional and involved  
16          the infliction of torture. For the purpose of this  
17          clause (10), torture means the infliction of or  
18          subjection to extreme physical pain, motivated by  
19          an intent to increase or prolong the pain,  
20          suffering, or agony of the victim;

21          (11) the murder was committed as a result of  
22          the intentional discharge of a firearm by the  
23          defendant from a motor vehicle and the victim was  
24          not present within the motor vehicle;

25          (12) the murdered individual was a person with  
26          a disability and the defendant knew or should have

1 known that the murdered individual was a person  
2 with a disability. For purposes of this clause  
3 (12), "person with a disability" means a person  
4 who suffers from a permanent physical or mental  
5 impairment resulting from disease, an injury, a  
6 functional disorder, or a congenital condition  
7 that renders the person incapable of adequately  
8 providing for his or her own health or personal  
9 care;

10 (13) the murdered individual was subject to an  
11 order of protection and the murder was committed  
12 by a person against whom the same order of  
13 protection was issued under the Illinois Domestic  
14 Violence Act of 1986;

15 (14) the murdered individual was known by the  
16 defendant to be a teacher or other person employed  
17 in any school and the teacher or other employee is  
18 upon the grounds of a school or grounds adjacent  
19 to a school, or is in any part of a building used  
20 for school purposes;

21 (15) the murder was committed by the defendant  
22 in connection with or as a result of the offense of  
23 terrorism as defined in Section 29D-14.9 of this  
24 Code;

25 (16) the murdered individual was a member of a  
26 congregation engaged in prayer or other religious

1 activities at a church, synagogue, mosque, or  
2 other building, structure, or place used for  
3 religious worship; or

4 (17)(i) the murdered individual was a  
5 physician, physician assistant, psychologist,  
6 nurse, or advanced practice registered nurse;

7 (ii) the defendant knew or should have known  
8 that the murdered individual was a physician,  
9 physician assistant, psychologist, nurse, or  
10 advanced practice registered nurse; and

11 (iii) the murdered individual was killed in  
12 the course of acting in his or her capacity as a  
13 physician, physician assistant, psychologist,  
14 nurse, or advanced practice registered nurse, or  
15 to prevent him or her from acting in that  
16 capacity, or in retaliation for his or her acting  
17 in that capacity.

18 (c) the court shall sentence the defendant to a  
19 term of natural life imprisonment if the defendant, at  
20 the time of the commission of the murder, had attained  
21 the age of 18, and:

22 (i) has previously been convicted of first  
23 degree murder under any state or federal law, or

24 (ii) is found guilty of murdering more than  
25 one victim, or

26 (iii) is found guilty of murdering a peace

1 officer, fireman, or emergency management worker  
2 when the peace officer, fireman, or emergency  
3 management worker was killed in the course of  
4 performing his official duties, or to prevent the  
5 peace officer or fireman from performing his  
6 official duties, or in retaliation for the peace  
7 officer, fireman, or emergency management worker  
8 from performing his official duties, and the  
9 defendant knew or should have known that the  
10 murdered individual was a peace officer, fireman,  
11 or emergency management worker, or

12 (iv) is found guilty of murdering an employee  
13 of an institution or facility of the Department of  
14 Corrections, or any similar local correctional  
15 agency, when the employee was killed in the course  
16 of performing his official duties, or to prevent  
17 the employee from performing his official duties,  
18 or in retaliation for the employee performing his  
19 official duties, or

20 (v) is found guilty of murdering an emergency  
21 medical technician - ambulance, emergency medical  
22 technician - intermediate, emergency medical  
23 technician - paramedic, ambulance driver, or other  
24 medical assistance or first aid person while  
25 employed by a municipality or other governmental  
26 unit when the person was killed in the course of

1 performing official duties or to prevent the  
2 person from performing official duties or in  
3 retaliation for performing official duties and the  
4 defendant knew or should have known that the  
5 murdered individual was an emergency medical  
6 technician - ambulance, emergency medical  
7 technician - intermediate, emergency medical  
8 technician - paramedic, ambulance driver, or other  
9 medical assistant or first aid personnel, or

10 (vi) (blank), or

11 (vii) is found guilty of first degree murder  
12 and the murder was committed by reason of any  
13 person's activity as a community policing  
14 volunteer or to prevent any person from engaging  
15 in activity as a community policing volunteer. For  
16 the purpose of this Section, "community policing  
17 volunteer" has the meaning ascribed to it in  
18 Section 2-3.5 of the Criminal Code of 2012.

19 For purposes of clause (v), "emergency medical  
20 technician - ambulance", "emergency medical technician  
21 - intermediate", and "emergency medical technician -  
22 paramedic"~~7~~ have the meanings ascribed to them in the  
23 Emergency Medical Services (EMS) Systems Act.

24 (d) (i) if the person committed the offense while  
25 armed with a firearm, 15 years shall be added to  
26 the term of imprisonment imposed by the court;



1           (ii) if, during the commission of the offense, the  
2           person personally discharged a firearm, 20 years shall  
3           be added to the term of imprisonment imposed by the  
4           court;

5           (iii) if, during the commission of the offense,  
6           the person personally discharged a firearm that  
7           proximately caused great bodily harm, permanent  
8           disability, permanent disfigurement, or death to  
9           another person, 25 years or up to a term of natural  
10          life shall be added to the term of imprisonment  
11          imposed by the court.

12          (2) (blank);

13          (2.5) for a person who has attained the age of 18 years  
14          at the time of the commission of the offense and who is  
15          convicted under the circumstances described in subdivision  
16          (b)(1)(B) of Section 11-1.20 or paragraph (3) of  
17          subsection (b) of Section 12-13, subdivision (d)(2) of  
18          Section 11-1.30 or paragraph (2) of subsection (d) of  
19          Section 12-14, subdivision (b)(1.2) of Section 11-1.40 or  
20          paragraph (1.2) of subsection (b) of Section 12-14.1,  
21          subdivision (b)(2) of Section 11-1.40 or paragraph (2) of  
22          subsection (b) of Section 12-14.1 of the Criminal Code of  
23          1961 or the Criminal Code of 2012, the sentence shall be a  
24          term of natural life imprisonment.

25          (b) (Blank).

26          (c) (Blank).

1           (d) Subject to earlier termination under Section 3-3-8,  
2 the parole or mandatory supervised release term shall be  
3 written as part of the sentencing order and shall be as  
4 follows:

5           (1) for first degree murder or for the offenses of  
6 predatory criminal sexual assault of a child, aggravated  
7 criminal sexual assault, and criminal sexual assault if  
8 committed on or before December 12, 2005, 3 years;

9           (1.5) except as provided in paragraph (7) of this  
10 subsection (d), for a Class X felony except for the  
11 offenses of predatory criminal sexual assault of a child,  
12 aggravated criminal sexual assault, and criminal sexual  
13 assault if committed on or after December 13, 2005 (the  
14 effective date of Public Act 94-715) and except for the  
15 offense of aggravated child pornography under Section  
16 11-20.1B, 11-20.3, or 11-20.1 with sentencing under  
17 subsection (c-5) of Section 11-20.1 of the Criminal Code  
18 of 1961 or the Criminal Code of 2012, if committed on or  
19 after January 1, 2009, and except for the offense of  
20 obscene depiction of a purported child with sentencing  
21 under subsection (d) of Section 11-20.4 of the Criminal  
22 Code of 2012, 18 months;

23           (2) except as provided in paragraph (7) of this  
24 subsection (d), for a Class 1 felony or a Class 2 felony  
25 except for the offense of criminal sexual assault if  
26 committed on or after December 13, 2005 (the effective

1 date of Public Act 94-715) and except for the offenses of  
2 manufacture and dissemination of child sexual abuse  
3 material pornography under clauses (a)(1) and (a)(2) of  
4 Section 11-20.1 of the Criminal Code of 1961 or the  
5 Criminal Code of 2012, if committed on or after January 1,  
6 2009, and except for the offense of obscene depiction of a  
7 purported child under paragraph (2) of subsection (b) of  
8 Section 11-20.4 of the Criminal Code of 2012, 12 months;

9 (3) except as provided in paragraph (4), (6), or (7)  
10 of this subsection (d), for a Class 3 felony or a Class 4  
11 felony, 6 months; no later than 45 days after the onset of  
12 the term of mandatory supervised release, the Prisoner  
13 Review Board shall conduct a discretionary discharge  
14 review pursuant to the provisions of Section 3-3-8, which  
15 shall include the results of a standardized risk and needs  
16 assessment tool administered by the Department of  
17 Corrections; the changes to this paragraph (3) made by  
18 Public Act 102-1104 ~~this amendatory Act of the 102nd~~  
19 ~~General Assembly~~ apply to all individuals released on  
20 mandatory supervised release on or after December 6, 2022  
21 (the effective date of Public Act 102-1104) ~~this~~  
22 ~~amendatory Act of the 102nd General Assembly~~, including  
23 those individuals whose sentences were imposed prior to  
24 December 6, 2022 (the effective date of Public Act  
25 102-1104) ~~this amendatory Act of the 102nd General~~  
26 ~~Assembly;~~

1           (4) for defendants who commit the offense of predatory  
2 criminal sexual assault of a child, aggravated criminal  
3 sexual assault, or criminal sexual assault, on or after  
4 December 13, 2005 (the effective date of Public Act  
5 94-715), or who commit the offense of aggravated child  
6 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
7 with sentencing under subsection (c-5) of Section 11-20.1  
8 of the Criminal Code of 1961 or the Criminal Code of 2012,  
9 manufacture of child sexual abuse material ~~pornography~~, or  
10 dissemination of child sexual abuse material ~~pornography~~  
11 after January 1, 2009, or who commit the offense of  
12 obscene depiction of a purported child under paragraph (2)  
13 of subsection (b) of Section 11-20.4 of the Criminal Code  
14 of 2012 or who commit the offense of obscene depiction of a  
15 purported child with sentencing under subsection (d) of  
16 Section 11-20.4 of the Criminal Code of 2012, the term of  
17 mandatory supervised release shall range from a minimum of  
18 3 years to a maximum of the natural life of the defendant;

19           (5) if the victim is under 18 years of age, for a  
20 second or subsequent offense of aggravated criminal sexual  
21 abuse or felony criminal sexual abuse, 4 years, at least  
22 the first 2 years of which the defendant shall serve in an  
23 electronic monitoring or home detention program under  
24 Article 8A of Chapter V of this Code;

25           (6) for a felony domestic battery, aggravated domestic  
26 battery, stalking, aggravated stalking, and a felony

1 violation of an order of protection, 4 years;

2 (7) for any felony described in paragraph (a)(2)(ii),  
3 (a)(2)(iii), (a)(2)(iv), (a)(2)(vi), (a)(2.1), (a)(2.3),  
4 (a)(2.4), (a)(2.5), or (a)(2.6) of Article 5, Section  
5 3-6-3 of the Unified Code of Corrections requiring an  
6 inmate to serve a minimum of 85% of their court-imposed  
7 sentence, except for the offenses of predatory criminal  
8 sexual assault of a child, aggravated criminal sexual  
9 assault, and criminal sexual assault if committed on or  
10 after December 13, 2005 (the effective date of Public Act  
11 94-715) and except for the offense of aggravated child  
12 pornography under Section 11-20.1B, 11-20.3, or 11-20.1  
13 with sentencing under subsection (c-5) of Section 11-20.1  
14 of the Criminal Code of 1961 or the Criminal Code of 2012,  
15 if committed on or after January 1, 2009, and except for  
16 the offense of obscene depiction of a purported child with  
17 sentencing under subsection (d) of Section 11-20.4 of the  
18 Criminal Code of 2012, and except as provided in paragraph  
19 (4) or paragraph (6) of this subsection (d), the term of  
20 mandatory supervised release shall be as follows:

21 (A) Class X felony, 3 years;

22 (B) Class 1 or Class 2 felonies, 2 years;

23 (C) Class 3 or Class 4 felonies, 1 year.

24 (e) (Blank).

25 (f) (Blank).

26 (g) Notwithstanding any other provisions of this Act and

1 of Public Act 101-652: (i) the provisions of paragraph (3) of  
2 subsection (d) are effective on July 1, 2022 and shall apply to  
3 all individuals convicted on or after the effective date of  
4 paragraph (3) of subsection (d); and (ii) the provisions of  
5 paragraphs (1.5) and (2) of subsection (d) are effective on  
6 July 1, 2021 and shall apply to all individuals convicted on or  
7 after the effective date of paragraphs (1.5) and (2) of  
8 subsection (d).

9 (Source: P.A. 102-28, eff. 6-25-21; 102-687, eff. 12-17-21;  
10 102-694, eff. 1-7-22; 102-1104, eff. 12-6-22; 103-51, eff.  
11 1-1-24; 103-825, eff. 1-1-25; revised 10-24-24.)

12 (730 ILCS 5/5-8-4) (from Ch. 38, par. 1005-8-4)

13 Sec. 5-8-4. Concurrent and consecutive terms of  
14 imprisonment.

15 (a) Concurrent terms; multiple or additional sentences.  
16 When an Illinois court (i) imposes multiple sentences of  
17 imprisonment on a defendant at the same time or (ii) imposes a  
18 sentence of imprisonment on a defendant who is already subject  
19 to a sentence of imprisonment imposed by an Illinois court, a  
20 court of another state, or a federal court, then the sentences  
21 shall run concurrently unless otherwise determined by the  
22 Illinois court under this Section.

23 (b) Concurrent terms; misdemeanor and felony. A defendant  
24 serving a sentence for a misdemeanor who is convicted of a  
25 felony and sentenced to imprisonment shall be transferred to

1 the Department of Corrections, and the misdemeanor sentence  
2 shall be merged in and run concurrently with the felony  
3 sentence.

4 (c) Consecutive terms; permissive. The court may impose  
5 consecutive sentences in any of the following circumstances:

6 (1) If, having regard to the nature and circumstances  
7 of the offense and the history and character of the  
8 defendant, it is the opinion of the court that consecutive  
9 sentences are required to protect the public from further  
10 criminal conduct by the defendant, the basis for which the  
11 court shall set forth in the record.

12 (2) If one of the offenses for which a defendant was  
13 convicted was a violation of Section 32-5.2 (aggravated  
14 false personation of a peace officer) of the Criminal Code  
15 of 1961 (720 ILCS 5/32-5.2) or a violation of subdivision  
16 (b) (5) or (b) (6) of Section 17-2 of the Criminal Code of  
17 1961 or the Criminal Code of 2012 (720 ILCS 5/17-2) and the  
18 offense was committed in attempting or committing a  
19 forcible felony.

20 (3) If a person charged with a felony commits a  
21 separate felony while on pretrial release or in pretrial  
22 detention in a county jail facility or county detention  
23 facility, then the sentences imposed upon conviction of  
24 these felonies may be served consecutively regardless of  
25 the order in which the judgments of conviction are  
26 entered.

1           (4) If a person commits a battery against a county  
2       correctional officer or sheriff's employee while serving a  
3       sentence or in pretrial detention in a county jail  
4       facility, then the sentence imposed upon conviction of the  
5       battery may be served consecutively with the sentence  
6       imposed upon conviction of the earlier misdemeanor or  
7       felony, regardless of the order in which the judgments of  
8       conviction are entered.

9           (5) If a person admitted to pretrial release following  
10      conviction of a felony commits a separate felony while  
11      released pretrial or if a person detained in a county jail  
12      facility or county detention facility following conviction  
13      of a felony commits a separate felony while in detention,  
14      then any sentence following conviction of the separate  
15      felony may be consecutive to that of the original sentence  
16      for which the defendant was released pretrial or detained.

17          (6) If a person is found to be in possession of an item  
18      of contraband, as defined in Section 31A-0.1 of the  
19      Criminal Code of 2012, while serving a sentence in a  
20      county jail or while in pretrial detention in a county  
21      jail, the sentence imposed upon conviction for the offense  
22      of possessing contraband in a penal institution may be  
23      served consecutively to the sentence imposed for the  
24      offense for which the person is serving a sentence in the  
25      county jail or while in pretrial detention, regardless of  
26      the order in which the judgments of conviction are



1 entered.

2 (7) If a person is sentenced for a violation of a  
3 condition of pretrial release under Section 32-10 of the  
4 Criminal Code of 1961 or the Criminal Code of 2012, any  
5 sentence imposed for that violation may be served  
6 consecutive to the sentence imposed for the charge for  
7 which pretrial release had been granted and with respect  
8 to which the defendant has been convicted.

9 (d) Consecutive terms; mandatory. The court shall impose  
10 consecutive sentences in each of the following circumstances:

11 (1) One of the offenses for which the defendant was  
12 convicted was first degree murder or a Class X or Class 1  
13 felony and the defendant inflicted severe bodily injury.

14 (2) The defendant was convicted of a violation of  
15 Section 11-1.20 or 12-13 (criminal sexual assault),  
16 11-1.30 or 12-14 (aggravated criminal sexual assault), or  
17 11-1.40 or 12-14.1 (predatory criminal sexual assault of a  
18 child) of the Criminal Code of 1961 or the Criminal Code of  
19 2012 (720 ILCS 5/11-20.1, 5/11-20.1B, 5/11-20.3,  
20 5/11-1.20, 5/12-13, 5/11-1.30, 5/12-14, 5/11-1.40, or  
21 5/12-14.1).

22 (2.5) The defendant was convicted of a violation of  
23 paragraph (1), (2), (3), (4), (5), or (7) of subsection  
24 (a) of Section 11-20.1 (child sexual abuse material or  
25 child pornography) or of paragraph (1), (2), (3), (4),  
26 (5), or (7) of subsection (a) of Section 11-20.1B or

1 11-20.3 (aggravated child pornography) of the Criminal  
2 Code of 1961 or the Criminal Code of 2012; or the defendant  
3 was convicted of a violation of paragraph (6) of  
4 subsection (a) of Section 11-20.1 (child sexual abuse  
5 material or child pornography) or of paragraph (6) of  
6 subsection (a) of Section 11-20.1B or 11-20.3 (aggravated  
7 child pornography) of the Criminal Code of 1961 or the  
8 Criminal Code of 2012, when the child depicted is under  
9 the age of 13.

10 (2.6) The defendant was convicted of:

11 (A) a violation of paragraph (2) of subsection (b)  
12 of Section 11-20.4 of the Criminal Code of 2012; or

13 (B) a violation of paragraph (1) of Section  
14 11-20.4 of the Criminal Code of 2012 when the  
15 purported child depicted is under the age of 13.

16 (3) The defendant was convicted of armed violence  
17 based upon the predicate offense of any of the following:  
18 solicitation of murder, solicitation of murder for hire,  
19 heinous battery as described in Section 12-4.1 or  
20 subdivision (a)(2) of Section 12-3.05, aggravated battery  
21 of a senior citizen as described in Section 12-4.6 or  
22 subdivision (a)(4) of Section 12-3.05, criminal sexual  
23 assault, a violation of subsection (g) of Section 5 of the  
24 Cannabis Control Act (720 ILCS 550/5), cannabis  
25 trafficking, a violation of subsection (a) of Section 401  
26 of the Illinois Controlled Substances Act (720 ILCS

1       570/401), controlled substance trafficking involving a  
2       Class X felony amount of controlled substance under  
3       Section 401 of the Illinois Controlled Substances Act (720  
4       ILCS 570/401), a violation of the Methamphetamine Control  
5       and Community Protection Act (720 ILCS 646/), calculated  
6       criminal drug conspiracy, or streetgang criminal drug  
7       conspiracy.

8       (4) The defendant was convicted of the offense of  
9       leaving the scene of a motor vehicle crash involving death  
10      or personal injuries under Section 11-401 of the Illinois  
11      Vehicle Code (625 ILCS 5/11-401) and either: (A)  
12      aggravated driving under the influence of alcohol, other  
13      drug or drugs, or intoxicating compound or compounds, or  
14      any combination thereof under Section 11-501 of the  
15      Illinois Vehicle Code (625 ILCS 5/11-501), (B) reckless  
16      homicide under Section 9-3 of the Criminal Code of 1961 or  
17      the Criminal Code of 2012 (720 ILCS 5/9-3), or (C) both an  
18      offense described in item (A) and an offense described in  
19      item (B).

20      (5) The defendant was convicted of a violation of  
21      Section 9-3.1 or Section 9-3.4 (concealment of homicidal  
22      death) or Section 12-20.5 (dismembering a human body) of  
23      the Criminal Code of 1961 or the Criminal Code of 2012 (720  
24      ILCS 5/9-3.1 or 5/12-20.5).

25      (5.5) The defendant was convicted of a violation of  
26      Section 24-3.7 (use of a stolen firearm in the commission

1 of an offense) of the Criminal Code of 1961 or the Criminal  
2 Code of 2012.

3 (6) If the defendant was in the custody of the  
4 Department of Corrections at the time of the commission of  
5 the offense, the sentence shall be served consecutive to  
6 the sentence under which the defendant is held by the  
7 Department of Corrections.

8 (7) A sentence under Section 3-6-4 (730 ILCS 5/3-6-4)  
9 for escape or attempted escape shall be served consecutive  
10 to the terms under which the offender is held by the  
11 Department of Corrections.

12 (8) (Blank).

13 (8.5) (Blank).

14 (9) (Blank).

15 (10) (Blank).

16 (11) (Blank).

17 (e) Consecutive terms; subsequent non-Illinois term. If an  
18 Illinois court has imposed a sentence of imprisonment on a  
19 defendant and the defendant is subsequently sentenced to a  
20 term of imprisonment by a court of another state or a federal  
21 court, then the Illinois sentence shall run consecutively to  
22 the sentence imposed by the court of the other state or the  
23 federal court. That same Illinois court, however, may order  
24 that the Illinois sentence run concurrently with the sentence  
25 imposed by the court of the other state or the federal court,  
26 but only if the defendant applies to that same Illinois court

1 within 30 days after the sentence imposed by the court of the  
2 other state or the federal court is finalized.

3 (f) Consecutive terms; aggregate maximums and minimums.  
4 The aggregate maximum and aggregate minimum of consecutive  
5 sentences shall be determined as follows:

6 (1) For sentences imposed under law in effect prior to  
7 February 1, 1978, the aggregate maximum of consecutive  
8 sentences shall not exceed the maximum term authorized  
9 under Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of  
10 Chapter V for the 2 most serious felonies involved. The  
11 aggregate minimum period of consecutive sentences shall  
12 not exceed the highest minimum term authorized under  
13 Section 5-8-1 (730 ILCS 5/5-8-1) or Article 4.5 of Chapter  
14 V for the 2 most serious felonies involved. When sentenced  
15 only for misdemeanors, a defendant shall not be  
16 consecutively sentenced to more than the maximum for one  
17 Class A misdemeanor.

18 (2) For sentences imposed under the law in effect on  
19 or after February 1, 1978, the aggregate of consecutive  
20 sentences for offenses that were committed as part of a  
21 single course of conduct during which there was no  
22 substantial change in the nature of the criminal objective  
23 shall not exceed the sum of the maximum terms authorized  
24 under Article 4.5 of Chapter V for the 2 most serious  
25 felonies involved, but no such limitation shall apply for  
26 offenses that were not committed as part of a single

1 course of conduct during which there was no substantial  
2 change in the nature of the criminal objective. When  
3 sentenced only for misdemeanors, a defendant shall not be  
4 consecutively sentenced to more than the maximum for one  
5 Class A misdemeanor.

6 (g) Consecutive terms; manner served. In determining the  
7 manner in which consecutive sentences of imprisonment, one or  
8 more of which is for a felony, will be served, the Department  
9 of Corrections shall treat the defendant as though he or she  
10 had been committed for a single term subject to each of the  
11 following:

12 (1) The maximum period of a term of imprisonment shall  
13 consist of the aggregate of the maximums of the imposed  
14 indeterminate terms, if any, plus the aggregate of the  
15 imposed determinate sentences for felonies, plus the  
16 aggregate of the imposed determinate sentences for  
17 misdemeanors, subject to subsection (f) of this Section.

18 (2) The parole or mandatory supervised release term  
19 shall be as provided in paragraph (e) of Section 5-4.5-50  
20 (730 ILCS 5/5-4.5-50) for the most serious of the offenses  
21 involved.

22 (3) The minimum period of imprisonment shall be the  
23 aggregate of the minimum and determinate periods of  
24 imprisonment imposed by the court, subject to subsection  
25 (f) of this Section.

26 (4) The defendant shall be awarded credit against the

1 aggregate maximum term and the aggregate minimum term of  
2 imprisonment for all time served in an institution since  
3 the commission of the offense or offenses and as a  
4 consequence thereof at the rate specified in Section 3-6-3  
5 (730 ILCS 5/3-6-3).

6 (h) Notwithstanding any other provisions of this Section,  
7 all sentences imposed by an Illinois court under this Code  
8 shall run concurrent to any and all sentences imposed under  
9 the Juvenile Court Act of 1987.

10 (Source: P.A. 102-350, eff. 8-13-21; 102-982, eff. 7-1-23;  
11 102-1104, eff. 12-6-22; 103-825, eff. 1-1-25.)

12 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

13 Sec. 5-9-1.7. Sexual assault fines.

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

16 (1) "Sexual assault" means the commission or attempted  
17 commission of the following: sexual exploitation of a  
18 child, criminal sexual assault, predatory criminal sexual  
19 assault of a child, aggravated criminal sexual assault,  
20 criminal sexual abuse, aggravated criminal sexual abuse,  
21 indecent solicitation of a child, public indecency, sexual  
22 relations within families, promoting juvenile  
23 prostitution, soliciting for a juvenile prostitute,  
24 keeping a place of juvenile prostitution, patronizing a  
25 juvenile prostitute, juvenile pimping, exploitation of a

1 child, obscenity, child sexual abuse material ~~pornography~~,  
2 aggravated child pornography, harmful material, or  
3 ritualized abuse of a child, as those offenses are defined  
4 in the Criminal Code of 1961 or the Criminal Code of 2012.

5 (2) (Blank).

6 (3) "Sexual assault organization" means any  
7 not-for-profit organization providing comprehensive,  
8 community-based services to victims of sexual assault.

9 "Community-based services" include, but are not limited  
10 to, direct crisis intervention through a 24-hour response,  
11 medical and legal advocacy, counseling, information and  
12 referral services, training, and community education.

13 (b) (Blank).

14 (c) Sexual Assault Services Fund; administration. There is  
15 created a Sexual Assault Services Fund. Moneys deposited into  
16 the Fund under Section 15-20 and 15-40 of the Criminal and  
17 Traffic Assessment Act shall be appropriated to the Department  
18 of Public Health. Upon appropriation of moneys from the Sexual  
19 Assault Services Fund, the Department of Public Health shall  
20 make grants of these moneys from the Fund to sexual assault  
21 organizations with whom the Department has contracts for the  
22 purpose of providing community-based services to victims of  
23 sexual assault. Grants made under this Section are in addition  
24 to, and are not substitutes for, other grants authorized and  
25 made by the Department.

26 (Source: P.A. 100-987, eff. 7-1-19.)



1 (730 ILCS 5/5-9-1.8)

2 Sec. 5-9-1.8. Child sexual abuse material ~~pornography~~  
3 fines. Beginning July 1, 2006, 100% of the fines in excess of  
4 \$10,000 collected for violations of Section 11-20.1 of the  
5 Criminal Code of 1961 or the Criminal Code of 2012 shall be  
6 deposited into the Child Abuse Prevention Fund. Moneys in the  
7 Fund resulting from the fines shall be for the use of the  
8 Department of Children and Family Services for grants to  
9 private entities giving treatment and counseling to victims of  
10 child sexual abuse.

11 (Source: P.A. 102-1071, eff. 6-10-22.)

12 Section 70. The Sex Offender Registration Act is amended  
13 by changing Section 2 as follows:

14 (730 ILCS 150/2) (from Ch. 38, par. 222)

15 Sec. 2. Definitions.

16 (A) As used in this Article, "sex offender" means any  
17 person who is:

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

23 (a) is convicted of such offense or an attempt to

1           commit such offense; or

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

4           (c) is found not guilty by reason of insanity  
5           pursuant to Section 104-25(c) of the Code of Criminal  
6           Procedure of 1963 of such offense or an attempt to  
7           commit such offense; or

8           (d) is the subject of a finding not resulting in an  
9           acquittal at a hearing conducted pursuant to Section  
10          104-25(a) of the Code of Criminal Procedure of 1963  
11          for the alleged commission or attempted commission of  
12          such offense; or

13          (e) is found not guilty by reason of insanity  
14          following a hearing conducted pursuant to a federal,  
15          Uniform Code of Military Justice, sister state, or  
16          foreign country law substantially similar to Section  
17          104-25(c) of the Code of Criminal Procedure of 1963 of  
18          such offense or of the attempted commission of such  
19          offense; or

20          (f) is the subject of a finding not resulting in an  
21          acquittal at a hearing conducted pursuant to a  
22          federal, Uniform Code of Military Justice, sister  
23          state, or foreign country law substantially similar to  
24          Section 104-25(a) of the Code of Criminal Procedure of  
25          1963 for the alleged violation or attempted commission  
26          of such offense; or

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

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

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

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

25          Convictions that result from or are connected with the  
26          same act, or result from offenses committed at the same time,

1 shall be counted for the purpose of this Article as one  
2 conviction. Any conviction set aside pursuant to law is not a  
3 conviction for purposes of this Article.

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

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

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

9 11-20.1 (child sexual abuse material or child  
10 pornography),

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

13 11-6 (indecent solicitation of a child),

14 11-9.1 (sexual exploitation of a child),

15 11-9.2 (custodial sexual misconduct),

16 11-9.5 (sexual misconduct with a person with a  
17 disability),

18 11-14.4 (promoting juvenile prostitution),

19 11-15.1 (soliciting for a juvenile prostitute),

20 11-18.1 (patronizing a juvenile prostitute),

21 11-17.1 (keeping a place of juvenile  
22 prostitution),

23 11-19.1 (juvenile pimping),

24 11-19.2 (exploitation of a child),

25 11-25 (grooming),

26 11-26 (traveling to meet a minor or traveling to

1 meet a child),

2 11-1.20 or 12-13 (criminal sexual assault),

3 11-1.30 or 12-14 (aggravated criminal sexual  
4 assault),

5 11-1.40 or 12-14.1 (predatory criminal sexual  
6 assault of a child),

7 11-1.50 or 12-15 (criminal sexual abuse),

8 11-1.60 or 12-16 (aggravated criminal sexual  
9 abuse),

10 12-33 (ritualized abuse of a child).

11 An attempt to commit any of these offenses.

12 (1.5) A violation of any of the following Sections of  
13 the Criminal Code of 1961 or the Criminal Code of 2012,  
14 when the victim is a person under 18 years of age, the  
15 defendant is not a parent of the victim, the offense was  
16 sexually motivated as defined in Section 10 of the Sex  
17 Offender Evaluation and Treatment Act, and the offense was  
18 committed on or after January 1, 1996:

19 10-1 (kidnapping),

20 10-2 (aggravated kidnapping),

21 10-3 (unlawful restraint),

22 10-3.1 (aggravated unlawful restraint).

23 If the offense was committed before January 1, 1996,  
24 it is a sex offense requiring registration only when the  
25 person is convicted of any felony after July 1, 2011, and  
26 paragraph (2.1) of subsection (c) of Section 3 of this Act

1 applies.

2 (1.6) First degree murder under Section 9-1 of the  
3 Criminal Code of 1961 or the Criminal Code of 2012,  
4 provided the offense was sexually motivated as defined in  
5 Section 10 of the Sex Offender Management Board Act.

6 (1.7) (Blank).

7 (1.8) A violation or attempted violation of Section  
8 11-11 (sexual relations within families) of the Criminal  
9 Code of 1961 or the Criminal Code of 2012, and the offense  
10 was committed on or after June 1, 1997. If the offense was  
11 committed before June 1, 1997, it is a sex offense  
12 requiring registration only when the person is convicted  
13 of any felony after July 1, 2011, and paragraph (2.1) of  
14 subsection (c) of Section 3 of this Act applies.

15 (1.9) Child abduction under paragraph (10) of  
16 subsection (b) of Section 10-5 of the Criminal Code of  
17 1961 or the Criminal Code of 2012 committed by luring or  
18 attempting to lure a child under the age of 16 into a motor  
19 vehicle, building, house trailer, or dwelling place  
20 without the consent of the parent or lawful custodian of  
21 the child for other than a lawful purpose and the offense  
22 was committed on or after January 1, 1998, provided the  
23 offense was sexually motivated as defined in Section 10 of  
24 the Sex Offender Management Board Act. If the offense was  
25 committed before January 1, 1998, it is a sex offense  
26 requiring registration only when the person is convicted

1 of any felony after July 1, 2011, and paragraph (2.1) of  
2 subsection (c) of Section 3 of this Act applies.

3 (1.10) A violation or attempted violation of any of  
4 the following Sections of the Criminal Code of 1961 or the  
5 Criminal Code of 2012 when the offense was committed on or  
6 after July 1, 1999:

7 10-4 (forcible detention, if the victim is under  
8 18 years of age), provided the offense was sexually  
9 motivated as defined in Section 10 of the Sex Offender  
10 Management Board Act,

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

12 11-14.3 that involves soliciting for a prostitute,  
13 or 11-15 (soliciting for a prostitute, if the victim  
14 is under 18 years of age),

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

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

20 subdivision (a)(2)(C) of Section 11-14.3, or  
21 Section 11-19 (pimping, if the victim is under 18  
22 years of age).

23 If the offense was committed before July 1, 1999, it  
24 is a sex offense requiring registration only when the  
25 person is convicted of any felony after July 1, 2011, and  
26 paragraph (2.1) of subsection (c) of Section 3 of this Act

1 applies.

2 (1.11) A violation or attempted violation of any of  
3 the following Sections of the Criminal Code of 1961 or the  
4 Criminal Code of 2012 when the offense was committed on or  
5 after August 22, 2002:

6 11-9 or 11-30 (public indecency for a third or  
7 subsequent conviction).

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

13 (1.12) A violation or attempted violation of Section  
14 5.1 of the Wrongs to Children Act or Section 11-9.1A of the  
15 Criminal Code of 1961 or the Criminal Code of 2012  
16 (permitting sexual abuse) when the offense was committed  
17 on or after August 22, 2002. If the offense was committed  
18 before August 22, 2002, it is a sex offense requiring  
19 registration only when the person is convicted of any  
20 felony after July 1, 2011, and paragraph (2.1) of  
21 subsection (c) of Section 3 of this Act applies.

22 (2) A violation of any former law of this State  
23 substantially equivalent to any offense listed in  
24 subsection (B) of this Section.

25 (C) A conviction for an offense of federal law, Uniform  
26 Code of Military Justice, or the law of another state or a



1 foreign country that is substantially equivalent to any  
2 offense listed in subsections (B), (C), (E), and (E-5) of this  
3 Section shall constitute a conviction for the purpose of this  
4 Article. A finding or adjudication as a sexually dangerous  
5 person or a sexually violent person under any federal law,  
6 Uniform Code of Military Justice, or the law of another state  
7 or foreign country that is substantially equivalent to the  
8 Sexually Dangerous Persons Act or the Sexually Violent Persons  
9 Commitment Act shall constitute an adjudication for the  
10 purposes of this Article.

11 (C-5) A person at least 17 years of age at the time of the  
12 commission of the offense who is convicted of first degree  
13 murder under Section 9-1 of the Criminal Code of 1961 or the  
14 Criminal Code of 2012, against a person under 18 years of age,  
15 shall be required to register for natural life. A conviction  
16 for an offense of federal, Uniform Code of Military Justice,  
17 sister state, or foreign country law that is substantially  
18 equivalent to any offense listed in subsection (C-5) of this  
19 Section shall constitute a conviction for the purpose of this  
20 Article. This subsection (C-5) applies to a person who  
21 committed the offense before June 1, 1996 if: (i) the person is  
22 incarcerated in an Illinois Department of Corrections facility  
23 on August 20, 2004 (the effective date of Public Act 93-977),  
24 or (ii) subparagraph (i) does not apply and the person is  
25 convicted of any felony after July 1, 2011, and paragraph  
26 (2.1) of subsection (c) of Section 3 of this Act applies.

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

13 (D) As used in this Article, "law enforcement agency  
14 having jurisdiction" means the Chief of Police in each of the  
15 municipalities in which the sex offender expects to reside,  
16 work, or attend school (1) upon his or her discharge, parole or  
17 release or (2) during the service of his or her sentence of  
18 probation or conditional discharge, or the Sheriff of the  
19 county, in the event no Police Chief exists or if the offender  
20 intends to reside, work, or attend school in an unincorporated  
21 area. "Law enforcement agency having jurisdiction" includes  
22 the location where out-of-state students attend school and  
23 where out-of-state employees are employed or are otherwise  
24 required to register.

25 (D-1) As used in this Article, "supervising officer" means  
26 the assigned Illinois Department of Corrections parole agent

1 or county probation officer.

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

4 (1) Convicted for an offense of federal, Uniform Code  
5 of Military Justice, sister state, or foreign country law  
6 that is substantially equivalent to any offense listed in  
7 subsection (E) or (E-5) of this Section shall constitute a  
8 conviction for the purpose of this Article. Convicted of a  
9 violation or attempted violation of any of the following  
10 Sections of the Criminal Code of 1961 or the Criminal Code  
11 of 2012:

12 10-5.1 (luring of a minor),

13 11-14.4 that involves keeping a place of juvenile  
14 prostitution, or 11-17.1 (keeping a place of juvenile  
15 prostitution),

16 subdivision (a)(2) or (a)(3) of Section 11-14.4,  
17 or Section 11-19.1 (juvenile pimping),

18 subdivision (a)(4) of Section 11-14.4, or Section  
19 11-19.2 (exploitation of a child),

20 11-20.1 (child sexual abuse material or child  
21 pornography),

22 11-20.1B or 11-20.3 (aggravated child  
23 pornography),

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           11-1.60 or 12-16 (aggravated criminal sexual  
4 abuse),

5           12-33 (ritualized abuse of a child);

6           (2) (blank);

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

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

15           (5) convicted of a second or subsequent offense which  
16 requires registration pursuant to this Act. For purposes  
17 of this paragraph (5), "convicted" shall include a  
18 conviction under any substantially similar Illinois,  
19 federal, Uniform Code of Military Justice, sister state,  
20 or foreign country law;

21           (6) (blank); or

22           (7) if the person was convicted of an offense set  
23 forth in this subsection (E) on or before July 1, 1999, the  
24 person is a sexual predator for whom registration is  
25 required only when the person is convicted of a felony  
26 offense after July 1, 2011, and paragraph (2.1) of

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

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

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

12 (2) Section 11-9.5 (sexual misconduct with a person  
13 with a disability);

14 (3) when the victim is a person under 18 years of age,  
15 the defendant is not a parent of the victim, the offense  
16 was sexually motivated as defined in Section 10 of the Sex  
17 Offender Management Board Act, and the offense was  
18 committed on or after January 1, 1996: (A) Section 10-1  
19 (kidnapping), (B) Section 10-2 (aggravated kidnapping),  
20 (C) Section 10-3 (unlawful restraint), and (D) Section  
21 10-3.1 (aggravated unlawful restraint); and

22 (4) Section 10-5(b)(10) (child abduction committed by  
23 luring or attempting to lure a child under the age of 16  
24 into a motor vehicle, building, house trailer, or dwelling  
25 place without the consent of the parent or lawful  
26 custodian of the child for other than a lawful purpose and

1 the offense was committed on or after January 1, 1998,  
2 provided the offense was sexually motivated as defined in  
3 Section 10 of the Sex Offender Management Board Act).

4 (E-10) As used in this Article, "sexual predator" also  
5 means a person required to register in another State due to a  
6 conviction, adjudication or other action of any court  
7 triggering an obligation to register as a sex offender, sexual  
8 predator, or substantially similar status under the laws of  
9 that State.

10 (F) As used in this Article, "out-of-state student" means  
11 any sex offender, as defined in this Section, or sexual  
12 predator who is enrolled in Illinois, on a full-time or  
13 part-time basis, in any public or private educational  
14 institution, including, but not limited to, any secondary  
15 school, trade or professional institution, or institution of  
16 higher learning.

17 (G) As used in this Article, "out-of-state employee" means  
18 any sex offender, as defined in this Section, or sexual  
19 predator who works in Illinois, regardless of whether the  
20 individual receives payment for services performed, for a  
21 period of time of 10 or more days or for an aggregate period of  
22 time of 30 or more days during any calendar year. Persons who  
23 operate motor vehicles in the State accrue one day of  
24 employment time for any portion of a day spent in Illinois.

25 (H) As used in this Article, "school" means any public or  
26 private educational institution, including, but not limited

1 to, any elementary or secondary school, trade or professional  
2 institution, or institution of higher education.

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

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

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

11 Section 75. The Trafficking Victims Protection Act is  
12 amended by changing Section 10 as follows:

13 (740 ILCS 128/10)

14 Sec. 10. Definitions. As used in this Act:

15 "Human trafficking" means a violation or attempted  
16 violation of subsection (d) of Section 10-9 of the Criminal  
17 Code of 2012.

18 "Involuntary servitude" means a violation or attempted  
19 violation of subsection (b) of Section 10-9 of the Criminal  
20 Code of 2012.

21 "Sex trade" means a violation or attempted violation of  
22 any of the following Sections of the Criminal Code of 1961 or  
23 the Criminal Code of 2012: 11-14.3 (promoting prostitution);  
24 11-14.4 (promoting juvenile prostitution); 11-15 (soliciting

1 for a prostitute); 11-15.1 (soliciting for a juvenile  
2 prostitute); 11-16 (pandering); 11-17 (keeping a place of  
3 prostitution); 11-17.1 (keeping a place of juvenile  
4 prostitution); 11-19 (pimping); 11-19.1 (juvenile pimping and  
5 aggravated juvenile pimping); 11-19.2 (exploitation of a  
6 child); 11-20 (obscenity); 11-20.1 (child sexual abuse  
7 material pornography); 11-20.1B or 11-20.3 (aggravated child  
8 pornography); or subsection (c) of Section 10-9 (involuntary  
9 sexual servitude of a minor).

10 "Sex trade" activity may involve adults and youth of all  
11 genders and sexual orientations.

12 "Victim of the sex trade" means, for the following sex  
13 trade acts, the person or persons indicated:

14 (1) soliciting for a prostitute: the prostitute who is  
15 the object of the solicitation;

16 (2) soliciting for a juvenile prostitute: the juvenile  
17 prostitute, or person with a severe or profound  
18 intellectual disability, who is the object of the  
19 solicitation;

20 (3) promoting prostitution as described in subdivision  
21 (a) (2) (A) or (a) (2) (B) of Section 11-14.3 of the Criminal  
22 Code of 1961 or the Criminal Code of 2012, or pandering:  
23 the person intended or compelled to act as a prostitute;

24 (4) keeping a place of prostitution: any person  
25 intended or compelled to act as a prostitute, while  
26 present at the place, during the time period in question;



1           (5) keeping a place of juvenile prostitution: any  
2 juvenile intended or compelled to act as a prostitute,  
3 while present at the place, during the time period in  
4 question;

5           (6) promoting prostitution as described in subdivision  
6 (a)(2)(C) of Section 11-14.3 of the Criminal Code of 1961  
7 or the Criminal Code of 2012, or pimping: the prostitute  
8 from whom anything of value is received;

9           (7) promoting juvenile prostitution as described in  
10 subdivision (a)(2) or (a)(3) of Section 11-14.4 of the  
11 Criminal Code of 1961 or the Criminal Code of 2012, or  
12 juvenile pimping and aggravated juvenile pimping: the  
13 juvenile, or person with a severe or profound intellectual  
14 disability, from whom anything of value is received for  
15 that person's act of prostitution;

16           (8) promoting juvenile prostitution as described in  
17 subdivision (a)(4) of Section 11-14.4 of the Criminal Code  
18 of 1961 or the Criminal Code of 2012, or exploitation of a  
19 child: the juvenile, or person with a severe or profound  
20 intellectual disability, intended or compelled to act as a  
21 prostitute or from whom anything of value is received for  
22 that person's act of prostitution;

23           (9) obscenity: any person who appears in or is  
24 described or depicted in the offending conduct or  
25 material;

26           (10) child sexual abuse material ~~pornography~~ or

1       aggravated child pornography: any child, or person with a  
2       severe or profound intellectual disability, who appears in  
3       or is described or depicted in the offending conduct or  
4       material; or

5               (11) involuntary sexual servitude of a minor as  
6       defined in subsection (c) of Section 10-9 of the Criminal  
7       Code of 1961 or the Criminal Code of 2012.

8       (Source: P.A. 99-143, eff. 7-27-15; 100-939, eff. 1-1-19.)

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