



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4099

Introduced 1/16/2020, by Rep. Joyce Mason

SYNOPSIS AS INTRODUCED:

720 ILCS 5/10-9

725 ILCS 5/124B-100

725 ILCS 5/124B-300

730 ILCS 150/2

from Ch. 38, par. 222

Amends the Criminal Code of 2012 concerning human trafficking. Provides that a person commits sex trafficking when he or she with the intent to procure or sell another person for commercial sexual activity, a sexually-explicit performance, or the production of pornography: (1) confines that other person against his or her will; (2) by force or threat of imminent force carries that other person from one place to another with intent to confine that other person against his or her will; or (3) by deceit or enticement induces that other person to go from one place to another with intent to confine that other person against his or her will. Provides that a violation is a Class X felony. Provides that a person convicted of the offense is subject to the property forfeiture provisions of the Code of Criminal Procedure of 1963. Amends the Sex Offender Registration Act. Defines "sex offense" to include sex trafficking. Amends the Code of Criminal Procedure of 1963 to make conforming changes.

LRB101 15595 RLC 64941 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning criminal law.

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

4 Section 5. The Criminal Code of 2012 is amended by changing
5 Section 10-9 as follows:

6 (720 ILCS 5/10-9)

7 Sec. 10-9. Trafficking in persons, involuntary servitude,
8 and related offenses.

9 (a) Definitions. In this Section:

10 (1) "Intimidation" has the meaning prescribed in Section
11 12-6.

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

15 (2.5) "Company" means any sole proprietorship,
16 organization, association, corporation, partnership, joint
17 venture, limited partnership, limited liability partnership,
18 limited liability limited partnership, limited liability
19 company, or other entity or business association, including all
20 wholly owned subsidiaries, majority-owned subsidiaries, parent
21 companies, or affiliates of those entities or business
22 associations, that exist for the purpose of making profit.

23 (3) "Financial harm" includes intimidation that brings

1 about financial loss, criminal usury, or employment contracts
2 that violate the Frauds Act.

3 (4) (Blank).

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

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

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

11 (7.5) "Serious harm" means any harm, whether physical or
12 nonphysical, including psychological, financial, or
13 reputational harm, that is sufficiently serious, under all the
14 surrounding circumstances, to compel a reasonable person of the
15 same background and in the same circumstances to perform or to
16 continue performing labor or services in order to avoid
17 incurring that harm.

18 (8) "Services" means activities resulting from a
19 relationship between a person and the actor in which the person
20 performs activities under the supervision of or for the benefit
21 of the actor. Commercial sexual activity and sexually-explicit
22 performances are forms of activities that are "services" under
23 this Section. Nothing in this definition may be construed to
24 legitimize or legalize prostitution.

25 (9) "Sexually-explicit performance" means a live,
26 recorded, broadcast (including over the Internet), or public

1 act or show intended to arouse or satisfy the sexual desires or
2 appeal to the prurient interests of patrons.

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

5 (b) Involuntary servitude. A person commits involuntary
6 servitude when he or she knowingly subjects, attempts to
7 subject, or engages in a conspiracy to subject another person
8 to labor or services obtained or maintained through any of the
9 following means, or any combination of these means:

10 (1) causes or threatens to cause physical harm to any
11 person;

12 (2) physically restrains or threatens to physically
13 restrain another person;

14 (3) abuses or threatens to abuse the law or legal
15 process;

16 (4) knowingly destroys, conceals, removes,
17 confiscates, or possesses any actual or purported passport
18 or other immigration document, or any other actual or
19 purported government identification document, of another
20 person;

21 (5) uses intimidation, or exerts financial control
22 over any person; or

23 (6) uses any scheme, plan, or pattern intended to cause
24 the person to believe that, if the person did not perform
25 the labor or services, that person or another person would
26 suffer serious harm or physical restraint.

1 Sentence. Except as otherwise provided in subsection (e) or
2 (f), a violation of subsection (b)(1) is a Class X felony,
3 (b)(2) is a Class 1 felony, (b)(3) is a Class 2 felony, (b)(4)
4 is a Class 3 felony, (b)(5) and (b)(6) is a Class 4 felony.

5 (c) Involuntary sexual servitude of a minor. A person
6 commits involuntary sexual servitude of a minor when he or she
7 knowingly recruits, entices, harbors, transports, provides, or
8 obtains by any means, or attempts to recruit, entice, harbor,
9 provide, or obtain by any means, another person under 18 years
10 of age, knowing that the minor will engage in commercial sexual
11 activity, a sexually-explicit performance, or the production
12 of pornography, or causes or attempts to cause a minor to
13 engage in one or more of those activities and:

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

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

18 (3) there is overt force or threat.

19 Sentence. Except as otherwise provided in subsection (e) or
20 (f), a violation of subsection (c)(1) is a Class 1 felony,
21 (c)(2) is a Class X felony, and (c)(3) is a Class X felony.

22 (d) Trafficking in persons. A person commits trafficking in
23 persons when he or she knowingly: (1) recruits, entices,
24 harbors, transports, provides, or obtains by any means, or
25 attempts to recruit, entice, harbor, transport, provide, or
26 obtain by any means, another person, intending or knowing that

1 the person will be subjected to involuntary servitude; or (2)
2 benefits, financially or by receiving anything of value, from
3 participation in a venture that has engaged in an act of
4 involuntary servitude or involuntary sexual servitude of a
5 minor. A company commits trafficking in persons when the
6 company knowingly benefits, financially or by receiving
7 anything of value, from participation in a venture that has
8 engaged in an act of involuntary servitude or involuntary
9 sexual servitude of a minor.

10 Sentence. Except as otherwise provided in subsection (e) or
11 (f), a violation of this subsection (d) by a person is a Class
12 1 felony. A violation of this subsection (d) by a company is a
13 business offense for which a fine of up to \$100,000 may be
14 imposed.

15 (d-5) Sex trafficking. A person commits sex trafficking
16 when he or she with the intent to procure or sell another
17 person for commercial sexual activity, a sexually-explicit
18 performance, or the production of pornography:

19 (1) confines that other person against his or her will;

20 (2) by force or threat of imminent force carries that
21 other person from one place to another with intent to
22 confine that other person against his or her will; or

23 (3) by deceit or enticement induces that other person
24 to go from one place to another with intent to confine that
25 other person against his or her will.

26 Sentence. Except as otherwise provided in subsection (f), a

1 violation of this subsection (d-5) is a Class X felony.

2 (e) Aggravating factors. A violation of this Section
3 involving kidnapping or an attempt to kidnap, aggravated
4 criminal sexual assault or an attempt to commit aggravated
5 criminal sexual assault, or an attempt to commit first degree
6 murder is a Class X felony.

7 (f) Sentencing considerations.

8 (1) Bodily injury. If, pursuant to a violation of this
9 Section, a victim suffered bodily injury, the defendant may
10 be sentenced to an extended-term sentence under Section
11 5-8-2 of the Unified Code of Corrections. The sentencing
12 court must take into account the time in which the victim
13 was held in servitude, with increased penalties for cases
14 in which the victim was held for between 180 days and one
15 year, and increased penalties for cases in which the victim
16 was held for more than one year.

17 (2) Number of victims. In determining sentences within
18 statutory maximums, the sentencing court should take into
19 account the number of victims, and may provide for
20 substantially increased sentences in cases involving more
21 than 10 victims.

22 (g) Restitution. Restitution is mandatory under this
23 Section. In addition to any other amount of loss identified,
24 the court shall order restitution including the greater of (1)
25 the gross income or value to the defendant of the victim's
26 labor or services or (2) the value of the victim's labor as

1 guaranteed under the Minimum Wage Law and overtime provisions
2 of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law,
3 whichever is greater.

4 (g-5) Fine distribution. If the court imposes a fine under
5 subsection (b), (c), ~~or~~ (d), or (d-5) of this Section, it shall
6 be collected and distributed to the Specialized Services for
7 Survivors of Human Trafficking Fund in accordance with Section
8 5-9-1.21 of the Unified Code of Corrections.

9 (h) Trafficking victim services. Subject to the
10 availability of funds, the Department of Human Services may
11 provide or fund emergency services and assistance to
12 individuals who are victims of one or more offenses defined in
13 this Section.

14 (i) Certification. The Attorney General, a State's
15 Attorney, or any law enforcement official shall certify in
16 writing to the United States Department of Justice or other
17 federal agency, such as the United States Department of
18 Homeland Security, that an investigation or prosecution under
19 this Section has begun and the individual who is a likely
20 victim of a crime described in this Section is willing to
21 cooperate or is cooperating with the investigation to enable
22 the individual, if eligible under federal law, to qualify for
23 an appropriate special immigrant visa and to access available
24 federal benefits. Cooperation with law enforcement shall not be
25 required of victims of a crime described in this Section who
26 are under 18 years of age. This certification shall be made

1 available to the victim and his or her designated legal
2 representative.

3 (j) A person who commits involuntary servitude,
4 involuntary sexual servitude of a minor, ~~or~~ trafficking in
5 persons, or sex trafficking under subsection (b), (c), ~~or~~ (d),
6 or (d-5) of this Section is subject to the property forfeiture
7 provisions set forth in Article 124B of the Code of Criminal
8 Procedure of 1963.

9 (Source: P.A. 101-18, eff. 1-1-20.)

10 Section 10. The Code of Criminal Procedure of 1963 is
11 amended by changing Sections 124B-100 and 124B-300 as follows:

12 (725 ILCS 5/124B-100)

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

15 (1) In the case of forfeiture authorized under Section
16 10A-15 of the Criminal Code of 1961 or Section 10-9 of the
17 Criminal Code of 2012, "offense" means the offense of
18 involuntary servitude, involuntary servitude of a minor,
19 ~~or~~ trafficking in persons, or sex trafficking in violation
20 of Section 10-9 or 10A-10 of those Codes.

21 (2) In the case of forfeiture authorized under
22 subdivision (a) (1) of Section 11-14.4, or Section 11-17.1,
23 of the Criminal Code of 1961 or the Criminal Code of 2012,
24 "offense" means the offense of promoting juvenile

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

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

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

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

19 (6) In the case of forfeiture authorized under Section
20 11-20.1B or 11-20.3 of the Criminal Code of 1961, "offense"
21 means the offense of aggravated child pornography in
22 violation of Section 11-20.1B or 11-20.3 of that Code.

23 (7) In the case of forfeiture authorized under Section
24 12C-65 of the Criminal Code of 2012 or Article 44 of the
25 Criminal Code of 1961, "offense" means the offense of
26 unlawful transfer of a telecommunications device to a minor

1 in violation of Section 12C-65 or Article 44 of those
2 Codes.

3 (8) In the case of forfeiture authorized under Section
4 17-50 or 16D-5 of the Criminal Code of 1961 or the Criminal
5 Code of 2012, "offense" means the offense of computer fraud
6 in violation of Section 17-50 or 16D-5 of those Codes.

7 (9) In the case of forfeiture authorized under Section
8 17-6.3 or Article 17B of the Criminal Code of 1961 or the
9 Criminal Code of 2012, "offense" means any felony violation
10 of Section 17-6.3 or Article 17B of those Codes.

11 (10) In the case of forfeiture authorized under Section
12 29D-65 of the Criminal Code of 1961 or the Criminal Code of
13 2012, "offense" means any offense under Article 29D of that
14 Code.

15 (11) In the case of forfeiture authorized under Section
16 4.01 of the Humane Care for Animals Act, Section 26-5 of
17 the Criminal Code of 1961, or Section 48-1 of the Criminal
18 Code of 2012, "offense" means any felony offense under
19 either of those Sections.

20 (12) In the case of forfeiture authorized under Section
21 124B-1000(b) of the Code of Criminal Procedure of 1963,
22 "offense" means an offense in violation of the Criminal
23 Code of 1961, the Criminal Code of 2012, the Illinois
24 Controlled Substances Act, the Cannabis Control Act, or the
25 Methamphetamine Control and Community Protection Act, or
26 an offense involving a telecommunications device possessed

1 by a person on the real property of any elementary or
2 secondary school without authority of the school
3 principal.

4 (Source: P.A. 96-712, eff. 1-1-10; 96-1551, eff. 7-1-11;
5 97-897, eff. 1-1-13; 97-1108, eff. 1-1-13; 97-1109, eff.
6 1-1-13; 97-1150, eff. 1-25-13.)

7 (725 ILCS 5/124B-300)

8 Sec. 124B-300. Persons and property subject to forfeiture.

9 A person who commits the offense of involuntary servitude,
10 involuntary servitude of a minor, ~~or~~ trafficking of persons, or
11 sex trafficking under Section 10A-10 or Section 10-9 of the
12 Criminal Code of 1961 or the Criminal Code of 2012, promoting
13 juvenile prostitution, keeping a place of juvenile
14 prostitution, or promoting prostitution that involves keeping
15 a place of prostitution under subsection (a)(1) or (a)(4) of
16 Section 11-14.4 or under Section 11-14.3, 11-17.1, or 11-19.2
17 of the Criminal Code of 1961 or of the Criminal Code of 2012
18 shall forfeit to the State of Illinois any profits or proceeds
19 and any property he or she has acquired or maintained in
20 violation of Section 10A-10 or Section 10-9 of the Criminal
21 Code of 1961 or the Criminal Code of 2012, promoting juvenile
22 prostitution, keeping a place of juvenile prostitution, or
23 promoting prostitution that involves keeping a place of
24 prostitution under subsection (a)(1) or (a)(4) of Section
25 11-14.4 or under Section 11-14.3, 11-17.1, or 11-19.2 of the

1 Criminal Code of 1961 or of the Criminal Code of 2012 that the
2 sentencing court determines, after a forfeiture hearing under
3 this Article, to have been acquired or maintained as a result
4 of maintaining a person in involuntary servitude or
5 participating in trafficking of persons.

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

7 Section 15. The Sex Offender Registration Act is amended by
8 changing Section 2 as follows:

9 (730 ILCS 150/2) (from Ch. 38, par. 222)

10 Sec. 2. Definitions.

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

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

18 (a) is convicted of such offense or an attempt to
19 commit such offense; or

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

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

1 commit such offense; or

2 (d) is the subject of a finding not resulting in an
3 acquittal at a hearing conducted pursuant to Section
4 104-25(a) of the Code of Criminal Procedure of 1963 for
5 the alleged commission or attempted commission of such
6 offense; or

7 (e) is found not guilty by reason of insanity
8 following a hearing conducted pursuant to a federal,
9 Uniform Code of Military Justice, sister state, or
10 foreign country law substantially similar to Section
11 104-25(c) of the Code of Criminal Procedure of 1963 of
12 such offense or of the attempted commission of such
13 offense; or

14 (f) is the subject of a finding not resulting in an
15 acquittal at a hearing conducted pursuant to a federal,
16 Uniform Code of Military Justice, sister state, or
17 foreign country law substantially similar to Section
18 104-25(a) of the Code of Criminal Procedure of 1963 for
19 the alleged violation or attempted commission of such
20 offense; or

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

25 (3) subject to the provisions of Section 2 of the
26 Interstate Agreements on Sexually Dangerous Persons Act;

1 or

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

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

19 Convictions that result from or are connected with the same
20 act, or result from offenses committed at the same time, shall
21 be counted for the purpose of this Article as one conviction.
22 Any conviction set aside pursuant to law is not a conviction
23 for purposes of this Article.

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

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

1 (1) A violation of any of the following Sections or
2 subsections of the Criminal Code of 1961 or the Criminal
3 Code of 2012:

4 Subsection (d-5) of Section 10-9 (sex
5 trafficking),

6 11-20.1 (child pornography),

7 11-20.1B or 11-20.3 (aggravated child
8 pornography),

9 11-6 (indecent solicitation of a child),

10 11-9.1 (sexual exploitation of a child),

11 11-9.2 (custodial sexual misconduct),

12 11-9.5 (sexual misconduct with a person with a
13 disability),

14 11-14.4 (promoting juvenile prostitution),

15 11-15.1 (soliciting for a juvenile prostitute),

16 11-18.1 (patronizing a juvenile prostitute),

17 11-17.1 (keeping a place of juvenile
18 prostitution),

19 11-19.1 (juvenile pimping),

20 11-19.2 (exploitation of a child),

21 11-25 (grooming),

22 11-26 (traveling to meet a minor or traveling to
23 meet a child),

24 11-1.20 or 12-13 (criminal sexual assault),

25 11-1.30 or 12-14 (aggravated criminal sexual
26 assault),

1 11-1.40 or 12-14.1 (predatory criminal sexual
2 assault of a child),

3 11-1.50 or 12-15 (criminal sexual abuse),

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

6 12-33 (ritualized abuse of a child).

7 An attempt to commit any of these offenses.

8 (1.5) A violation of any of the following Sections of
9 the Criminal Code of 1961 or the Criminal Code of 2012,
10 when the victim is a person under 18 years of age, the
11 defendant is not a parent of the victim, the offense was
12 sexually motivated as defined in Section 10 of the Sex
13 Offender Evaluation and Treatment Act, and the offense was
14 committed on or after January 1, 1996:

15 10-1 (kidnapping),

16 10-2 (aggravated kidnapping),

17 10-3 (unlawful restraint),

18 10-3.1 (aggravated unlawful restraint).

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

24 (1.6) First degree murder under Section 9-1 of the
25 Criminal Code of 1961 or the Criminal Code of 2012,
26 provided the offense was sexually motivated as defined in

1 Section 10 of the Sex Offender Management Board Act.

2 (1.7) (Blank).

3 (1.8) A violation or attempted violation of Section
4 11-11 (sexual relations within families) of the Criminal
5 Code of 1961 or the Criminal Code of 2012, and the offense
6 was committed on or after June 1, 1997. If the offense was
7 committed before June 1, 1997, it is a sex offense
8 requiring registration only when the person is convicted of
9 any felony after July 1, 2011, and paragraph (2.1) of
10 subsection (c) of Section 3 of this Act applies.

11 (1.9) Child abduction under paragraph (10) of
12 subsection (b) of Section 10-5 of the Criminal Code of 1961
13 or the Criminal Code of 2012 committed by luring or
14 attempting to lure a child under the age of 16 into a motor
15 vehicle, building, house trailer, or dwelling place
16 without the consent of the parent or lawful custodian of
17 the child for other than a lawful purpose and the offense
18 was committed on or after January 1, 1998, provided the
19 offense was sexually motivated as defined in Section 10 of
20 the Sex Offender Management Board Act. If the offense was
21 committed before January 1, 1998, it is a sex offense
22 requiring registration only when the person is convicted of
23 any felony after July 1, 2011, and paragraph (2.1) of
24 subsection (c) of Section 3 of this Act applies.

25 (1.10) A violation or attempted violation of any of the
26 following Sections of the Criminal Code of 1961 or the

1 Criminal Code of 2012 when the offense was committed on or
2 after July 1, 1999:

3 10-4 (forcible detention, if the victim is under 18
4 years of age), provided the offense was sexually
5 motivated as defined in Section 10 of the Sex Offender
6 Management Board Act,

7 11-6.5 (indecent solicitation of an adult),

8 11-14.3 that involves soliciting for a prostitute,
9 or 11-15 (soliciting for a prostitute, if the victim is
10 under 18 years of age),

11 subdivision (a)(2)(A) or (a)(2)(B) of Section
12 11-14.3, or Section 11-16 (pandering, if the victim is
13 under 18 years of age),

14 11-18 (patronizing a prostitute, if the victim is
15 under 18 years of age),

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

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

24 (1.11) A violation or attempted violation of any of the
25 following Sections of the Criminal Code of 1961 or the
26 Criminal Code of 2012 when the offense was committed on or

1 after August 22, 2002:

2 11-9 or 11-30 (public indecency for a third or
3 subsequent conviction).

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

9 (1.12) A violation or attempted violation of Section
10 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
11 Criminal Code of 1961 or the Criminal Code of 2012
12 (permitting sexual abuse) when the offense was committed on
13 or after August 22, 2002. If the offense was committed
14 before August 22, 2002, it is a sex offense requiring
15 registration only when the person is convicted of any
16 felony after July 1, 2011, and paragraph (2.1) of
17 subsection (c) of Section 3 of this Act applies.

18 (2) A violation of any former law of this State
19 substantially equivalent to any offense listed in
20 subsection (B) of this Section.

21 (C) A conviction for an offense of federal law, Uniform
22 Code of Military Justice, or the law of another state or a
23 foreign country that is substantially equivalent to any offense
24 listed in subsections (B), (C), (E), and (E-5) of this Section
25 shall constitute a conviction for the purpose of this Article.
26 A finding or adjudication as a sexually dangerous person or a

1 sexually violent person under any federal law, Uniform Code of
2 Military Justice, or the law of another state or foreign
3 country that is substantially equivalent to the Sexually
4 Dangerous Persons Act or the Sexually Violent Persons
5 Commitment Act shall constitute an adjudication for the
6 purposes of this Article.

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

23 (C-6) A person who is convicted or adjudicated delinquent
24 of first degree murder as defined in Section 9-1 of the
25 Criminal Code of 1961 or the Criminal Code of 2012, against a
26 person 18 years of age or over, shall be required to register

1 for his or her natural life. A conviction for an offense of
2 federal, Uniform Code of Military Justice, sister state, or
3 foreign country law that is substantially equivalent to any
4 offense listed in subsection (C-6) of this Section shall
5 constitute a conviction for the purpose of this Article. This
6 subsection (C-6) does not apply to those individuals released
7 from incarceration more than 10 years prior to January 1, 2012
8 (the effective date of Public Act 97-154).

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

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

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

26 (1) Convicted for an offense of federal, Uniform Code

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

8 10-5.1 (luring of a minor),

9 11-14.4 that involves keeping a place of juvenile
10 prostitution, or 11-17.1 (keeping a place of juvenile
11 prostitution),

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

14 subdivision (a) (4) of Section 11-14.4, or Section
15 11-19.2 (exploitation of a child),

16 11-20.1 (child pornography),

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

19 11-1.20 or 12-13 (criminal sexual assault),

20 11-1.30 or 12-14 (aggravated criminal sexual
21 assault),

22 11-1.40 or 12-14.1 (predatory criminal sexual
23 assault of a child),

24 11-1.60 or 12-16 (aggravated criminal sexual
25 abuse),

26 12-33 (ritualized abuse of a child);

1 (2) (blank);

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

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

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

16 (6) (blank); or

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

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

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

7 (2) Section 11-9.5 (sexual misconduct with a person
8 with a disability);

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

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

25 (E-10) As used in this Article, "sexual predator" also
26 means a person required to register in another State due to a

1 conviction, adjudication or other action of any court
2 triggering an obligation to register as a sex offender, sexual
3 predator, or substantially similar status under the laws of
4 that State.

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

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

20 (H) As used in this Article, "school" means any public or
21 private educational institution, including, but not limited
22 to, any elementary or secondary school, trade or professional
23 institution, or institution of higher education.

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

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

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