



101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

SB1693

Introduced 2/15/2019, by Sen. Jason Plummer

SYNOPSIS AS INTRODUCED:

See Index

Amends the Illinois Police Training Act. Includes, in the minimum curriculum for police training schools, training in investigating domestic minor sex trafficking. Amends the Abused and Neglected Child Reporting Act. Provides that a child shall be considered abused regardless of the perpetrator of the abuse if the child is a human trafficking victim. Amends the Juvenile Court Act of 1987. Provides for immediate expungement of juvenile court and law enforcement records of minors who are human trafficking victims involved in prostitution. Amends the Criminal Code of 2012. Provides that involuntary sexual servitude of a minor includes purchasing sexual services of the minor whether from the trafficker or minor. Provides that it is not a defense to involuntary sexual servitude of a minor that the accused reasonably believed the trafficking victim to be 18 years of age or over. Eliminates other mistake of age defenses concerning grooming and patronizing a minor engaged in prostitution. Provides that a person who is a victim of involuntary sexual servitude of a minor is deemed a crime victim and is eligible for protections afforded to crime victims. Amends the Code of Criminal Procedure of 1963 to permit a motion to vacate an adjudication of delinquency of a human trafficking victim who engaged in prostitution. Amends the Sex Offender Registration Act. Makes violations concerning trafficking in persons, involuntary servitude, and related offenses registrable offenses under the Act. Amends the Crime Victims Compensation Act to provide that a trafficking victim who is under 18 years of age is not subject to the filing requirements of the Act and is not subject to the eligibility requirements of the Act.

LRB101 09427 RLC 54525 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning human trafficking.

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

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

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

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

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

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

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

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

26 c. Minimum requirements for instructors.

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

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

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

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

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

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

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

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

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

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

12 (Source: P.A. 99-352, eff. 1-1-16; 99-480, eff. 9-9-15; 99-642,
13 eff. 7-28-16; 99-801, eff. 1-1-17; 100-121, eff. 1-1-18;
14 100-247, eff. 1-1-18; 100-759, eff. 1-1-19; 100-863, eff.
15 8-14-18; 100-910, eff. 1-1-19; revised 9-28-19.)

16 Section 10. The Abused and Neglected Child Reporting Act is
17 amended by changing Section 3 as follows:

18 (325 ILCS 5/3) (from Ch. 23, par. 2053)

19 Sec. 3. As used in this Act unless the context otherwise
20 requires:

21 "Adult resident" means any person between 18 and 22 years
22 of age who resides in any facility licensed by the Department
23 under the Child Care Act of 1969. For purposes of this Act, the
24 criteria set forth in the definitions of "abused child" and

1 "neglected child" shall be used in determining whether an adult
2 resident is abused or neglected.

3 "Agency" means a child care facility licensed under Section
4 2.05 or Section 2.06 of the Child Care Act of 1969 and includes
5 a transitional living program that accepts children and adult
6 residents for placement who are in the guardianship of the
7 Department.

8 "Blatant disregard" means an incident where the real,
9 significant, and imminent risk of harm would be so obvious to a
10 reasonable parent or caretaker that it is unlikely that a
11 reasonable parent or caretaker would have exposed the child to
12 the danger without exercising precautionary measures to
13 protect the child from harm. With respect to a person working
14 at an agency in his or her professional capacity with a child
15 or adult resident, "blatant disregard" includes a failure by
16 the person to perform job responsibilities intended to protect
17 the child's or adult resident's health, physical well-being, or
18 welfare, and, when viewed in light of the surrounding
19 circumstances, evidence exists that would cause a reasonable
20 person to believe that the child was neglected. With respect to
21 an agency, "blatant disregard" includes a failure to implement
22 practices that ensure the health, physical well-being, or
23 welfare of the children and adult residents residing in the
24 facility.

25 "Child" means any person under the age of 18 years, unless
26 legally emancipated by reason of marriage or entry into a

1 branch of the United States armed services.

2 "Department" means Department of Children and Family
3 Services.

4 "Local law enforcement agency" means the police of a city,
5 town, village or other incorporated area or the sheriff of an
6 unincorporated area or any sworn officer of the Illinois
7 Department of State Police.

8 "Abused child" means a child whose parent or immediate
9 family member, or any person responsible for the child's
10 welfare, or any individual residing in the same home as the
11 child, or a paramour of the child's parent:

12 (a) inflicts, causes to be inflicted, or allows to be
13 inflicted upon such child physical injury, by other than
14 accidental means, which causes death, disfigurement,
15 impairment of physical or emotional health, or loss or
16 impairment of any bodily function;

17 (b) creates a substantial risk of physical injury to
18 such child by other than accidental means which would be
19 likely to cause death, disfigurement, impairment of
20 physical or emotional health, or loss or impairment of any
21 bodily function;

22 (c) commits or allows to be committed any sex offense
23 against such child, as such sex offenses are defined in the
24 Criminal Code of 2012 or in the Wrongs to Children Act, and
25 extending those definitions of sex offenses to include
26 children under 18 years of age;

1 (d) commits or allows to be committed an act or acts of
2 torture upon such child;

3 (e) inflicts excessive corporal punishment or, in the
4 case of a person working for an agency who is prohibited
5 from using corporal punishment, inflicts corporal
6 punishment upon a child or adult resident with whom the
7 person is working in his or her professional capacity;

8 (f) commits or allows to be committed the offense of
9 female genital mutilation, as defined in Section 12-34 of
10 the Criminal Code of 2012, against the child;

11 (g) causes to be sold, transferred, distributed, or
12 given to such child under 18 years of age, a controlled
13 substance as defined in Section 102 of the Illinois
14 Controlled Substances Act in violation of Article IV of the
15 Illinois Controlled Substances Act or in violation of the
16 Methamphetamine Control and Community Protection Act,
17 except for controlled substances that are prescribed in
18 accordance with Article III of the Illinois Controlled
19 Substances Act and are dispensed to such child in a manner
20 that substantially complies with the prescription; or

21 (h) commits or allows to be committed the offense of
22 involuntary servitude, involuntary sexual servitude of a
23 minor, or trafficking in persons as defined in Section 10-9
24 of the Criminal Code of 2012 against the child. A child
25 shall be considered abused regardless of the perpetrator of
26 the abuse if the child is a human trafficking victim as

1 defined in Section 10-9 of the Criminal Code of 2012.

2 A child shall not be considered abused for the sole reason
3 that the child has been relinquished in accordance with the
4 Abandoned Newborn Infant Protection Act.

5 "Neglected child" means any child who is not receiving the
6 proper or necessary nourishment or medically indicated
7 treatment including food or care not provided solely on the
8 basis of the present or anticipated mental or physical
9 impairment as determined by a physician acting alone or in
10 consultation with other physicians or otherwise is not
11 receiving the proper or necessary support or medical or other
12 remedial care recognized under State law as necessary for a
13 child's well-being, or other care necessary for his or her
14 well-being, including adequate food, clothing and shelter; or
15 who is subjected to an environment which is injurious insofar
16 as (i) the child's environment creates a likelihood of harm to
17 the child's health, physical well-being, or welfare and (ii)
18 the likely harm to the child is the result of a blatant
19 disregard of parent, caretaker, or agency responsibilities; or
20 who is abandoned by his or her parents or other person
21 responsible for the child's welfare without a proper plan of
22 care; or who has been provided with interim crisis intervention
23 services under Section 3-5 of the Juvenile Court Act of 1987
24 and whose parent, guardian, or custodian refuses to permit the
25 child to return home and no other living arrangement agreeable
26 to the parent, guardian, or custodian can be made, and the

1 parent, guardian, or custodian has not made any other
2 appropriate living arrangement for the child; or who is a
3 newborn infant whose blood, urine, or meconium contains any
4 amount of a controlled substance as defined in subsection (f)
5 of Section 102 of the Illinois Controlled Substances Act or a
6 metabolite thereof, with the exception of a controlled
7 substance or metabolite thereof whose presence in the newborn
8 infant is the result of medical treatment administered to the
9 mother or the newborn infant. A child shall not be considered
10 neglected for the sole reason that the child's parent or other
11 person responsible for his or her welfare has left the child in
12 the care of an adult relative for any period of time. A child
13 shall not be considered neglected for the sole reason that the
14 child has been relinquished in accordance with the Abandoned
15 Newborn Infant Protection Act. A child shall not be considered
16 neglected or abused for the sole reason that such child's
17 parent or other person responsible for his or her welfare
18 depends upon spiritual means through prayer alone for the
19 treatment or cure of disease or remedial care as provided under
20 Section 4 of this Act. A child shall not be considered
21 neglected or abused solely because the child is not attending
22 school in accordance with the requirements of Article 26 of The
23 School Code, as amended.

24 "Child Protective Service Unit" means certain specialized
25 State employees of the Department assigned by the Director to
26 perform the duties and responsibilities as provided under

1 Section 7.2 of this Act.

2 "Near fatality" means an act that, as certified by a
3 physician, places the child in serious or critical condition,
4 including acts of great bodily harm inflicted upon children
5 under 13 years of age, and as otherwise defined by Department
6 rule.

7 "Great bodily harm" includes bodily injury which creates a
8 high probability of death, or which causes serious permanent
9 disfigurement, or which causes a permanent or protracted loss
10 or impairment of the function of any bodily member or organ, or
11 other serious bodily harm.

12 "Person responsible for the child's welfare" means the
13 child's parent; guardian; foster parent; relative caregiver;
14 any person responsible for the child's welfare in a public or
15 private residential agency or institution; any person
16 responsible for the child's welfare within a public or private
17 profit or not for profit child care facility; or any other
18 person responsible for the child's welfare at the time of the
19 alleged abuse or neglect, including any person that is the
20 custodian of a child under 18 years of age who commits or
21 allows to be committed, against the child, the offense of
22 involuntary servitude, involuntary sexual servitude of a
23 minor, or trafficking in persons for forced labor or services,
24 as provided in Section 10-9 of the Criminal Code of 2012, or
25 any person who came to know the child through an official
26 capacity or position of trust, including but not limited to

1 health care professionals, educational personnel, recreational
2 supervisors, members of the clergy, and volunteers or support
3 personnel in any setting where children may be subject to abuse
4 or neglect.

5 "Temporary protective custody" means custody within a
6 hospital or other medical facility or a place previously
7 designated for such custody by the Department, subject to
8 review by the Court, including a licensed foster home, group
9 home, or other institution; but such place shall not be a jail
10 or other place for the detention of criminal or juvenile
11 offenders.

12 "An unfounded report" means any report made under this Act
13 for which it is determined after an investigation that no
14 credible evidence of abuse or neglect exists.

15 "An indicated report" means a report made under this Act if
16 an investigation determines that credible evidence of the
17 alleged abuse or neglect exists.

18 "An undetermined report" means any report made under this
19 Act in which it was not possible to initiate or complete an
20 investigation on the basis of information provided to the
21 Department.

22 "Subject of report" means any child reported to the central
23 register of child abuse and neglect established under Section
24 7.7 of this Act as an alleged victim of child abuse or neglect
25 and the parent or guardian of the alleged victim or other
26 person responsible for the alleged victim's welfare who is

1 named in the report or added to the report as an alleged
2 perpetrator of child abuse or neglect.

3 "Perpetrator" means a person who, as a result of
4 investigation, has been determined by the Department to have
5 caused child abuse or neglect.

6 "Member of the clergy" means a clergyman or practitioner of
7 any religious denomination accredited by the religious body to
8 which he or she belongs.

9 (Source: P.A. 99-350, eff. 6-1-16; 100-733, eff. 1-1-19.)

10 Section 15. The Juvenile Court Act of 1987 is amended by
11 changing Sections 5-301 and 5-915 as follows:

12 (705 ILCS 405/5-301)

13 Sec. 5-301. Station adjustments. A minor arrested for any
14 offense or a violation of a condition of previous station
15 adjustment may receive a station adjustment for that arrest as
16 provided herein. In deciding whether to impose a station
17 adjustment, either informal or formal, a juvenile police
18 officer shall consider the following factors:

19 (A) The seriousness of the alleged offense.

20 (B) The prior history of delinquency of the minor.

21 (C) The age of the minor.

22 (D) The culpability of the minor in committing the
23 alleged offense.

24 (E) Whether the offense was committed in an aggressive

1 or premeditated manner.

2 (F) Whether the minor used or possessed a deadly weapon
3 when committing the alleged offenses.

4 If the minor is alleged to be a human trafficking victim
5 and has been detained under subsection (d) of Section 11-14 of
6 the Criminal Code of 2012, the detention shall be for the most
7 limited period and shall be handled as a station adjustment. In
8 that case, the minor shall be brought before a juvenile police
9 officer if available.

10 (1) Informal station adjustment.

11 (a) An informal station adjustment is defined as a
12 procedure when a juvenile police officer determines that
13 there is probable cause to believe that the minor has
14 committed an offense.

15 (b) A minor shall receive no more than 3 informal
16 station adjustments statewide for a misdemeanor offense
17 within 3 years without prior approval from the State's
18 Attorney's Office.

19 (c) A minor shall receive no more than 3 informal
20 station adjustments statewide for a felony offense within 3
21 years without prior approval from the State's Attorney's
22 Office.

23 (d) A minor shall receive a combined total of no more
24 than 5 informal station adjustments statewide during his or
25 her minority.

26 (e) The juvenile police officer may make reasonable

1 conditions of an informal station adjustment which may
2 include but are not limited to:

3 (i) Curfew.

4 (ii) Conditions restricting entry into designated
5 geographical areas.

6 (iii) No contact with specified persons.

7 (iv) School attendance.

8 (v) Performing up to 25 hours of community service
9 work.

10 (vi) Community mediation.

11 (vii) Teen court or a peer court.

12 (viii) Restitution limited to 90 days.

13 (f) If the minor refuses or fails to abide by the
14 conditions of an informal station adjustment, the juvenile
15 police officer may impose a formal station adjustment or
16 refer the matter to the State's Attorney's Office.

17 (g) An informal station adjustment does not constitute
18 an adjudication of delinquency or a criminal conviction.
19 Beginning January 1, 2000, a record shall be maintained
20 with the Department of State Police for informal station
21 adjustments for offenses that would be a felony if
22 committed by an adult, and may be maintained if the offense
23 would be a misdemeanor.

24 (2) Formal station adjustment.

25 (a) A formal station adjustment is defined as a
26 procedure when a juvenile police officer determines that

1 there is probable cause to believe the minor has committed
2 an offense and an admission by the minor of involvement in
3 the offense.

4 (b) The minor and parent, guardian, or legal custodian
5 must agree in writing to the formal station adjustment and
6 must be advised of the consequences of violation of any
7 term of the agreement.

8 (c) The minor and parent, guardian or legal custodian
9 shall be provided a copy of the signed agreement of the
10 formal station adjustment. The agreement shall include:

11 (i) The offense which formed the basis of the
12 formal station adjustment.

13 (ii) An acknowledgment that the terms of the formal
14 station adjustment and the consequences for violation
15 have been explained.

16 (iii) An acknowledgment that the formal station
17 adjustments record may be expunged under Section 5-915
18 of this Act.

19 (iv) An acknowledgement that the minor understands
20 that his or her admission of involvement in the offense
21 may be admitted into evidence in future court hearings.

22 (v) A statement that all parties understand the
23 terms and conditions of formal station adjustment and
24 agree to the formal station adjustment process.

25 (d) Conditions of the formal station adjustment may
26 include, but are not limited to:

- 1 (i) The time shall not exceed 120 days.
- 2 (ii) The minor shall not violate any laws.
- 3 (iii) The juvenile police officer may require the
4 minor to comply with additional conditions for the
5 formal station adjustment which may include but are not
6 limited to:
- 7 (a) Attending school.
- 8 (b) Abiding by a set curfew.
- 9 (c) Payment of restitution.
- 10 (d) Refraining from possessing a firearm or
11 other weapon.
- 12 (e) Reporting to a police officer at
13 designated times and places, including reporting
14 and verification that the minor is at home at
15 designated hours.
- 16 (f) Performing up to 25 hours of community
17 service work.
- 18 (g) Refraining from entering designated
19 geographical areas.
- 20 (h) Participating in community mediation.
- 21 (i) Participating in teen court or peer court.
- 22 (j) Refraining from contact with specified
23 persons.
- 24 (e) A formal station adjustment does not constitute an
25 adjudication of delinquency or a criminal conviction.
26 Beginning January 1, 2000, a record shall be maintained

1 with the Department of State Police for formal station
2 adjustments.

3 (f) A minor or the minor's parent, guardian, or legal
4 custodian, or both the minor and the minor's parent,
5 guardian, or legal custodian, may refuse a formal station
6 adjustment and have the matter referred for court action or
7 other appropriate action.

8 (g) A minor or the minor's parent, guardian, or legal
9 custodian, or both the minor and the minor's parent,
10 guardian, or legal custodian, may within 30 days of the
11 commencement of the formal station adjustment revoke their
12 consent and have the matter referred for court action or
13 other appropriate action. This revocation must be in
14 writing and personally served upon the police officer or
15 his or her supervisor.

16 (h) The admission of the minor as to involvement in the
17 offense shall be admissible at further court hearings as
18 long as the statement would be admissible under the rules
19 of evidence.

20 (i) If the minor violates any term or condition of the
21 formal station adjustment the juvenile police officer
22 shall provide written notice of violation to the minor and
23 the minor's parent, guardian, or legal custodian. After
24 consultation with the minor and the minor's parent,
25 guardian, or legal custodian, the juvenile police officer
26 may take any of the following steps upon violation:

1 (i) Warn the minor of consequences of continued
2 violations and continue the formal station adjustment.

3 (ii) Extend the period of the formal station
4 adjustment up to a total of 180 days.

5 (iii) Extend the hours of community service work up
6 to a total of 40 hours.

7 (iv) Terminate the formal station adjustment
8 unsatisfactorily and take no other action.

9 (v) Terminate the formal station adjustment
10 unsatisfactorily and refer the matter to the juvenile
11 court.

12 (j) A minor shall receive no more than 2 formal station
13 adjustments statewide for a felony offense without the
14 State's Attorney's approval within a 3 year period.

15 (k) A minor shall receive no more than 3 formal station
16 adjustments statewide for a misdemeanor offense without
17 the State's Attorney's approval within a 3 year period.

18 (l) The total for formal station adjustments statewide
19 within the period of minority may not exceed 4 without the
20 State's Attorney's approval.

21 (m) If the minor is arrested in a jurisdiction where
22 the minor does not reside, the formal station adjustment
23 may be transferred to the jurisdiction where the minor does
24 reside upon written agreement of that jurisdiction to
25 monitor the formal station adjustment.

26 (3) Beginning January 1, 2000, the juvenile police officer

1 making a station adjustment shall assure that information about
2 any offense which would constitute a felony if committed by an
3 adult and may assure that information about a misdemeanor is
4 transmitted to the Department of State Police.

5 (4) The total number of station adjustments, both formal
6 and informal, shall not exceed 9 without the State's Attorney's
7 approval for any minor arrested anywhere in the State.

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

9 (705 ILCS 405/5-915)

10 (Text of Section before amendment by P.A. 100-987)

11 Sec. 5-915. Expungement of juvenile law enforcement and
12 juvenile court records.

13 (0.05) (Blank).

14 (0.1) (a) Except as otherwise provided in subsection (0.15)
15 of this Section, the Department of State Police and all law
16 enforcement agencies within the State shall automatically
17 expunge, on or before January 1 of each year, all juvenile law
18 enforcement records relating to events occurring before an
19 individual's 18th birthday if:

20 (1) one year or more has elapsed since the date of the
21 arrest or law enforcement interaction documented in the
22 records;

23 (2) no petition for delinquency or criminal charges
24 were filed with the clerk of the circuit court relating to
25 the arrest or law enforcement interaction documented in the

1 records; and

2 (3) 6 months have elapsed since the date of the arrest
3 without an additional subsequent arrest or filing of a
4 petition for delinquency or criminal charges whether
5 related or not to the arrest or law enforcement interaction
6 documented in the records.

7 (b) If the law enforcement agency is unable to verify
8 satisfaction of conditions (2) and (3) of this subsection
9 (0.1), records that satisfy condition (1) of this subsection
10 (0.1) shall be automatically expunged if the records relate to
11 an offense that if committed by an adult would not be an
12 offense classified as Class 2 felony or higher, an offense
13 under Article 11 of the Criminal Code of 1961 or Criminal Code
14 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
15 12-15, or 12-16 of the Criminal Code of 1961.

16 (0.15) If a juvenile law enforcement record meets paragraph
17 (a) of subsection (0.1) of this Section, a juvenile law
18 enforcement record created:

19 (1) prior to January 1, 2018, but on or after January
20 1, 2013 shall be automatically expunged prior to January 1,
21 2020;

22 (2) prior to January 1, 2013, but on or after January
23 1, 2000, shall be automatically expunged prior to January
24 1, 2023; and

25 (3) prior to January 1, 2000 shall not be subject to
26 the automatic expungement provisions of this Act.

1 Nothing in this subsection (0.15) shall be construed to
2 restrict or modify an individual's right to have his or her
3 juvenile law enforcement records expunged except as otherwise
4 may be provided in this Act.

5 (0.2) (a) Upon dismissal of a petition alleging delinquency
6 or upon a finding of not delinquent, the successful termination
7 of an order of supervision, or the successful termination of an
8 adjudication for an offense which would be a Class B
9 misdemeanor, Class C misdemeanor, or a petty or business
10 offense if committed by an adult, the court shall automatically
11 order the expungement of the juvenile court records and
12 juvenile law enforcement records. The clerk shall deliver a
13 certified copy of the expungement order to the Department of
14 State Police and the arresting agency. Upon request, the
15 State's Attorney shall furnish the name of the arresting
16 agency. The expungement shall be completed within 60 business
17 days after the receipt of the expungement order.

18 (b) If the chief law enforcement officer of the agency, or
19 his or her designee, certifies in writing that certain
20 information is needed for a pending investigation involving the
21 commission of a felony, that information, and information
22 identifying the juvenile, may be retained until the statute of
23 limitations for the felony has expired. If the chief law
24 enforcement officer of the agency, or his or her designee,
25 certifies in writing that certain information is needed with
26 respect to an internal investigation of any law enforcement

1 office, that information and information identifying the
2 juvenile may be retained within an intelligence file until the
3 investigation is terminated or the disciplinary action,
4 including appeals, has been completed, whichever is later.
5 Retention of a portion of a juvenile's law enforcement record
6 does not disqualify the remainder of his or her record from
7 immediate automatic expungement.

8 (0.3) (a) Upon an adjudication of delinquency based on any
9 offense except a disqualified offense, the juvenile court shall
10 automatically order the expungement of the juvenile court and
11 law enforcement records 2 years after the juvenile's case was
12 closed if no delinquency or criminal proceeding is pending and
13 the person has had no subsequent delinquency adjudication or
14 criminal conviction. The clerk shall deliver a certified copy
15 of the expungement order to the Department of State Police and
16 the arresting agency. Upon request, the State's Attorney shall
17 furnish the name of the arresting agency. The expungement shall
18 be completed within 60 business days after the receipt of the
19 expungement order. In this subsection (0.3), "disqualified
20 offense" means any of the following offenses: Section 8-1.2,
21 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1,
22 10-4, 10-5, 10-9, 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60,
23 11-6, 11-6.5, 12-2, 12-3.05, 12-3.3, 12-4.4a, 12-5.02, 12-6.2,
24 12-6.5, 12-7.1, 12-7.5, 12-20.5, 12-32, 12-33, 12-34, 12-34.5,
25 18-1, 18-2, 18-3, 18-4, 18-6, 19-3, 19-6, 20-1, 20-1.1, 24-1.2,
26 24-1.2-5, 24-1.5, 24-3A, 24-3B, 24-3.2, 24-3.8, 24-3.9,

1 29D-14.9, 29D-20, 30-1, 31-1a, 32-4a, or 33A-2 of the Criminal
2 Code of 2012, or subsection (b) of Section 8-1, paragraph (4)
3 of subsection (a) of Section 11-14.4, subsection (a-5) of
4 Section 12-3.1, paragraph (1), (2), or (3) of subsection (a) of
5 Section 12-6, subsection (a-3) or (a-5) of Section 12-7.3,
6 paragraph (1) or (2) of subsection (a) of Section 12-7.4,
7 subparagraph (i) of paragraph (1) of subsection (a) of Section
8 12-9, subparagraph (H) of paragraph (3) of subsection (a) of
9 Section 24-1.6, paragraph (1) of subsection (a) of Section
10 25-1, or subsection (a-7) of Section 31-1 of the Criminal Code
11 of 2012.

12 (b) If the chief law enforcement officer of the agency, or
13 his or her designee, certifies in writing that certain
14 information is needed for a pending investigation involving the
15 commission of a felony, that information, and information
16 identifying the juvenile, may be retained in an intelligence
17 file until the investigation is terminated or for one
18 additional year, whichever is sooner. Retention of a portion of
19 a juvenile's juvenile law enforcement record does not
20 disqualify the remainder of his or her record from immediate
21 automatic expungement.

22 (0.4) Automatic expungement for the purposes of this
23 Section shall not require law enforcement agencies to
24 obliterate or otherwise destroy juvenile law enforcement
25 records that would otherwise need to be automatically expunged
26 under this Act, except after 2 years following the subject

1 arrest for purposes of use in civil litigation against a
2 governmental entity or its law enforcement agency or personnel
3 which created, maintained, or used the records. However these
4 juvenile law enforcement records shall be considered expunged
5 for all other purposes during this period and the offense,
6 which the records or files concern, shall be treated as if it
7 never occurred as required under Section 5-923.

8 (0.5) Subsection (0.1) or (0.2) of this Section does not
9 apply to violations of traffic, boating, fish and game laws, or
10 county or municipal ordinances.

11 (0.6) Juvenile law enforcement records of a plaintiff who
12 has filed civil litigation against the governmental entity or
13 its law enforcement agency or personnel that created,
14 maintained, or used the records or juvenile law enforcement
15 records that contain information related to the allegations set
16 forth in the civil litigation may not be expunged until after 2
17 years have elapsed after the conclusion of the lawsuit,
18 including any appeal.

19 (0.7) Officer-worn body camera recordings shall not be
20 automatically expunged except as otherwise authorized by the
21 Law Enforcement Officer-Worn Body Camera Act.

22 (1) Whenever a person has been arrested, charged, or
23 adjudicated delinquent for an incident occurring before his or
24 her 18th birthday that if committed by an adult would be an
25 offense, and that person's juvenile law enforcement and
26 juvenile court records are not eligible for automatic

1 expungement under subsection (0.1), (0.2), or (0.3), the person
2 may petition the court at any time for expungement of juvenile
3 law enforcement records and juvenile court records relating to
4 the incident and, upon termination of all juvenile court
5 proceedings relating to that incident, the court shall order
6 the expungement of all records in the possession of the
7 Department of State Police, the clerk of the circuit court, and
8 law enforcement agencies relating to the incident, but only in
9 any of the following circumstances:

10 (a) the minor was arrested and no petition for
11 delinquency was filed with the clerk of the circuit court;

12 (a-5) the minor was charged with an offense and the
13 petition or petitions were dismissed without a finding of
14 delinquency;

15 (b) the minor was charged with an offense and was found
16 not delinquent of that offense;

17 (c) the minor was placed under supervision under
18 Section 5-615, and the order of supervision has since been
19 successfully terminated; or

20 (d) the minor was adjudicated for an offense which
21 would be a Class B misdemeanor, Class C misdemeanor, or a
22 petty or business offense if committed by an adult.

23 (1.5) The Department of State Police shall allow a person
24 to use the Access and Review process, established in the
25 Department of State Police, for verifying that his or her
26 juvenile law enforcement records relating to incidents

1 occurring before his or her 18th birthday eligible under this
2 Act have been expunged.

3 (1.6) (Blank).

4 (1.7) (Blank).

5 (1.8) (Blank).

6 (2) Any person whose delinquency adjudications are not
7 eligible for automatic expungement under subsection (0.3) of
8 this Section may petition the court to expunge all juvenile law
9 enforcement records relating to any incidents occurring before
10 his or her 18th birthday which did not result in proceedings in
11 criminal court and all juvenile court records with respect to
12 any adjudications except those based upon first degree murder
13 or an offense under Article 11 of the Criminal Code of 2012 if
14 the person is required to register under the Sex Offender
15 Registration Act at the time he or she petitions the court for
16 expungement; provided that:

17 (a) (blank); or

18 (b) 2 years have elapsed since all juvenile court
19 proceedings relating to him or her have been terminated and
20 his or her commitment to the Department of Juvenile Justice
21 under this Act has been terminated.

22 (2.5) If a minor is arrested and no petition for
23 delinquency is filed with the clerk of the circuit court at the
24 time the minor is released from custody, the youth officer, if
25 applicable, or other designated person from the arresting
26 agency, shall notify verbally and in writing to the minor or

1 the minor's parents or guardians that the minor shall have an
2 arrest record and shall provide the minor and the minor's
3 parents or guardians with an expungement information packet,
4 information regarding this State's expungement laws including
5 a petition to expunge juvenile law enforcement and juvenile
6 court records obtained from the clerk of the circuit court.

7 (2.6) If a minor is referred to court then at the time of
8 sentencing or dismissal of the case, or successful completion
9 of supervision, the judge shall inform the delinquent minor of
10 his or her rights regarding expungement and the clerk of the
11 circuit court shall provide an expungement information packet
12 to the minor, written in plain language, including information
13 regarding this State's expungement laws and a petition for
14 expungement, a sample of a completed petition, expungement
15 instructions that shall include information informing the
16 minor that (i) once the case is expunged, it shall be treated
17 as if it never occurred, (ii) he or she may apply to have
18 petition fees waived, (iii) once he or she obtains an
19 expungement, he or she may not be required to disclose that he
20 or she had a juvenile law enforcement or juvenile court record,
21 and (iv) if petitioning he or she may file the petition on his
22 or her own or with the assistance of an attorney. The failure
23 of the judge to inform the delinquent minor of his or her right
24 to petition for expungement as provided by law does not create
25 a substantive right, nor is that failure grounds for: (i) a
26 reversal of an adjudication of delinquency, (ii) a new trial;

1 or (iii) an appeal.

2 (2.7) (Blank).

3 (2.8) (Blank).

4 (3) (Blank).

5 (3.1) (Blank).

6 (3.2) (Blank).

7 (3.3) (Blank).

8 (4) (Blank).

9 (5) (Blank).

10 (5.5) Whether or not expunged, records eligible for
11 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
12 (0.3) (a) may be treated as expunged by the person who is the
13 subject of the records.

14 (6) (Blank).

15 (6.5) The Department of State Police or any employee of the
16 Department shall be immune from civil or criminal liability for
17 failure to expunge any records of arrest that are subject to
18 expungement under this Section because of inability to verify a
19 record. Nothing in this Section shall create Department of
20 State Police liability or responsibility for the expungement of
21 juvenile law enforcement records it does not possess.

22 (7) (Blank).

23 (7.5) (Blank).

24 (8) (a) (Blank).

25 (b) (Blank).

26 (c) The expungement of juvenile law enforcement or juvenile

1 court records under subsection (0.1), (0.2), or (0.3) of this
2 Section shall be funded by the additional fine imposed under
3 Section 5-9-1.17 of the Unified Code of Corrections.

4 (9) (Blank).

5 (10) (Blank).

6 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;
7 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff.
8 8-3-18; 100-863, eff. 8-14-18; 100-1162, eff. 12-20-18.)

9 (Text of Section after amendment by P.A. 100-987)

10 Sec. 5-915. Expungement of juvenile law enforcement and
11 juvenile court records.

12 (0.05) (Blank).

13 (0.1) (a) The Department of State Police and all law
14 enforcement agencies within the State shall automatically
15 expunge, on or before January 1 of each year, all juvenile law
16 enforcement records relating to events occurring before an
17 individual's 18th birthday if:

18 (1) one year or more has elapsed since the date of the
19 arrest or law enforcement interaction documented in the
20 records;

21 (2) no petition for delinquency or criminal charges
22 were filed with the clerk of the circuit court relating to
23 the arrest or law enforcement interaction documented in the
24 records; and

25 (3) 6 months have elapsed since the date of the arrest

1 without an additional subsequent arrest or filing of a
2 petition for delinquency or criminal charges whether
3 related or not to the arrest or law enforcement interaction
4 documented in the records.

5 (b) If the law enforcement agency is unable to verify
6 satisfaction of conditions (2) and (3) of this subsection
7 (0.1), records that satisfy condition (1) of this subsection
8 (0.1) shall be automatically expunged if the records relate to
9 an offense that if committed by an adult would not be an
10 offense classified as Class 2 felony or higher, an offense
11 under Article 11 of the Criminal Code of 1961 or Criminal Code
12 of 2012, or an offense under Section 12-13, 12-14, 12-14.1,
13 12-15, or 12-16 of the Criminal Code of 1961.

14 (0.15) If a juvenile law enforcement record meets paragraph
15 (a) of subsection (0.1) of this Section, a juvenile law
16 enforcement record created:

17 (1) prior to January 1, 2018, but on or after January
18 1, 2013 shall be automatically expunged prior to January 1,
19 2020;

20 (2) prior to January 1, 2013, but on or after January
21 1, 2000, shall be automatically expunged prior to January
22 1, 2023; and

23 (3) prior to January 1, 2000 shall not be subject to
24 the automatic expungement provisions of this Act.

25 Nothing in this subsection (0.15) shall be construed to
26 restrict or modify an individual's right to have his or her

1 juvenile law enforcement records expunged except as otherwise
2 may be provided in this Act.

3 (0.2) (a) Upon dismissal of a petition alleging delinquency
4 or upon a finding of not delinquent, the successful termination
5 of an order of supervision, or the successful termination of an
6 adjudication for an offense which would be a Class B
7 misdemeanor, Class C misdemeanor, or a petty or business
8 offense if committed by an adult, the court shall automatically
9 order the expungement of the juvenile court records and
10 juvenile law enforcement records. The clerk shall deliver a
11 certified copy of the expungement order to the Department of
12 State Police and the arresting agency. Upon request, the
13 State's Attorney shall furnish the name of the arresting
14 agency. The expungement shall be completed within 60 business
15 days after the receipt of the expungement order.

16 (b) If the chief law enforcement officer of the agency, or
17 his or her designee, certifies in writing that certain
18 information is needed for a pending investigation involving the
19 commission of a felony, that information, and information
20 identifying the juvenile, may be retained until the statute of
21 limitations for the felony has run. If the chief law
22 enforcement officer of the agency, or his or her designee,
23 certifies in writing that certain information is needed with
24 respect to an internal investigation of any law enforcement
25 office, that information and information identifying the
26 juvenile may be retained within an intelligence file until the

1 investigation is terminated or the disciplinary action,
2 including appeals, has been completed, whichever is later.
3 Retention of a portion of a juvenile's law enforcement record
4 does not disqualify the remainder of his or her record from
5 immediate automatic expungement.

6 (0.3) (a) Upon an adjudication of delinquency based on any
7 offense except a disqualified offense, the juvenile court shall
8 automatically order the expungement of the juvenile court and
9 law enforcement records 2 years or, in the case of a human
10 trafficking victim as defined in Section 10-9 of the Criminal
11 Code of 2012 adjudicated delinquent for prostitution,
12 immediately after the juvenile's case was closed if no
13 delinquency or criminal proceeding is pending and the person
14 has had no subsequent delinquency adjudication or criminal
15 conviction. The clerk shall deliver a certified copy of the
16 expungement order to the Department of State Police and the
17 arresting agency. Upon request, the State's Attorney shall
18 furnish the name of the arresting agency. The expungement shall
19 be completed within 60 business days after the receipt of the
20 expungement order. In this subsection (0.3), "disqualified
21 offense" means any of the following offenses: Section 8-1.2,
22 9-1, 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 10-1, 10-2, 10-3, 10-3.1,
23 10-4, 10-5, 10-9 if the minor was not a human trafficking
24 victim as defined in that Section, 11-1.20, 11-1.30, 11-1.40,
25 11-1.50, 11-1.60, 11-6, 11-6.5, 12-2, 12-3.05, 12-3.3,
26 12-4.4a, 12-5.02, 12-6.2, 12-6.5, 12-7.1, 12-7.5, 12-20.5,

1 12-32, 12-33, 12-34, 12-34.5, 18-1, 18-2, 18-3, 18-4, 18-6,
2 19-3, 19-6, 20-1, 20-1.1, 24-1.2, 24-1.2-5, 24-1.5, 24-3A,
3 24-3B, 24-3.2, 24-3.8, 24-3.9, 29D-14.9, 29D-20, 30-1, 31-1a,
4 32-4a, or 33A-2 of the Criminal Code of 2012, or subsection (b)
5 of Section 8-1, paragraph (4) of subsection (a) of Section
6 11-14.4, subsection (a-5) of Section 12-3.1, paragraph (1),
7 (2), or (3) of subsection (a) of Section 12-6, subsection (a-3)
8 or (a-5) of Section 12-7.3, paragraph (1) or (2) of subsection
9 (a) of Section 12-7.4, subparagraph (i) of paragraph (1) of
10 subsection (a) of Section 12-9, subparagraph (H) of paragraph
11 (3) of subsection (a) of Section 24-1.6, paragraph (1) of
12 subsection (a) of Section 25-1, or subsection (a-7) of Section
13 31-1 of the Criminal Code of 2012.

14 (b) If the chief law enforcement officer of the agency, or
15 his or her designee, certifies in writing that certain
16 information is needed for a pending investigation involving the
17 commission of a felony, that information, and information
18 identifying the juvenile, may be retained in an intelligence
19 file until the investigation is terminated or for one
20 additional year, whichever is sooner. Retention of a portion of
21 a juvenile's juvenile law enforcement record does not
22 disqualify the remainder of his or her record from immediate
23 automatic expungement.

24 (0.4) Automatic expungement for the purposes of this
25 Section shall not require law enforcement agencies to
26 obliterate or otherwise destroy juvenile law enforcement

1 records that would otherwise need to be automatically expunged
2 under this Act, except after 2 years following the subject
3 arrest for purposes of use in civil litigation against a
4 governmental entity or its law enforcement agency or personnel
5 which created, maintained, or used the records. However these
6 juvenile law enforcement records shall be considered expunged
7 for all other purposes during this period and the offense,
8 which the records or files concern, shall be treated as if it
9 never occurred as required under Section 5-923.

10 (0.5) Subsection (0.1) or (0.2) of this Section does not
11 apply to violations of traffic, boating, fish and game laws, or
12 county or municipal ordinances.

13 (0.6) Juvenile law enforcement records of a plaintiff who
14 has filed civil litigation against the governmental entity or
15 its law enforcement agency or personnel that created,
16 maintained, or used the records, or juvenile law enforcement
17 records that contain information related to the allegations set
18 forth in the civil litigation may not be expunged until after 2
19 years have elapsed after the conclusion of the lawsuit,
20 including any appeal.

21 (0.7) Officer-worn body camera recordings shall not be
22 automatically expunged except as otherwise authorized by the
23 Law Enforcement Officer-Worn Body Camera Act.

24 (1) Whenever a person has been arrested, charged, or
25 adjudicated delinquent for an incident occurring before his or
26 her 18th birthday that if committed by an adult would be an

1 offense, and that person's juvenile law enforcement and
2 juvenile court records are not eligible for automatic
3 expungement under subsection (0.1), (0.2), or (0.3), the person
4 may petition the court at any time for expungement of juvenile
5 law enforcement records and juvenile court records relating to
6 the incident and, upon termination of all juvenile court
7 proceedings relating to that incident, the court shall order
8 the expungement of all records in the possession of the
9 Department of State Police, the clerk of the circuit court, and
10 law enforcement agencies relating to the incident, but only in
11 any of the following circumstances:

12 (a) the minor was arrested and no petition for
13 delinquency was filed with the clerk of the circuit court;

14 (a-5) the minor was charged with an offense and the
15 petition or petitions were dismissed without a finding of
16 delinquency;

17 (b) the minor was charged with an offense and was found
18 not delinquent of that offense;

19 (c) the minor was placed under supervision under
20 Section 5-615, and the order of supervision has since been
21 successfully terminated; ~~or~~

22 (d) the minor was adjudicated for an offense which
23 would be a Class B misdemeanor, Class C misdemeanor, or a
24 petty or business offense if committed by an adult; or

25 (e) the minor was adjudicated delinquent for
26 prostitution as a result of being a trafficking victim as

1 defined in Section 10-9 of the Criminal Code of 2012.

2 (1.5) The Department of State Police shall allow a person
3 to use the Access and Review process, established in the
4 Department of State Police, for verifying that his or her
5 juvenile law enforcement records relating to incidents
6 occurring before his or her 18th birthday eligible under this
7 Act have been expunged.

8 (1.6) (Blank).

9 (1.7) (Blank).

10 (1.8) (Blank).

11 (2) Any person whose delinquency adjudications are not
12 eligible for automatic expungement under subsection (0.3) of
13 this Section may petition the court to expunge all juvenile law
14 enforcement records relating to any incidents occurring before
15 his or her 18th birthday which did not result in proceedings in
16 criminal court and all juvenile court records with respect to
17 any adjudications except those based upon first degree murder
18 or an offense under Article 11 of the Criminal Code of 2012 if
19 the person is required to register under the Sex Offender
20 Registration Act at the time he or she petitions the court for
21 expungement; provided that:

22 (a) (blank); or

23 (b) 2 years have elapsed since all juvenile court
24 proceedings relating to him or her have been terminated and
25 his or her commitment to the Department of Juvenile Justice
26 under this Act has been terminated.

1 (2.5) If a minor is arrested and no petition for
2 delinquency is filed with the clerk of the circuit court at the
3 time the minor is released from custody, the youth officer, if
4 applicable, or other designated person from the arresting
5 agency, shall notify verbally and in writing to the minor or
6 the minor's parents or guardians that the minor shall have an
7 arrest record and shall provide the minor and the minor's
8 parents or guardians with an expungement information packet,
9 information regarding this State's expungement laws including
10 a petition to expunge juvenile law enforcement and juvenile
11 court records obtained from the clerk of the circuit court.

12 (2.6) If a minor is referred to court then at the time of
13 sentencing or dismissal of the case, or successful completion
14 of supervision, the judge shall inform the delinquent minor of
15 his or her rights regarding expungement and the clerk of the
16 circuit court shall provide an expungement information packet
17 to the minor, written in plain language, including information
18 regarding this State's expungement laws and a petition for
19 expungement, a sample of a completed petition, expungement
20 instructions that shall include information informing the
21 minor that (i) once the case is expunged, it shall be treated
22 as if it never occurred, (ii) he or she may apply to have
23 petition fees waived, (iii) once he or she obtains an
24 expungement, he or she may not be required to disclose that he
25 or she had a juvenile law enforcement or juvenile court record,
26 and (iv) if petitioning he or she may file the petition on his

1 or her own or with the assistance of an attorney. The failure
2 of the judge to inform the delinquent minor of his or her right
3 to petition for expungement as provided by law does not create
4 a substantive right, nor is that failure grounds for: (i) a
5 reversal of an adjudication of delinquency, (ii) a new trial;
6 or (iii) an appeal.

7 (2.7) (Blank).

8 (2.8) (Blank).

9 (3) (Blank).

10 (3.1) (Blank).

11 (3.2) (Blank).

12 (3.3) (Blank).

13 (4) (Blank).

14 (5) (Blank).

15 (5.5) Whether or not expunged, records eligible for
16 automatic expungement under subdivision (0.1) (a), (0.2) (a), or
17 (0.3) (a) may be treated as expunged by the individual subject
18 to the records.

19 (6) (Blank).

20 (6.5) The Department of State Police or any employee of the
21 Department shall be immune from civil or criminal liability for
22 failure to expunge any records of arrest that are subject to
23 expungement under this Section because of inability to verify a
24 record. Nothing in this Section shall create Department of
25 State Police liability or responsibility for the expungement of
26 juvenile law enforcement records it does not possess.

1 (7) (Blank).

2 (7.5) (Blank).

3 (8) (a) (Blank).

4 (b) (Blank).

5 (c) The expungement of juvenile law enforcement or juvenile
6 court records under subsection (0.1), (0.2), or (0.3) of this
7 Section shall be funded by appropriation by the General
8 Assembly for that purpose.

9 (9) (Blank).

10 (10) (Blank).

11 (Source: P.A. 99-835, eff. 1-1-17; 99-881, eff. 1-1-17;
12 100-201, eff. 8-18-17; 100-285, eff. 1-1-18; 100-720, eff.
13 8-3-18; 100-863, eff. 8-14-18; 100-987, eff. 7-1-19; 100-1162,
14 eff. 12-20-18.)

15 Section 20. The Criminal Code of 2012 is amended by
16 changing Sections 10-9, 11-14.1, 11-18.1, 11-20.1, and 11-25
17 and by adding Section 11-27 as follows:

18 (720 ILCS 5/10-9)

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

21 (a) Definitions. In this Section:

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

24 (2) "Commercial sexual activity" means any sex act on

1 account of which anything of value is given, promised to,
2 or received by any person.

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

6 (4) (Blank).

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

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

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

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

21 (8) "Services" means activities resulting from a
22 relationship between a person and the actor in which the
23 person performs activities under the supervision of or for
24 the benefit of the actor. Commercial sexual activity and
25 sexually-explicit performances are forms of activities
26 that are "services" under this Section. Nothing in this

1 definition may be construed to legitimize or legalize
2 prostitution.

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

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

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

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

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

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

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

25 (5) uses intimidation, or exerts financial control
26 over any person; or

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

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

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

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

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

25 (3) there is overt force or threat.

26 (c-5) Mistake of age not a defense. It is not a defense to

1 a violation of this Section that the accused reasonably
2 believed the trafficking victim to be 18 years of age or over.

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

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

16 Sentence. Except as otherwise provided in subsection (e) or
17 (f), a violation of this subsection is a Class 1 felony.

18 (e) Aggravating factors. A violation of this Section
19 involving kidnapping or an attempt to kidnap, aggravated
20 criminal sexual assault or an attempt to commit aggravated
21 criminal sexual assault, or an attempt to commit first degree
22 murder is a Class X felony.

23 (f) Sentencing considerations.

24 (1) Bodily injury. If, pursuant to a violation of this
25 Section, a victim suffered bodily injury, the defendant may
26 be sentenced to an extended-term sentence under Section

1 5-8-2 of the Unified Code of Corrections. The sentencing
2 court must take into account the time in which the victim
3 was held in servitude, with increased penalties for cases
4 in which the victim was held for between 180 days and one
5 year, and increased penalties for cases in which the victim
6 was held for more than one year.

7 (2) Number of victims. In determining sentences within
8 statutory maximums, the sentencing court should take into
9 account the number of victims, and may provide for
10 substantially increased sentences in cases involving more
11 than 10 victims.

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

20 (g-1) A person who is a victim of involuntary sexual
21 servitude of a minor is deemed a crime victim and is eligible
22 for protections afforded to crime victims, including services
23 under the Rights of Crime Victims and Witnesses Act, the Crime
24 Victims Compensation Act, and the Abused and Neglected Child
25 Reporting Act.

26 (g-5) Fine distribution. If the court imposes a fine under

1 subsection (b), (c), or (d) of this Section, it shall be
2 collected and distributed to the Specialized Services for
3 Survivors of Human Trafficking Fund in accordance with Section
4 5-9-1.21 of the Unified Code of Corrections.

5 (h) Trafficking victim services. Subject to the
6 availability of funds, the Department of Human Services may
7 provide or fund emergency services and assistance to
8 individuals who are victims of one or more offenses defined in
9 this Section. These services shall include child welfare
10 protection for victims of the offense of involuntary sexual
11 servitude of a minor under subsection (c) of Section 10-9 of
12 the Criminal Code of 2012, irrespective of the perpetrator of
13 the offense.

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 under subsection (b), (c), or (d) of this Section is
6 subject to the property forfeiture provisions set forth in
7 Article 124B of the Code of Criminal Procedure of 1963.

8 (Source: P.A. 97-897, eff. 1-1-13; 98-756, eff. 7-16-14;
9 98-1013, eff. 1-1-15.)

10 (720 ILCS 5/11-14.1)

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

12 (a) Any person who offers a person not his or her spouse
13 any money, property, token, object, or article or anything of
14 value for that person or any other person not his or her spouse
15 to perform any act of sexual penetration as defined in Section
16 11-0.1 of this Code, or any touching or fondling of the sex
17 organs of one person by another person for the purpose of
18 sexual arousal or gratification, commits solicitation of a
19 sexual act.

20 (b) Sentence. Solicitation of a sexual act is a Class A
21 misdemeanor. Solicitation of a sexual act from a person who is
22 under the age of 18 or who is a person with a severe or profound
23 intellectual disability is a Class 4 felony. If the court
24 imposes a fine under this subsection (b), it shall be collected
25 and distributed to the Specialized Services for Survivors of

1 Human Trafficking Fund in accordance with Section 5-9-1.21 of
2 the Unified Code of Corrections.

3 (b-5) (Blank). ~~It is an affirmative defense to a charge of~~
4 ~~solicitation of a sexual act with a person who is under the age~~
5 ~~of 18 or who is a person with a severe or profound intellectual~~
6 ~~disability that the accused reasonably believed the person was~~
7 ~~of the age of 18 years or over or was not a person with a severe~~
8 ~~or profound intellectual disability at the time of the act~~
9 ~~giving rise to the charge.~~

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

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

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

17 (720 ILCS 5/11-18.1) (from Ch. 38, par. 11-18.1)

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

19 (a) Any person who engages in an act of sexual penetration
20 as defined in Section 11-0.1 of this Code with a person engaged
21 in prostitution who is under 18 years of age or is a person
22 with a severe or profound intellectual disability commits
23 patronizing a minor engaged in prostitution.

24 (a-5) Any person who engages in any touching or fondling,
25 with a person engaged in prostitution who either is under 18

1 years of age or is a person with a severe or profound
2 intellectual disability, of the sex organs of one person by the
3 other person, with the intent to achieve sexual arousal or
4 gratification, commits patronizing a minor engaged in
5 prostitution.

6 (b) (Blank). ~~It is an affirmative defense to the charge of~~
7 ~~patronizing a minor engaged in prostitution that the accused~~
8 ~~reasonably believed that the person was of the age of 18 years~~
9 ~~or over or was not a person with a severe or profound~~
10 ~~intellectual disability at the time of the act giving rise to~~
11 ~~the charge.~~

12 (c) Sentence. A person who commits patronizing a juvenile
13 prostitute is guilty of a Class 3 felony, unless committed
14 within 1,000 feet of real property comprising a school, in
15 which case it is a Class 2 felony. A person convicted of a
16 second or subsequent violation of this Section, or of any
17 combination of such number of convictions under this Section
18 and Sections 11-14 (prostitution), 11-14.1 (solicitation of a
19 sexual act), 11-14.3 (promoting prostitution), 11-14.4
20 (promoting juvenile prostitution), 11-15 (soliciting for a
21 prostitute), 11-15.1 (soliciting for a juvenile prostitute),
22 11-16 (pandering), 11-17 (keeping a place of prostitution),
23 11-17.1 (keeping a place of juvenile prostitution), 11-18
24 (patronizing a prostitute), 11-19 (pimping), 11-19.1 (juvenile
25 pimping or aggravated juvenile pimping), or 11-19.2
26 (exploitation of a child) of this Code, is guilty of a Class 2

1 felony. The fact of such conviction is not an element of the
2 offense and may not be disclosed to the jury during trial
3 unless otherwise permitted by issues properly raised during
4 such trial.

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

6 (720 ILCS 5/11-20.1) (from Ch. 38, par. 11-20.1)

7 Sec. 11-20.1. Child pornography.

8 (a) A person commits child pornography who:

9 (1) films, videotapes, photographs, or otherwise
10 depicts or portrays by means of any similar visual medium
11 or reproduction or depicts by computer any child whom he or
12 she knows or reasonably should know to be under the age of
13 18 or any person with a severe or profound intellectual
14 disability where such child or person with a severe or
15 profound intellectual disability is:

16 (i) actually or by simulation engaged in any act of
17 sexual penetration or sexual conduct with any person or
18 animal; or

19 (ii) actually or by simulation engaged in any act
20 of sexual penetration or sexual conduct involving the
21 sex organs of the child or person with a severe or
22 profound intellectual disability and the mouth, anus,
23 or sex organs of another person or animal; or which
24 involves the mouth, anus or sex organs of the child or
25 person with a severe or profound intellectual

1 disability and the sex organs of another person or
2 animal; or

3 (iii) actually or by simulation engaged in any act
4 of masturbation; or

5 (iv) actually or by simulation portrayed as being
6 the object of, or otherwise engaged in, any act of lewd
7 fondling, touching, or caressing involving another
8 person or animal; or

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

11 (vi) actually or by simulation portrayed or
12 depicted as bound, fettered, or subject to sadistic,
13 masochistic, or sadomasochistic abuse in any sexual
14 context; or

15 (vii) depicted or portrayed in any pose, posture or
16 setting involving a lewd exhibition of the unclothed or
17 transparently clothed genitals, pubic area, buttocks,
18 or, if such person is female, a fully or partially
19 developed breast of the child or other person; or

20 (2) with the knowledge of the nature or content
21 thereof, reproduces, disseminates, offers to disseminate,
22 exhibits or possesses with intent to disseminate any film,
23 videotape, photograph or other similar visual reproduction
24 or depiction by computer of any child or person with a
25 severe or profound intellectual disability whom the person
26 knows or reasonably should know to be under the age of 18

1 or to be a person with a severe or profound intellectual
2 disability, engaged in any activity described in
3 subparagraphs (i) through (vii) of paragraph (1) of this
4 subsection; or

5 (3) with knowledge of the subject matter or theme
6 thereof, produces any stage play, live performance, film,
7 videotape or other similar visual portrayal or depiction by
8 computer which includes a child whom the person knows or
9 reasonably should know to be under the age of 18 or a
10 person with a severe or profound intellectual disability
11 engaged in any activity described in subparagraphs (i)
12 through (vii) of paragraph (1) of this subsection; or

13 (4) solicits, uses, persuades, induces, entices, or
14 coerces any child whom he or she knows or reasonably should
15 know to be under the age of 18 or a person with a severe or
16 profound intellectual disability to appear in any stage
17 play, live presentation, film, videotape, photograph or
18 other similar visual reproduction or depiction by computer
19 in which the child or person with a severe or profound
20 intellectual disability is or will be depicted, actually or
21 by simulation, in any act, pose or setting described in
22 subparagraphs (i) through (vii) of paragraph (1) of this
23 subsection; or

24 (5) is a parent, step-parent, legal guardian or other
25 person having care or custody of a child whom the person
26 knows or reasonably should know to be under the age of 18

1 or a person with a severe or profound intellectual
2 disability and who knowingly permits, induces, promotes,
3 or arranges for such child or person with a severe or
4 profound intellectual disability to appear in any stage
5 play, live performance, film, videotape, photograph or
6 other similar visual presentation, portrayal or simulation
7 or depiction by computer of any act or activity described
8 in subparagraphs (i) through (vii) of paragraph (1) of this
9 subsection; or

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

19 (7) solicits, or knowingly uses, persuades, induces,
20 entices, or coerces, a person to provide a child under the
21 age of 18 or a person with a severe or profound
22 intellectual disability to appear in any videotape,
23 photograph, film, stage play, live presentation, or other
24 similar visual reproduction or depiction by computer in
25 which the child or person with a severe or profound
26 intellectual disability will be depicted, actually or by

1 simulation, in any act, pose, or setting described in
2 subparagraphs (i) through (vii) of paragraph (1) of this
3 subsection.

4 (a-5) The possession of each individual film, videotape,
5 photograph, or other similar visual reproduction or depiction
6 by computer in violation of this Section constitutes a single
7 and separate violation. This subsection (a-5) does not apply to
8 multiple copies of the same film, videotape, photograph, or
9 other similar visual reproduction or depiction by computer that
10 are identical to each other.

11 (b) (1) It shall be an affirmative defense to a charge of
12 child pornography that the defendant reasonably believed,
13 under all of the circumstances, that the child was 18 years of
14 age or older or that the person was not a person with a severe
15 or profound intellectual disability but only where, prior to
16 the act or acts giving rise to a prosecution under this
17 Section, he or she took some affirmative action or made a
18 bonafide inquiry designed to ascertain whether the child was 18
19 years of age or older or that the person was not a person with a
20 severe or profound intellectual disability and his or her
21 reliance upon the information so obtained was clearly
22 reasonable.

23 (1.5) Telecommunications carriers, commercial mobile
24 service providers, and providers of information services,
25 including, but not limited to, Internet service providers and
26 hosting service providers, are not liable under this Section by

1 virtue of the transmission, storage, or caching of electronic
2 communications or messages of others or by virtue of the
3 provision of other related telecommunications, commercial
4 mobile services, or information services used by others in
5 violation of this Section.

6 (2) (Blank).

7 (3) The charge of child pornography shall not apply to the
8 performance of official duties by law enforcement or
9 prosecuting officers or persons employed by law enforcement or
10 prosecuting agencies, court personnel or attorneys, nor to
11 bonafide treatment or professional education programs
12 conducted by licensed physicians, psychologists or social
13 workers.

14 (4) If the defendant possessed more than one of the same
15 film, videotape or visual reproduction or depiction by computer
16 in which child pornography is depicted, then the trier of fact
17 may infer that the defendant possessed such materials with the
18 intent to disseminate them.

19 (5) The charge of child pornography does not apply to a
20 person who does not voluntarily possess a film, videotape, or
21 visual reproduction or depiction by computer in which child
22 pornography is depicted. Possession is voluntary if the
23 defendant knowingly procures or receives a film, videotape, or
24 visual reproduction or depiction for a sufficient time to be
25 able to terminate his or her possession.

26 (6) Any violation of paragraph (1), (2), (3), (4), (5), or

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

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

1 minimum fine of \$1000 and a maximum fine of \$100,000. ~~If the~~
2 ~~violation does not involve a film, videotape, or other moving~~
3 ~~depiction, a violation of paragraph (6) of subsection (a) is a~~
4 ~~Class 3 felony with a mandatory minimum fine of \$1000 and a~~
5 ~~maximum fine of \$100,000. If the violation involves a film,~~
6 ~~videotape, or other moving depiction, a violation of paragraph~~
7 ~~(6) of subsection (a) is a Class 2 felony with a mandatory~~
8 ~~minimum fine of \$1000 and a maximum fine of \$100,000.~~

9 (c-5) Where the child depicted is under the age of 13, a
10 violation of paragraph (1), (2), (3), (4), (5), or (7) of
11 subsection (a) is a Class X felony with a mandatory minimum
12 fine of \$2,000 and a maximum fine of \$100,000. ~~Where the child~~
13 ~~depicted is under the age of 13, a violation of paragraph (6)~~
14 ~~of subsection (a) is a Class 2 felony with a mandatory minimum~~
15 ~~fine of \$1,000 and a maximum fine of \$100,000.~~ Where the child
16 depicted is under the age of 13, a person who commits a
17 violation of paragraph (1), (2), (3), (4), (5), or (7) of
18 subsection (a) where the defendant has previously been
19 convicted under the laws of this State or any other state of
20 the offense of child pornography, aggravated child
21 pornography, aggravated criminal sexual abuse, aggravated
22 criminal sexual assault, predatory criminal sexual assault of a
23 child, or any of the offenses formerly known as rape, deviate
24 sexual assault, indecent liberties with a child, or aggravated
25 indecent liberties with a child where the victim was under the
26 age of 18 years or an offense that is substantially equivalent

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

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

25 (e) Any film, videotape, photograph or other similar visual
26 reproduction or depiction by computer which includes a child

1 under the age of 18 or a person with a severe or profound
2 intellectual disability engaged in any activity described in
3 subparagraphs (i) through (vii) or paragraph 1 of subsection
4 (a), and any material or equipment used or intended for use in
5 photographing, filming, printing, producing, reproducing,
6 manufacturing, projecting, exhibiting, depiction by computer,
7 or disseminating such material shall be seized and forfeited in
8 the manner, method and procedure provided by Section 36-1 of
9 this Code for the seizure and forfeiture of vessels, vehicles
10 and aircraft.

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

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

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

26 (1) "Disseminate" means (i) to sell, distribute,

1 exchange or transfer possession, whether with or without
2 consideration or (ii) to make a depiction by computer
3 available for distribution or downloading through the
4 facilities of any telecommunications network or through
5 any other means of transferring computer programs or data
6 to a computer.

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

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

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

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

21 (6) "Computer", "computer program", and "data" have
22 the meanings ascribed to them in Section 16D-2 of this
23 Code.

24 (7) For the purposes of this Section, "child
25 pornography" includes a film, videotape, photograph, or
26 other similar visual medium or reproduction or depiction by

1 computer that is, or appears to be, that of a person,
2 either in part, or in total, under the age of 18 or a
3 person with a severe or profound intellectual disability,
4 regardless of the method by which the film, videotape,
5 photograph, or other similar visual medium or reproduction
6 or depiction by computer is created, adopted, or modified
7 to appear as such. "Child pornography" also includes a
8 film, videotape, photograph, or other similar visual
9 medium or reproduction or depiction by computer that is
10 advertised, promoted, presented, described, or distributed
11 in such a manner that conveys the impression that the film,
12 videotape, photograph, or other similar visual medium or
13 reproduction or depiction by computer is of a person under
14 the age of 18 or a person with a severe or profound
15 intellectual disability.

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

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

18 (i) Section 50-5 of Public Act 88-680, effective
19 January 1, 1995, contained provisions amending the
20 child pornography statute, Section 11-20.1 of the
21 Criminal Code of 1961. Section 50-5 also contained
22 other provisions.

23 (ii) In addition, Public Act 88-680 was entitled
24 "AN ACT to create a Safe Neighborhoods Law". (A)
25 Article 5 was entitled JUVENILE JUSTICE and amended the
26 Juvenile Court Act of 1987. (B) Article 15 was entitled

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

24 (iii) On September 22, 1998, the Third District
25 Appellate Court in *People v. Dainty*, 701 N.E. 2d 118,
26 ruled that Public Act 88-680 violates the single

1 subject clause of the Illinois Constitution (Article
2 IV, Section 8 (d)) and was unconstitutional in its
3 entirety. As of the time this amendatory Act of 1999
4 was prepared, People v. Dainty was still subject to
5 appeal.

6 (iv) Child pornography is a vital concern to the
7 people of this State and the validity of future
8 prosecutions under the child pornography statute of
9 the Criminal Code of 1961 is in grave doubt.

10 (2) It is the purpose of this amendatory Act of 1999 to
11 prevent or minimize any problems relating to prosecutions
12 for child pornography that may result from challenges to
13 the constitutional validity of Public Act 88-680 by
14 re-enacting the Section relating to child pornography that
15 was included in Public Act 88-680.

16 (3) This amendatory Act of 1999 re-enacts Section
17 11-20.1 of the Criminal Code of 1961, as it has been
18 amended. This re-enactment is intended to remove any
19 question as to the validity or content of that Section; it
20 is not intended to supersede any other Public Act that
21 amends the text of the Section as set forth in this
22 amendatory Act of 1999. The material is shown as existing
23 text (i.e., without underscoring) because, as of the time
24 this amendatory Act of 1999 was prepared, People v. Dainty
25 was subject to appeal to the Illinois Supreme Court.

26 (4) The re-enactment by this amendatory Act of 1999 of

1 Section 11-20.1 of the Criminal Code of 1961 relating to
2 child pornography that was amended by Public Act 88-680 is
3 not intended, and shall not be construed, to imply that
4 Public Act 88-680 is invalid or to limit or impair any
5 legal argument concerning whether those provisions were
6 substantially re-enacted by other Public Acts.

7 (Source: P.A. 98-437, eff. 1-1-14; 99-143, eff. 7-27-15.)

8 (720 ILCS 5/11-25)

9 Sec. 11-25. Grooming.

10 (a) A person commits grooming when he or she knowingly uses
11 a computer on-line service, Internet service, local bulletin
12 board service, or any other device capable of electronic data
13 storage or transmission to seduce, solicit, lure, or entice, or
14 attempt to seduce, solicit, lure, or entice, a child, a child's
15 guardian, or another person believed by the person to be a
16 child or a child's guardian, to commit any sex offense as
17 defined in Section 2 of the Sex Offender Registration Act, to
18 distribute photographs depicting the sex organs of the child,
19 or to otherwise engage in any unlawful sexual conduct with a
20 child or with another person believed by the person to be a
21 child. As used in this Section, "child" means a person under 17
22 years of age.

23 (a-5) It is not a defense to a violation of this Section
24 that the accused reasonably believed the child to be 17 years
25 of age or over.

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

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

3 (720 ILCS 5/11-27 new)

4 Sec. 11-27. Selling travel services to facilitate sexual
5 exploitation of a child.

6 (a) In this Section, "child" means a person under 17 years
7 of age.

8 (b) A person commits selling travel services to facilitate
9 sexual exploitation of a child when he or she knowingly sells
10 or offers to sell travel services for the purpose of seducing,
11 soliciting, luring, or enticing, or attempting to seduce,
12 solicit, lure, or entice a person to travel to a location
13 within this State to commit any sex offense as defined in
14 Section 2 of the Sex Offender Registration Act, to distribute
15 photographs depicting the sex organs of the child, or to
16 otherwise engage in any unlawful sexual conduct with a child or
17 with another person believed by the person to be a child.

18 (c) Sentence. Selling travel services to facilitate sexual
19 exploitation of a child is a Class 4 felony.

20 Section 25. The Code of Criminal Procedure of 1963 is
21 amended by changing Section 116-2.1 as follows:

22 (725 ILCS 5/116-2.1)

23 Sec. 116-2.1. Motion to vacate prostitution convictions

1 for sex trafficking victims.

2 (a) A motion under this Section may be filed at any time
3 following the entry of a verdict or finding of guilty or an
4 adjudication of delinquency under the Juvenile Court Act of
5 1987 where the conviction was under Section 11-14
6 (prostitution) or Section 11-14.2 (first offender; felony
7 prostitution) of the Criminal Code of 1961 or the Criminal Code
8 of 2012 or a similar local ordinance and the defendant's
9 participation in the offense was a result of having been a
10 trafficking victim under Section 10-9 (involuntary servitude,
11 involuntary sexual servitude of a minor, or trafficking in
12 persons) of the Criminal Code of 1961 or the Criminal Code of
13 2012; or a victim of a severe form of trafficking under the
14 federal Trafficking Victims Protection Act (22 U.S.C. Section
15 7102(13)); provided that:

16 (1) a motion under this Section shall state why the
17 facts giving rise to this motion were not presented to the
18 trial court, and shall be made with due diligence, after
19 the defendant has ceased to be a victim of such trafficking
20 or has sought services for victims of such trafficking,
21 subject to reasonable concerns for the safety of the
22 defendant, family members of the defendant, or other
23 victims of such trafficking that may be jeopardized by the
24 bringing of such motion, or for other reasons consistent
25 with the purpose of this Section; and

26 (2) reasonable notice of the motion shall be served

1 upon the State.

2 (b) The court may grant the motion if, in the discretion of
3 the court, the violation was a result of the defendant having
4 been a victim of human trafficking. Evidence of such may
5 include, but is not limited to:

6 (1) certified records of federal or State court
7 proceedings which demonstrate that the defendant was a
8 victim of a trafficker charged with a trafficking offense
9 under Section 10-9 of the Criminal Code of 1961 or the
10 Criminal Code of 2012, or under 22 U.S.C. Chapter 78;

11 (2) certified records of "approval notices" or "law
12 enforcement certifications" generated from federal
13 immigration proceedings available to such victims; or

14 (3) a sworn statement from a trained professional staff
15 of a victim services organization, an attorney, a member of
16 the clergy, or a medical or other professional from whom
17 the defendant has sought assistance in addressing the
18 trauma associated with being trafficked.

19 Alternatively, the court may consider such other evidence
20 as it deems of sufficient credibility and probative value in
21 determining whether the defendant is a trafficking victim or
22 victim of a severe form of trafficking.

23 (c) If the court grants a motion under this Section, it
24 must vacate the conviction and may take such additional action
25 as is appropriate in the circumstances.

26 (Source: P.A. 97-267, eff. 1-1-12; 97-897, eff. 1-1-13;

1 97-1150, eff. 1-25-13.)

2 Section 30. The Sex Offender Registration Act is amended by
3 changing Section 2 as follows:

4 (730 ILCS 150/2) (from Ch. 38, par. 222)

5 Sec. 2. Definitions.

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

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

13 (a) is convicted of such offense or an attempt to
14 commit such offense; or

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

17 (c) is found not guilty by reason of insanity
18 pursuant to Section 104-25(c) of the Code of Criminal
19 Procedure of 1963 of such offense or an attempt to
20 commit such offense; or

21 (d) is the subject of a finding not resulting in an
22 acquittal at a hearing conducted pursuant to Section
23 104-25(a) of the Code of Criminal Procedure of 1963 for
24 the alleged commission or attempted commission of such

1 offense; or

2 (e) is found not guilty by reason of insanity
3 following a hearing conducted pursuant to a federal,
4 Uniform Code of Military Justice, sister state, or
5 foreign country law substantially similar to Section
6 104-25(c) of the Code of Criminal Procedure of 1963 of
7 such offense or of the attempted commission of such
8 offense; or

9 (f) is the subject of a finding not resulting in an
10 acquittal at a hearing conducted pursuant to a federal,
11 Uniform Code of Military Justice, sister state, or
12 foreign country law substantially similar to Section
13 104-25(a) of the Code of Criminal Procedure of 1963 for
14 the alleged violation or attempted commission of such
15 offense; or

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

20 (3) subject to the provisions of Section 2 of the
21 Interstate Agreements on Sexually Dangerous Persons Act;
22 or

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

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

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

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

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

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

24 10-9 (trafficking in persons, involuntary
25 servitude, and related offenses),

26 11-20.1 (child pornography),

1 11-20.1B or 11-20.3 (aggravated child
2 pornography),
3 11-6 (indecent solicitation of a child),
4 11-9.1 (sexual exploitation of a child),
5 11-9.2 (custodial sexual misconduct),
6 11-9.5 (sexual misconduct with a person with a
7 disability),
8 11-14.4 (promoting juvenile prostitution),
9 11-15.1 (soliciting for a juvenile prostitute),
10 11-18.1 (patronizing a juvenile prostitute),
11 11-17.1 (keeping a place of juvenile
12 prostitution),
13 11-19.1 (juvenile pimping),
14 11-19.2 (exploitation of a child),
15 11-25 (grooming),
16 11-26 (traveling to meet a minor or traveling to
17 meet a child),
18 11-1.20 or 12-13 (criminal sexual assault),
19 11-1.30 or 12-14 (aggravated criminal sexual
20 assault),
21 11-1.40 or 12-14.1 (predatory criminal sexual
22 assault of a child),
23 11-1.50 or 12-15 (criminal sexual abuse),
24 11-1.60 or 12-16 (aggravated criminal sexual
25 abuse),
26 12-33 (ritualized abuse of a child).

1 An attempt to commit any of these offenses.

2 (1.5) A violation of any of the following Sections of
3 the Criminal Code of 1961 or the Criminal Code of 2012,
4 when the victim is a person under 18 years of age, the
5 defendant is not a parent of the victim, the offense was
6 sexually motivated as defined in Section 10 of the Sex
7 Offender Evaluation and Treatment Act, and the offense was
8 committed on or after January 1, 1996:

9 10-1 (kidnapping),

10 10-2 (aggravated kidnapping),

11 10-3 (unlawful restraint),

12 10-3.1 (aggravated unlawful restraint).

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

18 (1.6) First degree murder under Section 9-1 of the
19 Criminal Code of 1961 or the Criminal Code of 2012,
20 provided the offense was sexually motivated as defined in
21 Section 10 of the Sex Offender Management Board Act.

22 (1.7) (Blank).

23 (1.8) A violation or attempted violation of Section
24 11-11 (sexual relations within families) of the Criminal
25 Code of 1961 or the Criminal Code of 2012, and the offense
26 was committed on or after June 1, 1997. If the offense was

1 committed before June 1, 1997, it is a sex offense
2 requiring registration only when the person is convicted of
3 any felony after July 1, 2011, and paragraph (2.1) of
4 subsection (c) of Section 3 of this Act applies.

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

19 (1.10) A violation or attempted violation of any of the
20 following Sections of the Criminal Code of 1961 or the
21 Criminal Code of 2012 when the offense was committed on or
22 after July 1, 1999:

23 10-4 (forcible detention, if the victim is under 18
24 years of age), provided the offense was sexually
25 motivated as defined in Section 10 of the Sex Offender
26 Management Board Act,

1 11-6.5 (indecent solicitation of an adult),
2 11-14.3 that involves soliciting for a prostitute,
3 or 11-15 (soliciting for a prostitute, if the victim is
4 under 18 years of age),
5 subdivision (a) (2) (A) or (a) (2) (B) of Section
6 11-14.3, or Section 11-16 (pandering, if the victim is
7 under 18 years of age),
8 11-18 (patronizing a prostitute, if the victim is
9 under 18 years of age),
10 subdivision (a) (2) (C) of Section 11-14.3, or
11 Section 11-19 (pimping, if the victim is under 18 years
12 of age).

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

18 (1.11) A violation or attempted violation of any of the
19 following Sections of the Criminal Code of 1961 or the
20 Criminal Code of 2012 when the offense was committed on or
21 after August 22, 2002:

22 11-9 or 11-30 (public indecency for a third or
23 subsequent conviction).

24 If the third or subsequent conviction was imposed
25 before August 22, 2002, it is a sex offense requiring
26 registration only when the person is convicted of any

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

3 (1.12) A violation or attempted violation of Section
4 5.1 of the Wrongs to Children Act or Section 11-9.1A of the
5 Criminal Code of 1961 or the Criminal Code of 2012
6 (permitting sexual abuse) when the offense was committed on
7 or after August 22, 2002. If the offense was committed
8 before August 22, 2002, it is a sex offense requiring
9 registration only when the person is convicted of any
10 felony after July 1, 2011, and paragraph (2.1) of
11 subsection (c) of Section 3 of this Act applies.

12 (2) A violation of any former law of this State
13 substantially equivalent to any offense listed in
14 subsection (B) of this Section.

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

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

17 (C-6) A person who is convicted or adjudicated delinquent
18 of first degree murder as defined in Section 9-1 of the
19 Criminal Code of 1961 or the Criminal Code of 2012, against a
20 person 18 years of age or over, shall be required to register
21 for his or her natural life. A conviction for an offense of
22 federal, Uniform Code of Military Justice, sister state, or
23 foreign country law that is substantially equivalent to any
24 offense listed in subsection (C-6) of this Section shall
25 constitute a conviction for the purpose of this Article. This
26 subsection (C-6) does not apply to those individuals released

1 from incarceration more than 10 years prior to January 1, 2012
2 (the effective date of Public Act 97-154).

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

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

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

20 (1) Convicted for an offense of federal, Uniform Code
21 of Military Justice, sister state, or foreign country law
22 that is substantially equivalent to any offense listed in
23 subsection (E) or (E-5) of this Section shall constitute a
24 conviction for the purpose of this Article. Convicted of a
25 violation or attempted violation of any of the following
26 Sections of the Criminal Code of 1961 or the Criminal Code

1 of 2012:

2 10-5.1 (luring of a minor),

3 11-14.4 that involves keeping a place of juvenile
4 prostitution, or 11-17.1 (keeping a place of juvenile
5 prostitution),

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

8 subdivision (a) (4) of Section 11-14.4, or Section
9 11-19.2 (exploitation of a child),

10 11-20.1 (child pornography),

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

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

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

16 11-1.40 or 12-14.1 (predatory criminal sexual
17 assault of a child),

18 11-1.60 or 12-16 (aggravated criminal sexual
19 abuse),

20 12-33 (ritualized abuse of a child);

21 (2) (blank);

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

26 (4) found to be a sexually violent person pursuant to

1 the Sexually Violent Persons Commitment Act or any
2 substantially similar federal, Uniform Code of Military
3 Justice, sister state, or foreign country law;

4 (5) convicted of a second or subsequent offense which
5 requires registration pursuant to this Act. For purposes of
6 this paragraph (5), "convicted" shall include a conviction
7 under any substantially similar Illinois, federal, Uniform
8 Code of Military Justice, sister state, or foreign country
9 law;

10 (6) (blank); or

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

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

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

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

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

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

19 (E-10) As used in this Article, "sexual predator" also
20 means a person required to register in another State due to a
21 conviction, adjudication or other action of any court
22 triggering an obligation to register as a sex offender, sexual
23 predator, or substantially similar status under the laws of
24 that State.

25 (F) As used in this Article, "out-of-state student" means
26 any sex offender, as defined in this Section, or sexual

1 predator who is enrolled in Illinois, on a full-time or
2 part-time basis, in any public or private educational
3 institution, including, but not limited to, any secondary
4 school, trade or professional institution, or institution of
5 higher learning.

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

14 (H) As used in this Article, "school" means any public or
15 private educational institution, including, but not limited
16 to, any elementary or secondary school, trade or professional
17 institution, or institution of higher education.

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

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

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

1 Section 35. The Crime Victims Compensation Act is amended
2 by changing Section 6.1 as follows:

3 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

4 Sec. 6.1. Right to compensation. A person is entitled to
5 compensation under this Act if:

6 (a) Within 2 years of the occurrence of the crime, or
7 within one year after a criminal charge of a person for an
8 offense, upon which the claim is based, he files an
9 application, under oath, with the Court of Claims and on a
10 form prescribed in accordance with Section 7.1 furnished by
11 the Attorney General. If the person entitled to
12 compensation is under 18 years of age or under other legal
13 disability at the time of the occurrence or is determined
14 by a court to be under a legal disability as a result of
15 the occurrence, he may file the application required by
16 this subsection within 2 years after he attains the age of
17 18 years or the disability is removed, as the case may be.
18 Legal disability includes a diagnosis of posttraumatic
19 stress disorder.

20 (b) For all crimes of violence, except those listed in
21 subsection (b-1) of this Section, the appropriate law
22 enforcement officials were notified within 72 hours of the
23 perpetration of the crime allegedly causing the death or
24 injury to the victim or, in the event such notification was
25 made more than 72 hours after the perpetration of the

1 crime, the applicant establishes that such notice was
2 timely under the circumstances.

3 (b-1) For victims of offenses defined in Sections 10-9,
4 11-1.20, 11-1.30, 11-1.40, 11-1.50, 11-1.60, 12-13, 12-14,
5 12-14.1, 12-15, and 12-16 of the Criminal Code of 1961 or
6 the Criminal Code of 2012, the appropriate law enforcement
7 officials were notified within 7 days of the perpetration
8 of the crime allegedly causing death or injury to the
9 victim or, in the event that the notification was made more
10 than 7 days after the perpetration of the crime, the
11 applicant establishes that the notice was timely under the
12 circumstances. If the applicant or victim has obtained an
13 order of protection, a civil no contact order, or a
14 stalking no contact order, has presented himself or herself
15 to a hospital for sexual assault evidence collection and
16 medical care, or is engaged in a legal proceeding involving
17 a claim that the applicant or victim is a victim of human
18 trafficking, such action shall constitute appropriate
19 notification under this subsection (b-1) or subsection (b)
20 of this Section.

21 (c) The applicant has cooperated with law enforcement
22 officials in the apprehension and prosecution of the
23 assailant. If the applicant or victim has obtained an order
24 of protection, a civil no contact order, or a stalking no
25 contact order, has presented himself or herself to a
26 hospital for sexual assault evidence collection and

1 medical care, or is engaged in a legal proceeding involving
2 a claim that the applicant or victim is a victim of human
3 trafficking, such action shall constitute cooperation
4 under this subsection (c). If the victim is under 18 years
5 of age at the time of the commission of the offense, the
6 following shall constitute cooperation under this
7 subsection (c):

8 (1) the applicant or the victim files a police
9 report with a law enforcement agency;

10 (2) a mandated reporter reports the crime to law
11 enforcement; or

12 (3) a person with firsthand knowledge of the crime
13 reports the crime to law enforcement.

14 (d) The applicant is not the offender or an accomplice
15 of the offender and the award would not unjustly benefit
16 the offender or his accomplice.

17 (e) The injury to or death of the victim was not
18 substantially attributable to his own wrongful act and was
19 not substantially provoked by the victim.

20 (f) For victims of offenses defined in Section 10-9 of
21 the Criminal Code of 2012, the victim submits a statement
22 under oath on a form prescribed by the Attorney General
23 attesting that the removed tattoo was applied in connection
24 with the commission of the offense.

25 (g) Notwithstanding any other provision of this Act to
26 the contrary, a trafficking victim as defined in Section

1 10-9 of the Criminal Code of 2012 who is under 18 years of
2 age is not subject to the filing requirements of this Act
3 and is not subject to the eligibility requirements of this
4 Act.

5 (Source: P.A. 99-143, eff. 7-27-15; 100-575, eff. 1-8-18;
6 100-1037, eff. 1-1-19.)

7 Section 95. No acceleration or delay. Where this Act makes
8 changes in a statute that is represented in this Act by text
9 that is not yet or no longer in effect (for example, a Section
10 represented by multiple versions), the use of that text does
11 not accelerate or delay the taking effect of (i) the changes
12 made by this Act or (ii) provisions derived from any other
13 Public Act.

1		INDEX
2		Statutes amended in order of appearance
3	50 ILCS 705/7	from Ch. 85, par. 507
4	325 ILCS 5/3	from Ch. 23, par. 2053
5	705 ILCS 405/5-301	
6	705 ILCS 405/5-915	
7	720 ILCS 5/10-9	
8	720 ILCS 5/11-14.1	
9	720 ILCS 5/11-18.1	from Ch. 38, par. 11-18.1
10	720 ILCS 5/11-20.1	from Ch. 38, par. 11-20.1
11	720 ILCS 5/11-25	
12	720 ILCS 5/11-27 new	
13	725 ILCS 5/116-2.1	
14	730 ILCS 150/2	from Ch. 38, par. 222
15	740 ILCS 45/6.1	from Ch. 70, par. 76.1